

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Consenting to a Wavier of Compensation for Fair Market Rent for a Proposed
Commercial Project in the San Xavier District on Allotment No. 94)**

RESOLUTION NO. 18-179

1 **WHEREAS,** the “unallotted lands of the Tohono O’odham Nation and all lands hereafter
2 acquired by the nation, or held for the use of the nation or its members, are a
3 valuable public resource and shall be held as national lands forever. Control and
4 management thereof are vested in the Tohono O’odham Council, which may
5 enact laws governing the use, assignment, permit, lease or other disposition of
6 lands, interests in land and resources of the nation consistent with Federal law”
7 (Constitution, Article VI, Section 1(i)(1) and Article XVI, Section 1); and

8 **WHEREAS,** Ms. Aldea Lewis, a Tohono O’odham Nation’s (the “Nation”) member and allottee,
9 is planning to develop a home-based business on Allotment No. 94 located in the
10 San Xavier District, and is working with the Bureau of Indian Affairs (“BIA”)
11 Papago Agency’s Real Estate Services to address the federal requirements under
12 25 CFR Part 162 Leases and Permits to establish her business; and

13 **WHEREAS,** her proposed business will provide equine-assisted psychotherapy and equine
14 assisted learning services by incorporating horses into a holistic healing therapy
15 process to accommodate the needs of her clients; and

16 **WHEREAS,** the BIA has informed the Nation’s Realty Office that the Nation has a fractionated
17 interest that is less than 5% (0.0633680556) within Allotment No. 94, which
18 requires the Nation’s consent in its capacity as an allotment owner; and

19 **WHEREAS,** in accordance with 19 Tohono O’odham Code Chapter 6 - Nation’s Consent to
20 Commercial Leases and Home Sites Allotments, allottees proposing a
21 commercial lease on their allotment in which the Nation owns less than a 10%
22 interest must provide sufficient documentation as identified in Section 6101 (A)
23 for review by the Nation’s chairperson, Realty Office, and Agricultural and
24 Natural Resources Committee (the “Committee”); and

25 **WHEREAS,** Ms. Lewis presented her proposed business to the Nation’s chairperson,
26 Committee, and Realty Office and received the Nation’s consent in its capacity as
27 an allotment owner for the proposed business; and

28 **WHEREAS,** Ms. Lewis has made a written request to the Committee for a waiver of
29 compensation for land rent, but because 19 Tohono O’odham Code Chapter 6
30 does not address valuation and/or compensation, such waiver will require the
31 Nation’s authorization; and

32 **WHEREAS,** Indian landowners, and in this case the Nation in its capacity as an allotment
33 owner with less than 10% interest in the allotment, can execute a written waiver
34 of the right to receive fair market rental per 25 CFR §162.421, provided that the

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BIA finds such waiver is in the best interest of the Nation based on certain factors outlined in 25 CFR §162.421; and

WHEREAS, Ms. Lewis expressed to the Committee her commitment to pursue the proposed business venture, and has obtained the academic credentials necessary to provide this type of service, in addition to meeting the federal leasing requirements as evidence of her commitment; and

WHEREAS, the Committee has discussed Ms. Lewis' request to waive compensation for fair market rent for Allotment No. 94 in which the Nation has less than a 10% interest, and recommends a waiver as it is in the best interest of the Nation to support the Nation's members who have obtained academic degrees and who will use their knowledge to benefit the Nation's members in such areas as mental health.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council consents to a waiver of fair market rent, and thus the Nation will forego compensation it is entitled to in its capacity as an allotment owner with less than 10% interest in Allotment No. 94, from Ms. Aldea Lewis's proposed business venture.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH day of JUNE, 2018 at a meeting at which a quorum was present with a vote of 3,084.6 FOR; -0- AGAINST; [02] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Sections 1(i)(1) and Article XVI, Section 1 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

15 day of June, 2018

ATTEST:



Evonne Wilson, Legislative Secretary

15 day of June, 2018

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15 day of June, 2018 at 10:59 o'clock, a.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy C. Yip for
Timothy Joaquin, Legislative Chairman

APPROVED

on the 15 day of June, 2018

DISAPPROVED

at 5:32 o'clock, p.m.

Edward D. Manuel
EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18 day of

June, 2018, at 2:23 o'clock, p.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: CONSENTING TO A WAIVER OF COMPENSATION FOR FAIR MARKET RENT FOR A PROPOSED COMMERCIAL PROJECT IN THE SAN XAVIER DISTRICT ON ALLOTMENT NO. 94

Moved: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN JANICE FELIX

DATE: JUNE 11, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 235.8	1. MARY LOPEZ () 2. LUCINDA ALLEN (Yolonda Garcia)	117.9 117.9	X X			
SELLS 527.2	1. ARTHUR WILSON (Absent) (Evelyn Juan Manuel) (Present) 2. ADRIANNE TILLER (Idaleen Reyes)	263.6 263.6	X X		X	
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue) 2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85 92.85	X X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez) 2. JANICE FELIX ()	116.15 116.15	X X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel) 2. GLORIA RAMIREZ (Lorraine Eiler)	115.55 115.55	X X			
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia) 2. MONICA K. MORGAN ()	112.95 112.95	X X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina) 2. SANDRA D. ORTEGA ()	104.5 104.5	X X			X
GU VO 256.9	1. GRACE MANUEL () 2. DALLAS LEWIS (Nacho Flores)	128.45 128.45	X X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson) 2. LORETTA LEWIS (Victoria Hobbs)	135.45 135.45	X X		X	
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Antone) 2. VIVIAN JUAN-SAUNDERS (Absent) (Juanita Homer) (Present)	168.85 168.85	X X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey) 2. LEANDER MASE (Francine Schooling)	186.05 186.05	X X			
TOTAL		3,084.6	3,084.6	-0-	[02]	[01]