

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Accepting Certification of Eligible Members and Authorizing the Initial Expenditure  
of Funds for Per Capita Payments under the Second Per Capita Plan)**

**RESOLUTION NO. 09-231**

1 **WHEREAS, on June 28, 1997 the voters of the Tohono O'odham Nation approved Initiative No IN-**  
2 **01-97 (the "Initiative"); and**

3 **WHEREAS, pursuant to Initiative and Resolution Nos. 97-451 and 97-452 the Tohono O'odham**  
4 **Legislative Council adopted an Initiative Funding and Implementation Plan and**  
5 **Revenue Allocation Plan (collectively the "First Per Capita Plan"); and**

6 **WHEREAS, an initial Per Capita Distribution under the first Per Capita Plan was approved on**  
7 **December 18, 1997 by the Phoenix Area Office of the Bureau of Indian Affairs; and**

8 **WHEREAS, initial Per Capita distribution have been and continue to be disbursed to Adult**  
9 **Eligible members under the first Per Capita Plan; and**

10 **WHEREAS, pursuant to the Initiative Resolution No. 2000-269 and 2000-472, the Legislative**  
11 **Council adopted (1) a Second Initiative Funding and Implementation Plan, (2) a**  
12 **Second Revenue Allocation Plan, and (3) Amendment No. 1 to each Plan (collectively**  
13 **the "Second Per Capita Plan"); and**

14 **WHEREAS, under the second Per Capita Plan each eligible member who is certified as eligible is**  
15 **entitled to receive a per capita payment of \$2,000.00; and**

16 **WHEREAS, by letter dated October 25, 2000 the Deputy Commissioner of Indian Affairs approved**  
17 **the Second Per Capita Plan; and**

18 **WHEREAS, as required by the Second Per Capita Plan, the Attorney General of the Nation issued**  
19 **a Notice of Compliance on October 26, 2000; and**

20 **WHEREAS, as required by the Second Per Capita Plan the Enrollment Office has filed a**  
21 **certification of Eligible Members listing 35 adult eligible Members who are eligible**  
22 **for receipt of a per capita payment under the terms of the Second Per Capita Plan and**  
23 **the applicable laws of the United States and the Nation.**

24 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 25 **1. The Tohono O'odham Legislative Council hereby accepts and approves the**  
26 **certification of Eligible Members, in the form attached hereto.**
- 27 **2. The Tohono O'odham Legislative Council authorizes (a) the transfer of the sum**  
28 **of \$70,000.00 from the Per Capita #2 Trust Account to Per Capita #2 checking**  
29 **account established at Bank of America (the Per Capita Checking Account) and (b)**

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1                   upon the authorized signature of the Nation, issuance of a check on the Per Capita  
2                   Checking Account in the amount of (i) \$2,000.00 to each Eligible Member residing  
3                   in the United States and listed in the attached Certification of Eligible Members  
4                   and (ii) \$1,400.00 to each Eligible Member residing outside the United States and  
5                   listed in the attached certification, with the balance of \$600.00 withheld and  
6                   remitted to the Internal Revenue Service pursuant to the requirements of federal  
7                   law.

8                   3. The Chairman of the Nation is authorized to execute such other documents as  
9                   may be necessary to implement this Resolution.

10                   The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 4<sup>TH</sup>. Day  
11                   of MAY, 2009 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST;  
12                   -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2)  
13                   and (3) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono  
14                   O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
15                   Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
16                   Stat. 984).

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18                   TOHONO O'ODHAM LEGISLATIVE COUNCIL

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21                   *Felicia Murray for*  
22                   Verlon M. Jose, Legislative Chairman

23  
24                   5<sup>th</sup> day of May, 2009

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26                   **ATTEST:**

27  
28                   *Evonne Wilson*  
29                   \_\_\_\_\_

30                   **Evonne Wilson, Legislative Secretary**

31                   4<sup>th</sup> day of May, 2009.

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34                   Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham  
35                   Nation on the 5<sup>th</sup> day of May, 2009 at 3:56 o'clock, p.M.,  
36                   pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
37                   upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
38                   submittal.

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

*Felicia Nunez for*  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 01 day of May, 2009

DISAPPROVED

at 12:50 o'clock, P.M.

*Ned Norris, Jr.*  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 07 day of

May, 2009, at 1:24 o'clock, P.M.

*Evonne Wilson*  
Evonne Wilson, Legislative Secretary

**ACTION: ACCEPTING CERTIFICATION OF ELIGIBLE MEMBERS AND AUTHORIZING THE INITIAL EXPENDITURE OF FUNDS FOR PER CAPITA PAYMENTS UNDER THE SECOND PER CAPITA PLAN**

**MOVED: COUNCILWOMAN PHYLLIS CACHORA**

**SECOND: COUNCILWOMAN LORRAINE EILER**

**DATE: MAY 04, 2009**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
<b>CHUKUT KUK</b> 264.8	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			
<b>GU ACHI</b> 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
<b>GU VO</b> 199.2	1. GRACE MANUEL ( )	99.60	X			
	2. RAYMOND VICTOR ( )	99.60	X			
<b>HICKIWAN</b> 172.0	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA (Louie Lopez)	86.00	X			X
<b>PISINEMO</b> 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> 181.1	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> 444.7	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> 194.4	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,534.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>

**\*\*PASSED VOTES**