

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Option A as the Method of Distribution of the Tohono O'odham Nation
Fourth Per Capita Payout)

RESOLUTION NO. 09-398

1 **WHEREAS, Tohono O'odham Nation voters approved Initiative IN-97-01, the "Tohono O'odham**
2 **Voice in the Use of Gaming Revenues" ("Initiative"), which authorizes per capita**
3 **payouts to the Nation's members provided that sufficient gaming revenues are**
4 **available; and**

5 **WHEREAS, sufficient net gaming revenue within the Nation's Savings Account are available to**
6 **make per capita distributions for the Fourth Per Capita Payout; and**

7 **WHEREAS, under the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., Indian tribes may use**
8 **net revenues from class II and class III gaming activities to make per capita payments**
9 **only if, prior to distribution, a tribal revenue allocation plan is submitted to and**
10 **approved by the Secretary of the Interior (25 U.S.C. § 2710(b)(3); 25 C.F.R. Part 290); and**

11 **WHEREAS, by Resolution No. 09-164, the Tohono O'odham Legislative Council adopted the**
12 **Tohono O'odham Nation Revenue Allocation Plan to govern the Fourth Per Capita**
13 **Distribution and future gaming revenue per capita distributions; and**

14 **WHEREAS, the Nation's Chairman received written notification from the Department of the**
15 **Interior on June 15, 2009 that the Nation's Revenue Allocation Plan had been**
16 **approved; and**

17 **WHEREAS, the Nation's Revenue Allocation Plan stipulates in Section III.E., Method of**
18 **Disbursement, that per capita payments, except for payments to minors and legally**
19 **incompetent members, shall generally be issued in the form of a check to be disbursed**
20 **by a method established by Legislative Council resolution.**

21 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it approves**
22 **Option A as the method of distribution as outlined in the attached document entitled**
23 **"4th Per Capita Distribution - Option A," authorizing the mailing of checks on**
24 **September 18, 2009.**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 8TH. Day**
26 **of JULY, 2009 at a meeting at which a quorum was present with a vote of 1,844.55 FOR; 750.95**
27 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article**
28 **VI Section 1 (d)(2) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
29 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
30 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
31 **Stat. 984).**
32
33
34

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Jelicia Munez for
Verlon M. Jose, Legislative Chairman

10th day of *July*, 2009

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
8 day of *July*, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the *10th* day of *July*, 2009 at *4:07* o'clock, *P*.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

Jelicia Munez for
Verlon M. Jose, Legislative Chairman

APPROVED

on the *10th* day of *July*, 2009

DISAPPROVED

at *5:13* o'clock, *P*.M.

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

Returned to the Legislative Secretary on the *10* day of

July, 2009, at *5:19* o'clock, *P*.M.

Evonne Wilson

ACTION: APPROVING OPTION A AS THE METHOD OF DISTRIBUTION OF THE TOHONO O'ODHAM NATION FOURTH PER CAPITA PAYOUT

Moved: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILWOMAN FRANCES G. ANTONE

DATE: JULY 08, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			X
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35		X		
SAN LUCY 187.1	1. LORRAINE EILER (Charlotte Cadavas)	93.55		X		X
	2. GLORIA RAMIREZ ()	93.55		X		
PISINEMO 184.5	1. CHESTER ANTONE (<i>Absent</i>) (Tony Murrietta) (<i>Present</i>)	92.25		X		
	2. EDWARD MANUEL (Gerald Fayuant)	92.25		X		
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50		X		
	2. VERLON M. JOSE ()	138.50		X		
BABOQIVARI 324.0	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>)	162.0	X			
	2. FRANCES G. ANTONE ()	162.0	X			