

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. 09-436

- 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 26 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 \$52,000.00 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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upon the authorized signature of the Nation, issuance of a check on the Per Capita Checking Account in the amount of (i) \$2,000.00 to each Eligible Member residing in the United States and listed in the attached Certification of Eligible Members and (ii) \$1,400.00 to each Eligible Member residing outside the United States and listed in the attached certification, with the balance of \$600.00 withheld and remitted to the Internal Revenue Service pursuant to the requirements of federal law.

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

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 3RD Day of AUGUST, 2009 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0- AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) and (3) of Article VI 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

Felicia Menezes
Verlon M. Jose, Legislative Chairman

3rd day of August, 2009

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

3 day of August, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 3rd day of August, 2009 at 9:53 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.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Munoz for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 3rd day of August, 2009

DISAPPROVED

at 5:50 o'clock, P.M.

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

Returned to the Legislative Secretary on the 4 day of

August, 2009, at 4:12 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 MARY LOPEZ

SECOND: COUNCILWOMAN KIMBERLY LISTO

DATE: AUGUST 03, 2009

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|------------------------------|--|-----------------|-----------------|------------|------------|-------------|
| SIF OIDAK 198.7 | 1. WAVALENE ROMERO (Nicholas Jose) | 99.35 | 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 | | | X |
| | 2. LINDA PARLEY (Agnes Joaquin) | 79.50 | X | | | |
| SAN XAVIER 204.7 | 1. FELICIA NUÑEZ () | 102.35 | X | | | X |
| | 2. OLIVIA VILLEGAS-LISTON (Eugene Enis) | 102.35 | X | | | |
| SAN LUCY 187.1 | 1. LORRAINE EILER (Charlotte Cadavas) | 93.55 | X | | | |
| | 2. GLORIA RAMIREZ () | 93.55 | X | | | |
| PISINEMO 184.5 | 1. CHESTER ANTONE (Tony Murrietta) | 92.25 | X | | | |
| | 2. EDWARD MANUEL (Gerald Fayuant) | 92.25 | X | | | |
| HICKIWAN 174.5 | 1. MICHELLE ORTEGA () | 87.25 | X | | | X |
| | 2. SANDRA ORTEGA () | 87.25 | X | | | |
| GU VO 206.3 | 1. GRACE MANUEL () | 103.15 | X | | | 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 | | | |
| BABOQUIVARI 324.0 | 1. FRANCES MIGUEL (Roberta Harvey) | 162.0 | X | | | |
| | 2. FRANCES G. ANTONE () | 162.0 | X | | | X |
| TOTAL | | 2,595.50 | 2,595.50 | -0- | -0- | [05] |