

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 Initiative)

RESOLUTION NO. 09-616

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

3 **WHEREAS, the Initiative authorized funding from Gaming Revenues for several measures,**
4 **including a one-time per capita distribution of \$2,000.00 to each member of the**
5 **Nation enrolled on June 28, 1997 (the Initial Per Capita Distribution); and**

6 **WHEREAS, pursuant to Resolution No. 97-451, the Tohono O'odham Legislative Council adopted**
7 **an Initiative Funding and Implementation Plan (the FIP) which authorized the**
8 **establishment of set-aside accounts for the Initial Per Capita Distribution and other**
9 **Initiative measures, and set certain conditions on the expenditure of funds from such**
10 **accounts; and**

11 **WHEREAS, pursuant to Resolution No. 97-478, the Tohono O'odham Legislative Council approved**
12 **the transfer of funds from the Desert Diamond Savings Account to certain designated**
13 **set-aside accounts established at Bank of America, including the sum of \$41.5 million**
14 **to a set-aside for the Initial Per Capita Distribution (the Per Capita Account); and**

15 **WHEREAS, three of the conditions to expenditure of the Per Capita Account specified in the FIP**
16 **are (1) approval by the Secretary of the Interior of a Per Capita Distribution plan (the**
17 **Revenue Allocation Plan) pursuant to the requirements of the Indian Gaming**
18 **Regulatory Act, 25 U.S.C. §2710 (b) (3); (2) acceptance by the Tohono O'odham**
19 **Legislative Council of a Certification of Eligible Members submitted by the**
20 **Enrollment Office and based upon receipt of a properly completed and filed**
21 **Certificate of Eligibility Verification for a Per Capita Payment for each member; and**
22 **(3) as to each Minor Eligible Member, establishment of a restricted account at Bank**
23 **of America for the deposit of such Member's Per Capita Payment; and**

24 **WHEREAS, pursuant to Resolution No. 97-452, the Tohono O'odham Legislative Council adopted**
25 **a Revenue Allocation Plan and caused the Plan to be submitted for approval by the**
26 **Phoenix Area Office of the Bureau of Indian Affairs in accordance with authority**
27 **delegated to the Area Office by the Secretary of the Interior; and**

28 **WHEREAS, by letter dated December 18, 1997 the Area Office approved the Revenue Allocation**
29 **Plan with respect to the Initial Per Capita Distribution and disapproved the Plan with**
30 **respect to the Biennial Per Capita Payments; and**

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1 **WHEREAS, pursuant to Resolution No. 2000-472 the FIP was amended by Amendment No. 1 and**
2 **further amended by Amendment 2; and Amendment No. 2 requires an Agreement**
3 **with a reputable financial institution for the establishment of restricted accounts for**
4 **Minor Eligible Members; and**

5 **WHEREAS, an Agreement has been negotiated with Wells Fargo for the establishment of**
6 **restricted accounts for Minor Eligible Members; and**

7 **WHEREAS, the Tohono O'odham Legislative Council has accepted and approved Certifications**
8 **of Eligible Members for the Initial Per Capita Distribution, and disbursements have**
9 **been made to such Members; and**

10 **WHEREAS, the Enrollment Office has filed with the Tohono O'odham Legislative Council a**
11 **Certification of Eligible Members listing 32 adult members who are eligible for**
12 **receipt of the Initial Per Capita Distribution; and**

13 **WHEREAS, all conditions under the applicable laws of the United States and the Nation have**
14 **been satisfied to permit the disbursement of the Initial Per Capita Distribution to the**
15 **Members listed in the Certification of Eligible Members.**

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

- 17 **1. The Tohono O'odham Legislative Council hereby accepts and approves the**
18 **Certification of Eligible Members, in the form attached hereto.**
- 19 **2. The Tohono O'odham Legislative Council authorizes (a) the transfer of the sum of**
20 **\$64,000.00 from the Per Capita Account to the special checking account**
21 **established at Bank of America (the Per Capita Checking Account); and (b) upon**
22 **the authorized signature of the Nation, issuance of a check on the Per Capita**
23 **Checking Account in the amount of (i) \$2,000.00 to each Eligible Member residing**
24 **in the United States and listed in the attached Certification of Eligible Members,**
25 **and (ii) \$1,400.00 to each Eligible Member residing outside the United States and**
26 **listed in the attached Certification, with the balance of \$600.00 withheld and**
27 **remitted to the Internal Revenue Service pursuant to the requirements of federal**
28 **law.**
- 29 **3. The Chairman of the Nation is authorized to execute such other documents as**
30 **may be necessary to implement this Resolution.**

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1 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH Day
2 of DECEMBER, 2009 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-
3 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by
4 Section 1 (d)(2) and (3) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by
5 the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
6 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
7 18, 1934 (48 Stat. 984).

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9 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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13 **Verlon M. Jose, Legislative Chairman**

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15 9th day of December, 2009

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17 **ATTEST:**

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21 **Evonne Wilson, Legislative Secretary**

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23 7 day of December, 2009.

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25 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
26 **Nation on the 9th day of December, 2009 at 12:46 o'clock, 7 .M.,**
27 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
28 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
29 **submittal.**

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31 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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35 **Verlon M. Jose, Legislative Chairman**

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39 **APPROVED**

on the 11 day of December, 2009

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41 **DISAPPROVED**

at 12:26 o'clock, 9 .M.

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46 **NED NORRIS, JR., CHAIRMAN**
47 **TOHONO O'ODHAM NATION**

VICE CHAIRMAN

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Returned to the Legislative Secretary on the 11 day of

December, 2009, at 12:40 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 INITIATIVE

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

SECOND: COUNCILWOMAN MICHELLE ORTEGA

DATE: DECEMBER 07, 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			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			X
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
TOTAL		2,595.50	2,595.50	-0-	-0-	[04]