

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the "Monthly Age 18 Report" listing of Tohono O'odham Eligible Minor
members and authorizing commencement of payment of the Third Per Capita
Payment held on their behalf by Wells Fargo Bank)

RESOLUTION NO. 09-064

1 **WHEREAS, on June 28, 1997, the Nation's voters approved Initiative No. IN-01-97, the "Tohono**
2 **O'odham Voice in the Use of Gaming Revenues" ("Initiative"), which authorizes per**
3 **capita payments to the Nation's members provided that sufficient gaming revenues**
4 **are available; and**

5 **WHEREAS, the Ordinance for the Regulation of Gaming Activities within the Tohono O'odham**
6 **Nation ("Gaming Ordinance") was subsequently amended to authorize per capita**
7 **distribution payments in accordance with the Initiative (Legislative Council**
8 **Resolution No. 97-303); and**

9 **WHEREAS, in 2006 it was determined that sufficient gaming revenues were available to permit the**
10 **Nation to provide a per capita payment in accordance with the Initiative; and**

11 **WHEREAS, the Legislative Council did adopt the Third Per Capita Revenue Allocation Plan**
12 **("Plan") pursuant to Legislative Council Resolution No. 06-307, which authorized a**
13 **third per capita payment for the Nation subject to the review by the appropriate**
14 **Bureau of Indian Affairs official, as required by federal regulation; and**

15 **WHEREAS, the appropriate Bureau of Indian Affairs official, the Acting Deputy Assistant Secretary**
16 **for Policy and Economic Development, did determine that the Plan complied with the**
17 **Indian Gaming Regulatory Act and did approve the Third Per Capita Revenue**
18 **Allocation Plan (the "Plan") on July 28, 2006; and**

19 **WHEREAS, the Plan incorporated a Trust Agreement (the "Trust Agreement") with Wells Fargo**
20 **Bank that would be established to protect the interests of minors and legally**
21 **incompetent persons (the "Beneficiaries") entitled to receive per capita payments; and**

22 **WHEREAS, the Trust Agreement provided that monthly the Nation's Enrollment Office shall**
23 **prepare a listing of Beneficiaries who have attained the age of eighteen, which shall**
24 **be called the "Monthly Age 18 Report", and which shall subsequently be approved by**
25 **the Legislative Council thereby authorizing commencement of payments to identified**
26 **Beneficiaries; and**

27 **WHEREAS, on September 18, 2006, through Resolution No. 06-628, the Legislative Council**
28 **authorized the transfer of funds to Wells Fargo Bank of the amounts necessary to**
29 **cover the interests of 9,282 identified Beneficiaries; and**

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1 **WHEREAS, the Enrollment Office has determined that, for the period of December 30, 2008**
2 **through January 27, 2009 or the Monthly Age 18 Report for the months of December**
3 **2008 through January 2009, 47 minors have reached the age of 18 and are no longer**
4 **restricted from receiving their per capita payments; and**

5 **WHEREAS, the Enrollment Office verifies the listing of Beneficiaries who have reached age 18 and**
6 **were certified on the Master Minor Listing approved by Legislative Council Resolution**
7 **No. 06-627.**

8 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
9 **Monthly Age 18 Report for the month's of December 2008 through January 2009, which**
10 **is a listing of 47 minors who have reached the age of 18 and are no longer restricted**
11 **Beneficiaries, and who are thus eligible for commencement of payments from Wells**
12 **Fargo Bank of the amounts held in trust for the identified Beneficiaries.**

13 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes Wells Fargo**
14 **Bank to commence payments to the 47 non-restricted Beneficiaries identified in the**
15 **December 2008 through January 2009 Monthly Age 18 Report.**

16 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH Day**
17 **of FEBRUARY, 2009 at a meeting at which a quorum was present with a vote of 2,335.3 FOR; -0-**
18 **AGAINST; -0- NOT VOTING; and 199.2[05] ABSENT, pursuant to the powers vested in the Council by**
19 **Section 1 (d)(2) and (3) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by**
20 **the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
21 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
22 **18, 1934 (48 Stat. 984).**

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24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

29
30 11th day of February, 2009

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32 **ATTEST:**

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36 **Lucille Lopez, Acting Legislative Secretary**

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38 09 day of January, 2009.
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11th day of February, 2009 at 4:30 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

Felicia Nunez for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 13 day of February, 2009

DISAPPROVED

at 10:10 o'clock, A.M.

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

Returned to the Legislative Secretary on the 13th day of

February, 2009, at 12:10 o'clock, P.M.

Deanna Brown for:
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING THE "MONTHLY AGE 18 REPORT" LISTING OF TOHONO O'ODHAM ELIGIBLE MINOR MEMBERS AND AUTHORIZING COMMENCEMENT OF PAYMENT OF THE THIRD PER CAPITA PAYMENT HELD ON THEIR BEHALF BY WELLS FARGO BANK

MOVED: COUNCILWOMAN PHYLLIS CACHORA

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: FEBRUARY 09, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60				X
	2. RAYMOND VICTOR ()	99.60				X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			X
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			X
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			X
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ** ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,335.3	-0-	-0-	199.2 [05]

**PASSED VOTES