

**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. 09-104**

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**

**RESOLUTION NO. 09-104**

**(Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for Per Capita Payments under the Initiative)**

**Page 2 of 4**

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 35 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 **\$70,000.00 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.**

**RESOLUTION NO. 09-104**

**(Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for Per Capita Payments under the Initiative)**

Page 3 of 4

1 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09<sup>TH</sup> Day  
2 of MARCH, 2009 at a meeting at which a quorum was present with a vote of 2,534.5 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).

8  
9 TOHONO O'ODHAM LEGISLATIVE COUNCIL

10  
11 Felicia Mueny for  
12 Verlon M. Jose, Legislative Chairman

13  
14 12<sup>th</sup> day of March, 2009

15  
16  
17 ATTEST:

18  
19 Lucille Lopez  
20  
21 Lucille Lopez, Acting Legislative Secretary

22  
23 09 day of March, 2009.

24  
25 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham  
26 Nation on the 12<sup>th</sup> day of March, 2009 at 5:26 o'clock, P.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.

30  
31 TOHONO O'ODHAM LEGISLATIVE COUNCIL

32  
33 Felicia Mueny for  
34 Verlon M. Jose, Legislative Chairman

35  
36  
37  
38  
39  APPROVED

on the 13 day of March, 2009

40  
41  DISAPPROVED

at 4:10 o'clock, P.M.

42  
43 Ned Norris, Jr.  
44 NED NORRIS, JR., CHAIRMAN  
45 TOHONO O'ODHAM NATION  
46  
47

**RESOLUTION NO. 09-104**

**(Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for Per Capita Payments under the Initiative)**

**Page 4 of 4**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46

Returned to the Legislative Secretary on the 16 day of

March, 2009, at 9.05 o'clock, A.M.

*Lucille Lopez*  
Lucille Lopez, Acting Legislative Secretary

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

**MOVED: COUNCILWOMAN PHYLLIS CACHORA**

**SECOND: COUNCILWOMAN LORRAINE EILER**

**DATE: MARCH 09, 2009**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>316.9</b>	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			X
<b>CHUKUT KUK</b> <b>264.8</b>	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			X
<b>GU ACHI</b> <b>227.9</b>	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
<b>GU VO</b> <b>199.2</b>	1. GRACE MANUEL ( )	99.60	X			
	2. RAYMOND VICTOR ( )	99.60	X			X
<b>HICKIWAN</b> <b>172.0</b>	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	X			X
<b>PISINEMO</b> <b>182.4</b>	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> <b>181.1</b>	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> <b>196.5</b>	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> <b>154.6</b>	1. FRANCES B. CONDE (Fredrick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> <b>444.7</b>	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> <b>194.4</b>	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>[04]</b>

**\*\*PASSED VOTES**