

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. 2000-005

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 to each member of the**
5 **Nation enrolled on June 28, 1997 (the "Initial Per Capita Distribution"); and**

6 **WHEREAS, pursuant to Resolution 97-451, the Legislative Council adopted an Initiative**
7 **Funding and Implementation Plan (the "FIP") which authorized the**
8 **establishment of set-aside accounts for the Initial Per Capita Distribution and**
9 **other Initiative measures, and set certain conditions on the expenditure of funds**
10 **from such accounts; and**

11 **WHEREAS, by Resolution 97-478, the Legislative Council approved the transfer of funds from**
12 **the Desert Diamond Savings Account to certain designated set-aside accounts**
13 **established at Bank of America Arizona, including the sum of \$41.5 million to set-**
14 **aside account no. 3030425-1067524 for the Initial Per Capita Distribution (the "Per**
15 **Capita Account"); and**

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

25 **WHEREAS, pursuant to Resolution 97-452, the Legislative Council adopted a Revenue**
26 **Allocation Plan and caused the Plan to be submitted for approval by the Phoenix**
27 **Area Office of the Bureau of Indian Affairs in accordance with authority**

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1 **delegated to the Area Office by the Secretary of the Interior; and**
2 **WHEREAS, by letter dated December 18, 1997, the Area Office approved the Revenue**
3 **Allocation Plan with respect to the Initial Per Capita Distribution and disapproved**
4 **the Plan with respect to the Biennial Per Capita Payments; and**
5 **WHEREAS, an agreement with Bank of America has not yet been finalized for the**
6 **establishment of the restricted accounts which is required as a condition to**
7 **disbursement of the Initial Per Capita Distribution to such accounts for Minor**
8 **Eligible Members; and**
9 **WHEREAS, pursuant to Resolution Nos. 97-525, 98-010, 98-037, 98-084, 98-128, 98-192, 98-207,**
10 **98-278, 98-316, 98-360, 98-431, 98-478, 98-505, 99-006, 99-041, 99-081, 99-142, 99-**
11 **201, 99-312, 99-363, 99-422, 99-478, 99-563, and 99-635 the Legislative Council**
12 **accepted and approved Certifications of Eligible Members for the Initial Per**
13 **Capita Distribution, and disbursements have been made to such members; and**
14 **WHEREAS, the Enrollment Office has filed with the Legislative Council a Certification of**
15 **Eligible Members listing 45 adult members who are eligible for receipt of the**
16 **Initial Per Capita Distribution; and**
17 **WHEREAS, all conditions under the laws of the United States and the Nation have been**
18 **satisfied to permit the disbursement of the Initial Per Capita Distribution to the**
19 **members listed in the Certification of Eligible members.**

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

- 21 **1. The Tohono O'odham Legislative Council hereby accepts and approves the**
22 **Certification of Eligible Members, in the form attached hereto.**
- 23 **2. The Legislative Council authorizes (a) the transfer of the sum of \$90,000.00**
24 **from the Per Capita Account to the special checking account no. 252-350-324**
25 **established at Bank of America Arizona (the "Per Capita Checking Account");**
26 **and (b) upon the joint signature of the Chairman and Vice Chairman of the**
27 **Nation, issuance of a check on the Per Capita Checking Account in the**
28 **amount of (i) \$2,000 to each Eligible Member residing in the United States**

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1 and listed in the attached Certification of Eligible Members and (ii) \$1,400 to
2 each Eligible Member residing outside the United States and listed in the
3 attached Certification, with the balance of \$600 withheld and remitted to the
4 Internal Revenue Service pursuant to the requirements of federal law.

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

7 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 03RD,
8 of JANUARY 2000 at a meeting at which a quorum was present with a vote of 2,165.5 FOR; -0-
9 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by
10 Section 1 (d)(1), (2) & (3) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted
11 by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy
12 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the
13 Act of June 18, 1934 (48 Stat. 984).

14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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19 Dennis Ramon, Legislative Chairman

20
21 4 day of JANUARY, 20 00

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24 ATTEST:

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28 Julianna Saraficio, Acting Legislative Secretary

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30 03 day of JANUARY, 20 00.

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32 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
33 O'Odham Nation on the 4 day of JANUARY, 20 00 at 4:54 o'clock,
34 P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will
35 become effective upon his approval or upon his failure to either approve or disapprove it within
36 48 hours of submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Bennis Ramon, Legislative Chairman

APPROVED

on the 5th day of January, 2000


DISAPPROVED

at 10:50 o'clock, A.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 5 day of

January, 2000, at 11:39 o'clock, A.M.


Julianna Saraficio, 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 MARY ANN ANTONE

SECOND: COUNCILMAN ALBERT MANUEL JR.

DATE: JANUARY 03, 2000

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			X
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ** ()	186.35	X			
	2. EVELYN JUAN ()	186.35	X			
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7	X			X
	2. AMBROSE ENCINAS ()	66.7	X			
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95	X			
	2. DENNIS RAMON ()	82.95	X			
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ()	104.8	X			
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ()	78.4	X			
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05	X			
	2. GLORIA RAMIREZ ()	64.05	X			
GU VO 160.0	1. FERN SALCIDO ()	80.0	X			X
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
HICKIWAN 158.1	1. ALEX JOSE (Shirley Santos)	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3	X			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			X
TOTAL		2,165.5	2,165.5	-0-	-0-	[04]

****PASSED VOTES**