

**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. 01-357**

- 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 Nation**  
5 **enrolled on June 28, 1997 (the "Initial Per Capita Distribution"); and**
- 6 **WHEREAS, pursuant to Resolution 97-451, the Legislative Council adopted an Initiative Funding**  
7 **and Implementation Plan (the "FIP") which authorized the establishment of set-aside**  
8 **accounts for the Initial Per Capita Distribution and other Initiative measures, and set**  
9 **certain conditions on the expenditure of funds from such accounts; and**
- 10 **WHEREAS, by Resolution 97-478, the Legislative Council approved the transfer of funds from the**  
11 **Desert Diamond Savings Account to certain designated set-aside accounts**  
12 **established at Bank of America Arizona, including the sum of \$41.5 million to set-**  
13 **aside account no. 3030425-1067524 for the Initial Per Capita Distribution (the "Per**  
14 **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 Legislative Council of a**  
19 **Certification of Eligible Members submitted by the Enrollment Office and based upon**  
20 **receipt of a properly completed and filed Certificate of Eligibility Verification for Per**  
21 **Capita Payment for each member; and (3) as to each Minor Eligible Member,**  
22 **establishment of a restricted account at Bank of America for deposit of such**  
23 **member's per capita payment; and**
- 24 **WHEREAS, pursuant to Resolution 97-452, the Legislative Council adopted a Revenue Allocation**  
25 **Plan and caused the Plan to be submitted for approval by the Phoenix Area Office**  
26 **of the Bureau of Indian Affairs in accordance with authority delegated to the**  
27 **Area Office by the Secretary of the Interior; and**

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

4 **WHEREAS, an agreement with Bank of America has not yet been finalized for the establishment**  
5 **of the restricted accounts which is required as a condition to disbursement of the**  
6 **Initial Per Capita Distribution to such accounts for Minor Eligible Members; and**

7 **WHEREAS, pursuant to Resolution Nos. 97-525, 98-010, 98-037, 98-084, 98-128, 98-192, 98-207, 98-**  
8 **278, 98-316, 98-360, 98-431, 98-478, 98-505, 99-006, 99-041, 99-081, 99-142, 99-201, 99-**  
9 **312, 99-363, 99-422, 99-478, 99-563, 99-635, 2000-005, 2000-037, 2000-085, 2000-148,**  
10 **2000-177, 2000-225, 2000-299, 2000-356, 2000-399, 2000-488, 2000-527, 2000-555, 01-**  
11 **005, 01-051, 01-096, 01-136 and 01-185 the Legislative Council accepted and approved**  
12 **Certifications of Eligible Members for the Initial Per Capita Distribution, and**  
13 **disbursements have been made to such members; and**

14 **WHEREAS, the Enrollment Office has filed with the Legislative Council a Certification of Eligible**  
15 **Members listing 35 adult members who are eligible for receipt of the Initial Per**  
16 **Capita Distribution; and**

17 **WHEREAS, all conditions under the laws of the United States and the Nation have been satisfied**  
18 **to permit the disbursement of the Initial Per Capita Distribution to the members**  
19 **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 \$70,000.00 from**  
24 **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"); and**  
26 **(b) upon the joint signature of the Chairman and Vice Chairman of the Nation,**  
27 **issuance of a check on the Per Capita Checking Account in the amount of (i) \$2,000**  
28 **to each Eligible Member residing in the United States and listed in the attached**

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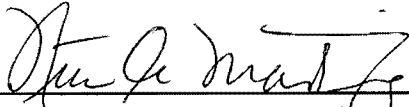
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**Certification of Eligible Members and (ii) \$1,400 to each Eligible Member residing outside the United States and listed in the attached Certification, with the balance of \$600 withheld and remitted to the Internal Revenue Service pursuant to the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

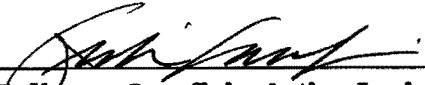
**3. The Chairman of the Nation is authorized to execute such other documents as may be necessary to implement this Resolution.**

**The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09<sup>TH</sup> Day of JULY, 2001 at a meeting at which a quorum was present with a vote of 2,323.35 FOR; 94.15 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) of Article VI and Section 2 (d) of Article VII 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**

  
\_\_\_\_\_  
**Rita A. Martinez, Legislative Chairwoman**  
10<sup>th</sup> day of July, 20 01

**ATTEST:**

  
\_\_\_\_\_  
**Julianna Saraficio, Acting Legislative Secretary**  
09 day of July, 20 01.

**Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 10<sup>th</sup> day of July, 20 01 at 12:10 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**

  
\_\_\_\_\_  
**Rita A. Martinez, Legislative Chairwoman**

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APPROVED

on the 10<sup>th</sup> day of July, 2001

DISAPPROVED

at 12:24 o'clock, P.M.



**EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 11<sup>th</sup> day of

July, 2001, at 9:45 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 FLORES****SECOND: COUNCILWOMAN EVELYN JUAN****DATE: JULY 09, 2001**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>CHUKUT KUK</b> 248.1	1. KENNETH WILLIAMS (Juanita Homer) 2. DAVID GARCIA (Mary Audrey Juan)	124.05 124.05	X X			
<b>HICKIWAN</b> 167.3	1. SHIRLEY MOLINA ( ) 2. SANDRA ORTEGA ( )	83.65 83.65	X X			
<b>GU VO</b> 188.3	1. FERN SALCIDO ( ) 2. EMILIO LEWIS (Michael Flores)	94.15 94.15		X		
<b>SAN LUCY</b> 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.) 2. GLORIA RAMIREZ ( )	80.35 80.35	X X			
<b>PISINEMO</b> 174.7	1. BARBARA SALVICIO (Alex Antone) 2. PATRICIA CRUZ (Johnson Jose)	87.35 87.35	X X			
<b>GU ACHI</b> 230.7	1. CAMILLUS LOPEZ ( ) 2. ALEX J. RAMON (Jerome Joaquin)	115.35 115.35	X X			
<b>BABOQUIVARI</b> 317.7	1. FRANCES MIGUEL ( ) 2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85 158.85	X X			
<b>SAN XAVIER</b> 184.7	1. TONY BURRELL ( ) 2. DENNIS RAMON ( )	92.35 92.35	X X			
<b>SCHUK TOAK</b> 144.5	1. MARY FLORES ( ) 2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25 72.25	X X			
<b>SELLS</b> 416.1	1. DENNIS E. JOSE ( ) 2. EVELYN JUAN ( )	208.05 208.05	X X			
<b>SIF OIDAK</b> 184.7	1. ISIDRO LOPEZ ( ) 2. RITA MARTINEZ (Nicholas Jose)	92.35 92.35	X X			X
<b>TOTAL</b>		<b>2,417.5</b>	<b>2,323.35</b>	<b>94.15</b>	<b>-0-</b>	<b>[01]</b>

**\*\*PASSED VOTES**