

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. 02-138

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, 01-185, 01-357, 01-418, 01-450, 01-498, 01-545, 02-005, 02-**
12 **044, and 02-076 the Legislative Council accepted and approved Certifications of**
13 **Eligible Members for the Initial Per Capita Distribution, and disbursements have**
14 **been made to such members; and**

15 **WHEREAS, the Enrollment Office has filed with the Legislative Council a Certification of Eligible**
16 **Members listing 40 adult members who are eligible for receipt of the Initial Per**
17 **Capita Distribution; and**

18 **WHEREAS, all conditions under the laws of the United States and the Nation have been satisfied**
19 **to permit the disbursement of the Initial Per Capita Distribution to the members**
20 **listed in the Certification of Eligible members.**

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

- 22 **1. The Tohono O'odham Legislative Council hereby accepts and approves the**
23 **Certification of Eligible Members, in the form attached hereto.**
- 24 **2. The Legislative Council authorizes (a) the transfer of the sum of \$80,000.00 from**
25 **the Per Capita Account to the special checking account no. 252-350-324**
26 **established at Bank of America Arizona (the "Per Capita Checking Account"); and**
27 **(b) upon the joint signature of the Chairman and Vice Chairman of the Nation,**
28 **issuance of a check on the Per Capita Checking Account in the amount of (i) \$2,000**

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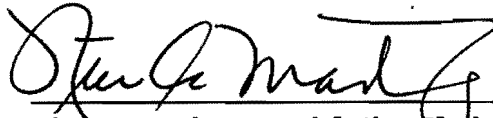
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1 to each Eligible Member residing in the United States and listed in the attached
2 Certification of Eligible Members and (ii) \$1,400 to each Eligible Member residing
3 outside the United States and listed in the attached Certification, with the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

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

8 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 01ST. Day
9 of APRIL 2002 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0- AGAINST;
10 -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2)
11 of Article VI and Section 2 (d) of Article VII of the Constitution of the Tohono O'Odham Nation,
12 adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy
13 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act
14 of June 18, 1934 (48 Stat. 984).

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16 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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19 Rita A. Martinez, Legislative Chairwoman

20 02nd day of April, 20 02

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24 ATTEST:

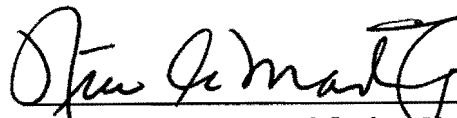
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27 Julianna Saraficio, Acting Legislative Secretary

28 01 day of April, 20 02.

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31 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
32 Nation on the 02nd day of April, 20 02 at 11:52 o'clock, A.M.,
33 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
34 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
35 submittal.

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37 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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40 Rita A. Martinez, Legislative Chairwoman

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APPROVED

on the 12th day of April, 20 02

DISAPPROVED

at 12th o'clock, P.M.

Henry A. Ramon
EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 2nd day of

April, 20 02, at 2:00 o'clock, P.M.

Juliana Saraficio for
Juliana 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: COUNCILMAN ALBERT MANUEL, JR.

SECOND: COUNCILMAN DAVID GARCIA

DATE: APRIL 01, 2002

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|-----------------------------|---|----------------|----------------|------------|------------|-------------|
| BABOQUIVARI 317.7 | 1. FRANCES MIGUEL () | 158.85 | X | | | |
| | 2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela) | 158.85 | X | | | |
| CHUKUT KUK 248.1 | 1. KENNETH WILLIAMS (Juanita Homer) | 124.05 | X | | | |
| | 2. DAVID GARCIA (Mary Audrey Juan) | 124.05 | X | | | |
| GU ACHI 230.7 | 1. CAMILLUS LOPEZ () | 115.35 | X | | | |
| | 2. ALEX J. RAMON (Jerome Joaquin) | 115.35 | X | | | |
| GU VO 188.3 | 1. FERN SALCIDO ** () | 94.15 | X | | | |
| | 2. EMILIO LEWIS (Michael Flores) | 94.15 | X | | | |
| HICKIWAN 167.3 | 1. SHIRLEY MOLINA () | 83.65 | X | | | X |
| | 2. SANDRA ORTEGA () | 83.65 | X | | | |
| PISINEMO 174.7 | 1. BARBARA SALVICIO (Alex Antone) | 87.35 | X | | | |
| | 2. PATRICIA CRUZ (Johnson Jose) | 87.35 | X | | | |
| SAN LUCY 160.7 | 1. ALBERT MANUEL, JR. (John W. Lawson, Sr.) | 80.35 | X | | | |
| | 2. GLORIA RAMIREZ () | 80.35 | X | | | |
| SAN XAVIER 184.7 | 1. (VACANT) () | 92.35 | X | | | |
| | 2. DENNIS RAMON () | 92.35 | X | | | |
| SCHUK TOAK 144.5 | 1. MARY FLORES () | 72.25 | X | | | |
| | 2. AMBROSE ENCINAS (Frances B. Conde(Francisco)) | 72.25 | X | | | X |
| SELLS 416.1 | 1. DENNIS E. JOSE () | 208.05 | X | | | |
| | 2. EVELYN JUAN () | 208.05 | X | | | |
| SIF OIDAK 184.7 | 1. ISIDRO LOPEZ () | 92.35 | X | | | |
| | 2. RITA MARTINEZ (Nicholas Jose) | 92.35 | X | | | |
| TOTAL | | 2,417.5 | 2,417.5 | -0- | -0- | [02] |

****PASSED VOTES**