

**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. 02-182**

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, 02-076, and 02-138, the Legislative Council accepted and approved Certifications**  
13 **of 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 34 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 \$68,000.00 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**  
29 **to each Eligible Member residing in the United States and listed in the attached**

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

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

7 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06<sup>th</sup> Day**  
8 **of MAY 2002 at a meeting at which a quorum was present with a vote of 2,232.8 FOR; -0- AGAINST;**  
9 **-0- NOT VOTING; and 184.7 [06] ABSENT, pursuant to the powers vested in the Council by Section**  
10 **1 (d)(2) of Article VI and Section 2 (d) of Article VII of the Constitution of the Tohono O'Odham**  
11 **Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting**  
12 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16**  
13 **of the Act of June 18, 1934 (48 Stat. 984).**  
14

15                   **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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17                   *Rita A. Martinez*  
18                   \_\_\_\_\_  
19                   **Rita A. Martinez, Legislative Chairwoman**

20  
21                   06<sup>th</sup> day of May, 2002

22  
23 **ATTEST:**

24  
25  
26                   *Juliana Saraficio*  
27                   \_\_\_\_\_  
28                   **Juliana Saraficio, Acting Legislative Secretary**

29                   06 day of May, 2002.

30  
31 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**  
32 **Nation on the 06<sup>th</sup> day of May, 2002 at 7:02 o'clock, P. .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.**

36  
37                   **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

38  
39                   *Rita A. Martinez*  
40                   \_\_\_\_\_  
41                   **Rita A. Martinez, Legislative Chairwoman**  
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APPROVED

on the 17<sup>th</sup> day of May, 20 02

DISAPPROVED

at 8:51 o'clock, A.M.



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

Returned to the Legislative Secretary on the 07<sup>th</sup> day of

May, 20 02, at 8:53 o'clock, A.M.

Julianna Saraficio for  
**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 GLORIA RAMIREZ**

**SECOND: COUNCILWOMAN EVELYN JUAN**

**DATE: MAY 06, 2002**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 317.7	1. FRANCES MIGUEL ( )	158.85	X			X
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
<b>CHUKUT KUK</b> 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
<b>GU ACHI</b> 230.7	1. CAMILLUS LOPEZ ( )	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			
<b>GU VO</b> 188.3	1. FERN SALCIDO ** ( )	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
<b>HICKIWAN</b> 167.3	1. SHIRLEY MOLINA ( )	83.65	X			
	2. SANDRA ORTEGA ( )	83.65	X			
<b>PISINEMO</b> 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			X
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
<b>SAN LUCY</b> 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			X
	2. GLORIA RAMIREZ ( )	80.35	X			
<b>SAN XAVIER</b> 184.7	1. CRESCENSIO "TONY" ENCINAS ( )	92.35				X
	2. DENNIS RAMON ( )	92.35				X
<b>SCHUK TOAK</b> 144.5	1. MARY FLORES ( )	72.25	X			
	2. AMBROSE ENCINAS** (Frances B. Conde(Francisco))	72.25	X			
<b>SELLS</b> 416.1	1. DENNIS E. JOSE ( )	208.05	X			
	2. EVELYN JUAN ( )	208.05	X			
<b>SIF OIDAK</b> 184.7	1. ISIDRO LOPEZ ( )	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
<b>TOTAL</b>		<b>2,417.5</b>	<b>2,232.8</b>	<b>-0-</b>	<b>-0-</b>	<b>184.7 [06]</b>

**\*\*PASSED VOTES**