

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. 02-371

- 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, 02-138, 02-182, 02-243 and 02-335 the Legislative Council accepted and**
13 **approved Certifications of Eligible Members for the Initial Per Capita Distribution,**
14 **and disbursements have been made to such members; and**

15 **WHEREAS, the Enrollment Office has filed with the Legislative Council a Certification of Eligible**
16 **Members listing 54 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 \$108,000.00 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 09TH Day**
8 **of SEPTEMBER, 2002 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0-**
9 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
10 **Section 1 (d)(2) of Article VI and Section 2 (d) of Article VII of the Constitution of the Tohono**
11 **O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by**
12 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**
13 **Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

14
15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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18 **Rita A. Martinez, Legislative Chairwoman**

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20
21 9th day of September, 20 02

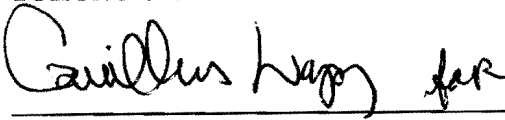
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23 **ATTEST:**

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25 
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27 **Julianna Saraffio, Acting Legislative Secretary**

28
29 09 day of September, 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 9th day of September, 20 02 at 2:39 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**

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40 **Rita A. Martinez, Legislative Chairwoman**
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APPROVED

on the 9 day of September, 2002

DISAPPROVED

at 3:20 o'clock, P.M.

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

Returned to the Legislative Secretary on the 9th day of

September, 2002, at 3:50 o'clock, P.M.

Mishone L. Johnson 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: COUNCILMAN ALBERT MANUEL, JR.

SECOND: COUNCILMAN ISIDRO LOPEZ

DATE: SEPTEMBER 09, 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			
	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. FELICIA NUÑEZ ()	92.35	X			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			
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-	[01]

****PASSED VOTES**