

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. 04-174

- 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 Tohono O'odham Legislative Council adopted an**
7 **Initiative Funding and Implementation Plan (the "FIP") which authorized the**
8 **establishment of set-aside accounts for the Initial Per Capita Distribution and other**
9 **Initiative measures, and set certain conditions on the expenditure of funds from such**
10 **accounts; and**
- 11 **WHEREAS, by Resolution No. 97-478, the Tohono O'odham Legislative Council approved the**
12 **transfer of funds from the Desert Diamond Savings Account to certain designated set-**
13 **aside accounts established at Bank of America Arizona, including the sum of \$41.5**
14 **million to set-aside account no. 3030425-1067524 for the Initial Per Capita**
15 **Distribution (the "Per Capita Account"); and**
- 16 **WHEREAS, three of the conditions to expenditure of the Per Capita Account specified in the FIP**
17 **are (1) approval by the Secretary of the Interior of a per capita distribution plan (the**
18 **"Revenue Allocation Plan") pursuant to the requirements of the Indian Gaming**
19 **Regulatory Act, 25 U.S.C. § 2710 (b) (3); (2) acceptance by the Tohono O'odham**
20 **Legislative Council of a Certification of Eligible Members submitted by the**
21 **Enrollment Office and based upon receipt of a properly completed and filed**
22 **Certificate of Eligibility Verification for Per Capita Payment for each member; and (3)**
23 **as to each Minor Eligible Member, establishment of a restricted account at Bank of**
24 **America for deposit of such member's per capita payment; and**
- 25 **WHEREAS, pursuant to Resolution No. 97-452, the Tohono O'odham Legislative Council adopted**
26 **a Revenue Allocation Plan and caused the Plan to be submitted for approval by the**
27 **Phoenix Area Office of the Bureau of Indian Affairs in accordance with**
28 **authority delegated to the Area Office by the Secretary of the Interior; and**
- 29 **WHEREAS, by letter dated December 18, 1997, the Area Office approved the Revenue Allocation**

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1 **Plan with respect to the Initial Per Capita Distribution and disapproved the Plan with**
2 **respect to the Biennial Per Capita Payments; and**

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

6 **WHEREAS, pursuant to Resolution No. 97-525, 98-010, 98-037, 98-084, 98-128, 98-192, 98-207, 98-**
7 **278, 98-316, 98-360, 98-431, 98-478, 98-505, 99-006, 99-041, 99-081, 99-142, 99-201, 99-**
8 **312, 99-363, 99-422, 99-478, 99-563, 99-635, 2000-005, 2000-037, 2000-085, 2000-148,**
9 **2000-177, 2000-225, 2000-299, 2000-356, 2000-399, 2000-488, 2000-527, 2000-555, 01-**
10 **005, 01-051, 01-096, 01-136, 01-185, 01-357, 01-418, 01-450, 01-498, 01-545, 02-005, 02-**
11 **044, 02-076, 02-138, 02-182, 02-243, 02-335, 02-371, 02-465, 02-510, 02-571, 03-005, 03-**
12 **059, 03-102, 03-155, 03-195, 03-283, 03-307, 03-440, 03-382, 03-464, 03-537, 04-002, 04-**
13 **027, 04-067 and 04-111, the Tohono O'odham Legislative Council accepted and**
14 **approved Certifications of Eligible Members for the Initial Per Capita Distribution,**
15 **and disbursements have been made to such members; and**

16 **WHEREAS, the Enrollment Office has filed with the Tohono O'odham Legislative Council a**
17 **Certification of Eligible Members listing 23 adult members who are eligible for**
18 **receipt of the Initial Per Capita Distribution; and**

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

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

- 23 **1. The Tohono O'odham Legislative Council hereby accepts and approves the**
24 **Certification of Eligible Members, in the form attached hereto.**
- 25 **2. The Legislative Council authorizes (a) the transfer of the sum of \$46,000.00 from**
26 **the Per Capita Account to the special checking account no. 252-350-324**
27 **established at Bank of America Arizona (the "Per Capita Checking Account"); and**
28 **(b) upon the joint signature of the Chairwoman and Vice Chairman of the Nation,**
29 **issuance of a check on the Per Capita Checking Account in the amount of (i) \$2,000**
30 **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 Chairwoman 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 03RD. Day**
8 **of MAY, 2004 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST;**
9 **-0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section I**
10 **(d)(1),(2) & (3) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
11 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
12 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
13 **18, 1934 (48 Stat. 984).**

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

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18 _____
19 **Isidro Lopez, Legislative Chairman**

20
21 3rd day of May, 2004

22
23 **ATTEST:**

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25 
26 _____
27 **Lucille Lopez, Acting Legislative Secretary**

28
29 03rd day of May, 2004.

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31 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
32 **O'Odham Nation on the 3rd day of May, 2004 at 5:15 o'clock, P.M.,**
33 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
34 **upon her approval or upon her failure to either approve or disapprove it within 48 hours of**
35 **submittal.**

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

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41 **Isidro Lopez, Legislative Chairman**

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APPROVED

on the 3 day of May, 2004

DISAPPROVED

at 5:20 o'clock, P.M.

Vivian Juan Saunders
VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 04th day of

May, 2004, at 8:50 o'clock, A.M.

Lucille Lopez
Lucille Lopez, 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 JEROME JOAQUIN

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: MAY 03, 2004

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|------------------------------------|--|----------------|----------------|------------|------------|-------------|
| SIF OIDAK 192.6 | 1. ISIDRO LOPEZ (Nicholas Jose) | 96.30 | X | | | |
| | 2. DARLENE ANDREW (Rita Martinez) | 96.30 | X | | | X |
| SELLS 465.6 | 1. DENNIS E. JOSE () | 232.80 | X | | | |
| | 2. EVELYN JUAN () | 232.80 | X | | | |
| SCHUK TOAK 176.1 | 1. FRANCES B. CONDE () | 88.05 | X | | | |
| | 2. PHYLLIS JUAN () | 88.05 | X | | | |
| SAN XAVIER 215.4 | 1. FELICIA NUÑEZ (Olivia Villegas-Liston) | 107.70 | X | | | |
| | 2. DENNIS RAMON (Eleanor Hunter) | 107.70 | X | | | X |
| SAN LUCY 166.3 | 1. JOHN W. LAWSON, SR. () | 83.15 | X | | | X |
| | 2. GLORIA RAMIREZ () | 83.15 | X | | | |
| PISINEMO 175.4 | 1. BARBARA SALVICIO () | 87.70 | X | | | |
| | 2. PATRICIA CRUZ () | 87.70 | X | | | |
| HICKIWAN 170.3 | 1. DELMA GARCIA (Mary E. Sam) | 85.15 | X | | | |
| | 2. SANDRA ORTEGA () | 85.15 | X | | | |
| GU VO 191.4 | 1. RAYMOND VICTOR () | 95.70 | X | | | |
| | 2. MICHAEL FLORES (Willard Manuel) | 95.70 | X | | | |
| GU ACHI 253.6 | 1. TIMOTHY L. JOAQUIN (Jonas Robles) | 126.80 | X | | | |
| | 2. JEROME JOAQUIN (Roberta Picard) | 126.80 | X | | | |
| CHUKUT KUK 258.9 | 1. KENNETH WILLIAMS (Juanita Homer) | 129.45 | X | | | |
| | 2. VERLON M. JOSE (David Garcia) | 129.45 | X | | | |
| BABOQUIVARI 364.1 | 1. FRANCES MIGUEL (Lucilda Norris-Valenzuela) | 182.05 | X | | | |
| | 2. FRANCES G. ANTONE () | 182.05 | X | | | |
| TOTAL | | 2,629.7 | 2,629.7 | -0- | -0- | [03] |

****PASSED VOTES**