

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Accepting Certification of Eligible Members and Authorizing the Expenditure**  
**of Funds for Per Capita Payments under the Second Per Capita Plan)**

**RESOLUTION NO. 04-354**

1 **WHEREAS, on June 28, 1997 the voters of the Tohono O'odham Nation approved Initiative No. IN-**  
2 **01-97 (the "Initiative"); and**

3 **WHEREAS, pursuant to Initiative and Resolution Nos. 97-451 and 97-452, the Tohono O'odham**  
4 **Legislative Council adopted an Initiative Funding and Implementation Plan and a**  
5 **Revenue Allocation Plan (collectively the "First Per Capita Plan"); and**

6 **WHEREAS, an Initial Per Capita Distribution under the first Per Capita plan was approved on**  
7 **December 18, 1997 by the Phoenix Area Office of the Bureau of Indian Affairs; and**

8 **WHEREAS, initial Per Capita distribution have been and continue to be disbursed to Adult**  
9 **Eligible Members under the first Per Capita Plan; and**

10 **WHEREAS, pursuant to the Initiative Resolution No. 2000-269 and 2000-472, the Legislative**  
11 **Council adopted (1) a Second Initiative Funding and Implementation Plan, (2) a**  
12 **Second Revenue Allocation Plan, and (3) Amendment No. 1 to each Plan (collectively**  
13 **the "Second Per Capita Plan"); and**

14 **WHEREAS, under the second Per Capita Plan, each Eligible member who is certified as eligible**  
15 **is entitled to receive a per capita payment of \$2,000; and**

16 **WHEREAS, by letter dated October 25, 2000, a copy of which is attached, the Deputy**  
17 **Commissioner of Indian Affairs approved the Second Per Capita Plan; and**

18 **WHEREAS, as required by the Second Per Capita Plan, the Attorney General of the Nation issued**  
19 **the attached Notice of Compliance on October 26, 2000; and**

20 **WHEREAS, as required by the Second Per Capita Plan, the Enrollment Office has filed a**  
21 **Certification of Eligible Members listing 33 adult Eligible Members who are eligible**  
22 **for receipt of a per capita payment under the terms of the Second Per Capita Plan and**  
23 **the laws of the United States and the Nation.**

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

25 **1. The Tohono O'odham Legislative Council hereby accepts and approves the**  
26 **Certification of Eligible Members, in the form attached hereto.**

27 **2. The Tohono O'odham Legislative Council authorizes (a) the transfer of the sum**  
28 **of \$66,000.00 from the Per Capita #2 Trust Account No. 68-01-101-0327262 to Per**

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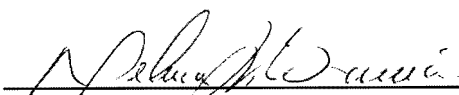
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1                   **Capita #2 Checking Account No. 467-571-7067 established at Bank of America**  
2                   **Arizona (the "Per Capita Checking Account") and (b) upon the joint signature of**  
3                   **the Chairwoman and Vice Chairman of the Nation, issuance of a check on the Per**  
4                   **Capita Checking Account in the amount of (i) \$2,000 to each Eligible Member**  
5                   **residing in the United States and listed in the attached Certification of Eligible**  
6                   **Members and (ii) \$1,400 to each Eligible Member residing outside the United**  
7                   **States and listed in the attached Certification, with the balance of \$600 withheld**  
8                   **and remitted to the Internal Revenue Service pursuant to the requirements of**  
9                   **federal law.**

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

12 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 02<sup>nd</sup>. Day**  
13 **of AUGUST, 2004 at a meeting at which a quorum was present with a vote of 2,459.4 FOR; -0-**  
14 **AGAINST; -0- NOT VOTING; and 170.3 [03] ABSENT, pursuant to the powers vested in the Council by**  
15 **Section 1 (d)(2) & (3) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**  
16 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
17 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
18 **18, 1934 (48 Stat. 984).**

19  
20   **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

21  
22  
23   for   
24   **Isidro Lopez, Legislative Chairman**  
25  
26   03<sup>rd</sup> day of August, 2004

27  
28 **ATTEST:**

29  
30  
31     
32   **Rosita N. Ruiz, Legislative Secretary**

33  
34   03 day of August, 2004.  
35

36 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**  
37 **O'Odham Nation on the 03<sup>rd</sup> day of August, 2004 at 4:01 o'clock, P.M.,**  
38 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**  
39 **upon her approval or upon her failure to either approve or disapprove it within 48 hours of**  
40 **submittal.**


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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**


  
for **Isidro Lopez, Legislative Chairman**

**APPROVED**

on the 3 day of August, 2004

**DISAPPROVED**

at 4:09 o'clock, P.M.

  
**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 03 day of

August, 2004, at 4:12 o'clock, P.M.

  
**Rosita N. Ruiz, Legislative Secretary**

**ACTION: ACCEPTING CERTIFICATION OF ELIGIBLE MEMBERS AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR PER CAPITA PAYMENTS UNDER THE SECOND PER CAPITA PLAN**

**Moved: COUNCILWOMAN FRANCES CONDE**

**SECOND: COUNCILMAN TIMOTHY JOAQUIN**

**DATE: AUGUST 02, 2004**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>192.6</b>	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
<b>SELLS</b> <b>465.6</b>	1. DENNIS E. JOSE ( )	232.80	X			
	2. EVELYN JUAN ( )	232.80	X			
<b>SCHUK TOAK</b> <b>176.1</b>	1. FRANCES B. CONDE ( )	88.05	X			
	2. PHYLLIS JUAN ( )	88.05	X			
<b>SAN XAVIER</b> <b>215.4</b>	1. FELICIA NUÑEZ (Olivia Liston-Villegas)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			X
<b>SAN LUCY</b> <b>166.3</b>	1. JOHN W. LAWSON, SR. ( )	83.15	X			
	2. GLORIA RAMIREZ ( )	83.15	X			
<b>PISINEMO</b> <b>175.4</b>	1. BARBARA SALVICIO ( )	87.70	X			
	2. PATRICIA CRUZ ( )	87.70	X			
<b>HICKIWAN</b> <b>170.3</b>	1. DELMA GARCIA (Mary E. Sam)	85.15				X
	2. SANDRA ORTEGA ( )	85.15				X
<b>GU VO</b> <b>191.4</b>	1. RAYMOND VICTOR ( )	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			
<b>GU ACHI</b> <b>253.6</b>	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Roberta Picard)	126.80	X			
<b>CHUKUT KUK</b> <b>258.9</b>	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
<b>BABOQUIVARI</b> <b>364.1</b>	1. FRANCES MIGUEL ( Lucilda Norris-Valenzuela )	182.05	X			
	2. FRANCES G. ANTONE ( )	182.05	X			
<b>TOTAL</b>		<b>2,629.7</b>	<b>2,459.4</b>	<b>-0-</b>	<b>-0-</b>	<b>170.3 [03]</b>

**\*\*PASSED VOTES**