

**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. 04-440**

- 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 No. 97-451, the Tohono O'odham Legislative Council adopted**  
7 **an 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**

**RESOLUTION NO. 04-440**

**(Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for Per Capita Payments under the Initiative)**

**Page 2 of 4**

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, 04-111, 04-174, 04-214, 04-294 and 04-353 the Tohono O'odham**  
14                   **Legislative Council accepted and approved Certifications of Eligible Members for the**  
15                   **Initial Per Capita Distribution, and disbursements have been made to such members;**  
16                   **and**

17 **WHEREAS, the Enrollment Office has filed with the Tohono O'odham Legislative Council a**  
18                   **Certification of Eligible Members listing 73 adult members who are eligible for**  
19                   **receipt of the Initial Per Capita Distribution; and**

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

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

- 24                   **1. The Tohono O'odham Legislative Council hereby accepts and approves the**  
25                   **Certification of Eligible Members, in the form attached hereto.**
- 26                   **2. The Tohono O'odham Legislative Council authorizes (a) the transfer of the sum of**  
27                   **\$146,000.00 from the Per Capita Account to the special checking account no. 252-**  
28                   **350-324 established at Bank of America Arizona (the "Per Capita Checking**

**RESOLUTION NO. 04-440**

**(Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for Per Capita Payments under the Initiative)**

Page 3 of 4

1 Account"); and (b) upon the joint signature of the Chairwoman and Vice Chairman  
2 of the Nation, issuance of a check on the Per Capita Checking Account in the  
3 amount of (i) \$2,000 to each Eligible Member residing in the United States and  
4 listed in the attached Certification of Eligible Members and (ii) \$1,400 to each  
5 Eligible Member residing outside the United States and listed in the attached  
6 Certification, with the balance of \$600 withheld and remitted to the Internal  
7 Revenue Service pursuant to the requirements of federal law.

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

10 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13<sup>th</sup>. Day  
11 of SEPTEMBER, 2004 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0-  
12 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by  
13 Section I(d)(1),(2) & (3) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by  
14 the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
15 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June  
16 18, 1934 (48 Stat. 984).

17  
18 TOHONO O'ODHAM LEGISLATIVE COUNCIL

19  
20  
21   
22 \_\_\_\_\_  
23 Isidro Lopez, Legislative Chairman

24 16 day of September, 2004

25  
26 ATTEST:

27  
28   
29 \_\_\_\_\_  
30 Rosita N. Ruiz, Legislative Secretary

31  
32 15 day of September, 2004.

33  
34 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono  
35 O'Odham Nation on the 16 day of September, 2004 at 5:00 o'clock, P.M.,  
36 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
37 upon her approval or upon her failure to either approve or disapprove it within 48 hours of  
38 submittal.

39  
40

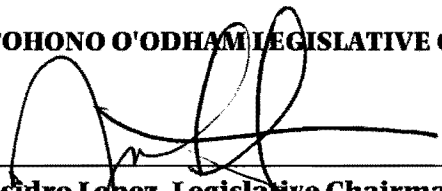
**RESOLUTION NO. 04-440**

**(Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for Per Capita Payments under the Initiative)**

Page 4 of 4

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**


  
\_\_\_\_\_  
Isidro Lopez, Legislative Chairman

APPROVED

on the 17<sup>th</sup> day of September 2004

DISAPPROVED

at 4:51 o'clock, P.M.

  
\_\_\_\_\_  
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of

September, 2004, at 5:02 o'clock, P.M.

  
\_\_\_\_\_  
Rosita N. Ruiz, Legislative Secretary

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

**MOVED: COUNCILMAN VERLON JOSE**

**SECOND: COUNCILWOMAN EVELYN JUAN**

**DATE: SEPTEMBER 13, 2004**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF Oidak</b> 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			X
<b>SELLS</b> 465.6	1. DENNIS E. JOSE ( )	232.80	X			
	2. EVELYN JUAN ( )	232.80	X			
<b>SCHUK TOAK</b> 176.1	1. FRANCES B. CONDE** ( )	88.05	X			
	2. PHYLLIS JUAN ( )	88.05	X			
<b>SAN XAVIER</b> 215.4	1. FELICIA NUÑEZ (Olivia Liston-Villegas)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			X
<b>SAN LUCY</b> 166.3	1. JOHN W. LAWSON, SR. ( )	83.15	X			
	2. GLORIA RAMIREZ ( )	83.15	X			
<b>PISINEMO</b> 175.4	1. BARBARA SALVICIO ( )	87.70	X			
	2. PATRICIA CRUZ ( )	87.70	X			
<b>HICKIWAN</b> 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ( )	85.15	X			
<b>GU VO</b> 191.4	1. RAYMOND VICTOR ( )	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			X
<b>GU ACHI</b> 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Roberta Picard)	126.80	X			
<b>CHUKUT KUK</b> 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			X
	2. VERLON M. JOSE (David Garcia)	129.45	X			
<b>BABOQUIVARI</b> 364.1	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>2,629.7</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>

\*\*PASSED VOTES