

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) (Excludes
Marvin A. Miguel, Jr.)

RESOLUTION NO. 04-441

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 distributions 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 82 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**

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- 1 of \$164,000.00 from the Per Capita #2 Trust Account No. 68-01-101-0327262 to Per
2 Capita #2 Checking Account No. 467-571-7067 established at Bank of America
3 Arizona (the "Per Capita Checking Account") and (b) upon the joint signature of
4 the Chairwoman and Vice Chairman of the Nation, issuance of a check on the Per
5 Capita Checking Account in the amount of (i) \$2,000 to each Eligible Member
6 residing in the United States and listed in the attached Certification of Eligible
7 Members and (ii) \$1,400 to each Eligible Member residing outside the United
8 States and listed in the attached Certification, with the balance of \$600 withheld
9 and remitted to the Internal Revenue Service pursuant to the requirements of
10 federal law.
- 11 3. The Chairwoman of the Nation is authorized to execute such other documents as
12 may be necessary to implement this Resolution.

13 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH Day
14 of SEPTEMBER, 2004 at a meeting at which a quorum was present with a vote of 2,396.9 FOR; 232.8
15 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by
16 Section 1 (d)(2) & (3) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the
17 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
18 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
19 18, 1934 (48 Stat. 984).

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22 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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27 Isidro Lopez, Legislative Chairman

28 16 day of September, 2004
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31 ATTEST:

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35 Rosita N. Ruiz, Legislative Secretary

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37 15 day of September, 2004.
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1 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
2 **O'Odham Nation on the 16 day of September, 2004 at 5:01 o'clock, P.M.,**
3 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
4 **upon her approval or upon her failure to either approve or disapprove it within 48 hours of**
5 **submittal.**

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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

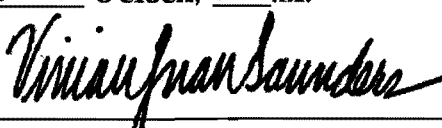
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13 **Isidro Lopez, Legislative Chairman**

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16 **APPROVED**

on the 17th day of September, 2004

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18 **DISAPPROVED**

at 4:53 o'clock, P.M.

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

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28 **Returned to the Legislative Secretary on the 17 day of**

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

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34 **Rosita N. Ruiz, Legislative Secretary**

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ACTION: ACCEPTING CERTIFICATION OF ELIGIBLE MEMBERS AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR PER CAPITA PAYMENTS UNDER THE SECOND PER CAPITA PLAN (EXCLUDES MARVIN A. MIGUEL, JR.)

MOVED: COUNCILMAN VERLON JOSE

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: SEPTEMBER 13, 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 Liston-Villegas)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			X
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	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			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			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	2,396.9	232.80	-0-	[04]

****PASSED VOTES**