

**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**  
**(Amends Resolution No. 04-441 to include Marvin A. Miguel, Jr.))**

**RESOLUTION NO. 04-442**

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 83 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**

**RESOLUTION NO. 04-442**

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

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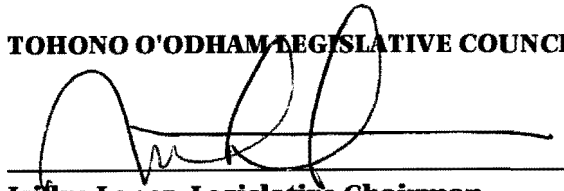
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of \$166,000.00 from the Per Capita #2 Trust Account No. 68-01-101-0327262 to Per Capita #2 Checking Account No. 467-571-7067 established at Bank of America Arizona (the "Per Capita Checking Account") and (b) upon the joint signature of the Chairwoman and Vice Chairman of the Nation, issuance of a check on the Per Capita Checking Account in the amount of (i) \$2,000 to each Eligible Member residing in the United States and listed in the attached Certification of Eligible Members and (ii) \$1,400 to each Eligible Member residing outside the United States and listed in the attached Certification, with the balance of \$600 withheld and remitted to the Internal Revenue Service pursuant to the requirements of federal law.

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

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

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Isidro Lopez, Legislative Chairman

16 day of September, 2004

ATTEST:



Rosita N. Ruiz, Legislative Secretary

16 day of September, 2004.

**RESOLUTION NO. 04-442**

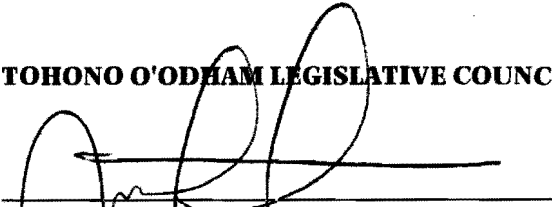
**(Accepting Certification of Eligible Members and Authorizing the Expenditure of Funds for Per Capita Payments under the Second Per Capita Plan)**

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Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'odham Nation on the 16 day of September, 2004 at 5:02 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

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

APPROVED

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

DISAPPROVED

at 4:55 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 EXPENDITURE OF FUNDS FOR PER CAPITA PAYMENTS UNDER THE SECOND PER CAPITA PLAN (AMENDS RESOLUTION NO. 04-441 TO INCLUDE 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
<b>SIF OIDAK</b> <b>192.6</b>	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			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			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			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>2,629.7</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>

**\*\*PASSED VOTES**