

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. 04-578

- 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**

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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, 04-111, 04-174, 04-214, 04-294, 04-353 and 04-440 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 20 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 **\$40,000.00 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**

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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 01ST Day of NOVEMBER, 2004 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(1),(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

for Isidro Lopez, Legislative Chairman
09th day of November, 2004

ATTEST:


Rosita N. Ruiz, Legislative Secretary

2 day of November, 2004.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O’Odham Nation on the 09th day of November, 2004 at 11:36 o’clock, A.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.


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TOHONO O'ODHAM LEGISLATIVE COUNCIL


for Isidro Lopez, Legislative Chairman

APPROVED on the 9th day of November, 2004

DISAPPROVED at 2:42 o'clock, P.M.


VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 9th day of
November 2004, at 3:51 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: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILMAN VERLON JOSE

DATE: NOVEMBER 01, 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			
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 (Absent) (Olivia Liston-Villegas) (Present)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	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			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-	[02]

****PASSED VOTES**