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. 05-609

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

RESOLUTION NO. <u>05-609</u> (Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for per Capita Payments under the Initiative) Page 2 of 4

1	WHEREAS,	by letter dated December 18, 1997, the Area Office approved the Revenue Allocation
2		Plan with respect to the Initial Per Capita Distribution and disapproved the Plan with
3		respect to the Biennial Per Capita Payments; and
4	WHEREAS,	an agreement with Bank of America has not yet been finalized for the establishment
5		of the restricted accounts which is required as a condition to disbursement of the
6		Initial Per Capita Distribution to such accounts for Minor Eligible Members; and
7	WHEREAS,	pursuant to Resolution No. 97-525, 98-010, 98-037, 98-084, 98-128, 98-192, 98-207, 98-
8		278, 98-316, 98-360, 98-431, 98-478, 98-505, 99-006, 99-041, 99-081, 99-142, 99-201, 99-
9		312, 99-363, 99-422, 99-478, 99-563, 99-635, 2000-005, 2000-037, 2000-085, 2000-148,
10		2000-177, 2000-225, 2000-299, 2000-356, 2000-399, 2000-488, 2000-527,2000-555, 01-
11		005, 01-051, 01-096, 01-136, 01-185, 01-357, 01-418, 01-450, 01-498, 01-545, 02-005, 02-
12		044, 02-076, 02-138, 02-182, 02-243, 02-282, 02-335, 02-371, 02-465, 02-510, 02-571, 03-
13		005, 03-059, 03-102, 03-155, 03-195, 03-283, 03-307, 03-340, 03-382, 03-465, 03-495, 03-
14		537, 04-002, 04-027, 04-067, 04-111, 04-174, 04-214, 04-294, 04-353, 04-440, 04-510, 04-
15		578, 04-661, 05-006, 05-056, 05-116, 05-149, 05-206, 05-303, 05-370, 05-428, and 05-474
16		the Tohono O'odham Legislative Council accepted and approved Certifications of
17		Eligible Members for the Initial Per Capita Distribution, and disbursements have
18		been made to such members; and
19	WHEREAS,	the Enrollment Office has filed with the Tohono O'odham Legislative Council a
20		Certification of Eligible Members listing 41 adult members who are eligible for
21		receipt of the Initial Per Capita Distribution; and
22	WHEREAS,	all conditions under the laws of the United States and the Nation have been satisfied
23		to permit the disbursement of the Initial Per Capita Distribution to the members
24		listed in the Certification of Eligible members.
25	NOW, THER	EFORE, BE IT RESOLVED THAT:
26		1. The Tohono O'odham Legislative Council hereby accepts and approves the
27		Certification of Eligible Members, in the form attached hereto.
28		2. The Tohono O'odham Legislative Council authorizes (a) the transfer of the sum
29		of \$82,000.00 from the Per Capita Account to the special checking account no.
30		

RESOLUTION NO. <u>05-609</u> (Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for per Capita Payments under the Initiative) Page 3 of 4

11 of OCTOBER, 2005 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0- 12 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by 13 Section 1 (d)(2) and (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 TOHONO O'ODHAM LEGISLATIVE COUNCIL 19 Output 20 Evelyn B. Juan Mannel, Legislative Chairwoman 21 Image: Color of	11	
3 in the amount of(1) \$2,000 to each Eligible Member residing in the United States 4 and listed in the attached Certification of Eligible Members and (ii) \$1,400 to 5 each Eligible Member residing outside the United States and listed in the 6 attached Certification, with the balance of \$600 withheld and remitted to the 7 Internal Revenue Service pursuant to the requirements of federal law. 8 3. The Chairwoman of the Nation is authorized to execute such other documents 9 as may be necessary to implement this Resolution. 10 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10 ¹¹⁰ , Day 11 GOTOBER, 2005 at a meeting at which a quorum was present with a vote of 2,440,80 FOR: -0. 12 AGAINST: _0. NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Connell by 14 the Tohono O'Odham Nation on January 18. 1986; and approved by the Acting Deputy Assistant 15 Certion Iffairs (Operations) on March 6. 1986, pursuant to Section 16 of the Act of June 18 194 (48 Stat. 984). 17 Data Manwel, Legislative Chairwoman 13 June Manwel, Legislative Chairwoman 13 June Manwel, Legislative Chairwoman of the Tohono O'Odham Nation, adopted by 14 Lucille Lopez, Actify Legislative	1	Account"); and (b) upon the joint signature of the Chairwoman and Vice
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12 AGAINST: <u>-0</u> -NOT VOTING: and [03] ABSENT, pursuant to the powers vested in the Conncil by 13 Section 1 (<u>d)(2) and (3)</u> of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by 14 Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant 15 Secterary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 16 18, 1934 (48 Stat. 984). 17 TOHONO O'ODHAM LEGISLATIVE COUNCIL 18 Ullim ty for the Chairwoman 19 Evelyn B. Juan Manuel, Legislative Chairwoman 20 Image: Section 1, 2005 21 Evelyn B. Juan Manuel, Legislative Chairwoman 22 13 ^{1/4} day of Othor , 2005 23 Jatuary of Othor , 2005 24 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono 23 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono 34 O'Odham Nation on the (3 ^{1/4} day of Othor , 2005 at \$3.3 9.4 o'clock, 4.4 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. 39 TOHONO O'ODHAM LEGISLATIVE COUNCIL 40 Mathadd Deputy Asset Mathaded Depu		
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$\frac{3}{24} day of QAUbw, 2005$ ATTEST: $\frac{3}{24} day of QAUbw, 2005$ ATTEST: $\frac{3}{24} day of QABW, 2005$ Incille Lopez, Acting Legislative Secretary $\frac{3}{29} Lucille Lopez, Acting Legislative Secretary$ $\frac{3}{29} day of QABW, 2005.$ Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the <u>13</u> th day of QABW, 2005 at <u>8:39</u> o'clock, $\frac{A}{2} \cdot M.$, 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 $\frac{40}{41}$		
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28 <u>Jum Jug</u> 29 Lucille Lopez, Acting Legislative Secretary 30 31 <u>124</u> day of <u>Outbom</u> , 2005. 32 33 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono 0'Odham Nation on the <u>134</u> day of <u>Outbom</u> , 2005 at <u>8:39</u> o'clock, <u>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. 38 39 40 41 41 40 41 41 41 41 41 41 41 41 41 41 41 41 41 </u>		ATTEST:
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30 31 12 th day of Outbour, 2005. 32 33 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono 0'Odham Nation on the 13 th day of OArm, 2005 at 8:39 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. 38 39 39 30 30 30 30 30 30 30 30 30 30 30 30 30	1	Lucille Lopez, Acting Legislative Secretary
31 At day of OHMM, 2005. 32 33 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono 34 O'Odham Nation on the 13th day of Ottohum, 2005 at 8:39 o'clock, 35 A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become 36 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours 37 of submittal. 38 39 TOHONO O'ODHAM LEGISLATIVE COUNCIL 40 41	1	
32 33 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono 34 O'Odham Nation on the <u>13th</u> day of <u>Ottohu</u> , 2005 at <u>8:39</u> o'clock, 35 <u>A</u> .M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become 36 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours 37 of submittal. 38 39 TOHONO O'ODHAM LEGISLATIVE COUNCIL 40 41 Mathine Council		12 th day of Outron , 2005.
Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the <u>13</u> the day of <u>Other Mars</u> , 2005 at <u>8:39</u> o'clock, <u>A</u> .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 Marshall		
34 O'Odham Nation on the <u>13th</u> day of <u>Darha</u> , 2005 at <u>8:39</u> o'clock, <u>A.M.</u> , 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. 38 39 TOHONO O'ODHAM LEGISLATIVE COUNCIL 40 41 <u>Machan</u> <u>Darha</u>		Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono
 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. TOHONO O'ODHAM LEGISLATIVE COUNCIL Muchan B. Muchan 		O'Odham Nation on the 13th day of DApahan 2005 at \$39 o'clock.
 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal. TOHONO O'ODHAM LEGISLATIVE COUNCIL 40 41 		A W ==================================
 37 of submittal. 38 39 40 41 41 42 43 44 44 45 46 47 47 48 49 49 40 41 41 42 43 44 44 45 46 47 47 48 49 49 40 41 41 41 41 42 43 44 44 44 44 45 46 47 47 48 49 49 41 41<	1	A., M., pursuant to the provisions of section 5 of Article vit of the constitution and whi become
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39 40 41 41 40 41 40 41 40 41 40 41 40 41 40 41 40 41 40 41 40 41 40 40 40 40 40 40 40 40 40 40		ol submittal.
40 41 Bruch By Und		
41 Jonen 18 Julie		TOHONO O'ODHAM LEGISLATIVE COUNCIL
		Bulm By Dull
		Evelyn B. Juan Manuel, Legislative Chairwoman

RESOLUTION NO. 05-609 (Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for per Capita Payments under the Initiative) Page 4 of 4 on the 13 day of Ochler, 2005 **[**] APPROVED at <u>3:05</u> o'clock, <u>f</u>.M. [] DISAPPROVED VIVIAN JUAN-SAUNDERS, CHAIRWOMAN **TOHONO O'ODHAM NATION** Returned to the Legislative Secretary on the $\frac{13^{4}}{2}$ day of Lucille Lopez, Acting Legislative Secretary

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

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN CYNTHIA MANUEL

DATE: OCTOBER 10, 2005

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSEN
BABOQUIVARI	1. FRANCES MIGUEL	155.40	X			
310.8	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	х			
221.6	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO	1. RAYMOND VICTOR	96.55	X			
193.1	2. MICHAEL FLORES (Grace Manuel)	96.55	Х			
HICKIWAN	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
167.4	(Mary E. Saili) 2. SANDRA ORTEGA ()	83.70	X			
PISINEMO	1. BARBARA SALVICIO	85.90	Х			
171.8	() 2. GERALD FAYUANT ()	85.90	Х			Х
SAN LUCY	1. JOHN W. LAWSON, SR.	84.50	Х			
169.0	() 2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER	1. FELICIA NUÑEZ	96.90	Х			
193.8	2. OLIVIA VILLEGAS-LISTON	96.90	X			
SCHUK TOAK	1. FRANCES B. CONDE	73.45	Х			х
146.9	2. PHYLLIS JUAN	73.45	X			
SELLS	1. DENNIS E. JOSE	210 50	X			x
421.0	2. EVELYN B. JUAN MANUEL	210.50	X			
SIF OIDAK	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	х			
186.7	(Isidro Lopez) 2. DARLENE ANDREW (Rita Martinez)	93.35	x			
	TOTAL	2,440.80	2,440.80	-0-	-0-	[03]

**PASSED VOTES