

**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. 07-547**

- 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 \$2,000.00 to each member of the**  
5 **Nation 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, pursuant to Resolution No. 97-478, the Tohono O'odham Legislative Council approved**  
12 **the transfer of funds from the Desert Diamond Savings Account to certain designated**  
13 **set-aside accounts established at Bank of America, including the sum of \$41.5 million**  
14 **to a set-aside for the Initial Per Capita Distribution (the Per Capita Account); and**
- 15 **WHEREAS, three of the conditions to expenditure of the Per Capita Account specified in the FIP**  
16 **are (1) approval by the Secretary of the Interior of a Per Capita Distribution plan (the**  
17 **Revenue Allocation Plan) pursuant to the requirements of the Indian Gaming**  
18 **Regulatory Act, 25 U.S.C. §2710 (b) (3); (2) acceptance by the Tohono O'odham**  
19 **Legislative Council of a Certification of Eligible Members submitted by the**  
20 **Enrollment Office and based upon receipt of a properly completed and filed**  
21 **Certificate of Eligibility Verification for a Per Capita Payment for each member; and**  
22 **(3) as to each Minor Eligible Member, establishment of a restricted account at Bank**  
23 **of America for the deposit of such Member's Per Capita Payment; and**
- 24 **WHEREAS, pursuant to Resolution No. 97-452, the Tohono O'odham Legislative Council adopted**  
25 **a Revenue Allocation Plan and caused the Plan to be submitted for approval by the**  
26 **Phoenix Area Office of the Bureau of Indian Affairs in accordance with authority**  
27 **delegated to the Area Office by the Secretary of the Interior; and**
- 28 **WHEREAS, by letter dated December 18, 1997 the Area Office approved the Revenue Allocation**  
29 **Plan with respect to the Initial Per Capita Distribution and disapproved the Plan with**  
30 **respect to the Biennial Per Capita Payments; and**

**RESOLUTION NO. 07-547**

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**Page 2 of 4**

1 **WHEREAS, pursuant to Resolution No. 2000-472 the FIP was amended by Amendment No. 1 and**  
2 **further amended by Amendment 2; and Amendment No. 2 requires an Agreement**  
3 **with a reputable financial institution for the establishment of restricted accounts for**  
4 **Minor Eligible Members; and**

5 **WHEREAS, an Agreement has been negotiated with Wells Fargo for the establishment of**  
6 **restricted accounts for Minor Eligible Members; and**

7 **WHEREAS, the Tohono O'odham Legislative Council has accepted and approved Certifications**  
8 **of Eligible Members for the Initial Per Capita Distribution, and disbursements have**  
9 **been made to such Members; and**

10 **WHEREAS, the Enrollment Office has filed with the Tohono O'odham Legislative Council a**  
11 **Certification of Eligible Members listing 51 adult members who are eligible for**  
12 **receipt of the Initial Per Capita Distribution; and**

13 **WHEREAS, all conditions under the applicable laws of the United States and the Nation have**  
14 **been satisfied to permit the disbursement of the Initial Per Capita Distribution to the**  
15 **Members listed in the Certification of Eligible Members.**

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

- 17 **1. The Tohono O'odham Legislative Council hereby accepts and approves the**  
18 **Certification of Eligible Members, in the form attached hereto.**
- 19 **2. The Tohono O'odham Legislative Council authorizes (a) the transfer of the sum of**  
20 **\$102,000.00 from the Per Capita Account to the special checking account**  
21 **established at Bank of America (the Per Capita Checking Account); and (b) upon**  
22 **the authorized signature of the Nation, issuance of a check on the Per Capita**  
23 **Checking Account in the amount of (i) \$2,000.00 to each Eligible Member residing**  
24 **in the United States and listed in the attached Certification of Eligible Members,**  
25 **and (ii) \$1,400.00 to each Eligible Member residing outside the United States and**  
26 **listed in the attached Certification, with the balance of \$600.00 withheld and**  
27 **remitted to the Internal Revenue Service pursuant to the requirements of federal**  
28 **law.**
- 29 **3. The Chairman of the Nation is authorized to execute such other documents as**  
30 **may be necessary to implement this Resolution.**

**RESOLUTION NO. 07-547**

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

Page 3 of 4

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10<sup>th</sup> Day of SEPTEMBER, 2007 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) and (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**

  
Verlon M. Jose, Legislative Chairman

13<sup>th</sup> day of September, 2007

**ATTEST:**

  
Lucille Lopez, Acting Legislative Secretary

10 day of September, 2007.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14<sup>th</sup> day of Sept., 2007 at 6:03 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

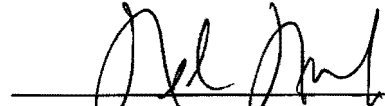
  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 18 day of September, 2007

DISAPPROVED

at 2:35 o'clock, P.M.

  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

**RESOLUTION NO. 07-547**


**(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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Returned to the Legislative Secretary on the 18 day of

September, 2007, at 3:55 o'clock, P.M.

  
\_\_\_\_\_  
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: COUNCILWOMAN ETHEL GARCIA**

**SECOND: COUNCILMAN TIMOTHY JOAQUIN**

**DATE: SEPTEMBER 10, 2007**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>316.9</b>	1. FRANCES MIGUEL ( <i>Absent</i> ) (Roberta Harvey) ( <i>Present</i> )	158.45	X			
	2. FRANCES G. ANTONE ( )	158.45	X			
<b>CHUKUT KUK</b> <b>264.8</b>	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			X
<b>GU ACHI</b> <b>227.9</b>	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
<b>GU VO</b> <b>199.2</b>	1. GRACE MANUEL ( )	99.60	X			
	2. MICHAEL FLORES ( )	99.60	X			X
<b>HICKIWAN</b> <b>172.0</b>	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	X			X
<b>PISINEMO</b> <b>182.4</b>	1. CHESTER ANTONE ( )	91.20	X			X
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> <b>181.1</b>	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> <b>196.5</b>	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON ** (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> <b>154.6</b>	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> <b>444.7</b>	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> <b>194.4</b>	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,534.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>

\*\*PASSED VOTES