

**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 Second Per Capita Plan)**

**RESOLUTION NO. 07-709**

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**  
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 is**  
15 **entitled to receive a per capita payment of \$2,000.00; and**

16 **WHEREAS, by letter dated October 25, 2000 the Deputy Commissioner of Indian Affairs approved**  
17 **the Second Per Capita Plan; and**

18 **WHEREAS, as required by the Second Per Capita Plan, the Attorney General of the Nation issued**  
19 **a 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 53 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 applicable 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 of**  
28 **\$106,000.00 from the Per Capita #2 Trust Account to Per Capita #2 checking**  
29 **account established at Bank of America (the Per Capita Checking Account) and (b)**

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1                   upon the authorized signature of the Nation, issuance of a check on the Per Capita  
2                   Checking Account in the amount of (i) \$2,000.00 to each Eligible Member residing  
3                   in the United States and listed in the attached Certification of Eligible Members  
4                   and (ii) \$1,400.00 to each Eligible Member residing outside the United States and  
5                   listed in the attached certification, with the balance of \$600.00 withheld and  
6                   remitted to the Internal Revenue Service pursuant to the requirements of federal  
7                   law.

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

10                   The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05<sup>TH</sup> Day  
11                   of NOVEMBER, 2007 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0-  
12                   AGAINST; -0- NOT VOTING; and [01] 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

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19                   *Felicia Muniz for*  
20                   \_\_\_\_\_  
21                   Verlon M. Jose, Legislative Chairman

22  
23                   5<sup>th</sup> day of Nov., 2007

24  
25                   ATTEST:

26  
27                   *Lucille Lopez*  
28                   \_\_\_\_\_  
29                   Lucille Lopez, Acting Legislative Secretary

30  
31                   05 day of November, 2007.

32  
33                   Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham  
34                   Nation on the 5<sup>th</sup> day of Nov, 2007 at 4:04 o'clock, P.M.,  
35                   pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
36                   upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
37                   submittal.

38                   TOHONO O'ODHAM LEGISLATIVE COUNCIL

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40                   *Felicia Muniz for*  
41                   \_\_\_\_\_  
42                   Verlon M. Jose, Legislative Chairman

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**APPROVED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2007

**DISAPPROVED** at \_\_\_\_\_ o'clock, \_\_\_\_ .M.

EXCEEDED 48 HOURS

\_\_\_\_\_  
**NED NORRIS, JR., CHAIRMAN**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 08 day of

November, 2007, at 9:41 o'clock, A .M.

*Lucille Lopez*  
\_\_\_\_\_  
**Lucille Lopez, Acting Legislative Secretary**

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

**MOVED: COUNCILWOMAN ETHEL GARCIA**

**SECOND: COUNCILWOMAN SANDRA ORTEGA**

**DATE: NOVEMBER 05, 2007**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>316.9</b>	1. FRANCES MIGUEL <i>(Absent)</i> <i>(Roberta Harvey)</i> <i>(Present)</i>	158.45	X			
	2. FRANCES G. ANTONE <i>(Absent)</i> <i>(Vernon Smith)</i> <i>(Present)</i>	158.45	X			
<b>CHUKUT KUK</b> <b>264.8</b>	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			
<b>GU ACHI</b> <b>227.9</b>	1. TIMOTHY L. JOAQUIN <i>(Louis L. Johnson)</i>	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			
<b>HICKIWAN</b> <b>172.0</b>	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	X			
<b>PISINEMO</b> <b>182.4</b>	1. CHESTER ANTONE ( )	91.20	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 <i>(Adam P. Andrews)</i>	98.25	X			
	2. OLIVIA VILLEGAS-LISTON <i>(Eileen A. Estrada-Lopez)</i>	98.25	X			
<b>SCHUK TOAK</b> <b>154.6</b>	1. FRANCES B. CONDE <i>(Absent)</i> <i>(Frederick Jose)</i> <i>(Present)</i>	77.30	X			
	2. PHYLLIS CACHORA <i>(Agnes Joaquin)</i>	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			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>[01]</b>

**\*\*PASSED VOTES**