

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. 08-104

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 50 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 **\$100,000.00 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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upon the authorized signature of the Nation, issuance of a check on the Per Capita Checking Account in the amount of (i) \$2,000.00 to each Eligible Member residing in the United States and listed in the attached Certification of Eligible Members and (ii) \$1,400.00 to each Eligible Member residing outside the United States and listed in the attached certification, with the balance of \$600.00 withheld and remitted to the Internal Revenue Service pursuant to the requirements of federal law.

3. The Chairman 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 10TH Day of MARCH, 2008 at a meeting at which a quorum was present with a vote of 2,353.4FOR; -0- AGAINST; -0- NOT VOTING; and 181.8[06] 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

Felicia Munoz for
Verlon M. Jose, Legislative Chairman
17th day of March, 2008

ATTEST:

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary
10 day of March, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 17th day of March, 2008 at 1:16 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

Felicia Munoz for
Verlon M. Jose, Legislative Chairman

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APPROVED

on the 19th day of March, 2008

DISAPPROVED

at 2:28 o'clock, P.M.

EXCEEDED 48 HOURS



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

Returned to the Legislative Secretary on the 19th day of

March, 2008, at 2:34 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 SECOND PER CAPITA PLAN

MOVED: COUNCILWOMAN CYNTHIA MANUEL

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: MARCH 10, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN** (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. MICHAEL FLORES ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			X
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE ()	91.20	X			
	2. GERALD FAYUANT** ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55				X
	2. GLORIA RAMIREZ ()	90.55				X
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO** ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			X
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,354.4	-0-	-0-	181.1[06]

**PASSED VOTES