

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Resolution No. 08-647, "Accepting Certification of Eligible Members and Authorizing
the Initial Expenditure of Funds for Per Capita Payments under the Initiative")

RESOLUTION NO. 08-688

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**

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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, Resolution No. 08-647 contained an error with respect to listed member John E.**
11 **Antone Sr. under Baboquivari District and Uylsses G. Morando under Pisinemo**
12 **District, their names was submitted for the first per capita payment but only eligible**
13 **for the Second Per Capita and no payments have been made to any members under**
14 **Resolution No. 08-647; and**

15 **WHEREAS, the Enrollment Office has filed with the Tohono O'odham Legislative Council a**
16 **Certification of Eligible Members listing 35 adult members who are eligible for**
17 **receipt of the Initial Per Capita Distribution; and**

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

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

22 **1. The Tohono O'odham Legislative Council hereby amends Resolution No. 08-647**
23 **to delete John E. Antone Sr. of Baboquivari District and Uylsses G. Morando of**
24 **Pisinemo District accepts and approves the Certification of Eligible Members in**
25 **the form attached hereto.**

26 **2. The Tohono O'odham Legislative Council authorizes (a) the transfer of the sum of**
27 **\$70,000.00 from the Per Capita Account to the special checking account**
28 **established at Bank of America (the Per Capita Checking Account); and (b) upon**
29 **the authorized signature of the Nation, issuance of a check on the Per Capita**
30 **Checking Account in the amount of (I) \$2,000.00 to each Eligible Member residing**

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- 1 in the United States and listed in the attached Certification of Eligible Members,
2 and (ii) \$1,400.00 to each Eligible Member residing outside the United States and
3 listed in the attached Certification, with the balance of \$600.00 withheld and
4 remitted to the Internal Revenue Service pursuant to the requirements of federal
5 law.
- 6 3. The Chairman of the Nation is authorized to execute such other documents as
7 may be necessary to implement this Resolution.

8 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 01ST. Day
9 of **DECEMBER, 2008** at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0-
10 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
11 Section 1 (d)(2) and (3) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by
12 the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
13 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
14 18, 1934 (48 Stat. 984).

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16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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19 Felicia Nunez for
20 **Verlon M. Jose, Legislative Chairman**

21
22 1st day of December, 2008

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24 **ATTEST:**

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27 Lucille Lopez
28 **Lucille Lopez, Acting Legislative Secretary**

29
30 01 day of December, 2008.

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32 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
33 Nation on the 1st day of December, 2008 at 3:59 o'clock, P.M.,
34 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
35 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
36 submittal.

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38 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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41 Felicia Nunez for
42 **Verlon M. Jose, Legislative Chairman**

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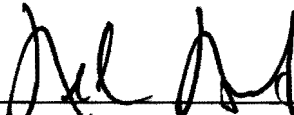
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APPROVED

on the 2nd day of December, 2008

DISAPPROVED

at 12:15 o'clock, P.M.



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

Returned to the Legislative Secretary on the 02 day of

December, 2008, at 12:30 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: AMENDING RESOLUTION NO. 08-647, "ACCEPTING CERTIFICATION OF ELIGIBLE MEMBERS AND AUTHORIZING THE INITIAL EXPENDITURE OF FUNDS FOR PER CAPITA PAYMENTS UNDER THE INITIATIVE"

MOVED: COUNCILWOMAN PHYLLIS CACHORA

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: DECEMBER 01, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			X
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	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			X
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. RAYMOND VICTOR ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	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			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Fredrick 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			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[03]

**PASSED VOTES