

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Resolution No. 08-648, "Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for Per Capita Payments under the Second Per Capita Plan")

RESOLUTION NO. 08-689

- 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, Resolution No. 08-648 contained an error with respect to listed member John E.**
21 **Antone Sr. under Baboquivari District and Uylsses G. Morando under Pisinemo**
22 **District their names were omitted from the second payment listing and no payments**
23 **have been made to any members under Resolution No, 06-648; and**
- 24 **WHEREAS, as required by the Second Per Capita Plan the Enrollment Office has filed a**
25 **certification of Eligible Members listing 48 adult eligible Members who are eligible**
26 **for receipt of a per capita payment under the terms of the Second Per Capita Plan and**
27 **the applicable laws of the United States and the Nation.**
- 28 **NOW, THEREFORE, BE IT RESOLVED THAT:**
- 29 **1. The Tohono O'odham Legislative Council hereby amends Resolution No. 08-648**

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Page 2 of 3

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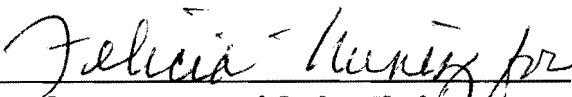
to include John E. Antone Sr. of Baboquivari District and Uylsses G. Morando of Pisinemo District to the Second Per Capita Listing and accepts and approves the certification of Eligible Members in the form attached hereto.

2. The Tohono O'odham Legislative Council authorizes (a) the transfer of the sum of \$96,000.00 from the Per Capita #2 Trust Account to Per Capita #2 checking account established at Bank of America (the Per Capita Checking Account) and (b) 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 01ST Day of DECEMBER, 2008 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST; -0- NOT VOTING; and [03] 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
1st day of December, 2008

ATTEST:



Lucille Lopez, Acting Legislative Secretary

01 day of December, 2008.

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Page 3 of 3

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 1st day of December, 2008 at 3:59 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 Muniz for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 2nd day of December, 2008

DISAPPROVED

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

Neil Norris, Jr.
NEIL NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 12 day of

December, 2008, at 12:36 o'clock, P.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: AMENDING RESOLUTION NO. 08-648, "ACCEPTING CERTIFICATION OF ELIGIBLE MEMBERS AND AUTHORIZING THE INITIAL EXPENDITURE OF FUNDS FOR PER CAPITA PAYMENTS UNDER THE SECOND PER CAPITA PLAN"

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			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	158.45	X			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 (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			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[03]

**PASSED VOTES