

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving the "Monthly Age 18 Report" listing of Tohono O'odham Eligible Minor  
members and authorizing commencement of payment of the Third Per Capita  
Payment held on their behalf by Wells Fargo Bank)**

**RESOLUTION NO. 09-174**

1 **WHEREAS, on June 28, 1997, the Nation's voters approved Initiative No. IN-01-97, the "Tohono**  
2 **O'odham Voice in the Use of Gaming Revenues" ("Initiative"), which authorizes per**  
3 **capita payments to the Nation's members provided that sufficient gaming revenues**  
4 **are available; and**

5 **WHEREAS, the Ordinance for the Regulation of Gaming Activities within the Tohono O'odham**  
6 **Nation ("Gaming Ordinance") was subsequently amended to authorize per capita**  
7 **distribution payments in accordance with the Initiative (Legislative Council**  
8 **Resolution No. 97-303); and**

9 **WHEREAS, in 2006 it was determined that sufficient gaming revenues were available to permit the**  
10 **Nation to provide a per capita payment in accordance with the Initiative; and**

11 **WHEREAS, the Legislative Council did adopt the Third Per Capita Revenue Allocation Plan**  
12 **("Plan") pursuant to Legislative Council Resolution No. 06-307, which authorized a**  
13 **third per capita payment for the Nation subject to the review by the appropriate**  
14 **Bureau of Indian Affairs official, as required by federal regulation; and**

15 **WHEREAS, the appropriate Bureau of Indian Affairs official, the Acting Deputy Assistant Secretary**  
16 **for Policy and Economic Development, did determine that the Plan complied with the**  
17 **Indian Gaming Regulatory Act and did approve the Third Per Capita Revenue**  
18 **Allocation Plan (the "Plan") on July 28, 2006; and**

19 **WHEREAS, the Plan incorporated a Trust Agreement (the "Trust Agreement") with Wells Fargo**  
20 **Bank that would be established to protect the interests of minors and legally**  
21 **incompetent persons (the "Beneficiaries") entitled to receive per capita payments; and**

22 **WHEREAS, the Trust Agreement provided that monthly the Nation's Enrollment Office shall**  
23 **prepare a listing of Beneficiaries who have attained the age of eighteen, which shall**  
24 **be called the "Monthly Age 18 Report", and which shall subsequently be approved by**  
25 **the Legislative Council thereby authorizing commencement of payments to identified**  
26 **Beneficiaries; and**

27 **WHEREAS, on September 18, 2006, through Resolution No. 06-628, the Legislative Council**  
28 **authorized the transfer of funds to Wells Fargo Bank of the amounts necessary to**  
29 **cover the interests of 9,282 identified Beneficiaries; and**

**RESOLUTION NO. 09-174**

**(Approving the "Monthly Age 18 Report" listing of Tohono O'odham Eligible Minor members and authorizing commencement of payment of the Third Per Capita Payment held on their behalf by Wells Fargo Bank)  
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1 **WHEREAS, the Enrollment Office has determined that, for the period of February 24, 2009 through**  
2 **April 07, 2009 or the Monthly Age 18 Report for the months of February 2009 through**  
3 **April 2009, 49 minors have reached the age of 18 and are no longer restricted from**  
4 **receiving their per capita payments; and**

5 **WHEREAS, the Enrollment Office verifies the listing of Beneficiaries who have reached age 18 and**  
6 **were certified on the Master Minor Listing approved by Legislative Council Resolution**  
7 **No. 06-627.**

8 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**  
9 **Monthly Age 18 Report for the month's of February 2009 through April 2009, which is**  
10 **a listing of 49 minors who have reached the age of 18 and are no longer restricted**  
11 **Beneficiaries, and who are thus eligible for commencement of payments from Wells**  
12 **Fargo Bank of the amounts held in trust for the identified Beneficiaries.**

13 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes Wells Fargo**  
14 **Bank to commence payments to the 49 non-restricted Beneficiaries identified in the**  
15 **February 2009 through April 2009 Monthly Age 18 Report.**


16 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13<sup>TH</sup>. Day**  
17 **of APRIL, 2009 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST;**  
18 **-0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2)**  
19 **and (3) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**  
20 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
21 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
22 **Stat. 984).**

23  
24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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28 **Verlon M. Jose, Legislative Chairman**

29  
30 15<sup>th</sup> day of April, 2009

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32 **ATTEST:**

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35 \_\_\_\_\_  
36 **Evonne Wilson, Legislative Secretary**

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38 13<sup>th</sup> day of April, 2009.  
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**RESOLUTION NO. 09-174**

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 15<sup>th</sup> day of April, 2009 at 5:31 o'clock, a.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 Nunez for  
**Verlon M. Jose, Legislative Chairman**

**APPROVED** on the 15 day of April, 2009  
 **DISAPPROVED** at 1:05 o'clock, 1.M.

Ned Morris, Jr.  
**NED MORRIS, JR., CHAIRMAN**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 15 day of April, 2009, at 3:07 o'clock, P.M.

Evonne Wilson  
**Evonne Wilson, Legislative Secretary**

**ACTION: APPROVING THE "MONTHLY AGE 18 REPORT" LISTING OF TOHONO O'ODHAM ELIGIBLE MINOR MEMBERS AND AUTHORIZING COMMENCEMENT OF PAYMENT OF THE THIRD PER CAPITA PAYMENT HELD ON THEIR BEHALF BY WELLS FARGO BANK**

**MOVED: COUNCILWOMAN LORRAINE EILER**

**SECOND: COUNCILWOMAN PHYLLIS CACHORA**

**DATE: APRIL 13, 2009**

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 ( <i>Absent</i> ) (Vernon Smith) ( <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			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. RAYMOND VICTOR ( )	99.60	X			X
<b>HICKIWAN</b> <b>172.0</b>	1. MICHELLE ORTEGA ( )	86.00	X			X
	2. SANDRA ORTEGA (Louie Lopez)	86.00	X			
<b>PISINEMO</b> <b>182.4</b>	1. CHESTER ANTONE (Tony Murrietta)	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 (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			X
<b>SCHUK TOAK</b> <b>154.6</b>	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			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>[05]</b>

**\*\*PASSED VOTES**