

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing Establishment of a Checking Account at Bank of America for Fourth**  
**Per Capita Distribution)**

RESOLUTION NO. 09-399

1 WHEREAS, Tohono O'odham Nation voters approved Initiative IN-97-01, the "Tohono O'odham  
2 Voice in the Use of Gaming Revenues" ("Initiative"), which authorizes per capita  
3 payouts to the Nation's members provided that sufficient gaming revenues are  
4 available; and

5 WHEREAS, sufficient net gaming revenue within the Nation's Savings Account are available to  
6 make per capita distributions for the Fourth Per Capita Payout; and

7 WHEREAS, under the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., Indian tribes may use  
8 net revenues from class II and class III gaming activities to make per capita payments  
9 only if, prior to distribution, a tribal revenue allocation plan is submitted to and  
10 approved by the Secretary of the Interior (25 U.S.C. § 2710(b)(3); 25 C.F.R. Part 290); and

11 WHEREAS, by Resolution No. 09-164, the Tohono O'odham Legislative Council adopted the  
12 Tohono O'odham Nation Revenue Allocation Plan to govern the Fourth Per Capita  
13 Distribution and future gaming revenue per capita distributions; and

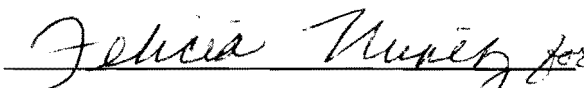
14 WHEREAS, the Nation's Chairman received written notification from the Department of the  
15 Interior on June 15, 2009 that the Nation's Revenue Allocation Plan had been  
16 approved; and

17 WHEREAS, the Budget and Finance Committee reviewed and recommended the establishment  
18 of a checking account at Bank of America for the Fourth Per Capita Distribution.

19 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it approves  
20 and authorizes the Office of the Treasurer to establish a checking account at Bank of  
21 America for the Nation's Fourth Per Capita Distribution, pursuant to the terms of the  
22 Nation's Revenue Allocation Plan.

23 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 8<sup>TH</sup>. Day  
24 of JULY, 2009 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0- AGAINST;  
25 -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI  
26 Section 1 (d)(2) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono  
27 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
28 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
29 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
Verlon M. Jose, Legislative Chairman  
10<sup>th</sup> day of July, 2009

**RESOLUTION NO. 09-399**

**(Authorizing Establishment of a Checking Account at Bank of America for Fourth Per Capita Distribution)**

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1 **ATTEST:**

2 *Evonne Wilson*

3  
4 **Evonne Wilson, Legislative Secretary**

5 8 day of July, 2009.

6  
7 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**  
8 **Nation on the 10<sup>th</sup> day of July, 2009 at 4:07 o'clock, P.M.,**  
9 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**  
10 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**  
11 **submittal.**

12 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

13 *Felicia Nunez for*  
14 **Verlon M. Jose, Legislative Chairman**

15  
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19  **APPROVED**

on the 10<sup>th</sup> day of July, 2009

20  
21  **DISAPPROVED**

at 5:14 o'clock, P.M.

22 *Ned Norris, Jr.*  
23  
24 **NED NORRIS, JR., CHAIRMAN**  
25 **TOHONO O'ODHAM NATION**

26  
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28  
29 **Returned to the Legislative Secretary on the 10 day of**

30 *July*, 2009, at 5:19 o'clock, P.M.

31 *Evonne Wilson*  
32  
33  
34 **Evonne Wilson, Legislative Secretary**

**ACTION: AUTHORIZING ESTABLISHMENT OF A CHECKING ACCOUNT AT BANK OF AMERICA FOR FOURTH PER CAPITA DISTRIBUTION**

**Moved: COUNCILWOMAN EVELYN JUAN MANUEL**

**SECOND: COUNCILWOMAN KIMBERLY LISTO**

**DATE: JULY 08, 2009**

| DISTRICT                           | LEGISLATIVE REPRESENTATIVES  | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|------------------------------------|--|------------|-----|---------|------------|--------|
| <b>SIF Oidak</b><br><b>198.7</b>   | 1. WAVALENE ROMERO<br>(Nicholas Jose)                                  | 99.35      | X   |         |            | X      |
|                                    | 2. MARY LOPEZ<br>( )   | 99.35      | X   |         |            |        |
| <b>SELLS</b><br><b>449.6</b>       | 1. KIMBERLY LISTO<br>( )   | 224.80     | X   |         |            |        |
|                                    | 2. EVELYN B. JUAN MANUEL<br>( )  | 224.80     | X   |         |            |        |
| <b>SCHUK TOAK</b><br><b>159.0</b>  | 1. FRANCES B. CONDE<br>(Fredrick Jose)                                 | 79.50      | X   |         |            |        |
|                                    | 2. LINDA PARLEY<br>(Agnes Joaquin)                                     | 79.50      | X   |         |            |        |
| <b>SAN XAVIER</b><br><b>204.7</b>  | 1. FELICIA NUÑEZ<br>( )  | 102.35     | X   |         |            |        |
|                                    | 2. OLIVIA VILLEGAS-LISTON<br>(Eugene Enis)                             | 102.35     | X   |         |            |        |
| <b>SAN LUCY</b><br><b>187.1</b>    | 1. LORRAINE EILER<br>(Charlotte Cadavas)                               | 93.55      | X   |         |            | X      |
|                                    | 2. GLORIA RAMIREZ<br>( )   | 93.55      | X   |         |            |        |
| <b>PISINEMO</b><br><b>184.5</b>    | 1. CHESTER ANTONE <i>(Absent)</i><br>(Tony Murrietta) <i>(Present)</i> | 92.25      | X   |         |            |        |
|                                    | 2. EDWARD MANUEL<br>(Gerald Fayuant)                                   | 92.25      | X   |         |            |        |
| <b>HICKIWAN</b><br><b>174.5</b>    | 1. MICHELLE ORTEGA<br>( )  | 87.25      | X   |         |            |        |
|                                    | 2. SANDRA ORTEGA<br>( )  | 87.25      | X   |         |            |        |
| <b>GU VO</b><br><b>206.3</b>       | 1. GRACE MANUEL<br>( )   | 103.15     | X   |         |            |        |
|                                    | 2. PAMELA ANGHILL<br>(Angela Ortiz)                                    | 103.15     | X   |         |            |        |
| <b>GU ACHI</b><br><b>230.1</b>     | 1. TIMOTHY L. JOAQUIN<br>( )   | 115.05     | X   |         |            |        |
|                                    | 2. CYNTHIA E. MANUEL<br>( )  | 115.05     | X   |         |            |        |
| <b>CHUKUT KUK</b><br><b>277.0</b>  | 1. ETHEL GARCIA<br>(Sara Mae Williams)                                 | 138.50     | X   |         |            |        |
|                                    | 2. VERLON M. JOSE<br>( )   | 138.50     | X   |         |            |        |
| <b>BABOQUIVARI</b><br><b>324.0</b> | 1. FRANCES MIGUEL <i>(Absent)</i><br>(Roberta Harvey) <i>(Present)</i> | 162.0      | X   |         |            |        |
|                                    | 2. FRANCES G. ANTONE<br>( )  | 162.0      | X   |         |            |        |