

**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. 10-023**

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 61 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**  
28           **of \$122,000.00 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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1                   upon the authorized signature of the Nation, issuance of a check on the Per Capita  
2                   Checking Account in the amount of (i) \$2,000.00 to each Eligible Member residing  
3                   in the United States and listed in the attached Certification of Eligible Members  
4                   and (ii) \$1,400.00 to each Eligible Member residing outside the United States and  
5                   listed in the attached certification, with the balance of \$600.00 withheld and  
6                   remitted to the Internal Revenue Service pursuant to the requirements of federal  
7                   law.

8                   3. The Chairman of the Nation is authorized to execute such other documents as  
9                   may be necessary to implement this Resolution.

10                   The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08<sup>TH</sup> Day  
11                   of FEBRUARY, 2010 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-  
12                   AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section  
13                   1 (d)(2) and (3) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the  
14                   Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
15                   Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June  
16                   18, 1934 (48 Stat. 984).

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18                   TOHONO O'ODHAM LEGISLATIVE COUNCIL

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21                   *Felicia Tuney for*  
22                   Verlon M. Jose, Legislative Chairman

23  
24                   10<sup>th</sup> day of February, 2010

25  
26                   ATTEST:

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28                   *Evonne Wilson*  
29                   \_\_\_\_\_  
30                   Evonne Wilson, Legislative Secretary

31                   10 day of February, 2010.

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34                   Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham  
35                   Nation on the 10<sup>th</sup> day of February, 2010 at 5:03 o'clock, P.M.,  
36                   pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
37                   upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
38                   submittal.

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

Felicia Murray for  
**Verlon M. Jose, Legislative Chairman**

**APPROVED**

on the 11 day of February, 2010

**DISAPPROVED**

at 11:40 o'clock, a.M.

Ned Norris, Jr.  
**NED NORRIS, JR., CHAIRMAN**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 11 day of

February, 2010, at 12:12 o'clock, p.M.

Evonne Wilson  
**Evonne Wilson, 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 KIMBERLY LISTO**

**SECOND: COUNCILWOMAN EVELYN JUAN MANUEL**

**DATE: FEBRUARY 08, 2010**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>198.7</b>	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ( )	99.35	X			
<b>SELLS</b> <b>449.6</b>	1. KIMBERLY LISTO ( )	224.80	X			
	2. EVELYN B. JUAN MANUEL ( )	224.80	X			
<b>SCHUK TOAK</b> <b>159.0</b>	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
<b>SAN XAVIER</b> <b>204.7</b>	1. FELICIA NUÑEZ ( )	102.35	X			
	2. OLIVIA VILLEGAS-LISTON <i>(Absent)</i> (Eugene Enis) <i>(Present)</i>	102.35	X			
<b>SAN LUCY</b> <b>187.1</b>	1. LORRAINE EILER ( )	93.55	X			
	2. GLORIA RAMIREZ ( )	93.55	X			
<b>PISINEMO</b> <b>184.5</b>	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
<b>HICKIWAN</b> <b>174.5</b>	1. MICHELLE ORTEGA ( )	87.25	X			
	2. SANDRA ORTEGA ( )	87.25	X			X
<b>GU VO</b> <b>206.3</b>	1. GRACE MANUEL ( )	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			X
<b>GU ACHI</b> <b>230.1</b>	1. TIMOTHY L. JOAQUIN ( )	115.05	X			
	2. CYNTHIA E. MANUEL ( )	115.05	X			
<b>CHUKUT KUK</b> <b>277.0</b>	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ( )	138.50	X			
<b>BABOQUIVARI</b> <b>324.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
<b>TOTAL</b>		<b>2,595.50</b>	<b>2,595.50</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>