

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Accepting Certification of Eligible Members and Authorizing Distribution of Interest
Income Due under the Initiative and Second Per Capita Plans)

RESOLUTION NO. 10-055

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 Nation**
5 **enrolled on June 28, 1997; and**

6 **WHEREAS, pursuant to Resolution No. 97-451, the Tohono O'odham Legislative Council (the**
7 **"Legislative Council") adopted an Initiative Funding and Implementation Plan which**
8 **authorized the establishment of set-aside accounts for the Initial Per Capita**
9 **Distribution; and**

10 **WHEREAS, pursuant to Resolution No. 2000-269 and 2000-472, the Legislative Council adopted (1)**
11 **a Second Initiative Funding and Implementation Plan, (2) a Second Revenue Allocation**
12 **Plan (the "Second Per Capita") wherein each eligible member is entitled to receive a**
13 **per capita payment of \$2,000.00; and**

14 **WHEREAS, the funds for eligible minor members from the Initiative and Second Per Capita were**
15 **set aside and earned interest for the period from December 1997 to December 2009**
16 **for the Initiative and for the period from November 2000 to December 2009 for the**
17 **Second Per Capita; and**

18 **WHEREAS, the minor members eligible for the Initiative and Second Per Capita were certified**
19 **upon reaching age 18 years old and were paid \$2,000.00 without interest earned; and**

20 **WHEREAS, the Nation's Treasurer calculated interest due to the minor members eligible for the**
21 **Initiative and Second Per Capita herein attached; and**

22 **WHEREAS, the Nation engaged Eide Bailly ("Auditors") to conduct a review of the Minors' Initiative**
23 **and Second Per Capita eligibility determination, distributions; and interest**
24 **calculation; and**

25 **WHEREAS, the Auditors have completed the Agreed Upon Procedures Report for the Initiative and**
26 **Second Per Capita; and**

27 **WHEREAS, pursuant to Resolution No. 09-506 the Nation accepted the Agreed Upon Procedures**
28 **Report and updated the report through December 2009.**

29

30

RESOLUTION NO. 10-055

(Accepting Certification of Eligible Members and Authorizing Distribution of Interest Income Due under the Initiative and Second Per Capita Plans)

Page 2 of 3

1 **NOW, THEREFORE, BE IT RESOLVED that:**

- 2 **1. The Tohono O'odham Legislative Council accepts and approves the certification**
3 **of Eligible Members listed on the interest calculation attached hereto.**
- 4 **2. The Tohono O'odham Legislative Council authorizes (a) the transfer of the**
5 **principal and interest income funds due to each eligible minor member to Wells**
6 **Fargo Bank until the eligible member reaches the age of 18 years old and (b)**
7 **distribution of interest income funds due to each eligible minor who has reached**
8 **the age of 18 years old for the Initiative and Second Per Capita Plans.**

9 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Chairman**
10 **and Vice-Chairman of the Nation to executive such other documents as may be**
11 **necessary to implement this Resolution.**

12 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH. Day**
13 **of FEBRUARY, 2010 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-**
14 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article**
15 **VI, Section 1 (d)(2) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
16 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
17 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
18 **Stat. 984).**

19
20 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

21
22
23 *Felicio Muniz for*
24 **Verlon M. Jose, Legislative Chairman**
25
26 *18th* day of *February*, 2010
27

28 **ATTEST:**

29 *Evonne Wilson*
30
31 **Evonne Wilson, Legislative Secretary**

32
33 *17* day of *January*, 2010.
34

35 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
36 **Nation on the 18th day of February, 2010 at 10:02 o'clock, a .M.,**
37 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
38 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
39 **submittal.**

40
41
42
43

RESOLUTION NO. 10-055

(Accepting Certification of Eligible Members and Authorizing Distribution of Interest Income Due under the Initiative and Second Per Capita Plans)

Page 3 of 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia M. Jose
Verlon M. Jose, Legislative Chairman

APPROVED

on the 18 day of February, 2010

DISAPPROVED

at 3:06 o'clock, P.M.

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

Returned to the Legislative Secretary on the 18 day of

February, 2010, at 3:33 o'clock, P.M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: ACCEPTING CERTIFICATION OF ELIGIBLE MEMBERS AND AUTHORIZING DISTRIBUTION OF INTEREST INCOME DUE UNDER THE INITIATIVE AND SECOND PER CAPITA PLANS

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: FEBRUARY 12, 2010

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|-----------------------------|-------------------------------------------------------------------------|-----------------|-----------------|------------|------------|-------------|
| SIF Oidak 198.7 | 1. WAVALENE ROMERO (Nicholas Jose) | 99.35 | X | | | |
| | 2. MARY LOPEZ () | 99.35 | X | | | |
| SELLS 449.6 | 1. KIMBERLY LISTO () | 224.80 | X | | | |
| | 2. EVELYN B. JUAN MANUEL () | 224.80 | X | | | |
| SCHUK TOAK 159.0 | 1. FRANCES B. CONDE (Fredrick Jose) | 79.50 | X | | | |
| | 2. LINDA PARLEY (Agnes Joaquin) | 79.50 | X | | | |
| SAN XAVIER 204.7 | 1. FELICIA NUÑEZ () | 102.35 | X | | | |
| | 2. OLIVIA VILLEGAS-LISTON (Eugene Enis) | 102.35 | X | | | |
| SAN LUCY 187.1 | 1. LORRAINE EILER () | 93.55 | X | | | |
| | 2. GLORIA RAMIREZ () | 93.55 | X | | | |
| PISINEMO 184.5 | 1. CHESTER ANTONE (Tony Murrietta) | 92.25 | X | | | |
| | 2. EDWARD MANUEL (Gerald Fayuant) | 92.25 | X | | | |
| HICKIWAN 174.5 | 1. MICHELLE ORTEGA () | 87.25 | X | | | |
| | 2. SANDRA ORTEGA () | 87.25 | X | | | X |
| GU VO 206.3 | 1. GRACE MANUEL () | 103.15 | X | | | |
| | 2. PAMELA ANGHILL (<i>Absent</i>) (Angela Ortiz)(<i>Present</i>) | 103.15 | X | | | |
| GU ACHI 230.1 | 1. TIMOTHY L. JOAQUIN () | 115.05 | X | | | |
| | 2. CYNTHIA E. MANUEL () | 115.05 | X | | | |
| CHUKUT KUK 277.0 | 1. ETHEL GARCIA (Sara Mae Williams) | 138.50 | X | | | |
| | 2. VERLON M. JOSE () | 138.50 | X | | | |
| BABOQUIVARI 324.0 | 1. FRANCES MIGUEL (Roberta Harvey) | 162.0 | X | | | |
| | 2. FRANCES G. ANTONE (Vernon Smith) | 162.0 | X | | | |
| TOTAL | | 2,595.50 | 2,595.50 | -0- | -0- | [01] |