

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving to Add 2 Members to the List of Members Eligible to Receive Interest and Authorizing
Distribution of Interest Income Due under the Initiative and Second Per Capita Plans)

RESOLUTION NO. 10-161

- 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; and**

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Page 2 of 3

1 **WHEREAS, the Enrollment Program has identified 2 eligible adult members who were left off the**
2 **list of members eligible for interest as was approved by Tohono O'odham Legislative**
3 **Council Resolution 10-055; and**

4 **WHEREAS, the calculation of interest due is based on the date of birth and when the initial per**
5 **capita payments were distributed to each member.**

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

- 7 **1) The Tohono O'odham Legislative Council accepts and approves to add the 2**
8 **eligible members whose names were left off the list of members eligible for**
9 **interest and such names to be incorporated into the master list of members**
10 **eligible to received interest earned from the initiative and second per capita**
11 **distributions.**
- 12 **2) The Tohono O'odham Legislative Council authorizes distribution of interest**
13 **income funds due to each eligible minor who has reached the age of 18 years old**
14 **for the Initiative and Second Per Capita Plans in the amounts attached hereto.**

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

18 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH Day**
19 **of MAY, 2010 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0- AGAINST;**
20 **-0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article VI,**
21 **Section 1 (d)(2) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham**
22 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
23 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

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31 12th day of May, 2010
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Page 3 of 3

1 **ATTEST:**

2 *Wanmelli*
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4 **Evonne Wilson, Legislative Secretary**

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6 11 day of May, 2010.

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8 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
9 **Nation on the 12th day of May, 2010 at 5:19 o'clock, P.M.,**
10 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
11 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
12 **submittal.**

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15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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17 *Felicia Nunez for*
18 **Verlon M. Jose, Legislative Chairman**

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26 **APPROVED**

on the 13th day of May, 2010

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28 **DISAPPROVED**

at 4:19 o'clock, P.M.

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

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38 **Returned to the Legislative Secretary on the 13 day of**

39 May, 2010, at 4:34 o'clock, P.M.

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41 *Wanmelli*
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44 **Evonne Wilson, Legislative Secretary**

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ACTION: APPROVING TO ADD 2 MEMBERS TO THE LIST OF MEMBERS ELIGIBLE TO RECEIVE INTEREST AND AUTHORIZING DISTRIBUTION OF INTEREST INCOME DUE UNDER THE INITIATIVE AND SECOND PER CAPITA PLANS

MOVED: COUNCILWOMAN LORRAINE EILER

SECOND: COUNCILWOMAN MARY LOPEZ

DATE: MAY 10, 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 | | | X |
| PISINEMO 184.5 | 1. CHESTER ANTONE (Tony Murrietta) | 92.25 | X | | | |
| | 2. EDWARD MANUEL (Gerald Fayuant) | 92.25 | X | | | X |
| HICKIWAN 174.5 | 1. MICHELLE ORTEGA () | 87.25 | X | | | |
| | 2. SANDRA ORTEGA () | 87.25 | X | | | |
| GU VO 206.3 | 1. GRACE MANUEL () | 103.15 | X | | | 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 | | | X |
| | 2. FRANCES G. ANTONE (Vernon Smith) | 162.0 | X | | | |
| TOTAL | | 2,595.50 | 2,595.50 | -0- | -0- | [04] |