

**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 Initiative)**

**RESOLUTION NO. 10-339**

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**  
5 **Nation enrolled on June 28, 1997 (the Initial Per Capita Distribution); and**

6 **WHEREAS, pursuant to Resolution No. 97-451, the Tohono O'odham Legislative Council adopted**  
7 **an Initiative Funding and Implementation Plan (the FIP) which authorized the**  
8 **establishment of set-aside accounts for the Initial Per Capita Distribution and other**  
9 **Initiative measures, and set certain conditions on the expenditure of funds from such**  
10 **accounts; and**

11 **WHEREAS, pursuant to Resolution No. 97-478, the Tohono O'odham Legislative Council approved**  
12 **the transfer of funds from the Desert Diamond Savings Account to certain designated**  
13 **set-aside accounts established at Bank of America, including the sum of \$41.5 million**  
14 **to a set-aside for the Initial Per Capita Distribution (the Per Capita Account); and**

15 **WHEREAS, three of the conditions to expenditure of the Per Capita Account specified in the FIP**  
16 **are (1) approval by the Secretary of the Interior of a Per Capita Distribution plan (the**  
17 **Revenue Allocation Plan) pursuant to the requirements of the Indian Gaming**  
18 **Regulatory Act, 25 U.S.C. §2710 (b) (3); (2) acceptance by the Tohono O'odham**  
19 **Legislative Council of a Certification of Eligible Members submitted by the**  
20 **Enrollment Office and based upon receipt of a properly completed and filed**  
21 **Certificate of Eligibility Verification for a Per Capita Payment for each member; and**  
22 **(3) as to each Minor Eligible Member, establishment of a restricted account at Bank**  
23 **of America for the deposit of such Member's Per Capita Payment; and**

24 **WHEREAS, pursuant to Resolution No. 97-452, the Tohono O'odham Legislative Council adopted**  
25 **a Revenue Allocation Plan and caused the Plan to be submitted for approval by the**  
26 **Phoenix Area Office of the Bureau of Indian Affairs in accordance with authority**  
27 **delegated to the Area Office by the Secretary of the Interior; and**

28 **WHEREAS, by letter dated December 18, 1997 the Area Office approved the Revenue Allocation**  
29 **Plan with respect to the Initial Per Capita Distribution and disapproved the Plan with**  
30 **respect to the Biennial Per Capita Payments; and**

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1 **WHEREAS, pursuant to Resolution No. 2000-472 the FIP was amended by Amendment No. 1 and**  
2 **further amended by Amendment 2; and Amendment No. 2 requires an Agreement**  
3 **with a reputable financial institution for the establishment of restricted accounts for**  
4 **Minor Eligible Members; and**

5 **WHEREAS, an Agreement has been negotiated with Wells Fargo for the establishment of**  
6 **restricted accounts for Minor Eligible Members; and**

7 **WHEREAS, the Tohono O'odham Legislative Council has accepted and approved Certifications**  
8 **of Eligible Members for the Initial Per Capita Distribution, and disbursements have**  
9 **been made to such Members; and**

10 **WHEREAS, the Enrollment Office has filed with the Tohono O'odham Legislative Council a**  
11 **Certification of Eligible Members listing 21 adult members who are eligible for**  
12 **receipt of the Initial Per Capita Distribution; and**

13 **WHEREAS, all conditions under the applicable laws of the United States and the Nation have**  
14 **been satisfied to permit the disbursement of the Initial Per Capita Distribution to the**  
15 **Members listed in the Certification of Eligible Members.**

16 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 17 **1. The Tohono O'odham Legislative Council hereby accepts and approves the**  
18 **Certification of Eligible Members, in the form attached hereto.**
- 19 **2. The Tohono O'odham Legislative Council authorizes Wells Fargo Bank to**  
20 **commence the payments of principal and investment income earned to the**  
21 **eligible members identified in the form attached hereto as they are no longer**  
22 **restricted beneficiaries.**
- 23 **3. The Chairman of the Nation is authorized to execute such other documents as**  
24 **may be necessary to implement this Resolution.**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 03<sup>RD</sup> Day**  
26 **of AUGUST, 2010 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-**  
27 **AGAINST; -01- NOT VOTING; and[02] ABSENT, pursuant to the powers vested in the Council by**  
28 **Section 1 (d)(2) and (3) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by**  
29 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
30 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
31 **18, 1934 (48 Stat. 984).**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

Verlon Jose  
Verlon M. Jose, Legislative Chairman

5 day of August, 2010

**ATTEST:**

Evonne Wilson  
Evonne Wilson, Legislative Secretary

4 day of August, 2010.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 5 day of August, 2010 at 1:43 o'clock, P..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**

Verlon Jose  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 06 day of August, 2010

DISAPPROVED

at 12:04 o'clock, P..M.

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

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Returned to the Legislative Secretary on the 6 day of

August, 2010, at 4:09 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 INITIATIVE**

**MOVED: COUNCILWOMAN LORRAINE EILER**

**SECOND: COUNCILWOMAN MARY LOPEZ**

**DATE: AUGUST 03, 2010**

| 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 ( <i>Absent</i> )<br>(Eugene Enis) ( <i>Present</i> ) | 102.35          | X               |            |             |             |
| <b>SAN LUCY</b><br><b>187.1</b>    | 1. LORRAINE EILER<br>( )  | 93.55           | X               |            |             |             |
|                                    | 2. GLORIA RAMIREZ<br>( )  | 93.55           | X               |            |             |             |
| <b>PISINEMO</b><br><b>184.5</b>    | 1. CHESTER ANTONE<br>(Tony Murrietta)   | 92.25           | X               |            |             |             |
|                                    | 2. EDWARD MANUEL<br>(Gerald Fayuant)  | 92.25           | X               |            | 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               |            |             | X           |
| <b>BABOQUIVARI</b><br><b>324.0</b> | 1. FRANCES MIGUEL<br>(Roberta Harvey)   | 162.0           | X               |            |             |             |
|                                    | 2. FRANCES G. ANTONE<br>(Vernon Smith)  | 162.0           | X               |            |             |             |
| <b>TOTAL</b>                       |   | <b>2,595.50</b> | <b>2,595.50</b> | <b>-0-</b> | <b>-01-</b> | <b>[02]</b> |