

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Accepting Certification of Eligible Adult Members and Authorizing the Initial**  
**Expenditure of Funds for Per Capita Payments under the Initiative)**

**RESOLUTION NO. 10-345**

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

4 **WHEREAS, the Enrollment Office has filed with the Tohono O'odham Legislative Council a**  
5 **Certification of Eligible Adult Members listing 02 adult members who are eligible for**  
6 **receipt of the Initial Per Capita Distribution; and**

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

10 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby:**

- 11 **1. Accepts and approves the Certification Listing for 02 Eligible Adult Members for**  
12 **the Initiative Per Capita listing payout distribution.**
- 13 **2. Authorizes (a) the transfer of \$4,000.00 from the Initiative Per Capita Investmetn**  
14 **Account to the Initiative Per Capita Checking Account established at Bank of**  
15 **America; and (b) upon the authorized signature of the Nation, issuance of a check**  
16 **on the Initiative Per Capita Checking Account in the amount of (i) \$2,000.00 to**  
17 **each Eligible Member residing in the United States and listed in the Certification**  
18 **Listing of Eligible Members and (ii) \$1,400.00 to each Eligible Member residing**  
19 **outside the United States and listed in the Certification Listing of Eligible**  
20 **Members, with the Balance of \$600.00 withheld and remitted to the Internal**  
21 **Revenue Service pursuant to the requirements of federal law.**
- 22 **3. Authorized the Chairman of the Nation to execute such other documents as may**  
23 **be necessary to implement this Resolution.**

24 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the disbursement of**  
25 **funds to each additional eligible adult Tohono O'odham member is contingent upon**  
26 **verification of a member by the Enrollment Program and further certification of**  
27 **additional eligible adult members by the Tohono O'odham Legislative Council.**

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1 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 03<sup>RD</sup> Day  
2 of AUGUST, 2010 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-  
3 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by  
4 Section 1 (d)(2) and (3) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by  
5 the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
6 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June  
7 18, 1934 (48 Stat. 984).  
8

9 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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12 \_\_\_\_\_  
13 Verlon M. Jose, Legislative Chairman

14  
15 5 day of August, 2010  
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17 ATTEST:

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20 \_\_\_\_\_  
21 Evonne Wilson, Legislative Secretary

22  
23 4 day of August, 2010.  
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25 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham  
26 Nation on the 5 day of August, 2010 at 1:46 o'clock, P..M.,  
27 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
28 upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
29 submittal.  
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31 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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35 Verlon M. Jose, Legislative Chairman

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40  APPROVED

on the 06 day of August, 2010

41  
42  DISAPPROVED

at 10:25 o'clock, P..M.

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45 \_\_\_\_\_  
46 NED NORRIS, JR., CHAIRMAN  
47 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 ADULT MEMBERS AND AUTHORIZING THE INITIAL EXPENDITURE OF FUNDS FOR PER CAPITA PAYMENTS UNDER THE INITIATIVE****Moved: COUNCILWOMAN MARY LOPEZ****SECOND: COUNCILWOMAN KIMBERLY LISTO****DATE: AUGUST 03, 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			X
<b>HICKIWAN</b> <b>174.5</b>	1. MICHELLE ORTEGA ( )	87.25	X			
	2. SANDRA ORTEGA ( )	87.25	X			
<b>GU VO</b> <b>206.3</b>	1. GRACE MANUEL ( )	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	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			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>