

**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. 98-010**

**WHEREAS, on June 28, 1997 the voters of the Tohono O'odham Nation (the  
"Nation") approved Initiative No. IN-01-97 (the "Initiative"); and**

**WHEREAS, the Initiative authorized funding from Gaming Revenues for  
several measures, including a one-time per capita distribution of  
\$2,000 to each member of the Nation enrolled on June 28, 1997  
(the "Initial Per Capita Distribution"); and**

**WHEREAS, pursuant to Resolution 97-451, the Legislative Council adopted an  
Initiative Funding and Implementation Plan (the "FIP") which  
authorized the establishment of set-aside accounts for the Initial  
Per Capita Distribution and other Initiative measures, and set  
certain conditions on the expenditure of funds from such  
accounts; and**

**WHEREAS, by Resolution 97-478, the Legislative Council approved the  
transfer of funds from the Desert Diamond Savings Account to  
certain designated set-aside accounts established at Bank of  
America Arizona, including the sum of \$41.5 million to set-aside  
account no. 3030425-1067524 for the Initial Per Capita  
Distribution (the "Per Capita Account"); and**

**WHEREAS, three of the conditions to expenditure of the Per Capita Account  
specified in the FIP are (1) approval by the Secretary of the  
Interior of a per capita distribution plan (the "Revenue Allocation  
Plan") pursuant to the requirements of the Indian Gaming**

**RESOLUTION NO. 98-010**

**(Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for Per Capita Payments under the Initiative)**

**Page 2 of 5**

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

**Regulatory Act, 25 U.S.C. § 2710 (b) (3); (2) acceptance by the Legislative Council of a Certification of Eligible Members submitted by the Enrollment Office and based upon receipt of a properly completed and filed Certificate of Eligibility Verification for Per Capita Payment for each member; and (3) as to each Minor Eligible Member, establishment of a restricted account at Bank of America for deposit of such member's per capita payment; and**

**WHEREAS, pursuant to Resolution 97-452, the Legislative Council adopted a Revenue Allocation Plan and caused the Plan to be submitted for approval by the Phoenix Area Office of the Bureau of Indian Affairs in accordance with authority delegated to the Area Office by the Secretary of the Interior; and**

**WHEREAS, by letter dated December 18, 1997 (a copy of which is attached), the Area Office approved the Revenue Allocation Plan with respect to the Initial Per Capita Distribution and disapproved the Plan with respect to the Biennial Per Capita Payments; and**

**WHEREAS, Bank of America has not yet presented its proposal for the establishment of the restricted accounts which are required as a condition to disbursement of the Initial Per Capita Distribution to such accounts for Minor Eligible Members, but has expressed an intention to submit such proposal in January 1998; and**

**WHEREAS, the Enrollment Office has filed with the Legislative Council a Certification of Eligible Members listing 11,233 adult members**

**RESOLUTION NO. 98-010**

**(Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for Per Capita Payments under the Initiative)**

**Page 3 of 5**

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

**who are eligible for receipt of the Initial Per Capita Distribution on December 26, 1997 pursuant to Resolution 97-525; and**

**WHEREAS, the Enrollment Office filed with the Legislative Council the First Updated Certification of Eligible Members listing 356 adult members who are eligible for receipt of the Initial Per Capita Distribution pursuant to Article IV (A) (17) of the "F.I.P."; and**

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

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

- 1. The Tohono O'odham Legislative Council hereby accepts and approves the Certification of Eligible Members, in the form attached hereto.**
- 2. The Legislative Council authorizes (a) the transfer of the sum of \$712,000.00 from the Per Capita Account to the special checking account no. 252-350-324 established at Bank of America Arizona (the "Per Capita Checking Account"); and (b) upon the joint signature of the Chairman and Vice Chairman of the Nation, issuance of a check on the Per Capita Checking Account in the amount of (i) \$2,000 to each Eligible Member residing in the United States and listed in the attached Certification of Eligible Members and (ii) \$1,400 to each**

**RESOLUTION NO. 98-010**

**(Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for Per Capita Payments under the Initiative)**

**Page 4 of 5**

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

**Eligible Member residing outside the United States and listed in the attached Certification, with the balance of \$600 withheld and remitted to the Internal Revenue Service pursuant to the requirements of federal law.**

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

**The foregoing Resolution was passed by the Tohono O'odham Council on the 09TH day of JANUARY, 1998 at a meeting at which a quorum was present with a vote of 1,927.0 FOR; -0- AGAINST; -0- NOT VOTING; and [4] ABSENT, pursuant to the powers vested in the Council by Section 1(d)(1), (2) & (3) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
**Dennis Ramon, Legislative Chairman**

9<sup>th</sup> day of January, 1998

**ATTEST:**

  
\_\_\_\_\_  
**Julianna Saraficio, Acting Legislative Secretary**

9<sup>th</sup> day of January, 1998.

**RESOLUTION NO. 98-010**

**(Accepting Certification of Eligible Members and Authorizing the Initial Expenditure of Funds for Per Capita Payments under the Initiative)**


**Page 5 of 5**

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 9<sup>th</sup> day of January, 19 98 at 1:46 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**

  
**Dennis Ramon, Legislative Chairman**

**APPROVED** on the 9<sup>th</sup> day of January, 19 98  
 **DISAPPROVED** at 1:55 o'clock, P.M.

  
**EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 9<sup>th</sup> day of January, 19 98, at 1:56 o'clock, P.M.

  
**Julianna Saraficio, Acting Legislative Secretary**

ACTION: **ACCEPTING CERTIFICATION OF ELIGIBLE MEMBERS AND AUTHORIZING THE INITIAL EXPENDITURE OF FUNDS FOR PER CAPITA PAYMENTS UNDER THE INITIATIVE**MOVED: **COUNCILWOMAN FRANCES ANTONE**SECOND: **COUNCILWOMAN FRANCES MIGUEL**DATE: **JANUARY 09, 1997**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>CHUKUT KUK</b> <b>189.0</b>	1. DAVID GARCIA (Marvin Thomas) 2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5 94.5	X X			X
<b>HICKIWAN</b> <b>146.0</b>	1. ALEX JOSE ( ) 2. LLOYD FRANCISCO (Susan Sam)	73.0 73.0	X X			
<b>GU VO</b> <b>142.0</b>	1. FERN SALCIDO (Larry Montana) 2. GLORIA MONTANA (Phillip Antone)	71.0 71.0	X X			X
<b>SAN LUCY</b> <b>114.0</b>	1. JOHN RENO (Mary Hoffman) 2. ALBERT MANUEL, JR. (Jana Montana)	57.0 57.0	X X			X
<b>PISINEMO</b> <b>139.0</b>	1. BARBARA SALVICIO ( ) 2. JOHNSON JOSE ( )	69.5 69.5	X X			
<b>GU ACHI</b> <b>190.0</b>	1. LOUIS JOHNSON ( ) 2. ALEX J. RAMON ( )	95.0 95.0	X X			
<b>BABOQUIVARI</b> <b>258.0</b>	1. FRANCES MIGUEL ( ) 2. FRANCES G. ANTONE (Edward N. Kisto)	129.0 129.0	X X			
<b>SAN XAVIER</b> <b>146.0</b>	1. TONY BURRELL ( ) 2. DENNIS RAMON ( )	73.0 73.0	X X			X
<b>SCHUK TOAK</b> <b>120.0</b>	1. JOSEPH JUAN ( ) 2. AMBROSE ENCINAS ( )	60.0 60.0	X X			
<b>SELLS</b> <b>322.0</b>	1. DENNIS E. JOSE ( ) 2. EVELYN JUAN ( )	161.0 161.0	X X			
<b>SIF OIDAK</b> <b>161.0</b>	1. RITA MARTINEZ (Maxine Norris) 2. MARY ANN ANTONE (Darlene Andrew)	80.5 80.5	X X			
<b>TOTAL</b>		<b>1,927.0</b>	<b>1,927.0</b>	<b>-0-</b>	<b>-0-</b>	<b>-4-</b>

\*\*PASSED VOTES