

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

RESOLUTION NO. 98-128

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 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

RESOLUTION NO. 98-128

(Accepting Certification of Eligible Members and Authorizing the 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

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 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, an agreement with Bank of America has not yet been finalized for the establishment of the restricted accounts which is required as a condition to disbursement of the Initial Per Capita Distribution to such accounts for Minor Eligible Members; and

WHEREAS, pursuant to Resolution Nos. 97-525 and 98-010, and 98-037 and 98-084, the Legislative Council accepted and approved Certifications of Eligible Members for the Initial Per Capita Distribution, and disbursements have been made to such Members; and

WHEREAS, the Enrollment Office has filed with the Legislative Council a Certification of Eligible Members listing 129 adult members who are eligible for receipt of the Initial Per Capita Distribution; and

RESOLUTION NO. 98-128

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

Page 3 of 5

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 \$260,000 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 who is a resident or citizen of the United States and is listed in the attached Certification of Eligible Members and (ii) \$1,400 to each Eligible Member who is not a resident or citizen of the United States and is 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.**

RESOLUTION NO. 98-128

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

Page 4 of 5

The foregoing Resolution was passed by the Tohono O'odham Council on the 13TH day of APRIL, 1998 at a meeting at which a quorum was present with a vote of 1,856.0 FOR; 71.0 AGAINST; -0- NOT VOTING; and [03] 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

17th day of April, 19 98

ATTEST:



Julianna Saraficio, Acting Legislative Secretary

13th day of April, 19 98.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 17th day of April, 19 98 at 4:35 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

RESOLUTION NO. 98-128

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

Page 5 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

APPROVED

on the 17 day of April, 1998

DISAPPROVED

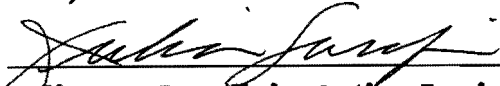
at 5:28 o'clock, P.M.



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

Returned to the Legislative Secretary on the 20th day of

April, 1998, at 1:48 o'clock, P.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: ACCEPTING CERTIFICATION OF ELIGIBLE MEMBERS AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR PER CAPITA PAYMENTS UNDER THE INITIATIVE

Moved: COUNCILMAN JOSEPH JUAN

Second: COUNCILMAN AMBROSE ENCINAS

DATE: APRIL 13, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
HICKIWAN 146.0	1. ALEX JOSE ()	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0		X		
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			X
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0	X			
	2. ALEX J. RAMON ()	95.0	X			
BABOQIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			X
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0	X			
	2. DENNIS RAMON ()	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			
	2. AMBROSE ENCINAS ()	60.0	X			
SELLS 322.0	1. DENNIS E. JOSE ()	161.0	X			
	2. EVELYN JUAN ()	161.0	X			
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			X
TOTAL		1,927.0	1,856.0	71.0	-0-	[03]

****PASSED VOTES**