

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Establishment of an O'odham Charitable Office and an
Operational Budget of \$220,138.75 and Confirming the Appointment
of an Interim Advisory Board)**

RESOLUTION NO. 98-374

WHEREAS, the Initiative (IN-01-97) known as the "O'odham Voice" was passed into law on June 28, 1997, and provides for "a charitable organization within the Nation"; and

WHEREAS, IN-01-97 appropriates and authorizes a "set aside from gaming revenues" in the amount of \$1,000,000 for use by such an organization for the purpose of "handling and distribution of funds to needy O'odham"; and

WHEREAS, IN-01-97 requires the creation of an 11 member Board (hereinafter "the Board"), consisting of "1 member from each District" to "establish an O'odham Charitable Organization on the reservation"; and

WHEREAS, IN-97-01 requires that all overhead costs shall be paid from additional gaming revenues; and

WHEREAS, under Executive Order 97-002, an eleven member interim board was established by the Chairman of the Nation, consisting of the eleven district chairs, which did meet and identify both a budget for operational costs amounting to \$220,138.75 and Eligibility Criteria and Procedures for Distribution of Funds by the O'odham Charitable Office (hereinafter "OCO"), as attached and incorporated by this reference; and

WHEREAS, in order to qualify for tax deductions for monies received by OCO, expenditure of such monies by a donor qualifies as a charitable deduction for the donor under the Indian Tribal Governmental Tax Status Act (26 U.S.C. 7871); and

WHEREAS, receipt of charitable funds or services by an applicant is excludable from gross income under Internal Revenue Code (26 U.S.C. 61) and is excludable under the general welfare doctrine therein; and

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WHEREAS, the power of implementation is vested in the Office of the Chairman of the Tohono O'odham Nation by the Nation's Constitution.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby approves the establishment of an O'odham Charitable Office hereby created under the supervision of the Vice-Chairman of the Nation as a program of the Executive Branch and the Eligibility Criteria and Procedures for Distribution of Funds by the OCO as attached and incorporated by this reference.

BE IT FURTHER RESOLVED that:

- 1. Each current elected District Chairperson of the eleven districts are hereby appointed to serve as an interim Advisory Board to the OCO and that each member of the Advisory Board shall continue to serve for 30 days from the enactment of this resolution; and**
- 2. Procedures for identifying, selecting and terms for the Advisory Board shall include:**
 - A. Qualifications. The members of the Board shall have the following minimal qualifications:**
 - (i) Shall be a registered member of the Tohono O'odham Nation who,**
 - (ii) Has sufficient experience or interest in the provision of charitable services to qualify him/her to provide sound judgment and leadership;**
 - B. Appointment and Representation. Each District may recommend one individual for representation on the Advisory Board. No individual may hold an elected office within the governing bodies of the Nation. All prospective Board members must meet all**

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Board membership requirements. Candidates recommended by the Districts for the initial Board shall be reviewed by the Vice Chairman of the Nation together with the Rules Committee of the Tohono O'odham Legislative Council, and qualified candidates selected thereby shall be appointed by the Chairman of the Nation and confirmed by the Tohono O'odham Legislative Council. This initial Board and subsequent Boards shall have independent authority to replace Board members through a process which ensures maximum community participation.

C. Term of Office. No less than six Advisory Board members shall be selected for a two year term, and no less than five Advisory Board members shall be selected for a three year term. The Tohono O'odham Legislative Council shall determine which members shall serve two year terms and which members shall serve three year terms.

D. Vacancies. An Advisory Board member may voluntarily resign his/her position at any time through written communication to the Chairperson or Secretary of the Board, or may be removed by a majority vote of the Board. Vacancies shall be filled for the remainder of the departing Board member's term with an individual from that respective departing Board Member's District according to the procedures established in Section 2.B above.

E. Advisory Board Officers.
(i) Number. The principal officers of the Advisory Board shall consist of a Chairperson, a Vice-Chairperson, and a

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Secretary.

(ii) General Duties. Officers of the Advisory Board shall have the following specific duties and such other duties as may be determined by Board action.

(iii) The Chairperson of the Advisory Board. The Chairperson of the Advisory Board shall preside at all meetings of the Board, and shall perform all duties associated with the office of Chairperson and such other duties as from time to time may be assigned to him/her by the Advisory Board.

(iv) The Vice-Chairperson. The Vice-Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson. The Vice-Chairperson shall be responsible for any additional duties as designated by the Chairperson of the Advisory Board.

(v) The Secretary. The Secretary shall keep or cause to be kept the written minutes of each meeting of the Advisory Board. S/he shall ensure that all notices are duly given. S/he shall be the official custodian of all records and, in general, shall perform all duties incident to the office of the Secretary, and such other duties as from time to time may be assigned to him/her by the Advisory Board, or the Chairperson. The Secretary may delegate the recording of minutes to a Recording Secretary who may be designated from the personnel of the O'odham Charitable Office.

F. Removal. The Advisory Board may for good cause shown and by a majority vote, remove any member of the Board.

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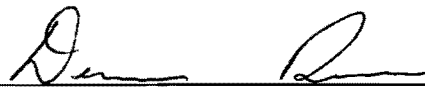
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G. Remuneration. No member of the Advisory Board shall receive remuneration for services rendered in the capacity of an Advisory Board member.

- 3. The OCO shall meet with the Advisory Board on a monthly basis for purposes of review of the program; and**
- 4. The OCO shall be under the oversight of the Domestic Affairs Committee, and the Budget and Finance Committee, of the Tohono O'odham Legislative Council; and**
- 5. The Tohono O'odham Legislative Council hereby approves the budget \$220,138.75 for overhead costs as identified by the Advisory Board as attached hereto and incorporated by this reference; and**
- 6. The OCO shall be established effective October 1, 1998 (FY99) and the Chairman of the Nation is hereby authorized to initiate the hiring process prior to the beginning of the fiscal year.**


The foregoing Resolution was passed by the Tohono O'odham Council on the 16TH day of SEPTEMBER, 1998 at a meeting at which a quorum was present with a vote of 1,927.0 FOR; -0- AGAINST; -0- NOT VOTING; and (02) ABSENT, pursuant to the powers vested in the Council by Section 1 (b) & (d)(2) 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
21st day of September, 19 98

ATTEST:



Julianna Saraficio, Acting Legislative Secretary
16th day of September, 19 98.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 21st day of September, 1998 at 2:50 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 21st day of September, 1998

DISAPPROVED

at 4:22 o'clock, P.M.



EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22nd day of September, 1998, at 8:55 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING THE ESTABLISHMENT OF AN O'ODHAM CHARITABLE OFFICE AND AN OPERATIONAL BUDGET OF \$220,138.75 AND CONFIRMING THE APPOINTMENT OF AN INTERIM ADVISORY BOARD

MOVED: COUNCILMAN ALEX RAMON

SECOND: COUNCILMAN LOUIS JOHNSON

DATE: SEPTEMBER 16, 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			
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			X
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0	X			
	2. ALEX J. RAMON ()	95.0	X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	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			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			
TOTAL		1,927.0	1,927.0	-0-	-0-	(02)

**PASSED VOTES