

**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. 99-041

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

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

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

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

17 **WHEREAS, three of the conditions to expenditure of the Per Capita Account specified**
18 **in the FIP are (1) approval by the Secretary of the Interior of a per capita**
19 **distribution plan (the "Revenue Allocation Plan") pursuant to the**
20 **requirements of the Indian Gaming Regulatory Act, 25 U.S.C. § 2710 (b)**
21 **(3); (2) acceptance by the Legislative Council of a Certification of Eligible**

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1 Members submitted by the Enrollment Office and based upon receipt of
2 a properly completed and filed Certificate of Eligibility Verification for
3 Per Capita Payment for each member; and (3) as to each Minor Eligible
4 Member, establishment of a restricted account at Bank of America for
5 deposit of such member's per capita payment; and

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

10 WHEREAS, by letter dated December 18, 1997, the Area Office approved the Revenue
11 Allocation Plan with respect to the Initial Per Capita Distribution and
12 disapproved the Plan with respect to the Biennial Per Capita Payments;
13 and

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

18 WHEREAS, pursuant to Resolution Nos. 97-525, 98-010, 98-037, 98-084, 98-128, 98-192,
19 98-207, 98-278, 98-316, 98-360, 98-431, 98-478, 98-505, and 99-006 the
20 Legislative Council accepted and approved Certifications of Eligible
21 Members for the Initial Per Capita Distribution, and disbursements have
22 been made to such members; and

23 WHEREAS, the Enrollment Office has filed with the Legislative Council a

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1 **Certification of Eligible Members listing 49 adult members who are**
2 **eligible for receipt of the Initial Per Capita Distribution; and**

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

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

- 8 1. **The Tohono O’odham Legislative Council hereby accepts and**
9 **approves the Certification of Eligible Members, in the form attached**
10 **hereto.**
- 11 2. **The Legislative Council authorizes (a) the transfer of the sum of**
12 **\$98,000.00 from the Per Capita Account to the special checking**
13 **account no. 252-350-324 established at Bank of America Arizona (the**
14 **“Per Capita Checking Account”); and (b) upon the joint signature of**
15 **the Chairman and Vice Chairman of the Nation, issuance of a check**
16 **on the Per Capita Checking Account in the amount of (i) \$2,000 to**
17 **each Eligible Member residing in the United States and listed in the**
18 **attached Certification of Eligible Members and (ii) \$1,400 to each**
19 **Eligible Member residing outside the United States and listed in the**
20 **attached Certification, with the balance of \$600 withheld and remitted**
21 **to the Internal Revenue Service pursuant to the requirements of**
22 **federal law.**
- 23 3. **The Chairman of the Nation is authorized to execute such other**
24 **documents as may be necessary to implement this Resolution.**

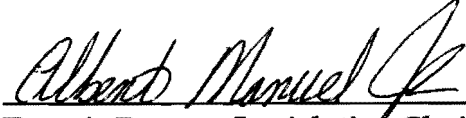
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1 The foregoing Resolution was passed by the Tohono O'odham Council on the 08TH day
2 of FEBRUARY 1999 at a meeting at which a quorum was present with a vote of 1,856.0
3 FOR; 71.0 AGAINST; -0- NOT VOTING; and [3] ABSENT, pursuant to the powers
4 vested in the Council by Section 1(d)(1), (2) & (3) of Article VI of the Constitution of the
5 Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986;
6 and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations)
7 on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

8
9 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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11 
12 _____
13 Dennis Ramon, Legislative Chairman
14 11th day of February, 19 99

17
18 ATTEST:

19
20 
21 _____
22 Julianna Saraficio, Acting Legislative Secretary

23 8th day of February, 19 99.

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26
27 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
28 O'Odham Nation on the 11th day of February, 19 99
29 at 10:40 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the
30 Constitution and will become effective upon his approval or upon his failure to either
31 approve or disapprove it within 48 hours of submittal.

32
33 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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37 Dennis Ramon, Legislative Chairman
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APPROVED

on the 11 day of February, 1999

DISAPPROVED

at 11:05 o'clock, A.M.

Edward D. Manuel
EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11th day of

February, 1999, at 11:25 o'clock, A.M.

Julianna Saraficio
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 MARY ANN ANTONE

Second: COUNCILMAN LOUIS JOHNSON

DATE: FEBRUARY 08, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			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			
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			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			
TOTAL		1,927.0	1,856.0	71.0	-0-	[03]

**PASSED VOTES