

**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. 99-142

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
22 Members submitted by the Enrollment Office and based upon receipt of

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

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

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

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

17 WHEREAS, pursuant to Resolution Nos. 97-525, 98-010, 98-037, 98-084, 98-128, 98-192,
18 98-207, 98-278, 98-316, 98-360, 98-431, 98-478, 98-505, 99-006, 99-041
19 and 99-081 the Legislative Council accepted and approved Certifications
20 of Eligible Members for the Initial Per Capita Distribution, and
21 disbursements have been made to such members; and

22 WHEREAS, the Enrollment Office has filed with the Legislative Council a
23 Certification of Eligible Members listing 64 adult members who are

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1 eligible for receipt of the Initial Per Capita Distribution; and

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

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

- 7 1. The Tohono O’odham Legislative Council hereby accepts and
8 approves the Certification of Eligible Members, in the form attached
9 hereto.
- 10 2. The Legislative Council authorizes (a) the transfer of the sum of
11 \$128,000.00 from the Per Capita Account to the special checking
12 account no. 252-350-324 established at Bank of America Arizona (the
13 “Per Capita Checking Account”); and (b) upon the joint signature of
14 the Chairman and Vice Chairman of the Nation, issuance of a check
15 on the Per Capita Checking Account in the amount of (i) \$2,000 to
16 each Eligible Member residing in the United States and listed in the
17 attached Certification of Eligible Members and (ii) \$1,400 to each
18 Eligible Member residing outside the United States and listed in the
19 attached Certification, with the balance of \$600 withheld and remitted
20 to the Internal Revenue Service pursuant to the requirements of
21 federal law.
- 22 3. The Chairman of the Nation is authorized to execute such other
23 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 05TH day
2 of APRIL 1999 at a meeting at which a quorum was present with a vote of 1,785.0 FOR;
3 142.0 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested
4 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 8th day of April, 19 99

17
18 ATTEST:

19
20 
21 _____
22 Julianna Saraficio, Acting Legislative Secretary

23 5 day of April, 19 99.

24
25
26
27 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
28 O'Odham Nation on the 8th day of April, 19 99
29 at 10:30 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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35 
36 _____
37 Dennis Ramon, Legislative Chairman


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APPROVED on the 8th day of April, 1999
 DISAPPROVED at 2:39 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 8 day of
April, 1999, at 2:49 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: COUNCILMAN JOSEPH JUAN

SECOND: COUNCILMAN AMBROSE ENCINAS

DATE: APRIL 05, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas) 2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5 94.5	X X			
HICKIWAN 146.0	1. ALEX JOSE () 2. LLOYD FRANCISCO (Susan Sam)	73.0 73.0	X X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana) 2. GLORIA MONTANA (Phillip Antone)	71.0 71.0		X X		X
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman) 2. ALBERT MANUEL, JR. (Jana Montana)	57.0 57.0	X X			
PISINEMO 139.0	1. BARBARA SALVICIO () 2. JOHNSON JOSE ()	69.5 69.5	X X			
GU ACHI 190.0	1. LOUIS JOHNSON () 2. ALEX J. RAMON ()	95.0 95.0	X X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL () 2. FRANCES G. ANTONE (Edward N. Kisto)	129.0 129.0	X X			
SAN XAVIER 146.0	1. TONY BURRELL () 2. DENNIS RAMON ()	73.0 73.0	X X			
SCHUK TOAK 120.0	1. JOSEPH JUAN () 2. AMBROSE ENCINAS ()	60.0 60.0	X X			
SELLS 322.0	1. DENNIS E. JOSE () 2. EVELYN JUAN ()	161.0 161.0	X X			
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris) 2. MARY ANN ANTONE (Darlene Andrew)	80.5 80.5	X X			
TOTAL		1,927.0	1,785.0	142.0	-0-	[01]

****PASSED VOTES**