

**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. 99-201**

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

**RESOLUTION NO. 99-201**

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

Page 2 of 5

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, 99-081  
19 and 99-142 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 20 adult members who are

**RESOLUTION NO. 99-201**

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

Page 3 of 5

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 \$40,000.00 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.

**RESOLUTION NO. 99-201**

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

Page 4 of 5

1 The foregoing Resolution was passed by the Tohono O'odham Council on the 03RD.  
2 day of MAY 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 [03] 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

10  
11 

12  
13 Dennis Ramon, Legislative Chairman

14  
15 3<sup>rd</sup> day of May, 19 99

16  
17  
18 ATTEST:

19  
20 

21  
22 Julianna Saraficio, Acting Legislative Secretary

23  
24 3<sup>RD</sup> day of May, 19 99.

25  
26  
27 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
28 O'Odham Nation on the 3<sup>rd</sup> day of May, 19 99  
29 at 3:39 o'clock, P.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

34  
35 

36  
37 Dennis Ramon, Legislative Chairman

38  
39  
40  
41


**RESOLUTION NO. 99-201**

(Accepting Certification of Eligible Members and Authorizing the Initial 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  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

APPROVED on the 3<sup>rd</sup> day of May, 1999  
 DISAPPROVED at 3:54 o'clock, P.M.

  
EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 3<sup>rd</sup> day of  
May, 1999, at 4:01 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:** COUNCILMAN ALEX RAMON

**DATE:** MAY 03, 1999

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

**\*\*PASSED VOTES**