

**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. 99-563

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 Initiative**
8 **Funding and Implementation Plan (the "FIP") which authorized the**
9 **establishment of set-aside accounts for the Initial Per Capita Distribution and**
10 **other Initiative measures, and set certain conditions on the expenditure of**
11 **funds from such accounts; and**

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

17 **WHEREAS, three of the conditions to expenditure of the Per Capita Account specified in**
18 **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) (3); (2)**
21 **acceptance by the Legislative Council of a Certification of Eligible Members**
22 **submitted by the Enrollment Office and based upon receipt of a properly**
23 **completed and filed Certificate of Eligibility Verification for Per Capita**
24 **Payment for each member; and (3) as to each Minor Eligible Member,**
25 **establishment of a restricted account at Bank of America for deposit of such**
26 **member's per capita payment; and**

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

5 **WHEREAS, by letter dated December 18, 1997, the Area Office approved the Revenue**
6 **Allocation Plan with respect to the Initial Per Capita Distribution and**
7 **disapproved the Plan with respect to the Biennial Per Capita Payments; and**

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

12 **WHEREAS, pursuant to Resolution Nos. 97-525, 98-010, 98-037, 98-084, 98-128, 98-192, 98-**
13 **207, 98-278, 98-316, 98-360, 98-431, 98-478, 98-505, 99-006, 99-041, 99-081, 99-**
14 **142, 99-201, 99-312, 99-363, 99-422, and 99-478 the Legislative Council accepted**
15 **and approved Certifications of Eligible Members for the Initial Per Capita**
16 **Distribution, and disbursements have been made to such members; and**

17 **WHEREAS, the Enrollment Office has filed with the Legislative Council a Certification of**
18 **Eligible Members listing 40 adult members who are eligible for receipt of the**
19 **Initial Per Capita Distribution; and**

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

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

- 24 **1. The Tohono O'odham Legislative Council hereby accepts and approves**
25 **the Certification of Eligible Members, in the form attached hereto.**
26 **2. The Legislative Council authorizes (a) the transfer of the sum of**
27 **\$80,000.00 from the Per Capita Account to the special checking account**

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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 residing in the United States and listed in the attached Certification of Eligible Members and (ii) \$1,400 to each Eligible Member residing outside the United States and 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.

The foregoing Resolution was passed by the Tohono O'odham Council on the 11TH of OCTOBER 1999 at a meeting at which a quorum was present with a vote of 2,085.5 FOR; 80.0 AGAINST; -0- NOT VOTING; and [02] 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

11 day of October, 19 99

ATTEST:


JuHanna Saraficio, Acting Legislative Secretary

11 day of October, 19 99

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1 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
2 **O'Odham Nation on the 11 day of October, 19 99 at 3:20 o'clock,**
3 **P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will**
4 **become effective upon his approval or upon his failure to either approve or disapprove it**
5 **within 48 hours of submittal.**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Dennis Ramon, Legislative Chairman

APPROVED

on the 12th day of October, 19 99
at 5:25 o'clock, P.M.

DISAPPROVED


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13th day of

October, 19 99, at 2:12 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 ALBERT MANUEL, JR.

SECOND: COUNCILWOMAN FRANCES ANTONE

DATE: OCTOBER 11, 1999

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|-----------------------------|-------------------------------------------|----------------|----------------|-------------|------------|-------------|
| SIF Oidak 171.8 | 1. MARY ANN ANTONE (Darlene Andrew) | 85.9 | X | | | |
| | 2. RITA MARTINEZ (Nicholas Jose) | 85.9 | X | | | |
| SELLS 372.7 | 1. DENNIS E. JOSE () | 186.35 | X | | | |
| | 2. EVELYN JUAN () | 186.35 | X | | | |
| SCHUK TOAK 133.4 | 1. MARY FLORES () | 66.7 | X | | | |
| | 2. AMBROSE ENCINAS () | 66.7 | X | | | |
| SAN XAVIER 165.9 | 1. TONY BURRELL () | 82.95 | X | | | |
| | 2. DENNIS RAMON () | 82.95 | X | | | |
| BABOQUIVARI 286.5 | 1. FRANCES MIGUEL () | 143.25 | X | | | |
| | 2. FRANCES G. ANTONE (Edward N. Kisto) | 143.25 | X | | | |
| GU ACHI 209.6 | 1. CAMILLUS LOPEZ (Louis Johnson) | 104.8 | X | | | X |
| | 2. ALEX J. RAMON () | 104.8 | X | | | |
| PISINEMO 156.8 | 1. BARBARA SALVICIO (Alex Antone) | 78.4 | X | | | |
| | 2. JOHNSON JOSE () | 78.4 | X | | | X |
| SAN LUCY 128.1 | 1. ALBERT MANUEL, JR. () | 64.05 | X | | | |
| | 2. GLORIA RAMIREZ () | 64.05 | X | | | |
| GU VO 160.0 | 1. FERN SALCIDO () | 80.0 | | X | | |
| | 2. GLORIA MONTANA (Phillip Antone) | 80.0 | X | | | |
| HICKIWAN 158.1 | 1. ALEX JOSE (Shirley Santos) | 79.05 | X | | | |
| | 2. LLOYD FRANCISCO (Susan Sam) | 79.05 | X | | | |
| CHUKUT KUK 222.6 | 1. KENNETH WILLIAMS () | 111.3 | X | | | |
| | 2. DAVID GARCIA (Mary Audrey Juan) | 111.3 | X | | | |
| TOTAL | | 2,165.5 | 2,085.5 | 80.0 | -0- | [02] |

****PASSED VOTES**