

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Accepting Certification of Eligible Adult Members and Authorizing the Initial
Expenditure of Funds for Per Capita Payments under the Initiative)

RESOLUTION NO. 13-396

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

3 **WHEREAS,** **the Initiative authorized funding from Gaming Revenues for several measures,**
4 **including a one-time per capita distribution of \$2,000.00 to each member of the**
5 **Nation enrolled on June 28, 1997 (the Initial Per Capita Distribution); and**

6 **WHEREAS,** **pursuant to Resolution No. 97-451, the Tohono O'odham Legislative Council**
7 **adopted an Initiative Funding and Implementation Plan (the FIP) which**
8 **authorized the establishment of set-aside accounts for the Initial Per Capita**
9 **Distribution and other Initiative measures, and set certain conditions on the**
10 **expenditure of funds from such accounts; and**

11 **WHEREAS,** **pursuant to Resolution No. 97-478, the Tohono O'odham Legislative Council**
12 **approved the transfer of funds from the Desert Diamond Savings Account to**
13 **certain designated set-aside accounts established at Bank of America, including**
14 **the sum of \$41.5 million to a set-aside for the Initial Per Capita Distribution (the**
15 **Per Capita Account); and**

16 **WHEREAS,** **three of the conditions to expenditure of the Per Capita Account specified in the**
17 **FIP are (1) approval by the Secretary of the Interior of a Per Capita Distribution**
18 **plan (the Revenue Allocation Plan) pursuant to the requirements of the Indian**
19 **Gaming Regulatory Act, 25 U.S.C. §2710 (b)(3); (2) acceptance by the Tohono**
20 **O'odham Legislative Council of a Certification of Eligible Members submitted by**
21 **the Enrollment Office and based upon receipt of a properly completed and filed**
22 **Certificate of Eligibility Verification for a Per Capita Payment for each member;**
23 **and (3) as to each Minor Eligible Member, establishment of a restricted account**
24 **at Bank of America for the deposit of such Member's Per Capita Payment; and**

25 **WHEREAS,** **pursuant to Resolution No. 97-452, the Tohono O'odham Legislative Council**
26 **adopted a Revenue Allocation Plan and caused the Plan to be submitted for**
27 **approval by the Phoenix Area Office of the Bureau of Indian Affairs in**
28 **accordance with authority delegated to the Area Office by the Secretary of the**
29 **Interior; and**

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

4 **WHEREAS, pursuant to Resolution No. 2000-472 the FIP was amended by Amendment No. 1**
5 **and further amended by Amendment 2; and Amendment No. 2 requires an**
6 **Agreement with a reputable financial institution for the establishment of**
7 **restricted accounts for Minor Eligible Members; and**

8 **WHEREAS, an Agreement has been negotiated with Wells Fargo for the establishment of**
9 **restricted accounts for Minor Eligible Members; and**

10 **WHEREAS, the Tohono O'odham Legislative Council has accepted and approved**
11 **Certifications of Eligible Members for the Initial Per Capita Distribution, and**
12 **disbursements have been made to such Members; and**

13 **WHEREAS, the Enrollment Office has filed with the Tohono O'odham Legislative Council a**
14 **Certification of Eligible Members listing 1 adult member who is eligible for**
15 **receipt of the Initial Per Capita Distribution; and**

16 **WHEREAS, all conditions under the applicable laws of the United States and the Nation have**
17 **been satisfied to permit the disbursement of the Initial Per Capita Distribution**
18 **to the Members listed in the Certification of Eligible Members.**

19 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby:**

- 20 **1. Accepts and approves the Certification Listing for 1 eligible adult member**
21 **for the Initiative Per Capita approved listing payout distribution.**
- 22 **2. Authorizes (a) the transfer of \$2,000.00 from the Initiative Per Capita**
23 **Investment Account to the Initiative Per Capita Checking Account**
24 **established at Bank of America; and (b) upon the authorized signature of**
25 **the Nation, issuance of a check on the Initiative Per Capita Checking**
26 **Account in the amount of (i) \$2,000.00 to each Eligible Member residing in**
27 **the United States and listed in the Certification Listing of Eligible Members**
28 **and (ii) \$1,400.00 to each Eligible Member residing outside the United**
29 **States and listed in the Certification Listing of Eligible Members, with the**

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1 balance of \$600.00 withheld and remitted to the Internal Revenue Service
2 pursuant to the requirements of federal law.

3 3. Authorizes the Chairman of the Nation to execute such other documents as
4 may be necessary to implement this Resolution.

5 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the disbursement of
6 funds to each additional eligible adult Tohono O'odham member is contingent
7 upon verification of a member by the Enrollment Program and further
8 certification of additional eligible members by the Tohono O'odham Legislative
9 Council.

10 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH
11 day of OCTOBER, 2013 at a meeting at which a quorum was present with a vote of 2,946.5
12 FOR; -0- AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the
13 Council by Article VI, Section 1 (d)(2) of the Constitution of the Tohono O'odham Nation,
14 adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting
15 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section
16 16 of the Act of June 18, 1934 (48 Stat.984).

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20 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

21 
22 Timothy Joaquin, Legislative Chairman

23 14 day of October, 2013

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28 **ATTEST:**

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31 Evonne Wilson, Legislative Secretary

32 11 day of October, 2013

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35 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
36 O'odham Nation on the 14 day of October, 2013 at 1:40 clock, P .m.,
37 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
38 effective upon his approval or upon his failure to either approve or disapprove it within 48
39 hours of submittal.

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41 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

42 
43 Timothy Joaquin, Legislative Chairman

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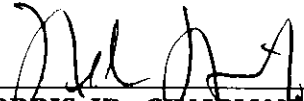
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APPROVED

on the 14 day of October, 2013

DISAPPROVED

at 3:30 o'clock, P.m.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 14 day of

October, 2013, at 4:30 o'clock, P.m.



Evonne Wilson, Legislative Secretary

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ACTION: ACCEPTING CERTIFICATION OF ELIGIBLE ADULT MEMBERS AND AUTHORIZING THE INITIAL EXPENDITURE OF FUNDS FOR PER CAPITA PAYMENTS UNDER THE INITIATIVE

Moved: COUNCILWOMAN MARY LOPEZ

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: OCTOBER 07, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDA 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Kimberly Mull)	251.0	X			
	2. BARBARA HAVIER ()	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (<i>Absent</i>) (Anthony J. Rios) (<i>Present</i>)	87.1	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS ()	112.1	X			X
	2. ADAM ANDREWS (Rachael Vilson-Stoner)	112.1	X			
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			X
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ (Michelle Ortega)	98.45	X			
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			X
HIA CED 19.6	1. LORRAINE EILER (Jolene Garcia)	9.8	X			
	2. MICHAEL FLORES ()	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			X
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			X
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,946.5	2,946.5	-0-	-0-	[05]