

**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 Second Per Capita Plan)**

**RESOLUTION NO. 13-397**

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

3 **WHEREAS, pursuant to Initiative and Resolution Nos. 97-451 and 97-452 the Tohono**  
4 **O'odham Legislative Council adopted an Initiative Funding and Implementation**  
5 **Plan and Revenue Allocation Plan (collective the First Per Capita Plan); and**

6 **WHEREAS, an initial Per Capita Distribution under the first Per Capita Plan was approved**  
7 **on December 18, 1997 by the Phoenix Area Office of the Bureau of Indian Affairs;**  
8 **and**

9 **WHEREAS, initial Per Capita distribution have been and continue to be disbursed to Adult**  
10 **Eligible members under the first Per Capita Plan; and**

11 **WHEREAS, pursuant to the Initiative Resolution No. 2000-269 and 2000-472, the Legislative**  
12 **Council adopted (1) a Second Initiative Funding and Implementation Plan, (2) a**  
13 **Second Revenue Allocation Plan, and (3) Amendment No. 1 to each plan**  
14 **(collectively the "Second Per Capita Plan"); and**

15 **WHEREAS, under the second Per Capita Plan each eligible member who is certified as**  
16 **eligible is entitled to receive a per capita payment of \$2,000.00; and**

17 **WHEREAS, by letter dated October 25, 2000 the Deputy Commissioner of Indian Affairs**  
18 **approved the Second Per Capita Plan; and**

19 **WHEREAS, as required by Second Per Capita Plan, the Attorney General of the Nation issued**  
20 **a Notice of Compliance on October 26, 2000; and**

21 **WHEREAS, as required by the Second Per Capita Plan the Enrollment Office has filed a**  
22 **certification of Eligible Member Listing 1 adult member who is eligible for**  
23 **receipt of a per capita payment under the terms of the Second Per Capita Plan**  
24 **and the applicable laws of the United States and the Nation.**

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

- 26 **1. Accepts and approves the Certification Listing for 1 eligible adult member**  
27 **for the Second Per Capita approved listing payout distribution.**
- 28 **2. Authorizes (a) the transfer of \$2,000.00 from the Second Per Capita**  
29 **Investment Account to the Second Per Capita Checking Account**

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1 established at Bank of America; and (b) upon the authorized signature of  
2 the Nation, issuance of a check on the Second Per Capita Checking Account  
3 in the amount of (i) \$2,000.00 to each Eligible Member residing in the  
4 United States and listed in the Certification Listing of Eligible Members  
5 and (ii) \$1,400.00 to each Eligible Member residing outside the United  
6 States and listed in the Certification Listing of Eligible Members, with the  
7 balance of \$600.00 withheld and remitted to the Internal Revenue  
8 Service pursuant to the requirements of federal law.

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

11 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the disbursement of  
12 funds to each additional eligible adult Tohono O'odham member is contingent  
13 upon verification of a member by the Enrollment Program and further  
14 certification of additional eligible members by the Tohono O'odham Legislative  
15 Council.

16 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup>  
17 day of OCTOBER, 2013 at a meeting at which a quorum was present with a vote of 2,946.5  
18 FOR; -0- AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the  
19 Council by Article VI, Section 1 (d)(2) of the Constitution of the Tohono O'odham Nation,  
20 adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting  
21 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section  
22 16 of the Act of June 18, 1934 (48 Stat.984).

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25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29 Timothy Joaquin, Legislative Chairman

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31 14 day of October, 2013

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34 **ATTEST:**

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37 Evonne Wilson, Legislative Secretary

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39 11 day of October, 2013  
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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 14 day of October, 2013 at 1:41 o'clock, P.m.,  
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
4 effective upon his approval or upon his failure to either approve or disapprove it within 48  
5 hours of submittal.  
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8 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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11 Timothy Joaquin, Legislative Chairman  
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16  APPROVED

on the 14 day of October, 2013

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18  DISAPPROVED

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

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22 NED NORRIS, JR., CHAIRMAN  
23 TOHONO O'ODHAM NATION  
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28 Returned to the Legislative Secretary on the 14 day of

29 October, 2013, at 4:39 o'clock, P.m.

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32 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 SECOND PER CAPITA PLAN**

**Moved: COUNCILWOMAN MARY LOPEZ**

**SECOND: COUNCILWOMAN LORRAINE EILER**

**DATE: OCTOBER 07, 2013**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 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 Murrletta)	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			
<b>TOTAL</b>		<b>2,946.5</b>	<b>2,946.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[05]</b>