

RESOLUTION OF THE TOHONO O'ODHAM COUNCIL
(Judgment fund per capita distribution)

RES. NO. 30-87

1 WHEREAS, under the provisions of Public Law 97-408, the Act of
2 January 3, 1983, 96 Stat. 2036 (the "Act"), fifty per
3 cent of the funds appropriated for the benefit of the
4 Tohono O'odham Nation by the Act of September 30,
5 1976, 90 Stat. 1416, less attorney fees and litigation
6 expenses but including certain interest and investment
7 income accrued thereto, are to be distributed, per
8 capita, in shares as equal as possible, to all en-
9 rolled members of the Tohono O'odham Nation who were
10 born on or prior to and who were living on January 3,
11 1983, the date of enactment of the Act, provided that
12 no applications for membership on the roll may be
13 filed or received by the nation for purposes of per
14 capita payments after July 2, 1983, said date being
15 180 days after the date of the enactment of the Act;
16 and

17 WHEREAS, the enrollment committee and this council have pro-
18 cessed all applications for membership which were
19 filed on or before July 2, 1983, and the membership
20 roll of the nation has been brought current to January
21 3, 1983, the date of the enactment of the Act, pursu-
22 ant to the criteria in the constitution and the provi-
23 sions of the enrollment ordinance and manual as pro-
24 vided in the Act, with the following exceptions:

25 A. The following named applicants ("dual enrollees")
26 were approved for membership and enrolled under
27 the criteria of the Constitution of the Papago
28 Tribe but may have subsequently lost or relin-
29 quished their membership and all rights deriving
30 therefrom under the provisions of section 4 of
31 article II of the Constitution of the Tohono
32 O'odham Nation which became effective on March 6,

1 1986, because they were or became enrolled as
2 members of another Indian nation, tribe, commun-
3 ity or band, namely,

4 1. Adolpho C. Maldonado, Jr. Roll No. 2178S76

5 2. Austin M. Vavages Roll No. 457S075

6 B. The following named applicants ("adoptees") were
7 adopted and claim membership in the nation but,
8 because their original adoption proceedings are
9 not open for inspection, they have been unable to
10 fully establish the required membership, resi-
11 dence or blood quantum qualifications of their
12 natural parents, namely,

13 1. Terisita L. Sakiestewa

14 2. Amy B. Courson, and

15 WHEREAS, this council has weighed its responsibilities to the
16 aforementioned dual enrollees and adoptees, as well as its
17 responsibilities to the other members of the nation,
18 and believes that final distributions of per capita
19 payments should not be further deferred until these
20 dual enrollees and adoptees have had an opportunity to
21 either relinquish membership in the other Indian
22 nation, tribe, community or band, or to establish the
23 required membership, residence, or blood quantum
24 qualifications of their natural parents.

25 WHEREAS, this council has been advised that the final per
26 capita payment payable by the Secretary to each quali-
27 fied enrollee under Section 8(C)(3)(iii) of the Act
28 will not exceed \$750.

29 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Council:

- 30 1. That it does hereby appropriate the sum of \$ 750.00
31 for each of the above named dual enrollees, which
32 funds shall be paid from the treasury of the nation

1 and shall be paid to the Superintendent of the Tohono
2 O'odham Agency ("Superintendent") in escrow and upon
3 the condition that said sum, or the amount of per
4 capita distributions actually required to be made by
5 the Secretary of the Interior ("Secretary") pursuant
6 to Section 8 (c)(3)(iii) of the Act, whichever is
7 smaller ("substitute per capita payment"), shall be
8 paid to each of the above named dual enrollees upon
9 proof that they have relinquished membership in the
10 other Indian nation, tribe, community or band; provid-
11 ed, however, that said sum, together with any interest
12 or income that may accrue thereto, shall be returned
13 or paid to the treasury of the nation, either upon the
14 relinquishment by any of the above named dual enrol-
15 lees of membership in this nation, or upon final
16 action of this council terminating the membership in
17 this nation of any of the above named dual enrollees
18 because they have refused or failed to take the oppor-
19 tunity to relinquish membership in the other Indian
20 nation, tribe, community or band pursuant to the
21 criteria in the constitution and enrollment ordinance;
22 and provided further that any funds appropriated
23 hereby for the benefit of a dual enrollee, and any
24 interest or income that may accrue thereto, in excess
25 of the amount of per capita distribution actually made
26 by the Secretary of the Interior pursuant to Section 8
27 (c)(3)(iii) of the Act shall be returned or paid to
28 the treasury of the nation upon payment by the Super-
29 intendent to such enrollee of the substitute per
30 capita payment provided for hereinabove.

- 31 2. That it does hereby appropriate from the treasury of
32 the nation the sum of \$ 750.00 for the aforementioned

1 adoptee, Terisita L. Sakiestewa, and a like sum, plus
2 \$1,000.00, representing the per capita payment due
3 qualified enrollees under Section 8 (c)(3)(i) or (ii)
4 of the Act, for the aforementioned adoptee, Amy B. Cour-
5 son, which funds shall be paid to the Superintendent
6 in escrow and upon condition that said sums, or the
7 amount of per capita distributions which the Secretary
8 did or would have been required to make to each adop-
9 tee pursuant to paragraphs (i), (ii) and (iii) of
10 Section 8(c)(3) of the Act had the adoptee qualified
11 therefor, whichever is smaller ("substitute per capita
12 payment"), shall be paid to each of the adoptees upon
13 final action by this council approving their respec-
14 tive applications for membership in this nation;
15 provided, however, that said sums, together with any
16 interest or income that may accrue thereto, shall be
17 returned or paid to the treasury of the nation upon
18 final action of this council rejecting their respec-
19 tive applications for membership in this nation; and
20 provided further that any funds appropriated hereby
21 for the benefit of each adoptee, and any interest or
22 income that may accrue thereto, in excess of the
23 amount of per capita distributions which the Secretary
24 did or would have been required to make to each adop-
25 tee pursuant to paragraphs (i), (ii) and (iii) of
26 Section 8(c)(3) of the Act had the adoptee qualified
27 therefor, shall be returned or paid to the treasury of
28 the nation upon payment by the Superintendent to such
29 adoptee of the substitute per capita payment provided
30 for hereinabove.

- 31 3. The council has determined that with the exception of
32 the applications of the aforementioned dual enrolles and

1 adoptees for whom escrow accounts for substitute per
2 capita payments have been authorized herein, all
3 applications for membership which were filed on or
4 before July 2, 1983, as provided in the Act, have been
5 processed by this council and, that upon completion of
6 all appeals from adverse membership determinations by
7 this council or upon the expiration of the time al-
8 lowed for such appeals, the membership roll of the
9 Tohono O'odham Nation will be complete and the Secre-
10 tary can make the final per capita distributions as
11 required by Section 8(c)(iii) of the Act.

12 4. That upon establishment of the foregoing escrow ac-
13 counts with the Superintendent for the benefit of the
14 above named dual enrollees and adoptees, and upon
15 certification by the enrollment committee that all
16 appeals from adverse membership determinations by this
17 council have been completed or that the time allowed
18 for such appeals has expired, the Secretary complete
19 distribution of the funds held by him under the provi-
20 sions of Section 8(c) of the Act pursuant to para-
21 graphs (iii), (iv) and (v) thereof.

22 5. That this resolution is conditioned upon formal veri-
23 fication by the Secretary that the \$750 appropriated
24 for the benefit of each of the dual enrollees or
25 adoptees is at least equivalent to the per capita
26 distributions due to qualified enrollees under Section
27 8(c)(3)(iii) of the Act.

28 6. That the sum of \$4,000 appropriated hereunder be paid
29 from unspent funds appropriated under the nation's FY
30 1986 budget.

31 C E R T I F I C A T I O N

32 The foregoing Resolution was passed by the Tohono O'odham Coun-
 cil on the 12th day of January, 1987, at a meeting at which a

1 quorum was present with a vote of 1396.0 for; 127.0 against; -0-
2 not voting; 117.0 absent, pursuant to the powers vested in the
3 Council by Section 1(h) of Article VI and Article II of the
4 Constitution of the Tohono O'odham Nation, adopted by the Tohono
5 O'odham Nation on January 18, 1986, and approved by the Acting
6 Deputy Assistant Secretary - Indian Affairs (Operations) on March
7 6, 1986, pursuant to Section 16 of
8 the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

9 Harriet Toro
10 Harriet Toro, Legislative Chairperson
11 22nd day of January, 1987.

12 ATTEST:

13 Lucinda Allen
14 Lucinda Allen
15 Legislative Secretary

16 23rd day of January, 1987.

17 Said Resolution was submitted for approval to the office of the
18 Chairman of the Tohono O'odham Nation on the 23rd day of
19 January, 1987, at 5:00 o'clock, P.M., pur-
20 suant to the provisions of Section 5 of Article VII of the Con-
21 stitution. It will become effective upon his approval or upon
22 his failure to either approve or disapprove it within 48 hours
23 of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

24 Harriet Toro
25 Harriet Toro, Legislative Chairperson

26 [X] APPROVED) on the 24 day of January, 1987
27 [] DISAPPROVED) at 12:47 o'clock, P.M.

28 Josiah Moore
29 JOSIAH MOORE, Chairman
30 TOHONO O'ODHAM NATION

31 Returned to Legislative Secretary on the 26th day of January
32 _____, 1987, at 4:56 o'clock, P.M.

33 Lucinda Allen
34 Lucinda Allen
35 Legislative Secretary

MOVED: ANGELO JOAQUIN, SR.

SUBJECT: JUDGMENT FUND PER CAPITA

SECOND: ROSEMARY LOPEZ

DISTRIBUTION

DATE: JANUARY 12, 1987

RESOLUTION ~~OR ORDINANCE~~ # 30-87

| DISTRICTS | REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|--------------------|---|----------------|--------|---------|------------|--------|
| SIF ODAK 138 | 1. Elliott Lewis (Eugene F. Jose) 2. Nicholas Jose (Letitia Garcia) | 69.0 69.0 | X X | | | X |
| SELLS 257 | 1. Andrew M. Patricio (Nora Alveraz) 2. Fred Stevens, Sr. () | 128.5 128.5 | X X | | | |
| SCHUK TOAK 105 | 1. Joseph Juan () 2. Julia Carrillo (JoAnn Francisco) | 52.5 52.5 | X X | | | X |
| SAN XAVIER 126 | 1. Yvonne Corella (Austin Nunez) 2. Tony Felix (Carmelita Mattias) | 63.0 63.0 | X X | | | X |
| BABOQUIVARI 241 | 1. Edward N. Kisto () 2. Kenneth Chico, Sr. (Frances Miguel) | 120.5 120.5 | X X | | | |
| GU ACHI 158 | 1. Angelo Joaquin, Sr. () 2. Fernando Joaquin () | 79.0 79.0 | X X | | | |
| PISINEMO 116 | 1. Jerome Antone (Consuela Mendoza) 2. Johnson Jose (Edward Manuel) | 58.0 58.0 | X X | | | X |
| SAN LUCY 85 | 1. John Reno () 2. Max P. Jose (Dewey Ortega) | 42.5 42.5 | | X | | |
| GU VO 117 | 1. Cross Antone (Fern Salcido) 2. Virgil Lewis (Roy Montana) | 58.5 58.5 | | | | X X |
| HICKIWAN 128 | 1. Henry A. Ramon (Pablo Baptisto) 2. Lloyd Francisco (Eleanor Santos) | 64.0 64.0 | X X | | | |
| CHUKUT KUK 169 | 1. Rosemary Lopez (Anita C. Clark) 2. Harriet Toro (Marvin J. Thomas) | 84.5 84.5 | X | | X | |
| TOTALS | | 1640.0 | 1396.0 | 127.0 | -0- | 117.0 |