

## Notice of Referendum Election

*This is a special publication of the Sho-Pai News to announce and post the scheduled Referendum Election of the Ramah Class Action Settlement (a one-time settlement amount). Included in this publication is the Resolution to officially request for a Referendum Election regarding the per-capita distribution of Ramah Class Action Settlement funds to all Shoshone-Paiute Tribal Members, the 2017 Ramah Referendum Election Schedule, the Ramah Settlement Distribution Timeline, and the Ramah Navajo Settlement Fact Sheet.*

The Business Council, at a Special Council Meeting, held on December 13, 2016, passed a motion unanimously to allow a vote on a proposed resolution to distribute the Ramah Settlement Funds recently received. The amount is \$2,526,835.23. The proposed resolution is included in this special publication of *Sho-Pai News*.

The vote will be to approve or disapprove the distribution. A sample ballot will be posted by the Election Board. By Constitutional requirement, only eligible voters are allowed to cast ballots.

As indicated by the resolution the fund distribution, if approved, will be distributed to all members of the Shoshone-Paiute Tribes.

The referendum vote was determined following discussions at two General Meetings of the Tribes and following receipt of a petition of signatures of approximately 318 members requesting distribution to all the membership whether they live on or off the reservation.

The Business Council placed the item for discussion on the agenda for the Special Meeting of December 13. The meeting was attended by approximately 80 members. The proposed resolution was discussed and the pro-

cessing fee was lowered from 5% to 2.5%. The proposed resolution was adjusted and approved by the Business Council for referendum vote in accordance with the Constitution and Bylaws of the Shoshone-Paiute Tribes.

Some members have voiced to invest the funds rather than per capita distribution. The Business Council approved sending the issue to be decided by popular vote - allowing those who preferred investment of the funds to cast their vote as well.

The vote will determine the disposition of the Ramah funds.

Additional information follows.

**RESOLUTION NUMBER 2017-SPR-**

*A resolution for the Business Council to officially request for a Referendum Election regarding the per-capita distribution of Ramah Class Action Settlement funds to all Shoshone Paiute Tribal Members.*

BE IT RESOLVED BY THE BUSINESS COUNCIL OF THE SHOSHONE PAIUTE TRIBES,

WHEREAS, This organization is an Indian Organization known as the Shoshone Paiute Tribes of the Duck Valley Reservation defined under the Indian Reorganization Act of June 18, 1934, as amended, to exercise certain rights of home rule and to be responsible for the promotion of cultural, economic and social welfare of its tribal members; and

WHEREAS, The Shoshone Paiute Tribes is a recipient of funds from the Ramah Class Action Settlement (a one-time settlement amount) and have received funds from the settlement in the amount of \$2,526,835.23; and

WHEREAS, Members of the Shoshone Paiute Tribes have signed a petition for the distribution of all Ramah Settlement Funds to be equally distributed to its total tribal membership who were enrolled with the Shoshone Paiute Tribes as of December 31, 2016; and

WHEREAS, Article IX; Section 1 of the Constitution of the Shoshone Paiute Tribes reads in part that "... upon the request of a majority of the members of the Business Council, any enacted or proposed ordinance or resolution of the Council shall be submitted to a popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding of the Business Council, provided that at least 30% of the eligible voters shall vote in such election;" and

WHEREAS, The Business Council wishes to proceed with a Referendum Election regarding the per-capita distribution of Ramah Class Action Settlement Funds to all tribal members, in accordance with Election Ordinance 2003-SPO-10; and

NOW, THEREFORE BE IT RESOLVED THAT, the Shoshone Paiute Tribal Business Council hereby requests for a Referendum Election to be held on January 5, 2017 regarding the per-capita distribution to its total Shoshone Paiute Tribal Membership of the Ramah Class Action Settlement Funds; and

BE IT FURTHER RESOLVED THAT, the most recently approved Eligible Voters List, which was approved on March 22, 2016, shall be the official Eligible Voters List for this Special Referendum Election and any appeals shall follow the processes set forth in Election Ordinance 2003-SPO-10, Section 3.18.020; and

(Continued next page)

BE IT FURTHER RESOLVED THAT, the following shall apply, should the majority vote in favor of the distribution:

Funds shall be equally (less any amounts stated herein) distributed to all living Shoshone Paiute Tribal Members, who are members as of December 31, 2016; and

An updated W-9 shall be submitted to the Tribes' Finance Department for each tribal member (The Tribal Enrollment Office is to work directly with the Finance Department to assist in obtaining addresses for all Tribal Members.); and

Any debt owed to the Shoshone Paiute Tribes (ie: rent, loans, O&M's, grazing, unsupported financial assistance, etc.) shall be deducted from any amounts paid to the Tribal Members. The individual amounts will be credited to their account; and

A processing fee of 2.5% shall be taken from the total amount of the Ramah Class Action Settlement Funds for distribution costs; and

Federal/State Taxes WILL NOT be withheld by the Shoshone Paiute Tribes. These taxes are the responsibility of each Tribal Member and will be reported to said tribal member at the end of the calendar year on the required federal form 1099; and

Payments for Tribal Members under the age of 18 shall be made directly to the Tribal Member's legal guardian/parent. (A notarized document, provided by the Shoshone Paiute Tribes, must be included with the W-9 for each under age Tribal Member.); and

The attached timeline (Attachment A) shall apply regarding the processing of checks to all Tribal Members.

Tribal Members who do not fill out a new W-9 with the Shoshone Paiute Tribes' Finance Department will have the opportunity to do so up until December 31, 2018 in order to receive their per-capita distribution. However, should there be any funds remaining in the Tribes' account as of January 1, 2019, those funds will be placed into the Tribes' General Account and will no longer be available for distribution; and

The Shoshone Paiute Tribal Business Council must be "Accountable & Transparent" with any and all Ramah Settlement Funds that are distributed or claimed by the Shoshone Paiute Tribal Members by presenting a detailed report of expenditures at each monthly Council Meeting until the funds are depleted or transferred into the General Account on January 1, 2019; and

BE IT FURTHER RESOLVED THAT, the budget (Attachment B) is hereby approved for such purpose of a per-capita distribution; and

BE IT FURTHER RESOLVED THAT, should the majority vote against the distribution, the Shoshone Paiute Tribes shall invest the funds for future economic development purpose; and

BE IT FINALLY RESOLVED THAT, the Shoshone Paiute Tribal Business Council Members are hereby authorized to sign any documents related to the distribution of funds as stated herein.

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

### 2017 RAMAH REFERENDUM ELECTION

	DATE	EVENT	CODE
1	12/15/2016	Announce Referendum Election	3.44.030 (b)
2	12/15/2016	Post, Publish initial Notice of Referendum Election	3.44.030 (c)
3	12/15/2016	Absentee ballots may be requested via mail with Election Board	3.20.020 (a)
4	12/22/2016	Deadline to post Eligible Voters List	3.18.010 (b)
5	12/27 & 12/29/16	Election office opened for Absentee Ballots at Resource Building, Election Office from 8:00 am - 6:00 pm	3.20.020 (b)
6	12/30/2016	4 PM Deadline to receive absentee ballots in mail & hand deliver	3.20.050
7	12/29/2016	Post Sample Ballots	3.19.030
8	1/5/2017	<b>Ramah Referendum Election from 8 am to 6 pm, HDC Building Location</b>	<b>3.03.040</b>
9	1/5/17 & 1/6/17	Unofficial Ramah election results posted at Tribal Office and transmitted to Business Council	3.29.010 (b)
10	1/9/2017	Deadline for filing election contests before election board	3.32.020
11	1/10/2017	Business Council certification of Ramah Referendum Election results	3.38.010
		<b>APPROVED BY THE COUNCIL ON: 12/13/16</b>	
		A copy can be downloaded/printed by the Tribe's homepage. <a href="http://www.shopaitribes.org">www.shopaitribes.org</a>	

**ATTACHMENT A  
RAMAH SETTLEMENT DISTRIBUTION TIMELINE**

Referendum Election January 5, 2017

Finance to: January 6, 2017

- Begin compiling list of all outstanding balances owed to Tribe for Rent, Loans, O&M's, Grazing, Unsupported Financial Assistance, Travel, etc.
  
- Documentation and verification of W-9's submitted against listing provided by Election Board.
  
- Entry of Tribal Members into the AccuFund accounting system.
  
- Entry of Per Cap invoices into the AccuFund accounting system
  
- Order required supplies (checks and envelopes)

First Run - Checks generated for verified Tribal Members January 31, 2017

Second Run - Checks generated for verified Tribal Members March 31, 2017

Checks to be run quarterly for newly verified Tribal Members after the first 2 check runs

## **RAMAH NAVAJO SETTLEMENT FACT SHEET**

### **What is the Ramah Settlement and where did it come from?**

The Ramah litigation is a class action lawsuit against the Bureau of Indian Affairs and Tribal Organizations over unpaid contract support costs (Indirect Costs) during the period 1994 to the present. In 1994, Congress put a maximum on the amount the BIA could spend on contract support payments. This resulted in many Tribes not being paid their fair share of Indirect Costs. As a result, a lawsuit was filed so that the Tribes could recover their Indirect Costs. In 2012, the United States Supreme Court held the government liable for the underpayments that occurred in and after 1994, which resulted in the settlement filed on September 17, 2015.

### **How much was the settlement?**

The settlement is \$940,000,000 for all 300 + Tribes. This amount is increased for interest accruing once the final judgment was approved. After the attorney fees are taken from the settlement, each tribe is given its share based upon the amount of indirect costs they lost during the period covered by the lawsuit. For the Shoshone-Paiute Tribes, this is \$2,526,835.25. Remember, these are Indirect costs that the Tribe was entitled to from the Bureau of Indian Affairs that the Tribe did not get from 1994 through 2013.

### **What can the Tribes do with the money?**

Generally, the Tribes can do anything they want with this money. It is a reimbursement for unpaid Indirect Costs so it should be used accordingly.

### **Can the Tribes distribute this money to it's members?**

Yes, the Tribes can distribute this money to it's

members, but it is taxable for both Federal and State Income Taxes.

### **Will this have any other effects if distributed to members?**

Yes, if the members receive any other types of assistance, it could disqualify them from that assistance for a period of 60-90 days. For example, at the Shoshone-Paiute Tribes, those members receiving General Assistance (GA) would be removed from the program for 60-90 days, have their cases closed and have to re-apply for assistance after the 90 days.

### **How much would I get?**

Based upon a current approximate enrollment number of 2,141, each member would get approximately \$1,150.70. Each member would be responsible for paying their own taxes (at a 15% tax rate that would be about \$172.61 for federal income tax – excludes any appropriate state taxes). The Tribe will be collecting a 2.5% processing fee which has already been determined in the amount above.

### **What would the Tribe do with the money if it was not distributed?**

Invest in Tribal development, lending programs and infrastructure development. The Tribe has several options for economic development. This helps all members. One is to buy land in Idaho and build a truck stop. This provides economic development for the Tribe. Another is to buy land closer to Boise and continue with the plans for a Casino / Hotel. This land can be put in trust and provides a place for Tribal members to stay when they have to go to Boise for medical reasons. It also puts Tribal land in the Boise area. A third option is to buy additional land south of the Rizzi Ranch which gives the Tribe the water rights all the way to the dam.