

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Plan of Operation for the Environmental Trust Fund and Amending
Section 703 of the Solid Waste Management Code)**

RESOLUTION NO. 2000-194

1 **WHEREAS, there is a need to provide a Plan of Operation for the Environmental Trust Fund to**
2 **allow the Tohono O'odham Nation ("Nation") to respond to environmental**
3 **contamination incidents and natural disasters promptly in order to protect the**
4 **health and safety of the O'odham and their environment, and to designate the**
5 **Environmental Trust Fund as the place to deposit cost recovery payments made by**
6 **individuals, businesses, corporations or other entities who damage human health,**
7 **the land or the environment of the Nation; and**

8 **WHEREAS, a working group consisting of staff from the Environmental Office, the Planning**
9 **Department, the Solid Waste Regulatory Office, the Solid Waste Management**
10 **Program, the Department of Public Safety, the Treasurer's Office, the Accounting**
11 **Department, the General Services Administration and the Attorney General's Office**
12 **have worked together to create a concept and a plan of operations for the**
13 **Environmental Trust Fund; and**

14 **WHEREAS, the Environmental Trust Fund was established by Section 703 of the Solid Waste**
15 **Management Code on February 12, 1997, to receive funds from all solid waste**
16 **penalties, fines, fees, or civil damages assessed by the Tohono O'odham Judicial**
17 **Court, and was later designated to receive funds from court fines and penalties**
18 **collected under the Emergency Planning and Community Right-To-Know Ordinance,**
19 **Ordinance No. 98-02; and**

20 **WHEREAS, Section 703 of the Solid Waste Management Code needs to be amended to allow funds**
21 **from additional sources to be placed in the Environmental Trust Fund, to allow the**
22 **Environmental Trust Fund to be used for prompt response to a broad range of**
23 **environmental contamination incidents and natural disasters, and to provide that**
24 **permit application fees to the Solid Waste Regulatory Office are placed in general**
25 **revenues rather than into the Environmental Trust Fund.**

26 **NOW, THEREFORE, BE IT RESOLVED that the Plan of Operation for the Environmental Trust Fund**
27 **is hereby approved in the form attached hereto. All current and future funds in the**
28 **Environmental Trust Fund shall be available for expenditure in accordance with the**
29 **Plan of Operation without further appropriation.**

RESOLUTION NO. 2000-194

(Approving a Plan of Operation for the Environmental Trust Fund and Amending Section 703 of the Solid Waste Management Code)

Page 2 of 3

1 **BE IT FURTHER RESOLVED** that Section 703 of the Solid Waste Management Code is amended by
2 deleting the word "fees" from the second sentence, and by deleting all of Section 703
3 after the first two sentences, as follows:

4 Section 703. Environmental Trust Fund. There is hereby established an
5 Environmental Trust Fund ("Trust Fund"). All penalties, fines, fees or
6 civil damages assessed by the Court shall be paid into the Trust Fund.
7 ~~Subject to appropriation by the Legislative Council, the Trust Fund shall~~
8 ~~be expended by the SWRO for paying costs of environmental cleanup on~~
9 ~~the Nation's lands, and for other purposes related to solid waste~~
10 ~~management. The Trust Fund shall be administered by the supervisor~~
11 ~~of the SWRO:~~

12 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH
13 day of MAY, 2000 at a meeting at which a quorum was present with a vote of 1,792.8 FOR; 372.7
14 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
15 Section 1 (c)(2) and 1(i) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted
16 by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
17 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
18 18, 1934 (48 Stat. 984).

19
20 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

21 
22
23 **Dennis Ramon, Legislative Chairman**

24
25 8 day of May, 20 00

26
27 **ATTEST:**

28
29 

30
31 **Julianna Saraficio, Acting Legislative Secretary**

32
33 04TH day of May, 20 00.

34
35 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
36 O'Odham Nation on the 8 day of May, 20 00 at 1:13 o'clock,
37 P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will
38 become effective upon his approval or upon his failure to either approve or disapprove it within
39 48 hours of submittal.


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

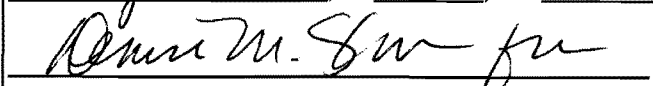
TOHONO O'ODHAM LEGISLATIVE COUNCIL


Dennis Ramon, Legislative Chairman

APPROVED
 DISAPPROVED

on the 10th day of May, 20 00
at 1:29 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10th day of
May, 20 00, at 3:10 o'clock, P.M.

Julianna Saraficio, Acting Legislative Secretary

ACTION: AUTHORIZING TRANSFER OF FUNDS TO THE ENVIRONMENTAL TRUST FUND

MOVED: COUNCILWOMAN EVELYN JUAN

SECOND: COUNCILWOMAN FERN SALCIDO

DATE: APRIL 03, 2000

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	
	2. ALEX J. RAMON ()	104.8			X	
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ()	78.4	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	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	1,575.2	222.6	367.7	[01]

**PASSED VOTES