

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving FY 2003 P.L. 93-638 Grant for Solid Waste Dump Clean Up and Closures)

RESOLUTION NO. 02-450

1 **WHEREAS, the Tohono O'odham Nation ("Nation"), in exercise of its sovereign authority, desires**
2 **to manage and regulate the storage, collection, recycling, transportation and**
3 **disposal of solid waste and certain hazardous waste on lands within the boundaries**
4 **of the Tohono O'odham Nation (Nation) in order to protect the Nation's environment,**
5 **its natural resources, the political integrity and economic security, and the health,**
6 **safety and welfare of its members and all persons present on the lands of the Nation;**
7 **and**

8 **WHEREAS, the United States Congress adopted legislation in the form of *The Indian Lands Open***
9 ***Dump Clean-up Act of 1994*, 25 USC section 3901-3908, requiring the Indian Health**
10 **Service to provide technical and financial assistance for the closure of all solid waste**
11 **dumps on Indian Lands; and**

12 **WHEREAS, the Tohono O'odham Legislative Council ("Legislative Council") adopted the Solid**
13 **Waste Management Code and Solid Waste Management Plan on February 12, 1997 and**
14 **amended the Solid Waste Management Code on October 16, 1997 (Resolution 97-041);**
15 **and**

16 **WHEREAS, from FY 1997 through FY 2002 the Legislative Council has approved the operating**
17 **budgets for the Solid Waste Management Program to establish and manage a**
18 **reservation-wide solid waste and recycling collection and disposal program; and**

19 **WHEREAS, a detailed cost analysis of the cleaning and closing of all 113 dump sites, entitled**
20 ***Closure and Post-Closure Plan Tohono O'odham Nation Open Dumpsites, (August,***
21 ***2000)* which was funded by the Indian Health Service, has been estimated at**
22 **\$6,200,000; and**

23 **WHEREAS, the Nation has applied for and received approximately \$1,636,000.00 from the I.H.S.**
24 **and the Interagency Solid Waste Task Force for starting the process of cleaning up**
25 **and closing all the solid waste dumps; and the Nation will continue to apply for**
26 **additional funds for closure as long as funds are available; and**

27 **WHEREAS, the Tohono O'odham Solid Waste Management Code directs that the Solid Waste**
28 **Regulatory Office and the Solid Waste Management Program close all dump sites**
29 **making sure to conform to all applicable environmental standards.**

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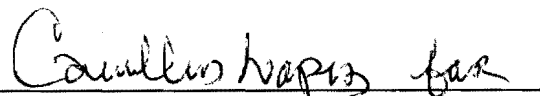
1 NOW, THEREFORE, BE IT RESOLVED that current and future Indian Health Service funds,
2 Interagency Solid Waste Task Force funds and other grant funds earmarked for dump
3 closure be directed into a designated account for the Solid Waste Management
4 Program to perform such dump closure activity.

5 BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council hereby authorizes the
6 expenditure of \$491,661.90 by the SWMP for FY 2002-2003 in accordance with the
7 attached budget.

8 BE IT FINALLY RESOLVED that subsequent funding for solid waste dump clean up and closures is
9 wholly dependant upon continued funding from Indian Health Service funds,
10 Interagency Solid Waste Task Force funds and other grant funds, and there will be no
11 obligation for funding by the Tohono O'odham Nation.

12 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 01ST Day
13 of OCTOBER, 2002 at a meeting at which a quorum was present with a vote of 2,337.15 FOR; -0-
14 AGAINST; 80.35 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by
15 Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono
16 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
17 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
18 Stat. 984).

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20 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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24 Rita A. Martinez, Legislative Chairwoman

25
26 03RD day of October, 2002

27 ATTEST:

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31 Julianna Saraficio, Acting Legislative Secretary

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33 01ST day of October, 2002.

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36 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
37 Nation on the 03RD day of October, 2002 at 10:50 o'clock, A .M.,
38 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
39 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
40 submittal.

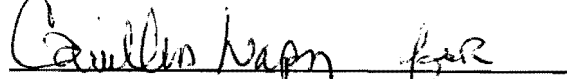
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 8th day of October, 20 02

DISAPPROVED

at 8:47 o'clock, A.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 08th day of

October, 20 02, at 9:51 o'clock, A.M.


Julianna Saraficio, Acting Legislative Secretary