

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Transfer funds from SWMP Revenue Accounts to SWMP Revenue Budget for the  
purchase of an Articulating Loader)**

**RESOLUTION NO. 03-211**

- 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 Nation in order to protect the Nation's environment, its natural resources, the**  
5 **political integrity and economic security of the Nation, and the health, safety and**  
6 **welfare of its members and all persons present on the lands of the Nation; and**
- 7 **WHEREAS, the Tohono O'odham Legislative Council ("Legislative Council") adopted the Solid**  
8 **Waste Management Code and Solid Waste Management Plan on February 12, 1997**  
9 **by Resolution No. 97-041; and**
- 10 **WHEREAS, the Program is budgeted to lease purchase a rubber tire articulating loader; and**
- 11 **WHEREAS, the Tohono O'odham Attorney General's Office, upon reviewing the lease purchase**  
12 **agreement from Caterpillar Financial Services, recommends that if funds are**  
13 **available the tribe would be advised to purchase the equipment outright; and**
- 14 **WHEREAS, the outright purchase of the loader will eliminate the need for a lease purchase**  
15 **agreement and thereby save interest payments and not suspend tribal sovereign**  
16 **immunity; and**
- 17 **WHEREAS, the Tohono O'odham Solid Waste Plan directs the Program to collect certain fees to**  
18 **help pay for program costs and has generated revenue from solid waste services that**  
19 **has been deposited in the Bank of America (acct. #002-52452099) and Bank of**  
20 **America Securities LLC (acct. #220-70298-1-6 EMT) by the Treasurer's office; and**
- 21 **WHEREAS, the Treasurer's Office has reported that there are sufficient funds in the two**  
22 **accounts to pay for the loader; and**
- 23 **WHEREAS, the Budget Office has reported that line item 83-0003-750 has a balance of**  
24 **\$88,214.50.**
- 25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby approves**  
26 **the transfer of \$186,000.00 from said revenue accounts listed above into SWMP's**  
27 **revenue budget 83-0003-750 for FY 2003 and when combined with the current**  
28 **balance will provide sufficient funds for the purchase of a rubber tire articulating**  
29 **loader as detailed in the attached budget modification.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup> Day of MAY, 2003 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Rita A. Martinez  
Rita A. Martinez, Legislative Chairwoman

12<sup>th</sup> day of May, 20 03

ATTEST:

Juliana Saraficio  
Juliana Saraficio, Acting Legislative Secretary

07<sup>th</sup> day of May, 20 03.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 12<sup>th</sup> day of May, 20 03 at 10:19 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Rita A. Martinez  
Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 12 day of May, 20 03

DISAPPROVED

at 1:05 o'clock, P.M.

Edward D. Manuel  
EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION

**RESOLUTION NO. 03-211**

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Returned to the Legislative Secretary on the 14<sup>th</sup> day of

May, 20 03, at 8:47 o'clock, A.M.

  
\_\_\_\_\_  
**Julianna Saraficio, Acting Legislative Secretary**

**ACTION: TRANSFER FUNDS FROM SWMP REVENUE ACCOUNTS TO SWMP REVENUE BUDGET FOR THE PURCHASE OF AN ARTICULATING LOADER**

**MOVED: COUNCILMAN DAVID GARCIA**

**SECOND: COUNCILWOMAN FRANCES MIGUEL**

**DATE: MAY 07, 2003**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>317.7</b>	1. FRANCES MIGUEL ( )	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
<b>CHUKUT KUK</b> <b>248.1</b>	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
<b>GU ACHI</b> <b>230.7</b>	1. CAMILLUS LOPEZ ( )	115.35	X			
	2. JEROME JOAQUIN ( )	115.35	X			
<b>GU VO</b> <b>188.3</b>	1. FERN SALCIDO ( )	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			X
<b>HICKIWAN</b> <b>167.3</b>	1. SHIRLEY MOLINA ( )	83.65	X			
	2. SANDRA ORTEGA ( )	83.65	X			
<b>PISINEMO</b> <b>174.7</b>	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
<b>SAN LUCY</b> <b>160.7</b>	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ( )	80.35	X			
<b>SAN XAVIER</b> <b>184.7</b>	1. FELICIA NUÑEZ ( )	92.35	X			
	2. DENNIS RAMON ( )	92.35	X			
<b>SCHUK TOAK</b> <b>144.5</b>	1. MARY FLORES ( )	72.25	X			
	2. AMBROSE ENCINAS ** (Frances B. Conde(Francisco))	72.25	X			
<b>SELLS</b> <b>416.1</b>	1. DENNIS E. JOSE ( )	208.05	X			
	2. EVELYN JUAN ( )	208.05	X			
<b>SIF ODAK</b> <b>184.7</b>	1. ISIDRO LOPEZ (Nicholas Jose)	92.35	X			
	2. RITA MARTINEZ ( )	92.35	X			
<b>TOTAL</b>		<b>2,417.5</b>	<b>2,417.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>

**\*\*PASSED VOTES**