

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving FY 2004 Construction Grant for Solid Waste Dump Clean Up and Closures)

RESOLUTION NO. 03-516

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**
14 **(Resolution 97-041) and amended the Solid Waste Management Code on October 16,**
15 **1997; and**

16 **WHEREAS, from FY-1997 through FY-2003 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, 15,***
21 ***2000)* was presented to Legislative Council and is been estimated at \$6,200,000; and**

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

26 **WHEREAS, the Tohono O'odham Solid Waste Management Code directs that the Solid Waste**
27 **Regulatory Office and the Solid Waste Management Program to close all dump sites**
28 **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 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 \$439,307.11 for FY-2004 in accordance with the attached budget and**
7 **that this resolution is retroactive to October 1, 2003.**

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 Services 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 05th Day**
13 **of NOVEMBER, 2003 at a meeting at which a quorum was present with a vote of 2,414.3 FOR; -0-**
14 **AGAINST; -0- NOT VOTING; and 215.4 [06] 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**
16 **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 *for* 
23 **Dennis Ramon, Legislative Chairman**
24
25 13th day of November, 2003

26
27 **ATTEST:**

28 
29
30 **Vivian Hedrington, Legislative Secretary**

31
32 05 day of November, 2003.

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34 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
35 **O'Odham Nation on the 13th day of November, 2003 at 9:13 o'clock,**
36 **A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
37 **effective upon her approval or upon her failure to either approve or disapprove it within 48 hours**
38 **of submittal.**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

[Signature]
for **Dennis Ramon, Legislative Chairman**

APPROVED

on the 14 day of November, 2003

DISAPPROVED

at 4:50 o'clock, p.M.

EXCEEDED 48 HOURS

[Signature]
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of

November, 2003, at 10:08 o'clock, a.M.

[Signature]
Vivian Hedrington, Legislative Secretary

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ACTION: APPROVING FY 2004 CONSTRUCTION GRANT FOR SOLID WASTE DUMP CLEAN UP AND CLOSURES

Moved: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILMAN ISIDRO LOPEZ

DATE: NOVEMBER 05, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			X
SAN XAVIER 215.4	1. FELICIA NUÑEZ ()	107.70				X
	2. DENNIS RAMON ()	107.70				X
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			X
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			X
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN ()	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			X
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,414.3	-0-	-0-	215.4 [06]

****PASSED VOTES**