

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving FY 2005 Construction Grant for Solid Waste Dump Clean up and Closures)**

**RESOLUTION NO. 04-632**

- 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 from FY-1997 through FY-2004 the Legislative Council has**  
15 **approved the operating budgets for the Solid Waste Management Program to**  
16 **establish and manage a reservation-wide solid waste and recycling collection and**  
17 **disposal program; and**
- 18 **WHEREAS, a detailed cost analysis of the cleaning and closing of all 113 dump sites, entitled**  
19 ***Closure and Post-Closure Plan Tohono O'odham Nation Open Dumpsites (August, 15,***  
20 ***2000)* was presented to the Legislative Council and estimated at \$6,200,000; and**
- 21 **WHEREAS, the Nation has applied for and has received a total of \$1,934,000.00 to date from the**  
22 **I.H.S. Sanitary Deficiency Fund and the Federal Interagency Solid Waste Task Force**  
23 **for cleaning up and closing the solid waste dumps; and the Nation will continue to**  
24 **apply for additional funds for closure as long as funds are available; and**
- 25 **WHEREAS, the Tohono O'odham Solid Waste Management Code directs that the Solid Waste**  
26 **Regulatory Office and the Solid Waste Management Program to close all dump sites**  
27 **making sure to conform to all applicable environmental standards.**
- 28 **NOW, THEREFORE, BE IT RESOLVED that current and future Indian Health Service funds, Federal**  
29 **Interagency Solid Waste Task Force funds and other grant funds earmarked for dump**

1 closure be directed into a designated account for the Solid Waste Management  
2 Program to perform such dump closure activity.

3 BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council hereby authorizes the  
4 expenditure of \$415,634.29 for FY-2005 in accordance with the attached budget.

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

9 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 30<sup>TH</sup> Day  
10 of NOVEMBER, 2004 at a meeting at which a quorum was present with a vote of 2,463.4 FOR; -0-  
11 AGAINST; -0- NOT VOTING; and 166.3[06] ABSENT, pursuant to the powers vested in the Council by  
12 Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono  
13 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
14 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
15 Stat. 984).

16  
17 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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19   
20 Isidro Lopez, Legislative Chairman

21  
22 2<sup>nd</sup> day of December, 2004

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24  
25 ATTEST:

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27   
28 Lucille Lopez, Acting Legislative Secretary

29  
30 2<sup>nd</sup> day of December, 2004.

31  
32 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono  
33 O'Odham Nation on the 2<sup>nd</sup> day of December, 2004 at 10:32 o'clock,  
34 A .M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
35 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours  
36 of submittal.

37  
38 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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41 Isidro Lopez, Legislative Chairman

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**(Approving FY 2005 Construction Grant for Solid Waste Dump Clean Up and Closures)**

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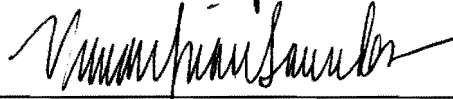
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**APPROVED**

on the 2nd day of December, 2004

**DISAPPROVED**

at 2:25 o'clock, P.M.



**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 2nd day of

December, 2004, at 3:25 o'clock, P.M.



**Lucille Lopez, Acting Legislative Secretary**

ACTION: APPROVING FY 2005 CONSTRUCTION GRANT FOR SOLID WASTE DUMP CLEAN UP AND CLOSURES

MOVED: COUNCILMAN VERLON JOSE

SECOND: COUNCILWOMAN SANDRA ORTEGA

DATE: NOVEMBER 30, 2004

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>192.6</b>	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
<b>SELLS</b> <b>465.6</b>	1. DENNIS E. JOSE ( )	232.80	X			
	2. EVELYN JUAN ( )	232.80	X			
<b>SCHUK TOAK</b> <b>176.1</b>	1. FRANCES B. CONDE ( )	88.05	X			
	2. PHYLLIS JUAN ( )	88.05	X			
<b>SAN XAVIER</b> <b>215.4</b>	1. FELICIA NUÑEZ (Olivia Liston-Villegas)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			
<b>SAN LUCY</b> <b>166.3</b>	1. JOHN W. LAWSON, SR. ( )	83.15				X
	2. GLORIA RAMIREZ ( )	83.15				X
<b>PISINEMO</b> <b>175.4</b>	1. BARBARA SALVICIO ( )	87.70	X			X
	2. PATRICIA CRUZ ( )	87.70	X			
<b>HICKIWAN</b> <b>170.3</b>	1. DELMA GARCIA (Mary E. Sam)	85.15	X			X
	2. SANDRA ORTEGA ( )	85.15	X			
<b>GU VO</b> <b>191.4</b>	1. RAYMOND VICTOR ( )	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			X
<b>GU ACHI</b> <b>253.6</b>	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Roberta Picard)	126.80	X			
<b>CHUKUT KUK</b> <b>258.9</b>	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			X
	2. VERLON M. JOSE (David Garcia)	129.45	X			
<b>BABOQUIVARI</b> <b>364.1</b>	1. FRANCES MIGUEL ( Lucilda Norris-Valenzuela )	182.05	X			
	2. FRANCES G. ANTONE ( )	182.05	X			
<b>TOTAL</b>		<b>2,629.7</b>	<b>2,463.4</b>	<b>-0-</b>	<b>-0-</b>	<b>166.3 [06]</b>

\*\*PASSED VOTES