

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting and Authorizing the Submission of Recommended Designation Letter
Regarding 24-Hour PM_{2.5}, Annual PM_{2.5}, and PM₁₀)

RESOLUTION NO. 10-034

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "administer land**
2 **and other public property, and by law, ordinance or resolution...to manage, protect,**
3 **preserve and regulate the use of the property, wildlife, land, air and natural resources**
4 **(including surface and ground waters) of the Tohono O'odham Nation" and to consult**
5 **"appropriate federal agencies regarding federal activities that affect the Tohono**
6 **O'odham Nation" (Constitution of the Tohono O'odham Nation, Article VI, Section**
7 **1(i)(2) and 1(j)); and**

8 **WHEREAS, the Legislative Council is further vested with the power to "consult, negotiate and**
9 **conclude agreements and contracts on behalf of the Tohono O'odham Nation with**
10 **Federal, State and local governments and other Indian tribes or their departments,**
11 **agencies, or political subdivisions . . . on all matters within the authority of the Tohono**
12 **O'odham Council." (Constitution, Article VI, Section 1(f)); and**

13 **WHEREAS, the Nation's chairperson is the chief executive officer of the Tohono O'odham Nation**
14 **and is vested with the power to "oversee the administration and management of the**
15 **government in accordance with an administrative plan adopted by the Tohono**
16 **O'odham Council"; to "oversee the implementation of all laws, ordinances, resolutions**
17 **and rules made by the Tohono O'odham Council"; and to "act as the official**
18 **representative of the Tohono O'odham Nation" (Constitution, Article VII, Section 2(a),**
19 **(c), and (f)); and**

20 **WHEREAS, the United States Environmental Protection Agency ("EPA") is responsible for reducing**
21 **national ambient air quality standard ("NAAQS") pollutants and other toxic pollutants,**
22 **in accordance with the Clean Air Act; and**

23 **WHEREAS, the EPA has decided to promulgate area designations for Pinal County for fine**
24 **particles, including 24-hour PM_{2.5}, annual PM_{2.5}, and PM₁₀; and**

25 **WHEREAS, the Tohono O'odham Nation owns land that is situated within Pinal County; and**

26 **WHEREAS, the EPA has requested that the Nation provide a recommended designation for Nation**
27 **lands situated within Pinal County; and**

28 **WHEREAS, the Nation has yet to develop an air monitoring program and thus the appropriate**
29 **designation under the Clean Air Act is attainment/unclassifiable; and**

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1 WHEREAS, the Domestic Affairs Committee reviewed and approved the recommended
2 designation letter as the Nation's official position on this issue.


3 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the
4 recommended designation letter regarding the Nation's classification as
5 attainment/unclassifiable under the Clean Air Act with respect to 24-hour PM_{2.5},
6 annual PM_{2.5}, and PM₁₀ in Pinal County and authorizes the Nation's Chairman to sign
7 the letter and submit it to EPA.

8 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH. Day
9 of FEBRUARY, 2010 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-
10 AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Article
11 VI, Section 1 (i)(2) and (j) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono
12 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
13 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
14 Stat. 984).

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16 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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19 _____
20 Verlon M. Jose, Legislative Chairman
21
22 11 day of February, 2010

23
24 ATTEST:

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26 _____
27 Evonne Wilson, Legislative Secretary
28
29 11 day of February, 2010.

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31 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
32 Nation on the 11 day of February, 2010 at 5:19 o'clock, P.M.,
33 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
34 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
35 submittal.

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37 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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41 Verlon M. Jose, Legislative Chairman
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APPROVED

on the 11th day of February, 2010

DISAPPROVED

at 5:39 o'clock, P.M.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11 day of

February, 2010, at 5:43 o'clock, P.M.



Evonne Wilson, Legislative Secretary

ACTION: ADOPTING AND AUTHORIZING THE SUBMISSION OF RECOMMENDED DESIGNATION LETTER REGARDING
24-HOUR PM_{2.5}, ANNUAL PM_{2.5}, AND PM₁₀

Moved: COUNCILWOMAN CYNTHIA E. MANUEL

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: FEBRUARY 08, 2010

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			X
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			X
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (<i>Absent</i>) (Eugene Enis) (<i>Present</i>)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			X
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			X
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			X
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	162.0	X			
TOTAL		2,595.50	2,595.50	-0-	-0-	[05]