

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL

(Formal Request to the United States Environmental Protection Agency and to the Federal District Court Judge, The Honorable Judge Bilby to Order the Minerec Mining Company, (Arizona Mining Products), to Cease all Production Operations, to Immediately Remove all Chemicals and Related Equipment and to Fully Remediate any and all Environmental Damage)

RESOLUTION NO. 95-271

WHEREAS, the Minerec Mining Company has repeatedly failed to conduct business practices in a manner which insures that the public health and safety of the O'odham and our neighbors are adequately protected; and

WHEREAS, the Minerec Mining Company has repeatedly exhibited reckless disregard for the sanctity of our sacred environment; and

WHEREAS, representatives of the Tohono O'odham Nation and the San Xavier District have been involved in good faith negotiations to remedy these problems for the past two years with the Minerec Company, without success; and

WHEREAS, the Tohono O'odham Nation's Legislative Council by virtue of its Constitutional authority is obligated to protect the health, safety, and welfare of Tohono O'odham members and all of the Nation's natural resources.

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1 Honorable Judge Bilby to order the Minerce Mining Company to cease all
2 Production Operations, to Immediately Remove all Chemicals and Related
3 Equipment and to Fully Remediate any and all Environmental Damage)
Page 2 of 4**

NOW, THEREFORE, BE IT RESOLVED that

**1. The Tohono O'odham Legislative Council formally requests that
8 the U.S. Environmental Protection Agency and the Honorable
9 Richard Bilby order the Minerec Mining Company to Cease
10 production operations, immediately remove all chemicals and related
11 equipment and fully remediate the plant site.**

**12 2. It is the position of the Nation that Minerec is fully responsible
13 for all costs associated with decommissioning, dismantling and
14 removal of the plant, its' remediation, and all other costs related to
15 its departure from the Nation.**


**16 3. The Attorney General is authorized and directed to seek an order
17 from the Federal District Court or other Court of competent
18 jurisdiction which directs Minerec to take the foregoing steps and
19 bear the designated costs.
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The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 19TH, day of May, 1995 at a meeting at which a quorum was present with a vote of 1,627.0 FOR; -0- AGAINST; -0- NOT VOTING; and 136.0 [08] ABSENT, pursuant to the powers vested in the Council by Section 1(c)7 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

for 
Alex J. Ramon, Legislative Chairman

19 day of May, 1995

ATTEST:


Frances Antone, Legislative Secretary


19th day of May, 1995

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4 Page 4 of 4

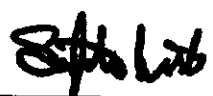
5 Said Resolution was submitted for approval to the office of the Chairman of the
6 Tohono O'Odham Nation on the 19 day of May, 1995
7 at 12:07 o'clock, P.M, pursuant to the provisions of Section 5 of Article
8 VII of the Constitution and will become effective upon his approval or upon his
9 failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

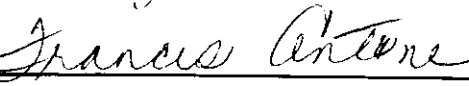
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14 *for* 
15 Alex J. Ramon, Legislative Chairman
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18 **APPROVED** on the 19th day of May, 1995

19 **DISAPPROVED** at 12:08 o'clock, P.M.
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23 SYLVESTER LISTO, Chairman
24 TOHONO O'ODHAM NATION

25 Returned to the Legislative Secretary on the 19th day of
26 May, 1995, at 12:19 o'clock, P.M.
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28 
Frances Antone, Legislative Secretary

ACTION: REQUEST TO THE UNITED STATES EPA AND TO THE FEDERAL DISTRICT COURT JUDGE, THE HONORABLE JUDGE BILBY TO ORDER THE MINERIC MINING COMPANY TO CEASE ALL PRODUCTION

MOVED: COUNCILWOMAN MARY ANN ANTONE

SECOND: COUNCILWOMAN MARILYN FRANCISCO

DATE: MAY 19, 1995

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	145.0	X			
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ()	56.5	X			X
	2. KENNETH J. ANTONE ()	56.5	X			
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ()	67.5	X			
	2. DENNIS RAMON ()	67.5	X			
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0	X			X
	2. EDWARD KISTO (Idella Stanley)	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ()	90.0				X
	2. ALEX J. RAMON (Marian Johnson)	90.0				X
PISINEMO 128.0	1. VACANT (Vacant)	64.0	X			X
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
SAN LUCY 98.0	1. JOHN RENO ()	49.0	X			X
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0	X			
GU VO 124.0	1. EMILIO LEWIS ()	62.0				X
	2. MICHAEL FLORES (Fern Salcido)	62.0				X
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ()	68.0	X			
	2. LLOYD FRANCISCO ()	68.0	X			
CHUKUT KUK 178.0	1. MARILYN FRANCISCO	89.0	X			
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,459.0	-0-	-0-	304.0

[8]

****PASSED VOTES**