

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Requesting the United States Congress fund the Indian Lands Open  
Dump Clean-up Act of 1994)**

**RESOLUTION NO. 98-077**

**WHEREAS, the Tohono O'odham Nation ("Nation"), in exercise of its sovereign authority, desires to manage and regulate the storage, collection, recycling, transportation and disposal of solid waste and certain hazardous waste on lands within the boundaries of the Nation in order to protect the Nation's environment, its natural resources, the political integrity and economic security of the Nation, and the health, safety and welfare of its members and all persons present on the lands of the Nation; and**

**WHEREAS, the Tohono O'odham Legislative Council ("Legislative Council") adopted the Solid Waste Management Code and Solid Waste Management Plan on February 12, 1997 and amended the Solid Waste Management Code on October 16, 1997; and**

**WHEREAS, the Legislative Council approved both the capital and operating budget for the Solid Waste Management Program from tribal funds in both FY 97 and FY 98; and**

**WHEREAS, the adopted Solid Waste Management Plan has the Nation implementing a program that will provide solid waste collection and recycling for all villages by way of bins placed in each community; and a trucking system to collect the solid waste from the bins; and haul the waste to EPA approved sanitary landfills located off of the Nation's lands; and**

**WHEREAS, the United States Congress adopted legislation in the form of *The Indian Lands Open Dump Clean-up Act of 1994*, 25 USC Section 3901-**

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**3908, requiring I.H.S. to provide technical and financial assistance for the closure of all solid waste dumps on Indian lands; and**

**WHEREAS, the United States Environmental Protection Agency's regulation at 40 CFR PART 258, requires the closure of all small rural solid waste dumps, including solid waste dumps on all Indian lands by October 9, 1998; and**

**WHEREAS, the Indian Health Service has developed a preliminary estimate of \$2.4 million dollars to close approximately 88 dumps on the Nation's lands.**

**NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby requests the United States Congress fund the closure of the 88 dumps that have been identified on the Tohono O'odham Nation's land by the I.H.S. with an appropriation of \$2.4 million dollars in FY-99 Federal Budget.**

**BE IT FURTHER RESOLVED that the United States Congress fund the unfunded mandate, *The Indian Lands Open Dump Clean-up Act of 1994* that requires all I.H.S. to finance the closure of all solid waste dumps on Indian lands.**

**BE IT FINALLY RESOLVED that the United States Congress extend the date of the required dump closure from October 9, 1998 to October 9, 2001.**

**The foregoing Resolution was passed by the Tohono O'odham Council on the 23RD, day of FEBRUARY, 1998 at a meeting at which a quorum was present with a vote of 1,927.0 FOR; -0- AGAINST; -0- NOT VOTING; and [06] ABSENT, pursuant to the powers vested in the Council by Section 1(j) 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).**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
**Dennis Ramon, Legislative Chairman**

24<sup>th</sup> day of February, 19 98

**ATTEST:**

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

23<sup>rd</sup> day of February, 19 98.

**Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 24<sup>th</sup> day of February, 19 98 at 5:36 o'clock, P.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**

  
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**Dennis Ramon, Legislative Chairman**

**APPROVED**

on the 25<sup>th</sup> day of February, 19 98

**DISAPPROVED**

at 4:36 o'clock, P.M.

  
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**EDWARD D. MANUEL, Chairman**

**TOHONO O'ODHAM NATION**

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Returned to the Legislative Secretary on the 26<sup>th</sup> day of

February, 19 98, at 8:55 o'clock, A.M.

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

ACTION: REQUESTING THE UNITED STATES CONGRESS FUND THE INDIAN LANDS OPEN DUMP CLEAN-UP ACT OF 1994

MOVED: VICE CHAIRMAN ALBERT MANUEL, JR.

SECOND: COUNCILMAN JOHN RENO

DATE: FEBRUARY 23, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>CHUKUT KUK</b> 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
<b>HICKIWAN</b> 146.0	1. ALEX JOSE ( )	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
<b>GU VO</b> 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			X
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
<b>SAN LUCY</b> 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
<b>PISINEMO</b> 139.0	1. BARBARA SALVICIO ( )	69.5	X			X
	2. JOHNSON JOSE ( )	69.5	X			
<b>GU ACHI</b> 190.0	1. LOUIS JOHNSON ( )	95.0	X			X
	2. ALEX J. RAMON ( )	95.0	X			
<b>BABOQUIVARI</b> 258.0	1. FRANCES MIGUEL ( )	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
<b>SAN XAVIER</b> 146.0	1. TONY BURRELL ( )	73.0	X			X
	2. DENNIS RAMON ( )	73.0	X			
<b>SCHUK TOAK</b> 120.0	1. JOSEPH JUAN ( )	60.0	X			X
	2. AMBROSE ENCINAS ( )	60.0	X			
<b>SELLS</b> 322.0	1. DENNIS E. JOSE ( )	161.0	X			
	2. EVELYN JUAN ( )	161.0	X			
<b>SIF OIDAK</b> 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			X
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			
<b>TOTAL</b>		<b>1,927.0</b>	<b>1,927.0</b>	<b>-0-</b>	<b>-0-</b>	<b>[06]</b>

\*\*PASSED VOTES