

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supplemental Budget for the Solid Waste Regulatory Office Implementation)**

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RESOLUTION NO. 98-113

WHEREAS, the Tohono O'odham Solid Waste Program Office under the Planning & Economic Development Department is requesting a supplemental budget in the amount of \$531,451.79 for the implementation of the Solid Waste Regulatory Office; and

WHEREAS, the Tohono O'odham Nation's Solid Waste Code calls for the establishment of the SWRO under the Executive Branch of the Nation under Chapter 3; Section 301; and

WHEREAS, the program will execute the powers and duties of the Solid Waste Regulatory Office in:

- (a) to develop solid waste laws for presentation to the Legislative Council for approval;**
- (b) to issue regulations in compliance with the Solid Waste Code and which are necessary or beneficial to the purpose of this Code;**
- (c) to implement, administer and enforce this Code and any other solid waste laws and regulations of the Nation;**
- (d) to prepare an inventory with a list of the locations of all sites on the lands of the Nation where solid waste has been disposed, and a plan to close all sites in compliance with federal law and the laws of the Nation;**
- (e) to implement the Solid Waste Management Plan ("Plan") adopted by the Legislative Council pursuant to section 501 of this Code;**
- (f) to implement the plan for closure of open dumps;**
- (g) to create a system of permits for the collection, transportation, storage or disposal of solid waste and hazardous waste on lands**

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of the Nation, establishing categories of permits, fee schedules, and exemptions;

- (h) to regulate the activity of entities which have been issued a permit to collect, transport, store or dispose of solid waste or hazardous waste on lands of the Nation;**
- (i) to monitor, test or inspect any facility on lands of the Nation involved with the collection, transportation, storage or disposal of solid waste or hazardous waste, and to require the production of information, records and reports by an owner or operator;**
- (j) to enter on or into any site or premises subject to a permit under this Code or in which records relevant to the operation of regulated facilities or activities are kept;**
- (k) to investigate any reports of violations of this Code, to issue notice of violation, and to cite violators of this Code into Tohono O'odham Judicial Court ("Court");**
- (l) to assess and collect civil penalties, to require remedial action, and to revoke, suspend or modify permits issued under this Code upon such terms and conditions as the SWRO may determine appropriate;**
- (m) to issue orders to enforce permits requirements;**
- (n) to issue emergency restraining orders in response to an activity or threatened activity involving solid waste or hazardous waste which may present an imminent and substantial endangerment to health or the environment; and**
- (o) to exercise such other powers and duties related to solid waste regulation as are described in Chapter 7 and Chapter 9 of the**

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Solid Waste Code and as shall from time to time be given to the SWRO by the Legislative Council; and

WHEREAS, the Tohono O'odham Nation did support the development of the SWRO, in August 1997 with a base budget but limited to full implementation of the SWRO.

NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby approves the supplemental budget for the Solid Waste Regulatory Office in the amount of \$531,451.79, and authorizes expenditures in accordance with the attached budget, provided that any expenditures affecting the funding of the agreement be submitted for prior approval by this Council.

BE IT FURTHER RESOLVED that funds in the amount of \$531,451.79 will be appropriated from the General Fund, with said funds to be replenished from an Investment Account to be identified by the Investment Committee.

The foregoing Resolution was passed by the Tohono O'odham Council on the 18TH day of MARCH, 1998 at a meeting at which a quorum was present with a vote of 1,738.0 FOR; -0- AGAINST; -0- NOT VOTING; and 189.0 [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) & (3) 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



Dennis Ramon, Legislative Chairman

23rd day of March, 19 98

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ATTEST:


Julianna Saraficio, Acting Legislative Secretary

18 day of March, 19 98.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 23rd day of March, 19 98 at 12:46 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

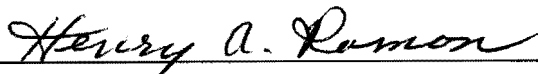

Dennis Ramon, Legislative Chairman

APPROVED

on the 23 day of March, 19 98

DISAPPROVED

at 2:32 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 23rd day of

March, 19 98, at 3:30 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: **SUPPLEMENTAL BUDGET FOR THE SOLID WASTE REGULATORY OFFICE IMPLEMENTATION**MOVED: **COUNCILWOMAN EVELYN JUAN**SECOND: **COUNCILMAN LOUIS JOHNSON**DATE: **MARCH 18, 1998**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5				X
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5				X
HICKIWAN 146.0	1. ALEX JOSE ()	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. ** (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			X
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0	X			
	2. ALEX J. RAMON ()	95.0	X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			X
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0	X			
	2. DENNIS RAMON ()	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			
	2. AMBROSE ENCINAS ()	60.0	X			
SELLS 322.0	1. DENNIS E. JOSE ()	161.0	X			
	2. EVELYN JUAN ()	161.0	X			
SIF Oidak 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			
TOTAL		1,927.0	1,738.0	-0-	-0-	189.0 [04]

**PASSED VOTES