

RESOLUTION OF THE PAPAGO TRIBAL COUNCIL

(IHS's Responsibility to Monitor and Maintain Wells)

RES. NO. 689-85

1 WHEREAS, under the Indian Sanitation Facilities Act (42 U.S.C. 2004a) IHS has
2 constructed or improved water and sanitation facilities within the
3 Papago Reservation and under the authority of the act, transferred the
4 operation and maintenance responsibility of these facilities to the
5 Papago Tribe; and

6 WHEREAS, until 1976, IHS assisted in the operation and maintenance of the water
7 and sanitation systems; and

8 WHEREAS, on April 09, 1976, Mr. Sidney Edelman, Assistant General Counsel for
9 Public Health issued an opinion which concluded that IHS lacked
10 legislative authority to maintain water and sanitation systems trans-
11 ferred to Tribes and communities; and

12 WHEREAS, IHS adopted a policy that it has the authority to set, monitor or
13 enforce water quality standards but decided to enter into an inter-
14 agency agreement with the Environmental Protection Agency wherein IHS
15 agreed that it would not assume any responsibility to enforce or im-
16 plement the provisions of the Safe Drinking Water Act (P.L. 93-523)
17 and that EPA would be the prime enforcer; and

18 WHEREAS, on July 28, 1980, Mr. Elmer B. Staats, Comptroller General of the
19 United States, wrote a letter to the Honorable Morris K. Udall,
20 Chairman, Committee on Interior and Insular Affairs, House of Repre-
21 sentatives, where he stated "We understand the basis of HHS' Assitant
22 General Counsels opinion and believe that it may be a reasonable inter-
23 pretation of the Congressional intent. However, in our view, an
24 equally convincing case can be made that the Congress intended IHS to
25 maintain the sanitation facilities if, in the Secretary's judgement,
26 such maintenance was necessary to keep the facilities in effective
27 operating conditions; and

28 WHEREAS, the attorney for the Tribe has issued an opinion (July 03, 1978) which
29 basically concluded that IHS legally is responsible for maintaining
30 Indian Sanitation facilities and water to insure the delivery of safe
31 and quality water to the Papago people; and

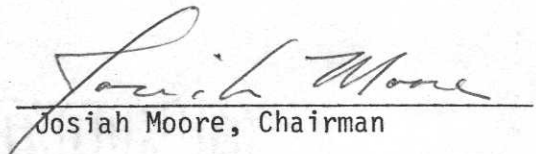
32 WHEREAS, the Papago Tribal Council believes that there is an urgent need for

1 the monitoring of certain wells and the maintenance of those wells
2 to insure the health and welfare of the Papago people and that IHS
3 has the Trust responsibility to maintain and monitor these facilities.
4 NOW, THEREFORE, BE IT RESOLVED that the Papago Council does hereby demand that
5 IHS carry out its Trust responsibility and immediately take the
6 necessary steps to monitor and maintain those wells on the reservation
7 that are not under the control of PTUA or make available to the Tribe
8 sufficient funds to carry out IHS's responsibility.

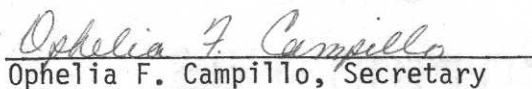
9 BE IT FURTHER RESOLVED that Josiah Moore, Chairman, Francisco Jose, Jr., Vice
10 Chairman or Rosita Ruiz, Treasurer of the Papago Council is hereby
11 authorized to take all steps necessary to carry out the purposes of
12 this resolution.

13 The foregoing Resolution was duly enacted by the Papago Council on the 13th
14 day of September, 1985, at a meeting at which a quorum was present with a vote
15 of 1,640.0 for; -0- against; -0- not voting; and -0- absent, pursuant to the
16 authority vested in the Papago Council by Section 2 (a), (h) and (m) of Article
17 V of the Constitution and By-laws of the Papago Tribe of Arizona as amended,
18 ratified by the Papago Tribe on December 12, 1936, and approved by the Secretary
of the Interior on January 6, 1937, pursuant to Section 16 of the Act of June
18, 1934 (48 Stat. 984). Said Resolution is not subject to review by the
Secretary of the Interior and is effective as of the date of its enactment by
the Papago Council.

19 THE PAPAGO COUNCIL

20 
21 Josiah Moore, Chairman

22 ATTEST:

23
24 
25 Ophelia F. Campillo, Secretary

26
27
28
29
30
31
32

MOVED: John Reno
 SECOND: Angelo Joaquin
 DATE: 09/13/85

SUBJECT: IHS Responsibility to Monitor
and Maintain Wells
 RESOLUTION OR ORDINANCE # 689-85

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 138	1. Elliott Lewis (Eugene F. Jose)	69.0	X			
	2. Nicklos Jose (Letitia Garcia)	69.0	X			
SELLS 257	1. Andrew M. Patricio (Nora Alvarez)	128.5	X			
	2. Fred Stevens (Dennis E. Jose)	128.5	X			
SCHUK TOAK 105	1. Joseph Juan ()	52.5	X			
	2. Julie Carrillo (Jo Ann Francisco)	52.5	X			
SAN XAVIER 126	1. John B. Narcho (Austin Nunez)	63.0	X			
	2. Tony Felix (Carmelita Mattias)	63.0	X			
BABOQUIVARI 241	1. Joann Garcia (Edward N. Kisto)	120.5	X			
	2. Kenneth Chico, Sr. (Frances Miguel)	120.5	X			
GU ACHI 158	1. Angelo J. Joaquin, Sr. (Jonas R. Robles)	79.0	X			
	2. Fernando Joaquin (Fred Adams, Jr.)	79.0	X			
PISINEMO 116	1. Chester Antone (Sylvester Manuel)	58.0	X			
	2. Johnson Jose (Edward D. Manuel)	58.0	X			
SAN LUCY 85	1. John Reno ()	42.5	X			
	2. Max P. Jose (Dewey I. Ortega)	42.5	X			
GU VO 117	1. Cross Antone (Fern E. Salcido)	58.5	X			
	2. Virgil Lewis (Roy Montana)	58.5	X			
HICKIWAN 128	1. Henry A. Ramon (Pablo Baptisto)	64.0	X			
	2. Lloyd Francisco (Eleanor Santos)	64.0	X			
CHUKUT KUK 169	1. Rosemary Lopez (Anita C. Clark)	84.5	X			
	2. Harriet Toro (Marvin J. Thomas)	84.5	X			
TOTALS		1640.0	1640.0	-0-	-0-	-0-