

## **TITLE 15 - ENVIRONMENT**

### **CHAPTER 2 - SOIL AND WATER CONSERVATION DISTRICT**

*Legislative History: Ordinance No. 02-86, "Formation of Soil and Water Conservation District of the Tohono O'odham Nation," was approved on November 14, 1986.*

ORDINANCE OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Formation of Soil and Water Conservation District of the  
Tohono O'odham Nation)

ORD. NO. 02-86

1 SECTION 1 DECLARATION OF POLICY

2 It is the declared policy of the Tohono O'odham Council to provide  
3 for the conservation and restoration of national lands and soil,  
4 moisture and watershed resources, for the control and prevention of  
5 floods, soil erosion and sedimentation, the preservation and im-  
6 provement of soil fertility, and the beneficial use of flood waters,  
7 and thereby to conserve, protect and enhance the lands, vegetation,  
8 wildlife and the scenic, recreational and natural resources of the  
9 Tohono O'odham Nation, and in such a manner to promote the public  
10 health, safety and general welfare of the Tohono O'odham.

11 SECTION 2 SOIL AND WATER CONSERVATION DISTRICT ("SWCD")

12 For the purpose of administering this ordinance, there is hereby  
13 established the Soil and Water Conservation District of the Tohono  
14 O'odham Nation, hereinafter referred to as the "SWCD", a govern-  
15 mental division of the Nation, under the authority and direction of  
16 the Board of Directors of the SWCD.

17 SECTION 3 SWCD BOARD OF DIRECTORS: APPOINTMENT: VACANCY: ADVISORY MEMBERS

- 18 A. The SWCD Board of Directors shall consist of eleven members who  
19 shall be appointed as prescribed in subsection B.
- 20 B. The Council of each of the eleven District of the Tohono O'odham  
21 Nation shall appoint a director and alternate to the SWCD Board.  
22 Appointments made by the Districts shall be subject to confir-  
23 mation by the Tohono O'odham Legislative Council. Directors may  
24 be removed from the SWCD Board at the discretion of the Council  
25 of the District from which they were appointed. Candidates for  
26 such offices must be members of the District of the Council ap-  
27 pointing them. Each director shall have one vote on the SWCD  
28 Board. In the absence of a director, the alternate may sit and  
29 vote in the director's place.
- 30  
31  
32

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

- C. The term of each director or alternate shall be four years, except that the director or alternate appointed to the initial SWCD Board by the Councils of the following Districts shall serve for terms of two years, namely; Baboquivari, Chukut Kuk; Gu Achi, Gu Vo, Hickiwan. Appointments to the SWCD Board shall thereafter be made every two years, and the terms shall be staggered so that no more than six directors and alternates shall be appointed in the same year.
- D. If a vacancy occurs in the office of a director otherwise than by expiration of term, the alternate shall take the place of the director, and the Council of the District which made the original appointment shall appoint a successor alternate, to serve for the remainder of the original term.
- E. The following persons shall be ex-efficio, non-voting advisory members of the SWCD Board: (1) the District Conservationist of the United States Department of Agriculture, Soil Conservation Service, (2) the Land Operations Officer of the Sells Agency, (3) the General Manager of the Farming Authority of the Tohono O'odham Nation, (4) the Director of the Agricultural Extension Service of the Nation, (5) The Director of the Environmental Health Department of the Tohono O'odham Nation, and (6) the Water Resources Director of the Nation. The SWCD Board may appoint additional advisory members to the Board. Appointments shall be subject to confirmation by the Chairman of the Tohono O'odham Nation.

SECTION 4 ORGANIZATION OF THE SWCD BOARD

- A. At the first meeting of the directors following the biennial appointments to the SWCD Board, they shall organize by electing

1 a Chairman, Vice-Chairman, Secretary and such other officers as  
2 are deemed necessary from among their number to serve for the  
3 ensuing two years. The Chairman and Vice-Chairman shall be  
4 appointed directors. Other officers may be held by advisory  
5 members of the Board, including the office of Secretary.  
6

7 B. The SWCD Board may, subject to available funds, employ such  
8 employees and agents and technical or professional experts as  
9 may be required, determine their qualifications and compensa-  
10 tion, assign their duties, and define their responsibilities.  
11

12 SECTION 5 POWER AND DUTIES OF THE SWCD BOARD

13 A. The SWCD Board shall have the power from time to time to make  
14 such recommendations to the Natural Resources Committee of the  
15 Legislative Council not in consistent with this ordinance as it  
16 may deem necessary for the efficient administration of this  
17 ordinance.  
18

19 B. The SWCD Board shall:

20 1. Provide for the keeping of a record of all proceedings and  
21 resolutions issued or adopted.

22 2. Furnish to the Natural Resources Committee and Secretary  
23 of the Legislative Council, and the Nation's Chairman  
24 copies of such proceedings, resolutions, forms or other  
25 documents adopted or used, and such information concerning  
26 its activities as requested.

27 C. The SWCD Board may delegate to the Chairman or any member, or  
28 to any agent or employee, such powers and duties as it deems  
29 proper.  
30

31 D. The SWCD Board shall adopt annual operating budgets and budget  
32 justifications for submission and approval by the Council of  
the Tohono O'odham Nation.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

E. The compensation of Directors shall be determined by the SWCD Board, but shall not exceed the mileage and per diem rates established by the Council of the Tohono O'odham Nation for members of standing commissions or committees, subject to available funds.

SECTION 6 POWER OF THE SWCD

- A. The SWCD is empowered, subject to the limitations contained in its operating budget approved by the Tohono O'odham Council, to:
1. Conduct surveys, investigations and research relating to the character of the soil, soil erosion, flood water, flood control, non-point water pollution, sediment control, watershed development, methods of cultivation, farm and range practices, seeding, eradication of noxious growth, and relating to wildlife, fisheries, outdoor recreation, and such other measures as will aid farm and range operations, disseminate information and carry on research programs in cooperation with national, federal and other agencies, not inconsistent with existing policies of the Tohono O'odham Nation.
  2. Conduct demonstration and training projects pertaining to all aspects of soil and water conservation, restoration and utilization.
  3. Cooperate and enter into voluntary agreements with land users, farmers, ranchers, farm and livestock associations and cooperatives, and agencies or subdivisions of national, federal and other governments to carry on programs of soil erosion prevention, flood water control and prevention, methods of cultivation, cropping practices, land leveling,

- 1 improvement of agricultural lands, and reseeding and  
2 vegetation enhancement of range lands.  
3  
4 4. Acquire, by purchase, exchange, lease or otherwise, any  
5 property, or rights or interests therein, maintain,  
6 administer and improve property, receive income therefrom  
7 and expend it in carrying out the purposes of this ordi-  
8 nance, and sell, lease or otherwise dispose of any property  
9 to carry on operation authorized by this ordinance.  
10  
11 5. Make available, on such terms as it may prescribe, range  
12 and agricultural and engineering machinery and equipment,  
13 fertilizer, seed and other plant materials and other e-  
14 quipment and supplies necessary to the implementation of  
15 operations and programs authorized by this ordinance.  
16  
17 6. Develop comprehensive long range plans for soil and water  
18 conservation programs on the Tohono O'odham Nation, and  
19 annual work plans for the implementation of long range  
20 programs.  
21  
22 7. Accept donations, gifts and contributions in money, services,  
23 materials or otherwise, and use them in carrying out its  
24 operations.  
25  
26 B. Title to all property acquired, purchased, leased or received  
27 by the SWCD shall be taken in the name of the Tohono O'odham  
28 Nation.  
29  
30 C. All SWCD funds shall be deposited in the general fund of the  
31 Tohono O'odham Nation and shall be disbursed upon proper vouchers  
32 submitted to the Treasurer of the Nation.  
33  
34 D. All participation in SWCD programs shall be voluntary.

SECTION 7 LIMITATION OF POWERS

- A. Nothing in this ordinance shall affect existing water rights or

1 uses, nor shall the SWCD have any authority to make determi-  
2 nations or water rights or uses.

3 B. All planning and implementation of water resources conservation,  
4 utilization, or development shall be conducted with the full  
5 consent and participation of any entities of Tohono O'odham  
6 Nation having jurisdiction and control over such water  
7 resources.

8 C. The diversion, application or use of water by means of any im-  
9 provements constructed, maintained or operated under the  
10 provisions of this ordinance shall not be construed to be an  
11 appropriation of, or vest any right to, the use of public water.

12 D. The SWCD shall be subject to all applicable national and federal  
13 laws and regulations.

14 E. In developing and implementing long range conservation programs  
15 and annual work plans, the SWCD shall consult and cooperate with  
16 other departments and commissions of the Tohono O'odham Nation.

17  
18  
19 SECTION 8 COOPERATION WITH OTHER CONSERVATION DISTRICTS

20 The SWCD may in the exercise of any power conferred in this ordi-  
21 nance cooperate with the Natural Resources Conservation Commissioner  
22 of the State of Arizona and with any conservation district or  
23 committee established under state or tribal law.

24  
25 The foregoing ordinance was passed by the Tohono O'odham Council on the 4th day  
26 of November, 1986, at a meeting at which a quorum was present with a vote of  
27 1283.0 for; 236.5 against; 120.5 not voting; and 01 absent, pursuant to the  
28 powers vested in the Council by Section 1 (i)(2) of Article VI of the Consti-  
29 tution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on  
30 January 18, 1986, and approved by the Acting Deputy Assistant Secretary -  
31 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act  
32 of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Andrew M. Patricia*  
For Harriet Toro, Legislative Chairperson  
13 day of Nov., 1986.

1 ATTEST:

2  
3 Ophelia F. Campillo  
4 Ophelia F. Campillo, Legislative  
5 Secretary  
6 13<sup>th</sup> day of November, 1986.

7 Said Resolution was submitted for approval to the office of the Chairman of the  
8 Tohono O'odham Nation on the 13 day of Nov., 1986, at 3:25  
9 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the  
10 Constitution and will become effective upon his approval or upon his failure to  
11 either approve or disapprove it within 48 hours of submittal.

12 TOHONO O'ODHAM LEGISLATIVE COUNCIL

13 Andrew M. Patricia  
14 For Harriet Toro, Legislative Chairperson

15 [] APPROVED ) on the 14 day of November, 1986, at  
16 [ ] DISAPPROVED ) 11:40 o'clock, A.M.

17 Joel Moore  
18 JOSIAH MOORE, Chairman  
19 TOHONO O'ODHAM NATION

20 Returned to Legislative Secretary on the 17<sup>th</sup> day of November 1986,  
21 at 4:53 o'clock, P.M.

22  
23 Ophelia F. Campillo  
24 Ophelia F. Campillo, Legislative  
25 Secretary