

TITLE 25 - WATER

CHAPTER 2 - DISTRICT WATER ADVISORY COMMITTEE

Legislative History: Resolution No. 02-492, "Adopting Bylaws of District Water Advisory Committee," was approved October 16, 2002.

BYLAWS OF THE
DISTRICT WATER ADVISORY COMMITTEE

SECTION 1: PREDECESSOR COMMITTEE

- 1.1 Section 303(b)(1) of the Southern Arizona Water Rights Settlement Act of 1982 authorized a study to determine the availability and suitability of water resources within the Sells Tohono O'odham Reservation.
- 1.2 Pursuant to Resolution 19-85 the Papago Tribal Council, now known as the Tohono O'odham Legislative Council (the "Legislative Council"), established a water management committee (the "WMC") to assist officials of the Papago Tribe, now known as the Tohono O'odham Nation (the "Nation"), in carrying out the water resources study.
- 1.3 The membership of the WMC consisted of one representative from each District of the Nation.

SECTION 2: ESTABLISHMENT OF THE DISTRICT WATER ADVISORY
COMMITTEE

The District Water Advisory Committee (the "Advisory Committee") shall be established on the date these Bylaws are adopted pursuant to a Resolution of the Legislative Council.

SECTION 3: DUTIES

The Advisory Committee shall:

- 3.1 review the plans and programs of the Nation related to water, including the study described in Section 1 and the development and implementation of a water code (the "Water Programs");
- 3.2 provide advice and recommendations on the Water Program to (a) the department or program within the Nation's Executive Branch responsible for the administration of such programs (the "Responsible Agency") and (b) the Water Resources Committee (the "WRC") of the Legislative Council;

- 3.3 assist the Responsible Agency and WRC in providing information regarding the Water Programs to their respective District Councils and District members; and
- 3.4 assist the Responsible Agency and the WRC in facilitating fieldwork required in their respective Districts for development and implementation of the Water Programs.

SECTION 4: MEMBERSHIP

- 4.1 Composition. The Advisory Committee shall consist of eleven members.
 - 4.1.1 Initial Members. The initial members of the Advisory Committee shall consist of the eleven persons appointed by the District Councils to serve on the WMC and shall serve the terms designated in Section 4.4.1.
 - 4.2.2 Initial Alternates. The initial alternates for the initial members shall consist of those persons appointed by the District Councils as alternates on the WMC or on the Advisory Committee and shall serve the terms designated in Section 4.4.1.
- 4.2 Eligibility. Only persons who are enrolled members of the Nation, a registered voting member of the District for which they would be a representative, and at least twenty-one years of age shall be eligible to serve as a member or alternate on the Advisory Committee.
- 4.3 Nomination, Appointments and Confirmation. Upon expiration of the term of an initial member and initial alternate, the District shall, by District Council Resolution, nominate persons to serve as a member of the Advisory Committee and alternate for such member who shall be subject to appointment by the Chairperson of the Nation and confirmation by the Legislative Council.
- 4.4 Term of Office. Members and their alternates shall serve staggered terms; shall remain in office until their successors have been appointed and confirmed (the "Holdover Period"); and shall be eligible for reappointment.
 - 4.4.1 Initial Members and Alternates. Upon recommendation of the Chairperson of the Water Resources Committee of the Legislative Council, the Chairperson of the Nation shall designate three initial members and their alternates to serve a term ending on September 30, 2004; three initial members and their alternates to serve a term ending on September 30, 2005;

and five initial members and their alternates to serve a term ending on September 30, 2006.

- 4.4.2 Subsequent Members. Subsequent members and alternates shall serve a term of four years; provided that the term shall be reduced by any Holdover Period or the period of any vacancy determined in accordance with the provisions of Section 4.7.
- 4.5 Removal. A member of the Advisory Committee or an alternate may be removed for good cause by the Chairperson of the Nation. The term "good cause" includes, but is not limited to, dereliction of duty, negligence or malfeasance in office.
- 4.6 Resignation. A member of the Advisory Committee or an alternate may resign at any time by giving written notice to the Chairperson of the Nation and the member's District. A resignation shall be effective at the time specified therein or if no time is specified, on the date the notice was received. The acceptance of such resignation shall not be required to make it effective.
- 4.7 Vacancies. Any vacancy in a member or alternate position because of death, resignation, removal or any other cause shall be filled for the unexpired portion of the term in the manner prescribed below.
- 4.7.1 Succession by Alternate. The alternate for such member shall immediately succeed to the member's position, and the vacancy in such alternate's position shall be filled: (i) pursuant to Section 4.1.2 if the alternate was an initial alternate; or (ii) pursuant to Section 4.3 if the alternate was not an initial alternate.
- 4.7.2 Vacancies in Member and Alternate Positions. In the event vacancies exist in both the member and alternate positions, the District Council shall, by Resolution (i) appoint a member and alternate if the initial terms of such member and alternate under Section 4.4.1 have not expired or (ii) nominate a member and alternate under Section 4.3 if such initial terms have expired.
- 4.8 Absence of Member. In the event a member is unable to attend a meeting of the Advisory Committee, the member shall give timely notice to the alternate who shall attend the meeting and exercise the authority vested in a member of the Advisory Committee.

SECTION 5: MEETINGS

- 5.1 Monthly Meetings. Unless insufficient business would not warrant a meeting, the Advisory Committee shall meet at least once each month.
- 5.2 Special Meetings. Special meetings may be called by the Chairperson of the Advisory Committee if warranted to enable the Advisory Committee to complete its business agenda.
- 5.3 Notice of Meetings. Prior notice of monthly and special meetings shall be issued by the Chairperson of the Advisory Committee fixing the time, place, date and agenda for the meeting.
- 5.4 Minutes of Meetings. Minutes of monthly and special meetings shall be kept and made available to members of the Advisory Committee. Upon request, the minutes shall also be available for review by members of the Districts, members of the Legislative Council and other officials of the Nation.
- 5.5 Quorum and Vote. The presence at any meeting of not less than six members of the Advisory Committee shall constitute a quorum of the Committee. The vote of a majority of the members constituting a quorum shall be the action of the Advisory Committee.
- 5.6 Per Diem and Expense Reimbursement. Subject to appropriation of funds by the Legislative Council, members of the Advisory Committee shall be entitled to per diem, reimbursement of travel expenses and mileage allowances for use of personal vehicles in accordance with the policies of the Nation.

SECTION 6: OFFICERS

- 6.1 Selection. The Advisory Committee shall elect from its membership a Chairperson and Vice Chairperson who shall each serve a term which is the lesser of two years or their remaining term as a member.
- 6.2 Duties of Chairperson. The Chairperson of the Advisory Committee shall preside at all meetings of the Committee, and shall perform all other duties assigned under these Bylaws or by the Advisory Committee.
- 6.3 Duties of Vice Chairperson. The Vice Chairperson of the Advisory Committee shall act in the capacity of the Chairperson in the absence of the Chairperson and

shall be responsible for any additional duties assigned by the Chairperson.

- 6.4 Absence of Chairperson and Vice Chairperson. In the event of the absence of the Chairperson and Vice Chairperson, the Advisory Committee may appoint from its membership an acting Chairperson to fulfill the duties of the Chairperson during such period of absence.
- 6.5 Other Officers. The Advisory Committee may elect from its membership such other officers as the Committee deems necessary and expedient. The Committee may determine the duties of such officers and their terms of office subject to the term limitations prescribed in Section 6.1.

SECTION 7: AMENDMENTS

These Bylaws may only be amended upon approval of the Legislative Council.

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting Bylaws of District Water Advisory Committee)

RESOLUTION NO. 02-492

1 WHEREAS, Section 303 (b)(1) of the Southern Arizona Water Rights Settlement Act of 1982
2 authorized a study to determine the availability and suitability of water resources
3 within the Sells Tohono O'odham Reservation (the "Water Resources Study"); and

4 WHEREAS, pursuant to Resolution 19-85 the Papago Tribal Council, now known as the Tohono
5 O'odham Legislative Council (the "Legislative Council"), established a water
6 management committee (the "WMC") to assist officials of the Papago Tribe, now
7 known as the Tohono O'odham Nation (the "Nation"), in carrying out the Water
8 Resources Study; and

9 WHEREAS, the proposed Bylaws of the District Water Advisory Committee (the "Advisory
10 Committee"), a copy of which is attached hereto, would establish the Advisory
11 Committee in substitution for the WMC; and

12 WHEREAS, under the Bylaws, the Advisory Committee would assume responsibility of the WMC
13 to assist in the implementation of the Water Resources Study, as well as expanded
14 duties to provide advice and recommendations regarding other water-related
15 programs administered by the Nation, including the development and
16 implementation of the Nation's water code; and

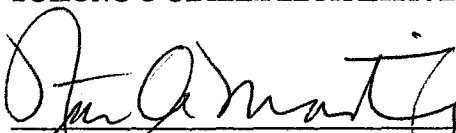
17 WHEREAS, the Rules Committee and the Water Resources Committee recommend approval of
18 the Bylaws.

19 NOW THEREFORE BE IT RESOLVED THAT:

- 20 1. The Tohono O'odham Legislative Council approves the Bylaw, in the form
21 attached hereto, which establish the District Water Advisory Committee.
- 22 2. The Water Management Committee is hereby abolished.

23 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH. Day
24 of OCTOBER, 2002 at a meeting at which a quorum was present with a vote of 1,893.8 FOR; 188.3
25 AGAINST; 335.4 NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by
26 Section 1 (b) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono
27 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
28 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
29 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Rita A. Martinez, Legislative Chairwoman

15th day of October, 20 02

ATTEST:

Juliana Saraficio for
Juliana Saraficio, Acting Legislative Secretary

11th day of October, 20 02.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 15th day of October, 20 02 at 4:42 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

Rita A. Martinez
Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 16 day of October, 20 02

DISAPPROVED

at 9:40 o'clock, A.M.

Edward D. Manuel
EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 16th day of

October, 20 02, at 11:27 o'clock, A.M.

Juliana Saraficio
Juliana Saraficio, Acting Legislative Secretary