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

SECTION 1 DECLARATION OF POLICY
It is the declared policy of the Tohono O'odham Council to provide for the conservation and restoration of national lands and soil, moisture and watershed resources, for the control and prevention of floods, soil erosion and sedimentation, the preservation and improvement of soil fertility, and the beneficial use of flood waters, and thereby to conserve, protect and enhance the lands, vegetation, wildlife and the scenic, recreational and natural resources of the Tohono O'odham Nation, and in such a manner to promote the public health, safety and general welfare of the Tohono O'odham.

SECTION 2 SOIL AND WATER CONSERVATION DISTRICT ("SWCD")
For the purpose of administering this ordinance, there is hereby established the Soil and Water Conservation District of the Tohono O'odham Nation, hereinafter referred to as the "SWCD", a governmental division of the Nation, under the authority and direction of the Board of Directors of the SWCD.

SECTION 3 SWCD BOARD OF DIRECTORS: APPOINTMENT: VACANCY: ADVISORY MEMBERS
A. The SWCD Board of Directors shall consist of eleven members who shall be appointed as prescribed in subsection B.
B. The Council of each of the eleven District of the Tohono O'odham Nation shall appoint a director and alternate to the SWCD Board. Appointments made by the Districts shall be subject to confirmation by the Tohono O'odham Legislative Council. Directors may be removed from the SWCD Board at the discretion of the Council of the District from which they were appointed. Candidates for such offices must be members of the District of the Council appointing them. Each director shall have one vote on the SWCD Board. In the absence of a director, the alternate may sit and vote in the director's place.
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-officio, 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
a Chairman, Vice-Chairman, Secretary and such other officers as are deemed necessary from among their number to serve for the ensuing two years. The Chairman and Vice-Chairman shall be appointed directors. Other officers may be held by advisory members of the Board, including the office of Secretary.

B. The SWCD Board may, subject to available funds, employ such employees and agents and technical or professional experts as may be required, determine their qualifications and compensation, assign their duties, and define their responsibilities.

SECTION 5 POWER AND DUTIES OF THE SWCD BOARD

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

B. The SWCD Board shall:

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

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

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

D. The SWCD Board shall adopt annual operating budgets and budget justifications for submission and approval by the Council of the Tohono O'odham Nation.
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,
improvement of agricultural lands, and reseeding and vegetation enhancement of range lands.

4. Acquire, by purchase, exchange, lease or otherwise, any property, or rights or interests therein, maintain, administer and improve property, receive income therefrom and expend it in carrying out the purposes of this ordinance, and sell, lease or otherwise dispose of any property to carry on operations authorized by this ordinance.

5. Make available, on such terms as it may prescribe, range and agricultural and engineering machinery and equipment, fertilizer, seed and other plant materials and other equipment and supplies necessary to the implementation of operations and programs authorized by this ordinance.

6. Develop comprehensive long range plans for soil and water conservation programs on the Tohono O'odham Nation, and annual work plans for the implementation of long range programs.

7. Accept donations, gifts and contributions in money, services, materials or otherwise, and use them in carrying out its operations.

8. Title to all property acquired, purchased, leased or received by the SWCD shall be taken in the name of the Tohono O'odham Nation.

C. All SWCD funds shall be deposited in the general fund of the Tohono O'odham Nation and shall be disbursed upon proper vouchers submitted to the Treasurer of the Nation.

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
uses, nor shall the SWCD have any authority to make determinations or water rights or uses.

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

C. The diversion, application or use of water by means of any improvements constructed, maintained or operated under the provisions of this ordinance shall not be construed to be an appropriation of, or vest any right to, the use of public water.

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

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

SECTION 8 COOPERATION WITH OTHER CONSERVATION DISTRICTS

The SWCD may in the exercise of any power conferred in this ordinance cooperate with the Natural Resources Conservation Commissioner of the State of Arizona and with any conservation district or committee established under state or tribal law.

The foregoing ordinance was passed by the Tohono O'odham Council on the 4th day of November, 1986, at a meeting at which a quorum was present with a vote of 1283.0 for; 236.5 against; 120.5 not voting; and 01 absent, pursuant to the powers vested in the Council by Section 1 (i)(2) 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

[Signature]

Harriet Toro, Legislative Chairperson 13 day of Nov. 1986.
ORD. NO. 02-86
(Formation of Soil and Water Conservation District of the Tohono O'odham Nation)
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ATTEST:

Ophelia F. Campillo, Legislative Secretary
15th day of November, 1986.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13th day of November, 1986, at 3:25 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

Harriet Toro, Legislative Chairperson

[ ] APPROVED ) on the 14th day of November, 1986, at

[ ] DISAPPROVED ) 11:40 o'clock, A.M.

JOSIAH MOORE, Chairman
TOHONO O'ODHAM NATION

Returned to Legislative Secretary on the 15th day of November, 1986, at 11:53 o'clock, P.M.

Ophelia F. Campillo, Legislative Secretary

(1st ed. 2006)