

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appointing David M. Osterfeld to the Tohono O'odham Judicial Court)**

RESOLUTION NO. 20-049

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to appoint**
2 **judges to the Tohono O'odham Judicial Court pursuant to the Constitution of the**
3 **Tohono O'odham Nation, which states, "[t]he Tohono O'odham Courts shall be**
4 **courts of record and shall consist of at least six (6) judges appointed by the Tohono**
5 **O'odham Council." (Constitution, Article VIII, Section 3); and**

6 **WHEREAS, the Constitution requires the judges' terms to be staggered so that two judges**
7 **shall be appointed every other year (Constitution, Article VIII, Section 4); and**

8 **WHEREAS, 6 Tohono O'odham Code, Chapter 1 – Courts and Procedures, provides in part that**
9 **trial court judges shall serve six-year terms, provided that an appointment to fill**
10 **a vacancy occurring before the expiration of a term shall be made only for the**
11 **remaining balance of that term (Section 1103(A)); and**

12 **WHEREAS, there is currently one vacancy on the Tohono O'odham Judicial Court with the**
13 **term expiring January 31, 2025; and**

14 **WHEREAS, candidate David M. Osterfeld has applied for appointment to the Judicial Court;**
15 **and**

16 **WHEREAS, the Judiciary Committee, having legislative oversight of matters pertaining to the**
17 **Tohono O'odham Judicial Court, has reviewed each judicial candidate's**
18 **application packet and background information, and has interviewed each**
19 **judicial candidate who submitted a complete application; and**

20 **WHEREAS, the Legislative Council has likewise interviewed and considered the judicial**
21 **candidate appearing before the Council.**

22 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it appoints**
23 **David M. Osterfeld as a Tohono O'odham Judicial Court judge for a term**
24 **beginning on the effective date of this resolution and ending January 31, 2025,**
25 **provided that he may continue in office until a successor is appointed and sworn**
26 **in if he satisfies the requirements of 6 Tohono O'odham Code Chapter 1 Section**
27 **1103(C)(2) and (3).**

28 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH**
29 **day of FEBRUARY, 2020 at a meeting at which a quorum was present with a vote of 2,088.2 FOR;**
30 **1,087.5 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council**
31 **by Article VIII, Section 3 of the Constitution of the Tohono O'odham Nation, adopted by the**
32 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
33 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
34 **18, 1934 (48 Stat.984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

7 day of February, 2020

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

7 day of February, 2020

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 7 day of February, 2020 at 3:47 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

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

APPROVED

on the 07 day of February, 2020

DISAPPROVED

at 5:25 o'clock, p.m.

Ned Norris, Jr.

NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10 day of
February, 2020, at 8:51 o'clock, a.m.

Evonne Wilson

Evonne Wilson, Legislative Secretary

ACTION: APPOINTING DAVID M. OSTERFELD TO THE TOHONO O'ODHAM JUDICIAL COURT

Moved: COUNCILWOMAN MARLAKAY HENRY

SECOND: COUNCILMAN DANIEL L.A. PRESTON III

DATE: FEBRUARY 06, 2020

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			X
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN (Louis L. Johnson)	139.65	X			
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90		X		
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80	X			
	2. JANA MONTANA (Absent) (Lorraine M. Eiler) (Present)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50		X		
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50		X		
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55		X		
	2. ARTHUR WILSON ()	273.55		X		
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25		X		
	2. MARY LOPEZ (Ann M. Garcia)	122.25		X		X
TOTAL		3,175.7	2,088.2	1,087.5	-0-	[02]