

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Recognizing Automatic Removal of Mario J.B. Juan as Legislative Council Alternate
for the Schuk Toak District and Vacancy in Office)**

LEGISLATIVE ORDER NO. 17-037

- 1 **WHEREAS,** “Any representative of the Tohono O’odham Council, elected officer, or judge of
2 the Tohono O’odham Nation who, during the term for which he is elected or
3 appointed, is convicted of any felony or crime involving dishonesty, in any court
4 of competent jurisdiction, shall automatically forfeit his office effective on the
5 date of his initial conviction in court.” (Constitution of the Tohono O’odham
6 Nation, Article XIII – Removal and Recall, Section 1); and
7 **WHEREAS,** the Constitution directs the Legislative Council to enact “such ordinances as are
8 necessary to implement removal and recall elections consistent with this article.
9 The ordinance shall also prescribe when an office subject to removal or recall has
10 been vacated and who shall fill such office.” (Constitution of the Tohono O’odham
11 Nation, Article XIII – Removal and Recall, Section 3); and
12 **WHEREAS,** pursuant to 12 T.O.C. Chapter 1 - Elections, Section 11201 Vacancy Defined, “An
13 office shall be deemed vacant from and after the occurrence of any of the
14 following events before the expiration of a term of office . . . (D) Conviction of the
15 person holding office of a felony or crime involving dishonesty in any court of
16 competent jurisdiction, upon initial conviction in court.”; and
17 **WHEREAS,** Article XIV of the Nation’s Constitution vests the Nation’s voters with the power to
18 enact national legislation and, effective May 23, 2015, the voters adopted the
19 “Upholding Integrity in Tribal Leadership: Felony Disqualification Referendum”
20 amendments to the Nation’s Elections law, and defined a “felony” to mean
21 a criminal offense that is punishable by more than one year in custody
22 whether a term of incarceration is imposed or not, or a criminal offense
23 within a tribal jurisdiction that would be punishable by more than one
24 year in custody if prosecuted in a state or federal jurisdiction. A felony
25 conviction includes a guilty verdict or a plea of guilty or no contest to a
26 felony. A felony does not include a juvenile offense unless the offense is
27 prosecuted within an adult criminal justice system.
28 12 T.O.C. Chapter 1, Section 1201(J); and
29 **WHEREAS,** on January 18, 2017, Mario J.B. Juan, who is a Legislative Council alternate for the
30 Schuk Toak District, pleaded no contest and was convicted of Child Molestation
31 under 7 T.O.C. Chapter 1 - Criminal Code, Section 9.6, an offense that would be

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1 punishable by more than one year in custody if prosecuted in a state or federal
2 jurisdiction; and

3 **WHEREAS,** pursuant to the Nation's Constitution and Elections law, Mario J.B. Juan forfeited
4 his office upon initial conviction in court on January 18, 2017 and his office is
5 vacant.

6 **NOW, THEREFORE, BE IT ORDERED** that the Tohono O'odham Legislative Council recognizes the
7 automatic removal of Mario J.B. Juan as Legislative Council alternate for the
8 Schuk Toak District effective January 18, 2017 and the vacancy in that office.

9 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 25TH day of**
10 **JANUARY, 2017 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0-**
11 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
12 **Article VI, Section 1, 1(g) and 1(i); Article X, Section 7 and Article XIII of the Constitution of the**
13 **Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and**
14 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,**
15 **1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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19 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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22 **Timothy Joaquin, Legislative Chairman**

23 25 day of January, 2017

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27 **ATTEST:**

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30 **Evonne Wilson, Legislative Secretary**

31 25 day of January, 2017
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ACTION: RECOGNIZING AUTOMATIC REMOVAL OF MARIO J.B. JUAN AS LEGISLATIVE COUNCIL ALTERNATE FOR THE SCHUK TOAK DISTRICT AND VACANCY IN OFFICE

MOVED: COUNCILWOMAN DIANA MANUEL

SECOND: COUNCILWOMAN MARY LOPEZ

DATE: JANUARY 25, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH <i>(Absent)</i> (Gloria Zazueta) <i>(Present)</i>	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marla Kay Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicentl)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			X
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL <i>(Absent)</i> (Jeffery Antone, Sr.) <i>(Present)</i>	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ()	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE (Caroline D. Garcia)	109.95	X			
	2. MONICA K. MORGAN ()	109.95	X			X
SAN LUCY 226.5	1. DIANA MANUEL (Lorraine Eiler)	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Felicia Nunez)	114.30	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.30				X
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.30	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER <i>(Absent)</i> (Idaleen Reyes) <i>(Present)</i>	256.75	X			
SIF Oidak 231.6	1. LUCINDA ALLEN ()	115.80	X			
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	3,021.4	-0-	-0-	[03]