

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appointing Donald Harvey to the Tohono O'odham Judicial Court)**

RESOLUTION NO. 17-068

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, "The Tohono O'odham Courts shall be**
4 **courts of record and shall consist of at least six (6) judges appointed by the**
5 **Tohono O'odham Council." (Constitution, Article VIII, Section 3); and**

6 **WHEREAS, the Constitution requires the judges' terms to be staggered so that**
7 **approximately one-third of the judges are appointed every other year**
8 **(Constitution, Article VIII, Section 4); and**

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

13 **WHEREAS, the Judiciary Committee, having legislative oversight of matters pertaining to**
14 **the Tohono O'odham Judicial Court, has reviewed Mr. Harvey's application and**
15 **background information, and has interviewed Mr. Harvey; and**

16 **WHEREAS, pursuant to 6 T.O.C. Chapter 1, Section 1103(B), "A judge shall continue in office,**
17 **even if the judge's term has expired, until a successor is appointed and sworn**
18 **in."; and**

19 **WHEREAS, although Donald Harvey's term expired January 31, 2017, he continues in office;**
20 **and**

21 **WHEREAS, the Legislative Council has likewise interviewed Donald Harvey and reviewed his**
22 **application materials and background investigation report.**

23 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it**
24 **appoints Donald Harvey as a Tohono O'odham Judicial Court judge for a term**
25 **beginning on the effective date of this resolution and ending January 31, 2023.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28TH**
27 **day of FEBRUARY, 2017 at a meeting at which a quorum was present with a vote of 3,021.4 FOR;**
28 **-0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
29 **Article VIII, Section 3 of the Constitution of the Tohono O'odham Nation, adopted by the**
30 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
31 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of**
32 **June 18, 1934 (48 Stat.984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Yucinda J. Allen for:
Timothy Joaquin, Legislative Chairman
2nd day of March, 2017

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
2 day of March, 2017

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 02 day of March, 2017 at 10:55 o'clock, A .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

Yucinda J. Allen for:
Timothy Joaquin, Legislative Chairman

APPROVED

on the 3 day of March, 2017

DISAPPROVED

at 5:50 o'clock, P .m.

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

Returned to the Legislative Secretary on the 06 day of
March, 2017, at 9:55 o'clock, A .m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

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ACTION: APPOINTING DONALD HARVEY TO THE TOHONO O'ODHAM JUDICIAL COURT

MOVED: COUNCILWOMAN RACHEAL VILSON-STONER SECOND: COUNCILMAN ANTHONY J. FRANCISCO, JR.

DATE: FEBRUARY 28, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marla Kay Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			X
GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	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			X
PISINEMO 219.9	1. CHESTER ANTONE (Caroline D. Garcia)	109.95	X			
	2. MONICA K. MORGAN ()	109.95	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 (<i>Absent</i>) (Felicia Nunez) (<i>Present</i>)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3	X			
	2. QUINTIN C. LOPEZ (<i>Absent</i>) (John Fendenheim) (<i>Present</i>)	90.3	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER (Idaleen Reyes)	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN ()	115.80	X			
	2. MARY LOPEZ ()	115.80	X			X
TOTAL		3,021.4	3,021.4	-0-	-0-	[04]