

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Affirming Seating of Marlene Saraficio Juan to the Tohono O'odham Legislative Council
Effective December 1, 2005)

LEGISLATIVE ORDER NO. 06-219

1 **WHEREAS, the Constitution of the Tohono O'odham Nation empowers the Legislative Council to**
2 **“enact laws and ordinances for conducting and regulating elections” and provides**
3 **that the “decision of the Tohono O'odham Council in all election matters, including**
4 **the eligibility and qualifications of candidates, shall be final” (Constitution, Article**
5 **VI, Section 1(g) and Article X, Section 7); and**

6 **WHEREAS, on December 1, 2005, Legislative Council Representative Dennis E. Jose was removed**
7 **from office pursuant to Legislative Order No. 05-708; and**

8 **WHEREAS, pursuant to Article XI, Section 6.3. of the Uniform Election Ordinance, when a**
9 **Legislative Council representative's seat becomes vacant, “the alternate of that**
10 **representative shall immediately succeed to the office of the representative”; and**

11 **WHEREAS, Marlene Saraficio Juan was appointed by the Sells District Council to serve as Dennis**
12 **E. Jose's alternate and therefore succeeded to his office as a Legislative Council**
13 **representative on December 1, 2005; and**

14 **WHEREAS, Councilwoman Saraficio Juan was accordingly appointed to Legislative Council**
15 **standing committees by Legislative Order No. 05-710; and**

16 **WHEREAS, although the Uniform Election Ordinance does not expressly empower a district**
17 **council to appoint an alternate to the Legislative Council unless the respective**
18 **representative's seat first becomes vacant, the district council's power to fill a vacant**
19 **Legislative Council alternate's seat has been repeatedly recognized as a means of**
20 **ensuring that each district is fully represented on the Legislative Council.**

21 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it hereby**
22 **affirms the Sells District Council's appointment of Marlene Saraficio Juan as a**
23 **Legislative Council alternate and affirms her succession to former Councilman**
24 **Dennis E. Jose's seat on the Legislative Council effective December 1, 2005.**

25 **BE IT FINALLY ORDERED that the Tohono O'odham Legislative Council (1) recognizes that**
26 **Councilwoman Marlene Saraficio Juan was seated on the Legislative Council effective**
27 **December 1, 2005 and (2) ratifies and validates all votes she has cast and other actions**
28 **she has taken as a Legislative Council representative upon and after former**
29 **Councilman Jose's removal.**

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The foregoing Order was passed by the Tohono O'odham Legislative Council on the 03RD Day of APRIL, 2006 at a meeting at which a quorum was present with a vote of 1,675.2 FOR; 344.6 AGAINST; -0- NOT VOTING; and 421.0 [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(g) and Article X, Section 7 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



Evelyn B. Juan Manuel, Legislative Chairwoman

ATTEST:



Lucille Lopez, Acting Legislative Secretary

ACTION: AFFIRMING SEATING OF MARLENE SARAFICIO JUAN TO THE TOHONO O'ODHAM LEGISLATIVE COUNCIL EFFECTIVE DECEMBER 1, 2005

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILWOMAN DELMA GARCIA

DATE: APRIL 03, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL ()	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ** ()	129.35		X		
	2. VERLON M. JOSE (David Garcia)	129.35		X		
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Absent) (Grace Manuel) (Present)	96.55	X			
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90		X		
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON ()	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. (VACANT) ()	210.50				
	2. EVELYN B. JUAN MANUEL ()	210.50				X
SIF OIDAK 186.7	1. WAVALENE SAUNDERS ** (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
TOTAL		2,440.80	1,675.2	344.6	-0-	421.0 [01]

**PASSED VOTES