

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Accepting and Approving the Statements of the Chief Judge Regarding the  
Resignation Date of Judge Rosalie Lopez; Accepting the May 6, 1998 Letter to the  
Chief Judge as Judge Rosalie Lopez's Letter of Resignation Effective May 7, 1998  
at 4:00 p.m.; Ordering that the Vacancy in the Tohono O'odham Courts Be Filled  
In Accordance With the Tohono O'odham Election Ordinance No. 03-86)**

**RESOLUTION NO. 98-235**

**WHEREAS, in accordance with Article VIII of the Tohono O'odham Constitution  
the Tohono O'odham Legislative Council is designated to be the  
appointing body for all Judges of the Tohono O'odham Courts; and**

**WHEREAS, the Uniform Election Ordinance No. 03-86, Articles IX and XI  
mandates procedures for the removal and resignation of Judges of the  
Tohono O'odham Nation; and**

**WHEREAS, Judge Rosalie Lopez was appointed by the Legislative Council as Judge  
of the Tohono O'odham Courts by Resolution No. 97-006 on January 9,  
1997. Said Resolution became effective January 11, 1997 at 9:00 a.m.;  
and**

**WHEREAS, unfortunate circumstances have arisen in which the conduct of Judge  
Rosalie Lopez has come into disrepute; and**

**WHEREAS, on May 5, 1998 the Chief Judge of the Tohono O'odham Courts, in  
accordance with his inherent authority to discipline Judges of the  
Tohono O'odham Judiciary, placed Judge Rosalie Lopez on  
Administrative Leave pending an evaluation of her conduct; and**

**WHEREAS, several members of the Tohono O'odham Nation have filed an  
accusation for removal of Judge Lopez; and**

**WHEREAS, the Tohono O'odham Legislative Council has received notice that  
Judge Rosalie Lopez desires to resign her position as Judge of the  
Tohono O'odham Courts; and**

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**WHEREAS, Article XI of the Tohono O'odham Uniform Election Ordinance No. 03-86 entitled VACANCY IN OFFICE describes the procedures to be used by an appointed officer who desires to resign. This procedure has been followed by other Judges of the Tohono O'odham Judiciary wishing to resign their positions; and**

**WHEREAS, Article XI, Section 3 of the Election Ordinance states in applicable part,**

**"Section 3. Resignation  
Resignation shall be in writing, and made as follows:**

**. . .**

**9. By appointive officers, to the body or officer which appointed them, unless otherwise provided." (Emphasis added.); and**

**WHEREAS, Judge Lopez has provided no formal resignation document or letter to the Legislative Council as the appointing body; and**

**WHEREAS, by her letter of May 6, 1998 written to the Chief Judge with a copy to the Judiciary Committee of the Legislative Council, Judge Rosalie Lopez informed the Chief Judge that she wanted to resign her position as Judge effective at the conclusion of May 7, 1998. The letter also stated Judge Lopez had orally informed the Chief Judge on April 27, 1998 of her intent to resign. In later communications to the Legislative Council, Judge Lopez states she orally resigned on April 27, 1998; and**

**WHEREAS, Article XI of the Election Ordinance, Section 1 entitled Vacancy Defined states in applicable part .**

**"An office shall be deemed vacant from and after the occurrence of any of the following events before the expiration of a term of office:**

**. . .**

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**3. Resignation of the person holding the office. If the resignation is unconditional, it shall be effective upon delivery and without formal acceptance thereof."**

**and**

**WHEREAS, the Chief Judge, in his letter of May 18, 1998 to the Members of the Tohono O'odham Legislative Council, states that Judge Rosalie Lopez did not orally or in writing indicate to him that she was resigning her position on April 27, 1998. The Chief Judge further states that he received various written communications from Judge Rosalie Lopez between April 27, 1998 and May 5, 1998 indicating an intent of Judge Lopez to continue employment in the Tohono O'odham Judiciary; and**

**WHEREAS, the Chief Judge has recommended to the Legislative Council that the Legislative Council accept Judge Lopez's May 6, 1998 letter to him as her written resignation required pursuant to the Nation's Election Ordinance; and that the Legislative Council confirm the effective date of Judge Lopez's resignation to be May 7, 1998, the date of effectiveness stated in Judge Lopez's letter; and**

**WHEREAS, the Legislative Council is desirous of providing for the timely and orderly conclusion of Judge Lopez's tenure as Judge.**

**NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that:**

**1. That the Tohono O'odham Legislative Council accepts and approves the statements of the Chief Judge regarding the resignation date of Judge Rosalie Lopez.**

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2. That Judge Rosalie Lopez's May 6, 1998 letter to the Chief Judge is hereby accepted as Judge Lopez's letter of resignation as required by Article XI of the Tohono O'odham Uniform Election Ordinance No. 03-86 in lieu of the removal process provided for in Article IX of said Election Ordinance.

3. That the effective date of Judge Lopez's resignation is May 7, 1998 at 4:00 p.m.

4. That steps shall be taken to fill the vacancy in the Tohono O'odham Courts in accordance with Article XI, Section 6(6) of the Tohono O'odham Uniform Election Ordinance No. 03-86.

The foregoing Resolution was passed by the Tohono O'odham Council on the 05th day of JUNE, 1998 at a meeting at which a quorum was present with a vote of 1,645.5 FOR; 94.5 AGAINST; 73.0 NOT VOTING; and 114.0 [07] ABSENT, pursuant to the powers vested in the Council by Section 1(b) 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**

  
Dennis Ramon, Legislative Chairman

8<sup>th</sup> day of June, 19 98

**ATTEST:**

  
Julianna Saraficio, Acting Legislative Secretary

5<sup>th</sup> day of Jan, 19 98.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 8<sup>th</sup> day of June, 1998 at 2:36 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**



**Dennis Ramon, Legislative Chairman**

**APPROVED**

on the ~~8<sup>th</sup>~~ day of June, 1998

**DISAPPROVED**

at 5:09 o'clock, P.M.



**EDWARD D. MANUEL, Chairman**

**TOHONO O'ODHAM NATION**

**Returned to the Legislative Secretary on the 8<sup>th</sup> day of**

June, 1998, at 5:12 o'clock, P.M.



**Julianna Saraficio, Acting Legislative Secretary**

**ACTION:** ACCEPTING AND APPROVING THE STATEMENTS OF THE CHIEF JUDGE REGARDING THE RESIGNATION DATE OF JUDGE ROSALIE LOPEZ; ACCEPTING THE MAY 6, 1998 LETTER TO THE CHIEF JUDGE AS JUDGE ROSALIE LOPEZ'S LETTER OF RESIGNATION EFFECTIVE MAY 7, 1998 AT 4:00 P.M.; ORDERING THAT THE VACANCY IN THE TOHONO O'ODHAM COURTS BE FILLED IN ACCORDANCE WITH THE TOHONO O'ODHAM ELECTION ORDINANCE NO. 03-86

**MOVED:** COUNCILMAN JOSEPH JUAN

**SECOND:** COUNCILMAN AMBROSE ENCINAS

**DATE:** JUNE 05, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>CHUKUT KUK</b> 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5		X		
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
<b>HICKIWAN</b> 146.0	1. ALEX JOSE ( )	73.0			X	
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
<b>GU VO</b> 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			X
<b>SAN LUCY</b> 114.0	1. JOHN RENO (Mary Hoffman)	57.0				X
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0				X
<b>PISINEMO</b> 139.0	1. BARBARA SALVICIO ( )	69.5	X			
	2. JOHNSON JOSE ( )	69.5	X			
<b>GU ACHI</b> 190.0	1. LOUIS JOHNSON ( )	95.0	X			X
	2. ALEX J. RAMON ( )	95.0	X			
<b>BABOQUIVARI</b> 258.0	1. FRANCES MIGUEL ( )	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			X
<b>SAN XAVIER</b> 146.0	1. TONY BURRELL ( )	73.0	X			
	2. DENNIS RAMON ( )	73.0	X			
<b>SCHUK TOAK</b> 120.0	1. JOSEPH JUAN ( )	60.0	X			
	2. AMBROSE ENCINAS ( )	60.0	X			
<b>SELLS</b> 322.0	1. DENNIS E. JOSE ( )	161.0	X			X
	2. EVELYN JUAN ( )	161.0	X			
<b>SIF Oidak</b> 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			X
<b>TOTAL</b>		<b>1,927.0</b>	<b>1,645.5</b>	<b>94.5</b>	<b>73.0</b>	<b>114.0 [07]</b>

\*\*PASSED VOTES