



# Council of the Cherokee Nation

Council House  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Meeting Minutes - Final RULES COMMITTEE

*Buel Anglen, Acting Chair*

*Recording Secretary, Shelli-Brittain  
Phone: 1-800-995-9465,  
E-mail: council-public@cherokee.org*

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Thursday, August 25, 2011

1:00 PM

Legislative Conference Room

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### CALL TO ORDER

**Chair Anglen called the meeting to order at 1:08 p.m.**

### INVOCATION

**Councilor Garvin gave the invocation.**

### ROLL CALL

**Present** 10 - Bill John Baker; Buel Anglen; Chuck Hoskin, Jr.; Don Garvin; Jack D. Baker; Cara Cowan Watts; Jodie Fishinghawk; Dick Lay; Lee Keener Jr. and David Walkingstick

**Absent** 2 - David Thornton Sr. and Janelle Fullbright

**Late Arrival** 3 - Curtis Snell; Tina Glory Jordan and Julia Coates

### APPROVAL OF MINUTES

**Councilor Jack D. Baker moved to approve the July 12th special session minutes. Councilor Garvin seconded the motion. The motion carried.**

**Councilor Bill John Baker moved to approve the July 28th regular session minutes. Councilor Cowan Watts seconded the motion. The motion carried.**

### REPORTS:

Marshal Service - Sharon Wright

*No one was present to report. Secretary of State Melanie Knight offered to call and see if someone would come if they would defer the report.*

Office of the Attorney General - Diane Hammons

*Ms. Hammons offered to answer questions from the report provided. She provided a brief update on the Freedman issue and addressed several questions.*

Marshal Service - Sharon Wright

*Ms. Wright apologized for her lateness. She offered to answer questions from the written report provided. She provided handouts containing responses to questions asked last month and answered additional questions regarding those issues. Councilor Hoskin Jr. requested a summary memo be provided of the policy and procedures changes that have occurred and inquired if TERO was used for the two employment contracts. Ms. Wright stated it was not that it was her belief TERO was for contracts and purchasing but not employment. She would inquire with Human Resources. Mr. Pat Ragsdale stated TERO is not applicable to HR employment agreements. Councilor Glory-Jordan commented on the handout provided that it states there wasn't a cost to the Marshal Service for the reviews, she voiced concern that her actual question was if there was a cost to the Cherokee Nation for the review of the issues pertaining to law enforcement. She questioned if a company was hired to come in and evaluate the Marshal Service. Mr. Ragsdale stated a company was hired and was unsure of the amount paid to them. Councilor Glory-Jordan requested the amount be provided to the Council. She inquired if this contract was issued pursuant to TERO. Mr. Ragsdale stated there wasn't a TERO contractor qualified to do the work. Councilor Glory-Jordan voiced concern for the misleading cost report provided and stated the sole source contracting needs to stop. She questioned why the Council hasn't been provided with the report regarding the Marshal Service investigation. Councilor Cowan Watts called for point of order stating this discussion needs to go into executive session or stop. Councilor Glory-Jordan requested Speaker Cowan Watts get the report released to the Council referred to by Mr. Ragsdale regarding the review of Marshal Service operations by Government Resources. She requested the actual audit and not a summary. Councilor Lay stated he wants to see Indian preference hiring especially Cherokee hiring every chance we get. Councilor Fishinghawk requested Mr. Hembree research the entire situation and find out where the TERO breakdown is and provide a report so that it can be corrected. She also requested list of all hires in the Marshal Service showing Cherokee and non-Cherokee along with the hire dates. Councilor Glory-Jordan inquired if there were special contracts currently with non-Indians. Ms. Wright stated she has one non-Indian and one non-Cherokee. Councilor Glory-Jordan requested the contracts be reviewed and provide her notification if there is a 30-day termination within the contracts. Mr. Keener requested all the information requested today be provided to the entire Council.*

GEG Investigation Report - Diane Hammons

*Ms. Hammons stated there is nothing new to report.*

Election Commission - Brenda Walker

*Councilor Cowan Watts announced everyone has been provided a memo regarding filling of the Council vacancy in District 2. She suggested either a special meeting or placement on the next Rules agenda.*

Office of the Attorney General - Diane Hammons

*Councilor Glory-Jordan requested an update on the impact of the NAHASDA funding as it pertains to the Freedman decision. Ms. Hammons stated so far there isn't an update. We have received our 2010 funding and have just received the 2011 award letter. They are in discussion regarding all avenues that can be taken. Councilor Glory-Jordan voiced concern and requested the Council be kept apprised of any changes.*

Tax Commission - Sharon Swepston

*Ms. Swepston offered to answer questions from the report provided.*

Self-Governance - Vickie Hanvey

*No one was present to report.*

Gaming Commission - Jamie Hummingbird

*Mr. Hummingbird offered to answer questions from the written report provided. He also provided a handout in response to questions posed about licensing of individuals particularly day work participants at a gaming facility.*

Codification - Todd Hembree

*Mr. Hembree stated he and Mr. Morton have been tied up in other activities and hoped issues settle down to be able to move forward next month. He stated he would contact Mr. Morton to see if he has been in contact with West Corp. regarding a bid.*

Registrar Citizenship Data Update - Todd Enlow

*Mr. Enlow reported Nowata County is confident their work could be completed in two months once a contractor is engaged with an approximate cost of \$30,000. They received data from Sequoyah County and expect to receive from Adair and McIntosh counties soon. They plan to send out a letter to the addressees with a post office box once the election cycle is complete.*

OLD BUSINESS

- 1. [11-050](#) AN ACT ESTABLISHING PROCEDURES AND REQUIREMENTS FOR THE NAMING OF BUILDINGS OR FACILITIES OF THE CHEROKEE NATION AND ITS ENTITIES

*Councilor Hoskin Jr. stated this Act requires all buildings, of the Cherokee Nation government, be designated by act of the Council rather than through unilateral actions of the Executive branch.*

**He moved to approve. Councilor Glory-Jordan seconded the motion. The motion carried with the following roll call vote:**

**Yea:** 12 - Bill John Baker; Buel Anglen; Chuck Hoskin, Jr. ; Curtis Snell; Don Garvin; Jack D. Baker; Cara Cowan Watts; Jodie Fishinghawk; Tina Glory Jordan; Dick Lay; Lee Keener Jr. and David Walkingstick

**Not In Room:** 1 - Julia Coates

- 2. [11-092](#) A RESOLUTION CONFIRMING THE NOMINATION OF KIMBERLY TEEHEE AS A BOARD MEMBER OF CHEROKEE NATION FOUNDATION

*Acting Deputy Chief Fraily announced the White House has not given clearance for Ms. Teehee to serve at this time and requested the item be tabled.*

**Councilor Cowan Watts moved to tabled. Councilor Bill John Baker seconded the motion. The motion carried.**

## NEW BUSINESS

1. [11-107](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF JASON SOPER AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION  
**Councilor Garvin moved to approve. Councilor Cowan Watts seconded the motion. The motion carried.**
  
2. [11-097](#) AN ACT REVISING TITLE 26 ("ELECTIONS") OF CHEROKEE NATION CODE ANNOTATED; AMENDING LA#06-10, AS AMENDED BY LA#22-10, LA#32-10 AND LA#04-11; AND DECLARING AN EMERGENCY  
*Councilor Cowan Watts moved to approve. Councilor Garvin seconded the motion. Councilor Bill John Baker stated this is something that once the entire Council is seated a great deal of time needs to be spent. Once the election is complete the Carter Commission would be able to provide a great deal of detail and instruction.*  
**Councilor Bill John Baker moved to table until after the current election is done. Councilor Hoskin Jr. seconded the motion. The motion carried with the following roll call vote:**  
**Yea:** 8 - Bill John Baker; Chuck Hoskin, Jr. ; Curtis Snell; Jack D. Baker; Jodie Fishinghawk; Tina Glory Jordan; Dick Lay and David Walkingstick  
**Nay:** 4 - Buel Anglen; Don Garvin; Cara Cowan Watts and Lee Keener Jr.  
**Not In Room:** 1 - Julia Coates
  
3. [11-109](#) AN ACT RELATING TO AMENDMENT OF LA 16-96, THE CHEROKEE NATION GENERAL CORPORATION ACT, AS AMENDED BY LA 02-03, LA 04-04 AND LA 36-05 INCREASING DIVIDENDS, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY  
*Councilor Bill John Baker stated this Act would take 5% of the profits of the businesses and put it into direct health care such as contract health, dentures, eyeglasses, hearing aids, prostheses and other contract health needs. He moved to pass and send to full council. Councilor Hoskin Jr. seconded the motion. Councilor Cowan Watts referred to a memo provided by Mr. Hembree showing this item has concurrent jurisdiction with two other committees and should have gone to Health committee first. She also referred to a memo provided by Interim Principal Chief Crittenden stated this needs additional study before moving forward. She requested to defer the rest of her time to a representative from the Chief's office and to David Stewart of CNB. Councilor Bill John Baker called point of order that representative can be called for specific, technical information not for debate. He stated the Chief doesn't have a seat at this table but does have the power of veto. He stated the motion is to pass to full council and that the correct procedure of this body not to pass it around to other committees. Mr. Hembree commented the letter from Acting Chief Crittenden should be made part of the record (see attached) and it does speak for itself. The memo he provided should also be made part of the record (see attached) and it speaks for itself. He gave a brief overview of concurrent jurisdiction. Councilor Cowan Watts requested Mr. Stewart to come forward and address technical issues and any impact this could have. Mr. Stewart stated they have agreements with several banks. From a procedure standpoint we owe them courtesy and have a process to go through. In regard to the impact the budgeting process is just finalizing this month and would like to place in a cash forecast to see the implications on the projects projected for the upcoming budget. Councilor Bill John Baker inquired if two years ago when this issue was on the table if the bank had a problem. Mr. Stewart*

*stated he doesn't think it will be a problem but to just unilaterally do it without following the process would be a violation of the agreement. He stated these are new agreements which include a non-interference agreement. Councilor Cowan Watts inquired how much cash on hand CNB has versus existing project commitments and the approximate number of jobs associated with those project commitments. Councilor Walkingstick inquired about the CNB board and compensation. Mr. Stewart offered to provide a memo of the information requested.*

**Councilor Walkingstick called for the question. Chair Anglen stated he had other people who have requested to speak. Councilor Glory-Jordan seconded the motion. Mr. Hembree provided clarification on a call for the questions by stating it requires a two-thirds vote in the affirmative to cut off debate. The motion failed with the following roll call vote:**

**Yea:** 6 - Chuck Hoskin, Jr. ; Curtis Snell; Don Garvin; Tina Glory Jordan; Dick Lay and David Walkingstick

**Nay:** 6 - Bill John Baker; Buel Anglen; Jack D. Baker; Cara Cowan Watts; Jodie Fishinghawk and Lee Keener Jr.

**Not In Room:** 1 - Julia Coates

*Councilor Hoskin Jr. questioned if there is a provision in any contract that will be triggered by the raising of the dividend. Mr. Stewart agreed, and stated the non-interference agreement states the Council would not pass anything that would be a deterrent to the loan agreement. There is a factor that this could change the interest rate and we currently have a very favorable interest rate. Councilor Hoskin Jr. requested Mr. Stewart speak with the banks and get answers prior to the full council meeting. Councilor Lay stated he knows CNB has a contingency plan and this has been on the agenda. CNB is in place to make money to bring back to the Nation to provide services for our people. He questioned why the extra 5% shouldn't be taken. Councilor Garvin asked how much is 5% and is it the amount needed and what the pending contracts are now. Mr. Stewart we have the replacement of the casino at Hard Rock for approximately \$50ml, Ramona \$20ml, approximately \$20ml at Ft. Gibson, a minimum of \$20ml for Tahlequah pending final design. He stated 5% is approximately \$5ml. Councilor Jack D. Baker stated he has concerns with the items Mr. Stewart addressed but more importantly our investments in the future.*

**Councilor Jack D. Baker moved to table to the October Executive & Finance Committee. Councilor Keener seconded the motion. The motion failed with the following roll call vote:**

**Yea:** 5 - Buel Anglen; Don Garvin; Jack D. Baker; Cara Cowan Watts and Lee Keener Jr.

**Nay:** 6 - Bill John Baker; Chuck Hoskin, Jr. ; Curtis Snell; Tina Glory Jordan; Dick Lay and David Walkingstick

**Not In Room:** 2 - Jodie Fishinghawk and Julia Coates

*Councilor Walkingstick inquired what the quickest timeframe for gathering information. Mr. Stewart commented in approximately three weeks he could have the cash flow projections to present to the bank. Councilor Bill John Baker called for the question.*

**The motion to approve and forward to full council passed with the following roll call vote:**

**Yea:** 6 - Bill John Baker; Chuck Hoskin, Jr. ; Curtis Snell; Tina Glory Jordan; Dick Lay and David Walkingstick

**Nay:** 5 - Buel Anglen; Don Garvin; Jack D. Baker; Cara Cowan Watts and Lee Keener Jr.

**Not In Room:** 2 - Jodie Fishinghawk and Julia Coates

4. [TMP-157](#) TRIBAL COUNCIL TRAVEL EXPENSE POLICY - ANNUAL REVIEW (Discussion and Possible Action)

**Councilor Cowan Watts moved to table to next month. Councilor Jack D. Baker seconded the motion. The motion carried.**

ANNOUNCEMENTS

*Chair Anglen announced the next meeting is scheduled for the 29th of September.*

ADJOURNMENT

**Councilor Garvin moved to adjourn. Councilor Cowan Watts seconded the motion. The motion carried at 2:58 p.m.**

STAFF PRESENT:

<i>Melanie Knight</i>	<i>Diane Hammons</i>	<i>Paula Ragsdale</i>
<i>Jamie Hummingbird</i>	<i>Sharon Swepston</i>	<i>Christina Goodvoice</i>
<i>Sharon Wright</i>	<i>Callie Catcher</i>	<i>Doug Evans</i>
<i>Pat Ragsdale</i>	<i>Diane Kelley</i>	<i>Anna Knight</i>
<i>Todd Enlow</i>	<i>Meredith Frailey</i>	<i>Shannon Buhl</i>

VISITORS PRESENT:

<i>Todd Hembree</i>	<i>Raymond Vann</i>	<i>Jason Soper</i>
<i>Gina Olaya</i>	<i>David Stewart</i>	<i>Shawn Slaton</i>