

An Act

Legislative Act 42-07

**AN ACT ALLOWING REMOTE ATTENDANCE OF MEMBERS OF THE CHEROKEE
NATION TRIBAL COUNCIL FOR MEETINGS OF THE TRIBAL COUNCIL
COMMITTEES AND DECLARING AN EMERGENCY**

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification.

This Act shall be titled as "The Cherokee Nation Tribal Council remote attendance act of 2007" and codified under Title 19 of the Cherokee Nation Code Annotated.

Section 2. Purpose.

The purpose of this Act is to provide for attendance of Tribal Council members by inter-active video conference for sessions and committees of the Cherokee Nation Tribal Council.

Section 3. Legislative History.

Article VI Section 7 of the Cherokee Nation Constitution.

Article VI Section 10 of the Cherokee Nation Constitution.

Article VI Section 4 of the Cherokee Nation Constitution.

Legislative Act 25-01 "Freedom of Information and Rights to Privacy Act"

Section 4. Definitions.

- A. "Tribal Council" means duly elected or appointed member of the Cherokee Nation Tribal Council.
- B. "Attendance" means being physically present and voting or being present through the aid of inter-active video technology and devices.
- C. "Quorum of the Tribal Council" means twelve (12) members of the Tribal Council for regular and special sessions of the Tribal Council and a simple majority of members for committees of the Tribal Council.

- D. "Official Cherokee Nation business" means work or duties performed directly related to and for the benefit of or on behalf of the Cherokee Nation.

Section 5. Substantive Provisions.

- A. At Large members of the Cherokee Nation Tribal Council may attend Tribal Council ~~meetings and/or Special Council meetings and/or~~ Committee meetings through the aid of a device which provides two-way transmission of both visual and audio communication, provided that there is otherwise a quorum physically present at the location of the meeting without counting the members attending via electronic devices, and also provided that the physically absent members are able to fully participate and vote through the aid of the interactive devices.
- B. Any member of the Tribal Council who is unable to attend a meeting or session because he/she is conducting official Cherokee Nation business may attend Tribal Council ~~meetings and/or Special Council meetings and/or~~ Committee meetings through the aid of a device which provides two-way transmission of both visual and audio communication, provided that there is otherwise a quorum physically present at the location of the meeting without counting the members attending via electronic devices, and also provided that the physically absent members are able to fully participate and vote through the aid of the interactive devices. Further this privilege may be extended to any member of the Cherokee Nation Tribal Council who is unable to attend committee meetings provided that two-thirds (2/3) of the committee approves the circumstances or reason for the Council person being unable to be physically present.
- C. The provisions of this Act do not apply to Chairperson of a Committee.

Section 6. Cumulative.

The provisions of this act shall supersede any law to the contrary and be cumulative to existing laws.

Section 7. Severability.

The provisions of this Act are severable and if any part or provision hereof shall be held void the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

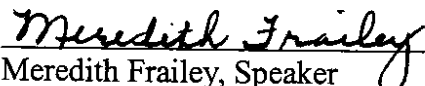
Section 8. Emergency Declared.

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.


Section 9. Self-Help Contributions.

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

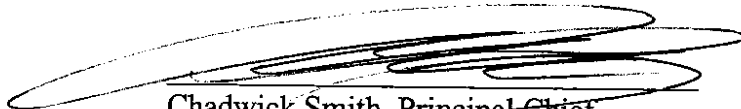
Enacted by the Council of the Cherokee Nation on the 17th day of December, 2007.


Meredith Frailey, Speaker
Council of the Cherokee Nation

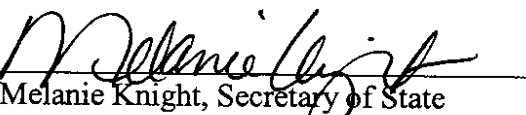
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 27th day of December, 2007.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Nay</u>
Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley L. Buzzard	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		