



Council of the Cherokee Nation

Cherokee Nation Complex
17675 S. Muskogee Ave.
Tahlequah, OK 74464

Tribal Council Minutes - Final TRIBAL COUNCIL

Meredith Frailey, Speaker

Recording Secretary, Shelli Brittain

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Friday, December 24, 2010

10:00 AM

Legislative Conference Room, Council House

Special Session called by Principal Chief Smith

CALL TO ORDER

Meredith Frailey
Speaker of the Council

Speaker Frailey called the meeting to order at 10:00 a.m.

INVOCATION

Councilor Crittenden gave the invocation.

ROLL CALL

Shelli Brittain
Legal & Legislative Coordinator

Present 17 - Buel Anglen; Cara Cowan Watts; David Thornton Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; S. Joe Crittenden; Bradley Cobb; Chris Soap; Chuck Hoskin; Curtis Snell; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; Tina Glory Jordan and Bill John Baker

NEW BUSINESS

10-141

AN ACT REPEALING LEGISLATIVE ACT 22-10 AND AMENDING LEGISLATIVE ACT 06-10; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED; AMENDING § 5, ADDING PROVISIONS FOR APPORTIONMENT; AND DECLARING AN EMERGENCY

Speaker Frailey announced the purpose of this special meeting called by the Chief is to act upon an amendment to the election law which repeals LA-22-10. The court ruled this Act unconstitutional in part as to a certain apportionment configuration. This Act provides for five voting districts within the Cherokee Nation jurisdictional boundaries. The five districts will each have three Council members. Attached is a map made part hereof labeled 5B which defines the five districts. Councilor Cowan Watts moved to approve. Councilor Jack D. Baker seconded the motion.

Councilor Fishinghawk stated she would be voting against this legislation as it doesn't

use registration numbers. She numbers aren't what our Registrar states they should be nor are they close to what Tonia Williams stated they should be. She stated this is unconstitutional and believes it is being done due to being rushed. She stated some of the Cherokee votes have been marginalized in Adair and Delaware Counties. If the backup data such as IRR roads, voters, car tag monies, cemetery assistance and tribal land base were reviewed it would show five counties always at the top of the list which is the heart of the Cherokee Nation. She stated this is being done by a very selfish individual and requested an agenda item on the next Rules meeting to discuss the Deputy Speaker's position. Councilor Cowan Watts stated seven years later she is glad we are able to come to some conclusion on the proper apportionment of the Cherokee Nation. Constitutionally it does require citizenship data from the Registrar which is what we are voting on today. She voiced concern for the continued accusations. The idea of integrity issues is problematic. Upon passage of this Act today we can then look forward to how we can positively find facts instead of talking about personalities. Councilor Hoskin Jr. commented he voted this out of committee with some hesitation. He stated questions have arisen as if the numbers are accurate or more precise if the methods to arise at those numbers are the best methods. He stated it is problematic to count citizens who live outside of the jurisdiction. Councilor Hoskin Jr. commented about feeling as though they have been legislating at judicial gun point throughout this process. He stated if it came down to it he would rather this Council pass this map rather than to let the court determine the districts. He stated the silver lining is that if this is enacted for the first time it will be on the books that we will go to fifteen districts. It is the will of his people to have fifteen districts. Councilor Soap gave appreciation for the opportunity to consider this legislation as it gives equal representation to for all Cherokee people throughout the Cherokee Nation. He stated he would be voting in favor of this legislation. Councilor Crittenden stated he sat in a meeting yesterday and reviewed several maps and the consensus was the numbers can't be proven with any degree of accuracy. Starting with unproven numbers or suspect numbers he questioned how you could rely on the end result being constitutional or accurate.

Councilor Garvin offered a friendly amendment to strike Section 9 regarding Self-Help Contributions. Councilors Cowan Watts and Jack D. Baker accepted the amendment.

Councilor Thornton commented there are people here who are self-motivated. This has been ongoing since 1999 and it is impossible to satisfy all fifteen councilors. He stated he has been for the fifteen districts but with the five districts people in his district will vote every two years. The two year concept may encourage more voter participation. Councilor Buzzard stated he has never supported the five districts but would today if his vote was needed to pass the legislation as this needs to move forward. He requested to go on record to stating he believes fifteen districts to be fair and equitable. The fifteen districts allow more individual contact with the people you serve. He agreed this Council needs to pass this instead of the courts. Councilor Fullbright stated she would be voting for the passage of this to move forward but she does agree with Councilor Hoskin Jr. and she does support the fifteen districts. She voiced concern for loosing personal contact with the citizens with the larger districts. Councilor Fishinghawk stated for the record when she spoke to Chief Smith and told him she would vote for five districts just to move forward if the most accurate numbers were used from registration. She stated there are not the most accurate number

The motion to approve as amended carried with the following roll call vote:

Yea: 12 - Buel Anglen; Cara Cowan Watts; David Thornton Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; Bradley Cobb; Chris Soap; Janelle Fullbright; Julia Coates; Tina Glory Jordan and Bill John Baker

Nay: 5 - S. Joe Crittenden; Chuck Hoskin; Curtis Snell; Harley Buzzard and Jodie FISHINGHAWK

ANNOUNCEMENTS

Speaker Frailey gave appreciation to everyone for attending today.

ADJOURNMENT

Councilor Cowan Watts moved to adjourn. Councilor Anglen seconded the motion. Motion carried at 10:23 a.m.

Next Tribal Council meeting will be held on January 10th at 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.