



# Council of the Cherokee Nation

## Meeting Minutes

### Rules Committee

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Friday, June 29, 2007

1:00 PM

Legislative Conference Room

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#### CALL TO ORDER

Chair Frailey called the meeting to order at 1:05 p.m.

#### INVOCATION

Councilman Keen gave the invocation

#### ROLL CALL

- Present** 13 - Bill John Baker; S. Joe Crittenden; Jackie Bob Martin; Don Garvin; Linda Hughes-O'Leary; Melvina Shotpouch; John F. Keener; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Charles "Chuck" Hoskin; Taylor Keen and Jack D. Baker
- Late Arrival** 4 - Audra Smoke-Conner; David Thornton Sr. ; Phyllis Yargee and William G. "Bill" Johnson

#### APPROVAL OF MINUTES

Councilor Anglen moved for the approval of the June 1st, regular session.  
Councilor O'Leary seconded the motion. Motion carried.

Councilor O'Leary moved for the approval of the June 6th, special session.  
Councilor Bill John Baker seconded the motion. Motion carried.

Councilor Bill John Baker moved to amend the agenda to add "An Act Amending Legislative Act 04-05, the Fiscal Year Policy and Responsibility Act Amendments of 2005 and Declaring an Emergency" as item #2 under new business. Councilor Hoskin seconded the motion. Motion carried.

#### REPORTS:

Marshal Service:

Sharon Wright

*Sharon Wright reported the GEG investigation is still ongoing and they investigators are meeting regularly each month but the details of that are still under rule. They currently have four (4) embezzlement by employee cases for CNE. One in Ft. Gibson Casino, Hulbert, Outpost I, and West Siloam Casino. A guilty verdict was delivered in Federal Court on embezzlement in West Siloam Casino on a poker dealer in the amount of \$3300 and they are awaiting sentencing. They have three (3) child sexual assaults, two (2) in Federal Court and one (1) in Tribal Court. They had three (3) narcotic cases in Cherokee County, one (1) for manufacturing, and two (2) for possession of CDS, Marijuana and Firearms in commission of a crime. Two (2) cases in Adair County, one (1) for manufacturing and one (1) for possession of controlled substance. Two (2) cases in Wagoner County, one (1) for possession of marijuana and firearm in commission of felony and one (1) for lab clean-up. They held a horseshoe tournament in the Bell Community.*

*They assisted with open house in Cherry Tree of the SAFE House. Staff attended a gang conference. Security is assisting health with the Muskogee Clinic and they also assisted the Election Commission during the June 23rd election. They have three (3) office staff being trained as Victim Witness Coordinators. They have attended the training and are completing some experience guides and they will begin on call as of August*

Justice Department:

Diane Hammons

*Diane Hammons announced Richard Osborn's last day is today. He is leaving to go to the Milles-Lacs band of the Ojibwa in Minnesota to serve as an Assistant attorney General. She reported they worked with the Orrick Firm, an outside counsel preparing for oral argument on the Vann plaintiffs' motion to enjoin our 6/23 election, cut off federal funding, and sever federal ties with the Nation. The status of this currently is they have filed a motion to dismiss and the plaintiffs have not responded and they have until the first week in July to respond. There is an appeal in the Federal Circuit Court on the December 2006 order entered by the Judge in that case and in the Tribal Court the three hundred plus plaintiff petitioners who appealed the letters from Registration telling them they were no longer citizens and that period of time ended last week so now they have to answer and their answer date is set for next week.*

Election Commission:

Patsy Eads Morton

*Patsy Eads Morton was not present to give report due to a recount requested by Sam Ed Bush in District 3 –Seat 1 against David Thornton. Mrs. Morton provided a written report on the unofficial general election results and unofficial In-person absentee results.*

Tax Commission:

Sharon Swepston

*Sharon Swepston reported for the month of May for Motor Vehicle, is up about 1.56% on revenue and year to date is approximately a 6.50% increase. Tobacco tax is down approximately 0.97% but year to date it is up 32.18% and this is mainly due to the retail, alcohol, and sur tax. She also distributed an annual report on the Vehicle Registration for fiscal year 2006.*

Self-Governance:

Vicki Hanvey

*Vicki Hanvey reported they had several staff participate in the annual BIA training in Muskogee. They have a National Welfare Assistance Work Group that is being developed and they will be recommending a representative. This work group will be working on a new distribution methodology for general assistance. In regards to DOI they are in the middle of negotiating a new multi-year funding agreement that will spread for three years (2008-2010). They have received payment of the 2007 funds for Muskogee Joint Venture. They also continue to work on reconciling their differences on the staffing requirements for the Muskogee Joint Venture project. They have been assisting with evaluation and compliance on several projects they have including the SAS 112 for internal control implementation and they attended an overview on that project They also attended some HUD training for self-monitoring of the NAHASDA Program and will be assisting with evaluation and compliance with that self-monitoring report.*

Gaming Commission:

Jamie Hummingbird

*Jamie Hummingbird reported they have completed through an advisory committee process a set of technical standards that will be used for Class II gaming machines.*

*They have been asked to serve as a resource for another committee that is developing internal controls that will be used to make sure the machines are operating properly. They want to have the internal controls completed by the end of July. Senator Dorgan call a committee hearing on a piece of legislation that he is authoring that provides for what they call a crit fix which is where NIGC tried to assert itself and its regulations into a class HI arena. This legislation is also calling for the formation of a negotiated rule making committee that would consist of tribal representatives and representatives of NIGC. The Fort Gibson Casino expansion is underway and their goal is to be open by this Sunday, August 15, 2007. This year through the compact have paid the State in the amount of \$7 million dollars and life-to-date on the compact they have paid approximately \$29 million dollars to the State. Gaming licenses are up to 2500 employees and have a total of 3974 games across all properties of which 59% are compact games. This translates into 2344 compact machines and they are also holding steady at 135 tables across all properties.*

## Codification

Todd Hembree

*Todd Hembree reported a meeting will be set that will include himself, Melanie Knight, Diane Hammons, the Chair & Co-Chair of the Rules Committee, and also a member of the Oklahoma City University Law faculty to map a timeline to make to set their goals for completion of this project for the beginning of the fiscal year. It would be very beneficial to the next term to get Legistar started and the new codification completion done. Once the meeting date is set all council members will be notified and anybody and everybody are welcome to attend.*

## GEG Investigation Report

Diane Hammons

*Diane Hammons reported that the investigation is still ongoing and Nason Morton continues to speak with the investigator from the Marshal Service who continues to provide them updates about the investigation.*

## OLD BUSINESS

1. Corporation Reform (Discussion Only)

**Councilor Bill John Baker pulled this item permanently in order to review it and bring it forward at a later date.**

2. AN ACT PROVIDING FOR SANCTIONS AND OTHER PUNISHMENT FOR INDIVIDUALS THAT COMMIT INTENTIONAL MISREPRESENTATION TO THE CHEROKEE NATION TRIBAL COUNCIL AND ITS COMMITTEES

**Councilor O'Leary moved to table this Act indefinitely. Councilor Bill John Baker seconded the motion. Motion carried.**

3. A LEGISLATIVE ACT AMENDING TITLE 20, "COURT AND PROCEDURES" OF THE CHEROKEE NATION CODE ANNOTATED; RELATING TO COURT RULES AND JURISDICTION; AND DECLARING AN EMERGENCY

*Todd Hembree stated the Council has before them a modified draft of the Act that was vetoed and the changes include removing the language that involved writs of habeas corpus and other risks because there is a debate of whether that is exclusive jurisdiction of the Supreme Court or not pursuant to Article 8, Section 4 of the 1999 Constitution. The decision made was not to settle that question but rather just say "the Supreme Court has jurisdiction on all matters that are set forth in Article 8, Section 4 and any case or controversy involving Cherokee Nation elections that has first been addressed by the*

*Cherokee Nation Election Commission, and/or which is specifically provided for by statute, and also any dispute between the branches of the Government of the Cherokee Nation." He believes this satisfies the Chief's concerns and accomplishes what the intent of the Act was intended for and he would recommend its passage. Diane Hammons, Attorney General stated there was a question of whether this Act would affect pending litigation and they have concluded that it would not but they have put an effect date of the beginning of the year, October 1".*

**A motion was made by Councilor Taylor Keen and seconded by Councilor Bill John Baker, that this matter be Approved and Forwarded to Council. The motion carried by the following vote:**

**Yea:** 15 - Bill John Baker; Audra Smoke-Conner; S. Joe Crittenden; Jackie Bob Martin; David Thornton Sr. ; Phyllis Yargee; Don Garvin; Linda Hughes-O'Leary; Melvina Shotpouch; John F. Keener; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Taylor Keen and Jack D. Baker

**Nay:** 1 - Buel Anglen

**Not In Room:** 1 - Charles "Chuck" Hoskin

#### NEW BUSINESS

1. ACT RELATING TO THE ACCOUNTABILITY OF ELECTED OFFICIALS OF THE CHEROKEE NATION  
**Councilor Cowan Watts withdrew this item.**
  
2. an ACT AMENDING LEGISLATIVE ACT 04-05, THE FISCAL POLICY AND RESPONSIBILITY ACT AMENDMENTS OF 2005 AND DECLARING AN EMERGENCY  
*Councilor Bill John Baker stated the purpose of this Act is to amend the Fiscal Policy and Responsibility Act Amendments of 2004, which authorizes a line of credit to be utilized in satisfying the permanent cash reserve required by Legislative Act 5-02 and to permanently provide for operating cash needs of the Nation. This amendment is necessary to change Section 2 (D) of the Act, to exclude budgeted transfers between funds.*  
**Councilor Bill John Baker moved for the approval of this Act. Councilor Crittenden seconded the motion. Motion carried by acclamation.**

#### ANNOUNCEMENTS

*Councilor Jack D. Baker announced the loss of an original enrollee, Mary Welch, from Westville and the funeral is scheduled for 2:00 p.m. on Monday at the First Baptist Church in Westville.*

*The next Rules meeting are tentatively scheduled for Thursday, July 26th at 1:00 p.m.*

#### ADJOURNMENT

**Councilor Bill John Baker moved for adjournment. Councilor Martin seconded the motion. Motion carried.**

#### STAFF PRESENT:

*Melanie Knight    Diane Hammons    Sharon Wright*

*Sharon Swepston    Jamie Hummingbird    Vicki Hanvey*  
*Jennifer Goodvoice    Larry Ketcher*

VISITORS PRESENT:

*Todd Hembree    Raymond Vann    Susan Ruckman*  
*Brad Carson    Octa Keen*

APPROVAL / DISTRIBUTION

**Minutes submitted by: Gayle Miller, Recording Secretary**

**Motion to approve minutes made by:** \_\_\_\_\_

**Minutes attested and concurred by:** \_\_\_\_\_

**Date:** \_\_\_\_\_