



# Council of the Cherokee Nation

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

## Meeting Minutes - Final RULES COMMITTEE

*Meredith Frailey, Chair*

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

---

Thursday, April 28, 2011

1:00 PM

Legislative Conference Room

---

### CALL TO ORDER

**Chair Frailey called the meeting to order at 1:10 p.m.**

### INVOCATION

**Councilor Fullbright gave the invocation.**

### ROLL CALL

**Present** 13 - Bill John Baker; Bradley Cobb; Buel Anglen; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; David Thornton Sr. ; Don Garvin; Jack D. Baker; Janelle Fullbright; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

**Late Arrival** 4 - Cara Cowan Watts; Harley Buzzard; Jodie Fishinghawk and Julia Coates

### APPROVAL OF MINUTES

*Chair Frailey announced with the lengthy agenda she would be limiting the reports to two minutes and all other items to three minutes each.*

**Councilor Cobb moved to approve the March 31st regular session minutes.  
Councilor Jack D. Baker seconded the motion. The motion carried.**

### REPORTS:

Marshal Service - Sharon Wright

*Ms. Wright offered to answer questions from the report submitted.*

Office of the Attorney General - Diane Hammons

*Ms. Hammons reported they have filed the brief of appellant in the Nash case, Freedman case in tribal court on Monday. She announced they may possibly have the test case for the hunting and fishing rights. Councilor Glory-Jordan requested an update on the newborn act case be given monthly.*

Election Commission - Roger Johnson

*No one present to report.*

Tax Commission - Sharon Swepston

*Ms. Swepston announced a second employee has been added at the Collinsville tag office. She offered to answer questions from her written report.*

Self-Governance - Vickie Harvey

*Ms. Harvey reported they have completed all of the recovery act reports due through March. They have received the 102-477 program review back with no findings.*

Gaming Commission - Jamie Hummingbird

*Mr. Hummingbird offered to answer questions from the report provided. Councilor Glory-Jordan inquired if a gaming license was required for all CNE employees. Mr. Hummingbird confirmed it is a requirement of all casino employees to be licensed by the Commission. Councilor Glory- Jordan voiced concern for the supportive staff such as maintenance and kitchen staff being required to have this license. Councilor Bill John Baker voiced concern for the Day Work participants who have to complete a stack of paperwork for a day's work at the various facilities. Mr. Hummingbird stated the Commission has voted and taken action to make the process much more expedient for these individuals.*

Codification - Todd Hembree

*Mr. Hembree announced West Law is awaiting the combined version of the formats to proceed. He stated he has provided a memo pertaining to the constitutionality of other Acts with a quorum not present. He stated he reviewed all Acts passed from 1995 to 1999 and the only Act passed without a quorum is LA-07-97. This Act would automatically be unconstitutional due to the passage of the 1999 Constitution.*

Registrar Citizenship Data Update - Todd Enlow

*Mr. David Justice provided a handout of updates and referred to the map attached showing the differences between previous geo-coding attempts and newly acquired data. Councilor Cowan Watts inquired if we are tracking to be ready within the next six months to a year for the next election. Mr. Justice stated they are hoping to be completely ready for the next election. Councilor Cowan Watts requested a timeline response in writing.*

## OLD BUSINESS

### 1. [TMP-157](#) TRIBAL COUNCIL TRAVEL EXPENSE POLICY PROPOSED AMENDMENTS

**Chair Frailey stated with the amendment to the elected officials compensation not taking effect until next term she would withdraw this item unless there were other provisions that needed to be discussed.**

2. [11-052](#) A RESOLUTION DECLARING "TSA-LA-GI, WE ARE MANY" AS THE NATIONAL ANTHEM OF THE CHEROKEE NATION
- Councilor Bill John Baker announced the words and music to this beautiful song have been provided and moved to approve. Councilor Jack D. Baker seconded the motion. Councilor Coates commented she agrees with the idea of having a national anthem and has no objections to this song. She voiced concern that the idea of a national anthem hasn't been solicited and there are many other song writers and artists that would like the opportunity to submit a composition for consideration.*
- The motion to approve failed by the following vote.**
- Yea:** 8 - Bill John Baker; Buel Anglen; Cara Cowan Watts; Chuck Hoskin, Jr. ; Curtis Snell; Jack D. Baker; S. Joe Crittenden and Tina Glory Jordan
- Nay:** 8 - Bradley Cobb; Chris Soap; David Thornton Sr. ; Don Garvin; Harley Buzzard; Janelle Fullbright; Julia Coates and Meredith Frailey
- Late Arrival:** 1 - Jodie Fishinghawk
3. [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 the real issue is if the Council and the Administration should partner in naming buildings and facilities or if we should continue along the course of the Administration naming on its own initiative. He stated this is an important function that the Legislative Branch should be included in. He moved to approve to allow for discussion. Councilor Crittenden seconded the motion. Ms. Paula Ragsdale stated the Administration feels this should be a policy rather than legislated.*
- After some discussion was held Councilor Hoskin Jr. moved to table for one month. Councilor Cowan Watts seconded the motion. The motion carried.**
4. [11-053](#) AN ACT REQUIRING ALL ELECTED OFFICIALS OF THE CHEROKEE NATION TO UNDERGO RANDOM DRUG TESTING
- Councilor Crittenden moved to approve to allow for discussion. Councilor Bill John Baker seconded the motion. Councilor Glory-Jordan gave the following suggestions: 1) it goes to an independent lab, 2) split the sample or taking an additional sample, 3) consider a hair follicle instead of a urine test, 4) offer rehabilitation, and 5) how to comply if on travel status.*
- Councilor Glory-Jordan moved to extend the debate time an additional fifteen minutes. Councilor Coates seconded the motion. The motion carried with Councilors Jack D. Baker and Cobb opposed.**
- Councilor Hoskin Jr. commented is he opposed to random drug testing as a general matter in employment. He offered a substitute to address some of his concerns. Councilor Coates stated she too is opposed to random drug testing of individuals as it is an infringement of the civil liberties of individuals. She suggested going in an alternate direction to equalize the situation with elected officials and employees in this regard and referred to the Act she is sponsoring later on the agenda. Councilor Crittenden read Chief Smith's letter into the record regarding the issue. He stated this Act is a fairness issue between the elected officials and the employees. Leaders should lead by example. After additional discussion was held and a suggestion of pledge cards was made, Councilor Crittenden made a motion to table. Councilor Hoskin Jr. seconded the motion.*
- The motion to table for one month carried.**

**Councilor Thornton moved to amend the agenda to include a resolution honoring Ron Cooper for retracing the northern steps of the Trail of Tears. Councilor Crittenden seconded the motion. The motion carried.**

**Councilor Garvin announced he would be withdrawing new business item #7.**

5. [TMP-168](#) DISCUSSION REGARDING THE ADMINISTRATION'S USE OF CONTRACTORS TO CONDUCT FOCUS GROUPS/OPINION SURVEYS OF CHEROKEE NATION EMPLOYEES AND CITIZENS

**Councilor Glory-Jordan moved to table for one month. Councilor Coates seconded the motion. The motion carried.**

#### NEW BUSINESS

1. [11-060](#) A RESOLUTION EXPRESSLY AUTHORIZING THE CHOICE OF LAW AND CHOICE OF VENUE CLAUSE, AS IT APPLIES TO THE OKLAHOMA HEALTH CARE AUTHORITY AND CHEROKEE NATION MEDCAID BILLING AGREEMENT  
*Councilor Cobb announced a substitute version has been provided. This authorizes the Chief to negotiate choice of law and venue clauses in Medicaid billing between the Cherokee Nation and the Oklahoma Health Care Authority. He moved to approve. Councilor Garvin seconded the motion. Councilor Cowan Watts inquired about the waiver of sovereign immunity. Secretary of State Knight gave clarification.*

**After additional discussion was held the motion to approve carried.**

2. [11-061](#) A RESOLUTION AUTHORIZING THE PRINCIPAL CHIEF TO NEGOTIATE AND EXECUTE A LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR MICROSOFT LANGUAGE LOCALIZATION PROJECT  
*Chair Frailey stated this resolution authorizes the Principal Chief to execute a limited waiver of sovereign immunity for a Microsoft Language project. Ms. Knight stated this agreement is to incorporate Cherokee language into Microsoft products.*

**Councilor Bill John Baker moved to approve. Councilor Coates seconded the motion. The motion to approve carried.**

3. [11-062](#) AN ACT REQUIRING DRUG TESTS FOR CHEROKEE NATION EMPLOYEES TO BE BASED ON WARRANTED AND REASONABLE SUSPICION  
*Councilor Coates requested the debate be extended to fifteen minutes on this item. Chair Frailey granted the request. Councilor Coates commented this is the direction in which she would offer to equalize the issue of drug testing with employees and elected officials. She once again voiced concern for random mandatory drug testing and placing individuals in the position of having to prove their innocence. She provided a handout of data compiled by the Human Resources department pertaining to employee drug testing. She stated this Act would eliminate the random mandatory drug testing of employees except in certain sensitive and critical occupations. Councilor Coates moved to approve. Councilor Cowan Watts seconded the motion.*

**Upon the completion of debate Councilor Glory-Jordan moved to table to allow time for research in regard to effects on our insurance and other issues. Councilor Fishinghawk seconded the motion. The motion to table for one month carried.**

4. [11-063](#) A LEGISLATIVE ACT RELATING TO AMENDING THE CHEROKEE NATION SOVEREIGN IMMUNITY ACT, LA#23-04  
*Chair Frailey announced the Administration has requested this item be tabled for one month to allow Mr. Brad Carson the opportunity to be present to answer questions.*  
**Councilor Bill John Baker moved to table for one month. Councilor Crittenden seconded the motion. The motion carried.**
5. [11-064](#) A LEGISLATIVE ACT REPEALING AND REPLACING LA #30-89, LA #9-90, LA #1-94, R #126-95, LA #29-03, LA #37-03, LA #44-04, LA #20-06, LA #15-07, AND LA #26-10 RELATING TO GAMING WITHIN THE JURISDICTION OF THE CHEROKEE NATION AND DECLARING AN EMERGENCY  
**Councilor Cowan Watts moved to approve by acclamation. Councilor Jack D. Baker seconded the motion. The motion carried.**
6. [TMP-169](#) DISCUSSION AND POSSIBLE ACTION ON THE CONSTITUTIONALITY OF PREVIOUS ACTS  
*Ms. Knight provided a handout of two items which meet the criteria discussed. She suggested this Act and Resolution be voided from the Legistar system rather than repealed. Councilor Hoskin Jr. moved to table this discussion indefinitely as this is part of Mr. Hembree's codification efforts. Councilor Glory-Jordan seconded the motion.*  
**A motion was made by Councilor Hoskin, seconded by Councilor Glory Jordan, that this matter be Tabled . The motion failed by the following vote.**  
**Yea:** 5 - Bill John Baker; Chuck Hoskin, Jr. ; Curtis Snell; David Thornton Sr. and Tina Glory Jordan  
**Nay:** 10 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Julia Coates and Meredith Frailey  
**Not In Room:** 2 - Jodie Fishinghawk and S. Joe Crittenden  
*Mr. Hembree gave clarification that as stated earlier the Act is unconstitutional and has been pulled to be presented to this Council as part of the codification process. In regard to Resolution 17-97 all resolutions are of temporary character and this resolution had a sunset clause of eight weeks and is void in operation as it is. Councilor Jack D. Baker moved to remove R-17-97 and LA-6-97 from our books. Councilor Cowan Watts seconded the motion.*  
**Councilor Glory-Jordan moved to table the discussion to allow the Act to be written removing these two items. Councilor Crittenden seconded the motion. The motion carried.**
7. [TMP-172](#) CLARIFICATION OF JURISDICTION ON BORDER PROPERTIES (Discussion Only)  
**Councilor Garvin withdrew this item prior to Old Business item #5.**
8. [TMP-127](#) REQUEST TO MOVE THE TUESDAY MORNING COMMITTEE MEETINGS and REQUEST TO MOVE THE JUNE 13th AND 14th COUNCIL AND COMMITTEE MEETINGS  
*Councilor Cobb stated there have been several requests to move the Tuesday morning meetings to the Monday afternoon of Council meetings and to also move the June 13th and 14th Council and committee meetings to the following week of June*

20th. He moved to approve these requests. Councilor Cowan Watts seconded the motion.

Councilor Glory-Jordan requested division of the question.

**The motion to move the Tuesday morning meetings to the Monday afternoon of Council meetings failed with the following roll call vote:**

**Yea:** 7 - Chuck Hoskin, Jr. ; Curtis Snell; David Thornton Sr. ; Don Garvin; Janelle Fullbright; Meredith Frailey and Tina Glory Jordan

**Nay:** 9 - Bill John Baker; Bradley Cobb; Buel Anglen; Chris Soap; Harley Buzzard; Jack D. Baker; Jodie Fishinghawk; Julia Coates and S. Joe Crittenden

**Abstain:** 1 - Cara Cowan Watts

Councilor Glory-Jordan offered a friendly amendment to have the June 13th and 14th meetings all on June 20th. Councilors Cobb and Cowan Watts accepted the friendly amendment.

**The motion carried with the following roll call vote:**

**Yea:** 12 - Bill John Baker; Bradley Cobb; Cara Cowan Watts; Chuck Hoskin, Jr. ; David Thornton Sr. ; Don Garvin; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; Meredith Frailey and Tina Glory Jordan

**Nay:** 4 - Chris Soap; Curtis Snell; Jack D. Baker and S. Joe Crittenden

**Not In Room:** 1 - Buel Anglen

9. [11-065](#)

A RESOLUTION HONORING RON COOPER FOR HIS TRIBUTE TO THE CHEROKEE PEOPLE IN RETRACING THEIR STEPS ALONG THE TRAIL OF TEARS

**Councilor Thornton moved to approve. Councilor Garvin seconded the motion. Councilor Coates offered a friendly amendment on the 4th Whereas to change Ron Cooper is a Native American to Ron Cooper is a citizen of the Federally recognized Commanche Nation. The friendly amendment was accepted. The motion carried.**

ANNOUNCEMENTS

Councilor Cobb inquired about the start time on the June 20th meetings. It was announced the meetings would begin at 1:00 p.m. with Community Service, 2:00 p.m. Health, 3:00 p.m. Education & Culture, 4:00 p.m. Resource and 6:00 p.m. Tribal Council.

ADJOURNMENT

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

STAFF PRESENT:

Diane Hammons	Sharon Wright	Sharon Swepton
Paula Ragsdale	Melanie Knight	Vickie Hanvey
Doug Evans	Angela Drewes	David Justice
Chrissi Nimmo	Dana Espinal	Jamie Hummingbird

*Nason Morton  
Anita Christie  
Melissa Gower*

*Alana Casteel  
Mike Miller*

*Brenda Lance  
Jami Custer*

VISITORS PRESENT:

*Todd Hembree*

*Gina Olaya*

*Ollie Starr*