



Council of the Cherokee Nation

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

Meeting Minutes - Final RULES COMMITTEE

Mike Shambaugh, Chair

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

Thursday, October 28, 2021

1:00 PM

Tribal Council Offices

CALL TO ORDER

Chair Shambaugh called the meeting to order at 1:04 p.m.

INVOCATION

Councilor Sam gave the invocation.

ROLL CALL

Councilor Coates attended remotely.

Present 17 - Rex Jordan; Wes Nofire; Daryl Legg; Shawn Crittenden; Dora Patzkowski; Joe Deere; Keith Austin; Julia Coates; Johnny Kidwell ; Candessa Tehee; Danny Callison; Joshua Sam; Melvina Shotpouch; Mike Dobbins; E. O. "JR." Smith; Mike Shambaugh and Victoria Vazquez

APPROVAL OF MINUTES

Councilor Jordan made a motion to approve the September minutes.
Councilor Vazquez seconded the motion. The motion carried.

REPORTS:

Marshal Service - Shannon Buhl

Marshal Buhl announced the six officers hired post McGirt have all graduated, two of those six are here with us today, Marshals Fisher and Partney. He announced they have two conservation officers, Faron Pritchett and Mike Reece, who assist in youth and veteran hunts. Emergency Management has been busy with the storm shelter bids. He offered to answer questions from the report provided. Councilor Tehee requested a breakdown of the cases listed in the report. She inquired if the officers have specific training for domestic violence and domestic violence intervention. Councilor Callison inquired if there are plans for a division in the northern end of the reservation perhaps in Rogers County. He also inquired if we have marshals on duty seven days a week. Councilor Nofire inquired about hiring agencies to eradicate the drug and homelessness problems. Councilor Austin commented he was able to watch the graduation of the new Marshals and requested links to the graduations of future

marshals.

Office of the Attorney General - Sara Hill

Ms. Hill announced it is Domestic Violence Awareness Month. She highlighted the work of the One Fire Agency. She thanked everyone who participated in the proclamation signing. A Task Force was created to reduce domestic violence and the Nation's response to those crimes. She provided an update on the tribal court cases and processes. She reported on the juvenile system, the MOU's with the municipalities and Supreme Court cases pending. She spoke of the flood of miss information and half-truths in the media since the amicus filings and of the Tait case timeline. She reported on the jury trials held this week at the Cherokee Nation. The Cherokee Nation will file its amicus brief this week. These are historic times where the Cherokee Nation is being tested. She offered to answer questions. Councilor Tehee inquired the number of backlog cases and if they are able to provide a breakdown of cases by type. She inquired as to the number of cases of Indian versus Indian and the number of cases on non-Indian versus Indian. She inquired how often a case is brought against a non-Indian offender. She inquired if the reports of cases come standardized from agencies. She inquired how often they receive cases from the various agencies. She inquired about the total number of prosecutors and if they have a specific case type. She inquired about a domestic violence staff, when they would of started, and if they prosecute without victim testimony. Do they plan to add more prosecutors and investigators. Do they have a plan or process in place to process cases more quickly. She asked the total number of cases on file. She questioned the option to being people in on consult. Lastly she requested a written report be given by the AG's office. Councilor Legg requested additional clarification on the sentence given during the jury trial. Councilor Callison requested clarification on the process when a small community places an arrest or gives a ticket. He also inquired if we follow up with the arresting officer once we prosecute. Councilor Austin commented on the irony of the City of Owasso signing the MOA and joining in on the amicus brief with the State. Councilor Deere inquired about the number of cases at court in a week, the number of court clerks, and the number needed. Councilor Nofire inquired who Christie Newhoff is and requested clarification on the newly formed task force. Councilor Nofire made a statement pertaining to things being swept under the rug and issues including Tait. He suggested the formation of an Indian Protection Committee of councilors. A point of order was called. A lengthy heated discussion followed.

FOIA-GRA - Gwen Terrapin

Councilor Callison made a motion to waive the remaining report with the exception of the Election Commission. Councilor Coates seconded the motion. The motion carried.

Election Commission - Marcus Fears

Mr. Fears gave an overview of the report provided. Councilor Tehee inquired about the number of absentees rejected in the general and runoff elections and a breakdown of the reasons for the rejections. Councilor Coates inquired about the number of forms they have that require a notary. Councilor Austin inquired about the Election office working with the Council on election reform.

Tax Commission - Sharon Swepston

Self-Governance - Ashlee Fox

Gaming Commission - Janice Purcell

Human Resources - Samantha Hendricks

OLD BUSINESS

1. [21-096](#) AN ACT AMENDING TITLE 26 SECTION 11(C) OF THE CHEROKEE NATION CODE ANNOTATED TO REQUIRE THE CHEROKEE NATION ELECTION COMMISSION TO AMEND THEIR RULES, REGULATIONS AND FORMS UPON PASSAGE OF LEGISLATION BY THE COUNCIL

Councilor Dobbins made a motion to approve. Councilor Coates seconded the motion. Councilor Coates gave an overview of the purpose of this amendment stating it is housekeeping only. The motion carried with opposition.

NEW BUSINESS

1. [21-102](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF JAMES SIMMONS AS COMMISSIONER OF THE HOUSING AUTHORITY OF THE CHEROKEE NATION BOARD OF COMMISSIONERS

Councilor Smith made a motion to approve. Councilor Legg seconded the motion. The motion carried with all councilors requesting to be added as sponsors.

2. [TMP-396](#) DISCUSSION AND POSSIBLE ACTION REGARDING AN ETHICAL CONFLICT OF INTEREST IN TRIBAL COUNCIL MEMBER PARTICIPATION IN CHEROKEE NATION BUSINESSES (CNB) AND CHEROKEE NATION GAMING COMMISSION (CNGC) ADVISORY BOARDS

Councilor Vazquez made a motion to enter discussion. Councilor Patzkowski seconded the motion. Attorney Young stated the reason for the conflict of a Councilor serving on both the CNB advisory board and the Gaming Commission advisory board. Councilor Coates disagreed with the Council Attorney. Councilor Nofire referenced an Attorney General opinion stating a Councilor can show up at any board meeting. Councilor Kidwell inquired if this is the first time this issue has arose. He stated there is nothing in the Rules of Procedure stating this is a conflict and if it is determined to be today, those Rules of Procedure need to be amended to reflect the conflict.

Following additional discussion a vote was taken to determine that there was a conflict.

Councilor Austin made a motion to appoint Danny Callison to the CNB advisory board. Councilor Tehee requested clarification in that the Councilors involved with the conflict should be able to pick which seat they want to vacate. Chair Shambaugh stated there isn't a seat to vacate. Councilor Coates appealed the decision of the Chair stating the two Councilors weren't given the opportunity to resign. Councilor Patzkowski seconded Councilor Austin's motion. Councilor Nofire resigned his advisory position to the CNB board. The motion to appoint Callison carried. Councilor Kidwell resigned from the Gaming Commission advisory board. Councilor Vazquez made a motion to appoint Councilor Smith to the Gaming Commission advisory board. Councilor Jordan

seconded the motion. The motion carried.

ANNOUNCEMENTS

Councilors questioned the dates for the November meetings. Chair Shambaugh announced Shelli would perform a poll to determine the meeting dates for November.

ADJOURNMENT

Councilor Vazquez made a motion to adjourn. Councilor Patzkowski seconded the motion. The motion carried at 3:18 p.m.

STAFF PRESENT:

<i>Taralee Montgomery</i>	<i>Camerin Fite James</i>	<i>Kody Fisher</i>
<i>Shannon Buhl</i>	<i>Gwen Terrapin</i>	<i>Samantha Hendricks</i>
<i>Marcus Fears</i>	<i>Bryan Warner</i>	<i>Ashlee Fox</i>
<i>Sharon Swepston</i>	<i>Sara Hill</i>	<i>Todd Enlow</i>
<i>Chuck Hoskin Jr.</i>	<i>Tina Glory Jordan</i>	

VISITORS PRESENT:

<i>James Simmons</i>	<i>John Young</i>	<i>Teddy Snell</i>
<i>Harvey Chaffin</i>		