

# An Act

## **Legislative Act 05-11**

### **AN ACT AMENDING TITLE 19 SECTION 21, TITLE 51 SECTION 1 AND TITLE 51 SECTION 11 OF THE CHEROKEE NATION CODE ANNOTATED, AND AMENDING LEGISLATIVE ACT 40-07 DEALING WITH COMPENSATION OF ELECTED OFFICIALS AND DECLARING AN EMERGENCY**

#### **BE IT ENACTED BY THE CHEROKEE NATION:**

#### **Section 1. Title and Codification.**

This Act shall be titled as "Compensation for Elected Officials and Technical Amendments Act of 2011 and codified under Title 19, and Title 51 of the Cherokee Nation Code Annotated.

#### **Section 2. Purpose.**

The purpose of this Act shall be to set permanent guidelines by which Cherokee Nation Officials will be compensated and make certain technical amendments to implement legislation previously enacted.

#### **Section 3. Legislative History.**

The Council of the Cherokee Nation previously enacted Legislative Act 18-03, on July 14, 2003, Legislative Act 42-03 on December 30, 2003 and Legislative Act 40-07 on November 13, 2007, which sets salaries for the Principal Chief, Deputy Principal Chief and Council of the Cherokee Nation, beginning with the term commencing August 14, 2007.

#### **Section 4. Definitions.**

- A. Principal Chief means the duly elected Principal Chief of the Cherokee Nation.
- B. Deputy Principal Chief means the duly elected Deputy Principal Chief of the Cherokee Nation.
- C. Tribal Council Member means duly elected Tribal Council Member of the Council of the Cherokee Nation.
- D. Five Civilized Tribes means the Choctaw, Chickasaw, Seminole, Cherokee and Creek Tribes that are federally recognized and headquartered in the State of Oklahoma.
- E. The Eastern Band of Cherokee means the Federally recognized Eastern Band of Cherokees located in North Carolina.

## **Section 5. Substantive Provisions**

### **Add new Provisions to Subsection D as follows:**

#### **D. Salaries for Future terms of Elected Officials**

For all duly elected officials serving in August 2011, and thereafter the annual salaries for the Principal Chief, Deputy Principal Chief, and Council Members of the Cherokee Nation shall be based on the report submitted from a citizen committee

1. The Citizens Committee shall be comprised of two (2) appointees by the Principal Chief, two (2) appointees by the Council of the Cherokee Nation, and a fifth member selected by the four appointees.
2. The Citizens Committee shall convene prior to the filing period for elected offices in the election year of the Principal Chief to make its findings and report and meet every four (4) years thereafter.
3. The Citizens Committee shall consider relevant comparative compensation levels such as, but not limited to, compensation information from other Tribal Governments, state and local governments, and the private sector. The Citizens Committee may use the Cherokee Nation's Human Resources and the Council of the Cherokee Nation's financial officer as sources of information.
4. The report of the citizen committee shall set the compensation for all elected officials of the Cherokee Nation unless rejected by Legislative Act within sixty (60) days, of the committee's report.

## **Section 6. Cumulative**

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

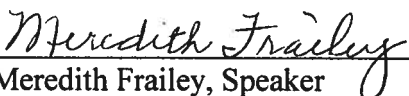
## **Section 7. Severability.**

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.

Enacted by the Council of the Cherokee Nation on the 14<sup>th</sup> day of February, 2011.

  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2011.

(NOT SIGNED)

Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

\_\_\_\_\_  
Melanie Knight, Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Nay</u>	Meredith A. Frailey	<u>Yea</u>
Bill John Baker	<u>Nay</u>	Chris Soap	<u>Yea</u>
Joe Crittenden	<u>Nay</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Nay</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>		



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**ᏆᏃᏁ**  
Chad "Cornassel" Smith  
Principal Chief  
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Joe Grayson, Jr.  
Deputy Principal Chief

February 22, 2011

Meredith A. Frailey, Speaker  
Cara Cowan Watts, Deputy Speaker  
Council of the Cherokee Nation  
Tahlequah, Oklahoma

02-24-11P05:05 RCVD

Dear Speaker Frailey and Council Members:

I am returning the enactments passed by the Tribal Council at the regular meeting held on February 14, 2011 as required by our Constitution. The Cherokee Constitution (Article VI, Section 10) requires that every enactment approved by the majority of the Council be presented to the Principal Chief before it becomes effective. I have carefully considered each enactment and approved those that follow:

### APPROVED RESOLUTIONS

1. Resolution No. 04-11, A Resolution Authorizing the Bureau of Indian Affairs (BIA) to Revise and Update the Cherokee Nation's Inventory of Indian Reservation Roads.
2. Resolution No. 05-11, A Resolution Amending Resolution #09-08, Confirming the Nomination of Dan Agent as an Editorial Board Member of the Cherokee Phoenix.
3. Resolution No. 06-11, A Resolution Applauding the United States Government for Endorsing the United Nations Declaration of the Rights of Indigenous Peoples.
- ✓ 4. Resolution No. 07-11, A Resolution Authorizing the Submission of a Grant Application to the U.S. Department of Health and Human Services Administration for Native Americans.
- ✓ 5. Resolution No. 08-11, A Resolution Authorizing the Treasurer of the Cherokee Nation to Implement an Internal Borrowing Resolution of Up to \$150,000 to Cherokee Nation Home Health Services.
- ✓ 6. Resolution No. 09-11, A Resolution Approving and Adopting the Cherokee Nation Tribal Hazard Mitigation Plan.
- ✓ 7. Resolution No. 10-11, A Resolution Authorizing an Application to the Federal Highway Administration for Indian Reservation Roads Bridge Program Funding for Rogers County Bridge #79.

## **APPROVED LEGISLATIVE ACTS**

1. Legislative Act No. 02-11, An Act Setting Requirements for the Cherokee Nation Higher Education Scholarship Program; and Declaring an Emergency.
2. Legislative Act No. 03-11, A Legislative Act Amending Title 20 of the Cherokee Nation Code Annotated – Courts and Procedure; Amending Section 24; Jurisdiction – General.
3. Legislative Act No. 04-11, A Legislative Act Related to Title 26 “Elections” as Amended by Legislative Act 06-11 and Legislative Act 22-10 and Legislative Act 32-10 Assigning Seat Designations and Setting Effective Date.
4. Legislative Act 06-11, An Act Amending Legislative Act #29-10 Authorizing the Comprehensive Budget for Fiscal Year 2011 – Mod. 4; and Declaring an Emergency.

Returned are all enactments of the Council.

Sincerely,



Chadwick Smith  
Principal Chief

cc: Legal & Legislative Coordinator, Council of the Cherokee Nation  
Councilors (17), Council of the Cherokee Nation  
Melanie Knight, Secretary of State