



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

Tuesday, November 23, 2010

9:00 AM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 9:07 a.m.

INVOCATION

Councilor Cowan Watts gave the invocation.

ROLL CALL

Present 13 - Bill John Baker; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Jodie Fishinghawk; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

Absent 2 - Curtis Snell and David Thornton Sr.

Late Arrival 2 - Bradley Cobb and Julia Coates

APPROVAL OF MINUTES

Councilor Anglen moved to approve the October 28th regular session minutes. Councilor Cowan Watts seconded the motion. Motion carried.

REPORTS:

Marshal Service - Sharon Wright

Ms. Wright in addition to her written report announced they had two calls last month and six this month pertaining to tags for hunting and or fishing. She stated they are coordinating with Natural Resources with these types of calls. She announced the individual associated with the armed robbery and several smoke shop break-ins has turned himself in to their office yesterday. Councilor Fishinghawk inquired as to the status of the four Marshals on paid administrative leave. Ms. Wright stated some of the personnel issues have been resolved. They are not on paid administrative leave any longer. The inquiry from the federal system is not yet complete therefore it remains a law enforcement sensitive matter.

Office of the Attorney General - Diane Hammons

Ms. Hammons announced they received a decision from the 10th Circuit regarding our denial of the rehearing on the Freedman case. She stated although they cannot get in the existing case it certainly doesn't foreclose our right to pursue any actions on our own. The judge's ruling on our water rights still stands. She introduced Assistant Attorney General Chrissi Nimmo and Sherry Chenault our Victim Witness Coordinator. Ms. Chenault was instrumental in acquiring the DOJ grant which will expand victim services and allow probation officers an additional sanction in our court. There is currently a requirement to attend and pay for a fifty-two week program for batterers intervention. This grant will allow the Cherokee Nation to offer the program free of charge. The grant is for \$450,000 and will create two new positions. Councilor Fishinghawk inquired about current law pertaining to being approached about politics during work hours. Ms. Hammons stated the plan is to work with Mr. Hembree to compile all of the laws and policies. There is a Human Resources policy which prevents campaigning with employees during work hours. Councilor Fishinghawk requested an update on GEG and ICI. Ms. Hammons stated there isn't anything new with GEG. The Tribal court case with Mr. Majewski is still pending. She commented ICI has nothing new to report. Councilor Fishinghawk requested Ms. Hammons opinion on if Registration or Geo-Data numbers should be used when redistricting. She requested the opinion be provided prior to the December 6th Special Rules meeting. Ms. Hammons stated she would respond in writing to everyone. Councilor Fishinghawk also questioned if it is Constitutional to include people who live outside of the jurisdictional boundaries in the numbers.

GEG Investigation Report - Diane Hammons

Election Commission - Roger Johnson

Ms. Brenda Walker offered to answer questions from their written report. Councilor Glory-Jordan inquired if all of the voting sights would be internet accessible for the 2011 election. Ms. Walker stated it hasn't been discussed. Councilor Glory-Jordan inquired if there is enough time to assign each At-Large voter to a precinct before the 2011 election. Ms. Walker stated she would prefer to discuss it during the business items.

Tax Commission - Sharon Swepston

No one present to report.

Self-Governance - Vickie Harvey

Ms. Harvey announced a hearing was held last week in the Senate over Title IV amendments and they still hold hope for the passing of the amendments. Last Friday the Senate passed the Cobell settlement and information pertaining to the settlement can be found at cobellsettlement.com. Councilor Hoskin Jr. voiced concern for Senator Coburn and his actions in regard to the Cobell settlement. He inquired if we know at this point if there will be an impact on us. Mr. Pat Ragsdale stated there is an implication to cut the public safety budget and probably the WIC budget. Councilor Glory-Jordan stated she has been getting a lot of questions about the Indian Farmer Settlement. She suggested offering a seminar to our citizens to educate and assist the farmers in obtaining this information. Councilor Buzzard inquired as to the financial impact on IRR System after 2010. Ms. Harvey stated we have a continuing resolution through mid December based on last year's numbers.

The interpretation of the law is that nothing will be counted after 2005. Mr. Ragsdale stated they may have to issue a filing on the issue. Councilor Cowan Watts stated the fake tribes read language at NCAI that stated they were included in the Indian Farmer Settlement. Councilor Glory-Jordan requested the meeting pertaining to the farmer settlement be co-sponsored by this body.

Gaming Commission - Jamie Hummingbird

No one present to report.

Codification - Todd Hembree

Mr. Hembree via conference call reported they are still waiting on the bid from West. He will meet with Mr. Morton upon his return to make this a top priority

Councilor Cowan Watts requested Mr. Hummingbird report next month on the internet gaming issue.

Mr. Hembree stated he would have the election campaigning memo for the Council at the special meeting on the 6th of December.

OLD BUSINESS

1. TRIBAL COUNCIL TRAVEL EXPENSE POLICY PROPOSED AMENDMENTS

Councilor Jack D. Baker commented it was stated during the meeting that both he and Councilor Coates had gone over their travel budget. He gave clarification that neither of them went over on their elective travel budget. Councilor Coates stated they have 7 or 8 community meetings that they attend each year and have estimated \$7,500 each would cover travel to these meetings. This would not include travel to Council and committee meetings, Joint Council, Inaugurations. She gave clarifications on a few things said last month. She stated the \$189,000 budget mentioned is COTTA's budget to support Cherokee Nation's relationship with 21 organizations. She stated the At-Large Councilors do not host any community meetings. Councilor Fishinghawk requested clarification of page 2 #5, page 3 #5 and page 3 #10 of the travel policy. Councilor Jack D. Baker commented #10 is redundant. Chair Frailey inquired if anyone had questions pertaining to the \$7,500 budget recommended. Mr. Evans requested clarification. Chair Frailey stated it is a total of \$7,500 each for all of the At-Large community meetings. Mr. Evans stated this is already considered in the budget and isn't anymore than what anyone else has for elective travel. Councilor Jack D. Baker stated the \$7,500 is their estimate for their travel expenses that are not regular Council or committee meetings or official travel but isn't elective travel either. Mr. Evans stated this just puts a number to paragraph 5 page 2 official travel.

Councilor Fishinghawk inquired if they At-Large councilors would continue to travel after December 24th. Councilor Jack D. Baker stated this is an entirely different issue. Councilor Cowan Watts suggested discussing this issue at the next meeting to allow time for the attorneys to research as it does affect all Councilors.

Councilor Cobb requested clarification on page 3 #4 regarding the \$500 per month and if it impacts the budget. Mr. Evans stated it is in the budget as \$500 x 12 months x 17 Councilors and split between our two budgets. This is specifically for travel to constituents within your district. Councilor Cobb requested by percentage how much this is being accessed. Councilor Crittenden inquired if everyone was doing the same thing as far as tracking mileage after receiving the Attorney General's opinion pertaining to double dipping. Chair Frailey stated it was suggested in the opinion that

the Council should determine. Mr. Evans stated if the official position of this body is one way or another to please incorporate it into this policy so that the staff isn't placed in the position to have to arbitrarily make an adjustment to an expense voucher. Councilor Glory-Jordan inquired if some Councilors are claiming mileage from their homes. Chair Frailey confirmed some Councilors are claiming from their home. Councilor Glory-Jordan stated it is wrong to claim mileage from your home.

Chair Frailey stated based on the comments stated based on the comments of the both this meeting and the last meeting she would draft up some of these issues for discussion and consideration next month.

NEW BUSINESS

1. AN ACT AMENDING LEGISLATIVE ACT 06-10, AS AMENDED BY LA#22-10; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED; AMENDING CHAPTER 6 ARTICLE II § 61; ADDING PROVISIONS PROVIDING FOR CITIZENS WHO ARE AT-LARGE VOTERS TO VOTE AT CERTAIN PRECINCT LOCATIONS WITHIN THE JURISDICTION OF THE CHEROKEE NATION AND DECLARING AN EMERGENCY
Councilor Cowan Watts requested to hear from the Election Commission regarding the logistics that this legislation would require. She gave clarification that this doesn't have to happen for the 2011 election but should be done for the 2013 election. Ms. Martha Calico of the Election Commission stated the At-Large voting is on page 3 of the Constitution and states they do not have a precinct they are At-Large. If the At-Large voters were to be placed in a precinct everyone would have to re-register to pick a precinct. She stated they do not have the capabilities to do this. In regard to Council Glory-Jordan's question she stated they do not have internet access as some of the precincts don't even have a phone. During the last election when there were a few At-Large voters at the outer lying polling places they had to be treated as a challenged vote. She stated the polling machines are not programmed to take At-Large ballots. Councilor Cowan Watts inquired as to what could be done to make it easier for the voters who are just outside of the boundaries. Ms. Calico stated they have set four days with twelve hours each day for the At-Large voter to personally deliver their ballot to the election office. There are four days of in office voting one of which is a Saturday.
Councilor Cowan Watts withdrew this item.

2. AN ACT AMENDING LEGISLATIVE ACT 06-10, AS AMENDED BY LA #22-10; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED; AMENDING CHAPTER 6 ARTICLE III, § 75 ADDING PROVISIONS LIMITING THE NUMBER OF ABSENTEE BALLOTS THAT MAY BE SENT TO A SINGLE ADDRESS OR POST OFFICE BOX; AND DECLARING AN EMERGENCY
Councilor Cowan Watts moved to approve. Councilor Coates seconded the motion. Councilor Cowan Watts stated questions have arose in main stream elections and in the communities regarding large numbers of ballots going to one address. She stated data isn't currently being maintained pertaining to the number of ballots sent to a single address. She stated something needs to be in place to ensure voter fraud isn't happening. Councilor Hoskin Jr. stated if there is a concern for voter fraud then it is a matter of fact finding. He stated this is too low of a threshold to pass a law that suggested there is fraud. He voiced concern for the lack of guidance given to the Election Commission on when they can issue a sixth ballot to a single household. He stated he is aware of voting aged citizens who live together because of their low income. He recommended the sponsor withdraw and suggested the Election Commission monitor during the next election to see if there is an actual issue. Councilor Cobb agreed with Councilor Hoskin in regard to limiting the number of

ballots. Councilor Fishinghawk stated this is penalizing the poor as several families in her district live together. She stated if you are for this legislation it gives credit to her legislation she pulled that required the At-Large votes to come home to vote. Councilor Glory-Jordan stated she is aware of several families where the elderly parents living with their children and adult children still at home or working off and using the parents address. She also referred to the group homes in the area where there would be multiple ballot requests. She stated she would need to know that there is a problem before she could agree to change the current law. Councilor Bill John Baker stated he looked at the absentees during the last election for all districts and couldn't find more than four at any one address. Councilor Cowan Watts offered a friendly amendment to change it to 20 ballots per a single address rather than five. She stated this is main stream election and a federal indictment has been handed down. Councilor Coates accepted the friendly amendment. Ms. Calico stated they do not have the capability to do this. She stated there is 98 days until filing and the packets are ready and the precincts aren't set. Fraud will happen if the law isn't set and left alone. Councilor Hoskin Jr. stated the language in this Act completely empowers the Election Commission to come up with the reason as to why there should be one additional ballot. This is a wholesale transfer of power that is a mistake from a policy standpoint and probably renders a successful legal challenge. Councilor Crittenden voiced concern for their not being a control mechanism regarding the delivery of the ballots. Councilor Buzzard inquired if he requested 10 ballots if he would receive them. Ms. Calico stated you can ask for 1 ballot and they would confirm you are a registered tribal member and voter before sending the 1 ballot. Chair Frailey requested no more election code amendments be brought forward from this point on due to the time frame and remaining outstanding unresolved issues. Mr. Ragsdale stated at this particular time the Chief doesn't support this measure that it is problematic in interpretation. Mr. Lloyd Cole the Attorney for the Election Commission voiced concern for the use of the term Indian Country as it is difficult to define.

The motion to approve failed with the following roll call vote:

Yea: 3 - Cara Cowan Watts; Don Garvin and Julia Coates

Nay: 12 - Bill John Baker; Bradley Cobb; Buel Anglen; Chris Soap; Chuck Hoskin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Jodie Fishinghawk; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

ANNOUNCEMENTS

Chair Frailey reminded everyone of the invitation for Thanksgiving dinner by the Heritage Center

ADJOURNMENT

Councilor Bill John Baker moved to adjourn. Councilor Crittenden seconded the motion. Motion carried at 10:30 a.m.

STAFF PRESENT:

Sharon Wright
Vickie Hanvey
Diane Hammons

Doug Evans
Chrissi Nimmo

Pat Ragsdale
Sherry Chenault

VISITORS PRESENT:

Gina Olaya
Brenda Walker

Patsy Morton
Lloyd Cole

Curtis Rohr