



Council of the Cherokee Nation

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

Meeting Minutes - Final RULES COMMITTEE

Chuck Hoskin Jr., Chair

*Recording Secretary, Shelli-Brittain
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Tuesday, January 29, 2013

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Hoskin Jr. called the meeting to order at 1:15 p.m.

INVOCATION

Councilor Hargis gave the invocation.

ROLL CALL

Present 14 - Buel Anglen; Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; Cara Cowan Watts; Tina Glory Jordan; Janelle Fullbright; Dick Lay; Lee Keener Jr.; Frankie Hargis and Joe Byrd

Absent 1 - Julia Coates

Late Arrival 2 - Jodie Fishinghawk and David Walkingstick

APPROVAL OF MINUTES

Councilor Hargis moved to approve the November 29, 2012 regular session, December 10, 2012 reconvened session, December 11, 2012 regular session and the December 27, 2012 special session minutes. Councilor Cowan Watts seconded the motion. The motion carried.

REPORTS:

Marshal Service - Shannon Buhl

Marshal Buhl announced they would be starting on the building for their firing range soon. Councilor Thornton inquired about the status of the Marshal Service in Sequoyah County. Councilor Cowan Watts inquired about the number of calls and visits per month to the Claremore Indian Hospital and requested it become a part of the monthly report. Councilor Garvin inquired about rescheduling the concealed/open carry training. Councilor Hargis extended an invitation to the Marshals to the 5K Laps for Lacey in Stilwell on the 4th of May.

Office of the Attorney General - Todd Hembree

Attorney General Hembree provided an update on the pending litigation with the Freedman, the UKB, the South Carolina Supreme Court Case, and the redistricting lawsuits. He announced the Attorney General's office is in the process of developing their website. He provided a legislative report from Cornerstone in Washington D. C. as requested. The State Legislature is coming into session and provided a bill portfolio of all cases dealing with tribes. He provided a list as requested of all attorneys on contract with the Cherokee Nation and CNB. He reported they have created a seal for the Attorney General's office and all staff will be provided with badges. Councilor Hargis requested an update on the tobacco compact. Councilor Garvin inquired about the status of the motor vehicle compact. Councilor Fishinghawk requested the totals paid to each of the attorneys provided on the list. She also inquired about the duties of Kalyn Free and requested to see her contract. She requested this report be provided monthly. Councilor Cowan Watts requested additional information on the Attorney General's website. She also requested an update on the water rights. She voiced concern on the FOIA/GRA process and bottleneaking. Councilor Cowan Watts voiced concern about the form completed when getting the photo id allowing contact information to be used to notify them of upcoming events. She inquired if the Legislative Branch would also be provided the same information. Councilor Fishinghawk requested copies of the invoiced Kalyn Free submits for payment. She also requested a list of the people who worked on the candidate questionnaire. Councilor Thornton inquired if anyone in Administration has received a citizen registration list where they sent out Promises Made Promises Kept. He inquired who has access to the citizen registration list and what those parameters are. He also requested the information be provided showing how much returned mail was received on the Promises Made Promises Kept pamphlets. Councilor Thornton requested a status update on the WD Mayo Hydro-electric process. Councilor Anglen requested a breakdown of how many Promises Made Promises Kept were sent out to each county. He also inquired as to who is paying for the reception for Chief Baker at Cornerstone in Washington D.C. Chair Hoskin Jr. requested a list of briefs filed by big organizations on the behalf of the other side. He also inquired if Cornerstone is monitoring the Violence Against Women Act.

Codification - Todd Hembree

Ms. Christina Carroll provided an update on Codification. She was hesitant to provide a timeline.

Election Commission - Bill W. Horton

No one was present to report from the Election Commission.

Tax Commission - Sharon Swepston

Ms. Swepston reported they have completed an application form for the sales tax exemption for the veterans and it has been posted on the web. Councilor Thornton requested a copy of the application. Councilor Cowan Watts requested the Council be able to review the application. Ms. Swepston announced they would be bringing forward an amendment to veteran tag rates. Councilor Cowan Watts inquired how the public would be notified of these changes and opportunities.

Self-Governance - Vickie Harvey

Ms. Harvey provided handouts on the National Strategies for Self-Governance and the correspondence with Lloyd Miller of the Sonosky Firm pertaining to ongoing support cost issues. She gave an overview of the documents provided. She also provided an update on the CDC issue. Councilor Keener requested an update on the IHS funding cuts.

Gaming Commission - Jamie Hummingbird

Mr. Hummingbird announced the FY2012 audits have been finalized and submitted to NIGC for compliance requirements. He offered to answer questions from the report provided. Councilor Keener inquired if there is a policy or procedure for comps to elected officials. Mr. Hummingbird reported the Nation in the calendar year of 2012 contributed just over \$16ml to the State through the compact fee payments. Since December payments to the State total just over \$117ml through the life of the compact.

Registrar Citizenship Data Update - David Justice

No one present to report.

Election Commission - Bill W. Horton

Councilor Cowan Watts requested someone be present each month from the Election Commission to report on deadlines with the upcoming election.

AMEND THE AGENDA

Councilor Glory-Jordan made a motion to amend the agenda to move new business items 2 through 9 to be considered immediately following the passage of this motion and also to add the resolution pertaining to affinity tags sponsored by Councilor Baker as new business item 13. Councilor Cowan Watts seconded the motion. The motion carried.

NEW BUSINESS

2. [13-014](#) A RESOLUTION CONFIRMING THE NOMINATION OF CHRIS CARTER AS A COMMISSIONER OF THE CHEROKEE NATION TAX COMMISSION
Councilor Glory-Jordan moved to approve. Councilor Hargis seconded the motion. Chair Hoskin Jr. gave brief background on Mr. Carter and announced he is battling the flu and is unable to attend today. Councilor Cowan Watts requested he be present at the Council meeting for questions.
The motion to approve carried.

3. [13-002](#) A RESOLUTION CONFIRMING THE NOMINATION OF CHARLES A. GOURD AS AN EDITORIAL BOARD MEMBER OF THE CHEROKEE PHOENIX
Chair Hoskin Jr. announced this nominee has been withdrawn by the Administration.

4. [13-003](#) A RESOLUTION CONFIRMING THE NOMINATION OF STACY L. LEEDS AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION
Councilor Glory-Jordan moved to approve. Councilor Walkingstick seconded the motion. After questions were asked and comments made Councilors Garvin, Lay, Anglen, Baker, Cowan Watts, Hargis and Walkingstick requested to be added as sponsors.
The motion to approve carried with Councilors Thornton and Fishinghawk opposed.
5. [13-004](#) A RESOLUTION CONFIRMING THE NOMINATION OF JANICE CARLILE RANDALL AS A BOARD MEMBER OF CHERKEE NATION FOUNDATION
Councilor Glory-Jordan moved to approve. Councilor Byrd seconded the motion. Councilor Walkingstick requested to be added as a sponsor.
After questions were concluded the motion to approve carried with no opposition.
6. [13-005](#) A RESOLUTION CONFIRMING THE NOMINATION OF JOE BYRD AS A BOARD MEMBER OF CHEROKEE NATION FOUNDATION
Chair Hoskin Jr. announced this nominee has been withdrawn by the Administration.
7. [13-006](#) A RESOLUTION CONFIRMING THE NOMINATION OF GLORIA SLY AS A BOARD MEMBER OF CHEROKEE NATION FOUNDATION
Councilor Fishinghawk moved to approve. Councilor Garvin seconded the motion. Councilors Fullbright, Garvin and Hargis requested to be added as sponsors.
After a few questions and comments the motion to approve carried.
8. [13-012](#) A RESOLUTION CONFIRMING THE NOMINATION OF FANNIE E. ROBINSON AS A MEMBER OF THE BOARD OF DIRECTORS OF CHEROKEE NATION WASTE MANAGEMENT, LLC
Councilor Fishinghawk moved to approve. Councilor Thornton seconded the motion. The motion carried.
9. [13-013](#) A RESOLUTION CONFIRMING THE NOMINATION OF LOU ANN COLLINS AS A MEMBER OF THE BOARD OF DIRECTORS OF CHEROKEE NATION WASTE MANAGEMENT, LLC
Councilor Fishinghawk moved to approve. Councilor Glory-Jordan seconded the motion. Councilors Hargis, Walkingstick, Fullbright and Fishinghawk requested to be added as sponsors.
After the questions and comments the motion to approve carried.

AMEND THE AGENDA

Chair Hoskin Jr. announced Tax Commission Nominee Chris Carter battled illness and the rainy weather and is now here, he requested the agenda be amended to allow Mr. Carter a few moments to address the Committee.

Councilor Glory-Jordan moved to amend the agenda. Councilor Garvin seconded the motion. The motion carried.

- 2. [13-014](#) A RESOLUTION CONFIRMING THE NOMINATION OF CHRIS CARTER AS A COMMISSIONER OF THE CHEROKEE NATION TAX COMMISSION
Chair Hoskin Jr. announced to Mr. Carter that he has already been approved by the Committee and this is just to allow questions of the Committee.

OLD BUSINESS

- 1. [12-107](#) AN ACT RELATING TO DRUG TESTING FOR ELECTED OFFICIALS
Councilor Thornton moved to approve. Councilor Hargis seconded the motion. After several questions, comments and concerns were voiced Councilor Garvin offered a friendly amendment to not be tested more than one time per year. The friendly was accepted. Councilor Fishinghawk offered a friendly amendment to add oxycodone, barbiturates, hydrocodone, and methadone. The friendly was accepted.

After several additional questions and concerns were voiced the motion carried with the following roll call vote:

Yea: 12 - Buel Anglen; Curtis Snell; David Thornton, Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; Cara Cowan Watts; Jodie Fishinghawk; Lee Keener Jr.; David Walkingstick; Frankie Hargis and Joe Byrd

Nay: 4 - Chuck Hoskin Jr. ; Tina Glory Jordan; Janelle Fullbright and Dick Lay

- 2. [TMP-230](#) DISCUSSION AND POSSIBLE ACTION - LIQUOR SALES IN SMOKE SHOPS

Councilor Thornton withdrew this item.

- 3. [TMP-238](#) DISCUSSION AND POSSIBLE ACTION - TRIBAL COUNCIL GUIDELINES FOR DISTRICT COMMUNITY MEETINGS USING CHEROKEE NATION FUNDS
Councilor Glory-Jordan provided a handout of the proposed amendments to the current policy and moved to approve. She stated this will treat all seventeen Councilors the same. Councilor Fishinghawk seconded the motion. Councilor Jack D. Baker made a motion to combine the \$3,000 and \$4,000 for At Large Councilors for mailing purposes in guideline 6. Councilor Cowan Watts seconded the motion with a friendly amendment to also have access to citizenship data. The friendly amendment was not accepted. After discussion was held Councilor Baker restated his motion to combine the two funds and use for mail outs for the At Large Councilors. After additional discussion was held Councilor Glory-Jordan stated she would accept as a friendly amendment if it was changed for all seventeen councilors to be able to combine their funds and use the \$7,000 for mail outs and community meeting expenses. Councilor Baker agreed. Councilor Thornton offered a friendly amendment to add guideline 7 to read "electioneering at these community meetings is prohibited." The friendly amendment was accepted. Councilor Garvin offered a friendly amendment for no surveys or petitions to be allowed at the meetings. The friendly was not accepted.

After additional discussion was held the motion to approve as amended carried with no opposition.

- 1. [12-107](#) AN ACT RELATING TO DRUG TESTING FOR ELECTED OFFICIALS

Councilor Cowan Watts made a motion to re-open the vote. Councilor Garvin seconded the motion. No objections were heard. Councilor Lay changed his vote to an absention. The correct roll call vote is as follows:

Yea: 12 - Buel Anglen; Curtis Snell; David Thornton, Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; Cara Cowan Watts; Jodie Fishinghawk; Lee Keener Jr.; David Walkingstick; Frankie Hargis and Joe Byrd

Nay: 3 - Chuck Hoskin Jr. ; Tina Glory Jordan and Janelle Fullbright

Abstain: 1 - Dick Lay

4. [TMP-239](#) DISCUSSION ONLY - CHEROKEE PHOENIX

Councilor Keener announced the third quarter report has been provided for the Cherokee Phoenix. He requested Mr. Pollard provide an update. Councilor Cowan Watts requested next month a self-audit of compliance with respect to the requirements of the Freedom of Information Act and the Free Press Act such as the publishing of our elected official travel.

After a few questions from the quarterly report provided the discussion item was tabled.

5. [12-160](#) A LEGISLATIVE ACT AMENDING THE CHEROKEE NATION LIMITED MIXED BEVERAGES SALES ACT - LEGISLATIVE ACT #41-03 AS AMENDED BY LEGISLATIVE ACT #09-04 AND #13-08

Councilor Lay moved to approve. Councilor Thornton seconded the motion. Ms. Dana Geib from CNB provided clarification on the amendments.

The motion to approve carried by acclimation.

NEW BUSINESS

1. [13-001](#) A RESOLUTION ELECTING THE OFFICE OF SECRETARY OF THE TRIBAL COUNCIL

Councilor Glory-Jordan moved to approve Jodie Fishinghawk as the Secretary of the Council of the Cherokee Nation for another one year term. Councilor Cowan Watts seconded the motion. The motion carried.

10. [13-015](#) AN ACT RELATING TO THE AMENDMENT OF THE CHEROKEE NATION TRIBAL NOTARIES PUBLIC CODE, TITLE 49 CHEROKEE NATION CODE ANNOTATED

Councilor Glory-Jordan moved to table this to the end of the agenda. Councilor Cowan Watts seconded the motion. The motion carried.

11. [TMP-249](#) DISCUSSION AND POSSIBLE ACTION: TRIBAL COUNCIL TRAVEL EXPENSE POLICY

Councilor Glory-Jordan provided a handout of the proposed amendments to the Council Travel Policy. She stated this would put all Councilors on an equal basis. She moved to approve the changes. Councilor Fishinghawk seconded the motion. After discussion was held Councilor Baker made a motion to strike the changes in paragraph 5 of the definitions. Councilor Cowan Watts seconded the motion.

After discussion was held the motion failed with the following roll call vote:

Yea: 6 - Buel Anglen; Don Garvin; Jack D. Baker; Meredith Frailey; Cara Cowan Watts and Lee Keener Jr.

Nay: 10 - Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Jodie FISHINGHAWK; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick; Frankie Hargis and Joe Byrd

Councilor Baker offered a friendly amendment for At Large Councilors travel to At Large community meetings be considered official travel and be limited to \$5,000 per year. The friendly was not accepted. Councilor Baker offered a friendly amendment for the funds to come from the elective travel first. The friendly was not accepted. Councilor Keener offered a friendly amendment for NCAI to be included as one of the official travel meetings. The friendly was accepted.

The motion to approve as amended carried with the following roll call vote:

Yea: 11 - Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Meredith Frailey; Jodie FISHINGHAWK; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick; Frankie Hargis and Joe Byrd

Nay: 5 - Buel Anglen; Don Garvin; Jack D. Baker; Cara Cowan Watts and Lee Keener Jr.

12. [13-016](#)

AN ACT RELATING TO AN AMENDMENT TO THE CHEROKEE NATION MEMBERSHIP ACT

Councilor Cowan Watts moved to approve. Councilor Keener seconded the motion. Councilor Cowan Watts asked the Attorney General about the relinquishment process.

After discussion was held Councilor Walkingstick moved to table. Councilor Glory-Jordan seconded the motion. The motion carried with Councilor Cowan Watts opposed.

13. [13-019](#)

A RESOLUTION ALLOWING FOR THE SALE OF CHEROKEE NATION AFFINITY TAGS BY THE STATE OF OKLAHOMA

Councilor Baker moved to approve. Councilor Garvin seconded the motion. Attorney General Hembree requested this item be tabled due to upcoming negotiations with the compact.

Councilor Baker moved to table for 60 days. Councilor Walkingstick seconded the motion. The motion carried.

10. [13-015](#)

AN ACT RELATING TO THE AMENDMENT OF THE CHEROKEE NATION TRIBAL NOTARIES PUBLIC CODE, TITLE 49 CHEROKEE NATION CODE ANNOTATED

Councilor Glory-Jordan provided a handout of the amendments to the notary code. She moved to approve. Councilor Walkingstick seconded the motion. After discussion was held Councilor Hargis offered a friendly amendment to remove the word "metal" from §5. The friendly was accepted.

After discussion was held the motion to approve as amended carried by acclamation.

ANNOUNCEMENTS

Chair Hoskin Jr. announced Mr. Shawn Slaton has left shirts for each Councilor on your desk.

ADJOURNMENT

**Councilor Hargis moved to adjourn. Councilor Byrd seconded the motion.
The motion carried at 5:10 p.m.**

STAFF PRESENT:

<i>Todd Hembree</i>	<i>Shannon Buhl</i>	<i>Kim Gilliland</i>
<i>Jamie Hummingbird</i>	<i>Dr. Gloria Sly</i>	<i>Anna Knight</i>
<i>Sara Hill</i>	<i>Elizabeth Odell</i>	<i>Sharon Swepston</i>
<i>Christina Carroll</i>	<i>Nason Morton</i>	<i>Dr. Neil Morton</i>
<i>Robert Garcia</i>	<i>Diane Kelley</i>	<i>Barbara Foreman</i>
<i>Bryan Pollard</i>	<i>Ashley Canoe</i>	

VISITORS PRESENT:

<i>Raymond Vann</i>	<i>Patricia Carpenter</i>	<i>Gina Olaya</i>
<i>Doug Bane</i>	<i>Janice Randall</i>	<i>Dana Geib</i>
<i>Stacy Leeds</i>	<i>Fannie Robinson</i>	<i>Chris Carter</i>
<i>Lou Ann Collins</i>	<i>Shawn Slaton</i>	<i>Dianne Barker Harrold</i>