



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
Phone: 1-800-995-9465,
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Thursday, August 30, 2012

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Hoskin Jr. called the meeting to order at 1:22 p.m.

INVOCATION

Councilor Snell gave the invocation.

ROLL CALL

Present 12 - Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Don Garvin; Cara Cowan Watts; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick; Julia Coates and Joe Byrd

Absent 2 - Jack D. Baker and Frankie Hargis

Late Arrival 3 - Buel Anglen; Meredith Frailey and Lee Keener Jr.

APPROVAL OF MINUTES

Councilor Garvin moved to approve the July 26th regular session minutes.
Councilor Snell seconded the motion. The motion carried.

AMEND THE AGENDA

Councilor Glory-Jordan moved to amend the agenda for consideration of three nominations to the Registration committee, and Armed Security Act and an Act providing for additional oversight of Cherokee Nation Businesses she also requested the reports be dispensed with unless there are specific questions of the report provided. Chair Hoskin Jr. announced he would honor the request to dispense with reports. Councilor Garvin seconded the motion to amend the agenda. The motion carried.

REPORTS:

Marshal Service - Shannon Buhl

No questions were asked of Mr. Buhl.

Office of the Attorney General - Todd Hembree

Councilor Cowan Watts inquired about the status of the water litigation. Councilor Keener requested an update on the United Keetoowah Band issues and the Freedman cases.

Codification - Todd Hembree

Councilor Cowan Watts inquired about the timeline.

Election Commission - Bill W. Horton

Councilor Cowan Watts gave Commissioner Horton a heads up that a lawsuit would be filed next week regarding the redistricting and apportionment legislation constitutionality. She inquired if a vendor had been selected.

Tax Commission - Sharon Swepston

Councilor Snell inquired the Tax Commission had issues with the pending Act for Veterans being tax exempt.

Self-Governance - Vickie Hanvey

Ms. Hanvey announced they have received a solicitor's opinion in regard to the Delaware's pass through of funds in the compact. Councilor Cowan Watts inquired if amendments to a MOA for the Delaware would come before the Council for approval. Councilor Frailey requested an update on the contract support cost lawsuit. Councilor Lay inquired if the Attorney General's office were in any negotiations with the Delaware tribe.

Gaming Commission - Jamie Hummingbird

Councilor Byrd requested a brief summary of internet gaming and its status.

Registrar Citizenship Data Update - David Justice

No one was present to report or answer questions.

OLD BUSINESS

1. [12-086](#) AN ACT AMENDING LEGISLATIVE ACT 03-09 AND TITLE 68 CHAPTER 3 OF THE CHEROKEE NATION CODE ANNOTATED - SALES TAX; ADDING EXEMPTIONS FOR ONE HUNDRED PERCENT (100%) PERMANENTLY DISABLED VETERANS AND FOR ALL VETERANS WHO ARE CITIZENS OF THE CHEROKEE NATION
Councilor Fishinghawk moved to approve. Councilor Lay seconded the motion. Ms.

Barker Harrold gave clarification on the National Guard question raised last month. Councilor Cowan Watts inquired about the financial impact and if this would also be for the shops within the casinos. With questions raised about definitions Councilor Glory-Jordan moved to table. Councilor Cowan Watts seconded the motion.

The motion to table for one month carried.

2. [TMP-212](#) DISCUSSION AND POSSIBLE ACTION CONCERNING CHEROKEE NATION HOME HEALTH SERVICE
Councilor Lay withdrew this item as it had already been addressed in Health Committee.

3. [12-097](#) AN ACT AMENDING LA#13-07 CHEROKEE ADMINISTRATIVE PROCEDURES ACT
Councilor Glory-Jordan moved to approve. Councilor Fishinghawk seconded the motion. After discussion was held the motion to approve carried with the following roll call vote:
Yea: 11 - Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Don Garvin; Meredith Frailey; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick and Joe Byrd
Nay: 4 - Buel Anglen; Cara Cowan Watts; Lee Keener Jr. and Julia Coates

NEW BUSINESS

1. [12-111](#) A RESOLUTION CONFIRMING THE NOMINATION OF DAWNENA MACKEY AS A BOARD MEMBER OF CHEROKEE NATION COMMUNITY ASSOCIATION CORPORATION
Councilor Glory-Jordan moved to approve. Councilor Thornton seconded the motion. After several questions and concerns were raised Councilor Frailey moved to table for additional research. Councilor Byrd seconded the motion.
The motion to table carried.

2. [12-107](#) AN ACT RELATING TO DRUG TESTING FOR ELECTED OFFICIALS
Councilor Byrd moved to table for additional clarification. Councilor Garvin seconded the motion. The motion carried.

3. [12-109](#) AN ACT RELATING TO SUBSIDIES FOR SMOKESHOP RETAILERS
Councilor Thornton moved to approve. Councilor Glory-Jordan seconded the motion with a friendly amendment for the payment of the subsidy to go to the retailer, that it would begin with the new fiscal year and to reduce the 75% to a 50% subsidy. The friendly amendment wasn't accepted.

Councilor Glory-Jordan made a motion to change the 75% to 50% and the subsidy go to the retailer not the landowner. Councilor Fishinghawk seconded the motion. Councilor Keener inquired if the Tax Commission had any concerns with the proposed legislation. Councilor Glory-Jordan amended her motion to strike Tax Commission and replace with general fund. After all discussion was exhausted Councilor Cowan Watts called for division.

The motion to amend to change from 75% to 50% carried with the following roll call vote:

Yea: 9 - Chuck Hoskin Jr. ; Curtis Snell; Meredith Frailey; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick and Joe Byrd

Nay: 6 - Buel Anglen; David Thornton, Sr. ; Don Garvin; Cara Cowan Watts; Lee Keener Jr. and Julia Coates

The motion to amend for the subsidy to go to the retailer, to strike the Tax Commission and replace with general fund and it come from the 2011 carryover carried with no opposition.

After some clarification was given the motion to approve as amended carried by acclamation.

Mr. Evans requested an amendment be made in Executive & Finance committee to amend what has been sent to full Council out of the budget hearings to include the impact of this legislation.

4. [12-110](#)

A RESOLUTION TO DETERMINE THE LOCATION OF 2550 SOUTH YORK STREET IN MUSKOGEE, OK AS A RESIDENCE LOCATED WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CHEROKEE NATION

Councilor Garvin moved to approve and strike "and this Act is for voting purposes only". Councilor Thornton seconded the motion. Councilor Glory-Jordan offered a friendly amendment to change this legislation to be for this one particular situation. The friendly was accepted. Several concerns were voiced of other possible similar situations.

Councilor Glory-Jordan moved to table to the end of the meeting to allow time for the redrafting of the legislation. Councilor Walkingstick seconded the motion. The motion carried.

5. [12-108](#)

DISCUSSION AND POSSIBLE ACTION - SUNSHINE ETHICS ACT OF 2012

Councilor Glory-Jordan moved to table. Councilor Fishinghawk seconded the motion. The motion carried.

6. [12-120](#)

A RESOLUTION AUTHORIZING THE FILING OF A FRIENDLY SUIT AGAINST THE ELECTION COMMISSION SEEKING A DECLARATORY JUDGMENT REGARDING THE VOTER DISTRICT AMENDMENT ACT OF 2012

Councilor Glory-Jordan provided a handout of a Resolution to authorize the filing of a friendly suit against the Election Commission seeking a declaratory judgment regarding the voter district amendment act of 2012. She made a motion to approve. Councilor Fishinghawk seconded the motion. After questions were asked the motion to approve carried with the following roll call vote:

Yea: 10 - Chuck Hoskin Jr. ; Curtis Snell; Don Garvin; Meredith Frailey; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick and Joe Byrd

Nay: 5 - Buel Anglen; David Thornton, Sr. ; Cara Cowan Watts; Lee Keener Jr. and Julia Coates

7. [12-114](#)

A RESOLUTION CONFIRMING THE NOMINATION OF FARRELL MACKEY PRATER AS A MEMBER OF THE CHEROKEE NATION REGISTRATION

COMMITTEE

Councilor Glory-Jordan moved to approve. Councilor Lay seconded the motion. Questions were asked in regard to the role of the Registration Committee and their compensation. Some questions were asked of Ms. Prather. All Councilors requested to be added as sponsors.

The motion carried.

8. [12-115](#)

A RESOLUTION CONFIRMING THE NOMINATION OF BETTY BARKER AS A MEMBER OF THE CHEROKEE NATION REGISTRATION COMMITTEE

Councilor Glory-Jordan moved to approve. Councilor Cowan Watts seconded the motion. Councilor Attorney Barker Harrold introduced her Mom, Betty Barker. All Councilors present requested to be added as sponsors.

The motion carried.

9. [12-116](#)

A RESOLUTION CONFIRMING THE NOMINATION OF LINDA O'LEARY AS REGISTRAR FOR THE CHEROKEE NATION REGISTRATION COMMITTEE

Councilor Cowan Watts moved to approve. Councilor Anglen seconded the motion. Councilor Lay requested to be added as a sponsor. Questions were raised in regard to how often the committee would meet and if there is compensation for the committee members. Councilor Cowan Watts requested highlights of the meetings be shared with the Council.

The motion to approve carried.

10. [12-112](#)

AN ACT RELATING TO THE CREATION, AND REGULATION OF ARMED SECURITY WITHIN CHEROKEE NATION

Councilor Glory-Jordan moved to approve. Councilor Fishinghawk seconded the motion. Mr. Buhl requested the language in Section 1272.1 which is shown to be stricken be kept. Councilor Keener offered a friendly amendment to keep the language as recommended by Marshal Buhl. The friendly was accepted.

After a brief overview of the legislation and questions were addressed the motion to approve carried.

11. [12-113](#)

AN ACT TO PROVIDE FOR ADDITIONAL OVERSIGHT TO CHEROKEE NATION BUSINESS BY THE CHEROKEE NATION TRIBAL COUNCIL; AND DECLARING AN EMERGENCY

Councilor Thornton moved to approve. Councilor Lay seconded the motion. After concerns were raised and questions were exhausted the motion to approve failed with the following roll call vote:

Yea: 7 - Buel Anglen; David Thornton, Sr. ; Don Garvin; Cara Cowan Watts; Jodie Fishinghawk; Dick Lay and Lee Keener Jr.

Nay: 8 - Chuck Hoskin Jr. ; Curtis Snell; Meredith Frailey; Tina Glory Jordan; Janelle Fullbright; David Walkingstick; Julia Coates and Joe Byrd

4. [12-110](#)

A RESOLUTION TO DETERMINE THE LOCATION OF 2550 SOUTH YORK STREET IN MUSKOGEE, OK AS A RESIDENCE LOCATED WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CHEROKEE NATION

Council Attorney Barker Harrold provided a resolution for review of requested changes.

RECESS

Councilor Glory-Jordan moved to recess until the completion of the Executive & Finance committee to allow time to review the changes. Councilor Cowan Watts seconded the motion. The motion carried at 3:50 p.m.

RECONVENNE

Chair Hoskin Jr. called the meeting back to order at 5:00 p.m.

ROLL CALL

Present 14 - Buel Anglen; Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Don Garvin; Cara Cowan Watts; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; Lee Keener Jr.; David Walkingstick; Julia Coates and Joe Byrd

Absent 3 - Jack D. Baker; Meredith Frailey and Frankie Hargis

4. [12-110](#)

A RESOLUTION TO DETERMINE THE LOCATION OF 2550 SOUTH YORK STREET IN MUSKOGEE, OK AS A RESIDENCE LOCATED WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CHEROKEE NATION

Councilor Garvin moved to substitute and approve the resolution in place of the Act in the packet. Councilor Cowan Watts seconded the motion. Election Commissioner Chairman, Bill Horton, expressed concerns with the item and provided a map the Commission used to make their determination. After additional discussion was held and concerns were voiced Councilor Glory-Jordan suggested tabling to request a representative from the Geo-Data Department to be present for questions.

Councilor Garvin moved to table. Councilor Cowan Watts seconded the motion. The motion carried.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Anglen moved to adjourn. Councilor Keener seconded the motion. The motion carried at 5:12 p.m.

STAFF PRESENT:

<i>Shannon Buhl</i>	<i>Nason Morton</i>	<i>Elizabeth Odell</i>
<i>Dianna Turtle</i>	<i>Vickie Harvey</i>	<i>Sharon Swepston</i>
<i>Dawnea Mackey</i>	<i>Jamie Hummingbird</i>	<i>Doug Evans</i>
<i>Lacy Horn</i>	<i>Linda O'Leary</i>	<i>Justin Godwin</i>

VISITORS PRESENT:

<i>Raymond Vann</i>	<i>Dianne Barker Harrold</i>	<i>Betty Barker</i>
<i>Ruth Ann Weaver</i>	<i>Farrell Prater</i>	<i>Joe Lang</i>
<i>Larry Horn</i>	<i>Harvey Chaffin</i>	<i>Bill Horton</i>
<i>Martha Calico</i>	<i>Shawna Calico</i>	<i>Lindsay Earls</i>
<i>Ollie Starr</i>	<i>Carolyn Allen</i>	<i>Flo Guthrie</i>

