



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*

Thursday, January 27, 2011

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Anglen called the meeting to order at 1:13 p.m.

INVOCATION

Councilor Snell gave the invocation.

ROLL CALL

Present 13 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

Absent 1 - David Thornton Sr.

Late Arrival 3 - Bill John Baker; Julia Coates and Meredith Frailey

Councilor Buzzard moved to amend the agenda to place the reports at the end of the agenda. Councilor Garvin seconded the motion. The motion carried.

Councilor Garvin moved to amend the agenda to include an Act amending the Council seat designations. Councilor Fullbright seconded the motion. The motion carried.

APPROVAL OF MINUTES

Councilor Cobb moved to approve the December 6, 2010 special session and the December 14, 2010 regular session minutes. Councilor Jack D. Baker seconded the motion. Motion carried.

OLD BUSINESS

1. [TMP-157](#) TRIBAL COUNCIL TRAVEL EXPENSE POLICY PROPOSED AMENDMENTS

Councilor Cobb moved to table for one month. Councilor Hoskin Jr. seconded the motion. Motion carried.

NEW BUSINESS

1. [TMP-164](#) ELECTED OFFICIALS COMPENSATION COMMITTEE RECOMMENDATION
(Discussion and possible action)

Councilor Cobb moved to amend the agenda to include the Act amending the elected officials compensation legislation. Councilor Jack D. Baker seconded the motion as item #1. The motion to amend carried with the following roll call vote:

Yea: 11 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright and Julia Coates

Nay: 3 - Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

Late Arrival: 2 - Bill John Baker and Meredith Frailey

[11-012](#)

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

Councilor Cobb stated this proposed amendment to the elected official's compensation act essentially takes any compensation issues out of the hands of the Council and places it with an independent citizen's compensation committee. Councilor Cobb moved to approve. Councilor Jack D. Baker seconded the motion. Councilor Cowan Watts inquired as to when the change could take effect. Councilor Cobb stated it would take effect after the 2011 election. Councilor Hoskin Jr. questioned if this would affect all Councilors or just those up for election in 2011. Mr. Hembree stated it currently reads to only affect those up for election in 2011 if it were to affect all elected officials after the 2011 elections the wording would need to be changed. He stated the question is if all Councilors are to receive the same pay or as they are sworn in. Councilor Jack D. Baker offered a friendly amendment to change Section 5D from elected to serving to read "all duly elected officials serving". Councilor Cobb accepted. Councilor Glory-Jordan stated this amendment takes the heat from the Council for getting a raise and it is wrong to accept a raise in this economy. Councilor Soap commented the citizens' compensation committee has made recommendations twice in the last four years and each time the compensation gap gets wider. He stated the salary comparisons are not being made to citizens within the community but with people who operate and function in the government and other tribal governments. Councilor Fishinghawk stated in September they had to fight to raise educational scholarships, individual water and sewer funds were cut, funds to the volunteer fire fighters were cut, contract health had cuts, multiple charities were cut, and infrastructure received cuts yet we still want a raise.

Councilor Hoskin Jr. inquired about Section 5D4 in regard to a time frame to take effect. Mr. Hembree stated if the Council wanted to reject the report he would suggest a time frame of the next meeting of the regular full council. Councilor Hoskin Jr. offered a friendly amendment to add language to the end of the last sentence of Section 5D 4 to read "within sixty (60) days by resolution of the Council". The friendly amendment was accepted. Councilor Crittenden gave appreciation for the compensation committee's efforts and the clean up in regard to the Act but stated he would be voting against a raise. Councilor Cobb stated this brings our compensation coming forward more in line with how the State and Federal government does it. Mr. Ragsdale stated the Administration hasn't reviewed this piece of legislation but the Principal Chief does support the independent citizens' compensation committee. Councilor Glory-Jordan inquired if the Chief was available to give his view. She requested tabling or recessing to allow the Chief to provide input.

Councilor Glory-Jordan moved to table this item to the end of this meeting to allow time for the Chief to provide input. Councilor Fishinghawk seconded the motion. The motion to table failed with the following roll call vote:

Yea: 5 - Chuck Hoskin, Jr. ; Curtis Snell; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

Nay: 9 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright and Julia Coates

Late Arrival: 2 - Bill John Baker and Meredith Frailey

Councilor Garvin called for the question. Councilor Fishinghawk requested to allow the Secretary of State speak as to the Chief's input. Councilor Coates called point of order. Chair Anglen allowed Ms. Knight to express the input of the Chief. Ms. Knight stated in her brief conversation with the Chief that he believes the recommendation from the compensation committee to be reasonable. In regard to the Act and the amendments he recommended in 5D4 rather than it stating unless the Tribal Council and the Principal Chief specifically reject to replace and with or. This would provide a check and balance with either branch of government.

The motion to approve the amendment to the elected officials compensation act as amended carried with the following roll call vote:

Yea: 11 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright and Julia Coates

Nay: 4 - Bill John Baker; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

Late Arrival: 1 - Meredith Frailey

2. [11-010](#)

A RESOLUTION AMENDING RESOLUTION #09-08, CONFIRMING THE NOMINATION OF DAN AGENT AS AN EDITORIAL BOARD MEMBER OF THE CHEROKEE PHOENIX

Councilor Jack D. Baker moved to approve. Councilor Cobb seconded the motion. Ms. Melanie Knight gave clarification that this is an amendment to the ending of the term and it is not a re-nomination. Councilors Jack D. Baker, Cowan Watts, Garvin, Fullbright and Anglen requested to be listed as sponsors. The motion to approve carried.

3. [11-005](#) A LEGISLATIVE ACT AMENDING TITLE 20 OF THE CHEROKEE NATION CODE ANNOTATED - COURTS AND PROCEDURE; AMENDING SECTION 24; JURISDICTION - GENERAL
- Councilor Cobb stated this is an amendment to Title 20 Courts and Procedure dealing with child support enforcement.*
- Councilor Cobb moved to approve. Councilor Frailey seconded the motion. The motion carried with the following roll call vote:**
- Yea:** 15 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan
- Late Arrival:** 1 - Bill John Baker
4. [11-003](#) A RESOLUTION APPLAUDING THE UNITED STATES GOVERNMENT FOR ENDORSING THE UNITED NATIONS DECLARATION OF THE RIGHTS OF INDIGENOUS PEOPLES
- Councilor Hoskin stated when he and Councilor Coates began working on this resolution the United States Government had not endorsed it. He stated it is a document that recognizes rights of Indigenous peoples around the world. He moved to approve the revised version which reflects that the United States Government does endorse it and that the Cherokee Nation expresses their appreciation of the endorsement. Councilor Coates seconded. Councilor Cowan Watts stated she is in full support but stated there is potential for misuse by the State and fake tribes. Councilor Coates gave appreciation to Councilor Hoskin Jr. for his initiative with this resolution. Councilor Soap commented the title doesn't reflect that the U. S. Government has endorsed. Councilor Hoskin agreed the title needs to reflect the endorsement. Chair Frailey considered this a standard that the federal governments must live up to and that it would strengthen our lobbying efforts.*
- The motion for approval carried.**
5. [11-004](#) AN ACT SETTING CERTAIN REQUIREMENTS FOR THE CHEROKEE NATION HIGHER EDUCATION SCHOLARSHIP PROGRAM; AND DECLARING AN EMERGENCY
- Councilor Hoskin Jr. provided a revision to the item in the packet. He commented that Councilors Fullbright, Fishinghawk and Glory-Jordan were to be included as co-sponsors. He stated the issue is there isn't any underlying legislation for the higher education scholarship. He provided an overview of the Act. Ms. Melanie Knight stated they completely concur with what the Councilman has spoken of. Councilor Hoskin Jr. moved to approve. Councilor Glory-Jordan seconded the motion. Councilor Hoskin moved to strike the last portion of the first sentence in Section 5B so that the first sentence would end with Act. Councilor Glory-Jordan accepted.*
- After debate the motion to approve as amended carried with the following vote.**
- Yea:** 12 - Bill John Baker; Bradley Cobb; Buel Anglen; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan
- Nay:** 4 - Cara Cowan Watts; Don Garvin; Jack D. Baker and Julia Coates

6. [10-114](#)

A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE IX OF THE CHEROKEE NATION CONSTITUTION, PURSUANT TO ARTICLE XV SECTION 2, TO REQUIRE THAT ALL BALLOTS CAST IN CHEROKEE NATION ELECTIONS BE DONE IN PERSON AND AT POLLING STATIONS WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CHEROKEE NATION

Councilor Crittenden stated this is an amendment to the Cherokee Nation Constitution would require all ballots shall be cast in person within the jurisdictional boundaries of the Cherokee Nation except where the voter can demonstrate absentee voting is necessary solely due to temporary or permanent physical disability or service in the United States Military. He moved to approve. Councilor Fishinghawk seconded the motion. Councilor Jack D. Baker stated he is opposed to this item as it basically disenfranchises a majority of the citizens of the Cherokee Nation. Councilor Cobb stated one of the issues we face is the percentage of our citizens that actually vote and this legislation would make it even lesser of a percentage. Councilor Fishinghawk stated it doesn't disenfranchise it just requires them to come home to vote. Councilor Glory-Jordan stated it appears the amendment is being argued and it seems as though they are just asking it be placed on the ballot for the people to decide. Councilor Coates stated this would prohibit a majority of our citizens from voting. Councilor Crittenden stated this question deserves to be in the hands of the people. Councilor Cowan Watts can't place an additional burden on the voters should make it as convenient and as easy as possible for our voters. Councilor Soap stated it just logically doesn't make sense to place this burden on the voters. Ms. Knight commented that the Principal Chief doesn't support this bill as one of the fundamental rights as a citizen of the Cherokee Nation is access and participation on the government and this would severely limit that ability. Councilor Fishinghawk stated once again the merits are being argued not if it should or shouldn't be placed on the ballot. Councilor Hoskin Jr. stated at some point the people do need to have their say on this issue although in this particular form must stop short of support.

The motion to approve failed by the following roll call vote.

Yea: 4 - Curtis Snell; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

Nay: 12 - Bill John Baker; Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin, Jr. ; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Julia Coates and Meredith Frailey

7. [11-002](#)

A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI SECTION 13 OF THE CHEROKEE NATION CONSTITUTION, PROVIDING FOR SPECIAL ELECTIONS FOR VACANCIES IN THE TRIBAL COUNCIL IN CASE OF REMOVAL, DEATH, RESIGNATION OR DISABILITY; THIS RESOLUTION SUPERCEDES RESOLUTION 80-08

Councilor Fishinghawk stated this Constitutional amendment would require a special election within ninety days in the event of a Council seat vacancy. Councilor Fishinghawk moved to approve. Councilor Glory-Jordan seconded the motion. Councilor Cowan Watts commented this had already been presented by Councilor Jack D. Baker and will be on the 2011 ballot. Councilor Jack D. Baker read his amendment as passed by the Council to be placed on the 2011 ballot. Councilor Fishinghawk stated the difference is that the amendment she is proposing requires an election of the people no matter how much of the term remains and Councilor Baker's requires if two years or less remain the position is filled by appointment. Councilor Cobb inquired as to who determines if a person is disabled. Councilor Hoskin Jr. stated he is unsure of the intent but a lot of statutes say incapacitated as opposed to disability. Councilor Jack D. Baker raised concern if passed both would be on the ballot and if both passed the election process we would have a quandary.

He stated he would be willing to substitute this version for his if it stated in the event of one year or less remaining in the term the Council would fill the position. Councilor Fishinhawk would accept as a friendly amendment. Ms. Knight suggested a friendly amendment to have the election held at the next general election instead of calling for a special election to save the additional cost. Councilor Hoskin Jr. stated unless the word disability has a special meaning in the Constitution he would suggest changing it to say incapacitation. Councilor Jack D. Baker offered a friendly amendment to add language "unless there is a general election within 120 days" following the proposed language of to be conducted within 90 days. Councilor Fishinhawk accepted. Hoskin Jr. offered a friendly amendment to change disability to "inability to discharge the abilities and powers of the office." Councilor Fishinhawk accepted. Secretary of State Knight offered a technical amendment to include that this would supersede Resolution 80-08.

The motion to approve with amendments carried.

- 8. [11-007](#) A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VIII SECTION 2 OF THE CHEROKEE NATION CONSTITUTION, PROVIDING FOR JUSTICES OF THE SUPREME COURT TO BE ELECTED BY POPULAR VOTE

Councilor Fishinhawk withdrew this item.

- 9. [11-011](#) A LEGISLATIVE ACT RELATED TO TITLE 26 "ELECTIONS" AS AMENDED BY LEGISLATIVE ACT 06-10 AND LEGISLATIVE ACT 22-10 AND LEGISLATIVE ACT 32-10 ASSIGNING SEAT DESIGNATIONS AND SETTING EFFECTIVE DATE

Councilor Garvin announced this is an amendment to a recently passed resolution to place Councilor Cobb in District 4 Seat 2 and changing District 5 Seat 3 as an unoccupied seat. He moved to approve by acclimation. Councilor Fullbright seconded the motion.

With a vote in opposition to the approval by acclimation a roll call vote was taken. The motion to approve carried with the following roll call vote:

Yea: 16 - Bill John Baker; Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Jodie Fishinhawk; Julia Coates; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

REPORTS:

Councilor Glory-Jordan moved to accept written reports. Councilor Cowan Watts seconded the motion. Motion carried with Councilor Jack D. Baker opposed.

Marshal Service - Sharon Wright

Office of the Attorney General - Diane Hammons

Election Commission - Roger Johnson

Tax Commission - Sharon Swepston

Self-Governance - Vickie Harvey

Gaming Commission - Jamie Hummingbird

Codification - Todd Hembree

Registrar Citizenship Data Update - Todd Enlow

ANNOUNCEMENTS

ADJOURNMENT

Councilor Glory-Jordan moved to adjourn. Councilor Bill John Baker seconded the motion. Motion carried at 2:55 p.m.

STAFF PRESENT:

*Nason Morton
Melanie Knight
Mike Miller
Andy Guetone
Gregg Simmons*

*Doug Evans
Todd Enlow
Norma Merriman
Jamie Hummingbird
Cara Whitworth*

*Pat Ragsdale
Sharon Wright
Pat Gwin
Angela Drewes*

VISITORS PRESENT:

Gina Olaya