



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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Thursday, March 29, 2012

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Hoskin Jr. called the meeting to order at 1:08 p.m.

INVOCATION

Councilor Snell gave the invocation.

ROLL CALL

Present 16 - Buel Anglen; Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Don Garvin; Jack D. Baker; Cara Cowan Watts; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; Lee Keener Jr.; David Walkingstick; Julia Coates; Frankie Hargis and Joe Byrd

Late Arrival 1 - Meredith Frailey

APPROVAL OF MINUTES

Councilor Hargis moved to approve the February 23rd regular session minutes. Councilor Keener seconded the motion. The motion to approve carried with Councilor Cowan Watts abstaining.

Mr. David Southerland provided copies of the approved policy and the applications for the new housing program.

AMEND THE AGENDA

Councilor Fishinghawk made a motion to dispense with oral reports and accept written reports due to time constraints. Councilor Hargis seconded the motion. The motion carried with some opposition.

AMEND THE AGENDA

Councilor Cowan Watts moved to allow the Attorney General's report on the status of several requests. Councilor Anglen seconded the motion. The motion carried.

AMEND THE AGENDA

Councilor Fishinghawk made a motion to amend the agenda to move new business items 1, 2, and 3 prior to the Attorney General report. Councilor Hargis seconded the motion. The motion carried.

NEW BUSINESS

1. [12-046](#) A RESOLUTION CONFIRMING THE NOMINATION OF JOSH KING AS A COMMISSIONER OF THE HOUSING AUTHORITY OF THE CHEROKEE NATION BOARD OF COMMISSIONERS
Councilor Fishinghawk moved to approve. Councilor Hargis seconded the motion. After a few questions were asked the motion to approve carried with no opposition.
2. [12-047](#) A RESOLUTION CONFIRMING THE NOMINATION OF BOBBY MAYFIELD AS A COMMISSIONER OF THE HOUSING AUTHORITY OF THE CHEROKEE NATION BOARD OF COMMISSIONERS
Councilor Glory-Jordan moved to approve. Councilor Byrd seconded the motion. After questions were asked the motion to approve carried with no opposition.
3. [12-048](#) A RESOLUTION CONFIRMING THE NOMINATION OF SUSAN CHAPMAN PLUMB AS A BOARD MEMBER OF CHEROKEE NATION FOUNDATION
Councilor Jack D. Baker moved to approve. Councilor Garvin seconded the motion. After a few questions were posed the motion to approve carried with no opposition.

REPORTS:

Marshal Service - Shannon Buhl

Office of the Attorney General - Todd Hembree

Attorney General Hembree provided an update on the Freedman case by stating they have received the appeal from Ms. Vann in the District of Columbia Circuit case. A joint status conference is due in April for the Northern District case. Councilor Cowan Watts requested a copy of the case filing be provided to the Council and that they be posted on Cherokee.org. Mr. Hembree provided a status update on the United Keetoowah Band land into trust issue. Councilor Cowan Watts requested a status review of land in Claremore owned by the UKB. Mr. Hembree stated in regard to the 1999 Constitution there is no change; we are still under the 1999 Constitution. He stated he will be issuing an official Attorney General opinion as requested which will state the same.

Codification - Todd Hembree

Election Commission -

Tax Commission - Sharon Swepston

Self-Governance - Vickie Hanvey

Gaming Commission - Jamie Hummingbird

Youth Leadership Council - Mark Skinner

Registrar Citizenship Data Update - David Justice

OLD BUSINESS

1. [TMP-181](#) IMPLEMENTATION OF AN INDEPENDENT INFORMATION TECHNOLOGY SERVICE FOR THE CHEROKEE NATION TRIBAL COUNCIL (Discussion Only)
Chair Hoskin Jr. inquired if information was gathered the last time this issue was discussed. Mr. Doug Evans commented the information gathered would need to be updated. Councilor Cowan Watts requested AT&T be considered to provide the services. Councilor Hargis moved to table. Councilor Cowan Watts seconded the motion. The motion carried.

2. [TMP-192](#) DISCUSSION AND POSSIBLE ACTION ON THE STATUS OF THE COUNCIL HOUSE REPAIRS AND/OR REPLACEMENT
Councilor Glory-Jordan gave an overview of the roof situation at the Council House, possible options of both permanent and temporary solutions and requested direction from the body. Maps of the pod were provided at the complex.
Councilor Thornton made a motion to get bids, acquire a time frame and cost estimate to move to the pod. Councilor Hargis seconded the motion. Councilor Anglen requested the building be tested for mold. Councilor Frailey requested the information technology request be included in the bid as well. A friendly amendment was requested to confirm the Council would not be moving to the pod. The friendly was accepted. The question was called. The motion carried.

3. [TMP-193](#) DISCUSSION AND POSSIBLE ACTION CONCERNING INVOLVEMENT OF, AND RECEIPT OF INFORMATION BY, AUTOMATED ELECTION SERVICES IN THE 2011-2012 CHEROKEE NATION ELECTIONS
Councilor Lay made a motion to table. Councilor Cowan Watts seconded the motion. The motion carried.

4. [12-016](#) A LEGISLATIVE ACT AMENDING TITLE 43 OF THE CHEROKEE NATION CODE ANNOTATED - CHILD SUPPORT; AMENDING CHAPTER 5 OFFICE OF CHILD SUPPORT ENFORCEMENT AND CHAPTER 6 CHILD SUPPORT GUIDELINES
Councilor Frailey announced a memo explaining all of the proposed changes have been provided. She moved to approve. Councilor Cowan Watts seconded the motion. Councilor Lay made a motion to change Section 4 §500 from five days to ten days. The motion carried. Councilor Glory-Jordan inquired if in the future there would be a debt validation procedure put in place. After discussion was held the motion to approve as amended carried by

acclimation.

5. [12-024](#) AN ACT SHIELDING JOURNALISTS FROM DISCLOSING CERTAIN INFORMATION IN GOVERNMENT PROCEEDINGS
- Chair Hoskin Jr. provided an overview of the proposed legislation. Councilor Fishinghawk moved to approve. Councilor Cowan Watts seconded the motion. The motion carried by acclimation.**

NEW BUSINESS

4. [12-051](#) A RESOLUTION TO ENCOURAGE, ENDORSE AND PROMOTE THE ALTERNATIVE ENERGY INITIATIVE DEVELOPED BY BRIAN BARLOW
- Councilor Walkingstick moved to approve. Councilor Glory-Jordan seconded the motion. The motion carried with no opposition.**
5. [12-052](#) AN ACT AMENDING LEGISLATIVE ACT 17-10; THE CHEROKEE NATION GENERAL CORPORATION ACT CREATING AN ADVISORY BOARD OF DIRECTORS
- Councilor Glory-Jordan moved to approve. Councilor Fishinghawk seconded the motion with a friendly amendment to add a Section 4C to read - The Council's selection of advisory board members on February 2012 is affirmed. The friendly was accepted. The motion to approve carried with the following roll call vote:**
- Yea:** 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
- Nay:** 7 - Buel Anglen; Don Garvin; Jack D. Baker; Meredith Frailey; Cara Cowan Watts; Lee Keener Jr. and Julia Coates
6. [12-025](#) AN ACT AMENDING THE EMERGENCY ASSISTANCE AND COMMUNITY SUPPORT PROJECTS ACT AS AMENDED; AND DECLARING AN EMERGENCY
- Chair Hoskin Jr. announced a new version has been provided. Councilor Thornton moved to approve. Councilor Hargis seconded the motion. Chair Hoskin Jr. gave an overview of the amendments. Councilor Coates offered a friendly amendment to strike the last portion of the last sentence in Section 4-1 to allow At Large citizens to continue to be served. The friendly amendment was accepted. Councilor Jack D. Baker offered a friendly amendment for Section 5G2 to also reference hardships, county and municipal governments. The friendly amendment was accepted. After additional discussion was held several Councilors requested to be added as sponsors.**
7. [12-053](#) A LEGISLATIVE ACT AMENDING TITLE _____ OF THE CHEROKEE NATION CODE ANNOTATED - PROVIDING A LIMITED EXEMPTION FROM CERTAIN PURCHASING LAWS AND DIRECTING THE EDUCATION GROUP TO CONDUCT A STUDY OF RECOGNITION OF NON-CITIZEN CONTRIBUTIONS TO CHEROKEE NATION ESTABLISHING THE CHEROKEE NATION MEDAL OF FRIENDSHIP
- Councilor Fishinghawk moved to approve and requested to be included as a sponsor. Councilor Hargis seconded the motion. Chair Hoskin Jr. gave an overview of the proposed legislation. Councilor Jack D. Baker commented a proposal for a friendship award has already been presented and they are currently working with the Cherokee*

Nation to develop. He voiced concern this act would limit their ability to do so. He moved to table. Councilor Cowan Watts provided some clarification on the Willard Stone issue by referring to Resolution 15-91 and LA-01-07 the Truth in Advertising Act. Ms. Gina Olaya provided clarification of the issues CNB has in regard to purchasing art. Chair Hoskin Jr. announced he would entertain a motion to strike all language as suggested and do a specific exemption for Willard Stone. Councilor Cowan Watts moved to do as requested if it included the Truth in Advertising Act and the 1% set aside. She stated it should reference the old resolution to provide a proper history. Councilor Keener seconded the motion. Attorney Dianne Barker Harrold suggested the changes be made and submitted for approval to the Resource committee prior to the Council meeting.

Councilor Cowan Watts moved to table and refer to the Resource Committee. Councilor Hargis seconded the motion. The motion carried.

8. [12-054](#)

A LEGISLATIVE ACT AMENDING TITLE 68 OF THE CHEROKEE NATION CODE ANNOTATED - ADDING PROVISIONS FOR SALES TAX ADJUSTMENTS OF LICENSED TOBACCO RETAILERS

Chair Hoskin Jr. announced a new version has been provided. Councilor Glory-Jordan moved to approve. Councilor Fishinghawk seconded the motion. Chair Hoskin Jr. provided an overview of the amendments. Councilor Thornton moved to table the two items in the packet until next month and substitute the handout. Councilor Glory-Jordan seconded the motion with a friendly amendment to set up a work group to meet within the next month. The friendly amendment was accepted. Councilor Keener offered a friendly amendment to change the reduction from 2% to 1%. The friendly amendment was accepted. Councilor Garvin called for the question.

The motion carried with the following roll call vote:

Yea: 17 - Buel Anglen; Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; Cara Cowan Watts; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; Lee Keener Jr.; David Walkingstick; Julia Coates; Frankie Hargis and Joe Byrd

9. [12-056](#)

AN ACT AMENDING LEGISLATIVE ACT 11-10 RELATING TO CREATION OF JOBS GROWTH; ADDING LANGUAGE TO ASSIGN SEAT DESIGNATIONS

Councilor Fishinghawk moved to table. Councilor Hargis seconded the motion. The motion carried.

10. [12-055](#)

AN ACT AMENDING TITLE 13 SECTION 102 (a) and SECTIONS 304 (A)(b) and (c) OF THE CHEROKEE CODE ANNOTATED AND AMENDING LEGISLATIVE ACT 13-07 OF THE CHEROKEE NATION ADMINISTRATIVE PROCEDURE ACT

Councilor Cowan Watts requested the four commissions involved with this legislation have a moment to give a summary of how this legislation affects their commission. Mr. Jamie Hummingbird from the Cherokee Nation Gaming Commission provided information and a brief summary, Ms. Sharon Swepston provided a brief history of the affects for the Tax Commission, Lindsay Earls announced the Election Commission would be meeting later in the afternoon for the first time since this request was made. Once their meeting is complete they would be able to provide a written report. Ms. Sara Hill provided a written report on behalf of Tom Elkins and the Cherokee Nation Environmental Protection Commission.

Councilor Cowan Watts commented a check list needs to come out of the existing law and offered to work with the Speaker, Deputy Speaker, Attorney General and Council Attorney to meet these compliance requirements. Councilor Cowan Watts moved to table. Councilor Thornton seconded the

motion. The motion carried.

11. TMP-199 DISCUSSION AND POSSIBLE ACTION ON A PERSONNEL MATTER (POTENTIAL EXECUTIVE SESSION)

Councilor Glory-Jordan pursuant to Article 6 Section 6 of the Constitution moved to enter into executive session for purposes in which to discuss some employment issues. Councilor Fishinghawk seconded the motion. Councilor Thornton called point of order and requested Attorney General Hembree read the portion of the executive session regarding personnel matters.

The motion to enter into executive session carried with the following roll call vote:

Yea: 8 - Chuck Hoskin Jr. ; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick; Frankie Hargis and Joe Byrd

Nay: 7 - Buel Anglen; David Thornton, Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; Cara Cowan Watts and Lee Keener Jr.

Not In Room: 2 - Curtis Snell and Julia Coates

Councilor Cowan Watts read into the record Section 75-1-9-9 A and/or B of the Freedom of Information Act regarding executive session.

RECESS

Councilor Cowan Watts moved to recess for five minutes. Councilor Jack D. Baker seconded the motion. The motion carried at 3:12 p.m.

RECONVENNE

Chair Hoskin Jr. called the meeting back to order at 3:23 p.m. He stated they did not go into executive session.

11. TMP-199 DISCUSSION AND POSSIBLE ACTION ON A PERSONNEL MATTER (POTENTIAL EXECUTIVE SESSION)

Councilor Glory-Jordan withdrew her motion to enter into executive session.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Glory-Jordan moved to adjourn. Councilor Cowan Watts seconded the motion. The motion carried at 3:24 p.m.

STAFF PRESENT:

- | | | |
|----------------------|--------------------------|--------------------------|
| <i>Todd Hembree</i> | <i>Shannon Buhl</i> | <i>Doug Evans</i> |
| <i>Sara Hill</i> | <i>Elizabeth O'Dell</i> | <i>Jamie Hummingbird</i> |
| <i>Kim Gilliland</i> | <i>Patrick Hill</i> | <i>Sharon Swepston</i> |
| <i>David Justice</i> | <i>Kara Whitiworth</i> | <i>Jami Custer</i> |
| <i>Jon Overacker</i> | <i>Bill Foster</i> | <i>Diane Kelley</i> |
| <i>Lacey Horn</i> | <i>David Southerland</i> | |

VISITORS PRESENT:

Charles Dry

Josh King

Susanna Plumb

Ollie Starr

Dianne Barker Harrold

Bobby Mayfield

Lindsay Earls

Raymond Vann

Susan Plumb

Diana Mayfield

Roy Hamilton

Larry Horn