



# Council of the Cherokee Nation

Cherokee Nation Complex  
17675 S. Muskogee Ave.  
Tahlequah, OK 74464

## Meeting Minutes - Final RULES COMMITTEE

*Joe Byrd, Chair*

*Recording Secretary, Shelli Brittain*  
*Phone: 1-800-995-9465,*  
*E-mail: council-public@cherokee.org*

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Thursday, April 27, 2017

1:00 PM

Tribal Council Offices

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### CALL TO ORDER

**Chair Byrd called the meeting to order at 1:01 p.m.**

### INVOCATION

**Councilor Snell gave the invocation.**

### ROLL CALL

**Present** 15 - Harley Buzzard; Joe Byrd; Don Garvin; Frankie Hargis ; Curtis Snell; Janees Taylor; David Thornton, Sr. ; Victoria Vazquez; Keith Austin; Buel Anglen; Dick Lay; David Walkingstick; Shawn Crittenden; Rex Jordan and Bryan Warner

**Absent** 2 - Jack D. Baker and Wanda Hatfield

### APPROVAL OF MINUTES

**Councilor Hargis moved to approve the March 21st minutes as submitted.**  
**Councilor Jordan seconded the motion. The motion carried.**

### REPORTS:

Marshal Service - Shannon Buhl

*Marshal Buhl announced they have had to reschedule for May 27th a meeting originally set for this Saturday in the Kenwood community to discuss sexual assault and other similar topics. He offered to answer questions from the report provided. Councilor Crittenden inquired about sub offices in the districts. Councilor Buzzard inquired if the issue has been worked out at the Claremore Indian Hospital. Chair Byrd inquired about the number of marshals on staff currently. Councilor Buzzard inquired about the Cherokee and other Native American percentage of the Marshals.*

Office of the Attorney General - Todd Hembree

*Attorney General Hembree requested a moment of silence to remember Judge Bart Fite. He reported the on the filing of the opioid lawsuit. He requested Ms. Nimmo give a brief background and overview of the lawsuit. Ms. Nimmo fielded numerous*

*questions revolving around the case and our clinics.*

FOIA-GRA - Gwen Terrapin

*Ms. Terrapin reported there have only been two FOIA requests this year and no GRA's at this time. The website has been updated.*

Election Commission - Brooke Tillison

*Chair Byrd announced the Election Commission is busy at the office with the upcoming elections and have provided a written report.*

Tax Commission - Sharon Swepston

*Ms. Swepston offered to answer questions from the report provided.*

Self-Governance - Karen Ketcher

*Chair Byrd announced Ms. Ketcher is attending a meeting in Spokane at this time.*

Gaming Commission - Jamie Hummingbird

*Mr. Hummingbird offered to answer questions and gave apologies for his absence the past few months.*

#### AMEND THE AGENDA

**Chair requested to move the new business prior to the old business. Councilor Vazquez made a motion to amend the agenda to move the new business items prior to the old business. Councilor Lay seconded the motion. The motion carried.**

#### AMEND THE AGENDA

**Councilor Vazquez moved to amend the agenda to include a resolution appointing T. Luke Barteaux to the District Court. Councilor Austin seconded the motion. The motion carried.**

#### NEW BUSINESS

1. [17-019](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF AMBER LYNN GEORGE AS A BOARD MEMBER OF CHEROKEE NATION FOUNDATION  
**Councilor Walkingstick moved to approve. Councilor Jordan seconded the motion. Councilors Walkingstick, Jordan and Vazquez requested to be added as sponsors. Ms. George was present for questions. The motion to approve carried.**
2. [17-045](#) A RESOLUTION CONFIRMING THE NOMINATION OF WILFRED C. (W.C.) GERNANDT III AS A GOVERNING BOARD MEMBER OF CHEROKEE NATION COMPREHENSIVE CARE AGENCY (PACE)  
**Councilor Vazquez moved to approve. Councilor Taylor seconded the motion. All Councilors requested to be added as sponsors. Mr. Gernandt III was**

present for questions. The motion carried.

3. [17-046](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DAN CARTER AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC
- Councilor Jordan moved to approve. Councilor Thornton seconded the motion. All Councilors requested to be added as sponsors. Mr. Carter was present for questions. The motion to approve carried with Councilor Crittenden opposed.**
4. [17-047](#) A RESOLUTION EXPRESSLY AGREEING TO CHOICE OF LAW AND VENUE AND AUTHORIZING A WAIVER OF SOVEREIGN IMMUNITY OF THE CHEROKEE NATION IN CONNECTION WITH A SOFTWARE AGREEMENT WITH MUNICIPAL ACCOUNTING SYSTEMS, INC.
- Councilor Austin moved to approve. Councilor Vazquez seconded the motion. Questions were asked about the waiver.*
- Councilor Lay made a motion to strike the waiver of sovereign immunity. Councilor Garvin seconded the motion. The motion failed with the following roll call vote:**
- Yea:** 5 - Harley Buzzard; Don Garvin; David Thornton, Sr. ; Buel Anglen and Dick Lay
- Nay:** 10 - Joe Byrd; Frankie Hargis ; Curtis Snell; Janees Taylor; Victoria Vazquez; Keith Austin; David Walkingstick; Shawn Crittenden; Rex Jordan and Bryan Warner
- The motion to approve as submitted carried with Councilors Lay and Thornton opposed.**
5. [TMP-350](#) DISCUSSION: THE CHEROKEE NATION FREE FLOW OF INFORMATION ACT OF 2010
- Chair Byrd gave an overview of the request. He proposed a database be created to enable the Council or departments to be able to see if or how much assistance a citizen has received. He suggested the Human Services, Career Services and the Higher Education Departments are included in the database. Following discussion he commented he would bring forward a resolution.**
6. [17-051](#) A RESOLUTION CONFIRMING THE APPOINTMENT OF T. LUKE BARTEAUX AS A DISTRICT JUDGE OF THE CHEROKEE NATION DISTRICT COURT
- Councilor Vazquez moved to approve. Councilor Austin seconded the motion. Attorney General Hembree introduced Mr. Barteaux. Councilors Hargis Thornton, and Austin requested to be added as sponsors. Following questions to Mr. Barteaux the motion to approve carried with Councilor Buzzard opposed.**

#### REPORTS:

Human Resources - Nason Morton

*Mr. Morton provided a follow up from questions asked last month regarding participation in our 401k.*

OLD BUSINESS

- 1. [16-121](#) A RESOLUTION FOR THE COUNCIL OF THE CHEROKEE NATION TO REQUEST A CONFIDENTIAL REPORT MONTHLY OF ALL CHARITABLE DONATIONS AND SURPLUS EQUIPMENT OF ALL SUBSIDIARIES IN THE CHEROKEE NATION  
  
**Councilor Walkingstick gave an overview of the request and made a motion to approve. Councilor Crittenden seconded the motion. Councilor Austin offered friendly amendments to change the word “require” to “request” in the title. He also requested both places the “shall be” is listed in the BE IT RESOLVED be changed to “wishes to”. The friendly amendments were accepted. Councilor Walkingstick gave appreciation for the outcome of the work group. Following some discussion the motion to approve as amended carried with no opposition.**
  
- 2. [TMP-347](#) DISCUSSION ONLY: TRIBAL COUNCIL TRAVEL EXPENSE POLICY  
  
*Chair Byrd commented on the absence of Councilor Baker in that he is up for a very prestigious position of being elected as President of the Oklahoma Historical Society. Councilor Taylor commented.*  
  
**Councilor Hargis made a motion to table. Councilor Walkingstick seconded the motion. The motion carried.**

ANNOUNCEMENTS

ADJOURNMENT

**Councilor Walkingstick moved to adjourn. Councilor Hargis seconded the motion. The motion carried at 2:29 p.m.**

STAFF PRESENT:

<i>Sharon Swepston</i>	<i>Todd Hembree</i>	<i>Chrissi Nimmo</i>
<i>Canaan Duncan</i>	<i>Gwen Terrapin</i>	<i>Connie Davis</i>
<i>Shannon Buhl</i>	<i>John Hammons</i>	<i>John Young</i>
<i>Nason Morton</i>	<i>Jennifer Pigeon</i>	<i>Jamie Hummingbird</i>
<i>Bill John Baker</i>	<i>John Paden</i>	<i>Marsha Lamb</i>
<i>Chad Harshaw</i>	<i>Jody Reece</i>	<i>David Cornsilk</i>

VISITORS PRESENT:

<i>Dan Carter</i>	<i>Teddy Snell</i>	<i>Dianne Barker Harrold</i>
<i>Amber George</i>	<i>Luke Barteaux</i>	<i>Cynthia Buzzard</i>
<i>W.C. Gernandt III</i>	<i>Martha Calico</i>	<i>Grant Crawford</i>