



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
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Tuesday, December 14, 2010

9:00 AM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 9:10 a.m.

INVOCATION

Councilor Bill John Baker gave the invocation.

ROLL CALL

Present 12 - Bill John Baker; Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin; Curtis Snell; David Thornton Sr. ; Don Garvin; Harley Buzzard; Meredith Frailey and S. Joe Crittenden

Late Arrival 5 - Jack D. Baker; Janelle Fullbright; Jodie Fishinghawk; Julia Coates and Tina Glory Jordan

APPROVAL OF MINUTES

Councilor Cobb moved to approve the November 22nd regular session minutes. Councilor Garvin seconded the motion. Motion carried.

Councilor Thornton moved to amend the agenda to address the renomination of Justice Wilcoxon prior to the reports. Councilor Garvin seconded the motion. Motion carried.

10-140

A RESOLUTION CONFIRMING THE NOMINATION OF JIM WILCOXEN AS A JUSTICE OF THE CHEROKEE NATION SUPREME COURT

Councilor Cowan Watts moved to approve. Councilor Anglen seconded the motion. Councilor Hoskin Jr. stated he had reviewed some documents, obtained through a governmental records act, reflecting Cherokee Nation Business entities had paid Wilcoxon and Wilcoxon for a period of approximately six years. He stated some questions had been posed to Chief Smith and inquired if Ms. Ginger Brown had the answers. Ms. Brown stated she does have the documents and could make copies. Councilor Hoskin Jr. inquired who the payments were made. Mr. Wilcoxon stated he and his brother have an informal partnership in that they share expenses such as a building, office expenses, staff and utilities. They are completely separate in regard

to client billing. Councilor Fishinghawk requested copies of the Wilcoxon and Wilcoxon payments to CNE. Ms. Brown stated she only has the documents for Cherokee Nation. Councilor Fishinghawk stated she made a request for the documents to Mr. Stewart at the Council meeting last night. Ms. Brown stated it was probably not enough time to gather the documents. Mr. Wilcoxon stated if the documents were to Wilcoxon and Willcoxon they were payments to his brother. Councilor Fishinghawk stated this raises the question in regard to the brother serving on the Election Commission at one time. She inquired if the documents would be available by the Council meeting. Ms. Brown stated they would be available. Councilor Garvin called for the question.

The motion to approve carried.

REPORTS:

Marshal Service - Sharon Wright

No one was present to report.

Office of the Attorney General - Diane Hammons

No one was present to report.

Election Commission - Roger Johnson

Jeanine an Election Commission office worker offered to answer questions for the Election Commission as they were in a meeting an unable to be present.

Councilor Buzzard questioned why the representatives from the Administrative groups are in attendance. He voiced frustration with not being able to answer questions.

Tax Commission - Sharon Swepston

Ms. Swepston offered to answer questions from the written report she provided. She apologized for the late submittal of her report. She announced they are up 15.84% in motor vehicle tax revenue for the month of October. The revenue and taxation (tobacco) is down 1.56% compared to last year at 40%.

Self-Governance - Vickie Harvey

Ms. Harvey reported the Cobell Settlement has gone through. Councilor Hoskin Jr. commented on the program cuts Senator Colburn made to balance the budget. He inquired if it is known how these cuts may impact the Cherokee people. Ms. Harvey stated the WIC and Health and Safety Act was reduced and offered to research the information. Councilor Glory-Jordan inquired if Ms. Harvey would participate in the public meeting regarding the Farmers Settlement Act when the time comes. Ms. Harvey stated if it is the wishes of the Council and the Administration she would participate. Councilor Glory-Jordan suggested a public information release be considered in regard to the Farmers Settlement.

Gaming Commission - Jamie Hummingbird

Mr. Hummingbird announced he had spoken to the NIGC attorney that is in charge of reviewing the proposed revisions to our gaming ordinance. A few wording changes

were suggested to the proposed revisions which he thought were minor. A conference call is scheduled for this coming Monday with Nason Morton of the Attorney General's office to review some of the legal points. He stated they are considering withdrawing the current proposed revisions to resubmit at a later date with the requested modifications. He provided a status update on the online gaming regulations and collection bills in Congress.

Codification - Todd Hembree

Mr. Hembree reported they had a very productive meeting with the judicial branch of the Cherokee Nation at which time they reasserted their wishes to see the codification process completed in the near future. They were provided a status update and assured the process would be complete by the first of April. They are awaiting revisions in Title IV regarding gaming as well as a guardianship code and a governmental claims tort Act. He stated they would hopefully present the guardianship and tort legislation for passage in February. They have been given the help of an I.T. person to format all of the titles into one uniform electronic format. They are looking to send the complete package to West on April 1st.

Councilor Fishinghawk requested someone from the Attorney General's office or the Marshal Service to appear before the end of this meeting as she has questions that need to be answered.

YTCRep

Youth Tribal Council - Danielle Culp

Ms. Culp announced over the past year she served her fifth and last year on the Youth Council. She announced they went through some changes including moving over to Leadership and now have the new name of the Cherokee Nation Youth Leadership Council. They have reviewed and updated the bylaws. Each year they assist Help-n-Crisis with a canned food and coat drive and this year was by far the best year with a collection of 865 items and \$643.37 in cash as well as collecting 285 coats. MKs. Culp presented the Council with the award given to the Cherokee Nation at the National Unity Conference for their support. She requested a few moments of her reporting time to allow Brian Jackson to report on his world record attempt. Mr. Jackson from the "I Believe" program sponsored by the Cherokee Nation announced he has attended the Unity Conference with the Youth Council for several years and has always been very impressed. He announced this year he was encouraged to reclaim one of his world records for the fastest hot water bottle burst which was taken from a gentleman in Norway. He reclaimed his record in 12.29 seconds which is his seventh world record. He announced they would be doing a world record attempt with Oologah Schools and some community members to have the largest duck, duck goose game. Next November they will be doing a record attempt at the State Student Council Conference to have the largest dodge ball game with over 1,700 players. Mr. Jackson reported he has been invited to Los Angeles on February 13th and 14th to do a segment on the show "Super Humans". Ms. Culp offered to answer questions. Councilor Cowan Watts gave appreciation for all of the hard work done. She inquired why activities aren't taking place outside the Tahlequah area. Ms. Culp stated this next year they will have four large quarterly business meetings and the other two months of the quarter will be spent with community service or activities within the districts. Councilor Cowan Watts requested notification as early as possible when the events are to occur. She inquired if the bylaws could include a more active role in bringing items forward to this body. Mr. Todd Enlow stated one of their goals is to bring forward the voice of the Youth to this Council. Councilor Cowan Watts commented the new bylaws are much improved and gave appreciation for the hard work to change them. Ms. Culp introduced two of the new Youth Council representatives as Mr. Noah Collins of Verdigris and Lauren Keen of Peggs. Mr.

Collins extended an invitation to everyone to attend the swearing in ceremony of the new Youth Council in the Council Chambers on January 8th at 10:00 a.m. as well as the Robotics competition at Sequoyah High School this Saturday. Ms. Keen announced they would be having a cultural crafts workshop on the 29th of this month.

Office of the Attorney General - Diane Hammons

Councilor Fishinghawk inquired if Ms. Hammons had received a copy of the letters. Ms. Hammons stated she just now viewed a copy. Councilor Fishinghawk stated she has received these letters in the mail. Ms. Hammons stated with copies of all of the letters she would look into the accusations if that is what is being requested. Councilor Fishinghawk requested they be looked into and feedback provided. Ms. Hammons apologized for not being present to report that she didn't have it marked on her calendar. She offered to answer questions from the report provided. Councilor Cobb gave appreciation for the assistance provided in Bartlesville.

OLD BUSINESS

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

Chair Frailey went over the changes to the policy. One of the questions posed was in regard to the community meetings policy shall At-Large Councilors continue to travel after December 24, 2010. Councilor Coates referred to the minute record and no such mandate being made by this Council. She stated she moved for approval of the policy and would not have if the restriction was included. She stated the community meetings are not sponsored by them. They meet with 21 community groups once a year and with it being a much more prohibitive cost to attend than it is for local representatives were some of the reasons given for the At-Large to be exempted from this particular thing. She stated these 21 organizations are organized as non-profit groups and no campaigning or political activity is allowed. Mr. Hembree stated he reviewed the video itself this morning and there was discussion to limit the At-Large Councilors to use their travel fund but wasn't made part of the motion. The district community guideline with the six items is what was passed out of committee. He stated these guidelines prohibit a Councilor from hosting a community meeting if they are up for re-election in their district within this time period using Cherokee Nation funds. The meetings or picnics paid for by the Administration are intended to be politically neutral although candidates will be present. He stated it would be appropriate for the At-Large Councilors to attend these out of district meetings and it would also be appropriate for any Councilor on this body to use their travel funds to go to those meetings. Councilor Fishinghawk commented she has a problem with anyone traveling on Cherokee Nation's dime within the six months prior to an election. Councilor Coates reminded the picnics are paid out of COTTA's budget and not the Administration's budget. She stated in regard to the Cherokee Nation's dime there isn't an equal situation. In district travel to community meetings may be up to forty minutes however for the At-Large it could be thousands of dollars to go to these meetings. She voiced concern for treating in district and out of district the same meetings the same. Councilor Cowan Watts agreed a line needs to be drawn so that a boundary isn't overstepped for all seventeen Councilors. The tribe can't shut down for six months every two years during an election cycle. She voiced concern for the line not being set where it should be set. She stated the At-Large community meetings are the same as our in district community meetings. Councilor Crittenden stated we are supposed to be good stewards of the peoples' money and he has a problem with money going outside of the fourteen counties for any reason. Councilor Cowan Watts stated she is unclear how to implement the added language on #5 of page 4. She questioned stopping at the county line each time to begin counting

mileage. She stated in regard to funds going to At-Large citizens it is a Constitutional issue and until it is changed the two At-Large Councilors can't be hamstrung when we are constitutionally obligated to serve those citizens. Councilor Thornton requested clarification that funding is available for community meetings within our districts, there is funding through COTTA where the Administration and the Council can have meetings outside of the Cherokee Nation in different areas and then the At-Large Council people that go to meetings that aren't funded by the Cherokee Nation or the Council in which they use their travel monies to attend. Councilor Cowan Watts moved to approve in its entirety with the exception of the red line of Section 5 of page 2. She requested the assistance of the Council staff to determine the number of miles to her county line. Councilor Coates seconded the motion. Councilor Thornton suggested everyone read the federal statues for travel regarding privately owned vehicles. He commented it states travel to a meeting is from your home to the meeting place and back home. He offered a friendly amendment to remove the redline of Section 5 on page 4. Councilors Cowan Watts and Coates accepted. Councilor Hoskin commented what is best for him is a mapblast for travel from the county line forward.

Councilor Glory-Jordan commented after January 1st if meetings are held they should be paid out of your personal pocket and not use Cherokee Nation funds. She commented it isn't hard to deduct the miles from your home to the county line from your total trip. She commented the staff doesn't have the time to do this task. Councilor Crittenden stated he is support of the redline on page 4. Councilor Fishinghawk inquired if the staff was included and a Council member was accused of fraud would it bring the staff in the middle of the fraud issue. Mr. Doug Evans stated the federal travel guidelines provides that when you are on travel in your personal vehicle you are entitled to full reimbursement from your home to where ever you are conducting your business. The gray area arises in that the vehicle allowance states it is for in district travel and suggested it be fine tuned to say only for in district travel where you do not leave your district. He stated you should only be reimbursed for travel one time that there is nothing in the travel regulations stating you could be reimbursed for the same travel in two different methods. Councilor Hoskin Jr. agreed a definition of in district travel could provide clarification and possibly address the double dipping. Councilor Thornton stated a meeting within your district is part of the \$500 allowance. Councilor Jack D. Baker stated the current travel policy does have the wording suggested by Mr. Evans. Councilor Fullbright commented the more discussion that is held the more confusing it gets. Councilor Hoskin Jr. requested clarification on the motion as to if it strikes the redline question on page 2 and strikes the redline on page 4. Councilor Cowan Watts confirmed and stated the only redline accepted is on #10. Councilor Hoskin Jr. called for the question.

Councilor Garvin moved to table until next month as it is unclear. Councilor Bill John Baker seconded the motion. Chair Frailey requested research by Mr. Hembree to provide clarification. Motion carried.

NEW BUSINESS

1. [10-140](#) A RESOLUTION CONFIRMING THE NOMINATION OF JIM WILCOXEN AS A JUSTICE OF THE CHEROKEE NATION SUPREME COURT
This item was addressed and passed prior to the reports.

ANNOUNCEMENTS

Councilor Cowan Watts announced there is consideration for a motion on the case to the Supreme Court because the Election Commission is out of compliance because

of the lack of action by the Council last night. Rules for the upcoming election were supposed to be published last week and they are waiting of this body to act. Chair Frailey announced the Principal Chief has called a Special Council meeting on December 24th at 10:00 a.m.

ADJOURNMENT

Councilor Bill John Baker moved to adjourn. Councilor Crittenden seconded the motion. Motion carried at 10:42 a.m.

STAFF PRESENT:

<i>Ginger Brown</i>	<i>Todd Enlow</i>	<i>Jamie Hummingbird</i>
<i>Patrick Hill</i>	<i>Sharon Swebston</i>	<i>Vickie Harvey</i>
<i>Brian Jackson</i>	<i>Diane Hammons</i>	<i>Tamyse Leake</i>
<i>Diane Kelley</i>		

VISITORS PRESENT:

<i>Jim Wilcoxon</i>	<i>Todd Hembree</i>	<i>Gina Olaya</i>
<i>Charles Dry</i>	<i>Danielle Culp</i>	<i>Laura Keen</i>
<i>Noah Collins</i>	<i>David Stewart</i>	