

**RULES COMMITTEE  
LEGISLATIVE CONFERENCE ROOM  
December 20, 2007  
1:10 P.M.**

**STANDING COMMITTEE:** Rules Committee

**COMMITTEE PRESIDED BY:** Meredith Frailey, Chair

**COMMITTEE MEMBERS PRESENT:**

**Meredith Frailey  
Jack D. Baker  
Julia Coates  
Janelle Fullbright  
Curtis Snell  
Cara Cowan Watts**

**Buel Anglen  
Harley Buzzard  
Joe Crittenden  
Chuck Hoskin, Jr.  
Chris Soap**

**Bill John Baker  
Don Garvin\*  
Jodie Fishinghawk  
Tina Glory-Jordan  
David Thornton**

**COMMITTEE MEMBERS ABSENT:**

**Bradley Cobb**

**STAFF PRESENT:**

**Jamie Hummingbird  
Diane Hammons**

**Sharon Swepston  
Doug Evans**

**Melanie Knight  
Cheryl Hamby**

**VISITORS:**

**Raymond Vann  
Bill Glass**

**Todd Hembree  
Gina Olaya**

**Emily Bushyhead  
Sharon Urla**

**QUORUM ESTABLISHED:** Yes

**LEGISLATION:** Yes

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December 20, 2007  
1:10 P.M.**

**CALL TO ORDER:**

Chair Frailey called the meeting to order at 1:10 p.m. Mr. Todd Hembree gave the invocation. Roll was called and a quorum was established.

**APPROVAL OF MINUTES:**

Councilor Jack Baker moved for the approval of November 29, 2007 regular session minutes. Councilor Cowan Watts seconded the motion. Motion carried.

**REPORTS:**

Councilor Coates moved the reports be accepted in Toto as written. Councilor Anglen seconded the motion. Motion carried with opposition from Councilor Bill John Baker.

**OLD BUSINESS:**

1. **A Legislative Act Requiring Truth in Advertising for Native Art.** Councilor Cowan Watts moved for the approval. Councilor Jack Baker seconded the motion. Councilor Bill John Baker announced everyone should have a letter from Mr. Bill Glass Jr. Councilor Bill John Baker read the letter into the record as "The Cherokee Artist Association membership has discussed the current art legislation "Cherokee Nation Truth in Advertising for Native Art" at three artist association meetings. Because of the divisive nature of this act the CAA membership has voted not to take side on this issue. The association has asked members to make their own personal feelings known through e-mail or personal appearances at the December 20 meeting of the Rules committee. With Respect, Bill Glass, Jr." Councilor Cowan Watts announced she has one minor amendment to her motion. In Section 5 of the substantive provisions part (d) to add the language after the Cherokee Nation, except for art to be held for resale in retail stores or housed for such purpose. She stated she would email the correct wording to Shelli Brittain and Todd Hembree. Chair Frailey inquired if everyone understood the amendment. Roll call is as follows:

Buel Anglen	<u>Yea</u>	Bill John Baker	<u>Yea</u>
Jack Baker	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Julia Coates	<u>Yea</u>	Joe Crittenden	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Meredith Frailey	<u>Yea</u>
Chuck Hoskin Jr.	<u>Yea</u>	Tina Glory-Jordan	<u>Yea</u>
Curtis Snell	<u>Yea</u>	Chris Soap	<u>Yea</u>
David Thornton	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>

Motion carried with amendments unanimously.

## NEW BUSINESS:

- 1. An Act Clarifying Non-Profit Community Organizations (Discussion and possible action).** Councilor Coates announced in front of you are some draft copies of bylaws. She announced they are proposing to establish a Cherokee Nation community association. She announced there are community organizations that are directed predominately by Cherokee Tribal Citizens who live outside the jurisdictional area. There is an organization in Albuquerque, New Mexico that has been active for about 8 years and 8 new organizations in the California area. She stated the intent to help get these new organizations established has always been that the Cherokee Nation would establish a non profit corporation and they would be brought in as chapters of that corporation. This would provide them with non profit status not under the State of California or where ever but under the Cherokee Nation. The purpose of having that non profit status of the Cherokee Nation is so we can have some oversight. This would provide a good ability to direct and assist those organizations to develop in a good way. The draft proposed bylaws would require that their officers be comprised predominately of citizens of the Cherokee Nation although open for anyone to participate. The purpose of these organizations are to provide a connection point for our citizens outside of the jurisdictional lines, for the purposes of cultural exchange, civic exchange, and the exchange of reliable information. She stated this would be a very valuable tool for the At Large Councilors to be able to interact with citizens. They are required to be non political in the sense that they cannot endorse a specific candidate for offices within the Cherokee Nation, or endorse specific positions on issues although the dissemination of information and discussion of information and candidates would be encouraged. Councilor Jack Baker stated these people within these organizations outside the Cherokee Nation have a lot to offer. The model for these organizations has been established around the Trail of Tears association. There would be one organization set up with an umbrella of chapters beneath. Councilor Coates stated today they would like to respond to any questions. At this time there isn't any legislation. Under the bylaws of the association it proposes the board of directors be comprised of five individuals who occupy the offices. Three of these are elected officials and as a result of the Cantrell decision which states elected officials are prohibited from serving on boards of associations. She inquired about the feelings of the Council if there are no employees of a non profit corporation with no resources passing through. She inquired if it may be possible to legislate something to be acceptable to the courts in light of the Cantrell decision to allow for elected officials to serve on those boards. Councilor Fishinghawk inquired about the recommendation of at least 40% of the membership of each chapter must be Cherokee citizens. Councilor Jack Baker stated they foresee this as being Cherokee organizations although there are a lot of people who are interested in the culture. Councilor Hoskin Jr. gave appreciation for the Councilor's bringing this forward for discussion rather than just a vote. He inquired if he understood correctly that this could also be included within the jurisdictional boundaries. Councilor Coates stated it is her understanding that their would be one organization with 2 arms. Councilor Hoskin Jr. voiced concern for the appearance of a hierarchy. He stated he does want to support the at large communities but doesn't feel this association is necessary within the jurisdiction. He stated section 2 in regard to the board of

directors pool being limited that this may be an extension of the executive branch. Councilor Thornton inquired about the cost. Councilor Coates stated the board doesn't have any resources going through it. She stated they would however be asking for a line item in community service which goes under the history course projects. These funds would be for cultural activities and the establishment of a speakers bureau. Councilor Hoskin Jr. stated under Article 4 Section 6 the duties and objectives are listed. He inquired if it could be possible to achieve without a corporation that is governed by the executive branch. Councilor Coates stated the problem is with the organizations themselves especially in California where they are unable to open bank accounts as an informal group. They must be an incorporated organization of some sort. We want to offer this incorporation to them for their benefit but also be able to provide some oversight. Councilor Jack Baker stated the goal of the umbrella corporation of these bylaws is to oversee the development of the organizations not to be active in the organizations. The main thing is to see that they have the correct number of Cherokee citizens. Councilor Hoskin Jr. inquired if the technical assistance could be provided as well as cultural information without providing a corporation. Councilor Thornton stated he is old fashioned and felt it should be at least 51% Cherokee membership. Councilor Cowan Watts stated this is a very complicated issue. She stated this will never solve the problem but it does give the states something as credible manageable group. She stated the umbrella provides accountability. Councilor Glory-Jordan voiced concern for the compensation section. She suggested inserting as long as no nations funds are utilized. Councilor Coates stated this is compensation to the board of directors. Mr. Todd Hembree recommended at the conclusion calling a special meeting on the 14<sup>th</sup> of January the day of the next regular Council meeting. He stated during this time period he, Attorney General Hammons, Councilors Jack Baker and Coates could produce legislation. Councilor Glory Jordan voiced concern for the 40% Cherokee recommendation. Councilor Coates stated this would be considered a pilot project. She announced she had begun researching 10 years ago. Councilor Hoskin Jr. once again inquired of the necessity of the corporation. He felt it could be accomplished without the corporation. Councilor Coates stated the 8 already established are suffering without the assistance of the Cherokee Nation. Councilor Hoskin Jr. stated if there are already legitimate groups out there then couldn't we support them without creating this organization. He stated he is adamantly opposed but wonders if this is a step too far. Councilor Coates stated the 8 established are due to the assistance of the Cherokee Nation. She stated if we don't go this far then we haven't gone far enough. She stated the reason for doing this under a corporate structure is to provide oversight and ensure compliance. At this time there is no authority or formal oversight. Councilor Hoskin jr. inquired as to what the Cherokee Nation has done to provide support at this time. Councilor Coates stated they held a large kick off event for each organization which the chief, deputy chief, Councilor Jack Baker, former Councilor Keen, Miss Cherokee, people from registration, and herself were in attendance. They have had virtually no support since the kickoff events. Councilor Fishinghawk inquired as to who "we" is Councilor Coates refers to. Councilor Coates stated we is the Cherokee Nation. Councilor Fishinghawk voiced concern for the 40% requirement to be Cherokee she felt it should be 51%. Councilor Crittenden agreed with the 51% requirement. He suggested elected officials sitting on the board should only be

as advisory members. Councilor Bill John Baker suggested having Mr. Charlie Soap, Rick Gassaway, and Don Greenfeather come in to visit with us in this regard. Councilor Bill John Baker made a motion to table until these gentlemen can come in and provide input. Councilor Hoskin Jr. seconded the motion. Mr. Hembree stated there isn't legislation to table. The proper step would be to put on the next agenda. Councilor Bill John Baker moved to cease discussion. Councilor Hoskin Jr. seconded the motion. Motion carried with Councilor Cowan Watts in opposition. Chair Frailey inquired if Mr. Hembree would develop legislation. Mr. Hembree stated it is the pleasure of the committee to call a special rules meeting on Monday the 14<sup>th</sup> of January at which time he would provide legislation or an amendment to existing legislation. He stated the would contact everyone involved.

2. **A Resolution Honoring the 100<sup>th</sup> Birthday of Mary Ross.** Councilor Watts made a motion to approve. Councilor Bill John Baker seconded the motion. Councilor Cowan Watts stated Ms. Ross is originally from Rogers County and now lives in California. She is a member of AISES, helped develop some of the landing gear as an engineer, she is one of the first female engineers for NASA on the moon landing. Ms. Ross is celebrating her 100<sup>th</sup> birthday. Motion carried.

#### **ANNOUNCEMENTS:**

Councilor Garvin announced a 21 year old Cherokee from Porum won the bull riding event in Las Vegas. He also gave appreciation to those who attended the Muskogee clinic walk through yesterday. He stated the clinic is tremendous and classy. He stated he had cards for a couple of ladies turning 101 and would appreciate everyone signing them.

Attorney General Diane Hammons introduced a new attorney on their staff as Cheryl Hamby.

#### **ADJOURNMENT:**

Councilor Cowan Watts moved for adjournment. Councilor Fishinghawk seconded the motion. Motion carried.

#### **APPROVAL / DISTRIBUTION:**

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: Bradley Cotts

Minutes attested and concurred by: Meredith Frailey

Date: 2/7/08