



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*

Wednesday, May 28, 2014

1:00 PM

Tribal Council Offices

CALL TO ORDER

Chair Byrd called the meeting to order at 1:00 p.m.

INVOCATION

Chairman Byrd gave the invocation.

ROLL CALL

Present 16 - Cara Cowan Watts; Tina Glory Jordan; Janelle Fullbright; Dick Lay; Lee Keener Jr.; David Walkingstick; Julia Coates; Jack D. Baker; Harley Buzzard; Joe Byrd; Don Garvin; Frankie Hargis; Curtis Snell; Janees Taylor; David Thornton, Sr. and Victoria Vazquez

Late Arrival 1 - Jodie Fishinghawk

APPROVAL OF MINUTES

Councilor Hargis moved to approve the March 27th and April 24th regular sessions and the April 24th special session minutes. Councilor Vazquez seconded the motion. The motion carried.

AMEND THE AGENDA

Councilor Glory Jordan made a motion to amend the agenda to move new business items 1 and 2 prior to the reports. Councilor Cowan Watts seconded the motion. The motion carried.

NEW BUSINESS

1. [14-049](#) A RESOLUTION CONFIRMING THE NOMINATION OF ROBIN MCCLAIN SMITH AS A BOARD MEMBER OF CHEROKEE NATION COMMUNITY ASSOCIATION CORPORATION

Councilor Snell moved to approve. Councilor Vazquez seconded the motion. Ms. Smith joined the meeting via audio/video conference. After numerous

questions the motion to approve carried with the following roll call vote:

Yea: 9 - Tina Glory Jordan; Janelle Fullbright; David Walkingstick; Joe Byrd; Frankie Hargis ; Curtis Snell; Janees Taylor; David Thornton, Sr. and Victoria Vazquez

Nay: 6 - Cara Cowan Watts; Lee Keener Jr.; Julia Coates; Jack D. Baker; Harley Buzzard and Don Garvin

Abstain: 1 - Dick Lay

Late Arrival: 1 - Jodie Fishinghawk

2. [14-050](#)

A RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER D. GOINS AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION

Councilor Vazquez moved to approve. Councilor Walkingstick seconded the motion. Councilor Fullbright voiced frustration for the process of notification to the commissioners who are not reappointed. After numerous questions the motion to approve carried with the following roll call vote:

Yea: 9 - Tina Glory Jordan; Janelle Fullbright; David Walkingstick; Joe Byrd; Frankie Hargis ; Curtis Snell; Janees Taylor; David Thornton, Sr. and Victoria Vazquez

Nay: 7 - Cara Cowan Watts; Dick Lay; Lee Keener Jr.; Julia Coates; Jack D. Baker; Harley Buzzard and Don Garvin

Late Arrival: 1 - Jodie Fishinghawk

REPORTS:

Marshal Service - Shannon Buhl

Chair Byrd gave appreciation to Marshal Buhl for the lunch and tour of the Marshal Service facilities. Mr. Buhl gave an update on the new Marshal's. Councilor Cowan Watts inquired about the patrols in Claremore and the hospital there. Councilor Buzzard inquired as to why we aren't cross deputized with Tulsa County.

Office of the Attorney General - Todd Hembree

Attorney General Hembree gave an update on the pending court cases including the freedman case, the contract support cost claims, the Bay Mills decision, the UKB. Councilor Cowan Watts inquired about fraudulent tribes. Councilor Buzzard inquired about our water rights.

Codification - Todd Hembree

In Codification everything that the Cherokee Nation can do has been done and has been provided to West. They contact West at least twice a week. Councilor Cowan Watts inquired about the availability of the new code for the people.

Election Commission - Bill W. Horton

No one was present to report. Councilors once again requested their presence at the meeting next month for questions. Chair Byrd commented they would be on the agenda to report first.

Tax Commission - Sharon Swepston

Ms. Swepston offered to answer questions from the report provided. She announced the Tax Commission Board meeting will be held on the 18th instead of the 11th of June. Councilor Baker inquired when the tags would be available for the balance of Oklahoma. Councilor Keener inquired if there had been more discussion regarding a satellite tag office. Councilor Garvin inquired about the process for At Large citizens to obtain a tag. Councilor Cowan Watts commented it has been publically stated the At Large can get the tags at the same rate as the in jurisdiction citizens and requested clarification. Councilor Coates requested both she and Councilor Baker received notification of the finalized At Large policies for obtaining tags.

Self-Governance - Vickie Hanvey

Ms. Hanvey announced they have received approval on the final offer for contract health services at Claremore beginning the first of June. They have the veterans agreement negotiated and signed. They have been providing information for the contract support cost settlement negotiations. Councilor Buzzard inquired as to the reason given by the Bureau for not putting the Sequoyah roads on the inventory.

Gaming Commission - Jamie Hummingbird

Ms. Debra Wilson announced Mr. Hummingbird and the Commission are in Catoosa in a meeting and are unable to be here today.

Human Resources - Nason Morton

Mr. Morton announced they are in the process of trying to shorten the time to hire someone while doing efficiently. Councilor Glory Jordan inquired if the panel is a big part of the problem.

OLD BUSINESS

None pending.

NEW BUSINESS

3. [14-051](#) A RESOLUTION AUTHORIZING THE SUBMISSION FOR TRIBAL HISTORIC PRESERVATION OFFICE STATUS WITH THE NATIONAL PARK SERVICE
Councilor Vazquez moved to approve. Councilor Baker seconded the motion. All Councilors requested to be added as sponsors. After some clarification was given the motion to approve carried.

4. [14-043](#) AN ACT AMENDING LA-06-98 AND LA-21-12, "CHEROKEE NATION GOVERNMENTAL RECORDS ACT" DECLARING AN EMERGENCY
Councilor Glory Jordan stated the substitute provided today amending LA-06-98 and LA-21-12 the Governmental Records Act. The red line changes are the changes being recommended by the work group. A report of the work group is being handed out at this time; she requested it be an official part of the Rules minutes for this meeting. Councilor Glory Jordan noted for the record the revised act for consideration today was sent to each Councilor by email for review. She made a motion to approve. Councilor Fishinghawk seconded the motion and requested to be

added as a sponsor. She requested Council Attorney Dianne Barker Harrold read the report into the record. Councilor Fishinghawk offered a friendly amendment to insert the word "enhanced" in Section 1 to read The Enhanced Governmental Records Act of 2014. The friendly amendment was accepted.

After lengthy discussion was held Councilor Baker made a motion to amend to include the Federal language U.S.C. A. §552 (a)(3)(B) as provided by Councilor Coates. Councilor Lay seconded the motion. The motion failed by the following roll call vote:

Yea: 7 - Cara Cowan Watts; Dick Lay; Lee Keener Jr.; Julia Coates; Jack D. Baker; Harley Buzzard and Don Garvin

Nay: 9 - Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; David Walkingstick; Joe Byrd; Frankie Hargis ; Curtis Snell; Janees Taylor and Victoria Vazquez

Abstain: 1 - David Thornton, Sr.

Chair Byrd requested the proposed changes be addressed section by section.

Councilor Coates made a motion to table for one month to allow time for the public to review. Councilor Cowan Watts seconded the motion. The motion failed with the following roll call vote:

Yea: 6 - Cara Cowan Watts; Lee Keener Jr.; Julia Coates; Jack D. Baker; Harley Buzzard and Don Garvin

Nay: 11 - Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick; Joe Byrd; Frankie Hargis ; Curtis Snell; Janees Taylor; David Thornton, Sr. and Victoria Vazquez

Ms. Barker Harrold began a section by section review as requested by Chair Byrd. Councilor Cowan Watts offered a friendly amendment to keep the stricken "produced or otherwise" language in §5E. The friendly was accepted. Councilor Coates offered a friendly amendment to remove the added language "or a list of documents made available for review if the documents were determined to be confidential" in §5C. The friendly was accepted.

Following additional discussion Councilor Glory Jordan gave an overview of the amendments made in committee. The motion to approve carried with the following roll call vote:

Yea: 13 - Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick; Julia Coates; Harley Buzzard; Joe Byrd; Frankie Hargis ; Curtis Snell; Janees Taylor; David Thornton, Sr. and Victoria Vazquez

Nay: 4 - Cara Cowan Watts; Lee Keener Jr.; Jack D. Baker and Don Garvin

RECESS

Upon the request of Councilor Glory Jordan Chair Byrd recessed the meeting for a ten minute break at 4:30 p.m.

RECONVENNE

Chair Byrd called the meeting back to order at 4:49 p.m.

5. [14-044](#)

AN ACT AMENDING LA-25-01, LA-24-04, AND LA-04-12, "FREEDOM OF INFORMATION AND RIGHTS OF PRIVACY ACT" DECLARING AN EMERGENCY

Councilor Glory Jordan made a motion to approve the substitute amendment to the Freedom of Information Act provided today with an additional amendment in the title to read "The Freedom of Information and Rights of Privacy Improvement Act of 2014". Councilor Fishinghawk seconded the motion and requested to be added as a sponsor. Ms. Barker Harrold and Attorney General Hembree gave an overview of the proposed amendments by section. Councilor Cowan Watts offered a friendly amendment to the time frame for the document retention being published in §7-1-4D. Mr. Hembree offered this language to be added as a sentence at the end of the paragraph "All applicable timeframes concerning the retention of documents shall be made available to the public." The friendly was accepted. Councilor Keener offered a friendly amendment to change "governmental body" to "public body" in paragraph D and §7-1-5C. The friendly was accepted. Mr. Hembree offered language to be added as a new sentence at the end of §7-1-5E 1 "The Independent Information Officer will be independent in his/her duties and will be free of political or undue influence and shall be terminated only for cause." Councilor Thornton offered the friendly amendment as proposed by Mr. Hembree and to §7-1-5E 1 to change "serve" to "serves" and at the end of the sentence to add "and all other related duties as assigned." The friendly was accepted. Mr. Hembree read paragraph E1 back for clarification. Councilor Coates offered a friendly amendment to strike "regular, fulltime" and change "a" to "an" in E1. The friendly was accepted. Councilor Cowan Watts offered a friendly amendment to add a sentence stating the Independent Information Officer shall be a Cherokee Nation citizen. The friendly was accepted. Councilor Keener offered a friendly to correct FIOA to FOIA in E3. The friendly was accepted. Councilor Coates made a motion to include the language proposed in the handout regarding an appeal process. After some discussion was held Mr. Hembree requested this be proposed at the Full Council meeting to allow time to work out the language and review the employee appeals board provisions. Councilor Coates agreed. Councilor Cowan Watts offered a friendly amendment in §75-1-6A14 to add the language "via the Cherokee Nation" and to strike "or previously provided". The friendly was not accepted.

Once the review of the amendments was complete and comments were made the motion to approve as amended carried with the following roll call vote:

- Yea:** 14 - Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick; Julia Coates; Jack D. Baker; Harley Buzzard; Joe Byrd; Frankie Hargis ; Curtis Snell; Janees Taylor; David Thornton, Sr. and Victoria Vazquez
- Nay:** 3 - Cara Cowan Watts; Lee Keener Jr. and Don Garvin

ANNOUNCEMENTS

ADJOURNMENT

Councilor Walkingstick moved to adjourn. Councilor Hargis seconded the motion. The motion carried at 6:07 p.m.

STAFF PRESENT:

Rebecca Mitchell	Tom Elkins	Jamie Cole
Travis Snell	Debra Wilson	Chrissi Nimmo
Todd Hembree	Sara Hill	Elizabeth Odell
Lacey Horn	Gwen Terrapin	Shannon Buhl
Chuck Hoskin Jr.	Linda Donelson	Jeff Vance

<i>Scott Craig</i>	<i>Marsha Lamb</i>	<i>Nason Morton</i>
<i>Darryl Legg</i>	<i>Vickie Hanvey</i>	<i>Linda O'Leary</i>
<i>Sharon Swepston</i>	<i>Robert Garcia</i>	<i>Justin Godwin</i>
<i>Diane Kelley</i>	<i>Hunter Palmer</i>	<i>Brian Hail</i>
<i>Claude Stover</i>	<i>John Paden</i>	<i>Adrienne Palmer</i>

VISITORS PRESENT:

<i>Gina Olaya</i>	<i>Twila Pennington</i>	<i>Dianne Barker Harrold</i>
<i>Bev Cowan</i>	<i>Jennifer Goins</i>	<i>Cheryl Brown</i>
<i>Teddy Snell</i>	<i>Curtis Austin</i>	<i>Patricia Carpenter</i>