



# Council of the Cherokee Nation

## Meeting Minutes Rules Committee

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Thursday, July 30, 2009

1:00 PM

Legislative Conference Room

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### CALL TO ORDER

Chair Frailey called the meeting to order at 1:10 p.m.

### INVOCATION

Councilor Snell gave the invocation.

### ROLL CALL

**Present** 12 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Curtis Snell; Chris Soap; Bradley Cobb and Chuck Hoskin, Jr.

**Absent** 1 - Buel Anglen

**Late Arrival** 4 - Cara Cowan Watts; Janelle Fullbright; Harley Buzzard and Julia Coates

### APPROVAL OF MINUTES

Councilor Jack D. Baker made a motion to approve the June 15th special session, June 16th sub committee and June 25th regular session. Councilor Glory-Jordan seconded the motion. Motion carried.

Councilor Glory-Jordan made a motion to amend the agenda to move old business item #1 and new business items #1 and #2 which are the nominations to prior to the reports. Councilor Bill John Baker seconded the motion. Motion carried.

### OLD BUSINESS

1. A RESOLUTION CONFIRMING THE RENOMINATION OF BART FITE AS A DISTRICT JUDGE OF THE CHEROKEE NATION DISTRICT COURT  
*Councilor Glory-Jordan announced she had requested this nomination be tabled last month to seek additional information from people that utilize tribal court system. She stated she has received high recommendations that his nomination be confirmed. Judge Fite stated he enjoys the position and takes it very seriously.*

Councilor Glory-Jordan made a motion to approve. Councilor Bill John Baker

seconded the motion. Motion carried.

#### NEW BUSINESS

1. A RESOLUTION AUTHORIZING CONFIRMATION OF MITCH ADWON AS A MEMBER OF THE BOARD OF DIRECTORS OF CHEROKEE NATION ENTERTAINMENT, LLC  
**Councilor Jack D. Baker made a motion to approve. Councilor Thornton seconded the motion. Motion carried.**
  
2. A RESOLUTION CONFIRMING THE NOMINATION OF JASON TERRELL AS AN EDITORIAL BOARD MEMBER OF THE CHEROKEE PHOENIX  
**Sponsors:** Councilor Cara Cowan Watts  
**Councilor Cowan Watts made a motion to approve the nomination. Councilor Coates seconded the motion. Motion carried.**

#### REPORTS:

1. Marshal Service - Sharon Wright

*Ms. Wright offered to answer questions from her report. Councilor Hoskin Jr. inquired if she could answer questions regarding the flag case. Ms. Wright stated the case is complete criminally but was unsure if there would be civil action. Attorney General Hammons preferred to not discuss the issue in open meeting and offered to discuss privately at any time.*

2. Office of the Attorney General - Diane Hammons

*Ms. Hammons offered to answer questions from her report. She stated we were not a party to the poultry lawsuit. The State of Oklahoma sued various Arkansas poultry defendants for pollution of the Illinois River Watershed. The defendants filed a motion to dismiss claiming the Cherokee Nation was an indispensable party as owners of the water. She stated it has been a goal for our rights of the water within our jurisdictional area to be acknowledged. They came to an agreement with the State of Oklahoma through the Attorney General for them to prosecute the claims for pollution on our behalf but to not transfer any resources or rights to them. Judge Frizzell didn't accept this agreement and held that it was invalid. In Judge Frizzell's opinion he held the Cherokee Nation held substantial interest in the water within the Illinois Watershed. The State of Oklahoma lost all of their legal claims against the poultry defendants but still have the equitable claims. She stated we now must look at all factors involved to determine what is best for protecting our sovereignty and also our rights to the watershed. They have received a letter of decision from Mr. Echohawk regarding the United Keetoowah Band being a successor in interest co existent to the Cherokee Nation to the historic Cherokee Nation. Our lawyers in Washington have filed a letter application with the Interior asking it be reconsidered.*

3. GEG Investigation Report - Diane Hammons

*They are in the process of trying to obtain documentation from the federal prosecutors that they acquired in the course of their investigation.*

## 4. Election Commission -

No one present but a written report was provided. Councilor Snell stated he has had many questions as to why the At Large members get to vote. He inquired as to how many At Large voters there are and the percentage of them that do vote. He further questioned why the At Large voters don't have to come to Tahlequah to vote. Councilor Coates commented these are the same sorts of rumors she has heard for decades. She stated approximately 13,000 people voted during the last election with less than 3,000 of those being from out of state. Councilor Jack D. Baker agreed the comments have been around for a very long time. Councilor Hoskin Jr. stated the Constitution enfranchises At Large voters but questioned if it guaranteed them an absentee ballot. Mr. Hembree agreed and stated all citizens of the Nation must be treated equally therefore if someone residing within the fourteen county jurisdictional area is allowed an absentee ballot then At Large voters should be allowed an absentee ballot. Councilor Cowan Watts stated there is a miss conception of At Large voter percentages. She referred to an article by Dan Agent in the Phoenix after the last election using data to show where the voters actually are located. Councilor Coates commented the local citizens need to be better sense of who the At Large citizens are and vice versa. Councilor Glory-Jordan requested the Election Commission attend the next meeting to answer some of the questions presented today. Councilor Snell inquired how the At Large voters receive a ballot. Councilor Thornton inquired as to the legality of who votes within the Nation and who votes outside of the Nation. He further questioned if any changes were made after the last election to change the legality.

## 5. Tax Commission - Sharon Swepston

Secretary of State, Melanie Knight offered to take questions from Ms. Swepston's report back to her. Councilor Buzzard inquired if the permission of the Housing Authority was needed to place the tag office in Jay. Ms. Knight stated there were renovations being done to the building. She offered to check with Mr. Southerland and provide an update.

## 6. Self-Governance - Vickie Hanvey

Ms. Hanvey gave some updates from her report. She announced they attended the Self Governance Advisory Committee joint meeting between the DOI and IHS last week. They held DOI negotiations yesterday with the regional office and the Washington Self Governance office where they discussed issues for DOI. They met with Federal Highway and the Roads staff via conference call to discuss the possibility of going directly with Federal Highway to receive not only our Recovery Act funds but also our regular funding. They began pursuing the ARA funds from Federal Highway and have reviewed the pros and cons. They have received word back from the Federal Highway that they do not want to split the funding. Our regular funding agreement for roads ends on September 30th of this year. They met with Administration Monday and decided to go directly with Federal Highway for both Recovery Act and our regular funds. Negotiations began next Tuesday. She stated we are not the only tribe looking at pursuing this avenue. Councilor Buzzard inquired if the DOI has any authority or are they involved in the process. Ms. Hanvey stated during the meeting yesterday they were formally notified of our pursuit with Federal Highway. Ms. Hanvey announced other funds received through DOI they did a 638 Contract for the DOL portion of our 477 funds in hopes of a childcare agreement. She stated there are some internal issues at the DOI in this regard. They have submitted the documents to IHS for the equipment and the M&I projects. In Sanitation and Facilities they have an EPA project being funded through IHS. They are working on a construction project agreement to get the funds in for thirteen other

projects. Councilor Buzzard inquired what plans are in place to continue roads projects if we don't receive the Recovery Act funds within the next ninety days. Mr. Michael Lynn stated the projects identified for the ARA funds would be on hold until the funds are received. The regularly funded projects will continue as always with no change.

7. Gaming Commission - Jamie Hummingbird

Mr. Hummingbird extended an invitation to the National Tribal Gaming Commissioners Fall Conference September 22 through the 24th at the Hard Rock Casino and Resort.

8. Codification - Todd Hembree

Mr. Todd Hembree announced Elizabeth O'Dell from the Attorney General's office completed Title 43. He and Mr. Nason Morton met and mapped out a strategy on how to continue. There are now several Titles ready for the printer. He stated they would work diligently to get one or two Titles complete each month. Councilor Cowan Watts inquired how many Titles remain. Mr. Hembree approximated eight to ten Titles remain. Mr. Morton stated he has been in contact with the Gaming Commission on Title 4 for their assistance. Councilor Cowan Watts inquired if this is what we are waiting on for Legistar. Mr. Hembree stated they are two separate projects. Once codification is ready to go to the printer it will be included in Legistar. He stated a vast majority of Legistar is complete and is worked on daily. Councilor Cowan Watts inquired about a launch date. Chair Frailey stated there isn't a launch date due to some technical issues.

9. Cherokee Nation Education Corporation - Shelley Butler-Allen

Ms. Butler-Allen offered to answer questions from her report. She introduced Kimberlee Gilliland the newly appointed President of their Board. Councilor Cobb inquired when they could see the database. Ms. Butler-Allen stated they plan to launch the Cherokee Language Dictionary Database during the holidays.

## NEW BUSINESS

3.

A RESOLUTION AUTHORIZING PARTICIPATION IN THE FY 2010 IHS JOINT VENTURE CONSTRUCTION PROGRAM, FOR CONSTRUCTION AND OPERATION OF A HEALTH CARE FACILITY AT TAHLEQUAH, OKLAHOMA

**Sponsors:** Councilor Bradley Cobb, Councilor Janelle Fullbright, Councilor Bill John Baker, Councilor Tina Glory Jordan, Councilor Jodie Fishinghawk and Councilor S. Joe Crittenden

Councilor Cobb announced Councilors Bill John Baker, Glory-Jordan, Crittenden and Fishinghawk have requested to be added as sponsors. Councilor Cobb moved for approval. Councilor Glory-Jordan seconded the motion. Councilor Buzzard voiced concern this might conflict with the Jay clinic. Ms. Gower stated the Jay facility will not be in this application for joint venture due to only being able to apply for one facility per application. She stated if we get this joint venture project which is larger they will build the Jay clinic. This joint venture application will not have a timing affect on the Jay clinic.

**The motion for approval carried.**

4. A RESOLUTION AUTHORIZING THE WAIVER OF SOVEREIGN IMMUNITY FOR THE AT&T MASTER AGREEMENT WITH THE CHEROKEE NATION

**Sponsors:** Councilor Meredith Frailey

*Ms. Knight stated this waiver is required to enter into the master agreement with AT&T in providing connectivity. Chair Frailey inquired if Mr. Jon James is comfortable with the agreement as written. Mr. James responded he was. He stated it will allow us to increase our internet band width and install the new health network.*

**Councilor Cobb moved to approve. Councilor Cowan Watts seconded the motion. Motion carried.**

5. AN ACT AMENDING LA#07-97 AND LA#39-05; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED

**Sponsors:** Councilor Meredith Frailey

*Chair Frailey announced the sub committee has completed its work and submitted all of those recommended changes which have been provided both in red line version and a clean version. Mr. Hembree stated there are a couple of remaining issues. The first is a definition for political purposes. He provided a handout of a proposed definition. The definition is meant to be broad but specific enough that it is for elections and ballot measures. He provided a second handout pertaining to Chapter 3 Section 21 § C. He stated at the last election in accordance with the Cherokee Nation Constitution if you were At Large you had one chance only opportunity to pick a district. Some of these districts are now two districts therefore the opportunity needs to be given to pick their district within their original district. He requested a comma be inserted after the word select and another comma after election. He further requested the words shall choose be stricken. Councilor Glory-Jordan wanted to confirm this doesn't allow them a second opportunity choose a district that this only allows someone to pick a district within their original district.*

**Councilor Cowan Watts moved to table for one month. Councilor Coates seconded the motion. Motion carried.**

6. REQUEST TO CHANGE THE OCTOBER MEETINGS

*Councilor Garvin announced the National Congress of American Indians conflicts with the October Council and committee meetings.*

**Councilor Garvin made a motion to move the October 12th and 13th meetings to the following week on the 19th and 20th. Councilor Cowan Watts seconded the motion. Councilor Glory-Jordan offered a friendly amendment to move the Tuesday morning meetings to Monday afternoon for October. Councilor Garvin accepted the friendly amendment. Motion carried with Councilor Thornton opposed.**

**Councilor Thornton suggested moving the Tuesday morning meetings to the Thursday of Rules and Executive & Finance meetings.**

ANNOUNCEMENTS

ADJOURNMENT

**Councilor Bill John Baker made a motion to adjourn. Councilor Cowan Watts seconded the motion. Motion carried at 2:15 p.m.**

STAFF PRESENT:

*Sharon Wright  
Nason Morton  
Jamie Hummingbird  
Melissa Gower*

*Michael Lynn  
Mike Miller  
Diane Hammons  
Elizabeth ODell*

*Shelley Butler-Allen  
Melanie Knight  
Vickie Hanvey  
Jon James*

VISITORS PRESENT:

*Kimberly Gilliland  
Todd Hembree  
Judge Bart Fite*

*Gina Olaya  
Mitch Adwon*

*Jason Terrell  
David Stewart*

APPROVAL / DISTRIBUTION

**Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator**

**Motion to approve minutes made by:** \_\_\_\_\_

**Minutes attested and concurred by:** *Meredith Trailey*

**Date:** \_\_\_\_\_