



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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Thursday, February 25, 2010

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 1:05 p.m.

INVOCATION

Councilor Soap gave the invocation.

ROLL CALL

Present 14 - Bill John Baker; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Chris Soap; Bradley Cobb; Chuck Hoskin, Jr. and Julia Coates

Absent 1 - David Thornton Sr.

Late Arrival 2 - S. Joe Crittenden and Curtis Snell

APPROVAL OF MINUTES

Councilor Cobb moved to approve the January 11th and 12th reconvened session and the February 9th regular session minutes. Councilor Cowan Watts seconded the motion. Motion carried.

REPORTS:

1. Marshal Service - Sharon Wright

Ms. Wright offered to answer questions from her written report. The Cherokee Nation rose just over \$6,500 in the polar plunge for Special Olympics. Councilor Cobb announced there is some interest at the Bartlesville Police Department pertaining to cross deputization. Councilor Buzzard inquired about the number of calls the Marshal Service receives in a month's time broken down by district or county.

Councilor Hoskin Jr. made a motion to amend the agenda to include a report from the Youth Tribal Council, new business item #4 as a resolution establishing the Gammon Trust and new business #5 as a resolution recognizing former Deputy Chief Hastings Shade as a National Treasure of the Cherokee Nation. Councilor Jack D. Baker seconded the motion. Motion carried.

2. Office of the Attorney General - Diane Hammons

Attorney General Hammons announced closing arguments were held in the Northern District of Oklahoma last Thursday in the poultry litigation. Once Judge Frizzell receives the supplemental proposed findings of fact and conclusions of law a decision will be made. Councilor Hoskin Jr. inquired about the formation of a commission by the Republican controlled State legislature to evaluate gaming compacts. Ms. Hammons commented she has been made aware and will follow up.

3. GEG Investigation Report - Diane Hammons

Nothing new to report.

5. Tax Commission - Sharon Swepston

Chair Frailey announced Ms. Swepston is out of town and has provided a written report. If there are any questions please email them to her and she will provide a response.

6. Self-Governance - Vickie Hanvey

Ms. Hanvey announced they received a 2010 payment of \$3ml for roads. She invited everyone to Don Vaughn's retirement reception tomorrow from 2:00 to 4:00 p.m. in the old ballroom.

7. Gaming Commission - Jamie Hummingbird

Mr. Hummingbird handed out his report and offered to answer questions. They are monitoring the latest proposed appointment to the NIGC. They have recently gone through a quarterly inspection with the State Compliance Agency of all of our gaming facilities and received a good report. They are currently working with CNE on the Ramona project. Councilor Cobb inquired as to the total compact dollars that we have paid since 2005. Mr. Hummingbird stated the numbers listed in the report reflect from the first day of operations to current date. Councilor Cobb stated it is within the purview of the Cherokee citizens and citizens of the State of Oklahoma that the Cherokee Nations has paid just shy of \$71 million in compact fees in five years. He commented citizens have a right to ask what the State of Oklahoma does with these funds. Councilor Buzzard inquired as to the amount the Creeks and the Osage pay into Fair Meadows. Councilor Cowan Watts inquired as to the percentage of the Fair Meadows budget is supported by the tribes.

8. Codification - Todd Hembree

Mr. Hembree announced there is nothing new to report as they are still awaiting the final pieces of the TERO, Election and Gaming legislation. Once these are complete they will provide CDs to West Law to obtain a quote. Chair Frailey inquired about his working with Shell on LegiStar. Mr. Hembree commented LegiStar is looking good. He has the link and is able to do a great amount of research. It is going to be very

beneficial, it is very close to being ready to release and recommended as many people using it as possible. Chair Frailey commented a test phase is coming up shortly.

9. Youth Tribal Council -

Chair Frailey commented Mr. Todd Enlow has requested the Youth Tribal Council be able to report quarterly for the experience of how our government works as well as exposure. They have restructured their organization recently. Youth Council member Garrett Reed of Locust Grove announced he is the newest member of the Council and his presence today was for introduction purposes. He commented he was unaware of a presentation or report to be given.

Councilor Hoskin Jr. made a motion for the Youth Tribal Council to report quarterly. Councilor Cowan Watts seconded the motion. Motion carried.

4. Election Commission - Roger Johnson

Mr. Roger Johnson offered to answer questions from their monthly report. Councilor Cowan Watts commented she and Councilor Garvin filed a lawsuit with the Election Commission because politically they haven't been able to address the redistricting issue with this body. She stated she has the upmost respect for the Election Commission.

OLD BUSINESS

1. REDISTRICTING (Discussion and Possible Action)

Mr. Hembree announced the Election Commission has submitted an amended remand report in accordance with the directive of the Court and their statutory duties. The amended remand report sets the total number of citizens within the fourteen county jurisdictional area at 102,836. This number was reached by apportioning the citizens residing within the jurisdictional boundaries and then to the fifteen district lines that were drawn and created by the Council. He stated the provisions of LA-14-08 that created the fifteen districts are not fully implemented by order of the Court. Therefore the default is the original language of the nine districts. He commented the Council has a few options which include: 1) adopt the amended remand report then an evidentiary hearing would be held to determine if it is Constitutional as to one man one vote and if the deviation in numbers are too great, 2) reject the amended remand report and go by the figures the Council created during the determination of LA-14-08, 3) ask the Election Commission to apportion the 102,836 using nine districts or 4) do nothing and let the original nine district apportionment stand.

Councilor Fishinghawk made a motion to adopt the amended remand report using the 102,836 figure. Councilor Glory-Jordan seconded the motion. Discussion was held regarding the 102,000 and the 110,000 numbers and a nine or fifteen district map. Mr. Hembree stated the statute reads the Election Commission's figure must be accepted or rejected. Councilors Garvin and Cowan Watts lawsuit challenges the calculations however right now before this Council is the amended remand report and in accordance with the statute the Commission has done their job. Councilor Glory-Jordan inquired if the motion on the floor is consistent with the Chief's request in the letter to the Election Commission. Ms. Knight commented the nine districts is consistent. Councilor Glory-Jordan requested clarification that if a number isn't established that numbers may have to used from 1990. Mr. Hembree agreed.

Councilor Fishinghawk clarified her motion was to accept the number submitted by the Election Commission in their amended remand report not to create a map. Mr. Hembree stated the remand report has a map attached to it. If the remand report is accepted you would then need to make a motion to use those numbers and divide it by nine districts if that is what you so choose. The only body who has the power to draw the lines of the map is the Council. Mr. Hembree reminded the Council that the law stated this process must be complete by March 1st of the year proceeding election year.

Councilor Cowan Watts offered a friendly amendment to use the nine districts and apportion based on accurate data which are the current numbers the Chief eludes too. Councilor Fishinghawk requested clarification that the amendment is to use the 110,000 number which includes bad and unverifiable addresses. Councilor Cowan Watts agreed. Councilor Fishinghawk didn't accept the friendly amendment. Councilor Hoskin Jr. inquired if we could legally request a different set of numbers. Mr. Hembree agreed that we are either to accept or reject the numbers given by the Election Commission.

The motion to accept the amended remand report number of 102,836 carried with the following roll call vote:

Yea: 9 - Bill John Baker; S. Joe Crittenden; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell; Chris Soap and Chuck Hoskin, Jr.

Nay: 7 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Bradley Cobb and Julia Coates

Mr. Hembree commented the options are now to leave at the fifteen districts or to take the 102,836 number and divide it by nine districts. Councilor Glory-Jordan made a motion to divide the 102,836 number from the amended remand report by the nine districts that exist now. Councilor Crittenden seconded the motion. Councilor Cobb requested clarification that the motion is to put it into the current nine district lines. Chair Frailey agreed.

The motion for the Election Commission to apportion using the 102,836 figure with the current nine district map and current lines passed with the following roll call vote:

Yea: 9 - Bill John Baker; S. Joe Crittenden; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell; Bradley Cobb and Chuck Hoskin, Jr.

Nay: 7 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Chris Soap and Julia Coates

NEW BUSINESS

1. A RESOLUTION CONFIRMING THE NOMINATION OF ROB THOMPSON AS A BOARD MEMBER OF THE EDITORIAL BOARD OF DIRECTORS

Councilor Garvin moved to approve. Councilor Anglen seconded the nomination. Motion carried.

2. AN ACT AMENDING LEGISLATIVE ACT 37-05 RELATING TO CREATING OF JOBS GROWTH

Chair Frailey commented this amendment would form one board of directors rather than have a board of directors for each major corporation. Mr. David Stewart stated he has been a proponent of this for some time. He stated this would provide

leadership from the top down in a very consistent way. He commented this is a very positive move for them. Councilor Cobb moved to approve. Councilor Jack D. Baker seconded the motion. Councilor Buzzard requested confirmation that this would dissolve the CNI, CNE and CNB board to have one board over all companies. Mr. Stewart stated the legal board of directors would then reside at the CNB level. Councilor Buzzard inquired if this board would consist of board members currently on existing boards. Mr. Stewart stated 100% of the existing board members would roll up to this new board with the addition of one new member to make the board total an odd number for voting purposes.

Councilor Cobb requested the current advisory board members continue to meet until the next election cycle. Mr. Stewart commented the legal side from a legislative standpoint set the governing body of the corporations then administratively the Council would elect to advisory members as they see fit. Mr. Stewart commented they do want the advisory members to continue to participate. Mr. Hembree stated he would visit with the Attorney General's office to discuss and determine a solution in regard to FOIA requirements and quorum issues. Councilor Cobb requested this as an agenda item next month.

Councilor Fishinghawk inquired as to the compensation of the board members. Mr. Stewart stated they would have a set compensation structure for the board members. They are considering adopting CNE's model where it is based on participation and attendance of both board and committee meetings. Councilor Fishinghawk requested a copy once determined. She commented last month during committee a copy of all of the entities minutes was requested.

The motion to approve carried by acclamation.

3. A RESOLUTION AUTHORIZING AND RATIFYING AN OFF-TRACK WAGERING COMPACT WITH THE STATE OF OKLAHOMA

Mr. Stewart announced this is a standard off track betting compact that the State has approved for other tribes. This compact is very similar to the other gaming compact. Councilor Anglen moved to approve. Councilor Jack D. Baker seconded the motion. Councilor Cobb inquired if this would affect the payout of the gaming compact. Mr. Stewart stated it doesn't affect those numbers as this is a different compact.

The motion for approval carried.

4. A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE GLENN L. AND FAYE V. GAMMON EDUCATIONAL TRUST FOR THE CHEROKEE NATION HIGHER EDUCATION PROGRAM

Councilor Cowan Watts moved to approve. Councilor Jack D. Baker seconded the motion. Councilor Hoskin Jr. inquired if this resolution would provide consistency with the terms of the trust. Ms. Knight stated when the trust was established a resolution was developed but no records have been found showing the resolution passed. She stated the principal has been earning interest for approximately seven years. No disbursements have been made however a MOU has been entered into with Cherokee Nation Education Corporation to administer the scholarships of this trust should this resolution pass and a budget modification at the next meeting. She commented this resolution would need to be passed regardless of who within the Cherokee Nation administers the trust. Councilor Glory-Jordan offered a friendly amendment to add language at the end of the last further be it resolved stating "with the approval of the Cherokee Nation Tribal Council". Councilors Cowan Watts and Jack D. Baker accepted.

The motion to approve with the friendly amendment carried.

5. A RESOLUTION RECOGNIZING FORMER DEPUTY PRINCIPAL CHIEF HASTINGS SHADE AS A NATIONAL TREASURE OF THE CHEROKEE NATION
All Council members requested to be added as sponsors.

Councilor Jack D. Baker moved to approve. Councilor Cowan Watts seconded the motion. Motion carried.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Cobb moved to adjourn. Councilor Anglen seconded the motion. Motion carried at 2:43 p.m.

STAFF PRESENT:

<i>Todd Enlow</i>	<i>Ashley Canoe</i>	<i>Sharon Wright</i>
<i>Chad Smith</i>	<i>Diane Hammons</i>	<i>Melanie Knight</i>
<i>Chrissi Nimmo</i>	<i>Doug Evans</i>	<i>Jamie Hummingbird</i>
<i>David Justice</i>	<i>Vickie Hanvey</i>	<i>Tonia Williams</i>
<i>Mike Miller</i>		

VISITORS PRESENT:

<i>Roger Johnson</i>	<i>Curtis Rohr</i>	<i>Martha Calico</i>
<i>Brenda Walker</i>	<i>Patsy Morton</i>	<i>Todd Hembree</i>
<i>Gina Olaya</i>	<i>David Stewart</i>	<i>Jim Carrington</i>
<i>Garrett Reed</i>		