



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, August 26, 2010

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 1:15 p.m.

INVOCATION

Councilor Jack D. Baker gave the invocation.

ROLL CALL

Present 14 - Bill John Baker; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin; Curtis Snell; David Thornton Sr. ; Don Garvin; Jack D. Baker; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; Meredith Frailey and Tina Glory Jordan

Late Arrival 3 - Bradley Cobb; Harley Buzzard and S. Joe Crittenden

APPROVAL OF MINUTES

Councilor Jack D. Baker moved to approve the July 12th special session and the July 29th regular session minutes. Councilor Garvin seconded the motion. Motion carried.

Councilor Bill John Baker announced funeral services for Jack Hefner a Cherokee citizen will be held in an hour in Arkansas. Mr. Hefner died in a motorcycle accident over the past weekend and is the father of Alan Hefner who normally records/streams our meetings. He requested a moment of silence out of respect for them both.

Councilor Garvin moved to table new business item 10 on elections. Councilor Cowan Watts seconded the motion. Motion carried.

REPORTS:

Marshal Service - Sharon Wright

Ms. Wright offered to answer questions from the report provided and stated the information requested during last months committee has been provided. Councilor Fishinghawk stated she had requested the information and has not received anything as of yet. She inquired if the four officers are still suspended. Ms. Wright commented no one is suspended and personnel issues aren't discussed in open meeting. Ms. Wright provided a report of a particular officer and the arrests he has made versus the number of arrests on a particular family as requested. Councilor Glory-Jordan inquired about a contract or employment agreement with the special investigator just hired. Ms. Wright stated there is a contract. She commented she followed the same procedure for hiring this special investigator as used in the past. Councilor Glory-Jordan stated she had requested to see the contract or agreement and has yet to do so. Mr. Ragsdale stated he would speak to Human Resources to determine the procedure. Councilor Glory-Jordan stated she doesn't want to see his personnel file nor does she want to go to HR to see the document. Chair Frailey inquired if this should possibly move into executive session. Mr. Hembree stated names haven't been mentioned however the discussion has been narrowed down. He suggested he meet with Mr. Ragsdale to determine what can and should be produced. Mr. Ragsdale stated for the record, the government's response to the request was provided with specificity as to his salary and terms of employment.

Office of the Attorney General - Diane Hammons

Ms. Susan Work, Assistant Attorney General, reported in the absence of Ms. Hammons. Ms. Work introduced their newest legal intern, Molly Brown. Councilor Hoskin Jr. inquired as to the status of his request last month in regard to the existence of a memorandum by the Attorney General on the Echo Hawk letter. Ms. Work stated she had inquired about the request and hasn't received a response. Councilor Thornton requested a list of all attorneys in Administration and their specialties. Councilor Glory-Jordan requested the list as well and for it to also include if the attorney holds a law degree but hasn't passed the bar.

3. GEG Investigation Report - Diane Hammons

A request was made for this report to be given quarterly.

Election Commission - Roger Johnson

No one was present to report from the Election Commission. Chair Frailey commented she had received notification from the Commission staff that it cost \$750 per precinct and if there was a run off it would be an additional \$750 per precinct. Councilor Hoskin Jr. requested they reconsider the closing of some of the precincts. Councilor Garvin requested a precinct in Muskogee be considered. Mr. Hembree requested any Councilors with a request for an additional precinct or moving of a precinct to contact him and he would attend the next Election Commission meeting to voice the requests. The voter registration forms currently in the tag offices and health clinics need to be revised immediately. Councilor Cowan Watts requested a minimum number of precincts within a district or so many within a radius are included when the meeting is attended.

Tax Commission - Sharon Swepston

Ms. Swepston offered to answer questions from her report. Councilor Glory-Jordan inquired if the tag office opening time was 8:30 a.m. Ms. Swepston stated that is the time posted but if they are ready earlier they open earlier. Councilor Glory-Jordan commented she has received complaints and requested the possibility of staggering the opening times with some being at 7:30 a.m. Ms. Swepston stated she would bring the request before the Board at their next meeting. Councilor Bill John Baker inquired about the three smoke shops closing. Ms. Swepston stated the Cherokee shops close to Creek shops are at a disadvantage by \$9 and \$12 per carton. She commented they have worked in coordination with the State and she has testified twice. The State has commented it would be hard to enforce due to the shortage of staff and budget cuts. Councilor Bill John Baker requested she research to see if it is possible to rebate to the property owners and report back next month. Councilor Hoskin Jr. inquired as to why these shops don't fit within the border shop definition. Ms. Swepston stated the word exception was left out and they are considered exception shops. A letter was written to the Governor in an attempt to have the language put back in as it was left out in error. The Governor has not signed the letter. Councilor Hoskin Jr. requested the letter be resent for signature. Councilor Thornton requested the letter to the Governor request a radius change from 10 miles to 25 miles.

Self-Governance - Vickie Hanvey

Ms. Hanvey offered to answer questions from her written report. She announced they have received notification they will have their first on site review for the Recovery Act Program next week. Chair Frailey requested a brief overview of Mr. Echo Hawk's visit. Ms. Hanvey stated they had a sight visit with representatives from the White House, the DOI, the OMB, and OST. They were taken around to view Self-Governance Programs, the Immersion Program, Sequoyah High School and the Child Development Centers. She gave appreciation to the Nation staff for pulling together information and their assistance with the short notice.

Gaming Commission - Jamie Hummingbird

Mr. Hummingbird apologized for not submitting his report as he has been on maternity leave with his wife and newborn son.

Codification - Todd Hembree

Mr. Hembree reported they have taken the Acts from 2008 to present and assigned titles. The Gaming Act is complete and upon passage will be included in the codification efforts. Volume I is complete and the main portion of Volume II is workers compensation which just went through a major revision. The goal is to complete by the end of the year. He announced they met with a few of the Justices and were given some legislative ideas in regard to guardianship. Councilor Glory-Jordan inquired as to the number of volumes and the cost. Mr. Hembree stated they have not yet received the quote back and are more than likely looking at a four volume set.

OLD BUSINESS

1. AN ACT PROHIBITING ELECTED OFFICIALS FROM APPEARING OR PARTICIPATING IN MEDIA ADVERTISEMENTS CONDUCTED OR PAID FOR BY CHEROKEE NATION OR ITS ENTITIES DURING ELECTION PERIODS
Councilor Hoskin Jr. announced a revised copy had been provided. This Act was designed to prohibit the use of tribal dollars or wholly owned entity dollars to pay for advertisements during the six month period prior to an election. Councilor Hoskin Jr. moved to approve. Councilor Crittenden seconded the motion. Councilor Garvin provided a handout of amendments and requested to change the name of the Act to "Election Level Playing Field". Councilor Hoskin Jr. didn't accept the friendly amendments. Councilor Garvin moved to accept all amendments. Councilor Cowan Watts seconded the motion. Councilor Buzzard stated he hasn't had time to review nor did he have prior knowledge to these amendments. Councilor Hoskin Jr. for the record stated the Act itself has been virtually unchanged for three months it is this handout of amendments that is new. Councilor Jack D. Baker seconded the motion.
The motion to table carried with the following roll call vote:
Yea: 11 - Buel Anglen; Cara Cowan Watts; Chris Soap; Curtis Snell; David Thornton Sr. ; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Julia Coates and Meredith Frailey
Nay: 5 - Bill John Baker; Chuck Hoskin; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan
Late Arrival: 1 - Bradley Cobb

2. AN ACT PROVIDING FRO THE ESTABLISHMENT OF A PUBLIC FINANCE WEBSITE AND DESIGNATED AS THE TRANSPARENCY IN GOVERNMENT ACT
Councilor Bill John Baker moved to table. Councilor Soap seconded the motion. Motion carried.

NEW BUSINESS

1. A RESOLUTION CONFIRMING THE RENOMINATION OF SHANNON FISHER AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION
Councilor Bill John Baker moved to approve. Councilor Garvin seconded the motion. Motion carried.
2. A RESOLUTION CONFIRMING THE RENOMINATION OF JENNIFER BARGER JOHNSON AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION
Councilor Thornton made a motion to approve. Councilor Jack D. Baker seconded the motion. Motoin carried.
3. A RESOLUTION CONFIRMING THE RENOMINATION OF LLOYD ARMSTRONG AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC
Councilor Jack D. Baker moved to approve. Councilor Soap seconded the motion. Motion carried.

4. A RESOLUTION CONFIRMING THE RENOMINATION OF JIM CARSON AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC
- Councilor Buzzard moved to approve. Councilor Soap seconded the motion. Motion carried.**
5. A RESOLUTION CONFIRMING THE RENOMINATION OF JACKIE BOB MARTIN AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC
- Councilor Garvin moved to approve. Councilor Fishinghawk seconded the motion. Motion carried.**
6. A LEGISLATIVE ACT AMENDING TITLE 63 CHAPTER 3, ARTICLE 2 § 101 OF THE CHEROKEE NATION CODE ANNOTATED, THE ENVIRONMENTAL QUALITY CODE; AND DECLARING AN EMERGENCY
- Councilor Cobb moved to approve. Councilor Jack D. Baker seconded the motion. Motion carried with Councilor Crittenden opposed.**
7. A LEGISLATIVE ACT REPEALING AND REPLACING LA#30-89, LA#9-90, LA#1-94, R#126-95, LA#29-03, LA#37-03, LA#44-04, LA#20-06, AND LA#15-07, RELATING TO GAMING WITHIN THE JURISDICTION OF THE CHEROKEE NATION AND DECLARING AN EMERGENCY
- Councilor Cowan Watts moved to approve. Councilor Jack D. Baker seconded the motion. Mr. Hummingbird stated this is a revision along with some additions to the current gaming ordinance. He commented there are some scribes' errors in the Act that he will correct prior to final passage.*
- The motion for approval carried by acclimation.**
8. A LEGISLATIVE ACT AUTHORIZING THE COORDINATION OF INFORMATION BETWEEN DEPARTMENTS OF THE CHEROKEE NATION GOVERNMENT
- Councilor Bill John Baker announced a revised Act has been provided with the only change being the removal of one L from the word Marshal. He stated this is an effort to compile a better mailing list of citizens. It allows the Tax Commission, Election Commission, Registration and other to share and coordinate information. Councilor Bill John Baker moved to approve. Councilor Thornton seconded the motion. Councilor Cobb requested clarification on Section 5C. Councilor Bill John Baker commented the word "to" should be inserted between data base and ensure. He stated we don't want to tread on anyone's constitutional or privacy rights just information such as address and phone numbers. Councilor Coates commented a couple of years ago a committee was formed and held meetings with Registration. The issue arose where Registration can not change their data base. Ms. Melanie Knight announced the Administration has been working for quite some time on a last known address data base. This last known address data base pulls information from Registration, the Tax Commission and the Phoenix. This data base has been used for mailings over the last six months. This data base does not update the other data bases. The difference with this data base and this proposed Act is the Act includes the Election Commission. Councilor Coates stated she isn't opposed to a central data base just considering the problem areas. Councilor Cowan Watts stated this is already being addressed within the apportionment and districting legislation and questioned if this may be duplication. Councilor Glory-Jordan inquired if this data base is used when the mailings are sent for community meetings. Ms. Knight stated it was. Councilor Glory-Jordan questioned why our citizens aren't requested to list their current address and phone number when they sign in to vote. Mr. Hembree stated the Act call for the Principal Chief to coordinate the different data bases only*

and doesn't require changes be made to the different data bases. The legislation is very specific to not use health records or criminal records and that it is only to be used for Cherokee Nation internal government uses only. Councilor Thornton inquired if someone receives a mailing can they notify someone to remove them from the list or to change their information. Mr. Hembree agreed they would have the right to make that request. Councilor Soap voiced concern for the list being sold. Councilor Coates stated she could support legislation for a central data base at the Cherokee Nation for mailings pertaining to community meetings and information regarding Cherokee Nation programs. She stated she is unable to support a central data base that allows access the Election Commission. Councilor Bill John Baker stated he would hope the Election Commission would use the data base to obtain addresses for the citizens on their bad address list. This would not be available to the Election Commission to make contact with potential new voters. Councilors Thornton and Glory-Jordan suggested a fine if the data base is miss used. Councilor Bill John Baker stated this is not for publication. He stated it is currently a crime to miss use the list from the Election Commission. Councilor Hoskin Jr. commented the simple approach would be to gradually change out the forms at the clinics and tag offices to indicate that the form may be used for internal Cherokee government purposes. This approach may address some of the concerns voiced today regarding miss use of the list. Councilor Jack D. Baker offered a friendly amendment to add the word neither after ensure that in Section 5C. Councilor Bill John Baker accepted. Chair Frailey inquired if this Act should pass would it require additional staffing and who would control the information. Ms. Knight stated by and large the data bases on the Executive side are done with existing staff.

The motion to approve with amendments carried with the following roll call vote:

- Yea:** 11 - Bill John Baker; Chuck Hoskin; Curtis Snell; David Thornton Sr. ; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Jodie Fishinghawk; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan
- Nay:** 6 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Don Garvin and Julia Coates

9.

A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI SECTION 3 OF THE CHEROKEE NATION CONSTITUTION, PURSUANT TO ARTICLE XV SECTION 2, TO REQUIRE THE TRIBAL COUNCIL TO ESTABLISH FIFTEEN INDIVIDUAL DISTRICTS WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CHEROKEE NATION

Councilor Jack D. Baker this resolution would present an amendment to the constitution to create fifteen individual districts. He requested the last sentence of the last paragraph on page one be stricken. Councilor Jack D. Baker moved to approve. Councilor Glory-Jordan seconded the motion with a friendly amendment to add "the area outside the boundaries of the Cherokee Nation shall be apportioned between the two At Large Council members to afford a reasonably equal division of citizenship" at the end of the paragraph beginning with The Council shall establish fifteen. Councilor Jack D. Baker didn't accept. Councilor Glory-Jordan seconded the motion for approval and then made a motion to add the language as just read and provided. Councilor Fishinghawk seconded the motion. Councilor Cowan Watts inquired how the At Large area would be divided. Councilor Glory-Jordan stated in the same way as the fifteen districts. Councilor Coates stated she is adamantly opposed for several reasons. She commented this would place a very difficult burden on one of the two At Large representatives. She stated the At Large district is not the same as the districts within the boundaries. The At Large Councilor is to bring citizens that are disconnected, because of the geographic distance, back into the investment relationship with this Nation. Councilor Glory-Jordan commented on one man one vote and what is fair for fifteen should be fair for seventeen. Councilor

Jack D. Baker stated two people represent two-thirds of the citizenry therefore it is totally different.

Roll call vote on the hand written amendment failed with the following roll call vote:

Yea: 7 - Bill John Baker; Chuck Hoskin; Curtis Snell; David Thornton Sr. ; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

Nay: 10 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Julia Coates and Meredith Frailey

Councilor Glory-Jordan withdrew her second to the original motion for approval. Councilor Cowan Watts seconded the motion for approval.

Councilor Fishinghawk inquired as to what is reasonably equal division. Councilor Cowan Watts commented the attorney she consulted suggested letting the Courts determine. Councilor Fishinghawk voiced concern for the confusion to the people and the lawsuits it may bring. Councilor Coates commented she is opposed from the constitutional aspect. She was a delegate of the 1999 Constitution Convention. When something is put into the constitution it is set in stone and it is very difficult to get an amendment to change something back. She voiced concern for not giving the five districts a chance and already trying to change. Councilor Cobb stated the citizenry has the right to decide on the major issues and agreed the Constitution has to be flexible. Councilor Crittenden stated all seventeen Councilors should have the same regulations. Councilor Bill John Baker commented if this were to pass some of the Councilors with the six year terms wouldn't have a seat to run in unless they were to move. Councilor Glory-Jordan commented it seems as though the next ballot will be over loaded with constitutional amendment questions. She voiced concern for the five districts just passing and steps included in the legislation to enable the ability to obtain verifiable addresses and it hasn't been given time to work. She stated we will most likely go to fifteen districts but when we are prepared to go with accurate numbers. Councilor Buzzard stated he is for the people determining what is right. He requested to be added as a sponsor. Chair Coates commented we are here to represent the interest of the voters but also to represent the greater good of the Cherokee Nation. Councilor Hoskin Jr. stated there is no question in his mind that fifteen districts is better. He requested clarification to the situation in which Councilor Bill John Baker referred to. Councilor Cowan Watts suggested the effective date being at the 2013 election as it would also give time to implement. She stated this constitutional amendment proposal is just for clarification of the record and the people deserve the right to vote on this issue. She stated she is amicable to an implementation timeline. Councilor Anglen commented the people in his area do not want five districts. He supports the legislation and requested to be added as a sponsor. Councilor Fishinghawk questioned if she runs for a specific seat in a district and wins can she be sworn in to a different seat if this legislation should pass. Secretary of State, Melanie Knight stated this would be a question for an attorney. Chair Frailey stated the Constitution should be respected for the bounds it places on our government and should only be amended for compelling reasons. Councilor Crittenden called for the question.

The motion for approval failed with the following roll call vote:

Yea: 7 - Buel Anglen; Cara Cowan Watts; Chuck Hoskin; David Thornton Sr. ; Don Garvin; Harley Buzzard and Jack D. Baker

Nay: 10 - Bill John Baker; Bradley Cobb; Chris Soap; Curtis Snell; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

- 10. A LEGISLATIVE ACT RELATED TO TITLE 26 "ELECTIONS" AS AMENDED BY LEGISLATIVE ACT 06-10 AND LEGISLATIVE ACT 22-10, ASSIGNING SEAT DESIGNATIONS AND SETTING EFFECTIVE DATE

This item was tabled prior to the reports being given.

ANNOUNCEMENTS

Chair Frailey recommended nominations for the Compensation Committee be given to Todd or Shelli.

ADJOURNMENT

Councilor Cowan Watts moved to adjourn. Motion carried at 3:56 p.m.

STAFF PRESENT:

<i>Tom Elkins</i>	<i>Sharon Wright</i>	<i>Vickie Hanvey</i>
<i>Rat Ragsdale</i>	<i>Paula Ragsdale</i>	<i>Jamie Hummingbird</i>
<i>Sharon Swepston</i>	<i>Mike Miller</i>	<i>Susan Work</i>
<i>Molly Brown</i>	<i>Diane Kelley</i>	<i>Melanie Knight</i>

VISITORS PRESENT:

<i>Todd Hembree</i>	<i>Gina Olaya</i>	<i>Shawn Slaton</i>
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