



# 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*  
*Phone: 1-800-995-9465,*  
*E-mail: council-public@cherokee.org*

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Thursday, February 24, 2011

1:00 PM

Legislative Conference Room

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### CALL TO ORDER

**Chair Anglen called the meeting to order at 1:12 p.m.**

### INVOCATION

**Councilor Garvin gave the invocation.**

### ROLL CALL

**Present** 14 - Bill John Baker; Buel Anglen; Cara Cowan Watts; Chuck Hoskin, Jr. ;  
Curtis Snell; David Thornton Sr. ; Don Garvin; Harley Buzzard; Jack D.  
Baker; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; S. Joe  
Crittenden and Tina Glory Jordan

**Late Arrival** 3 - Bradley Cobb; Chris Soap and Meredith Frailey

### APPROVAL OF MINUTES

**Councilor Garvin moved to approve the January 27th regular session minutes.  
Councilor Bill John Baker seconded the motion. The motion carried.**

**Councilor Jack D. Baker moved to amend the agenda to move items 1 – 8  
before the reports. Councilor Garvin seconded the motion. The motion  
carried.**

### NEW BUSINESS

1. [11-021](#) A RESOLUTION CONFIRMING THE NOMINATION OF PAMELA BICKFORD AS A BOARD MEMBER OF THE ECONOMIC DEVELOPMENT TRUST AUTHORITY BOARD OF DIRECTORS  
**Councilor Cowan Watts moved to approve. Councilor Jack D. Baker seconded the motion. The motion carried.**

2. [11-022](#) A RESOLUTION CONFIRMING THE NOMINATION OF AMBER FITE AS A BOARD MEMBER OF THE ECONOMIC DEVELOPMENT TRUST AUTHORITY BOARD OF DIRECTORS  
**Councilor Bill John Baker moved to approve. Councilor Jack D. Baker seconded the motion. The motion carried.**
3. [11-023](#) A RESOLUTION CONFIRMING THE RENOMINATION OF LORILEE SMILEY AS A BOARD MEMBER OF THE ECONOMIC DEVELOPMENT TRUST AUTHORITY BOARD OF DIRECTORS  
**Councilor Glory-Jordan moved to approve. Councilor Bill John Baker seconded the motion. The motion carried.**
4. [11-024](#) A RESOLUTION CONFIRMING THE NOMINATION OF JEFF LIMORE AS A BOARD MEMBER OF THE CHEROKEE NATION SEQUOYAH HIGH SCHOOL BOARD OF EDUCATION  
**Councilor Fishinghawk moved to approve. Councilor Crittenden seconded the motion. The motion carried.**
5. [11-025](#) A RESOLUTION CONFIRMING THE RENOMINATION OF AMON BAKER AS A BOARD MEMBER OF THE CHEROKEE NATION SEQUOYAH HIGH SCHOOL BOARD OF EDUCATION  
**Councilor Glory-Jordan moved to approve. Councilor Bill John Baker seconded the motion. The motion carried.**
6. [11-026](#) A RESOLUTION CONFIRMING THE NOMINATION OF PATRICIA SCHRAMM EDGAR AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION  
**Secretary of State Melanie Knight withdrew this request stating this was candidate was submitted in error and they would resubmit at a later date.**
7. [11-027](#) A RESOLUTION CONFIRMING THE NOMINATION OF JIM KETCHER AS A BOARD MEMBER OF CHEROKEE NATION COMMUNITY ASSOCIATION CORPORATION  
**Secretary of State Melanie Knight withdrew this request stating this was candidate was submitted in error and they would resubmit at a later date.**
8. [11-028](#) A RESOLUTION CONFIRMING THE NOMINATION OF PATSY EDGAR AS A BOARD MEMBER OF CHEROKEE NATION COMMUNITY ASSOCIATION CORPORATION  
**Councilor Coates moved to approve. Councilor Cowan Watts seconded the motion. The motion carried.**  
  
**Councilor Hoskin Jr. called point of order and requested when these items move forward to Council that they be designated a sponsor so that no act of this body goes without a sponsor. With all nominations passing unanimously all Council members agreed to sponsor the nominations.**

## REPORTS:

Marshal Service - Sharon Wright

*No one present to report.*

Office of the Attorney General - Diane Hammons

*Ms. Hammons provided an update on the Freedman case in District Court pertaining to the continuation of the Stay being granted. She announced the new Attorney General of the Osage Nation has been in correspondence with them and had the opportunity to attend tribal court. She introduced Dana Jim, Sherry Chennault, Robert Garcia and Nancy Rinehart from her office. Councilor Fishinghawk requested an update on ICI and the landfill. She requested information pertaining to the cost of our attorneys to represent Sequoyah and the student in the lawsuit.*

GEG Investigation Report - Diane Hammons

Election Commission - Roger Johnson

*No one present to report.*

Tax Commission - Sharon Swepston

*Ms. Swepston offered to answer questions from her written report.*

Self-Governance - Vickie Harvey

*Mr. Ragsdale apologized for the lateness of the report and offered to answer questions. Councilor Hoskin Jr. inquired if they are monitoring the various budget amendments that will affect Indian Country and requested a breakdown if available. Councilor Buzzard inquired if the Question 10 IRR funds would take effect this year.*

Gaming Commission - Jamie Hummingbird

*No one present to report.*

Codification - Todd Hembree

*Mr. Hembree reported the Information Technology staff has the various titles and are in the process of converting them into one uniform format. Once this process is complete they will make one final check prior to sending for publication. He stated everything is on schedule. Chief Chad Smith announced there are some Acts that need to be re-examined. Title 20 Section 17 is an example he provided along with a handout of information pertaining to the passage of this Act in question where there was not a two-thirds majority present to make a quorum for the Council meeting. He questioned how many laws currently on the books during this period are actually unconstitutional. He suggested the Council form a sub-committee to address these Acts. Mr. Hembree stated part of the process that has been taken with the codification effort has been to determine the unconstitutionality of some of the Acts under the 2006 Constitution. He stated there would be a number of Acts in which the codification team will recommend to be repealed. He stated he would work with the*

*Office of the Principal Chief and the Attorney General to determine which Acts are unconstitutional but it would take an act of this Council to repeal the items.*

Registrar Citizenship Data Update - Todd Enlow

*Mr. Enlow stated they are in the process of trying to reschedule the 911 geo-coding meetings with Nowata and McIntosh counties. He stated he would try to give feedback next month on the marketing and other ideas to get addresses updated.*

## OLD BUSINESS

### 1. [TMP-157](#) TRIBAL COUNCIL TRAVEL EXPENSE POLICY PROPOSED AMENDMENTS

*Mr. Hembree announced his memo included in the packet contains a caveat to see how the Compensation Act is addressed at Full Council. This Act was passed at Full Council and is now law. A report from the Compensation Committee will be disseminated today which will trigger the time frame in the Act. Part of the recommendation of the committee is that there be no travel expense as it is included in the salaries. He suggested no action be taken on the travel expense policy be taken today or until such time it is determined if the recommendation of the compensation committee goes into effect.*

**Councilor Frailey moved to table for one month. Councilor Crittenden seconded the motion. The motion carried.**

Marshal Service - Sharon Wright

*Ms. Wright offered to answer questions from her written report. Councilor Buzzard inquired if the in-house investigation with the Marshals office is still ongoing. Councilor Glory-Jordan inquired as to the status of the individuals involved.*

**Councilor Jack D. Baker moved to amend the agenda to have item 2 under old business be the item sent back to this committee from Full Council pertaining to the Constitutional Amendment regarding vacancies in the Tribal Council. Councilor Hoskin Jr. seconded the motion. The motion carried.**

### [11-002](#)

A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI SECTION 13 OF THE CHEROKEE NATION CONSTITUTION, PROVIDING FOR SPECIAL ELECTIONS FOR VACANCIES IN THE TRIBAL COUNCIL IN CASE OF REMOVAL, DEATH, RESIGNATION OR DISABILITY; THIS RESOLUTION SUPERCEDES RESOLUTION 80-08

**Councilor Jack D. Baker moved to approve the "Jack's 2-24-11" version. Councilor Glory-Jordan seconded the motion. Councilor Hoskin Jr. offered a friendly amendment on page 2 under the referendum language to change the word abilities in the first sentence to powers and duties to read the inability to discharge the powers and duties of office. The amendment was accepted. Councilor Cobb inquired if the change also needed to take place in the title of the resolution. Councilor Hoskin Jr. agreed and offered a friendly amendment to strike the word disability in the title and add the language inability to discharge the powers and duties of office. The amendment was accepted. The motion to approve as amended carried.**

## NEW BUSINESS

9. [11-019](#) A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI SECTION 3 OF THE CHEROKEE NATION CONSTITUTION, PURSUANT TO ARTICLE XV SECTION 2, ELIMINATING TERM LIMITS FOR THE OFFICE OF CHEROKEE NATION TRIBAL COUNCIL; SUPERSEDING RESOLUTION 21-09
- Councilor Cowan Watts moved to approve. Councilor Frailey seconded the motion. Ms. Hammons gave clarification that this amendment removes the requirement to select two At Large Council members within sixty days of this Constituion taking effect. The motion carried.**
10. [11-020](#) A RESOLUTION REPLACING RESOLUTION #129-09 EXPRESSLY WAIVING THE SOVEREIGN IMMUNITY OF THE CHEROKEE NATION AND OF CHEROKEE NATION HOME HEALTH SERVICES, INC., TO THE EXTENT IT MAY EXIST, AS IT APPLIES TO THE BANK OF CHEROKEE COUNTY AND CHEROKEE NATION HOME HEALTH SERVICES, INC. LOAN AGREEMENTS AND PROVIDING FOR A GUARANTEE BY CHEROKEE NATION OF THE LOAN AGREEMENTS UP TO \$786,000
- Speaker Frailey per the originator requested to substitute the item in the packet with the item handed out today. She stated this resolution strictly and partially waives sovereign immunity of the Cherokee Nation and the Home Health Services to the Bank of Cherokee County. She moved to approve. Councilor Cobb seconded the motion. The motion carried.**
- Speaker Frailey inquired about the guaranty to go with the Bank of Cherokee County Loan. Mr. Hembree suggested it be attached to the resolution when presented at Full Council.**
11. [TMP-165](#) FORMATION OF SUB-COMMITTEE TO EVALUATE FEASIBILITY OF HEALTH INSURANCE FOR CHEROKEE CITIZENS (Discussion and Possible Action)
- Councilor Cobb stated this is actually more geared toward blue card holders to be able to purchase health insurance at a group rate not just former elected officials. Councilor Hoskin Jr. inquired about cost and HIPPA guidelines and possible waivers. Ms. Amy Brill of the Cherokee Nation Benefits office announced she had spoken to Blue Cross and Blue Shield our current insurance provider and they had several questions in regard to former elected officials. She stated she didn't ask questions about blue card holders.*
- After additional discussion was held Councilor Cobb requested this item be sent to the Health Committee to form a subcommittee.**
12. [TMP-166](#) CHEROKEE NATION GOVERNMENTAL TORT CLAIMS ACT (Discussion only)
- Mr. Hembree stated this is a particular point of concern or a goal of the Judicial Branch. He explained what a governmental tort claims is and why the Cherokee Nation should explore the possibilities of having a tort claims Act. Suggestions were made to include an attorney from the Council, one of the District Judges, and members of the Attorney General's office during further discussions.*

13. [TMP-167](#) LEGISTAR - LEGISLATIVE RESEARCH CENTER PRESENTATION

*Mr. Evans provided a brief overview of LegiStar, our legislative tracking system. The system was customized to not only house thirty years of historical documents but at the same time be able to accommodate our process flow for current legislative practices. The historical documents from 1976 to 2006 were scanned and ran through object character recognition (OCR) program to create searchable text files. A total of 535 Legislative Acts, 2,600 Resolutions and 2,300 minutes were uploaded into the program in both the scanned PDF and OCR forms. Approximately 1,900 media files ranging in dates as far back as the early 1990's in various forms such as micro cassettes, cassettes, VHS tapes, and DVD were all converted to an mp3 or mp4 format and uploaded to each corresponding meeting file record. The system installation and implementation was done in-house and did require a lot of time and resources. All Acts, Resolutions, Minutes, and Tribal Councilors since 1976 are in the system as well as most audio and video files for the last fifteen years. The last step is to time index the video files starting with December 2010 and working backwards to January of 2007. The use of the video indexing feature began with last month's meetings. Ms. Brittain gave appreciation to the staff of DayStar who hosts the LegiStar system for all of their time, help and willingness to sometimes do what was sometimes thought to be impossible. She gave an in-depth overview of the new Legislative Branch landing page on Cherokee.org and each tab of InSite which we have named the Legislative Research Center.*

ANNOUNCEMENTS

[TMP-164](#) ELECTED OFFICIALS COMPENSATION COMMITTEE RECOMMENDATION  
(Discussion and possible action)

**Chair Anglen announced a report from the Compensation Committee is being handed out at this time. Speaker Frailey announced this is an amended report from Chairman Adair and if you wish to take action you have sixty days to do so.**

ADJOURNMENT

**Councilor Gavin moved to adjourn. Councilor Cowan Watts seconded the motion. The motion carried.**

STAFF PRESENT:

<i>Pat Ragsdale</i>	<i>Dana Jim</i>	<i>Sharon Wright</i>
<i>Sherry Chennault</i>	<i>Melanie Knight</i>	<i>Diane Hammons</i>
<i>Amy Brill</i>	<i>Michael Botello</i>	<i>Todd Enlow</i>
<i>Paula Ragsdale</i>	<i>Chad Smith</i>	<i>Rick Richards</i>
<i>Anna Knight</i>	<i>Robert Garcia</i>	<i>Nancy Rineheart</i>
<i>Callie Catcher</i>	<i>Doug Evans</i>	<i>Sharon Swepston</i>

VISITORS PRESENT:

<i>Todd Hembree</i>	<i>Gina Olaya</i>	<i>Amber Fite</i>
<i>Lorilee Smiley</i>	<i>Jeff Limore</i>	<i>Keith Davis</i>
<i>Amon Baker</i>		

