



# Council of the Cherokee Nation

## Meeting Minutes Rules Committee

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Thursday, October 30, 2008

1:00 PM

Legislative Conference Room

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### CALL TO ORDER

Chair Frailey called the meeting to order at 1:08 p.m.

### INVOCATION

Councilor Buzzard gave the invocation.

### ROLL CALL

**Present** 13 - Bill John Baker; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Chris Soap and Julia Coates

**Late Arrival** 4 - S. Joe Crittenden; Curtis Snell; Bradley Cobb and Chuck Hoskin, Jr.

### APPROVAL OF MINUTES

Councilor Jack Baker made a motion to approve the September 15th sub committee and the September 25th regular session minutes. Councilor Thornton seconded the motion. Motion carried.

### REPORTS:

1. Marshal Service - Sharon Wright

*Mr. Vince Smith gave a brief overview of written report for Ms. Wright. Councilor Buzzard inquired who the new cross-deputations were with. Mr. Smith stated he would have Ms. Wright report the information back.*

2. Justice Department - Diane Hammons

*Mr. Nason Morton reported for Attorney General Diane Hammons. He announced three of their staff members are at prosecutors boot camp, two are attending a seminar in Oklahoma City, 2 are at the Water Conference, and the Attorney General is in Washington DC. He offered to answer questions.*

3. Election Commission -

*No one was present to report although a written report was provided.*

4. Tax Commission - Sharon Swepston

*Mr. Andy Quetone reported for Ms. Swepston. Councilor Buzzard requested an update with the tobacco compact. Mr. Quetone stated they have been negotiating a new tobacco compact and have finalized a draft to be sent to the Governor's office for*

*their review. Mr. Quetone reported the extended hours at the Tahlequah office have been offered for approximately 3 months now with an average of 2 customers a night. Councilor Glory-Jordan replied the business may pick up with the advertising now being done in the paper and suggested posting a sign with the extended hours on the door of the office. Mr. Quetone stated there were signs posted on the door of the tag office and somehow they have been removed but will be replaced.*

5. Self-Governance - Vickie Harvey

*Ms. Harvey announced they have been working on contract support cost for 2008 that will include the Muskogee addition and the 2009 will include Hastings in the shortfall report. She announced the continuing resolution was approved through March 6th and have already received funding. They received IHS funds for Hastings however on DOI there are issues they are working on resolving.*

6. Gaming Commission - Jamie Hummingbird

*No one present to report.*

7. Codification - Todd Hembree

*Mr. Hembree announced the process continues to go well. All of the titles have been divided up and they have met with the new attorneys in the Attorney General's office. Speaker Frailey inquired as to a timeline of completion. Mr. Hembree stated he expected to have a product by the December Rules meeting.*

8. GEG Investigation Report - Diane Hammons

*Mr. Morton announced he would check with the Marshal's service and provide a report next month.*

**Councilor Glory-Jordan moved to amend the agenda to add report #9 for the Arkansas Riverbed Authority from Charles Robertson. Councilor Bill John Baker seconded the motion. Motion carried.**

*Mr. Charles Robertson the new Director of the Arkansas Riverbed Authority handed out a report. He gave a brief background and an overview of the report. Councilor Jack Baker inquired as to why we do not receive more than 50% of the funds since the Cherokee Nation owns more. Mr. Robertson stated the Settlement Act determines how the funds are divided. Councilor Glory-Jordan confirmed that we only own the bed and not the water. Mr. Robertson agreed and stated we used to own the bank and the bed. Councilor Glory-Jordan inquired if a lease agreement had to come before the respective Council for approval. Mr. Robertson confirmed every document effecting this river can be approved by the Secretary unless it has a Council Resolution.*

*Councilor Glory-Jordan made a motion requesting generated reports be provided to this Council. Councilor Fishinghawk seconded the motion. Councilor Coates inquired as to why it would need to be a motion instead of a simple request. Councilor Glory-Jordan clarified she is not requesting a physical report just a written report when he normally generates them. Council Attorney Todd Hembree stated it is an appropriate motion because it would be disseminated to the body as a whole. Motion carried.*

## OLD BUSINESS

## 1. MORTGAGE FORECLOSURES (Discussion Only)

*Mr. Nason Morton provided a handout of a chart showing the type of loan, the original loan amount, and our loan amount. He stated this list contains the confirmed cases however there are currently 44 cases at various stages. He gave an unofficial breakdown as 6 - title VI, 26 - MAP, and 9 bankruptcies. Councilor Glory-Jordan stated there has been contemplation of using housing dollars to purchase foreclosed homes. Councilor Buzzard announced this had been discussed in the housing work group and suggested notification of these homes be given to Marvin Jones. Councilor Cobb voiced concern for giving a second mortgage on a \$160,000 home. Mr. Morton announced they don't become involved until a foreclosure action is filed. Ms. Shay Smith gave some clarification of Councilor Cobb's question. She stated now they are not only looking at income guidelines but also can they make the payment on their income alone. She stated some changes have been made to hopefully correct this problem.*

## 2. AN ACT AUTHORIZING THE LEGISLATIVE BRANCH OF THE CHEROKEE NATION TO MAINTAIN A CITIZEN DATABASE

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

*Mr. Hembree stated based on the comments of the Committee members during the last committee changes have been made to the Act as follows: addresses would be for adult Cherokee citizens that have obtained the age of 18 and minors would not be included on any such database. A clause was added to Section 5A stating this list shall not be used for campaign or election purposes and materials distributed by this list shall not advocate passage or defeat of any initiative or referendum. The purpose is to de politicize the list. This list is to used to inform tribal citizens about the working of Cherokee Nation government and other useful information. Section 2 allows government entities to exempt certain information to be made public. Mr. Hembree announced Mr. Morton has issued a memorandum pertaining to this list and encouraged everyone to read it over the next month. In a nutshell the memorandum states this is something the Council can legally do and would be a policy decision to implement. Mr. Hembree stated he would provide a sample mailout. Councilor Hoskin Jr. inquired if there is anything in the criminal code that addresses the miss use of tribal identity at this time. Mr. Hembree stated not to his knowledge. Councilor Glory-Jordan stated she has not received a copy of the memorandum. Mr. Hembree stated he would ensure all Council members received a copy before leaving today.*

**Councilor Glory-Jordan withdrew the Act at this time.**

## NEW BUSINESS

## 1. A RESOLUTION CONFIRMING THE NOMINATION OF KIMBERLIE GILLILAND AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

*Mr. Gregg Simmons announced there is one nomination and three renominations to the Education Corporation Board. Councilor Garvin moved for the approval of the four nominations. Councilor Thornton seconded the motion. Councilor Glory-Jordan inquired if the nominee could be present that she had questions about the corporation itself.*

**Councilor Glory-Jordan made a motion to table the four nominations for the**

**Cherokee Nation Education Corporation Board to allow them to be present to answer questions. Councilor Hoskin Jr. seconded the motion. Mr. Simmons agreed to have the four nominees present next month. The roll call vote for the motion to table is as follows:**

**Yea:** 10 - Bill John Baker; S. Joe Crittenden; Meredith Frailey; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Harley Buzzard; Chris Soap; Chuck Hoskin, Jr. and Julia Coates

**Nay:** 7 - David Thornton Sr. ; Don Garvin; Cara Cowan Watts; Buel Anglen; Janelle Fullbright; Curtis Snell and Bradley Cobb

- 2. A RESOLUTION CONFIRMING THE RENOMINATION OF BENNY SMITH AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

**This matter was Tabled**

- 3. A RESOLUTION CONFIRMING THE RENOMINATION OF SHELLEY BUTLER-ALLEN AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

**This matter was Tabled**

- 4. A RESOLUTION CONFIRMING THE RENOMINATION OF MARILYN WATT AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

**This matter was Tabled**

- 5. CONSTITUTIONAL AMENDMENTS COVERING TERM LIMITS (Discussion Only)

**Sponsors:** Councilor Cara Cowan Watts

**Councilor Cowan Watts made a motion to table this item to next month. Councilor Bill John Baker seconded the motion. Motion carried.**

ANNOUNCEMENTS

ADJOURNMENT

**Councilor Cobb made a motion to adjourn. Councilor Crittenden seconded the motion. Motion carried at 2:17 p.m.**

STAFF PRESENT:

<i>Melanie Knight</i>	<i>Vince Smith</i>	<i>Nason Morton</i>
<i>Vickie Hanvey</i>	<i>Todd Enlow</i>	<i>Don Vaughn</i>
<i>Gregg Simmons</i>	<i>Shay Smith</i>	<i>David Justice</i>
<i>Andy Quetone</i>		

VISITORS PRESENT:

<i>Todd Hembree</i>	<i>Jim Ketcher</i>	<i>Charles Robertson</i>
<i>Mike Miller</i>	<i>Raymond Vann</i>	

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

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

Minutes attested and concurred by: *Meredith Fraley*

Date: 11/20/08