



# Council of the Cherokee Nation

## Meeting Minutes Rules Committee

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Thursday, July 31, 2008

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** 11 - David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Jack D. Baker; Jodie Fishinghawk; Harley Buzzard; Curtis Snell; Chris Soap; Chuck Hoskin, Jr. and Julia Coates

**Absent** 2 - Buel Anglen and Bradley Cobb

**Late Arrival** 4 - Bill John Baker; S. Joe Crittenden; Tina Glory Jordan and Janelle Fullbright

### APPROVAL OF MINUTES

Councilor Cowan Watts made a motion to approve the June 16th sub committee, June 26th regular session and the July 14th sub committee minutes. Councilor Thornton seconded the motion. Motion carried.

Councilor Hoskin Jr. made a motion to amend the agenda to move the nominations items 1 - 6 of new business prior to the reports. Councilor Cowan Watts seconded the motion. Motion carried.

### NEW BUSINESS

1. A RESOLUTION CONFIRMING THE RENOMINATION OF LETICEA STEVENSON-PABLO AS A BOARD MEMBER OF CHEROKEE NATION COMPREHENSIVE CARE AGENCY BOARD OF DIRECTORS  
**Councilor Thornton made a motion for approval. Councilor Bill John Baker seconded the motion. Motion carried.**
2. A RESOLUTION CONFIRMING THE RENOMINATION OF SHARON SWEPSTON AS A BOARD MEMBER OF THE CHEROKEE NATION COMPREHENSIVE CARE AGENCY BOARD OF DIRECTORS  
**Councilor Glory-Jordan made a motion for approval. Councilor Thornton seconded the motion. Motion carried.**
3. A RESOLUTION CONFIRMING THE NOMINATION OF ROBERTA GIBSON AS A BOARD MEMBER OF THE CHEROKEE NATION SEQUOYAH HIGH SCHOOL BOARD OF EDUCATION

**Councilor Cowan Watts made a motion to approve. Councilor Coates seconded the motion. Motion carried.**

4. A RESOLUTION CONFIRMING THE NOMINATION OF LORILEE SMILEY AS A BOARD MEMBER OF THE ECONOMIC DEVELOPMENT TRUST AUTHORITY BOARD OF DIRECTORS

**Councilor Cowan Watts moved for the approval. Councilor Garvin seconded the motion. Motion carried.**

5. A RESOLUTION CONFIRMING THE RENOMINATION OF JIM HUMMINGBIRD AS A COMMISSIONER OF THE CHEROKEE NATION TAX COMMISSION

**Councilor Thornton made a motion to approve. Councilor Jack Baker seconded the motion. Motion carried.**

6. A RESOLUTION CONFIRMING THE NOMINATION OF MARTY MATLOCK AS A BOARD MEMBER OF THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION

**Councilor Cowan Watts made a motion to approve. Councilor Coates seconded the motion. Motion carried.**

#### REPORTS:

1. Marshal Service - Sharon Wright

*Ms. Wright announced her report had been provided and offered to answer any questions.*

*Chair Frailey inquired as to the outcome of the Presentation at the Health Camp in Locust Grove. Ms. Wright stated this is the third year to participate and provide information to the youth of the camp.*

*Councilor Buzzard inquired about the newspapers stating there would be new ordinances implemented by the Marshal Service. Ms. Wright stated these ordinances are a solution to the covenants in housing additions and communities. The covenants is a regulation not a law therefore they have to look at the complaint in totality to determine if it is a public nuisance or not. She stated they are advertising on the front end through the paper and have ordered door hanger notices for warnings of violations. She stated a couple of warnings will be given if not an immediate threat. If the warning do not work the homeowner will be subject to a ticket for the violation. Councilor Buzzard inquired if this only applied to cluster sites. Ms. Wright stated it could apply to non cluster sites as well if the neighbors file a nuisance complaint.*

*Councilor Thornton stated over the years he has pushed for a Marshal who lives in Sequoyah County. He inquired as to the status of this request. Ms. Wright stated early on they tried having people move into certain areas which didn't work well. She stated they have opened a district office in Sequoyah County. The Marshal living south of Cookson would be the closest to Sequoyah County. Councilor Thornton inquired as to where the district office is located. Ms. Wright stated it is in one of the Housing Authority Offices. She stated the office isn't open yet that they just received word from the Housing Authority they could use the space. She stated they would need to set up wireless connections among other things before opening. The Jay and Stilwell offices have experienced problems with their opening in regard to the set up and obtaining wireless connections. Councilor Thornton inquired how many*

*Marshals there are. Ms. Wright stated there are 4 on contract with CNE that work directly in the casinos. There are 28 that work at large for the Cherokee Nation. Councilor Thornton requested a list of the Marshal's and their addresses.*

2. Justice Department - Diane Hammons

*Mr. Nason Morton reported the jury docket for September will be on the second Monday. He announced Sara Hill attended a Tribal Water Summit this week.*

*Mr. Morton stated there is nothing new to report in regard to GEG.*

3. Election Commission -

*No one was present to report. Chair Frailey announced a report has been provided in the packet. She stated the Chiefs nominations Curtis Rohr and Patsy Morton would be included on the Council agenda to be sworn in.*

4. Tax Commission - Sharon Swebston

*Ms. Swebston offered to answer any question from the report. She announced extended business hours in the Tahlequah office only on Tuesdays and Thursdays from 8:30 a.m. to 6:00 p.m. She stated it would be placed in the newspapers and the website.*

*Councilor Glory-Jordan announced the State does not have a limit on the number of farm tags that could be purchased by an individual with a permit. She stated this causes problems for the larger farming operations that need more than 5 farm tags. She inquired if this policy be modified. Ms. Swebston stated it would be taken into consideration. They could adapt a modification and present it to the Commission in September.*

*Councilor Hoskin Jr. stated the State of Oklahoma amended their vehicle tag law to include street legal utility carts. Ms. Swebston stated she was unaware of the change but would be happy to go to the State website and review the change.*

5. Self-Governance - Vickie Hanvey

*Ms. Hanvey stated her report has been provided and offered to address any questions. She announced a member of her staff, Tom Elkins, had been detailed to Environmental in December. She announced Mr. Elkins applied and was selected for the administrator position. They are advertising for a Self-Governance Analyst at this time.*

6. Gaming Commission - Jamie Hummingbird

*Mr. Hummingbird announced this report has been provided. He gave an update on the CNE expansion projects by stating in mid September they would have the first of many job fairs. The first phase of hiring will be for an approximate 700 employees. An approximate 1000 employees would be hired by the end of phase II. He stated they would begin putting machines in at West Siloam on the 10th of October with a projected November 10th opening date. The Catoosa expansion for the gaming floor is looking at a December 15th opening date.*

*Councilor Buzzard requested an update on the land determination issue with the UKB. Mr. Hummingbird stated as of last week there is no new activity.*

## 7. Codification - Todd Hembree

*Mr. Hembree announced the next codification meeting is the 16th of this month. He stated they are making progress and hope to be finished by the end of the fiscal year.*

## 8. GEG Investigation Report - Diane Hammons

*Chair Frailey announced Mr. Morton has stated while giving the Justice Department report there is nothing new to report in regard to GEG.*

## OLD BUSINESS

1. A LEGISLATIVE ACT AMENDING CERTAIN SECTIONS OF THE CRIMINAL CODE RELATING TO SEX CRIMES AND OTHER CRIMES AGAINST THE PERSON; REQUIRING POST-CONVICTION SUPERVISION FOR THOSE CONVICTED OF CERTAIN OFFENSES; AND REQUIRING MANDATORY MINIMUM SENTENCES FOR CERTAIN OFFENSES

**This matter was Tabled**

2. A LEGISLATIVE ACT AMENDING CERTAIN SECTIONS OF THE CRIMINAL PROCEDURE CODE RELATING TO SENTENCING, POWERS OF THE COURT, AND DEFERRED SENTENCES

**Sponsors:** Councilor Cowan Watts

*Mr. Hembree stated based on the work group that met prior to this meeting today and the input of Becky Johnson and Attorney General Hammons it would be proper to table this item to be placed on the next Rules Agenda. Chair Frailey inquired if this is the recommendation for items 1 and 2 in old business. Mr. Hembree agreed. Councilor Thornton requested to be added as a sponsor on all three of these related Acts.*

**Councilor Bill John Baker made a motion to table items 1 and 2 in Toto. Councilor Crittenden seconded the motion. Motion carried.**

3. A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI SECTION 3 AND ARTICLE VII SECTIONS 1 AND 3 OF THE CHEROKEE NATION CONSTITUTION OF 1999 PURSUANT TO ARTICLE XV SECTION 2, ELIMINATING TERM LIMITS FOR ELECTIVE OFFICE

**Sponsors:** Councilor Cowan Watts

*Mr. Hembree stated a draft resolution has been submitted to the Attorney General's office for their input.*

**Councilor Cowan Watts withdrew this item.**

## NEW BUSINESS

7. DISCUSSION AND POSSIBLE ACTION OF ELECTED OFFICIALS COMPENSATION

**Sponsors:** Councilor Garvin

*Councilor Garvin announced the Compensation Committee met this morning and have provided additional information.*

**Councilor Garvin stated he has not had time to review and made a motion to**

table to next month. Councilor Jack Baker seconded the motion. Motion carried.

## ANNOUNCEMENTS

*Councilor Coates introduced her Father, Glen Coates and Step Mother, Kathleen Coates who are visiting from Redding, California.*

*Councilor Cowan Watts announced everyone is invited to the Cherokee Women's Grass Roots Leadership Group meeting this Saturday from 10:00 to noon at the PACE center.*

*Councilor Fishinghawk read the following disclosure into the record. "I wish to inform the Council that my Mother, Ginger Fishinghawk, owns rental properties. Her renters may apply and or receive rental assistance from the Nation. I want to make a public statement that I will not assist anyone with application for such assistance. Further I do not have any ownership interest in these properties nor will I share any proceeds generated from these properties. I do not foresee this as a conflict of interest and I make this announcement for informational purposes." Councilor Fishinghawk stated she completed the disclosure form and inquired as to what to do next. Mr. Hembree stated under the Sunshine Act you have made a disclosure and any committee that deals with housing assistance in particular rental assistance you would give a reminder that this disclosure has been given. The body could choose to vote if there is a conflict of interest. Councilor Cowan Watts stated she had asked for opinions on how to properly disclose. She stated a form was provided in which she filed with the Secretary of State pertaining to her husbands business. She asked if this is different. Mr. Hembree stated this is different. The statement was made to this committee but should be made before any housing vote. Councilor Cowan Watts stated she has no vote or control over the construction and inquired if she would need to make the statement. Mr. Hembree stated as an advisory member of the CNE board you don't participate in votes. Councilor Glory-Jordan requested an example of when the disclosure would need to be stated during a meeting. Mr. Hembree stated he would want the Attorney General to concur but this type of disclosure would be made before a vote on something you have direct control over. He stated because of the Corporation Code the control was given to the board of directors. In the instance of a company doing business with CNE Mr. Hembree couldn't think of an instance where disclosure would be needed unless it is to amend the Corporation Code. Councilor Glory-Jordan inquired if it is a direct or indirect conflict for reporting purposes if a spouse is receiving income coming into our home. Mr. Hembree stated her reporting has been made. Councilor Glory-Jordan inquired if reporting would be necessary at a meeting where CNE business is discussed. Mr. Hembree stated CNE business is discussed but this body doesn't let the contracts. Councilor Glory-Jordan inquired if voting for a board member nomination would be a conflict if your husband is doing business as a vendor or sub vendor with CNE. Mr. Hembree stated he would have to do some research. Chair Frailey requested Mr. Hembree research the disclosure requirements to clear up these questions. Councilor Cowan Watts stated the memo she has from the Attorney General and Mr. Hembree states she does not have any direct contracting authority in this matter, that the contract was let by Cherokee Nation Enterprises and done according to their policy. Although a member of the CNE Advisory Board Cherokee Nation Enterprises is ran via the board of directors which the Cherokee Nation Tribal Council does not have direct supervision of. Councilor Glory-Jordan stated she has a copy of this memorandum but it is dated in 2006 and the new policy concerning conflicts was passed afterward. She inquired as to how this memorandum dated in 2006 applies to the current law. Chair Frailey requested Mr. Hembree research this issue. Mr. Hembree stated he would give everyone an in-depth memo regarding reporting requirements. He read from the Sunshine Act the requirements as follows: Title 28 CNCA Section 10 Disclosure of*

*business interest required. Any employee or official that does business with or attempts to do business with the Cherokee Nation or its instrumentalities shall file a written statement with the Secretary of State concerning the particular business which is contemplated to do business with the Cherokee Nation. Such statement must be filed prior to such business, business contracting or business with the Cherokee Nation or its instrumentalities. Such statement shall be made public record and shall only include the name of the business, the address of the outside business and the percentage of the business owned by the employee or official. Mr. Hembree stated there is a conflict of interest provision in Section 28 CNCA Section 13 which reads as follows: in situations not defined by statute, any question of whether or not a conflict exists with regard to a member of the Cherokee Nation Council shall be resolved by a majority vote of the membership of the Council. Such determination shall be made in public and shall be put in writing and be open and available to the public. Mr. Hembree stated Councilor Fishinghawk has simply made this Council aware that her mother owns property and that she does not have any ownership nor a share in any of the proceeds. If in the future someone on this Council foresees this as a conflict of interest it would be resolved by a majority vote. He stated he would provide a full memorandum. Councilor Glory-Jordan inquired if everyone was to fill out a disclosure form. Mr. Hembree stated initially he thought it was a requirement for everyone but it is only for those who contemplate doing business with the Cherokee Nation or who does do business with the Cherokee Nation. Councilor Glory-Jordan inquired why Councilor Fishinghawk would need to disclose if she doesn't have interest in the rental property. Mr. Hembree stated yes because she will vote on housing matters at some point in the future.*

*Councilor Snell announced he and Councilor Buzzard are holding a community meeting on August 7th at the Little Kansas American Legion beginning at 5:00 p.m.*

#### ADJOURNMENT

**Councilor Cowan Watts moved for adjournment. Councilor Jack Baker seconded the motion. Motion carried at 1:50 p.m.**

#### STAFF PRESENT:

<i>Sharon Wright</i>	<i>Vickie Harvey</i>	<i>Tom Elkins</i>
<i>Ginger Brown</i>	<i>Nason Morton</i>	<i>Sharon Swepston</i>
<i>Jamie Hummingbird</i>	<i>Lahoma Davidson</i>	

#### VISITORS PRESENT:

<i>Roberta Gibson</i>	<i>Raymond Vann</i>	<i>Jim Ketcher</i>
<i>Robert Girty</i>	<i>Todd Hembree</i>	<i>Lorilee Smiley</i>
<i>Jim Hummingbird</i>	<i>Emily Bushyhead</i>	<i>Glen Coates</i>
<i>Kathleen Coates</i>		

#### APPROVAL / DISTRIBUTION

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

**Motion to approve minutes made by:** *Bradley Colts*

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

**Date:** *8/28/08*