



Council of the Cherokee Nation

Meeting Minutes Rules Sub Committee

Monday, May 12, 2008

3:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Anglen called the meeting to order at 3:07 p.m.

INVOCATION

Councilor Bill John Baker gave the invocation.

ROLL CALL

Present 13 - Jack D. Baker; Janelle Fullbright; Buel Anglen; Harley Buzzard; S. Joe Crittenden; Chuck Hoskin, Jr. ; Cara Cowan Watts; Bill John Baker; Bradley Cobb; Jodie Fishinghawk; Tina Glory Jordan; Don Garvin and Chris Soap

Absent 4 - Meredith Frailey; Julia Coates; Curtis Snell and David Thornton Sr.

1. A RESOLUTION ADOPTING PRINCIPLES FOR DISTRICTING OF THE SEATS OF THE COUNCIL OF THE CHEROKEE NATION

Sponsors: Councilor Cowan Watts

Councilor Jack Baker made a motion to table to the June meeting. Councilor Fishinghawk seconded the motion. Motion carried.

2. DISCUSSION REGARDING REDISTRICTING

Mr. Todd Hembree suggested dating the maps to help keep track. He stated a lot of work has gone into the maps to try to get 15 districts with 10% or less deviation. He stated D1, D10 and D11 will be divided through a series of identifications of major highways or roads and will be up to the will of the committee. He stated after discussion with some of the Councilors some changes will need to be made to the map today. One of the changes requested is to have D9 as an entire Tulsa County district as well as squaring up D4 to be only Washington County. Councilor Cobb stated we need to think about when we are not the Councilors. He stated it is his request that D4 on this map just encompass the Washington County lines in regard to the pink and purple areas shown on the map. He stated this would take a big portion out of his population totals. Councilor Cowan Watts voiced concern for the numbers changing so significantly. She stated this is the first she has seen of this map and has not had time to review or try to get answers. She stated the numbers in D2 have changes by an approximate 2000 people. Mr. David Justice stated the D2 area (light green area) of this combined method map being referred to at this time used to be one boundary as 74017. He stated he recently identified a different data set that is almost identical but references 74019. He stated the citizens for this D2 area have been split between 2 zip codes instead of 1 as they were in the past. Councilor Cowan Watts referred to example 2 map created on 11-15-07 and stated zip codes 74017, 74019 and 74015 the total citizenry was 7894 and now it is almost 9500 with the data given today. Mr. Justice stated these are hard numbers based off

of registration numbers. The example 2 map uses proportionment data which is land base. The combined method is using 911 areas where we have good numbers along the boundaries. He stated only 4 or 5 of the 26 zip codes don't have good 911 addresses. For these zip codes the total numbers were used for example Wagoner County zip code 74467 got credit for all 2620 citizens. He stated zip code 74354 in Miami has good point distribution and good GEO coding therefore they were able to pull all citizens within our jurisdiction out of the total. Councilor Cowan Watts stated the districts with proper 911 addressing are being penalized. Mr. Justice replied he wouldn't consider it being penalized if we can actually determine where the citizens live. Councilor Cowan Watts stated the combined method leaves the door open for lawsuit. Mr. Hembree stated in Rogers County there is good 911 GEO coding therefore the numbers are what they are. He stated anything is going to be open to a lawsuit. He stated what needs to be done in actions for considering these numbers is to have a rational basis by which you are picking the numbers. If there is a rational basis for the method that was used in calculating or estimating the numbers it will withhold scrutiny. Councilor Hoskin Jr. inquired of the competing way to determine rational numbers the best is the one reflected in the map provided today where the most accurate figures can be determined. Mr. Justice stated in his opinion the most accurate numbers we can get is to use 911 where we can along the boundaries because we can show where those citizens live and then use the registration numbers for the rest of the zip codes. Councilor Hoskin Jr. requested clarification to the new D5 with zip code 74332 shows to be in out of the district. He suggested reviewing to determine if the area of Big Cabin could stay in D5. He stated he is in agreement with Councilor Cobb's request in regard to the Fall Leaf stomp grounds remaining in Washington County. He stated the historic places within the districts need to be considered. Councilor Glory-Jordan inquired if Mr. Justice is comfortable with using the combined method to determine the membership numbers within the 14 counties. Mr. Justice stated yes he is with combining the methods of 911 along the border zip codes and the actual registration data for the zip codes inside the 14 counties. Councilor Glory-Jordan asked if the method to arrive at this number of 109,307 used all of the reasonable methods to determine the factual number of members within the 14 counties. Mr. Justice stated this is correct. Councilor Glory-Jordan inquired if the map presented here today represents a deviation of the optimal number of 10% or less. Mr. Justice stated this is correct. Councilor Glory-Jordan inquired if any sitting Council person would be running against another setting Council person under this method. Councilor Fishinghawk responded she and Councilor Crittenden would be in the same district upon the division along highway 51 but she has other homes. Councilor Glory-Jordan inquired if this method creates a district without a council member at this time. Mr. Justice stated this map as shown doesn't have a councilor in D7. He stated Councilors Frailey and Snell are both currently in D8. Mr. Justice suggested taking the 664 members in teal from D8 and placing in D7. He stated it would take the count for D8 to 6070 and the deviation would change to 12.17. Councilor Glory-Jordan suggested giving a little more of Northern Cherokee County to correct the deviation. Mr. Justice stated it would but that puts us back to using the proportionment method. Councilor Glory-Jordan stated Cherokee County does have good 911 and have 800 extra people in the district. She stated it is not proportionment because of the good 911 we know exactly where the numbers are. Councilor Bill John Baker called for point of clarification stating once the number is determined to correct the deviation problem a cross road could be determined. This would still be using actual numbers. Councilor Buzzard agreed with the idea. Councilor Garvin stated D12 is in 4 counties and requested the boundaries for D12 stay west of the Arkansas River. Mr. Hembree stated he has worked on staying with recognizable geographical boundaries. He recommended the 608 in D11 go to D12 as well as taking Ft. Gibson all the way to the Cherokee County line. Councilor Garvin agreed. Councilor Glory-Jordan inquired if the recommendation is to take the green portion of D12 in Cherokee County back to D1.

Mr. Hembree agreed. Councilor Glory-Jordan stated she doesn't have a problem with this suggestion. Councilor Hoskin Jr. suggested zip code 74083 go back to Washington County as it embraces Fall Leaf Stomp Grounds as well as the addition of 74332 or the Big Cabin community to remain in the new D5. Chair Anglen reminded Mr. Hembree of the request of change for 74021 zip code in the North Tulsa area. Councilor Cobb stated we also discussed the county line split on the 74070 zip code. Mr. Hembree stated he plans to bring back to this sub committee another map as squared up as possible on all county lines. He recommended Adair County be divided in a North South basis from Highway 51. Councilors Crittenden and Fishinghawk were in agreement with the split. Councilor Hoskin Jr. stated the driving force should be the distinctions of the division. Councilor Glory-Jordan asked Councilor Bill John Baker if the understanding is to split East and West along Highway 82 from the college to Indian Road. Councilor Bill John Baker agreed and stated this too has distinctions more so than North and South. Councilor Soap inquired if this is the time to say when certain zip codes are to be kept in districts. Mr. Hembree stated his recommendations would be beneficial. Councilor Soap recommended zip code 74367 and 74366 be included in D3 in exchange for zip code 74015. He stated on the combined method map he wants area 616 and 511 in exchange for 1356. Mr. Hembree stated the 1356 in Rogers County would be more identifiable to Rogers County or D2 than Mayes. Councilor Fullbright inquired about the small piece of orange in the blue along the Sequoyah and Adair County lines. Mr. Hembree stated this will be corrected along county lines. Councilor Cobb requested Washington County be squared up. He stated he is in the smallest county in the State and inquired if the Washington County numbers were less than 5000 and passed would this work legally. Mr. Hembree stated it depends on what percentage of deviation it is. Councilor Glory-Jordan called point of order requesting Councilor Cobb restate his recommendation. Councilor Cobb stated to basically make Washington County a district. He stated he is fine if the North West corner of Rogers County is not within his district. Mr. Hembree stated the last time this redistricting passed the full council it was vetoed and one of the major reasons was too great of a deviation percentage. He stated just Washington County alone would probably be too much of a deviation. He recommended squaring up Washington County and felt the North West corner of Rogers County needed to be in D4. Councilor Cobb stated the North West corner of Rogers County is very traditional and has more of a Rogers County and Claremore tie. Mr. Hembree stated Washington County alone is too small. He stated this is a balancing act. Deviation must be weighed in percentages versus geographical boundaries versus community interests. We will not get anything that is perfect but have to get something with a very rational basis that can be defended in court. Councilor Buzzard requested D5 and D6 be squared up by county lines. Mr. Hembree stated he would spend an afternoon with Mr. Justice and square up as many counties as possible. Councilor Hoskin Jr. suggested South Western Craig County and South Eastern Nowata County also be squared up. Councilor Fishinghawk inquired if Councilor Cowan Watts was okay with having a heavy district. Councilor Cowan Watts stated she is that a lot of it is post office boxes. Councilor Garvin inquired if Councilor Soap would trade District numbers 12 for 3 as the number relates to the Three Rivers. Councilor Soap agreed with the change. Councilor Fishinghawk made a motion for Adair County to be split along Highway 51. Councilor Crittenden seconded the motion. Motion carried. Councilor Glory-Jordan made a motion for Cherokee County to be split from Highway 82 down to College Street then down to Highway 62 to Keys and then down Indian Road and take Ft. Gibson to the Cherokee County line along with Camp Gruber. Councilor Bill John Baker seconded the motion. Motion carried. Councilor Fullbright made a motion to split Sequoyah County from East to West by Highway 59 and giving the 608 to Councilor Garvin. Councilor Garvin seconded the motion. Motion carried. Councilor Cobb once again requested Washington County to be squared up and if needed add only zip codes 74080 and 74053 only. Councilor Glory-Jordan inquired if

this is the appropriate time to made a motion to move this forward to the regular Rules committee. Mr. Hembree recommended getting the map with today's changes and have one more sub committee meeting for review.

Councilor Jack Baker moved to table to the next sub committee. Councilor Cowan Watts seconded the motion. Motion carried.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Cowan Watts moved for adjournment. Councilor Crittenden seconded the motion. Motion carried.

STAFF PRESENT:

*Todd Enlow David Justice Doug Evans
Nason Morton Tom Elkins*

VISITORS PRESENT:

Jim Ketcher Todd Hembree

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____