



Council of the Cherokee Nation

Meeting Minutes

Friday, April 27, 2007

1:30 PM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 1:33 p.m.

INVOCATION

Councilman Martin gave the invocation.

ROLL CALL

Present 17 - Bill John Baker; Audra Smoke-Conner; S. Joe Crittenden; Jackie Bob Martin; David Thornton Sr. ; Phyllis Yargee; Don Garvin; Linda Hughes-O'Leary; Melvina Shotpouch; John F. Keener; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen; Charles "Chuck" Hoskin; Taylor Keen and Jack D. Baker

APPROVAL OF MINUTES

Councilman Jack D. Baker moved for the approval of the March 30th regular session. Councilman Anglen seconded the motion. Motion carried.

REPORTS:

1.

Marshal Service:

Sharon Wright

Jim Redcorn reported the Marshal Service performance include 9 civil/court processes, 56 arrests, 123 traffic/citation/warnings, 10 domestic abuse, 34 alcohol related, 9 weapons/shots, 20 theft/robbery/burglary, 2 missing/runaway, 14 assault/battery, 67 other agency assists, and 7 child abuse. He gave an update on housing patrols. The Narcotics Division had 8 arrests, 5 manufacturing/methamphetamine, 3 possession w/intent to distribute, 2 firearms violations, 1 cultivation of marijuana, and 4 marijuana possessions. Criminal Investigations had 1 assault and battery in Delaware County, 2 child abuse cases in Cherokee County, 1 Election Commission incentive petition submitted for prosecution, 1 A&B deadly weapon pending prosecution in CN District Court, 1 sexual abuse in Tulsa, 1 sexual abuse case in Sequoyah County, 3 internal embezzlement investigations, and 1 breaking and entering in the Kenwood area. They have 3 embezzlements, 1 theft, and 2 thefts by employee for CNE. Councilman Keen requested Marshal Wright to be present at next month's meeting to give an update and answer questions on the federal investigation at CNE.

2.

Justice Department:

Diane Hammons

Diane Hammons reported the investigations into irregularities in the initiative gathering process/special election has been concluded by the Marshal Service and turned over to the Attorney General's Office. She has assigned it to one of the prosecutors but there has been a final decision made on this. There are now pending in the Cherokee Nation

Tribal Courts approximately 160 registration appeals from the Freedmen descendants. Those appeals were filed in the District Court and sent to the Supreme Court, the Supreme Court sent them back to the District Court and they are now pending in front of Judge Cripps. Two attorneys in her office have federal cases pending in Eastern District. Dana Jim attended the Federal Indian Bar Association last week. Jon Parris has left the Justice Department and is now working for Cherokee Nation Businesses. Angel Smith, an intern who recently passed the bar this year has been hired full time and will be handling the child support enforcement cases.

3. Election Commission:

Patsy Eads Morton

Rick Daugherty announced the next board meeting is scheduled for May 17th at 6:00 p.m. at the Election Commission Headquarters. He reported the cost of the special election on the Freedmen Issue was between \$160,000 - \$170,000 dollars. They are currently busy getting ready for the general election.

4. Tax Commission:

Sharon Swepston

Greg Simmons reported in the absence of Sharon Swepston who is on medical leave for two weeks. He reported the tobacco division is up 25% and MVT is up 9%. They continue to monitor Senate Bill 1014 which is dealing with taxation and tobacco at the State level. They have put new signs up at Adair, Gore and Collinsville.

5. Self-Governance:

Vicki Hanvey

Tom Elkins reported in the absence of Vicki Hanvey who is attending an IHS meeting in Oklahoma City. The Self-Governance Conference is scheduled for next month and will be held in Garden Grove, California. They participated in an Indian Reservation Roads conference call talking about updating the database of the roads. They attended a Realty Conference in Albuquerque this last month with the Realty Department to discuss some land into trust issues and some new DOI regulations and their impact on Cherokee Nation. They recently sent out the quarterly government performance results acts recorded this last month concerning the second quarter of this fiscal year. Several letters were sent out to Dr. Grim, Director of Indian Health Service about further negotiating things about the joint venture project on the new clinic in Muskogee also contract support costs and staffing. They attended a Health and Human Service Consultation meeting that was held at the Catoosa Casino. They also attended an IHS Joint Conference that was held in Tulsa, Oklahoma which was hosted by Cherokee Nation, Hasting Indian Medical Center, and the Tulsa Urban Health Center.

6. Gaming Commission:

Jamie Hummingbird

: Jamie Hummingbird was not present to give report. A written report will be submitted.

7. Codification

Todd Hembree

Todd Hembree stated he has nothing new to report. He did receive another electronic version on the work of Faye Teague and this information with everything else is in Oklahoma City School of Law with four interns that are going over section by section. He stated the target goal is to have it completed by the end of the fiscal year.

OLD BUSINESS

1. Corporation Reform (Discussion Only)

Councilman Bill John Baker made a motion to table this Act. Councilman Thornton seconded the motion. Motion carried.

2. A LEGISLATIVE ACT AMENDING TITLE 11, "CITIZENSHIP", OF THE CHEROKEE NATION CODE ANNOTATED;
RELATING TO CHEROKEE NATION CITIZENSHIP
Todd Hembree stated he spoke with Nason Morton and Diane Hammons and it is their joint opinion that this matter also be tabled due to the fact that there are numerous appeals by disenfranchised citizens in the Cherokee Nation Court System that they feel needs to be resolved prior to making any changes.

Councilman Thornton moved to table. Council Bill John Baker seconded the motion. Motion carried.

NEW BUSINESS

1. A LEGISLATIVE ACT AMENDING TITLE 20, "COURT AND PROCEDURES" OF THE CHEROKEE NATION CODE ANNOTATED; RELATING TO COURT RULES AND JURISDICTION; AND DECLARING AN EMERGENCY

Councilman Keen stated the intent of this Act is to establish jurisdiction of the Supreme Court over Constitutional matters, provide for Tribal Council adoption of Court rules and codify the name change from Judicial Appeals Tribunal to Supreme Court in all laws and official documents of the Cherokee Nation. Todd Hembree stated a change needed to be made in Section 5, Substantive Provisions, item #2, they need to strike the words "and any disputes involving fiscal matters of the Cherokee Nation". The paragraph would read "Any case or controversy involving Cherokee Nation elections and disputes arising between the branches of government of the Cherokee Nation. This Act also states District Court Judges and Associate District Court Judges shall be considered a special class of employees for travel purposes and they are exempt from any disciplinary action through the Human Resource Department Policy and Procedures.

Councilman Crittenden moved for approval of this Act with amendments. Councilman Thornton seconded the motion. Motion carried by acclamation with amendments.

2. AN ACT PROVIDING FOR SANCTIONS AND OTHER PUNISHMENT FOR INDIVIDUALS THAT COMMIT INTENTIONAL MISREPRESENTATION TO THE CHEROKEE NATION TRIBAL COUNCIL AND ITS COMMITTEES

Councilor O'Leary stated the purpose of this Act is to provide punishment and or sanctions to individuals who intentionally misrepresent facts to the Tribal Council or its Committees. What is being talked about here is blatant, willful, intentional misrepresentation to the Council. This may never be used and it would take a consensus of the Council and for someone to have the exact proof that this was a willful intent. This is just another safeguard in what the Council should be demanding from any relationships or information that comes before the Council. If the Council feels this legislation needs more work it can be tabled in order to take another look at it but she does feel this is an important piece of legislation that holds people accountable.

Councilor O'Leary moved to table this Act. Councilman Bill John Baker seconded the motion. Motion carried.

3. AN ACT PREVENTING THE EMPLOYMENT OF INDIVIDUALS BY THE CHEROKEE NATION OR ITS AFFILIATED ENTITIES THAT ARE CANDIDATES IN CHEROKEE NATION ELECTION FOR A PERIOD OF ONE YEAR

Todd Hembree stated this Act would prohibit the employment of unsuccessful candidates in Cherokee Nation Elections from being hired by the Cherokee Nation Government or its entities for a period of one (1) year after the general election of that section. The effective date on this Act would be after the current election cycle and therefore would not affect the current candidates. Councilor O'Leary stated the intent of this Act is to safeguard the validity of the Council candidates including other positions within the Cherokee Nation. This Act would not take affect until October 2007. Councilor Yargee offered a suggestion because ethically when a person decides to run for an office, they are offering themselves as a servant without any expectations of anything in the future and they need to be ready to make that sort of sacrifice should it mean they cannot come back and work for the Tribe. Should the Council want to consider an ethnics section in the Election law, maybe that would be where this would be better considered rather than making a separate act that sounds like the Council is trying to determine Human Resources decisions on who to hire and what their background is. Todd Hembree stated there are certain aspects of the Election Law that are in place for being promised something for your vote or promised something for an action. He stated he and Diana Hammons would review the Election Laws to see if that situation would be covered already.

A motion was made by Councilor Linda Hughes-O'Leary and seconded by Councilor Taylor Keen, that this matter be Approved and Forwarded to Council. The motion FAILED by the following vote:

Yea: 7 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Linda Hughes-O'Leary; John F. Keener; Charles "Chuck" Hoskin and Taylor Keen

Nay: 9 - Audra Smoke-Conner; Jackie Bob Martin; Phyllis Yargee; Don Garvin; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen and Jack D. Baker

Not In Room: 1 - Melvina Shotpouch

Councilor Yargee made a motion for Todd Hembree to look at the Election Law and see if there is an ethics section that the Council may be able to develop that would address some of this Act. Councilor Conner seconded the motion. Motion carried.

ANNOUNCEMENTS

The next Rules meeting are tentatively scheduled for Friday, June 1st at 1:30 p.m.

ADJOURNMENT

Councilman Johnson moved for adjournment. Councilman Martin seconded the motion. Motion carried.

STAFF PRESENT:

*Melanie Knight
Greg Simmons
Jim Redcorn*

*Diane Hammons
Tom Elkins
Mike Miller*

*Will Chavez
Sheila Sawney
Nason Morton*

VISITORS PRESENT:

<i>Todd Hembree</i>	<i>Susan Ruckman</i>	<i>Charles Dry</i>
<i>Shaun Slayton</i>	<i>Jim Cosby</i>	<i>Rick Daugherty</i>
<i>Brad Carson</i>	<i>Drew Wilcoxon</i>	

APPROVAL / DISTRIBUTION

Minutes submitted by: Gayle Miller, Recording Secretary

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____