



Council of the Cherokee Nation

Cherokee Nation Complex
17675 S. Muskogee Ave.
Tahlequah, OK 74464

Meeting Minutes - Final RULES COMMITTEE

Joe Byrd, Chair

Recording Secretary, Shelli Brittain Coke
Phone: 1-800-995-9465,
E-mail: council-public@cherokee.org

Thursday, October 29, 2020

1:00 PM

Tribal Council Offices

CALL TO ORDER

Chair Byrd called the meeting to order at 1:00 p.m.

INVOCATION

Councilor Austin gave the invocation.

ROLL CALL

Councilors Duncan, Coates, Shaw and Vazquez attended remotely.

Present 17 - Joe Byrd; Janees Taylor; Victoria Vazquez; Harley Buzzard; E. O. "JR." Smith; Mike Shambaugh; Mike Dobbins; Mary Baker Shaw; Canaan Duncan; Rex Jordan; Wes Nofire; Daryl Legg; Shawn Crittenden; Dora Patzkowski; Joe Deere; Keith Austin and Julia Coates

APPROVAL OF MINUTES

Councilor Deere made a motion to approve the September minutes as submitted. Councilor Legg seconded the motion. The motion carried.

REPORTS:

Marshal Service - Shannon Buhl

Marshal Buhl reported they currently have two individuals in background and Human Resources now for the two open marshal positions. He gave highlights from the report provided. The Marshals provided detail for U.S. A.G. Barr during his visit. They are in the process of finalizing any cross-dep agreements that they don't already have to be prepared for McGirt decision changes. He offered to answer questions from the report. Councilor Austin gave appreciation for the Marshals assisting the Chelsea Police Department during their shutdown due to COVID. Councilor Shambaugh inquired about the two vacant positions, the number of applicants for the positions and the number of marshals anticipated following the McGirt decision. Chair Byrd inquired about retirement for the Marshals. Councilor Crittenden inquired if the Marshals receive 401k.

Office of the Attorney General - Sara Hill

Attorney General Hill gave the last report on the gaming compact dispute with the Governor. She provided updates on the pending cases, reported they are preparing for the incoming cases due to the McGirt decision, an update on the Sovereignty Commission, they have hired two new attorneys and have an additional vacancies for attorneys and paralegals. Councilor Crittenden requested clarification on the criminal sentencing maximum for tribes. Councilor Shambaugh requested clarification on the EPA decision and if we plan to file litigation. He inquired about Justice Barrett's background in regard to tribal law. Councilor Deere inquired about the additional attorneys are needed. Councilor Buzzard requested additional clarification on the Delaware County agreement. Councilor Crittenden inquired about amending the Indian Civil Rights Act. Councilor Nofire inquired if amendments are being considered for the victims' law.

FOIA-GRA - Gwen Terrapin

Ms. Terrapin reported there at 8 total FOIA requests with 2 of those outstanding. There are no GRA requests. The website has been updated.

Election Commission - Marcus Fears

Mr. Fears gave an update from the report provided.

Tax Commission - Sharon Swepston

Ms. Montgomery offered to take any questions back to the Tax Commission.

Gaming Commission - Janice Purcell

Ms. Purcell was having connection feedback issues during her report.

Election Commission - Marcus Fears

Councilor Coates inquired if there are any procedural changes they are considering due to the pandemic for the upcoming election process.

Human Resources - Alana Casteel

Ms. Casteel offered to answer questions from the report provided.

OLD BUSINESS

None pending.

NEW BUSINESS

Councilor Austin requested clarification on voting remotely and the requirement to have both audio and visual to vote. Councilor Coates inquired about waiving the visual requirement as it is beyond her control at this point and there was visual earlier. Chair Byrd requested the visual requirement be waived and inquired if any of the Council had any opposition to waiving.

AMEND THE AGENDA

Councilor Nofire made a motion to amend the agenda to place as position 1 under new business for Discussion only a Resolution Supporting the Abstention of any Council Member from Voting on the Confirmation of any Appointed Official that Donated to the Campaign of that Council Member. Councilor Buzzard seconded the motion. The motion failed with the following roll call vote:

Yea: 7 - Harley Buzzard; Mike Shambaugh; Mike Dobbins; Mary Baker Shaw; Wes Nofire; Shawn Crittenden and Julia Coates

Nay: 10 - Joe Byrd; Janees Taylor; Victoria Vazquez; E. O. "JR." Smith; Canaan Duncan ; Rex Jordan; Daryl Legg; Dora Patzkowski; Joe Deere and Keith Austin

- 1. [20-059](#) A RESOLUTION ELECTING JANEES TAYLOR TO THE OFFICE OF SECRETARY OF THE TRIBAL COUNCIL

Councilor Austin nominated Councilor Taylor to continue as the Council Secretary. Councilor Shambaugh seconded the motion. The motion carried.

- 2. [20-060](#) A RESOLUTION CONFIRMING THE NOMINATION OF TIM LANDES JR. AS AN EDITORIAL BOARD MEMBER OF THE CHEROKEE PHOENIX

Councilor Taylor made a motion to nominate Tim Landes Jr. as an Editorial Board member of the Cherokee Phoenix. Councilor Austin seconded the motion. The motion carried with Councilors Shaw and Coates opposed. Councilor Coates requested clarification on the process and not allowing the nominees to be heard. She stated it should have been voted by private ballot.

- 3. [20-061](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF MICHAEL WATKINS AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC

Chair Byrd inquired if the CNB reappointments could be done in Toto or if individual votes were preferred. Individual votes were preferred. Councilor Buzzard commented this is an important board and the board members should be from different areas. He stated he wouldn't be voting for the candidates from Cherokee County.

Councilor Jordan made a motion to approve with the correction to the term dates. Councilor Smith seconded the motion. Councilor Nofire commented none of the board members are available for questions at this time. He stated the resolution he requested to amend the agenda for is due to this language in the Ethics Code. The motion carried with Councilors Nofire and Buzzard opposed.

- 4. [20-062](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF BUCK GEORGE AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC

Councilor Dobbins made a motion to approve. Councilor Shambaugh seconded the motion. The motion carried with Councilors Buzzard and Nofire opposed.

5. [20-063](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF BOB BERRY AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC
Councilor Taylor made a motion to approve. Councilor Shambaugh seconded the motion. The motion carried with Councilors Nofire and Buzzard opposed.
6. [20-064](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF BRENT TAYLOR AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC
Councilor Shambaugh made a motion to approve the revised version correcting the term. Councilor Jordan seconded the motion. Councilor Nofire inquired about the compensation of the CNB board. The motion carried with Councilor Nofire opposed and Councilor Taylor abstaining.
7. [20-066](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF GARY COOPER AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC
Councilor Smith made a motion to approve. Councilor Shambaugh seconded the motion. The motion carried with Councilors Nofire and Buzzard opposed.
8. [20-067](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF JERRY HOLDERBY AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC
Councilor Patzkowski made a motion to approve. Councilor Jordan seconded the motion. The motion carried with Councilors Nofire and Buzzard opposed.
9. [20-068](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DEACON TURNER AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC
Councilor Crittenden made a motion to approve the revised version correcting the term. Councilor Smith seconded the motion. The motion carried with Councilor Nofire opposed.
10. [20-069](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF DAN CARTER AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC
Councilor Smith made a motion to approve. Councilor Jordan seconded the motion. The motion carried with Councilor Nofire opposed.
11. [20-070](#) A RESOLUTION CONFIRMING THE APPOINTMENT OF RICHARD HULL AS A MEMBER OF THE CHEROKEE NATION GAMING COMMISSION
Councilor Deere made a motion to approve. Councilor Taylor seconded the motion. The motion carried.
12. [20-076](#) AN AMENDMENT TO THE RESOLUTION AUTHORIZING CHEROKEE NATION TO BECOME A MEMBER OF THE NATIONAL CONGRESS OF AMERICAN INDIANS AND TO APPOINT THE TRIBAL DELEGATE AND ALTERNATES
Councilor Austin made a motion to approve. Councilor Patzkowski seconded the motion. The motion carried.
13. [20-071](#) A RESOLUTION AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR THE USE OF TECHNOLOGY PRODUCTS AND SERVICES OFFERED BY OOKLA, LLC
Councilor Shambaugh made a motion to approve. Councilor Taylor seconded the motion. The motion carried.

- 14. [20-072](#) A RESOLUTION OBJECTING TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY GRANT OF ENVIRONMENTAL REGULATORY JURISDICTION TO THE STATE OF OKLAHOMA

Councilor Deere made a motion to approve. Councilor Legg seconded the motion. The motion carried. Councilor Austin requested clarification on the resolution. Councilors Legg, Buzzard, Coates and Shambaugh requested to be added as sponsors.

- 15. [20-073](#) AN ACT AMENDING SECTION 6(B) OF THE INDEPENDENT PRESS AMENDMENT ACT OF 2009 CODIFIED AS TITLE 44 AND DECLARING AN EMERGENCY

Councilor Austin made a motion to approve. Councilor Jordan seconded the motion. Councilor Austin offered to friendly amendments; §6B remove "federally recognized tribe" and replace with "Cherokee Nation Tribal Citizen" and §6F change the pay to reflect the amount changed during budget hearings. The friendly amendments were accepted. Councilor Coates offered a friendly amendment to insert "journalistic" in §6A (ii) before publications. Following discussion the friendly was not accepted.

The motion to approve carried with both of Councilor Austin's friendly amendments with Councilors Shaw and Coates opposed.

ANNOUNCEMENTS

Councilor Smith commented on the shirts given to the Council by the Paralyzed Veterans Group.

Councilor Crittenden commented he would like to request the reported be present to report. Councilor Shaw voiced concern for in person reporting during the pandemic.

ADJOURNMENT

Councilor Crittenden made a motion to adjourn. Councilor Deere seconded the motion. The motion carried at 2:43 p.m.

STAFF PRESENT:

<i>Sara Hill</i>	<i>Taralee Montgomery</i>	<i>Todd Enlow</i>
<i>Tina Glory Jordan</i>		

<i>Remote:</i>		
<i>Shannon Buhl</i>	<i>Travis Noland</i>	<i>Gwen Terrapin</i>
<i>Chad Harsha</i>	<i>Marcus Fears</i>	<i>Alana Casteel</i>

VISITORS PRESENT:

<i>Tim Brown</i>	<i>Teddye Snell</i>	
<i>Remote:</i>		
<i>Richard Hull</i>	<i>Tim Landes Jr.</i>	<i>Janice Purcell</i>
<i>Chuck Garrett</i>	<i>Decan Turner</i>	