



Council of the Cherokee Nation

Meeting Minutes Rules Committee

Tuesday, November 17, 2009

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 1:20 P.m.

INVOCATION

Councilor Janelle Fullbright gave the invocation.

ROLL CALL

Present 17 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap; Bradley Cobb; Chuck Hoskin, Jr. and Julia Coates

APPROVAL OF MINUTES

Councilor Brad Cobb made a motion to approve the minutes of the October 29th regular session. Councilor Cowan Watts seconded the motion. Motion carried.

Councilor Don Garvin made a motion to amend the agenda to move Item #2 under new business before reports. Councilor Cara Cowan Watts seconded the motion. Motion carried.

NEW BUSINESS

2. AN ACT AMENDING LEGISLATIVE ACT 40-03 AND TITLE 20, SECTION 37 OF CHEROKEE NATION CODE ANNOTATED; SETTING ANNUAL STIPENDS OF THE SUPREME COURT JUSTICES; CREATING A SPECIAL CLASS OF EMPLOYEES FOR THE SUPREME COURT JUSTICES AND THE DISTRICT COURT JUDGES; PROVIDING FOR SEVERABILITY; AND DECLARING EMERGENCY

Sponsors: Councilor Cara Cowan Watts

Melanie Knight stated one thing this Act would do is to rename the Tribunal to the Supreme Court but also add the Judges of the District Court on the same basis as the Justices of the Supreme Court. They are treated as "special employees" with certain rights and benefits for retirement and insurance. None of the Justices have

taken advantage of the retirement, but there is interest in doing so. therefore, they would propose to make it the same for all of them.

Councilor Cara Cowan Watts made a motion to approve. Councilor Don Garvin seconded the motion.

Melanie Knight stated the compensation for the Judges was not addressed in this bill as Councilor Glory-Jordan so noted. The Justices are set by statute and the Judges have not been and so on the advice of the Court is how those are compensated and then entered into contracts to make payments to the Judges.

Councilor Tina Glory-Jordan made a motion for an amendment for the Justices to be an independent body and set the salaries of the Justices in the courts according to the needs of the court and in accordance with the comprehensive budget. Councilor Jodie Fishinhawk seconded the motion.

The motion to amend failed with the following roll call vote:

Yea: 4 - S. Joe Crittenden; Tina Glory Jordan; Jodie Fishinhawk and Chuck Hoskin, Jr.

Nay: 13 - Bill John Baker; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap; Bradley Cobb and Julia Coates

Chair Frailey called for the question on the main motion to approve. Motion carried by acclamation.

REPORTS:

1. Marshal Service - Sharon Wright

No one present to A written report was submitted.

Melanie Knight stated she would take back any questions the Council had. Councilor Fishinhawk asked about the status of her request to have the Council view the tape of the flag incident. Diane Hammons stated she has the disk and she would be happy to bring it over. She will get with Todd Hembree to set up a time for small groups of the Council to view the evidence

2. Office of the Attorney General - Diane Hammons

Diane Hammons stated they have been conducting interviews and one of the young attorneys had the privilege of attending a listening conference in Minnesota. She attended the State Bar Association and Attorney Generals Association last week and Cherokee Nation is still the only Indian Tribe that is a member of the District Attorneys Association. They are attending the poultry trial everyday and they continue to press forward with our water rights. They regularly use some outside patent and trademark attorneys to combat folks who are trying to trademark the word Cherokee. The one that has been going on for sometime is an adult entertainer out of California and it has come to a point where depositions may need to be taken and submit some sworn statements about the use of the name Cherokee about what it means and how long we have used it. They have been successful in this and the more often they do it the better credibility we have at the office.

3. GEG Investigation Report - Diane Hammons

Diane Hammons stated she has nothing new to report on GEG.

4. Election Commission -

No one present to report. A written report was submitted.

5. Tax Commission - Sharon Swebston

No one present to report. A written report was submitted.

6. Self-Governance - Vickie Harvey

Vickie Harvey stated the Senate and House Conference Committee came up with an increases to contract support . The BIA was increased for \$18.7 million for a total of \$166 million in contract support and IHS was increased \$116 million for a total of \$398 million nationally. They just completed negotiating some increases to contract support for 2009 which will be included in the shortfall report. They have scheduled a meeting with the rural water districts tomorrow to go over the their reporting requirements. They have worked with Community Development on an agreement with those water districts. The Acting Director at the Regional Office in Muskogee has been extended for 120 days.

7. Gaming Commission - Jamie Hummingbird

No one present to report. A written report was submitted.

8. Codification - Todd Hembree

Todd Hembree stated he spoke with Mr. krebb from West Law last Friday. He will meet with Mr. Krebb and Nason Morton next week to get a proposal of what he can do and what it would cost.

OLD BUSINESS

1. A RESOLUTION AUTHORIZING CONFIRMATION OF WILLIAM GRASS AS A MEMBER OF THE BOARD OF MANAGERS OF CHEROKEE MEDICAL SERVICES, LLC
Councilor Tina Glory-Jordan made a motion to table items 1 through 5 to next month. Councilor Jodie Fishinghawk seconded the motion.
The motion to table items 1 thorough 5 in Toto carried.

2. A RESOLUTION CONFIRMING THE NOMINATION OF WILLIAM GRASS AS A MEMBER OF THE BOARD OF MANAGERS OF CHEROKEE NATION DISTRIBUTORS, LLC
Tabled in Toto.

3. A RESOLUTION CONFIRMING THE RENOMINATION OF EDDIE HUMPHREY AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC

Tabled in Toto.

4. A RESOLUTION CONFIRMING THE RENOMINATION OF ADOLPH LECHTENBERGER AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC

Tabled in Toto.

5. AN ACT AMENDING LEGISLATIVE ACT 30-04 ESTABLISHING REQUIREMENTS FOR APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS; ENABLING AN EMERGENCY

Sponsors: Councilor Tina Glory Jordan and Councilor Jodie Fishinghawk

Tabled in Toto.

6. A LEGISLATIVE ACT AMENDING LA#01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING ALLOCATION OF REVENUES

Sponsors: Councilor Harley Buzzard, Councilor Chris Soap, Councilor Cara Cowan Watts, Councilor Janelle Fullbright and Councilor Don Garvin

Councilor Harley Buzzard moved to approve. Councilor Cowan Watts seconded the motion.

Harley Buzzard stated ten percent off the total amount of tag tax dollars will be taken off the top and then will be spread around the fourteen counties. A school may be eligible for award for two consecutive years upon which a waiting period of one year shall be required to reapply. Education Services shall develop policies and procedures for the competitive fund and awards up to \$25,000 per school per year may be made.

Councilor Chuck Hoskin, Jr. made a motion to table to give Councilor Buzzard time to find another funding source. Councilor Joe Crittenden seconded the motion.

The Motion to table passed by the following roll call vote:

Yea: 9 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell and Chuck Hoskin, Jr.

Nay: 8 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

7. SELECTION OF THE CHEROKEE NATION TRIBAL COUNCIL SECRETARY

Chair Frailey opened up the floor for nominations for the Secretary of the Council. Councilor Buel Anglen made the motion to nominate Councilor Don Garvin for Secretary of the Council. Councilor Cara Cowan Watts seconded the motion. Councilor Bill John Baker made a motion to nominate Councilor Chuck Hoskin, Jr. for Secretary of the Council. Councilor Tina Glory-Jordan seconded the motion. Seeing no other nominations Chair Frailey closed the nominations.

The motion for nomination of Councilor Don Garvin for Secretary of the Council passed with the following roll call vote:

Yea: 10 - David Thornton Sr. ; Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

Nay: 7 - Bill John Baker; S. Joe Crittenden; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Curtis Snell and Chuck Hoskin, Jr.

NEW BUSINESS

1. A RESOLUTION CONFIRMING THE NOMINATION OF CARLILE ROBERTS AS A MEMBER OF THE BOARD OF DIRECTORS OF CHEROKEE NATION WASTE MANAGEMENT, LLC

Melanie Knight stated they would like this item to be tabled to next month to give the Council more time to review the resolution. Councilor Brad Cobb made a motion to table. Councilor Chris Soap seconded the motion.

The motion to tabled carried.

2. AN ACT AMENDING LEGISLATIVE ACT 40-03 AND TITLE 20, SECTION 37 OF CHEROKEE NATION CODE ANNOTATED; SETTING ANNUAL STIPENDS OF THE SUPREME COURT JUSTICES; CREATING A SPECIAL CLASS OF EMPLOYEES FOR THE SUPREME COURT JUSTICES AND THE DISTRICT COURT JUDGES; PROVIDING FOR SEVERABILITY; AND DECLARING EMERGENCY

Sponsors: Councilor Cara Cowan Watts

This item was addressed prior to reports.

ANNOUNCEMENTS

None

ADJOURNMENT

A motion to adjourn was made by Councilor Cowan Watts. Councilor Bill John Baker seconded the motion. Motion carried.

STAFF PRESENT:

*Judge Fite
Vicki Harvey*

*Diane Hammons
Greg Simmons*

*Melanie Knight
Larry Ketcher*

VISITORS PRESENT:

Todd Hembree

APPROVAL / DISTRIBUTION

Minutes submitted by: Gayle Miller, Recording Secretary

Motion to approve minutes made by: Jack Baker

Minutes attested and concurred by: Meredith Friskey

Date: 12/15/09