



# 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*

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Tuesday, November 17, 2020

10:00 AM

Tribal Council Offices

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### CALL TO ORDER

**Chair Byrd called the meeting to order at 10:11 a.m.**

### INVOCATION

**Chair Byrd gave the invocation.**

### ROLL CALL

*Councilor Coates and Shaw attended remotely.*

**Present** 16 - Joe Byrd; Janees Taylor; Victoria Vazquez; Harley Buzzard; 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

**Absent** 1 - E. O. "JR." Smith

### APPROVAL OF MINUTES

**Councilor Jordan moved to approve the October minutes as submitted.  
Councilor Vazquez seconded the motion. The motion carried.**

### REPORTS:

Marshal Service - Shannon Buhl

*Marshal Buhl reported they assisted in Nowata on an incident with an armed and barricaded gunman. He gave an update on the McGirt decision and how it affects the Marshal Service. Councilor Duncan inquired about the protocol for officers after they are involved in a shooting. Chair Byrd inquired if they have had cooperation from the State since the McGirt decision. Councilor Legg inquired if the Creek Nation has cross deputation agreements.*

Office of the Attorney General - Sara Hill

*Ms. Hill reported her office continues to work on issues regarding the McGirt decision.*

*She stated she still participates with the sovereignty commission. She stated there have been four new decisions on the remand cases at this point. The Oklahoma Criminal Court of Appeals still has the Hogner case. They are preparing to be ready for when the cases begin coming in from the State. They have hired two new prosecuting attorneys. She offered to answer questions from the report provided. Chair Byrd commented on the McGirt Ruling at the Muskogee Federal Court, he commended Ms. Hill and former Cherokee Nation employee Courtney Jordan. Councilor Legg requested clarification on the "McGirt docket" the county courts have. Councilor Crittenden inquired if we need to build a jail.*

FOIA-GRA - Gwen Terrapin

*Not present to report.*

Tax Commission - Sharon Swepston

*Ms. Swepston was not present to report.*

Gaming Commission - Janice Purcell

*Ms. Purcell's report was very difficult to hear.*

Human Resources - Alana Casteel

*Ms. Taralee Montgomery apologized for the connectivity issues and offered to take questions for the Ms. Sweptson, Ms. Terrapin, Ms. Purcell, and Ms. Casteel. Chair Byrd suggested a trial run. Mr. Enlow suggested the possibility of using a different meeting system.*

*Councilor Buzzard inquired when the tag offices will open back up in Jay and Adair. Councilor Nofire inquired if the employees home under quarantine are on paid leave.*

*She was not present to report.*

OLD BUSINESS

*None pending.*

NEW BUSINESS

1. [20-077](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF PAM SELLERS AS CHEROKEE NATION ELECTION BOARD COMMISSIONER  
  
**Councilor Jordan made a motion to reappoint Pam Sellers to the Election Commission. Councilor Vazquez seconded the motion. Councilors requested to be added as sponsors. The motion carried.**
  
2. [20-078](#) A RESOLUTION AUTHORIZING THE CHEROKEE NATION ENVIRONMENTAL PROGRAMS CLEAN AIR PROGRAM TO DONATE A SURPLUS PORTABLE BUILDING TO KAW NATION  
  
**Councilor Deere made a motion to approve. Councilor Shambaugh seconded the motion and requested to be added as a sponsor. The motion carried.**

- 3.     [20-079](#)           A RESOLUTION EXPRESSLY AGREEING TO JURISDICTION AND AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY OF THE CHEROKEE NATION IN CONNECTION WITH THE SAC AND FOX JUVENILE DETENTION FACILITY

**Councilor Austin made a motion to approve. Councilor Taylor seconded the motion. The motion carried.**
- 4.     [20-080](#)           AN ACT AMENDING THE CHEROKEE NATION ETHICS ACT OF 2012, CODIFIED AS TITLE 28 OF THE CHEROKEE NATION CODE ANNOTATED, ADDING SECTION 22 MAKING IT UNLAWFUL AND REQUIRING THE ABSTENTION F ANY COUNCIL MEMBER(S) FROM VOTING ON THE CONFIRMATION OF ANY APPOINTED OFFICIAL THAT DONATED TO THE CAMPAIGN OF THAT COUNCIL MEMBER

*Councilor Nofire made a motion to approve. Councilor Buzzard seconded the motion. Councilor Nofire gave the background for the purpose of the amendment.*

**Following lengthy debate the motion to approve failed with the following roll call vote:**

**Yea:** 5 - Harley Buzzard; Mary Baker Shaw; Wes Nofire; Shawn Crittenden and Julia Coates

**Nay:** 11 - Joe Byrd; Janees Taylor; Victoria Vazquez; Mike Shambaugh; Mike Dobbins; Canaan Duncan ; Rex Jordan; Daryl Legg; Dora Patzkowski; Joe Deere and Keith Austin
- 5.     [20-081](#)           AN ACT AMENDING TITLE 21 OF THE CHEROKEE NATION CODE ANNOTATED AND DECLARING AN EMERGENCY

**Councilor Taylor made a motion to approve. Councilor Shambaugh seconded the motion. The motion carried.**
- 6.     [20-082](#)           AN ACT AMENDING TITLE 22 OF THE CHEROKEE NATION CODE ANNOTATED AND DECLARING AN EMERGENCY

**Councilor Shambaugh made a motion to approve. Councilor Taylor seconded the motion. The motion carried.**
- 7.     [20-083](#)           AN ACT AMENDING TITLE 47 OF THE CHEROKEE NATION CODE ANNOTATED AND DECLARING AN EMERGENCY

**Councilor Patzkowski made a motion to approve. Councilor Shambaugh seconded the motion. The motion carried.**
- 8.     [TMP-389](#)           SOVEREIGNTY COMMISSION REPORT

Luke Barteaux, District Judge  
John C. Garrett, Supreme Court Justice  
Sara Hill, Attorney General

**District Court Judge Barteaux, Supreme Court Justice John C. Garrett and Attorney General Sara Hill gave a report to the Council on the Sovereignty Commission. The first report was given to the Council approximately a month ago and the second report was provided just recently. They offered to answer questions from the report. Following multiple questions the Commission stated they would continue to provide reports to the Council.**

ANNOUNCEMENTS

ADJOURNMENT

**Councilor Crittenden moved to adjourn. Councilor Duncan seconded the motion. The motion carried at 11:48 p.m.**

STAFF PRESENT:

<i>Todd Enlow</i>	<i>Taralee Montgomery</i>	<i>Sara Hill</i>
<i>John C. Garrett</i>	<i>Tina Glory Jordan</i>	<i>Luke Baretaux</i>

*Remote:*

<i>Gwen Terrapin</i>	<i>Alana Casteel</i>	<i>Marcus Fears</i>
<i>Shannon Buhl</i>	<i>Janice Purcell</i>	<i>Tralynna Scott</i>

VISITORS PRESENT:

*Tim Brown*

*Remote:*

*Pam Sellers*