



Council of the Cherokee Nation

Meeting Minutes Rules Committee

Tuesday, December 16, 2008

9:00 AM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 9:18 a.m.

INVOCATION

Councilor Cobb gave the invocation.

ROLL CALL

Present 11 - Bill John Baker; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

Absent 5 - David Thornton Sr. ; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell and Chuck Hoskin, Jr.

Late Arrival 1 - S. Joe Crittenden

APPROVAL OF MINUTES

Councilor Bill John Baker made a motion to approve the November 20th regular session and November 20th sub committee. Councilor Cowan Watts seconded the motion. Motion carried.

REPORTS:

1. Marshal Service - Sharon Wright

Ms. Wright offered to answer questions from her report provided. Councilor Buzzard inquired as to the nature of the wildlife warnings given. Ms. Wright replied most were trespass type of warnings due to having a camp site. Councilor Buzzard requested a copy of the policy and requested a brief overview now if possible. Ms Wright stated on trust land we don't have anything that allows camping other than at Sallisaw. She stated a camping permit is a requirement at Sallisaw. The only place where camping is permitted is on restricted property with the owners permission. Councilor Buzzard inquired if this is a Cherokee Nation or Bureau policy. Ms. Wright stated she is unsure. Councilor Buzzard inquired about the waterline case. Attorney General Hammons stated it was an investigation into a waterline to a residence that had allegations of impropriety. The investigation with a tribal citizen is still ongoing. She stated the program requires the waterline be for a primary residence and the allegation is the waterline is to a business.

2. Justice Department - Diane Hammons

Ms. Hammons announced her written report was not included in the packet. She announced she had just returned from emergency training in Maryland. She announced during the training she and Ms. Wright were able to visit with the County

Commissioner, Attorney for Tulsa County and the Mayor's Executive Officer for the City of Tulsa and believe they are now closer to getting cross deputization agreements with both the city and county of Tulsa. They filed a Friend of the Court Brief last week in the appeal by the United Keetoowah Band pertaining to the HUD decision to not fund them. They are entitled to the base funding from HUD but they are not entitled to additional funding that you must have an Indian country geographical base to receive the funds. She stated the State filed their brief electronically late last night in regard to the poultry lawsuit. The poultry defendants filing brings to the forefront our ownership of the water rights in North Eastern Oklahoma. They are in the process of determining which course of action to take. She stated this is a very complex issue and they are speaking to experts, the Chief's office and Mr. Hembree to determine what steps to take.

Councilor Buzzard inquired about dates on foreclosure. He stated they set aside funds in the IHP to possibly purchase some of the foreclosure. Ms. Hammons stated she could keep the Council abreast of the sheriff sale dates. Councilor Glory-Jordan suggested adding a column of sheriff sale dates to Mr. Morton's foreclosure report.

3. Election Commission -

A written report was submitted.

4. Tax Commission - Sharon Sweptson

Ms. Sweptson offered to answer questions from her written report. She announced the Adair and Collinsville tag offices are currently closed due to weather conditions. They are trying to get staff there at this time. She stated they may close the Tahlequah office at 5:00 p.m. today instead of 6:00 to allow staff to get home safely.

5. Self-Governance - Vickie Hanvey

Chair Frailey announced Ms. Hanvey is unable to attend today due to illness. Secretary of State Melanie Knight offered to answer questions from the report provided. Chair Frailey inquired about the dispute with the Department of Interior. Ms. Knight stated we have a multi year funding agreement with DOI. Each year we are to attach a new spreadsheet to the agreement with the new numbers for that year of money. We have a continuing resolution which means the Federal Government only gets a percentage of their money which is passed on to the tribes. They were trying to force us to agree with new foot note language and to remove some of the line items that were in the previous years agreement. She stated all other tribes in the Country fought this same type of dispute. Due to our size we were able to hold out longer and then upon us stating this is against the law and if it persists we will have to take action to pursue enforcement. They have since changed their mind and have come to an agreement and we have received payment.

Councilor Cowan Watts made a motion to amend the agenda to move new business item 3 as the renomination of Michael Webber to be considered prior to the next report. Councilor Bill John Baker seconded the motion. Motion carried.

A RESOLUTION CONFIRMING THE RENOMINATION OF MICHAEL C. WEBBER AS A BOARD MEMBER OF THE CHEROKEE NATION ENTERPRISES, INC. BOARD OF DIRECTORS

Mr. Webber announced he is a Cherokee citizen from Rogers County and is President and CEO of HydroHoist a small employer in Claremore as well as a CNE board member.

Councilor Cowan Watts moved for the approval. Councilor Jack Baker seconded the motion. Motion carried unanimously.

6. Gaming Commission - Jamie Hummingbird

Mr. Hummingbird handed out his written report. He introduced his daughter Lauren. He announced both the Catoosa and West Siloam Springs locations are open. The Catoosa is up and running as of yesterday afternoon. He gave Kudos to his staff for the addition of 800 new games at the Catoosa facility and a new facility at West Siloam Springs. The Commission will be taking some what of a breather before the next expansion. He stated the numbers are provided in the report provided but do not include the new machines at Catoosa. Councilor Cowan Watts stated she had been notified of concerns by community people of the power outage. She stated she is concerned in the report that it states the Gaming Commission was not contacted. She inquired if they were contacted an the other incident at the hotel. Mr. Hummingbird stated the incident occurred on Thanksgiving evening and the Commission was not notified until approximately 3:00 p.m. the following Monday. He voiced concern for the late notification. He stated an evacuation of this magnitude, the machines in operation, the integrity of the cage and vault operations and the potential for compromise didn't sit well. In discussion with members of management of gaming and security it was a matter of forgetting. He stated with receiving the information four days late there was very little they could do in the way of going back to check to the accounting reports and system logs. In their rules, regulations and protocol any time a machine has a hard shut down by loosing power they are to be notified immediately. He also voiced concerns for the environment public health and safety issues go with the malfunction of the fly wheel that caused the actual power outage. They have been working with CNE to try to correct the problem. The outage also encompassed the outlying smoke shops as well. He stated they are still gathering information to determine if there are additional issues to work on other than the reiteration of notification immediately to allow them to monitor the situation. Councilor Cowan Watts felt the Council should have also been notified. She voiced concern for them not being held accountable for the technical solution. She stated we must maintain the integrity of the Gaming Commission and that oversight. She stated she is yet to hear about this issue from CNE or the board. Mr. Hummingbird stated they are in the process of determining exactly what went on and what will be done to fix the issue. Councilor Cowan Watts voiced concern that the technical side hasnt been resolved that this is a known technology, this is not the first power outage, a considerable amount of money has been spent and the issue has still not been addressed. Mr. Hummingbird stated in regard to the second issue there was an incident Saturday where a four story section of the sheetrock on the west side of the new hotel tower was ripped off due to high winds. This section crashed into the side of the existing hotel. Councilor Cowan Watts expressed concern for the Council not being alerted. Mr. Hummingbird stated he was contacted when this instance occurred and apologized for not contacting the Council. The hotel and expanded gaming area was evacuated. They believe the instance occured due to negative pressure from one of the seems not being quite set and some of the windows not yet being installed. The interior walls were not penetrated and the exterior wall has been covered to shield from outside elements. The safety staff from Flintco and CNE and the Commission have been on site to review the damage. He stated no injuries were reported. Chair Frailey inquired if notification was a part of policy at this time. Mr. Hummingbird stated written notification is part of the process for the games but at this time is not specifically included for anything on the environmental public health and safety. He stated this will change and it will be included. Councilor Anglen inquired if Flintco's general liability insurance would be responsible for the existing building. Mr. Hummingbird stated he is unsure but will find out. Councilor Anglen requested assurance that Flintco would not be given a change order to repair the damage. He

questioned who's responsibility it is to contact the Gaming Commission. Mr. Hummingbird stated it is the General Manager's responsibility and if they are not on duty it is the responsibility of the manager on duty. Councilor Anglen requested notice of factual information to the Council when major accidents occur. Councilor Buzzard stated it is embarrassing as a Councilor to be contacted and not have any information. Mr. Todd Hembree stated these are fantastic questions however they need to be directed to CNE as they report in the Executive and Finance Committee. He stated it is the responsibility of all of the entities and commissions aware of situations both good and bad. Councilor Cowan Watts requested explanation what prompted current employees in non gaming positions who have had arrests and or felonies to be now under review by the Gaming Commission and have been removed from their job until a hearing is conducted. Mr. Hummingbird stated the Commission has four levels of licensing. Two of these four levels, key employees and primary management officials, are covered by federal and tribal statutes as well as compact provisions. The other two levels are work permits and support licenses or non gaming employees. The Commission is required by the three levels of statute to do back ground investigations on the key employees and management officials and required to license everyone that works in a gaming facility but do not have to conduct a background investigation on a non gaming employees. The Commission has reviewed the granting privilege of a license as being something that does require some level of a background investigation. For the work permits and support licenses a lowered level of background check has been instituted. If an employee has been convicted of a felony they can not hold a gaming position but could possibly hold a non gaming position.

7. Codification - Todd Hembree

Mr. Todd Hembree reported he had received 2 more titles from the Attorney General staff. He stated the codification progressing very quickly and will be ready by January.

8. GEG Investigation Report - Diane Hammons

Ms. Hammons announced there is nothing new to report on the GEG investigation.

OLD BUSINESS

1. MORTGAGE FORECLOSURES (Discussion Only)

Councilor Bill John Baker made a motion to table till the January meeting. Councilor Cowan Watts seconded the motion. Motion carried unanimously.

NEW BUSINESS

1. A RESOLUTION CONFIRMING THE NOMINATION OF JENNIFER BARGER JOHNSON AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION

A motion was made by Councilor Bill John Baker, seconded by Councilor Don Garvin, that this Resolution be Approved in toto. The motion carried unanimously by consent.

2. A RESOLUTION CONFIRMING THE NOMINATION OF JAY HANNAH BOARD MEMBER OF THE CHEROKEE NATION ENTERPRISES BOARD OF DIRECTORS

A motion was made by Councilor Bill John Baker, seconded by Councilor Don

Garvin, that this Resolution be Approved in toto. The motion carried unanimously by consent.

3. A RESOLUTION CONFIRMING THE RENOMINATION OF MICHAEL C. WEBBER AS A BOARD MEMBER OF THE CHEROKEE NATION ENTERPRISES, INC. BOARD OF DIRECTORS

This item was addressed during reports.

4. A RESOLUTION CONFIRMING THE RENOMINATION OF DAVID TIPPECONNIC AS A BOARD MEMBER OF THE CHEROKEE NATION ENTERPRISES, INC. BOARD OF DIRECTORS

A motion was made by Councilor Bill John Baker, seconded by Councilor Don Garvin, that this Resolution be Approved in toto. The motion carried unanimously by consent.

5. A RESOLUTION CONFIRMING THE RENOMINATION OF WARREN ROSS AS A BOARD MEMBER OF THE CHEROKEE NATION INDUSTRIES, INC. BOARD OF DIRECTORS

A motion was made by Councilor Bill John Baker, seconded by Councilor Don Garvin, that this Resolution be Approved in toto. The motion carried unanimously by consent.

6. A RESOLUTION CONFIRMING THE RENOMINATION OF CHARLES PLUNKETT AS A BOARD MEMBER OF THE CHEROKEE NATION INDUSTRIES, INC. BOARD OF DIRECTORS

A motion was made by Councilor Bill John Baker, seconded by Councilor Don Garvin, that this Resolution be Approved in toto. The motion carried unanimously by consent.

7. A RESOLUTION CONFIRMING THE RENOMINATION OF DAVID BALLEW AS A BOARD MEMBER OF THE CHEROKEE NATION INDUSTRIES, INC. BOARD OF DIRECTORS

A motion was made by Councilor Bill John Baker, seconded by Councilor Don Garvin, that this Resolution be Approved in toto. The motion carried unanimously by consent.

8. A RESOLUTION CONFIRMING THE RENOMINATION OF JAY HANNAH AS A BOARD MEMBER OF THE CHEROKEE NATION BUSINESSES, LLC. BOARD OF DIRECTORS

A motion was made by Councilor Bill John Baker, seconded by Councilor Don Garvin, that this Resolution be Approved in toto. The motion carried unanimously by consent.

9. A RESOLUTION RATIFYING FILING LITIGATION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO FOR CLAIMS PURSUANT TO THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT

Sponsors: Councilor Meredith Frailey

Ms. Melanie Knight announced a correction in the title of the legislation it should read the district of Colorado not Columbia.

Councilor Bill John Baker made a motion to approve. Councilor Crittenden

seconded the motion. Motion carried unanimously.

10. A RESOLUTION IN SUPPORT OF DEVELOPMENT OF A CHEROKEE NATION CHILD ABDUCTION RESPONSE TEAM

Sponsors: Councilor Chris Soap

Councilor Soap stated this is a resolution geared toward the formation of and offer training for law enforcement to respond to child abduction cases.

Councilor Soap made a motion to approve. Councilor Bill John Baker seconded the motion. Motion carried.

11. CHEROKEE NATION TRAVEL/LOCAL MILEAGE POLICY

Chair Frailey announced at this time there isn't a written travel and local mileage policy. She suggested tabling this item to next month when hopefully there is more time for discussion and to allow the entire Council to be present.

Chair Frailey made a motion to table this item until the January meeting. Councilor Cobb seconded the motion. Motion carried.

ANNOUNCEMENTS

None.

ADJOURNMENT

Councilor Bill John Baker made a motion to adjourn. Councilor Crittenden seconded the motion. Motion carried at 10:07 a.m..

STAFF PRESENT:

<i>Sharon Wright</i>	<i>Nason Morton</i>	<i>Diane Hammons</i>
<i>Sharon Sweptson</i>	<i>Gregg Simmons</i>	<i>Shay Smith</i>
<i>Anna Knight</i>	<i>Jamie Hummingbird</i>	<i>Melanie Knight</i>

VISITORS PRESENT:

<i>Lauren Hummingbird</i>	<i>Todd Hembree</i>	<i>Gina Olaya</i>
<i>Tera Hardgrove</i>	<i>Joe Lange</i>	

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____