



Council of the Cherokee Nation

Council House
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Meeting Minutes - Final RULES COMMITTEE

Chuck Hoskin Jr., Chair

Recording Secretary, Shelli-Brittain
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Thursday, July 26, 2012

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Hoskin Jr. called the meeting to order at 1:10 p.m.

INVOCATION

Councilor Snell gave the invocation.

ROLL CALL

Present 17 - Buel Anglen; Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; Cara Cowan Watts; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; Lee Keener Jr.; David Walkingstick; Julia Coates; Frankie Hargis and Joe Byrd

APPROVAL OF MINUTES

**Councilor Hargis moved to approve the June 28th regular session minutes.
Councilor Anglen seconded the motion. The motion carried.**

REPORTS:

Marshal Service - Shannon Buhl

Mr. Buhl offered to answer questions from the report provided.

Office of the Attorney General - Todd Hembree

Mr. Hembree provided an update on the Freedman and United Keetoowah Cases as well as the seventy-six acres.

Codification - Todd Hembree

Mr. Hembree stated he has met with Treasurer Horn and funds have been identified for the codification project. The Cherokee Nation Supreme Court has requested to meet and address some issues they have with codification.

Office of the Attorney General - Todd Hembree

Mr. Hembree reported they were successful in the contract support cost litigation. He announced the Cherokee Nation was successful in the defense of the adoption in the South Carolina Case. This is not only a victory for the father and daughter but a major victory for the enforcement of Indian Child Welfare nationwide. Councilor Frailey inquired about the status of the draft amendments the Five Tribes were considering on probates on restricted land. Councilor Cowan Watts requested the opinion in the adoption case be provided to the Council and inquired if it would be available on the web. Councilor Walkingstick inquired about the status of the sick leave policy changes.

Election Commission - Bill W. Horton

Mr. Horton introduced the Election Commission's attorney, Harvey Chaffin. He announced the omnibus report has been provided. He offered to answer questions from the reports provided. Councilor Cowan Watts asked questions regarding consultations within the omnibus report, the voter red cards, media in the precincts, absentee balloting, the status of an election service provider, bad address lists being placed in the phoenix, and auto registering citizens at the age of 18. Councilor Lay inquired about the possibility of the Cherokee Nation performing our own elections. Chair Hoskin Jr. inquired about the Commissions position on presenting an ID when at the polls.

Tax Commission - Sharon Swepston

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

Self-Governance - Vickie Hanvey

Ms. Hanvey reported all of the Recovery Act reports have been completed. She stated she attended a meeting with Dr. Charles Grim, The VA, IHS and several other Oklahoma tribes regarding a memorandum of agreement to better serve our Veterans. She provided an update on contract health support cost. She announced they are in the process of hiring staff within self-governance.

Gaming Commission - Jamie Hummingbird

Ms. Debra Wilson reported in the absence of Mr. Hummingbird. She offered to answer questions from the report provided and gave an update on their APA compliance. She provided an update on the Gaming Commission's role in the three casino construction projects.

Registrar Citizenship Data Update - David Justice

Mr. Justice provided registration updates for the month of June.

AMEND THE AGENDA

Councilor Glory-Jordan moved to amend the agenda to include 1) An act to require certain tribal positions of authority to be enrolled citizens of the Cherokee Nation, sponsored by Councilor Lay, 2) An act to provide for additional oversight to Cherokee Nation Business by the Cherokee Nation Tribal Council, sponsored by Councilor Thornton, 3) An act amending legislative act 16-09 as amended by legislative acts

19-00, 08-01 and 05-05, establishing a free and independent press for the Cherokee Nation, sponsored by herself, and Councilors Fishinghawk and Fullbright, 4) An act amending legislative Act 26-12; revising title 26 "Elections" of the Cherokee Nation annotated; amending § 5, adding provisions for apportionment; and declaring an emergency, sponsored by herself and Councilors Fishinghawk and Hoskin Jr., 5) A legislative act repealing all sections of title 28 containing all sections regarding nepotism and ethics and enacting a replacement thereof, sponsored by herself and Councilors Fishinghawk and Hoskin Jr. Councilor Fishinghawk seconded the motion. Councilor Coates called for division.

The motion to amend the agenda to include an act to require certain tribal positions of authority to be enrolled citizens of the Cherokee Nation, sponsored by Councilor Lay carried with Councilor Keener opposed. This will be new business 5.

The motion to amend the agenda to include an act to provide for additional oversight to Cherokee Nation Business by the Cherokee Nation Tribal Council, sponsored by Councilor Thornton carried with Councilor Keener opposed. This will be new business 6.

The motion to amend the agenda to include an act amending legislative act 16-09 as amended by legislative acts 19-00, 08-01 and 05-05, establishing a free and independent press for the Cherokee Nation, sponsored by herself, and Councilors Fishinghawk and Fullbright failed by not reaching a two-thirds vote as follows:

Yea: 9 - Chuck Hoskin Jr. ; Curtis Snell; Meredith Frailey; Jodie Fishinghawk; Tina Glory Jordan; Dick Lay; David Walkingstick; Frankie Hargis and Joe Byrd

Nay: 6 - Buel Anglen; Don Garvin; Jack D. Baker; Cara Cowan Watts; Lee Keener Jr. and Julia Coates

Abstain: 1 - David Thornton, Sr.

Not In Room: 1 - Janelle Fullbright

The motion to amend the agenda to include an act amending legislative Act 26-12; revising title 26 "Elections" of the Cherokee Nation annotated; amending § 5, adding provisions for apportionment; and declaring an emergency, sponsored by herself and Councilors Fishinghawk and Hoskin Jr. failed by not reaching a two-thirds vote as follows:

Yea: 9 - Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Jodie Fishinghawk; Tina Glory Jordan; Dick Lay; David Walkingstick; Frankie Hargis and Joe Byrd

Nay: 7 - Buel Anglen; Don Garvin; Jack D. Baker; Meredith Frailey; Cara Cowan Watts; Lee Keener Jr. and Julia Coates

Not In Room: 1 - Janelle Fullbright

Councilor Glory-Jordan withdrew her motion to amend the agenda to include a legislative act repealing all sections of title 28 containing all sections regarding nepotism and ethics and enacting a replacement thereof, sponsored by herself and Councilors Fishinghawk and Hoskin Jr.

Councilor Glory-Jordan requested a special Rules meeting be scheduled for consideration of the items that didn't make the agenda today.

OLD BUSINESS

1. [12-055](#) AN ACT AMENDING TITLE 13 SECTION 102 (a) and SECTIONS 304 (A)(b) and (c) OF THE CHEROKEE CODE ANNOTATED AND AMENDING LEGISLATIVE ACT 13-07 OF THE CHEROKEE NATION ADMINISTRATIVE PROCEDURE ACT

Councilor Cowan Watts requested clarification that when this item was tabled last month there was a motion to include the Housing Authority. She requested an update from Mr. Morton regarding the conflict.

After some debate was held Councilor Keener moved to table. Councilor Cowan Watts seconded the motion. The motion failed with the following roll call vote:

Yea: 8 - Buel Anglen; David Thornton, Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; Cara Cowan Watts; Lee Keener Jr. and Julia Coates

Nay: 9 - Chuck Hoskin Jr. ; Curtis Snell; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick; Frankie Hargis and Joe Byrd

Councilor Keener's motion to include the Housing Authority failed by voice vote.

Councilor Coates moved to table. Councilor Cowan Watts seconded the motion. The motion failed.

Councilor Glory-Jordan made a motion to remove the Election Commission from this Act. Councilor Fullbright seconded the motion.

After some discussion was held the motion carried with the following roll call vote:

Yea: 11 - Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Meredith Frailey; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick; Frankie Hargis and Joe Byrd

Nay: 6 - Buel Anglen; Don Garvin; Jack D. Baker; Cara Cowan Watts; Lee Keener Jr. and Julia Coates

Councilor Fishinghawk moved to strike TERO. Councilor Walkingstick seconded the motion. The motion carried with the following roll call vote:

Yea: 9 - Chuck Hoskin Jr. ; Curtis Snell; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick; Frankie Hargis and Joe Byrd

Nay: 8 - Buel Anglen; David Thornton, Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; Cara Cowan Watts; Lee Keener Jr. and Julia Coates

Councilor Walkingstick called for the question. The motion to approve as

amended carried with no opposition.

2. [12-086](#) AN ACT AMENDING LEGISLATIVE ACT 03-09 AND TITLE 68 CHAPTER 3 OF THE CHEROKEE NATION CODE ANNOTATED - SALES TAX; ADDING EXEMPTIONS FOR ONE HUNDRED PERCENT (100%) PERMANENTLY DISABLED VETERANS AND FOR ALL VETERANS WHO ARE CITIZENS OF THE CHEROKEE NATION
Councilor Fishinghawk moved to approve. Councilor Byrd seconded the motion. Councilor Frailey offered a friendly amendment to strike Oklahoma National Guard to read National Guard. The friendly amendment was accepted. After additional discussion was held Councilor Cowan Watts voiced concerns with paragraph C.
Councilor Glory-Jordan moved to table. Councilor Hargis seconded the motion. The motion carried.
3. [TMP-212](#) DISCUSSION AND POSSIBLE ACTION CONCERNING CHEROKEE NATION HOME HEALTH SERVICE
Councilor Lay moved to table. Councilor Byrd seconded the motion. The motion carried.

NEW BUSINESS

1. [12-095](#) A RESOLUTION CONFIRMING THE NOMINATION OF STEVE WILSON AS A BOARD MEMBER OF THE CHEROKEE NATION TAX COMMISSION BOARD OF DIRECTORS
Councilor Hargis moved to approve. Councilor Byrd seconded the motion. After a few questions the motion to approve carried with one in opposition.
2. [12-096](#) A RESOLUTION CONFIRMING THE NOMINATION OF RUTH ANN WEAVER AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION
Councilor Glory-Jordan moved to approve. Councilor Hargis seconded the motion. After a few questions the motion to approve carried with the following roll call vote:
Yea: 13 - Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; David Walkingstick; Frankie Hargis and Joe Byrd
Nay: 2 - Lee Keener Jr. and Julia Coates
Abstain: 2 - Buel Anglen and Cara Cowan Watts
3. [12-097](#) AN ACT AMENDING LA#13-07 CHEROKEE ADMINISTRATIVE PROCEDURES ACT
Councilor Glory-Jordan moved to table. Councilor Byrd seconded the motion. The motion carried with some opposition.
4. [TMP-214](#) DISCUSSION: COMPLIANCE WITH ADMINISTRATIVE PROCEDURES ACT BY CHEROKEE NATION ELECTION COMMISSION, ENVIRONMENTAL PROTECTION COMMISSION, GAMING COMMISSION, AND TAX COMMISSION
Councilor Cowan Watts commented our Constitution speaks clearly and all of these agencies, regardless if they are moved now or in the future, they are past the deadline for being compliant. Chair Hoskin Jr. requested each department included in the current Act to report on their compliance with the Act. Mr. Harvey Chaffin the attorney for the Election Commission stated he would review the Commissions

compliance and submit a report. Mr. Elkins provided a report for the Environmental Protection Commission. Ms. Debra Wilson of the Gaming Commission provided an update to their compliance since their last report. Ms. Sharon Swepston gave a report on the Tax Commissions compliance.

5. [12-103](#)

AN ACT TO REQUIRE CERTAIN TRIBAL POSITIONS OF AUTHORITY TO BE ENROLLED CITIZENS OF THE CHEROKEE NATION

Councilor Lay moved to approve. Councilor Cowan Watts seconded the motion. After discussion was held Councilor Walkingstick offered a friendly amendment to include the CEO of Cherokee Nation Businesses. The friendly amendment was accepted.

After a lengthy discussion and debate was held the motion to approve carried with the following roll call vote:

Yea: 11 - Buel Anglen; David Thornton, Sr. ; Don Garvin; Jack D. Baker; Cara Cowan Watts; Jodie Fishinghawk; Dick Lay; Lee Keener Jr.; David Walkingstick; Julia Coates and Joe Byrd

Nay: 6 - Chuck Hoskin Jr. ; Curtis Snell; Meredith Frailey; Tina Glory Jordan; Janelle Fullbright and Frankie Hargis

6. [12-098](#)

AN ACT TO PROVIDE FOR ADDITIONAL OVERSIGHT TO CHEROKEE NATION BUSINESS BY THE CHEROKEE NATION TRIBAL COUNCIL; AND DECLARING AN EMERGENCY

Councilor Thornton moved to approve. Councilor Fishinghawk seconded the motion. Councilor Garvin offered a friendly amendment to add the right to terminate the contract. The friendly amendment was not accepted. Councilor Thornton requested the Chair create a subcommittee to create the procedures as shareholders and to review the Cherokee Nation Corporate Act.

After some discussion was held the motion to approve failed with the following roll call vote:

Yea: 8 - Curtis Snell; David Thornton, Sr. ; Don Garvin; Jodie Fishinghawk; Dick Lay; Lee Keener Jr.; David Walkingstick and Joe Byrd

Nay: 9 - Buel Anglen; Chuck Hoskin Jr. ; Jack D. Baker; Meredith Frailey; Cara Cowan Watts; Tina Glory Jordan; Janelle Fullbright; Julia Coates and Frankie Hargis

ANNOUNCEMENTS

ADJOURNMENT

Councilor Baker moved to adjourn. Councilor Byrd seconded the motion. The motion carried at 4:03 p.m.

STAFF PRESENT:

<i>Tom Elkins</i>	<i>Sara Hill</i>	<i>Nason Morton</i>
<i>Shannon Buhl</i>	<i>Todd Hembree</i>	<i>David Justice</i>
<i>Vickie Hanvey</i>	<i>Robert Garcia</i>	<i>Jon Overacker</i>
<i>Tammy Beaver</i>	<i>Willard Mounce</i>	<i>Rick Gassaway</i>
<i>Sharon Swepston</i>	<i>Dianna Turtle</i>	<i>Jim Gray</i>
<i>Doug Evans</i>		

VISITORS PRESENT:

*Raymond Vann
Carolyn Allen
Harvey Chaffin
Debra Wilson*

*Ruth Ann Weaver
Bill Horton
Charles Dry
Steve Wilson*

*Ollie Starr
Lindsay Earls
Patricia Carpenter
Larry Horn*