



Council of the Cherokee Nation

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

Meeting Minutes - Draft RULES COMMITTEE

Joe Byrd, Chair

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

Thursday, October 31, 2013

1:00 PM

Tribal Council Offices

CALL TO ORDER

Chair Byrd called the meeting to order at 1:05 p.m.

INVOCATION

Councilor Snell gave the invocation.

CONFIRMATION OF NEW COMMITTEE MEMBER

Councilor Glory Jordan moved to accept Councilor Victoria Vazquez as a member of this committee. Councilor Taylor seconded the motion. The motion carried.

AMEND THE AGENDA

Councilor Glory Jordan moved to amend the agenda to add the Act amending the motor vehicle licensing and tax code. Councilor Walkingstick seconded the motion.

REMOTE ATTENDANCE

Councilor Glory Jordan commented Councilor Cowan Watts is on video/audio conference while she isn't on official business of the Cherokee Nation. She gave an overview of the Remote Attendance Act and the requirements of a two-thirds vote of the committee to allow a councilor to remote attend and vote if not on official business. Councilor Coates commented roll call needs to be taken to establish a quorum before any votes are taken.

ROLL CALL

Present 15 - Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; Lee Keener Jr.; David Walkingstick; Julia Coates; Jack D. Baker; Harley Buzzard; Joe Byrd; Frankie Hargis ; Curtis Snell; Janees Taylor; David Thornton, Sr. and Victoria Vazquez

Absent 2 - Cara Cowan Watts and Don Garvin

REMOTE ATTENDANCE

After some discussion was held Councilor Baker moved to vote to allow Councilor Cowan Watts to vote during this committee while attending the AISES Conference. Councilor Coates seconded the motion. The motion failed by not reaching a two-thirds majority with the following roll call vote:

Yeas 4 - Jack Baker, Harley Buzzard, Julia Coates and Lee Keener

Nays 9 - Jodie Fishinghawk, Janelle Fullbright, Frankie Hargis, Tina Glory Jordan, Dick Lay, Curtis Snell, Janees Taylor, David Thornton, and David Walkingstick

Abstention 1 - Joe Byrd.

CONFIRMATION OF NEW COMMITTEE MEMBER

Councilor Walkingstick moved to include Councilor Vazquez as a member of this committee. Councilor Glory Jordan seconded the motion. The motion carried.

AMEND THE AGENDA

Councilor Glory Jordan made a motion to amend the agenda to include a Legislative Act entitled the Cherokee Nation Motor Vehicle Licensing and Tax Code Amendments of 2013. Councilor Walkingstick seconded the motion. The motion carried.

APPROVAL OF MINUTES

Councilor Walkingstick moved to approve the September 26th regular session minutes. Councilor Hargis seconded the motion. The motion carried.

REPORTS:

Marshal Service - Shannon Buhl

Marshal Buhl announced they have received a grant in the amount of \$792,445 which will allow them to hire three additional marshals. He offered to answer questions from the report. Councilor Lay requested Marshals in the Northern area of the jurisdictional area. Councilor Fishinghawk congratulated Marshal Buhl on his appointment to the White House Drug Enforcement Panel.

Office of the Attorney General - Todd Hembree

Attorney General Hembree provided an update on the current litigation cases with the United Keetoowah Band and the Bay Mills vs. Michigan case. He announced they have reached an agreement with the State of Oklahoma on the tobacco compact and provided a brief overview of the changes. Lengthy discussion was held on the changes along with the flow bank within the tobacco compact.

Codification - Todd Hembree

Mr. Hembree announced they have received titles 1 – 50 and they have been divided between the attorneys in the office to check for accuracy. The remaining titles should be received within the next month. He stated a letter from the Attorney General's Office will be sent to the gentleman in California stating the standard has been met in regard to publication of the laws and court opinions with Legistar and the websites.

Election Commission - Bill W. Horton

Mr. Horton offered to answer questions from the report provided. Much appreciation was given to him and the Commission for attending the recent community meetings.

Tax Commission - Sharon Swepston

Ms. Swepston offered to answer questions from the report provided. Councilor Buzzard inquired as to the number of individual and tribal smoke shops in our jurisdictional area as well as the number of employees they have and if they are Cherokee. Councilor Thornton requested it include family members also. Councilor Keener inquired if she and her staff are ready for the changes tomorrow. Councilor Lay inquired as to the number of tag offices and the determination for their locations.

Self-Governance - Vickie Hanvey

Ms. Cathy King reported in the absence of Ms. Hanvey. She announced Councilor Cowan Watts request for compacting for tribal registration has been sent to the Secretary of State and the Attorney General. Councilor Buzzard inquired about the estimated dollars being sued for in the compact support cost. Councilor Keener requested a more thorough report on the Administration for Children and Families Tribal Advisory Committee conference.

Gaming Commission - Jamie Hummingbird

Mr. Hummingbird commented they are closely following the Bay Mill case. The Oklahoma Supreme Court issues a ruling a few weeks ago affirming the concept that the State courts are not the court of competent jurisdiction is it relates to the state gaming compacts. He reported the NIGC has named a Creek Nation citizen as the interim chair. Chair Byrd requested a brief overview of the Bay Mills case. Councilor Buzzard inquired as to the status of Fair Meadows.

OLD BUSINESS

1. [13-118](#) A RESOLUTION CHANGING THE PLACEMENT PREFERENCES OF INDIAN CHILDREN
Councilor Glory Jordan moved to table. Councilor Walkingstick seconded the motion. The motion carried.

NEW BUSINESS

1. [13-123](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF COLEMAN BARTOW FITE AS A DISTRICT JUDGE OF THE CHEROKEE NATION DISTRICT COURT

Councilor Fishinghawk moved to table for 90 days. Councilor Lay seconded the motion. The motion carried.

2. [13-124](#)

AN ACT REPEALING LA#15-96 AND AMENDING LA#32-04, "THE CHEROKEE NATION LIMITED LIABILITY COMPANY ACT"; AMENDING CONVERSION OF FOREIGN CORPORATIONS

Councilor Glory Jordan moved to approve. Councilor Fishinghawk seconded the motion. Mr. Jim Carrington of CNB and Elizabeth Odell of the Attorney General's office gave an overview of the changes. Councilor Cowan Watts requested a list of the current LLC's formed under tribal law and inquired how the Council would be informed of any new LLC. She requested a review if the existing LLC's in the December or January Rules meeting along with the portion of the Act that pertains to the reporting mechanism.

After lengthy discussion the motion carried with the following roll call vote:

Yea: 12 - Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; David Walkingstick; Julia Coates; Jack D. Baker; Harley Buzzard; Joe Byrd; Frankie Hargis ; Curtis Snell; Janees Taylor and Victoria Vazquez

Nay: 3 - Dick Lay; Lee Keener Jr. and David Thornton, Sr.

3. [13-122](#)

A LEGISLATIVE ACT ENTITLED "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE MODIFICATION OF 2013"

Councilor Glory Jordan moved to approve. Councilor Hargis seconded the motion. All Councilors requested to be added as sponsors. Councilor Keener pointed out some clerical errors. The motion carried by acclamation.

ANNOUNCEMENTS

Councilor Glory Jordan commented the tobacco compact needs to be ratified as soon as possible. It could be placed on the Rules agenda and then forwarded to the Council meeting that evening if the Rules committee is held on the 12th. Chair Byrd recommended having Rules at 10:00 a.m. on Tuesday, the 12th of November. Executive and Finance Chair Fishinghawk stated E&F would begin on the 12th at 11:00 here in the Council offices. Lunch will be served at the Head Start at noon.

Councilor Coates introduced visitors from the At Large communities.

ADJOURNMENT

Councilor Vazquez moved to adjourn. Councilor Walkingstick seconded the motion. The motion carried at 3:05 p.m.

STAFF PRESENT:

<i>Bill John Baker</i>	<i>Shannon Buhl</i>	<i>Bart Fite</i>
<i>Chuck Hoskin Jr.</i>	<i>Todd Hembree</i>	<i>Wanda Beaver</i>
<i>Sara Hill</i>	<i>Elizabeth Odell</i>	<i>Jamie Hummingbird</i>
<i>Sharon Swepston</i>	<i>Tyler Thomas</i>	<i>Rhonda Trumbla</i>
<i>Lacey Horn</i>	<i>Bruce Davis</i>	<i>Cathy King</i>
<i>Jon Overacker</i>	<i>Gary Cooper</i>	

VISITORS PRESENT:

Bill Horton

Lisa Long

Jim Carrington

Larry Horn

Gina Olaya

Bill Levinson

Dianne Barker Harrold

Ruth Ann Weaver

Courtney Roark Thompson