



Council of the Cherokee Nation

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

Meeting Minutes - Final RULES COMMITTEE

Meredith Frailey, Chair

Recording Secretary, Shelli-Brittain
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Thursday, May 27, 2010

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 1:08 p.m.

INVOCATION

Attorney Todd Hembree gave the invocation.

ROLL CALL

Present 13 - Bill John Baker; Buel Anglen; Chris Soap; Chuck Hoskin; Curtis Snell; David Thornton Sr. ; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

Late Arrival 4 - Bradley Cobb; Cara Cowan Watts; Jodie Fishinghawk and Julia Coates

APPROVAL OF MINUTES

Councilor Bill John Baker moved to approve the April 29th regular session minutes. Councilor Garvin seconded the motion. Motion carried.

REPORTS:

1. Marshal Service - Sharon Wright

Ms. Wright offered to answer questions from her report. Councilor Soap inquired if the Women's self defense classes could be given out in the communities. Ms. Wright stated this was a pilot project to determine the interest. They are now planning to go out into the communities.

2. Office of the Attorney General - Diane Hammons

Ms. Chrissi Nimmo offered to answer questions from the Attorney General's report. She also stated she is prepared to give a status update on the sex offender registration as requested from Council member Cowan Watts. The Cherokee.nsopw.gov website for sex offenders is up and running. They currently have 5 sex offenders registered and are currently investigating 6 others. In regard to

the current legislation a change may need to be made in regard to the tier being based on offense instead of the risk. In conjunction with the Marshals they have conducted two presentations for the employees to provide an education on the website and Act. She announced several other presentations are scheduled in the out lying areas and offered to give the presentation at community meetings as well. Councilor Fishinghawk requested an update on ICI. Ms. Nimmo offered to pass the request on to Ms. Hammons.

3. GEG Investigation Report - Diane Hammons

Councilor Thornton requested Mr. Evans provide the financial status of GEG each month.

4. Election Commission - Roger Johnson

No one was present to report. Councilor Buzzard commented on the vote in the report to remove the Bell and Afton precincts from the elections. He stated he is strictly against removing the Afton precinct. Councilor Buzzard made a motion to keep the Afton and Bell precincts remain open. Councilor Fishinghawk seconded the motion. Motion carried.

5. Tax Commission - Sharon Swebston

Mr. Andy Quetone offered to answer questions from the written report. Councilor Buzzard inquired about the status of the Jay tag office. Mr. Quetone commented they are in the process of finalizing several items and hope to open the week of June 14th.

6. Self-Governance - Vickie Hanvey

Ms. Hanvey announced she would like to share with the Council a video to commemorate the 20 year celebration of Self-Governance. Chair Frailey inquired about the status of the short fall report. Ms. Hanvey announced a conference call is taking place right now and a meeting was held during the Self-Governance conference. They have been working with the staff at DOI to correct some calculation errors. The first distribution is set for the end of May with the final distribution in July.

Chair Frailey requested Mr. Hummingbird provide the Gaming Commission report while waiting to fix the equipment for the Self-Governance presentation.

7. Gaming Commission - Jamie Hummingbird

Mr. Hummingbird announced the hotel at the Siloam Springs facility is scheduled to open tomorrow at 10:00 a.m. The Ramona facility is scheduled to open at 5:00 p.m. tomorrow. He gave kudos to his staff for all of their hard work in getting these two facilities ready to open.

Councilor Hoskin Jr. moved to amend the agenda to add a resolution in support of Keith Harper's appointment to the 10th Circuit Court. Councilor Bill John Baker seconded the motion. Motion carried as item #7 under new business.

6. Self-Governance - Vickie Hanvey

The Self-Governance video presentation was presented. Ms. Hanvey pointed out the Cherokee Nation was one of the first tribes to join in self-governance. Councilor Fishinghawk inquired as to the effect of the United Keetoowah Band obtaining their self-governance. Ms. Hanvey stated the 638 contracts that the UKB currently has could be moved into a self-governance compact. She stated we are negotiating our three year funding agreement this year and will be monitoring any effects their funding may have on us. Mr. Pat Ragsdale stated the potential conflict is if the UKB tries to assert jurisdiction over any one of our programs. Councilor Hoskin Jr. inquired the conflicts would be addressed if they do arise. Mr. Ragsdale stated it would be taken to the BIA. Councilor Glory-Jordan inquired if the UKB is receiving their housing funds again. Mr. Ragsdale offered to look into and report back.

8. Codification - Todd Hembree

Mr. Hembree announced they are waiting on the completion of Title 4. They have submitted bids to three publishers on the estimated amount of volumes needed. He has received word from Attorney General Hammons that as of the 1st of June she would have three legal interns who can assist in these efforts.

OLD BUSINESS

None pending.

NEW BUSINESS

1. A RESOLUTION CONFIRMING THE NOMINATION OF TONYA ROZELL AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION
Councilor Bill John Baker moved to approve. Councilor Crittenden seconded the motion. Motion carried.

2. A RESOLUTION HONORING DEREK RYAN PRATHER FOR RECEIVING THE LEVEL OF EAGLE SCOUT FROM THE BOY SCOUTS OF AMERICA
Councilor Cowan Watts moved to approve. Councilor Bill John Baker seconded the motion. Motion carried.

3. CNB ADVISORY BOARD MEMBER SELECTION

Councilor Cobb stated with the consolidation of the CNE, CNI and CNB boards there is a need to modify the Council advisory board members. He moved to approve pending the nomination of the advisory board members. Councilor Anglen seconded the motion. Councilor Glory-Jordan moved to nominate Bill John Baker. Councilor Thornton seconded the motion. Mr. Hembree recommended the chair open the field for nominations to fill the 5 seats. If there are more than five nominations he suggested creating a ballot. Councilor Glory-Jordan amended her motion to include Meredith Frailey as an advisory member. Councilor Thornton nominated Cara Cowan Watts. Councilor Anglen nominated Jack D. Baker and Chris Soap. Councilor Cowan Watts nominated Harley Buzzard. A motion and a second were made to cease nominations. The motion carried.

AN ACT AMENDING LEGISLATIVE ACT 15-10 THE CHEROKEE NATION GENERAL CORPORATION ACT CREATING AN ADVISORY BOARD OF DIRECTORS AND SETTING TERM LIMITS ON DIRECTORS ON CORPORATIONS IN WHICH THE CHEROKEE NATION IS A MAJORITY SHAREHOLDER

With six nominations Councilor Cowan Watts made a motion to amend the agenda to include an amendment to LA-15-10 to change the advisory board from 5 to 6 members. Councilor Garvin seconded the motion. Mr. Hembree stated the motion to amend the agenda was approved without objection. The motion now on the floor is to amend LA-15-10 from 5 to 6 advisory board members. The motion carried.

Mr. Hembree stated he would make sure the legislation amending LA-15-10 is ready for the Council meeting.

CNB ADVISORY BOARD MEMBER SELECTION

Councilor Glory-Jordan requested the 6 members take turns and report back to the Council. Chair Frailey announced CNB has agreed to provide minutes in confidential form of the board meetings beginning May 2010.

The motion to approve Councilors Bill John Baker, Meredith Frailey, Cara Cowan Watts, Chris Soap, Jack D. Baker and Harley Buzzard as CNB advisory board members carried.

4.

AN ACT PROHIBITING ELECTED OFFICIALS FROM APPEARING OR PARTICIPATING IN MEDIA ADVERTISEMENTS CONDUCTED OR PAID FOR BY CHEROKEE NATION OR ITS ENTITIES DURING ELECTION PERIODS

Councilor Hoskin Jr. announced an amended version has been handed out. In essence this would prohibit elected officials from appearing in advertisements paid for by the Cherokee Nation or its entities during a certain time period before a Cherokee Nation election. Councilor Hoskin Jr. moved to approve. Councilor Glory-Jordan seconded the motion with a friendly amendment and requested to be added back as a co-sponsor. The friendly amendment is to add and the elected official's immediate family members to the definition of an elected official. Councilor Hoskin Jr. accepted the friendly amendment. Councilor Cobb commented the Chief, whom ever he is, is the face of the Nation. He stated he agrees with portions of the legislation but in its current form he would be unable to support. Councilor Hoskin Jr. agreed the Chief is going to be in the media as the face of the Cherokee Nation. He stated there is always a political element involved and this legislation draws a line six months out from an election. He commented he would like to have feedback from both CNB and the Election Commission. Councilor Cowan Watts voiced concern for the possible removal of videos on Cherokee.org that are useful tools. She stated this concern would keep her from supporting this item. Councilor Hoskin Jr. stated as written now they would have to be pulled. He commented a way to get around it would be to remove the Cherokee Nation from application but not the corporate entities. He stated it is difficult to draw the line between lobbying and advertising but an effort needs to be made. Mr. Ragsdale commented the video presentation viewed earlier regarding self-governance was not paid for by the Cherokee Nation or its entities therefore the Chief nor the tribe has control over the video. Councilor Hoskin Jr. stated the self-governance video not produced by the Cherokee Nation would be outside the grip of this legislation. Ms. Ragsdale stated she visited with the Chief and discussed the version provided in the packet. She stated the Chief doesn't necessarily disagree with the concept. She commented she also spoke to the Attorney General and there may be a conflict in regard to the Free and Independent Press Act. Councilor Hoskin Jr. commented this would be a simple fix by stating this

shall not apply to the Cherokee Phoenix. Mr. Hembree agreed the Free and Independent Press Act should be applicable in this Act. He suggested adding corporations to the definition of Cherokee Nation entities.

Councilor Hoskin Jr. moved to table for one month. Councilor Bill John Baker seconded the motion. The motion carried with Councilor Soap opposed.

5. TRIBAL COUNCIL TRAVEL EXPENSE POLICY ANNUAL REVIEW

Councilor Anglen stated the Cherokee Nation Travel Policy requires a review each May. He moved to reaffirm the current policy. Councilor Garvin seconded the motion. Councilor Glory-Jordan handed out a revision to the current policy as a friendly amendment. This revision would allow a Council Members unexpended mileage funds to be used during the next fiscal year for community assistance. Councilors Anglen and Garvin accepted the friendly amendment. Councilor Cowan Watts announced she had some additional amendments for consideration. The first amendment is #3 of page 3 where "or voluntary" would be stricken and then add a sentence at the end requiring all requests for travel be submitted in writing to the Council staff for consideration at time of travel/trip approval. Councilors Anglen and Garvin accepted the friendly amendment. The next amendment requested on page 4 #9 is to add a sentence at the end for all personal information be removed before being made public or provided to the public. Councilors Anglen and Garvin accepted the friendly amendment. Councilor Cowan Watts a friendly amendment providing clarification between elective travel expenses and official travel. She welcomed input on this request. Chair Frailey requested this be brought back next month due to time constraints.

Councilor Cowan Watts moved to table for one month. Councilor Crittenden seconded the motion. Motion carried with Councilor Thornton opposed.

6. AN ACT AMENDING LEGISLATIVE ACT 06-10 REVISING TITLE 26 ("ELECTIONS") PROVIDING FOR APPORTIONMENT

Councilor Hoskin Jr. stated this Act addresses the method by which we would count our population for the purpose of apportionment. Councilor Hoskin Jr. moved to approve. Councilor Glory-Jordan seconded the motion. Councilor Jack D. Baker offered a friendly amendment on page 2 Section 2(B)(1)(ii) to change language to read by the Registrar. The friendly amendment was accepted. Councilor Cowan Watts voiced for concern that the legislation doesn't call for immediate apportionment. She also had question in regard to the data. Councilor Hoskin Jr. stated the legislation provides a precise road map of how to do apportionment. Mr. Hembree stated this takes the Election Commission out of the apportionment process and removes any deadline as to when apportionment must take place. He voiced caution on waiting to take action he recommended the Council either take action and then work to have amendments ready for full Council or call a special Rules meeting the day of Council. Councilor Cowan Watts offered a friendly amendment to call for immediate apportionment. Councilors Hoskin Jr. and Glory-Jordan accepted. Councilor Cowan Watts offered a friendly amendment in section 5(B)(1)(ii) to delete "in partial zip code areas." Councilor Hoskin didn't accept the friendly amendment.

Councilor Cowan Watts made a motion to delete the "in partial zip code areas." Councilor Garvin seconded the motion. The motion failed with the following roll call vote:

Yea: 5 - Buel Anglen; Cara Cowan Watts; Chris Soap; David Thornton Sr. and Don Garvin

Nay: 12 - Bill John Baker; Bradley Cobb; Chuck Hoskin; Curtis Snell; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

Councilor Cowan Watts inquired if the questionnaire is needed a cut off date. After discussion Councilor Cowan Watts withdrew her friendly amendment. Councilor Soap made a motion to amend to divide the districts by 5 instead of 15. The motion died for a lack of a second. Councilor Garvin made a motion for each citizen to have the privilege to vote one time every four years. Councilor Cowan Watts seconded the motion. After discussion Councilors Garvin and Cowan Watts withdrew the motion.

The motion to approve as amended carried with the following roll call vote:

Yea: 15 - Bill John Baker; Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chuck Hoskin; Curtis Snell; David Thornton Sr. ; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Jodie Fishinghawk; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

Nay: 2 - Chris Soap and Julia Coates

7.

A RESOLUTION IN SUPPORT OF THE PROSPECTIVE NOMINATION OF CHEROKEE NATION CITIZEN KEITH HARPER TO THE UNITED STATES 10TH CIRCUIT COURT OF APPEALS

Councilor Hoskin Jr. moved to approve. Councilor Jack D. Baker seconded the motion. Councilor Glory-Jordan commented she isn't opposed to Mr. Harper but has a concern regarding the nomination and requested Mr. Hembree explain. Mr. Hembree stated the concern is if this resolution of support were passed that it may be used in an attempt to recues him from being heard on cases that may go to the 10th Circuit Court. Councilor Hoskin Jr. inquired if this is time sensitive. Ms. Ragsdale stated they have been approached by other Nations who want our support on this as he is a Cherokee citizen. She commented the Administration feels it is vital to step up and take the lead. She stated he would be the first Native American to set on a Federal bench.

Councilor Hoskin Jr. moved to table. Councilor Glory-Jordan seconded the motion. The motion to table failed with the following roll call vote:

Yea: 8 - Bill John Baker; Chris Soap; Chuck Hoskin; Curtis Snell; Harley Buzzard; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

Nay: 8 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; David Thornton Sr. ; Don Garvin; Jack D. Baker; Janelle Fullbright and Meredith Frailey

Not In Room: 1 - Julia Coates

The motion for approval carried with Councilors Crittenden and Glory-Jordan opposed.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Jack D. Baker moved to adjourn. Councilor Cowan Watts seconded the motion. Motion carried at 3:40 p.m.

STAFF PRESENT:

Jamie Hummingbird
Kim Gilliland
Andy Quetone
Doug Evans
Melanie Knight

Sharon Wright
Paula Ragsdale
Shelley Butler-Allen
Callie Catcher
Jeff Vance

Pat Ragsdale
Chrissi Nimmo
Vicki Hanvey
Diane Kelley
Anna Knight

VISITORS PRESENT:

Ollie Starr
Tonya Rozell

Jackie Bob Martin

Todd Hembree