



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
Phone: 1-800-995-9465,
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Thursday, June 24, 2010

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 1:15 p.m.

INVOCATION

Councilor Bill John Baker gave the invocation.

ROLL CALL

Present 14 - Bill John Baker; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin; Curtis Snell; David Thornton Sr.; Don Garvin; Harley Buzzard; Jack D. Baker; Jodie Fishinghawk; Julia Coates; Meredith Frailey and Tina Glory Jordan

Late Arrival 3 - Bradley Cobb; Janelle Fullbright and S. Joe Crittenden

APPROVAL OF MINUTES

Councilor Jack D. Baker moved to approve the May 27, 2010 regular session minutes. Councilor Garvin seconded the motion. Motion carried.

REPORTS:

1. Marshal Service - Sharon Wright

Ms. Wright offered to answer questions from the written report provided. She announced she was glad to be back from the Remember the Removal Bike Ride.

2. Office of the Attorney General - Diane Hammons

Ms. Hammons reported she provided a copy of an order received yesterday to Mr. Hembree where the Choctaws and Chickasaws obtained a Federal Court Order which basically enjoins the Oklahoma Supreme Court Case which held that a Court of competent jurisdiction included State Courts. She stated this is very good news for Class III gaming. She offered to answer questions from the report provided.

3. GEG Investigation Report - Diane Hammons

Ms. Hammons gave an update on GEG by stating over the last few months they have learned no charges will be filed. Tribal charges are not an option due to all players being non Indian. A counter claim remains in the pending Tribal Court case regarding the Majewski termination. Outside Counsel is handling the termination case for CNI. Councilor Thornton suggested reporting on GEG quarterly.

Councilor Glory-Jordan inquired about the status of the issues with ICI. Ms. Hammons stated they filed bankruptcy and the only asset that still remains viable is the approximate \$20,000 being held in escrow in the Tribal Court. Councilor Glory-Jordan requested a complete update next month.

Councilor Thornton made a motion to remove the GEG report from the monthly agenda and allow a quarterly GEG status report. Councilor Glory-Jordan seconded the motion with a friendly amendment to leave on the agenda one additional month to allow a complete report on ICI. Councilor Thornton agreed. Councilor Hoskin Jr. requested the report provided contain a reasonable amount of background context. Councilor Thornton stated he has requested all information regarding the stock through FOIA. Motion carried.

4. Election Commission - Roger Johnson

No one was present from the Election Commission to report. Councilor Buzzard commented last month the requested the Afton and the Bell precincts be reconsidered he is now seeing articles that they have been closed. He stated he would like a full report on the status of both of these precincts.

5. Tax Commission - Sharon Swepston

Ms. Karen Walls offered to answer questions from the Tax Commission report.

6. Self-Governance - Vickie Hanvey

Ms. Hanvey announced they are preparing for the DOI negotiations and attempting to establish meeting dates. In regard to Contract Support Costs there are still errors in the report. They are working with the Department on the distribution of the increase. At this time at least 50% of the distribution has gone out to the tribes in which time is being allowed for review and corrections prior to the final distribution being made. She announced they attended the Congressional Hearing on the Title IV amendments. They just received another distribution of the 2010 roads funding in the amount of \$6.3ml which makes approximately 90% of our 2010 distribution. Ms. Hanvey stated they are working on the Recovery Act and will be able to provide a reporting update at the next meeting. Councilor Buzzard inquired about the status of Question 10 and the Roads Program. Mr. Pat Ragsdale stated it is our opinion that changes would have to go through a Negotiated Rule Making Committee to make them into law.

7. Gaming Commission - Jamie Hummingbird

Mr. Hummingbird offered to answer questions from his written report. He announced the Senate has confirmed Tracy Stevens as the Chair for the National Gaming Commission. Councilor Buzzard inquired about the internal contract with Water & Sanitation and the Gaming Commission to try to recover some of the funds for the inspection processes. Mr. Hummingbird stated he has received a draft inter

departmental contract from Billy Hix for FY2011. This draft contract was presented to the Commission last Thursday for review. Councilor FISHINGHAWK requested the Gaming Commission reports and minutes be provided to the Council monthly.

8. Codification - Todd Hembree

Mr. Hembree announced Attorney General Hammons will have interns on board this month in which they will be able to use some of the additional manpower for the project. They are still waiting on the estimates from West and Lexus. Title IV is still not yet complete.

9. Youth Tribal Council - Corey Still

Mr. Corey Still handed out a report. They are in the process of preparing surveys to hand out to all of the high schools within the Cherokee Nation to try to determine what problems our youth are facing. They have decided to spend the balance of their budget to send a delegation of six Youth Council Members to the Annual United Nations Indian Tribal Youth Conference sponsored by the Cherokee Nation.

Councilor Hoskin Jr. moved to amend the agenda for discussion and possible action on the appeal of Jude Fite's June 18th ruling for an appeal or motion to reconsider. Councilor Bill John Baker seconded the motion. Councilor Glory-Jordan offered a friendly amendment to also consider a stay. The friendly amendment was accepted. Motion carried as new business item 3.

Councilor Cobb moved to amend the agenda to add new business item 4 as a Resolution recognizing Cherokee citizen Caleb Bushyhead. Councilor Jack D. Baker seconded the motion. Motion carried.

OLD BUSINESS

1. 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. moved to approve to allow discussion. Councilor FISHINGHAWK seconded the motion. Mr. Pat Ragsdale announced the Administration doesn't have a problem with the principle embodied in the Act but do believe there are some problematic areas that need to be looked at. He offered his time and effort to assist in working out those issues.
Councilor Hoskin Jr. moved to table for one month. Councilor Glory-Jordan seconded the motion. Motion carried.

2. TRIBAL COUNCIL TRAVEL EXPENSE POLICY ANNUAL REVIEW
Councilor Cowan Watts moved to table for one month. Councilor Jack D. Baker seconded the motion. Motion carried.

NEW BUSINESS

1. A RESOLUTION CONFIRMING THE NOMINATION OF JAY CALHOUN AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION
Councilor Hoskin Jr. moved to approve. Councilor Thornton seconded the motion. Motion carried.

2. A LEGISLATIVE ACT AMENDING LA#08-04; THE WORKERS' COMPENSATION ACT
Chair Frailey announced she agreed to sponsor this amendment. She stated the major changes include an increase the weekly benefit, the amount paid to permanent disability and adding a two year statute of limitations for filing a work related claim. Councilor Jack D. Baker moved to approve. Councilor Anglen seconded the motion. Councilor Hoskin Jr. questioned the reduction on the statute of limitations. Ms. Amy Brill, Benefits Manager, commented the State's statute of limitations is also two years. The current Act doesn't have any limitation and this is just to limit liability.
The motion to approve carried.

3. JUDGE FITE RULING REGARDING SMITH VS. CNEC
Chair Frailey announced everyone had been provided with a copy of Jude Fite's ruling and the letter from the Election Commission as a result of that ruling. Mr. Hembree stated there are more questions coming out of this order than there were going into it. There are a number of factors that need to be clarified or reconsidered. He requested direction from the Council as to how to proceed. He has received notice from the Judge that he will be available tomorrow to discuss these issues. Chief Smith and Lloyd Cole are both meeting with Judge Fite tomorrow. One of the issues to be clarified is that the nine district map was ruled unconstitutional however he ordered the Election Commission to re-apportion the nine districts using the 122,000 figures. He stated it would be very beneficial to set a Special Rules meeting with proposed legislation of five, nine and fifteen districts. Councilor Hoskin Jr. commented the deadlines provided by Jude Fite are offensive and unreasonable. Councilor Cowan Watts stated she is not in favor of spending additional legal fees at this point. Councilor Glory-Jordan inquired if a motion to stay would suspend the deadlines and implementation. Mr. Hembree agreed and stated he would contemplate filing a motion to reconsider or clarify or an alternative motion to stay.
Councilor Glory-Jordan made a motion for Mr. Hembree to attend the meeting tomorrow and to file the motion to reconsider and a motion to stay. Councilor Hoskin Jr. seconded the motion. Motion carried with Councilor Cowan Watts opposed.

4. A RESOLUTION RECOGNIZING AND COMMENDING UNIVERSITY OF OKLAHOMA STUDENT AND CHEROKEE CITIZEN CALEB BUSHYHEAD
Councilor Cobb moved to approve. Councilor Jack D. Baker seconded the motion. Councilors Coates, Jack D. Baker, Soap, Fishinghawk, Thornton and Bill John Baker were added as sponsors. The motion carried for approval.

ANNOUNCEMENTS

AN ACT AMENDING LEGISLATIVE ACT 06-10; REVISING TITLE 26

("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED; AMENDING § 5, ADDING PROVISIONS FOR APPORTIONMENT; AND DECLARING AN EMERGENCY

Chair Frailey handed out proposed legislation on redistricting with a five district map attached in which she is the sponsor. She commented the legislation is to allow time for consideration until a special Rules meeting is scheduled. Chair Frailey suggest setting a special meeting on Council meeting day, July 12th at 1:00 p.m. Councilor Hoskin Jr. requested alternate dates. Councilor Thornton suggested the 29th prior to the Rules committee meeting. Councilor Thornton requested a fifteen district map and legislation with him as sponsor be drawn up to be considered on the 29th. Councilor Glory-Jordan requested five, nine and fifteen district options are on the agenda. Mr. Hembree cautioned against waiting until the 29th to meet with the July 30th deadline of Judge Fite. Councilor Garvin suggested meeting on the 13th of July in the afternoon. Councilor Glory-Jordan stated a date and time needs to be determined when everyone can attend.

Councilor Jack D. Baker made a motion to schedule a special meeting on the 12th of July at 1:00 p.m. Councilor Garvin seconded the motion.

Councilor Hoskin Jr. seconded Councilor Thornton’s previous motion for the 29th at 10:00 a.m. Councilor Glory-Jordan offered a friendly amendment to request the Chief set a Special Council meeting for the same day. The friendly was accepted. The motion failed with the following roll call vote:

Yea: 5 - Bill John Baker; Chuck Hoskin; David Thornton Sr. ; Jodie Fishinghawk and S. Joe Crittenden

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

Not In Room: 1 - Curtis Snell

Councilor Jack D. Baker made a motion to schedule at 1:00 p.m. on the 12th of July with the option to recess to the morning of the 13th if necessary. Councilor Garvin seconded the motion. Councilor Cobb offered a friendly amendment to set earlier in the day. Councilors Jack D. Baker and Garvin accepted and suggested beginning at 10:00 a.m. Councilor Glory-Jordan offered a friendly amendment for the 14th of July. Councilor Jack D. Baker didn’t accept.

The motion for the Special Rules meeting on July 12th at 10:00 a.m. passed with Councilors Crittenden, Coates and Thornton opposed.

ADJOURNMENT

Councilor Jack D. Baker moved to adjourn. Councilor Garvin seconded the motion. Motion carried at 2:23 p.m.

STAFF PRESENT:

<i>Sharon Wright</i>	<i>Diane Hammons</i>	<i>Pat Ragsdale</i>
<i>Paula Ragsdale</i>	<i>Mike Miller</i>	<i>Nason Morton</i>
<i>Vickie Hanvey</i>	<i>Jamie Hummingbird</i>	<i>Diane Kelley</i>
<i>Michael Botello</i>	<i>Anna Knight</i>	<i>Amy Brill</i>
<i>Karen Walls</i>	<i>Shelley Butler-Allen</i>	<i>Kim Gilliland</i>
<i>Robert Garcia</i>		

VISITORS PRESENT:

Ollie Starr

Corey Still

Mary Thompson