



Council of the Cherokee Nation

Meeting Minutes Rules Sub Committee

Monday, April 14, 2008

3:00 PM

Legislative Conference Room

ELECTION LAW REFORM

CALL TO ORDER

Chair Frailey called the meeting to order at 3:05 p.m.

INVOCATION

Councilor Snell gave the invocation.

ROLL CALL

Present 17 - Meredith Frailey; Jack D. Baker; Julia Coates; Janelle Fullbright; Curtis Snell; Buel Anglen; Harley Buzzard; S. Joe Crittenden; Chuck Hoskin, Jr. ; Cara Cowan Watts; Bill John Baker; Bradley Cobb; Jodie Fishinghawk; Tina Glory Jordan; Don Garvin; Chris Soap and David Thornton Sr.

1. A RESOLUTION ADOPTING PRINCIPLES FOR DISTRICTING OF THE SEATS OF THE COUNCIL OF THE CHEROKEE NATION

Sponsors: Councilor Cowan Watts

Councilor Jack Baker made a motion to table due to the requestor Councilor Cowan Watts not being present. Councilor Bill John Baker seconded the motion. Motion carried.

2. DISCUSSION REGARDING REDISTRICTING

Councilor Fishinghawk provided a map of the western border and a spread sheet. She stated she has met with Mr. David Justice and he has been able to use 911 addresses for the border zip codes to determine if citizens live inside or outside the jurisdictional boundaries. Zip code 74403 only shows 10% inside the jurisdictional boundaries but using 911 coding shows 90% inside. The 4 zip codes that are hand written on the map do not have good 911 addresses for geo coding. The spread sheet lists if 911 is available or not, the total number of voters in the zip code, the number of voters inside the boundaries, and the number of voters outside the boundaries. Councilor Hoskin Jr. requested clarification that the previous maps used a proportionment method where there is a mix across the Nation of 911 addresses and non 911 addresses. Mr. Justice agreed. Councilor Hoskin Jr. inquired as to which approach is more accurate. Mr. Justice stated the past Council choose to use the same method for each district or county. He stated they looked at proportionment which is the land base method therefore if 60% of the zip code is within the boundaries then 60% of the number of citizens is placed within that district. Another option was looking at the zip code boundary as a whole and assigning a specific number to it as the registration data base states. He stated this method of combing the 2 methods provides a better accuracy of numbers along the border. He stated of

the 23 zip codes they determined 6 didn't have good 911 addresses. Councilor Hoskin Jr. stated using District 8 as an example this really exposes the inherent problem with making estimates based on land mass. Councilor Cobb requested clarification that District 8 Washington County a majority of the 74003 zip code is in Osage County but 90% of the people in the zip code actually live in Washington County. Mr. Justice agreed. Councilor Cobb stated if proportionment numbers are used the 90% is missed. Councilor Glory-Jordan inquired if reasonable methods were used to determine the number of members on the bordering counties that are inside the district versus those that are outside. Mr. Justice stated yes. Councilor Glory-Jordan inquired with using these numbers would we have an accurate number of members living within our 14 counties. Mr. Justice agreed. Councilor Bill John Baker asked for suggestions for the counties that do not have good 911. Mr. Justice suggested using zip codes due to it being the best information we have. Councilor Bill John Baker inquired if they would be proportioned. Mr. Justice stated no he would just use the zip code boundaries itself. Councilor Bill John Baker stated the map shows Wagoner County with a majority being outside the jurisdiction having 2620 citizens and inquired if all would be considered inside the boundary. Mr. Justice stated yes because we have no way to prove otherwise. Councilor Hoskin Jr. inquired if this is the most accurate method in determining the population across Cherokee Nation. Mr. Justice stated using 911 along the boundaries and zip codes for the rest he agreed is the most accurate. Councilor Hoskin Jr. inquired why a proportionment method would not be used along the boundaries where 911 is not available. Mr. Justice stated due to the inherent flaw in using the land base method it would be a large assumption. Councilor Buzzard stated the determination needs to be fair for each council member along the border whether it be county boundaries or state boundaries. He stated the Cherokee Nation is a sovereign government with jurisdictional boundaries. If overlapping is used for Oklahoma counties why can't we for state lines. Councilor Bill John Baker inquired for those living in Wagoner County how is it determined if they are eligible for a car tag or not. Mr. Justice stated they have to provide driving directions and GEO Data does a determination due to the lack of a 911 system. He stated an approximate 90% of these end up living within our jurisdictional area. Councilor Bill John Baker inquired if this is the absolute best set of numbers available. Mr. Justice stated for now yes. Councilor Bill John Baker moved to accept this map as our benchmark. Councilor Crittenden seconded the motion. Councilor Jack Baker stated along the state borders the zip codes do not overlap out of state and the constitution states we shall establish representative districts that shall be within the boundaries of the Cherokee Nation. Councilor Anglen inquired who generated the numbers hand written in blue for district 7 and 8 and do they reflect the citizens inside the boundary or out. Mr. Justice stated he generated the numbers and the numbers reflect the citizens of that zip code inside the jurisdictional boundaries. Councilor Cowan Watts voiced concern for the meaning of the motion on the floor. She inquired as to how it is different from the actual count that the district court said we should use for data. Mr. Justice stated the only difference from what was previously looked at is zip code boundaries and registration information associated with that zip code. He stated they took out the 23 zip codes along the western border and looked at just the geo coding method on these 23 and if it had a good disbursement of citizens we looked then at the number that were in and the number that were out and adjusted the numbers accordingly. Councilor Cowan Watts inquired if the number in blue is actual in district citizenship. Mr. Justice stated yes. Councilor Cowan Watts inquired if the Northeastern corner was also coded for 911. Mr. Justice stated it has been done. Councilor Fishinghawk stated the map she provided today only has numbers inserted for the western border. Councilor Cowan Watts stated she can not support a map that is not complete with all information if the numbers are going to be generated for the west they should also be generated for the east. She stated to consider this all the information should be properly noted. Councilor Garvin stated he is opposed to the numbers and will be voting against it. Councilor Hoskin

Jr. requested clarification regarding Councilor Cowan Watts reference to a district court order. Councilor Cowan Watts clarified by stating a declaratory judgment stated it is only proper to use registration data where a citizen declares whether or not they are in district and what county they reside. Instead of having a miss matched geo coding and availability due to 911 addressing in some communities and not in others we would rely then on the self declaration where the citizen knew best as to where they lived. Councilor Hoskin Jr. inquired if any map we adopt has to contort to this declaratory judgment. Councilor Cowan Watts stated the courts tell us what the data is that we are supposed to use. Councilor Hoskin Jr. stated it is a bit presumptuous of the district court to dictate what we need to use as numbers going forward. Councilor Bill John Baker announced Mr. Justice has gone to retrieve the numbers for the northeastern districts that are not included on the map. He stated the purpose is to choose the best scientific data that is available. He stated we are not doing our duty if we do not leave the citizens outside the boundaries to the Councilors At Large. Councilor Jack Baker agreed with Councilor Bill John Baker. He commented the declaratory judgment ruled on by the district court was appealed to the supreme court and was overturned therefore there is no binding decision. Councilor Fullbright stated she has always questioned the numbers in the past as to how they are derived. These numbers today seem to be more accurate. Councilor Glory-Jordan stated from the information provided it looks as though there are an approximate 111,000 that have been determined to be inside the district and an approximate 4,000 in question as to if they fall inside or out. She stated these numbers are accurate within 2 to 3% which is about as accurate as we will be without every area having 911. Councilor Bill John Baker stated Mr. Justice has provided the numbers for the northeastern districts and it appears 3 more zip codes are involved. He stated with these numbers provided there is no more mystery to this map and called for the question. Councilor Fishinghawk commented 74344 at the top of Delaware County relies on a 911 system the same as Wagoner County and to be consistent should be treated the same as Wagoner County and include the 177 thrown out. Councilor Hoskin Jr. inquired if the motion is to adopt all the documents provided today.

Councilor Bill John Baker restated his motion as using the map provided today and the spreadsheet of numbers as the benchmark. Councilor Bill John Baker stated he doesn't feel Councilor Fishinghawk's friendly amendment is constitutional to accept a single sole that we know is not within the district.

Yea: 14 - Meredith Frailey; Jack D. Baker; Julia Coates; Janelle Fullbright; Curtis Snell; Buel Anglen; Harley Buzzard; S. Joe Crittenden; Chuck Hoskin, Jr. ; Bill John Baker; Bradley Cobb; Jodie Fishinghawk; Tina Glory Jordan and Chris Soap

Nay: 2 - Cara Cowan Watts and Don Garvin

Not In Room: 1 - David Thornton Sr.

ANNOUNCEMENTS

None.

ADJOURNMENT

Councilor Bill John Baker moved for adjournment. Councilor Crittenden seconded the motion. Motion carried at 3:42 p.m.

STAFF PRESENT:

*Todd Enlow
Nason Morton*

*David Justice
Angela Drewes*

*Melanie Knight
Melissa Gower*

Shawn Terry

VISITORS PRESENT:

Jim Ketcher

Shane Boren

Breck Childers

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____