



Council of the Cherokee Nation

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

Meeting Minutes - Final RULES COMMITTEE

Buel Anglen, Acting Chair

*Recording Secretary, Shelli-Brittain
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Thursday, July 28, 2011

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 1:07 p.m.

INVOCATION

Councilor Soap gave the invocation.

ROLL CALL

Present 15 - Bill John Baker; Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; Don Garvin; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

Late Arrival 2 - David Thornton Sr. and Jack D. Baker

APPROVAL OF MINUTES

Councilor Anglen moved to approve the June 30th regular session minutes. Councilor Jack D. Baker seconded the motion. The motion carried.

AMEND THE AGENDA

Councilor Cowan Watts moved to amend the agenda to bring the nominations forward to the first of the meeting and to consider the election law amendments. Councilor Anglen seconded the motion. Councilor Glory-Jordan requested a roll call vote. The motion to amend the agenda failed with the following roll call vote by not reaching a two-thirds majority.

Yea: 10 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Julia Coates and Meredith Frailey

Nay: 6 - Bill John Baker; Chuck Hoskin, Jr. ; Curtis Snell; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

Late Arrival: 1 - David Thornton Sr.

REPORTS:

Marshal Service - Sharon Wright

Ms. Wright offered to answer questions from the report submitted. Councilor Glory-Jordan requested an update on the investigation and charges filed on the security officer. Sharon provided the update and reported policies and other measures have been put into place to keep this situation from occurring again. Councilor Glory-Jordan requested a summary of the additional cost associated with the inventories and other issues associated with this issue. She also requested a copy of the policy changes that have been put in place as a result of this issue. Councilor Glory-Jordan requested a copy of the contractual agreements with the two special investigators under employee agreement. Councilor Fishinghawk inquired if the two employee agreements were with Cherokees and if TERO and Indian Preference were used.

Office of the Attorney General - Diane Hammons

Ms. Susan Work offered to answer questions from the written report provided. Councilor Fishinghawk stated she had not received an opinion back from questions raised last month regarding the fact the election law states to use permanent ink and we didn't follow this rule, she inquired who has the responsibility to file sanctions and against who those would be filed. She requested the issues also be addressed about the notaries or lack thereof.

Election Commission - Brenda Walker

No one was present to report.

Tax Commission - Sharon Swepston

Ms. Swepston offered to address questions from her report. Councilor Fishinghawk inquired why we do not tag commercial tags such as Wal-Mart trucks. Ms. Swepston stated if a business is located within our fourteen county jurisdiction we offer commercial tags but our law requires they be house in the area 51% of the time. She stated we do not tag for interstate commerce.

Self-Governance - Vickie Hanvey

Ms. Hanvey reported they completed the Recovery Act reports for the month of July and the Nation is in full compliance with the Recovery Act. She offered to answer questions from the report. Chair Frailey inquired about the status of the contract support cost. Ms. Hanvey stated the second distribution was received a couple of weeks ago.

Gaming Commission - Jamie Hummingbird

Secretary of State Knight announced Mr. Hummingbird is testifying before Congress today. She offered to take questions back to the Commission.

Codification - Todd Hembree

Mr. Hembree stated he has been preoccupied with other activities over the past few weeks and hasn't been able to devote any time to codification.

Registrar Citizenship Data Update - Todd Enlow

Mr. Enlow provided copies of his report and provided an overview. He reminded the Council a meeting would be held in this regard next Tuesday at 1:30 in the Geo Data Center. Councilor Cowan Watts inquired about the possibility of providing online information updates to Registration through a password secured system.

OLD BUSINESS

1. [11-050](#) AN ACT ESTABLISHING PROCEDURES AND REQUIREMENTS FOR THE NAMING OF BUILDINGS OR FACILITIES OF THE CHEROKEE NATION AND ITS ENTITIES
Councilor Hoskin Jr. announced he was provided a copy of a policy that has been adopted by the Administration which seems to be a step in the right direction but does need additional work.
Councilor Hoskin Jr. moved to table for one month. Councilor Cowan Watts seconded the motion. The motion carried.
2. [11-053](#) AN ACT REQUIRING ALL ELECTED OFFICIALS OF THE CHEROKEE NATION TO UNDERGO RANDOM DRUG TESTING
Councilor Crittenden commented a policy was needed for everyone and stated he could work on it with Administration. He withdrew this item.
3. [11-062](#) AN ACT REQUIRING DRUG TESTS FOR CHEROKEE NATION EMPLOYEES TO BE BASED ON WARRANTED AND REASONABLE SUSPICION
Councilor Coates stated this is a matter of policy rather than something to be legislated. This Act was brought forward in response to Councilor Crittenden's Act and with his withdrawal she would do the same.
Councilor Coates withdrew this item.

NEW BUSINESS

1. [11-090](#) A RESOLUTION CONFIRMING THE RENOMINATION OF JIM HUMMINGBIRD AS A COMMISSIONER OF THE CHEROKEE NATION TAX COMMISSION
Ms. Knight provided background information on Mr. Hummingbird.
Councilor Crittenden moved to approve. Councilor Thornton seconded the motion. The motion carried.
2. [11-091](#) A RESOLUTION CONFIRMING THE NOMINATION OF JOHN GRITTS AS A BOARD MEMBER OF CHEROKEE NATION FOUNDATION
Both Ms. Knight and Ms. Gilliland provided background information on Mr. Gritts.
Councilor Coates moved to approve. Councilor Soap seconded the motion. The motion carried.
3. [11-092](#) A RESOLUTION CONFIRMING THE NOMINATION OF KIMBERLY TEEHEE AS A BOARD MEMBER OF CHEROKEE NATION FOUNDATION
Ms. Knight requested this item be tabled for one month as the White House has not yet given final clearance on this nomination according to their rules.

Councilor Jack D. Baker moved to table for one month. Councilor Thornton seconded the motion. The motion carried.

4. [11-093](#)

A RESOLUTION CONFIRMING THE APPOINTMENT OF SHARON WRIGHT AS MARSHAL OF THE CHEROKEE NATION

Councilor Jack D. Baker moved to approve. Councilor Coates seconded the motion. Councilor Hoskin Jr. inquired if nothing was done with this resolution then Ms. Wright would continue as Marshal of the Cherokee Nation. Ms. Knight stated it is the opinion of the Attorney General that the appointed positions under our Constitution fall under the same holdover as the Justices.

After additional discussion was held Councilor Hoskin Jr. moved to table. Councilor Glory-Jordan seconded the motion. The motion failed by the following vote.

Yea: 6 - Bill John Baker; Chris Soap; Chuck Hoskin, Jr. ; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

Nay: 11 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Curtis Snell; David Thornton Sr. ; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Julia Coates and Meredith Frailey

Councilor Hoskin Jr. questioned the term concurrent referred in to in Section 14 of Article 7 in the Constitution. Mr. Hembree stated it would be in his opinion that there would be an overlap between the Principal Chief, Attorney General and Marshal terms. Councilor Thornton agreed with Mr. Hembree and stated it is our duty to bring this forward and take care of it rather than to holdover. Councilor Cowan Watts stated it is critical for the Attorney General and Marshal to know what is going on and create that continuity in our government during times of transition. Councilor Bill John Baker stated he was at the Constitutional Convention and the discussion held was to have staggered terms for these positions which overlapped the Chief's term to provide the opportunity to work with the current appointees and also provide the opportunity to appoint someone else if so chosen. He requested the items be tabled. Councilor Fishinghawk read a portion of a letter written by Deputy Chief Elect Joe Crittenden to Principal Chief Chad Smith regarding a request to hold off on the nominations of the Attorney General and Marshal until a new Principal Chief is sworn in and giving his commitment not to appoint anyone in these positions during his tenure. Councilor Hoskin Jr. in view of what had just been read inquired if Secretary of State Knight would consider withdraw these nominations. Ms. Knight stated these appointments are not hurried and should have been made months ago prior to their expiration. She declined to withdraw. Councilor Glory-Jordan stated she is against this and the Chief should leave this on the table for the new chief to appoint. Councilor Thornton reminded all of the Councilors setting at the table that they are all political and that everything that goes on in the Nation is political. He called for the question.

The motion to approve carried by the following vote.

Yea: 11 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; David Thornton Sr. ; Don Garvin; Harley Buzzard; Jack D. Baker; Janelle Fullbright; Julia Coates and Meredith Frailey

Nay: 5 - Chuck Hoskin, Jr. ; Curtis Snell; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

Abstain: 1 - Bill John Baker

5. [11-094](#) A RESOLUTION CONFIRMING THE APPOINTMENT OF ANDRE' DIANE HAMMONS AS ATTORNEY GENERAL OF THE CHEROKEE NATION
Mr. Hembree announced Ms. Hammons is available by phone is needed. Councilor Jack D. Baker moved to approve. Councilor Cowan Watts seconded the motion. Ms. Hammons was called and took part in the meeting via conference call. Councilor Bill John Baker requested Ms. Hammons tell the committee about the conversation they recently had. Ms. Hammons stated they spoke earlier this week where she told Mr. Baker if he became Principal Chief and was at any time not satisfied with her work or if they didn't mesh she would resign if asked to do so.

The motion to approve carried.

6. [11-096](#) A RESOLUTION CONFIRMING THE NOMINATION OF SUSAN PLUMB AS CHEROKEE NATION ELECTION BOARD COMMISSIONER
Councilor Jack D. Baker moved to approve. Councilor Cowan Watts seconded the motion. Ms. Plumb provided a brief background and offered to answer questions. After questions and discussion was held the motion to approve carried.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Jack D. Baker moved to adjourn. Councilor Cowan Watts seconded the motion. The motion carried at 2:43 p.m.

STAFF PRESENT:

<i>Susan Work</i>	<i>Dana Jim</i>	<i>Sharon Swepton</i>
<i>Paula Ragsdale</i>	<i>Mike Miller</i>	<i>Melanie Knight</i>
<i>Jamie Custer</i>	<i>Kim Gilliland</i>	<i>Sherry Chenault</i>
<i>David Justice</i>	<i>Christina Goodvoice</i>	<i>Nason Morton</i>
<i>Heather Sourjohn</i>	<i>Todd Enlow</i>	<i>Sharon Wright</i>
<i>Vickie Hanvey</i>	<i>Christina Carroll</i>	<i>Sara Hill</i>
<i>Cheryl Hamby</i>		

VISITORS PRESENT:

<i>Raymond Vann</i>	<i>Todd Hembree</i>	<i>Lynda Crittenden</i>
<i>Teddy Snell</i>	<i>Jim Hummingbird</i>	<i>Lee Keener Jr.</i>
<i>Dick Lay</i>	<i>Phyllis Lay</i>	<i>Robert Garcia</i>
<i>Sandra Pallie</i>	<i>Ed Crittenden</i>	<i>Nancy Rhineheart</i>
<i>Thomas Jordan</i>	<i>Jack Crittenden</i>	<i>Susanna Stopp</i>
<i>Russell Patrick</i>	<i>Lynn Adair</i>	<i>Kayln Free</i>
<i>Wayne Smoot</i>	<i>Richard Waters</i>	<i>Linda Waters</i>
<i>Jack Christie</i>	<i>Susan Plumb</i>	<i>Gina Olaya</i>