



# Council of the Cherokee Nation

## Meeting Minutes Rules Committee

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Thursday, April 30, 2009

1:00 PM

Legislative Conference Room

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### CALL TO ORDER

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

### INVOCATION

Gaming Commission Director, Jamie Hummingbird gave the invocation.

### ROLL CALL

**Present** 14 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap and Chuck Hoskin, Jr.

**Late Arrival** 3 - Cara Cowan Watts; Bradley Cobb and Julia Coates

### APPROVAL OF MINUTES

Councilor Jack D. Baker made a motion to approve the March 16th sub committee and the March 26th regular session minutes. Councilor Thornton seconded the motion. Motion carried.

### REPORTS:

1. Marshal Service - Sharon Wright

*Ms. Wright offered to answer questions from her report. Councilor Fullbright inquired about funeral escorts. Ms. Wright stated they do not have the man power to do every request so they make the determination on a case by case situation. If there is enough man power for the day or if it is a dignitary they will provide the escort.*

Councilor Jack D. Baker moved to amend the agenda to include the Council policy on reimbursement of travel expenses as item #4 under new business. Councilor Anglen seconded the motion. Motion carried. Councilor Glory-Jordan inquired who the sponsor is of the policy. Councilor Cowan Watts and Anglen agreed to sponsor.

## 2. Office of the Attorney General - Diane Hammons

*Ms. Hammons requested the title on the agenda be changed from the Justice Department to the Office of the Attorney General. Councilor Garvin made a motion to approve the requested change. Councilor Thornton seconded the request. Motion carried. Ms. Hammons announced there are several upcoming seminars. She will be speaking at the Native American Economic Development Conference next week in Catoosa. There aren't any updates on any of the pending litigation. She offered to answer questions from the report. Councilor Fishinghawk requested an update on ICI and the landfill. Ms. Hammons stated CNB could better answer questions in regard to the business liability. In regard to litigation there was originally a filing in Oklahoma County District Court, Cleveland County District Court, and Cherokee Nation District Court. The Oklahoma County case was dismissed and the other two are technically still pending although ICI and Mr. Pitchland have filed bankruptcy. When bankruptcy is filed nothing happens there is a stay. She stated they have appeared in front of the bankruptcy trustee to make the case for the Cherokee Nation. She stated they had agreed that ICI's claims against us could be taken over by one of their other creditors however the trustee must determine if this is assignable or not.*

## 3. GEG Investigation Report - Diane Hammons

*Ms. Hammons announced there is nothing new to report in regard to GEG.*

## 4. Election Commission -

*A written report was provided.*

## 5. Tax Commission - Sharon Swepston

*Ms. Swepston announced in addition to the written report they are looking at the possibilities of opening a tag office in Jay and moving the office in Gore to Sallisaw. Councilor Buzzard inquired if the office would be in conjunction with the State office. Ms. Swepston stated it would not be in conjunction with the State. She stated they have attempted contact with that agency with no avail. They are exploring the possibility of sharing space with Career Services if they add on to their existing facility.*

## 6. Self-Governance - Vickie Hanvey

*Ms. Hanvey announced in regard to the American Recovery Act they have been in contact with the Self-Governance Office and the Office of Management and Budget to determine when they expect to release the funding agreement language that will be required for them to agree to in order to get any of the self-governance funds through the stimulus. She announced Callie Catcher will be providing an update and providing documents during the Executive and Finance meeting. They met this week with IHS in Oklahoma City to discuss on going transition issues with Hastings. Most of the issues pertain to closing out the Federal system. Chair Frailey inquired if the OMB funding agreement in regard to the stimulus funds is negotiable. Ms. Hanvey stated it will be pretty much take it or leave it. She stated they have heard DOI has submitted several pages of additional language whereas IHS has submitted a paragraph of additional language. They haven't seen any of the additional language submissions. Councilor Cowan Watts inquired about the Indian Health Care Reauthorization Act in regard to IHS allowing State recognized tribes to receive services. Ms. Hanvey stated they are working with the Washington Office, Melissa Gower and the Cherokee Nation Health Department. The Washington office takes*

*the lead on these types of issues and we coordinate and work with them in that regard.*

7. Gaming Commission - Jamie Hummingbird

*Mr. Hummingbird apologized for the NIGC compliance report not being included in his written report. He stated the report did state they were in compliance with all casinos with the exception of West Siloam Springs. They had a discrepancy with the NIGC due to a coding error on their behalf. They are in compliance with the report, have submitted all documents required and the NIGC has since fixed their coding error. He announced next week he will be attending a fact finding hearing at the Sycuan Casino hosted by their gaming commission in Southern California. The purpose is to gather all relevant information pertaining to the history, development and implementation of IGRA as it relates to class II gaming. The tribes in California are under intense pressure from the State government to negotiate new compacts. They are looking at class II gaming as a viable alternative in negotiating. The hearing is to help the tribes approach, review and implement class II gaming systems. He stated he will be presenting testimony on Friday as to the involvement, implementation and use by the Cherokee Nation as well as on the behalf of the National Tribal Gaming Commissioners Regulators Association. He stated the hearings will cover a lot of history. He announced he was re-elected as Chair of the National Tribal Gaming Commissioners Regulators Association for another two year term.*

8. Codification - Todd Hembree

*Mr. Hembree announced no progress has been made that his time has been consumed with the election lawsuit. He apologized to the committee and hoped to have more to report next month. Chair Frailey inquired as to the status of the term limits and redistricting case brought forward by the Chief. Mr. Hembree stated this is the case he has been spending most of his time. The first round of briefs are due next Friday on the 8th, May 15th each side can reply to the briefs submitted. After this Judge Fite will render a decision based on the briefs alone on two of the three issues. These two are whether the staggered terms are appropriate and whether you are on your first or second term as an elected official. The third issue will require some evidence and facts for the judge to consider and this hearing is scheduled for May 22nd. Judge Fite has promised a quick decision on this issue. Mr. Hembree stated by months end there will be issues that are ripe for appeal to the Supreme Court. Councilor Garvin inquired if Mr. Hembree needed assistance with the case. Mr. Hembree stated he has contacted, with permission of the Speaker, Attorney Michael McBride who is an Indian law expert. He stated they plan to meet over the weekend in regard to the case. He stated a memorandum has been sent to the Council in regard to hiring an attorney with the funds appropriated. He stated if there is an individual issue a Council member wishes to promote it is well within the purview to do so.*

*Mr. Hummingbird announced yesterday he received word that Jerry Gunner, a former gaming commissioner, passed away yesterday. He requested the family be kept in thoughts and prayers.*

*Councilor Thornton gave Mr. Hembree the approval to use his attorney funds appropriated for the case. Mr. Hembree gave appreciation. He stated normally he doesn't seek assistance however everyone knows the importance of this case.*

## 9. Cherokee Nation Education Corporation - Margaret Raymond

*Ms. Shelley Butler-Allen offered to answer questions from the written report submitted. Councilor Buzzard inquired how many people the Executive Director of the CNEC is over and what capacity do they serve. Ms. Butler-Allen stated the Executive Director is over the Board of Directors. There are six board of directors and three honorary members. Councilor Buzzard inquired if this is a paid position. Ms. Butler-Allen stated it is and they are looking for monies at this time. They are considering a contract basis. Councilor Hoskin inquired if it is growing and are the applications up from last year. Ms. Butler-Allen stated it is growing. She stated the applications are up from last year with an approximate 30% increase. Councilor Glory-Jordan inquired if there is someone currently employed in the Executive Director capacity. Ms. Butler-Allen stated she is the Secretary/Treasurer and Margaret Raymond is the Development Director. The Executive Director would take over the responsibilities of both Ms. Butler-Allen and Ms. Raymond.*

## OLD BUSINESS

*None pending.*

## NEW BUSINESS

1.

A LEGISLATIVE ACT REQUIRING THAT THE CHEROKEE NATION AND THE STATE OF OKLAHOMA VOTER REGISTRATION APPLICATIONS BE MADE AVAILABLE AT ALL CHEROKEE NATION TAG OFFICES AND CHEROKEE NATION HEALTH CLINICS

**Sponsors:** Councilor Cara Cowan Watts, Councilor Meredith Frailey and Councilor Buel Anglen

*Councilor Cowan Watts stated the intention of this legislation is that the voter registration forms are provided in the tag offices but that they proactively offer the forms when tags are purchased or re-registered. Mr. Hembree stated the legislation is fairly simple and requests the voter registration forms for the Cherokee Nation and the State of Oklahoma be made available and offered to each person purchasing or receiving a tag registration. He stated the emphasis is to increase voter registration and participation for Cherokee Nation and State elections. This is not a requirement to receive or renew tags it is merely to make available and offer to. Councilor Garvin inquired about including clinics as well. Mr. Hembree stated it could be added to include. Councilor Cowan Watts made a motion to approve with the friendly amendment. Councilor Anglen seconded the motion. Councilor Hoskin Jr. inquired if the tag office would have to assume the responsibility to forward these to the election office. Mr. Hembree stated this is just a requirement to have the forms available. Councilor Hoskin Jr. voiced concern for the people visiting the clinics regularly being repeatedly asked to register to vote. He inquired if a notice would be posted stating they are available. Mr. Hembree stated the Act says make available and offer it doesn't specify that it has to be a verbal offer. Councilor Buzzard requested Ms. Swepston's input. Ms. Swepston stated the forms are currently available on the counters at the tag offices. She stated they do not currently ask if they are registered voters or if they would like a form. She stated she would visit with Administration to see if there is an issue with asking each person.*

**Chair Frailey stated a motion has been made and seconded the approve with the amendment to include the clinics along with the tag offices. The motion carried by acclamation.**

2. AN ACT AMENDING LEGISLATIVE ACT #19-00, AS AMENDED BY LEGISLATIVE ACTS #08-01 AND #05-05, ESTABLISHING A FREE AND INDEPENDENT PRESS FOR THE CHEROKEE NATION

**Councilor Cowan Watts agreed to take ownership of this Act. She withdrew the Act to make changes to the legislation to bring back next month.**

3. A LEGISLATIVE ACT AMENDING LEGISLATIVE ACT #34-07, DEFINING NEPOTISM, AND DEFINING ACCEPTABLE PARAMETERS FOR EMPLOYMENT AND CONTRACTING AND AMENDING TITLE 28, "ETHICS", ADDING NEW SECTIONS, AND REPEALING CERTAIN SECTIONS OF THE CHEROKEE NATION CODE ANNOTATED

**Councilor Glory-Jordan agreed to sponsor this Act. She withdrew the legislation to allow time for changes.**

4. CHEROKEE NATION TRAVEL/LOCAL MILEAGE POLICY

*Councilor Cowan Watts announced a copy of the policy has been handed out where items 8 and 10 were retained. She stated the current policy may be problematic to measure mileage from a border to your destination. In order to offset the cost that would be incurred full a complete round trip she reduced the \$700 per month allowance within district to \$500. She stated this offset would allow mileage to begin at home and end at your destination rather than beginning at the jurisdictional border. Councilor Cowan Watts made a motion for approval. Councilor Anglen seconded the motion. Chair Frailey commented the number of trips a Council member could take per year has been eliminated. She voiced concern for this being problematic with just a few Council members being able to expend the budget within a few months which would restrict travel for the remaining Council. She questioned why it was eliminated. She replied several of the Council herself included thought it would be problematic if the tribe requested a Councilor attend a conference and be part of a committee. Chair Frailey stated she was speaking of the Council travel that would come out of the Council budget. If another department asks a Councilor to travel that department will pay. Councilor Glory-Jordan offered a friendly amendment to limit travel paid by the Council budget for out of state trips to no more than three per Councilor in a fiscal year. She stated this doesn't include trips such as Red Clay. She stated training should be limited to three trips per year per councilor. Councilor Cowan Watts didn't accept the friendly amendment. Councilor Glory-Jordan made a motion to limit Council members training trips to three per fiscal year. Councilor Fishinghawk seconded the motion. Councilor Thornton inquired if the motion is for out of jurisdiction or the State of Oklahoma. Councilor Glory-Jordan stated the State of Oklahoma. She stated trips such as Joint Council where everyone is representing the Nation as designated by the Speaker would not be included as one of the three trips. Councilor Thornton stated he is unsure that three trips is sufficient. He stated when the three trips were set over a decade ago the times and budgets were a lot different. He stated now there are more National conferences such as NCAI. Councilor Glory-Jordan made an amendment to her motion that trips in excess of three outside the State of Oklahoma to be paid by the Council budget must be approved by the Speaker. She stated we must get control of the budget. Last year the travel budget was \$143,000 and the changes proposed today would increase the budget by \$100,000. Councilor Fishinghawk inquired how much was spent last year on out of state or jurisdiction travel. Chair Frailey stated she didn't have those numbers and Mr. Doug Evans is out of the office in a meeting. Councilor Fishinghawk inquired how much has been spent since October for this fiscal year. Chair Frailey requested Mr. Evans be asked these questions. Councilor Cowan Watts made a friendly amendment for transparencies that either trips over the three go before the Executive and Finance committee for a vote or be reported to the*

Executive and Finance Committee of approval and or denials. Councilor Glory-Jordan accepted the amendment to have trips in excess of three be reported by the Speaker at the next Executive and Finance Committee whether approved or denied. Councilor Soap agreed there needs to be a ceiling on the travel expenses incurred by one Council person. He stated he doesn't agree with the simple formula of allocating three trips. He stated if the goal is to monitor the spending or maintaining a budget then there needs to be monetary values versus the number of trips. Mr. Hembree stated Councilor Soap brings forward a very valid point to bring control to the budget. Councilor Fishinghawk commented the average trip out of state is approximately \$2,500. She inquired about setting a cap of \$7,500 per Council member per fiscal year. Councilor Glory-Jordan accepted the friendly amendment to set a cap of \$7,500 per Councilor and permission would need to be given by the Speaker to exceed the cap. She stated this would eliminate the three trip rule. Chair Frailey stated the friendly amendment would allow a Councilor to take as many trips as they wish within the \$7,500. Councilor Glory-Jordan agreed and if there is an exception it must go through the Speaker to be approved and or denied then reported at the next Executive and Finance Committee. Councilor Thornton inquired if this included Joint Council. Councilor Glory-Jordan stated it doesn't include official trips. Councilor Garvin inquired if it included membership fees for organizations. Chair Frailey stated membership fees are not a part of travel. Mr. Hembree stated someone would need to approve exceptions over the \$7,500 for the Speaker as well he suggested those requests going to the Chair of Executive and Finance Committee. Councilor Glory-Jordan accepted the friendly amendment. Councilor Anglen stated if this policy doesn't work we could always amend and make changes. Councilor Crittenden stated \$7,500 per Councilor is \$127,500 and \$102,000 in the vehicle allowance this is \$229,500 without turning in any mileage vouchers for local mileage. Councilor Soap agreed this is a potential but that it also creates a ceiling. Councilor Fishinghawk inquired as to why the allowance was changed from \$700 to \$500 per month. Councilor Anglen stated it brought it more in line with what everyone had been spending on in district travel. He stated you would still keep track of mileage outside of your district. Chair Frailey inquired if Councilor Fishinghawk as the second accepted all of the amendments. Councilor Fishinghawk agreed to accept the amendments. Councilor Glory-Jordan called for the question. Councilor Glory-Jordan's motion with all amendments carried.

Chair Frailey inquired about item 6 regarding mileage form submittal. She inquired as to how often they were to be submitted. Councilor Anglen stated it should be monthly. Mr. Hembree recommended there by some type of time frame included in the policy. He stated he is unsure of the intent. Councilor Bill John Baker voiced concern for legislating how quick to do paperwork. Chair Frailey commented the only legislation she has seen is yearly so that it is within the same budget year. Councilor Thornton stated in the past it had to be turned in by the end of September. There was never a mandatory monthly or quarterly. Councilor Fishinghawk questioned the \$500. Chair Frailey called point of order. Councilor Thornton made a motion for yearly reporting. Councilor Anglen seconded the motion. Councilor Glory-Jordan requested a point of clarification. She inquired if this is the mileage form turned in for reimbursement and what does this form contain. Chair Frailey replied it would be the same form always used. Councilor Glory-Jordan questioned if the mileage form was if claims were made in addition to the stipend. Chair Frailey agreed. Councilor Anglen stated she is correct. The mileage report is in conjunction with item #5. The mileage form only pertains when you travel outside your district. Chair Frailey questioned the \$500. Councilor Anglen stated it is in district travel. Councilor Thornton requested to change his motion to the fiscal year of the Cherokee Nation. Councilor Hoskin suggested on a fiscal year basis then the accounting practices would take care of the rest. Councilor Glory-Jordan offered a friendly amendment to turn in every four months. Councilor Thornton didn't accept the friendly amendment.

Chair Frailey agreed with Councilor Hoskin's more general language. Councilor Hoskin Jr. called for the question. Motion carried with Councilors Glory-Jordan, Fishinghawk opposed. Councilor Cowan Watts now back via video conference questioned what the vote was for. Chair Frailey requested Ms. Brittain read the prior approved motion. Ms. Brittain read the approved motion as follows: Council travel expense is limited to \$7,500 per Council member. If exceed approval must be obtained from the Speaker. The Speaker must obtain approval from the Chair of Executive and Finance. Approvals and or denials must be reported at the next Executive and Finance Committee meeting. This cap of \$7,500 does not include Joint Council meetings or membership fees. If a department requests travel of a Council member it doesn't come out of the Council budget. Council member Cowan Watts gave appreciation for the motion being read. She questioned the time being voted on for item #6. Chair Frailey replied once a year is the requirement but they can be turned in as often as you like. Councilor Cowan Watts was in opposition of this motion. Councilor Jack D. Baker stated the amendment approved and read by Ms. Brittain should be \$7,500 per fiscal year. Councilor Glory-Jordan requested clarification that the Speaker only has to obtain approval from the Chair of Executive and Finance when exceeding the cap amount. Chair Frailey agreed.

Councilor Anglen called for the question on the policy. Motion to approve the policy with all amendments carried with Councilors Glory-Jordan, Frailey, and Crittenden opposed. Councilor Thornton inquired as to when this policy would go into effect. Chair Frailey replied immediately. Councilor Bill John Baker commented it would be \$700 from the 14th to the 30th and from the 30th on it will be this policy. Councilor Glory-Jordan gave clarification that the yearly review in May would be May of 2010 not next month. Chair Frailey stated there has been policy where if you are not successful in an election you can not take any more trips. Councilor Anglen inquired if this policy could be amended at a later date to address this issue.

#### ANNOUNCEMENTS

None.

#### ADJOURNMENT

Councilor Garvin made a motion to adjourn. Councilor Soap seconded the motion. Motion carried at 2:40 p.m.

#### STAFF PRESENT:

<i>Chrissi Nimmo</i>	<i>Gregg Simmons</i>	<i>Nason Morton</i>
<i>Jamie Hummingbird</i>	<i>Sharon Wright</i>	<i>Shelley</i>
<i>Butler-Allen</i>		
<i>Diane Hammons</i>	<i>Sharon Swepston</i>	<i>Vickie Hanvey</i>
<i>Doug Evans</i>		

#### VISITORS PRESENT:

<i>Gina Olaya</i>	<i>Todd Hembree</i>
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#### APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: \_\_\_\_\_

Minutes attested and concurred by: \_\_\_\_\_

Date: \_\_\_\_\_