



# Council of the Cherokee Nation

## Meeting Minutes Rules Sub Committee

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Monday, March 10, 2008

3:00 PM

Legislative Conference Room

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### Election Law Reform

#### CALL TO ORDER

Chair Frailey called the meeting to order at 3:04 p.m.

#### INVOCATION

Councilor Fullbright 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.

*Councilor Thornton inquired if the item was for discussion only. Councilor Cowan Watts it was discussed last month that action would be taken this month. Mr. Todd Hembree stated the process for an item on the sub committee agenda should be if it fails it fails and if it should pass it would move to the regular rules agenda for consideration.*

**Councilor Cowan Watts made a motion to amend the agenda to include a resolution concerning the principles of redistricting. Councilor Anglen seconded the motion. Motion carried for consideration of the resolution regarding redistricting principles.**

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

*Councilor Fishinghawk voiced concern for the late receipt of this item as well as many others. She requested notification be sent that the 10 day rules does apply.*

**Councilor Fishinghawk made a motion to table the resolution regarding redistricting principles until the next meeting. Councilor Crittenden seconded the motion. The motion carried by the following vote:**

**Yea:** 12 - Meredith Frailey; Janelle Fullbright; Curtis Snell; Harley Buzzard; S. Joe Crittenden; Chuck Hoskin, Jr. ; Bill John Baker; Jodie Fishinghawk; Tina Glory Jordan; Don Garvin; Chris Soap and David Thornton Sr.

**Nay:** 4 - Jack D. Baker; Julia Coates; Buel Anglen and Cara Cowan Watts

Late Arrival: 1 - Bradley Cobb

#### DISCUSSION REGARDING REDISTRICTING

*Mr. Todd Hembree provided maps of both Cherokee and Mayes counties. These maps include zip codes, county roads, and population by zip code. He reminded the committee of the vote during the last meeting that the direction would be to create 15 separate districts. He stated they need to be as equal as possible and with the best idea of representation possible. He stated the proposed 15 district map from last term had Mayes County with only one representative. He recommended using the opportunity to better represent the people of Mayes County who enjoy a two councilor district at this time. He stated his attempt to do this is to divide start at scenic 412 and run south, include the portion of Wagoner County that is within Cherokee Nation, and northern Cherokee County particularly the communities of Peggs and Lowery. He stated we will not come up with a system that is perfect however creating this Northern Cherokee Southern Mayes district would be a step in the right direction. Councilor Bill John Baker inquired if school districts have been considered for boundary lines. Mr. David Justice stated counties with good 911 addresses the school district lines could be considered. Councilor Bill John Baker inquired which counties don't have good 911 addresses. Mr. Justice replied almost half don't. Councilor Bill John Baker inquired if this could be determined by physical address as it is done when they purchase car tags. Mr. Justice stated most of the address verifications done for the tag office are for the border counties. He stated some times they have to acquire driving directions from the individual which is very time consuming. Councilor Bill John Baker inquired about merging the County election list with the Cherokee Nation election list to determine what school districts they are registered. He stated there are two problems; one being that Mayes County is taking a portion of Cherokee County, second is who votes where. He expressed concern for the people being confused as to where they are to vote. Councilor Fishinghawk requested copies of the maps in which Mr. Hembree marked up. Mr. Hembree stated if this is the will of the body the new district lines of Southern Mayes and Northern Cherokee would be based on whether the numbers worked. He stated what is now listed as district 1 would not contain Wagoner County. It would put Ft. Gibson in this district. He stated Tahlequah would more than likely be divided down Muskogee Avenue. Councilor Glory-Jordan requested Mr. Hembree repeat the lines he had requested. Mr. Hembree stated he would recommend Ft. Gibson being included in what he would consider to be the Hulbert district. Mr. Hembree stated now would be the time for anyone to talk about their individual districts. He stated the map just provided is the work product of the previous Council that has been slightly modified. Councilor Thornton questioned the two maps stating the district 7 looks to be the same on both maps but the population changes. Mr. Enlow stated the changes are due to the date the maps were compiled. He stated the one that is title revised proposed is from 2006 and the one titled example 2 is 2007 numbers. Councilor Glory-Jordan inquired as to how the numbers are compiled. Mr. Enlow stated they are from the registration system which includes address, city, state, zip and then district. He stated they also have raw data where they take what is entered and do a post cleaning for bad addresses. He stated right now the district is determined by the zip code entered into the system. Councilor Glory-Jordan questioned the bordering districts and how it was determined if they were within or at large. Mr. Enlow stated they are not certain beyond a shadow of a doubt due to the post office boxes. Councilor Glory-Jordan inquired as to if these could be plotted by the GEO data department by physical addresses. Mr. Enlow stated they have done this on most of them however the counties without 911 are more difficult. Councilor Glory Jordan requested a list of addresses without names showing a household, the number of voters within the household, and the district it is within. Mr. Enlow stated it could be*

done. Councilor Glory-Jordan voiced concern for the numbers not being consistent with other departments such as educational dollars. She stated she wants to see the numbers some what verified. Mr. Enlow stated the data the Council has is a proportionment. He provided the following example of a zip code that includes 2 counties with a total of 6000 addresses. They prorated the population based on the percentage of the zip code that resided inside the district. Councilor Glory-Jordan stated there is no prorating with car tags they can be determined within 50 feet. She inquired if we could be that specific with the car tags then why can't we be with redistricting. Mr. Enlow stated it would take 3 years. He stated GIS gets phone calls daily wanting to know if an address is in or out of the jurisdiction. If there isn't a good 911 address they actually take turn by turn driving directions to make the determination. Councilor Glory-Jordan suggested doing it only with the good 911 addresses. She stated we should be working with accurate numbers. Mr. Enlow stated it would take a monumental effort to go back and contact and re-verify the addresses for districting. Councilor Hoskin Jr. stated there is an inherent problem with the population numbers. Maybe we need to be a lot more tolerant of the deviation when the districts are structured. He inquired as to the liability of going forward with numbers given with the inherent deficiencies. He questioned the exposure to the liability of not doing it correctly. Mr. Hembree stated there needs to be assurance the data you are working with is the most accurate possible. He stated the resolution regarding the principles of districting come from case law. Councilor Bill John Baker stated last term they froze a date and time and used that set of numbers to keep from having a moving target. He stated the task of driving directions for the households in question should have been started 3 years ago. He stated the need to be diligent to only count the numbers within the boundaries of the fourteen counties. Councilor Cowan Watts asked Mr. Hembree if this committee doesn't move forward with redistricting then under the current situation there is precedence under Nick Lay's case for a council member to sue for our representation. Mr. Hembree stated this is correct. Councilor FISHINGHAWK inquired if anyone on the committee is agreeable to the recommendations given by Mr. Hembree. Councilor Cowan Watts stated her preference is map 2.4 but she would also be agreeable with example 2 passed out today. Councilor Hoskin Jr. stated he is fine with his district on the various maps. He suggested a document showing how the data has been compiled not only for legislative determination but also if a court case arises. He stated it is easier to discuss if there is a legislative history and a road map to defend. Mr. Enlow stated the document can be provided. Councilor Hoskin Jr. suggested consideration of the approval of the document as well as a date to freeze at the next meeting. Councilor Bill John Baker requested everyone look at the map of Cherokee County provided and stated he is getting proportioned a rather large area that has no people. He stated the map shows an approximate 7500 people but really there are probably only 1000. Mr. Enlow stated he would have to guess as far as the number. He stated as far as the geography and the land contained within it is a prime example of one of the draw backs of doing proportioned data. Councilor Bill John Baker suggested modifying example 2 by giving some of this land to Mayes County and allowing his district to pick up half of Tahlequah, Briggs, Keys, and Cookson. He stated this would be a lot closer to true representative districts. Chair Frailey requested to have the information Councilor Hoskin Jr. requested 10 days prior to the next meeting date. Councilor Glory-Jordan stated most of the changes being made concern Mayes and Cherokee Counties. She stated example 2 is fine with her but doesn't understand why Councilor Frailey would have to run from Mayes, Cherokee and Muskogee counties. She stated it appears a diligent effort has been made between the councilors of these two counties to determine a more contiguous division. She stated if the numbers are verified she is agreeable with the map marked up by Mr. Hembree. Mr. Hembree recommended allowing him to run the numbers and GEO data prepare a new map with this proposal for review next month. He requested each Councilor contact him with their input prior to the next meeting.

**Councilor Bill John Baker made a motion to forward Todd's map to the regular Rules meeting. Councilor Cowan Watts seconded the motion. Motion carried with Councilors Buzzard and Thornton in opposition.**

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

**Nay:** 2 - Harley Buzzard and David Thornton Sr.

ANNOUNCEMENTS

ADJOURNMENT

**Councilor Cowan Watts moved for adjournment. Councilor Garvin seconded the motion. Motion carried at 4:08 p.m.**

STAFF PRESENT:

*Todd Enlow                      David Justice                      Melanie Knight*  
*Nason Morton                      Angela Drewes*

VISITORS PRESENT:

*Todd Hembree                      Jim Ketcher                      Ed Fite*

APPROVAL / DISTRIBUTION

**Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator**

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

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

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