

I. Budget Highlights – please refer to Monthly Financial Report

II. Program Highlights for April:

District 1      412 North

1. Information Report (11)
2. Warrants (11)
3. Other agency assists (79)
4. Warnings (57)
5. Citations (29)
6. Alcohol/Drug Arrests (7)
7. Larceny (1)
8. Accidents (1)

District 2      412 South

1. Information Report (6)
2. Warrants (1)
3. Other agency assists (34)
4. Warnings (48)
5. Citations (15)
6. Alcohol/Drug Arrests (6)
7. Theft (1)
8. Vandalism ( )
9. Domestic Violence/Assault (1)
10. Accidents ( )

III. Special Operations

Swift water (0)  
SWAT (2)

IV. Accomplishments

Relay for Life, Tahlequah  
Kolton Holmes, David Johnson completed FTO  
Explosive Breaching Course, Texas  
BIA District II Meeting, Norman  
FBI Safe Streets, Edmond  
Assist OSRC during Memorial Day

NAHASDA:

Dist I: 413  
Dist II: 356  
Total: 769

**COUNCIL OF THE CHEROKEE NATION**  
**RULES COMMITTEE REPORT**

**Group:** Election Commission

**Month/Year of Report:** May 2012

**Group Leader:**

**Phone:** 458-5899

**E-mail:** [election-commission@cherokee.org](mailto:election-commission@cherokee.org)

**I. Budget Highlights**

- a.) 25% of budget left for remaining FY 2012
- b.) Amount of expenditure for Legal Counsel unknown at this time
- c.)

**II. Program Highlights**

**a.) Balanced Scorecard Measures**

1. n/a
- 2.
- 3.

**b.) Accomplishments**

1. Carolyn Allen was sworn in for the fifth member of the Election Commission.
2. Mr. Horton selected as Chairman, Lindsay Earls as Vice-Chair, and Martha Calico as Secretary/Treasurer.
3. The Election Commission revised and approved the By-Laws.
4. Meeting with County election secretary for election information.
5. Relinquished current through 5/31/2012

**c.) Future Plans/New Initiatives**

1. Establish regular meeting dates and times.
2. Revise Election Commission rules and regulations.
3. Review and/or get opinion on how to proceed with APA.
4. Hire Legal Counsel

- **Program Highlights**
  - **Balanced Scorecard Measures**
    - **CNYLC Attendance Records**
      - **April (0) Meeting cancelled**
      - **May (5)**
      - **June (3)**
- **Activities Report**
  - During Q2-2012 the Tribal Youth Council has been working with the Cherokee Nation Information Systems Department to create an online election system, which they will use in September to conduct their elections. As ratified in the most recent bylaws, it was the desire of the Tribal Youth Council to move back to elections from selection/appointment by committee. TYC members have had many meetings with the software development group to articulate the specifications for the system. The system is anticipated to go live to accept voter registration beginning July 1. Once registered, students will be able to declare their candidacy through the online system. Students will also be able to register as non-voting provisional members beginning July 1.
  - Pending budget approval: TYC program participants have been selected to attend the annual UNITY conference in Phoenix, AZ, July 5-10. These students will also attend the Tri-Council meeting in Cherokee, NC on July 13.
  - The TYC will be focusing on the environment over the next year. The TYC Go Green Project will make an effort to reduce preventable waste such as single-use shopping bags as well as the largest polluter in our environment, plastic.

# OFFICE OF THE ATTORNEY GENERAL

May 2012 Report to Rules Committee

## Attorneys:

Cheryl Hamby-

**Cherokee Nation Supreme Court**-Olaya-brief filed

### **Cherokee Nation District Court**

Three (3) Dockets

Juveniles

criminal

guardianships

Gave an Oklahoma Bar Association supported lecture to Senior ladies at Sequoyah High School.

### **Oklahoma Supreme Court**

In the Matter of Brown--filed Response to Petition in Error/Counter Designation of Record

### **Muskogee District Court**

Interplead settlement

### **Tulsa County District Court**

ICW hearings

### **Rogers County District Court**

ICW hearings

### **Washington County District Court**

ICWA Family Staffing

### **Santa Barbara County Superior Court**

ICWA--teleconference hearings

### **Kansas Supreme Court**

**Opinion filed May 4, 2012. (published)**

In the Matter of T.S.W., a minor--Cherokee Nation's appeal from Sedgwick County District Court--REVERSED. Under the unique factual circumstances of this case the collateral order doctrine provided a narrow exception to the final order requirement for appellate jurisdiction giving the Court jurisdiction to hear the case. The Court's decision places tribes on more equal footing with the parents in a private adoption proceeding. The Court held that consideration of the parental preference factor referred to in 25 U.S.C. sec 1915(c) does not automatically permit a biological parent's preference for placement of a child with a non-Indian family to provide good cause to override the

adoptive placement preferences of sec 1915(a). Instead, the courts must weigh a parent's preference for anonymity with respect to placement of the child along with other relevant factors including the best interest of the child in deciding whether to modify the order of consideration of the ICWA's placement preferences. It distinctly clarified a previous ruling in another KSC case to not stand for the proposition that parental preference alone is sufficient to overcome the placement preferences of 1915. Hamby wrote the brief and argued the case before the Court.

### **Oklahoma Court of Civil Appeals**

**Opinion filed April 18, 2012. (unpublished)**

**In the Matter of the Adoption of Baby Boy M.**--Cherokee Nation responded to an appeal from adoptive parents, appealing trial court's ruling that they did not meet their burden of clear and convincing evidence that the minor was eligible for adoption without the consent of his natural father. The trial court's ruling was AFFIRMED. The child had been removed from Oklahoma to Georgia after the natural mother placed the child for adoption and without the consent of the natural father. Cherokee Nation intervened in the case and supported the return of the child to his natural father. Hamby on the brief--the appeal was determined on the submitted briefs of the adoptive parents/appellants, natural mother/appellant, natural father/appellee, and Cherokee Nation/intervener.

Chrissi Nimmo-

- 1 Cherokee Nation District Court Juvenile Docket
- 2 Sequoyah County Juvenile Dockets
- 1 Rogers County Juvenile Docket
- 1 Pittsburg County Juvenile Docket
- 1 Adair County Juvenile Docket

Tahlequah Kiwanis presentation on Sex Offender Registration

Received "substantial compliance" recognition from U.S. Department of Justice regarding Cherokee Nation's Sex Offender Registration Program (letter attached)

Employee Appeal Hearing of Rachel McAlvain (continued on June 6)

Attended the Cherokee Nation Early Childhood Unit Community and Family Partners in Advocacy Advisory Board Meeting

Changes to the Oklahoma Children's Code were signed into law by Governor Fallin; included in the changes was language drafted by Chrissi Nimmo that requires DHS to share child welfare history on any person who applies with a federally recognized tribe for foster, adoptive, or guardianship placement. It has always been a struggle for Cherokee Nation to receive child welfare history on individuals from the state of Oklahoma. The change to the law will allow Cherokee Nation to provide further protection to our children.

Elizabeth Odell- Attended a Probate Hearing in Cherokee County and a Final Adoption Hearing in Ft. Smith. Participated in a Collateral Sale for a Cherokee County case. Attended the Doing Business in Indian Country CLE.



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# Gaming Commission

## Director's Report

8 June 2012

### 2012 cOMPACT FEE PAYMENTS

DESCRIPTION	MONTHLY STATE FEE	FAIR MEADOWS	OHRC	TOTAL	TOTAL YEAR TO DATE
January	\$ 800,638.84	\$ 52,870.90	\$ 194,563.71	\$ 1,047,473.45	\$ 1,047,473.45
February	\$ 1,067,198.32	\$ 52,387.52	\$ 220,653.01	\$ 1,340,238.85	\$ 2,387,712.30
March	\$ 1,094,363.00	\$ 52,287.52	\$ 222,351.82	\$ 1,369,002.34	\$ 3,756,714.64
April	\$ 1,101,217.69	\$ 50,570.71	\$ 191,003.69	\$ 1,342,792.09	\$ 5,099,506.73
May	\$ -	\$ -	\$ -	\$ -	\$ -
June	\$ -	\$ -	\$ -	\$ -	\$ -
July	\$ -	\$ -	\$ -	\$ -	\$ -
August	\$ -	\$ -	\$ -	\$ -	\$ -
September	\$ -	\$ -	\$ -	\$ -	\$ -
October	\$ -	\$ -	\$ -	\$ -	\$ -
November	\$ -	\$ -	\$ -	\$ -	\$ -
December	\$ -	\$ -	\$ -	\$ -	\$ -
YTD ADJ.	\$ -	\$ -	\$ -	\$ -	\$ -
<b>SUB-TOTALS</b>	<b>\$ 4,062,817.85</b>	<b>\$ 208,116.65</b>	<b>\$ 828,572.23</b>	<b>\$ 5,099,506.73</b>	

### NIGC FEE PAYMENTS

Qtr Ending 6/30/2011	\$ -
Qtr Ending 12/30/2011	\$ -
<b>TOTAL NIGC YTD</b>	<b>\$ -</b>

**TOTAL COMPACT & NIGC FEES** **\$5,099,506.73**

**COMPACT FEE PAYMENT SUMMARY**

YEAR	STATE	FAIR MEADOWS	OHRC	TOTAL
2005	\$ 2,948,594.00	\$ 500,040.00	\$ 1,478,858.36	\$ 4,927,492.36
2006	\$ 7,629,889.06	\$ 1,788,222.63	\$ 7,238,177.75	\$ 16,656,229.44
2007	\$ 11,472,065.73	\$ 962,047.93	\$ 4,573,604.66	\$ 17,007,718.32
2008	\$ 11,656,274.15	\$ 765,407.17	\$ 3,457,394.08	\$ 15,879,075.40
2009	\$ 12,258,076.70	\$ 749,466.52	\$ 2,393,709.96	\$ 15,401,253.18
2010	\$ 12,530,548.89	\$ 654,902.38	\$ 2,245,073.51	\$ 15,430,524.78
2011	\$ 12,842,971.99	\$ 624,666.63	\$ 2,263,371.18	\$ 15,731,009.80
2012	\$ 4,062,817.85	\$ 208,116.65	\$ 828,572.23	\$ 5,099,506.73
<b>TOTAL</b>	<b>\$ 75,401,238.37</b>	<b>\$ 6,252,869.91</b>	<b>\$ 24,478,701.73</b>	<b>\$ 106,132,810.01</b>

**GAMING LICENSES**

FACILITY	KEY EMPLOYEE	PMO	OPERATIONAL LICENSE	TOTAL
Roland	166	85	52	303
Ramona	61	23	16	100
Catoosa	854	275	461	1,590
Catoosa – SS	2	1	-	3
WSS	419	146	231	796
Tahlequah	115	56	38	209
Sallisaw	70	28	29	127
Ft. Gibson	55	20	11	86
WRD	73	28	33	134
Corporate	141	139	7	287
Toby Keith's	-	-	104	104
CN Day Worker	-	-	54	54
CNGC	-	57	-	57
<b>TOTAL</b>	<b>1,956</b>	<b>858</b>	<b>1,036</b>	<b>3,850</b>

**CLASS II GAMES**

VENDOR	CATOOSA	CATOOSA SS	FT. GIBSON	ROLAND	SALLISAW	WSS	RAMONA	TAHLEQUAH	TOTAL
AGS	14	-	10	17	6	34	3	12	96
VGT	784	52	123	251	104	497	148	160	2,119

<b>TOTAL</b>	<b>798</b>	<b>52</b>	<b>133</b>	<b>268</b>	<b>110</b>	<b>531</b>	<b>151</b>	<b>172</b>	<b>2,215</b>
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### COMPACT GAMES

VENDOR	CATOOSA	CATOOSA SS	FT. GIBSON	ROLAND	SALLISAW	WSS	RAMONA	TAHLEQUAH	TOTAL
Aristocrat	69	10	-	6	-	76	6	4	171
Atronic	-	-	-	-	-	22	-	-	22
Bally	252	6	34	67	27	156	41	44	627
IGT	517	5	43	165	88	412	41	103	1,374
Intuicode	-	-	-	-	-	8	-	-	8
Konami	63	-	14	22	12	54	20	16	201
Lightning	6	-	-	-	-	6	-	6	18
Multimedia	8	-	-	-	-	23	10	10	51
Nova	9	-	-	-	-	-	-	9	18
T3	-	-	-	-	-	27	-	-	27
TableMax	-	-	-	5	-	-	-	-	5
WMS	261	9	31	57	27	161	29	42	617
<b>TOTAL</b>	<b>1,185</b>	<b>30</b>	<b>122</b>	<b>322</b>	<b>154</b>	<b>945</b>	<b>147</b>	<b>234</b>	<b>3,139</b>

The total number of gaming machines – Class II & Compact – in all locations is 5,354. Compact games make up 59% of the gaming floor with Class II games occupying the remaining 41%.

### CARD / TABLE GAMES

GAME	CATOOSA	ROLAND	WSS	TOTAL
Poker	12	8	8	28
Blackjack	14	5	8	27
3-Card Poker	1	1	1	3
Ult. Texas Hold'em	3	1	3	7
21 + 3	4	1	4	9
Roulette	1	-	2	3
Craps	1	-	-	1
<b>TOTAL</b>	<b>36</b>	<b>16</b>	<b>26</b>	<b>78</b>



MACHINE OWNERSHIP AS OF 31 MARCH 2012

	VENDOR	CATOOS A	CATSS	FT. GIBSON	ROLAN D	SALLISAW	WSS	RAMONA	TAILL.	TOTALS
LEASED	AGS	14	-	10	17	6	34	3	12	96
	Aristocrat	61	10	-	-	-	76	6	4	157
	Atronic	-	-	-	-	-	22	-	-	22
	Bally	151	1	17	19	9	76	28	21	322
	IGT	267	-	25	67	40	262	28	68	757
	Intuicode	-	-	-	-	-	8	-	-	8
	Konami	63	-	14	22	12	54	20	16	201
	Lightning	6	-	-	-	-	6	-	6	18
	Multimedia	8	-	-	-	-	23	10	10	51
	Nova	9	-	-	-	-	-	-	9	18
	TableMax	-	-	-	5	-	-	-	-	5
	VGT	784	52	123	251	104	497	148	160	2,119
	WMS	104	9	17	20	17	71	29	32	299
	<b>Sub-Total</b>	<b>1,467</b>	<b>72</b>	<b>206</b>	<b>401</b>	<b>188</b>	<b>1,125</b>	<b>272</b>	<b>338</b>	<b>4,073</b>
OWN	Aristocrat	8	-	-	6	-	-	-	-	14
	Bally	101	5	17	48	18	80	13	23	305
	IGT	250	5	18	98	48	150	13	35	617
	T3	-	-	-	-	-	27	-	-	27
	WMS	157	-	14	37	10	90	-	10	318
	<b>Sub-Total</b>	<b>516</b>	<b>10</b>	<b>49</b>	<b>189</b>	<b>76</b>	<b>347</b>	<b>26</b>	<b>68</b>	<b>1,281</b>
<b>GRAND TOTAL</b>	<b>1,983</b>	<b>82</b>	<b>255</b>	<b>590</b>	<b>264</b>	<b>1,476</b>	<b>298</b>	<b>406</b>	<b>5,354</b>	



# CHEROKEE NATION TRIBAL COUNCIL RULES COMMITTEE REPORT

**Group:** Tax Commission

**Month/Year of Report:** June, 2012

**Group Leader:** Sharon Swepston

**Phone:**

**E-mail:** Sharon-sweepston@cherokee.org

## I. Budget Highlights

- a.) Please refer to the monthly financial report from Finance.

## II. Program Highlights

### a.) Motor Vehicle

1. Year to Date Motor Vehicle revenue for FY12 compared to FY11 as of April 30th, had an overall increase of 8.50%.
2. The month to month revenue comparison for April 2011 (FY11) compared to April 2012 (FY12) shows an increase of 6.24%.
3. The detail for all areas of revenue for motor vehicle is shown on the attached graphs.
- 4.

### b.) Revenue and Taxation Division

1. Year to Date Revenue and Taxation (Tobacco) for FY12 compared to FY11 as of April 30th, had an overall increase of 7.06%.
3. A month to month revenue comparison April 2011 (FY11) compared to April 2012 (FY12) shows a decrease of 2.27%.
3. The detail for all areas of tax is shown on the attached graphs.
- 4.
- 5.

### c.) Future Plans/New Initiatives

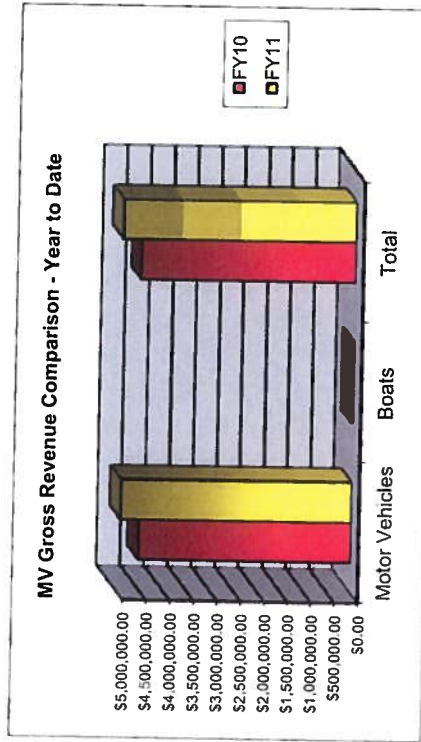
1. The next Tax Commission meeting is scheduled for June 13, 2012 at 4:30 pm in the CNTC Conference room.
2. New business hours for the Tahlequah office. As of February 1, 2012 the extended business hours will only be on Tuesdays. The business hours will be from 8:15 am until 6:00 pm on Tuesdays only.
- 3.
- 4.
- 5.



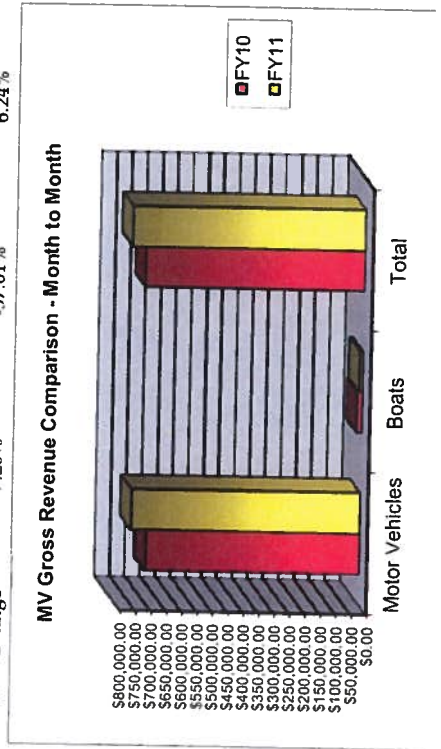
CHEROKEE NATION TAX COMMISSION

APRIL 2012

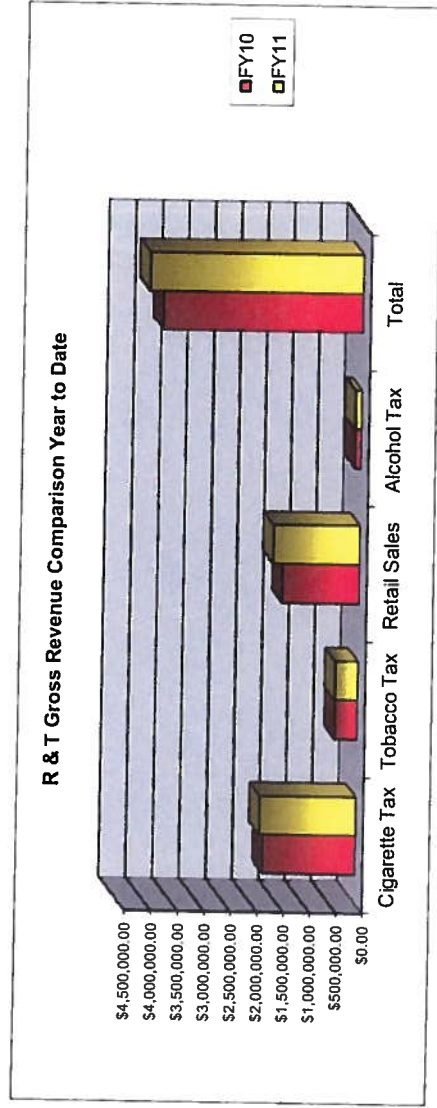
	Motor Vehicles	Boats	Total
FY10	\$4,508,528.45	\$40,903.62	\$4,549,432.07
FY11	\$4,891,955.13	\$44,065.95	\$4,936,021.08
% of Change	8.50%	7.73%	8.50%



	Motor Vehicles	Boats	Total
FY10	\$692,677.73	\$16,369.62	\$709,047.35
FY11	\$742,984.08	\$10,311.30	\$753,295.38
% of Change	7.26%	-37.01%	6.24%



	Cigarette Tax	Tobacco Tax	Retail Sales	Alcohol Tax	Total
FY10	\$1,762,252.97	\$433,148.07	\$1,470,695.65	\$119,072.45	\$3,785,169.14
FY11	\$1,833,777.30	\$441,036.00	\$1,650,275.88	\$127,393.84	\$4,052,483.02
% of Change	4.06%	1.82%	12.21%	6.99%	7.06%



	Cigarette Tax	Tobacco Tax	Retail Sales	Alcohol Tax	Total
FY10	\$259,526.06	\$59,011.23	\$243,731.55	\$17,724.39	\$579,993.23
FY11	\$267,077.57	\$64,061.72	\$220,134.52	\$15,526.78	\$566,800.59
% of Change	2.91%	8.56%	-9.68%	-12.40%	-2.27%

