



Council of the Cherokee Nation

Meeting Minutes

Rules Committee

Thursday, June 26, 2008

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 1:10 p.m.

INVOCATION

Councilor Cobb gave the invocation.

ROLL CALL

Present 13 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Curtis Snell; Chris Soap; Bradley Cobb; Chuck Hoskin, Jr. and Julia Coates

Absent 1 - Harley Buzzard

Late Arrival 3 - Cara Cowan Watts; Jodie Fishinghawk and Janelle Fullbright

APPROVAL OF MINUTES

Councilor Cobb made a motion for the approval of the May 29th regular session minutes. Councilor Garvin seconded the motion. Motion carried.

REPORTS:

1. Marshal Service - Sharon Wright

Ms. Wright apologized for the lateness of her report. She stated the safety courses in the elementary and junior high schools are complete. In May they started the multi disciplinary teams again with the Justice's and ICW. It will be structured to have someone in each district. She announced a meeting will be held today with State program individuals to plan and begin an Explorer program for youth ages 14 to 20.

2. Justice Department - Diane Hammons

Mr. Nason Morton reported for Attorney General Hammons. Mr. Morton gave an overview of the written report provided. Councilor Glory-Jordan inquired as to the number of foreclosures received so far. Mr. Morton estimated between 10 and 15. Councilor Glory-Jordan requested a breakdown of the number of foreclosures with the total number of loans, number of foreclosures past and pending.

Councilor Bill John Baker made a motion to address new business items 1 and 2 now before the remainder of the reports are given. Councilor Soap seconded the motion. Motion carried.

1. A RESOLUTION CONFIRMING THE RENOMINATION OF DENNIS SPRINGWATER AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION

Mr. Jamie Hummingbird stated he was pleased to submit the resolution for the re-nomination for Dennis Springwater. He stated Mr. Springwater has been in this capacity for three years and has served very honorable and respectfully. Mr. Springwater stated the last three years have been very exciting and ever changing. He stated the job of the Gaming Commissioners is to protect the interest of the Cherokee tribe.

Councilor Bill John Baker made a motion for the approval. Councilor Thornton seconded the motion. Motion carried.

2. A RESOLUTION CONFIRMING THE RENOMINATION OF JASON SOPER AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION

Mr. Jamie Hummingbird stated Mr. Soper is also completing the third year of his term and has brought a very unique prospective with his legal back ground. Mr. Jason Soper stated he takes his position on the commission very seriously and considers it an honor to serve.

Mr. Hummingbird introduced Commissioners Shannon Fisher and Jim McGee.

Councilor Bill John Baker made a motion to approve. Councilor Thornton seconded the motion. Motion carried.

3. Election Commission -

No one present to report.

4. Tax Commission - Sharon Swebston

Ms. Swebston stated they are still out stamping inventory at the smoke shops. Councilor Glory-Jordan inquired about the status of the flex hours. She stated they will soon begin staying open until 7:00 p.m. on Tuesday and Thursday in the Tahlequah office only. They will be placing announcements in the paper. Councilor Glory-Jordan inquired if there is a possibility to stagger training sessions. She stated the information about closures is not getting out to the public in a timely manner. Ms. Swebston stated she would try.

5. Self-Governance - Vickie Hanvey

Ms. Hanvey announced a meeting was held with a few Councilor earlier today in regard to the Hastings negotiations. She reminded everyone of the public forum tonight. Speaker Frailey inquired if all of the Contract Support Cost funds had been received from the court case. Ms. Hanvey replied they had been received quite some time ago. She stated they continue to have difficulty with the contract support cost with both DOI and IHS.

6. Gaming Commission - Jamie Hummingbird

Mr. Hummingbird stated last October the NIGC published a four set posed rule that would do a number of things to class II gaming; 1) set out technical standards by which the games have to be developed from the component level up, 2) internal controls for games, 3) provide a classification or a legal determination of what constitutes a class II game as well as 4) redefining what would be considered a

facimilie of a class II game. Over the last few months debate has arisen over the four sets of rules. A number of studies have been released showing how much of a negative financial impact it would have on Indian gaming across the country. The impact ranges anywhere from \$900ml to \$1.8bl on Indian gaming. The tribes have not given up their position and opposition to two of the rules which are the classification standards and definional change. On June 5th while attending the Sovereign Symposium the NIGC Chairman made an announcement that the NIGC is going to set aside the classification standards and the definional change and proceed with the other two. He stated this is a good thing for Indian gaming across the country particullarly here in Oklahoma where roughly 60% of the class II games are located within our jurisdiction. He stated 40% of our games are class II games. He stated the set aside is an informal action. He stated formal action will take place when there is publication in the formal registrar. He stated with the casino expansions they are anticipating an additional 1000 to 1200 new employees by this time next year. With all casino properties they will conduct approximately 5600 background checks yearly. They also anticipate adding 1000 to 1300 new gaming machines to the current 4400 machines. He stated they have a very large task in front of them with the background checks and preparing the games. The current projected opening date for West Siloam Springs is November 13th. The opening date for the expanded gaming floor at Catoosa is scheduled for October or November of this year.

Councilor Glory-Jordan stated there has become a time issue with fingerprinting for ICW. She inquired if there is a possibility he could assist to speed up the process through the gaming process. Mr. Hummingbird stated probably not with fingerprinting. He stated the fingerprints they process are all electronic scans and processed through NIGC who in turn processes through the FBI. He stated the same question had been posed in the past and the NIGC stated fingerprinting for gaming only. He stated they may be able to assist them with information pertaining to electronic fingerprint scanners and possibly assist with some other agencies who could help with the processing. Ms. Sharon Wright stated they are experiencing a longer lag time with the OSBI than usual before forwarding to the FBI. She stated there is less error with the electronic scanning. Councilor Glory-Jordan suggested the Marshal Service work together with ICW. Ms. Wright stated they could assist them with the fingerprinting process. Mr. Todd Enlow stated for a while now they have been working toward a one stop shop for all types of background checks.

7. Codification - Todd Hembree

No report given.

8. GEG Investigation Report - Diane Hammons

Mr. Nason Morton stated the investigation is still ongoing and there hasn't been any new information since the last report.

Councilor Glory-Jordan moved to amend the agenda to include a Legislative Act amending the limited mixed beverage sales act. Councilor Hoskin Jr. seconded the motion. Motion carried.

7. Codification - Todd Hembree

Mr. Todd Hembree announced the codification process is ongoing. He stated the titles have been divided between the committee members. They are meeting next week to discuss thier progress.

OLD BUSINESS

1. Presentation of Recommendations of the Elected Officials Compensation

Councilor Garvin gave a brief update of how the compensation committee was formed and gave appreciation to their diligent work. Councilor Garvin moved to approve the recommended compensation levels but to change the recommended effective date to August 14, 2011. He stated the 2008, 2009 and 2010 raises would be combined and given in 2011. The compensation levels would be as follows: the Chief at \$136,676.38, Deputy Chief would be \$75,000 which is slightly higher than the compensation committee recommended, the Council \$44,305.20 and the Speaker would receive \$50,000. The compensation committee didn't recommend a higher salary for the Speaker however it is justified with the additional work load.

Councilor Bill John Baker inquired as to how this would affect the Councilor with six year terms. Councilor Garvin stated all Council salaries would change in 2011. Councilor Bill John Baker stated if it staggered in for the term ending in 2013 he would support but is unable to vote himself in a raise. Councilors Hoskin Jr. and Glory-Jordan agreed with Councilor Bill John Baker. Mr. Hembree stated the salaries mentioned are well on par with tribes of the same size and duties. He stated he could understand the concern in regard to staggering. He recommended a vote be taken and if passes the language could be changed before going to Council for vote that no one is giving themselves a pay raise. Councilor Garvin stated he is opposed to the recommendation that he couldn't see the half of the Council making less than the other while attending the same meetings. Councilor Bill John Baker suggested changing the effective date to 2013. Councilor Crittenden stated no matter what the Deputy needs a raise. Councilor Fullbright agreed in regard to the Deputy's salary.

Councilor Garvin made a motion for approval as written in the handout.

Councilor Fullbright seconded the motion. Roll call is as follows:

Yea: 8 - Don Garvin; Meredith Frailey; Buel Anglen; Jack D. Baker; Janelle Fullbright; Chris Soap; Bradley Cobb and Julia Coates

Nay: 8 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Cara Cowan Watts; Tina Glory Jordan; Jodie Fishinghawk; Curtis Snell and Chuck Hoskin, Jr.

2. AN ACT RELATING TO THE AMENDMENT OF TITLE 19 OFFICERS AND MEETINGS; ADDING DIVISION OF QUESTION; AND DECLARING AN EMERGENCY

Sponsors: Councilor Baker

Councilor Jack Baker stated the amended act is included in the packet. He stated this version adds "provided that an enactment shall not be divided into more than five (5) separate act." following the stricken language in section 4. He stated he hoped this would be an act that would rarely be invoked. Councilor Jack Baker made a motion for approval. Councilor Anglen seconded the motion.

Councilor Bill John Baker requested a friendly amendment to add back the stricken language allowing a majority of this Council to put the legislation back together before going to full council. Councilor Jack Baker stated no. Councilor Bill John Baker questioned why you wouldn't want the majority of the council to put it back together when only one councilor can separate it. Councilor Jack Baker stated the whole purpose is to allow one person to take it apart. Councilor Bill John Baker stated this gives one person the right to give the Chief line item veto. Councilor Jack Baker

stated this would allow the budget process to work more smoothly. This would allow a controversial item to be divided out and not hold up the rest of the budget or modification. Councilor Bill John Baker stated this can be done now with a majority vote of the Council. Mr. Hembree stated the genesis of this act was under the pretense or thought that this is allowed by the House of Representatives of the United States. He stated he has done research and has received a definitive answer from the House Parliamentarian that this is not how the rule is worked. He stated this rule as stated is not used by any other legislative body. The reason why is the legislative body acts as a whole and the majority makes the decisions. This act allows one councilor to dictate to the majority or even 2/3 how the act will be presented at full council. He stated this legislation is ripe for abuse. He stated this allows a line item veto which is a power that is not shared in the constitution to the principal chief. He stated the proper way to go about this would be to put it to the vote of the people. He stated the biggest problem he sees is that one person dictates how an act is presented at full council. Councilor Bill John Baker once again asked Councilor Jack Baker if he would accept a friendly amendment to put back the stricken language. Councilor Hoskin Jr. inquired if maybe this is a solution in search of a problem. He inquired as to what has happened in this term that has been so problematic that it requires that we embrace an unrepresented shift of power from a majoritarian body to a single member. Councilor Jack Baker stated there hasn't been but there could be in the future. He stated there has been in the past. Councilor Hoskin Jr. stated it seems that if there is something so pressing or compelling that it needs to be separated out it could but we should still maintain this majoritarian principal. He suggested he strongly reconsider Councilor Bill John Baker's friendly amendment. Councilor Glory-Jordan stated we already have the ability to divide with a majority and we haven't used the option this term. She stated she fails to see the need for a more limited version of dividing that we all ready have and don't use. She stated she believes that there is at least one or two on this Council that would abuse this legislation if passed and if no one else does she will.

Councilor Bill John Baker made a motion to amend this Act to strike "unless a majority of Council Members present and voting vote to combine the question before moving it to full Council" thus giving the majority the opportunity to put a piece back into a budget mod. Councilor Glory-Jordan seconded the motion. Chair Frailey clarified that the motion is to put back the stricken language. Councilor Bill John Baker agreed. Roll call is as follows:

- Yea:** 6 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Tina Glory Jordan; Jodie Fishinghawk and Chuck Hoskin, Jr.
- Nay:** 10 - Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Curtis Snell; Chris Soap; Bradley Cobb and Julia Coates

Chair Frailey stated the amendment failed therefore we are back to the Act as written.

Councilor Bill John Baker made a motion to table. Councilor Hoskin Jr. seconded the motion. Roll call is as follows:

Councilor Garvin called for the question.

Chair Frailey stated the motion is to approve the Act as written. Roll call is as follows:

- Yea:** 8 - David Thornton Sr. ; Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Chris Soap and Julia Coates
- Nay:** 8 - Bill John Baker; S. Joe Crittenden; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Curtis Snell; Bradley Cobb and Chuck Hoskin, Jr.

3.

A LEGISLATIVE ACT AMENDING CERTAIN SECTIONS OF THE CRIMINAL CODE RELATING TO SEX CRIMES AND OTHER CRIMES AGAINST THE PERSON; REQUIRING POST-CONVICTION SUPERVISION FOR THOSE CONVICTED OF CERTAIN OFFENSES; AND REQUIRING MANDATORY MINIMUM SENTENCES FOR CERTAIN OFFENSES

Sponsors: Councilor Cowan Watts

Councilor Cowan Watts stated she would like to move forward items 3, 4 and 5 in toto. She stated there have been revisions since the last meeting which include: changing the emergency provision to 90 days to go into effect to allow for public notice. Chair Frailey inquired if the intent is to combine 3, 4 and 5 in toto. Councilor Cowan Watts agreed. Councilor Anglen seconded the motion. Councilor Cowan Watts as the sponsor requested a few moments to clarify the changes made before going into debate. Councilor Glory-Jordan inquired if the discussion now is regarding putting the three items together. Chair Frailey stated the motion is to combine the three and move forward. Councilor Glory-Jordan stated in discussion with the author Becky Johnson it was discovered that item 5 is needed to comply with the Adam Walsh law and items 3 and 4 should be moved to a working committee composed of the court system, Justice Department and Council members. She voiced concern that items 3 and 4 were changes that are not needed but are being motivated by a grant that has been received. She stated until the feelings of the court system are known in regard to the implementation of these suggested changes she requested they be voted on separately. Councilor Cowan Watts voiced concern that this is the first information heard pertaining to these three items. She stated it seems the intent is being miss represented. Before dialogue was given she wanted to share the emergency provision has been changed to allow 90 days before going into effect, the age of consent is 16 regardless of the perpetrators age and if you are 16 years of age you can consent with someone who is three years older than you. Before abandoning laws created to protect our children and elders on Indian trust property she requested Mr. Nason Morton provide input as to why the three items should be passed together. Mr. Nason Morton stated he has limited knowledge on these items but in reading through them it appears parts of each section are included each item. He stated they are integrated together to become a complete Act and reference each other through out. Chair Frailey stated one of Councilor Glory-Jordan's concerns is pertaining to the post conviction supervision as it relates to parolees, the budget and staff. Mr. Morton stated we have a probation officer and there are sentences that are monitored at this time. Councilor Glory-Jordan stated we have one probation officer and she voiced concern they would not be able to handle the influx created by this legislation. She stated the earlier insinuation that she is a liar is simply not true. She stated Speaker Frailey was involved in the communication with the author. She requested Speaker Frailey correct her is she had commented incorrectly but that she would not take correction from other Council members.

Chair Frailey called point of order and requested the vote be taken on approving items 3, 4 and 5 in toto. Motion fails with the following roll call vote:

Yea: 5 - Cara Cowan Watts; Buel Anglen; Jack D. Baker; Bradley Cobb and Julia Coates

Nay: 11 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell; Chris Soap and Chuck Hoskin, Jr.

4. A LEGISLATIVE ACT AMENDING CERTAIN SECTIONS OF THE CRIMINAL PROCEDURE CODE RELATING TO SENTENCING, POWERS OF THE COURT, AND DEFERRED SENTENCES
- Sponsors:** Councilor Cowan Watts
- Chair Frailey called point of order and requested the vote be taken on approving items 3, 4 and 5 in toto. Motion fails with the following roll call vote:**
- Yea:** 5 - Cara Cowan Watts; Buel Anglen; Jack D. Baker; Bradley Cobb and Julia Coates
- Nay:** 11 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell; Chris Soap and Chuck Hoskin, Jr.
5. A LEGISLATIVE ACT ADDING SECTIONS TO TITLE 57 OF THE CHEROKEE NATION CODE ANNOTATED CONCERNING PRISONS AND REFORMATORIES; REQUIRING SEX OFFENDER REGISTRATION, POST-CONVICTION SUPERVISION FOR THOSE CONVICTED OF CERTAIN OFFENSES, AND NOTIFICATION TO THE COMMUNITY OF CERTAIN SEX OFFENDERS
- Sponsors:** Councilor Cowan Watts
- Chair Frailey called point of order and requested the vote be taken on approving items 3, 4 and 5 in toto. Motion fails with the following roll call vote:**
- Yea:** 5 - Cara Cowan Watts; Buel Anglen; Jack D. Baker; Bradley Cobb and Julia Coates
- Nay:** 11 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell; Chris Soap and Chuck Hoskin, Jr.
3. A LEGISLATIVE ACT AMENDING CERTAIN SECTIONS OF THE CRIMINAL CODE RELATING TO SEX CRIMES AND OTHER CRIMES AGAINST THE PERSON; REQUIRING POST-CONVICTION SUPERVISION FOR THOSE CONVICTED OF CERTAIN OFFENSES; AND REQUIRING MANDATORY MINIMUM SENTENCES FOR CERTAIN OFFENSES
- Sponsors:** Councilor Cowan Watts, Councilor Coates And Councilor Thornton
- Councilor Cowan Watts stated there is a great concern that we won't be able to increase the staff therefore it is necessary to give these people the time needed to implement and meet the deadline of the Adam Walsh Act. She stated all three Acts need to be passed. She made a motion to approve item 3. Councilor Cobb seconded the motion. Councilor Glory-Jordan stated both item 3 and 4 as she understands are to improve the code and have had no input by our court system which will be asked to implement these changes.*
- Councilor Glory-Jordan made a motion to table item 3 to place into a work group composed of the three entities earlier mentioned. She stated this item can be placed in a work group without hurting the provisions of item 5 which are the Adam Walsh requirements. Councilor Fishinghawk seconded the motion. Motion to table carries. Roll call is as follows:**
- Yea:** 8 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright and Chuck Hoskin, Jr.

Nay: 7 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Curtis Snell; Bradley Cobb and Julia Coates

Not In Room: 1 - Chris Soap

4. A LEGISLATIVE ACT AMENDING CERTAIN SECTIONS OF THE CRIMINAL PROCEDURE CODE RELATING TO SENTENCING, POWERS OF THE COURT, AND DEFERRED SENTENCES

Sponsors: Councilor Cowan Watts

Councilor Glory-Jordan moved to table. Councilor Bill John Baker seconded with a comment. He stated he is in no way against these Acts. He stated these are thick pieces of legislation and voiced concern the Courts should have input. Councilor Cowan Watts called point of order questioning whether a second had comments. Chair Frailey stated he had a second with a comment. Councilor Bill John Baker stated he would be in support of passing once the court agrees they can handle these changes and with no additional funds or locating funds to ensure the proper function. Mr. Todd Hembree stated a motion to table is not debatable or amendable. Motion to table carries with the following roll call vote:

Yea: 8 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright and Chuck Hoskin, Jr.

Nay: 7 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Curtis Snell; Bradley Cobb and Julia Coates

Not In Room: 1 - Chris Soap

Chair Frailey inquired if Councilor Glory-Jordan would agree to heading up a work group to review the criminal codes. Councilor Glory-Jordan agreed and requested Councilor Hoskin Jr. participate as well. Chair Frailey asked Ms. Melanie Knight who would represent the administration. Ms. Knight recommended the Attorney General's office. Councilor Glory-Jordan requested one of the Justices as well. Councilor Glory-Jordan stated the first meeting would be at 11:30 on the 31st of July and requested all interested parties attend the work group.

5. A LEGISLATIVE ACT ADDING SECTIONS TO TITLE 57 OF THE CHEROKEE NATION CODE ANNOTATED CONCERNING PRISONS AND REFORMATORIES; REQUIRING SEX OFFENDER REGISTRATION, POST-CONVICTION SUPERVISION FOR THOSE CONVICTED OF CERTAIN OFFENSES, AND NOTIFICATION TO THE COMMUNITY OF CERTAIN SEX OFFENDERS

Sponsors: Councilor Cowan Watts

Councilor Glory-Jordan stated this is the item she has been referring to that needs to move forward to meet the Adam Walsh requirements. Councilor Cobb inquired if Councilor Glory-Jordan is a sponsor on any of these three items. Councilor Glory-Jordan stated no.

Councilor Cowan Watts moved for approval. Councilor Anglen seconded the motion. Motion for approval carried by acclamation.

NEW BUSINESS

1. A RESOLUTION CONFIRMING THE RENOMINATION OF DENNIS SPRINGWATER AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION

This item was voted on during the reports section of this meeting.

2. A RESOLUTION CONFIRMING THE RENOMINATION OF JASON SOPER AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION

This item was voted on during the reports section of this meeting.

3. DISCUSSION REGARDING REDISTRICTING

Mr. Todd Hembree stated two maps have been handed out one using the combined method as discussed in the last Rules sub committee meeting and the second is a revision one of that combined method changing how the numbers were calculated in Cherokee County. He stated Cherokee County using proportionment method was at 18,683 and with a geo coded method the count drops to 17,065. This effectively changes the total citizenship and the optimal number to reach. Councilor Bill John Baker inquired where the post office boxes are located in revision 1. Mr. Enlow stated with geo coding the post office boxes are with the county seat or at the location of the post office. Councilor Bill John Baker inquired how the target keeps moving. Mr. Enlow stated part is due to the proportionment as well as the inability of the soft ware to recognize all addresses during the geo coding process. Councilor Anglen moved for the approval of the combined method 6-26-08 revision 1 map. Councilor Cowan Watts seconded the motion. Mr. Enlow clarified the map title Cherokee Nation combined method 6-26-08 is the map passed out of sub committee and revision 1 was created by David Justice as an alternate. He stated the difference is the population drop in Districts 1, 2 and 8. The second map is non geo coded numbers.

Councilor Anglen restated his motion to pass the 6-26-08 combined method map using the geo coding system. Councilor Cowan Watts seconded the motion.

Councilor Bill John Baker stated he would prefer to keep Cherokee County in tact. He requested keeping the northern end of Cherokee County. Councilor Jack Baker stated now District 8 is 16% under and District 1 is 14% over. Councilor Bill John Baker stated District 11 is at 19%. He stated he doesn't disagree that they should be even but keeping the historical ties and traditional lines are important. He once again stated his motion is to amend the map for the District 1 line to go to the Cherokee County line. Councilor Glory-Jordan seconded the motion. Councilor Snell stated Oaks is on the line and requested the map stay as is. Councilor Hoskin Jr. inquired if these large deviations would be acceptable with the court. Mr. Hembree stated this would be a definite skewing of the numbers. He stated he is unsure how much of a deviation is too much. Councilor Hoskin Jr. requested to see the numbers and the amount of deviation before voting on the amendment. Councilor Snell reconsidered and stated due to the historical significance he would be in agreement to giving back the portion of Cherokee County contained in his District 8.

Mr. Hembree stated it would be appropriate to move on to the next item of business while waiting for the number calculation.

4. A LEGISLATIVE ACT AMENDING THE CHEROKEE NATION SOVEREIGN IMMUNITY ACT, LA#23-04, AS AMENDED BY LA#16-05

Sponsors: Councilor Frailey

Revision handed out. Chair Frailey stated one of the problems with CNI is bidding on construction and other types of contracts due to bonding issues. The main objective of this legislation is to bring forward bonding capabilities. Mr. Carson agreed and stated this is probably the most important thing that could be done for the business entities if there are to expand their profitability and job creation possibilities. He stated this is similar to the Bank of America agreement by asking for the right to have the Chief to sign waivers of sovereign immunity to obtain bonds from surety companies. The assets and resources of the Nation will never be subject to attachment or lien. Chair Frailey clarified the revision has a correction in section 2 by changing the Chief Executive Officer to the Principal Chief.

Councilor Hoskin inquired as to who is exposed with this waiver of sovereign immunity. Mr. Carson stated it would be either CNI or CRC who are requesting the bond and CNB as the share holder. Mr. Bryan Collins stated the bonding is critical he gave appreciation of CNB for their assistance with this issue. Councilor Thornton inquired as to why these requests couldn't come before the Council for approval. Mr. Carson stated it would be impractical due to timeline restraints.

Councilor Jack Baker made a motion for approval. Councilor Anglen seconded the motion. motion carried by acclamation.

3. DISCUSSION REGARDING REDISTRICTING

Mr. Todd Enlow stated based on the total population of Cherokee County being 17,121 originally the total population changes in District 1 from 8,174 to 8,668 with a deviation of 1,506 or 21%. District 8 would change from 5,962 to 5,468 for a deviation of -1,094 or a -23.6%. He stated this would be the highest deviation of all but is only 3 tenths of a point from the next one. Councilor Hoskin Jr. stated from the number heard the percentage deviation proposed by Councilor Bill John Baker isn't out of line with any of the other deviations. Chair Frailey stated with the one man one vote standard if Districts 15, 8 and 1 would withstand constitutional muster. Mr. Hembree stated he doesn't know the Justices may see something as not reasonable when the Council finds it reasonable. Mr. Hembree stated in a court of law he would not have a problem defending these numbers. Mr. Enlow stated he could defend the methodology used to arrive at the numbers even in federal court.

Chair Frailey stated the motion on the floor is to include the Northern portion of Cherokee County in District 1. Motion carried with roll call is as follows.

Mr. Hembree stated before the next Council meeting there will be an amendment to the election code setting out these districts and having the map attached. He requested Councilors contact him with requests for specific district numbers or names. He stated the names should be historically significant.

Yea: 13 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell; Chris Soap; Chuck Hoskin, Jr. and Julia Coates

Nay: 3 - Cara Cowan Watts; Buel Anglen and Bradley Cobb

5. A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI SECTION 3 AND ARTICLE VII SECTIONS 1 AND 3 OF THE CHEROKEE NATION CONSTITUTION OF 1999 PURSUANT TO ARTICLE XV SECTION 2, ELIMINATING TERM LIMITS FOR ELECTIVE OFFICE

Sponsors: Councilor Cowan Watts

Councilor Cowan Watts moved to table. Councilor Jack Baker seconded the motion. Motion carried.

6. A LEGISLATIVE ACT AMENDING THE CHEROKEE NATION LIMITED MIXED BEVERAGE SALES ACT - LEGISLATIVE ACT #41-03, AS AMENDED BY LEGISLATIVE ACT #9-04

Sponsors: Councilor Frailey

Chair Frailey stated this Act was presented at Full Council and failed due to the elimination of the excise tax coming back to the Nation. This Act before you today doesn't eliminate the excise tax coming back to the Nation. She stated this legislation also strengthens the Dram Shop liability.

Chair Frailey moved for the approval. Councilor Bill John Baker seconded the motion. Motion carried.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Bill John Baker made a motion to adjourn. Councilor Crittenden seconded the motion. Motion carried at 3:05 p.m.

STAFF PRESENT:

Sharon Wright
Sharon Swepton
Lita Maupin

Jamie Hummingbird
Callie Catcher
Vickie Hanvey

Nason Morton
Doug Evans
Melanie Knight

VISITORS PRESENT:

Todd Hembree
Dennis Springwater
Jackie Bob Martin
Shannon Fisher
Brad Carson
Bushyhead
Ed McLemore

Raymond Vann
Mrs. D. Springwater
Kelly Cobb
Jason Soper
Jim Ketcher

Bryan Collins
Mike Miller
Bob Drvostep
Jim McGee
Emily

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: Meredith Frailey

Date: _____