

# An Act

## Legislative Act 10-19

### AN ACT REJECTING THE RECOMMENDATION OF THE CITIZEN'S COMMITTEE ESTABLISHED UNDER LEGISLATIVE ACT 01-15 WHICH CALLS FOR A PAY INCREASE FOR ELECTED OFFICIALS

#### BE IT ENACTED BY THE CHEROKEE NATION:

#### Section 1. Title and Codification

This Act shall be known as "The No Pay Raise for Elected Officials Act of 2019" and shall be codified under Title 19 and 51 of the Cherokee Nation Code Annotated.

#### Section 2. Purpose

The purpose of this Act is to ensure that elected officials of the Cherokee Nation do not receive a pay raise as recommended by the Citizen's Commission report beginning in August of 2019.

#### Section 3. Legislative History

LA-18-03  
LA 42-03  
LA-40-07  
LA- 05-11  
LA -10-12  
LA- 01-15

#### Section 4. Definitions

1. Citizens Commission: means the commission of Cherokee Citizens created under LA 42-03
2. Elected Official: means the duly elected Principal Chief, Deputy Chief and Tribal Council members of the Cherokee Nation.

#### Section 5. Substantive Provisions.

In accordance with Legislative Act 01-15, the pay increase recommended by the Citizen's commission which would result in increased salaries for elected officials of the Cherokee Nation is not adopted and shall not go into effect.

**Section 6. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

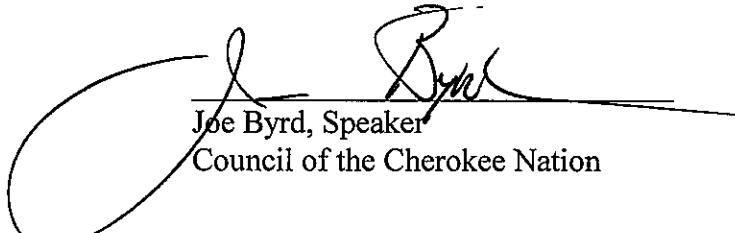
**Section 7. Severability**

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

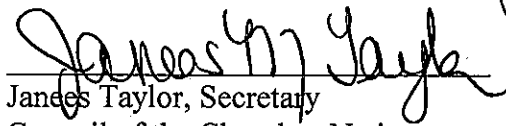
**Section 8. Effective Date**

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.

Enacted by the Council of the Cherokee Nation on the 15<sup>th</sup> day of July, 2019.

  
Joe Byrd, Speaker  
Council of the Cherokee Nation

**ATTEST:**

  
Janees Taylor, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**

\_\_\_\_\_  
S. Joe Crittenden, Deputy Principal Chief  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Rex Jordan	<u>Nay</u>	Harley Buzzard	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Victoria Vazquez	<u>Nay</u>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Buel Anglen	<u>Yea</u>
E. O. "Jr." Smith	<u>Yea</u>	Keith Austin	<u>Nay</u>
Bryan Warner	<u>Abstain</u>	Janees Taylor	<u>Yea</u>
Canaan Duncan	<u>Yea</u>	Wanda Hatfield	<u>Nay</u>
Shawn Crittenden	<u>Yea</u>	Mary Baker Shaw	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		



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**Office of the Chief**

**Bill John Baker**  
*Principal Chief*  
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**S. Joe Crittenden**  
*Deputy Principal Chief*  
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July 18, 2019

Joe Byrd, Speaker  
Council of the Cherokee Nation  
Tahlequah, Oklahoma

**JUL 19 19 PM 4:33**

Dear Speaker Byrd and Council Members:

I am returning the enactments passed by the Tribal Council at the regular meeting held on July 15, 2019 as required by our Constitution. The Cherokee Constitution (Article VI, Section 10) requires that every enactment approved by the majority of the Council be presented to the Principal Chief before it becomes effective. I have carefully considered each enactment and approved the items below.

**APPROVED RESOLUTIONS**

1. Resolution 28-19: A Resolution Requesting Bureau of Indian Affairs Disaster Assistance Fund
2. A Resolution 29-19: A Resolution Authorizing an Application to the Federal Highway Administration for Tribal Transportation Program Bridge Funding for Bridge #249 Over Horsepen Creek in Tulsa County, OK.
3. Resolution 30-19: A Resolution Approving and Authorizing the Submission of the Fiscal Year 2020 Indian Housing Plan to the U.S. Department of Housing and Urban Development

**APPROVED LEGISLATIVE ACTS**

1. LA 09-19: An Act Amending Legislative Act #22-18 Authorizing the Comprehensive Operating Budget for Fiscal Year 2019- Mod. 9; And Declaring an Emergency

**UNSIGNED LEGISLATIVE ACTS**

1. LA 10-19: An Act Rejecting the Recommendation of the Citizen's Committee Established Under Legislative Act 0-15 Which Calls for a Pay Increase for Elected Officials

I am returning LA10-19 "No Pay Raise for Elected Officials Act of 2019" unsigned. The Tribal Council passed LA01-15, establishing the composition of the Citizens Committee, the timeline of the committee's work, and the timeline of action taken by the Council.


As Principal Chief, my responsibility was to appoint two members to the Citizen's Committee. I successfully fulfilled that obligation in December of 2018. As dictated by LA01-15, the Tribal Council also appointed two committee members, and the four members appointed the fifth and final member. The committee's composition was designed to provide impartial and balanced salary recommendations to the Tribal Council. The committee analyzed the compensation information of other tribal nations and similar institutions, and submitted their recommendation as prescribed.

The Tribal Council has the authority to reject the salary recommendation presented by the committee. The action contained within this legislative act rejects the recommendations, but it

fails to take any corrective action on pay inconsistencies. It is my hope that the Tribal Council will take future action to mitigate the salary gap for elected officials. As we continue to grow and find success in a variety of fields, our elected officials will be required to shoulder enormous responsibility and countless long hours. Often times our elected officials will sacrifice time with family, personal health and many hours of sleep to ensure our nation and our people are protected, promoted and secure.

We need strong, intelligent and hardworking leaders to advance our education, housing, health care and business systems to ensure our enduring success. Our leaders should be fairly compensated for their public service and exponential impact across our jurisdiction, the state, the nation and now the world.

Sincerely,



Bill John Baker  
Principal Chief

cc: Shelli Brittain, Legal & Legislative Coordinator, Council of the Cherokee Councilors (17), Council of the Cherokee Nation