



Council of the Cherokee Nation

Council House
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Meeting Minutes - Final RULES COMMITTEE

Chuck Hoskin Jr., Chair

Recording Secretary, Shelli-Brittain
Phone: 1-800-995-9465,
E-mail: council-public@cherokee.org

Thursday, October 25, 2012

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Hoskin Jr. called the meeting to order at 1:14 p.m.

INVOCATION

Councilor Snell gave the invocation.

ROLL CALL

Present 13 - Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Don Garvin; Cara Cowan Watts; Jodie Fishinghawk; Tina Glory Jordan; Janelle Fullbright; Dick Lay; Lee Keener Jr.; David Walkingstick; Frankie Hargis and Joe Byrd

Late Arrival 4 - Buel Anglen; Jack D. Baker; Meredith Frailey and Julia Coates

APPROVAL OF MINUTES

Councilor Snell moved to approve the September 27th regular session minutes. Councilor Hargis seconded the motion. The motion carried.

REPORTS:

Marshal Service - Shannon Buhl

Mr. Buhl invited the Council to their annual awards banquet for the Marshals held during November. He provided an overview and status on the Violent Crimes Task Force. He reported on the new open carry law and offered to provide training to the Council if there was interest in obtaining carry permits. Questions were raised about signage for the open carry. Chair Hoskin Jr. inquired about the grant for new vehicles and the process for replacement.

Councilor Jack D. Baker joined the meeting via video conference.

Office of the Attorney General - Todd Hembree

Mr. Nason Morton reported in the absence of Attorney General Hembree. He provided updates on pending cases for the Freedman and the United Keetoowah

Band and others. He stated their office would be working to place all of the court cases on the Attorney General's page of Cherokee.org. Councilor Cowan Watts announced the amendment to only allow federally recognized tribes to be members of NCAI failed this morning. Councilor Fishinghawk requested an update on the Sequoyah student eligibility issues.

Codification - Todd Hembree

Mr. Morton reported there is a contract in place with West Law for codification.

Election Commission - Bill W. Horton

Chair Hoskin Jr. announced the Election Commission wasn't able to have a representative present today. He stated a document has been provided, for information purposes only, which are proposed amendments to the election code by the Election Commission.

Tax Commission - Sharon Swepston

No one was present from the Tax Commission.

Self-Governance - Vickie Hanvey

Ms. Tammy Johnson reported in the absence of Ms. Hanvey. She provided a copy of the report and offered to answer questions. She provided an update on the Contract Dispute Act Claims for I. H. S. She reported a New Zealand tribe visited last week to see our self-governance program.

Gaming Commission - Jamie Hummingbird

Mr. Hummingbird offered to answer questions from the report provided. He stated the projected opening date for the Ft. Gibson casino is the 4th of December. Councilor Cowan Watts inquired about the need for additional staff and budget with the new facilities coming on board.

Registrar Citizenship Data Update - David Justice

Mr. Justice provided an update on numbers. Councilor Cowan Watts requested written policies and procedures for the death notices, change of addresses, particularly what documentation is accepted and what triggers a bad address. Councilor Glory-Jordan requested the information be provided to all Council members.

AMEND THE AGENDA

Chair Hoskin Jr. announced two items have been handed out that would need the agenda to be amended for their consideration. The items are 1) A Resolution Allowing the Cherokee Nation to Work with the United States Department of Agriculture, National Agriculture Statistical Service (NASS) and 2) A Resolution Ratifying Litigation in the United States District Court for the Northern District of Oklahoma. Councilor Thornton moved to amend to include these two items. Councilor Hargis seconded the motion. Chair Hoskin Jr. stated these would be items 6 and 7 of new business. The motion to amend carried.

AMEND THE AGENDA

Councilor Lay moved to amend to include a resolution for contract support services. Councilor Cowan Watts seconded the motion. The motion carried as new business item 8.

OLD BUSINESS

1. [12-086](#) AN ACT AMENDING LEGISLATIVE ACT 03-09 AND TITLE 68 CHAPTER 3 OF THE CHEROKEE NATION CODE ANNOTATED - SALES TAX; ADDING EXEMPTIONS FOR ONE HUNDRED PERCENT (100%) PERMANENTLY DISABLED VETERANS AND ALL VETERANS AND DEFINING WHAT NON-PROFITS ARE ELIGIBLE FOR THIS EXEMPTION
Councilor Glory-Jordan moved to approve the revised version provided with an amendment to strike "which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501 (c)(3)" from Section 3A. Councilor Hargis seconded the motion. Councilors Cowan Watts and Hargis requested to be added as sponsors. The Attorney General's office suggested removing the fees from Section C. Councilor Keener offered a friendly amendment to strike the "and" at the end of Section 2. The friendly was accepted.
After additional discussion and concerns were voiced the motion to approve carried with no opposition.

2. [12-107](#) AN ACT RELATING TO DRUG TESTING FOR ELECTED OFFICIALS
Councilor Thornton moved to approve. Councilor Walkingstick seconded the motion. Councilors Hargis and Walkingstick requested to be added as sponsors. Questions were raised regarding the implementation and who would develop the policy and procedures. After discussion was held and additional questions were raised Councilor Byrd moved to table. Councilor Hargis seconded the motion.
The motion to table carried.

3. [12-110](#) AN ACT RELATING TO VOTER RESIDENCY OF CITIZENS OF THE CHEROKEE NATION
Councilor Garvin announced a revised version has been provided but time is still needed, he moved to table. Councilor Thornton seconded the motion. The motion carried.

NEW BUSINESS

1. [12-150](#) AN ACT AMENDING LA#06-10, LA#39-05 AND LA#7-97; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED
Chair Hoskin Jr. commented the hand out provided is potential amendments to the election code drafted by the Election Commission. He stated this has been provided for review and he commented he may submit amendments for consideration next month. Councilor Keener requested the Election Commissions rules and regulations.
After some debate was held Councilor Cowan Watts moved to table. Councilor Thornton seconded the motion. The motion tabled.

- 2. [12-133](#) ACT RELATING TO SUBSIDIES FOR SMOKESHOP OWNERS WHO ARE OPERATORS

Councilor Thornton moved to approve. Councilor Garvin seconded the motion. Councilor Glory-Jordan offered a friendly amendment to read “owners who are also operators” for clarification. The friendly was accepted. Councilor Byrd requested to be added as sponsor.

After debate was held and questions were raised Councilor Glory-Jordan moved to table. Councilor Cowan Watts seconded the motion. The motion to table failed with the following roll call vote:

Yea: 5 - Jodie FISHINGHAWK; Tina Glory Jordan; David Walkingstick; Frankie Hargis and Joe Byrd

Nay: 10 - Buel Anglen; Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Janelle Fullbright; Dick Lay and Lee Keener Jr.

Not In Room: 1 - Jack D. Baker

Late Arrival: 1 - Julia Coates

Councilor Lay moved to table to the end of the agenda. Councilor Glory-Jordan seconded the motion. The motion carried.
- 3. [TMP-230](#) DISCUSSION AND POSSIBLE ACTION - LIQUOR SALES IN SMOKE SHOPS

Councilor Thornton moved to table. Councilor Byrd seconded the motion. The motion carried.
- 4. [12-141](#) A LEGISLATIVE ACT RELATING TO AMENDING AND REPEALING SUBSEQUENT AMENDMENTS TO THE CHEROKEE NATION SOVEREIGN IMMUNITY ACT, LA#23-04

Councilor Lay moved to table. Councilor Hargis seconded the motion. The motion carried.
- 5. [TMP-224](#) EXECUTIVE SESSION - DISCUSSION OF TRIBAL COUNCIL PERSONNEL MATTER

Councilor Glory-Jordan moved to enter into executive session to discuss Tribal Council personnel matters. Councilor Lay seconded the motion. The motion carried at 3:05 p.m.

Councilor Cowan Watts moved to exit executive session. Councilor Garvin seconded the motion. The motion carried at 3:35 p.m.

Chair Hoskin Jr. announced we have exited executive session during which no votes were taken. He introduced Mr. Jody Reece as the new Director of Financial Oversight for the Tribal Council.
- 6. [12-140](#) A RESOLUTION ALLOWING CHEROKEE NATION TO WORK WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATIONAL AGRICULTURE STATISTICAL SERVICE (NASS)

Councilor Glory-Jordan moved to approve. Councilor Hargis seconded the motion. All Councilors requested to be added as sponsors. The motion to approve carried.

7. [12-139](#) A RESOLUTION RATIFYING LITIGATION IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA
Councilor Frailey moved to approve. Councilor Thornton seconded the motion. Attorney General Hembree gave an overview of the resolution. The motion to approve carried.

8. [TMP-232](#) DISCUSSION AND POSSIBLE ACTION - CONTRACT SUPPORT COST SETTLEMENT
Councilor Lay withdrew this item as it is a business item on the Executive & Finance agenda.

Office of the Attorney General - Todd Hembree

Councilor Walkingstick requested assistance in submitting a government FOIA request. Discussion was held regarding the Sequoyah High School athletes eligibility issues. Mr. Hembree suggested anyone who can show support tomorrow at the court hearing to attend.

2. [12-133](#) ACT RELATING TO SUBSIDIES FOR SMOKESHOP OWNERS WHO ARE OPERATORS
Chair Hoskin Jr. announced there isn't anyone available at the Tax Commission who can respond to the questions raised. Councilor Thornton moved to approve. Councilor Garvin seconded the motion. After additional debate was held Councilor Byrd called for the question.

The motion to approve carried with the following roll call vote:

Yea: 11 - Buel Anglen; Chuck Hoskin Jr. ; Curtis Snell; David Thornton, Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Janelle Fullbright; Dick Lay; Lee Keener Jr. and Joe Byrd

Nay: 4 - Jack D. Baker; Tina Glory Jordan; David Walkingstick and Frankie Hargis

Not In Room: 2 - Jodie Fishinghawk and Julia Coates

ANNOUNCEMENTS

Councilor Glory-Jordan requested to move immediately into the Executive & Finance meeting due to the going away reception from Mr. Doug Evans being held at 4:00 p.m.

ADJOURNMENT

Councilor Hargis moved to adjourn. Councilor Byrd seconded the motion. The motion carried at 3:57 p.m.

STAFF PRESENT:

<i>Shannon Buhl</i>	<i>Dianna Turtle</i>	<i>Jody Reece</i>
<i>Elizabeth O'Dell</i>	<i>Nason Morton</i>	<i>Sara Hill</i>
<i>David Justice</i>	<i>Tammy Johnson</i>	<i>Todd Hembree</i>
<i>Jamie Hummingbird</i>		

VISITORS PRESENT:

Larry Horn

Gina Olaya

Patricia Carpenter

Dianne Barker Harrold