



Council of the Cherokee Nation

Cherokee Nation Complex
17675 S. Muskogee Ave.
Tahlequah, OK 74464

Meeting Minutes - Final RULES COMMITTEE

Joe Byrd, Chair

Recording Secretary, Shelli Brittain
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Thursday, March 31, 2016

1:00 PM

Tribal Council Offices

CALL TO ORDER

Chair Byrd called the meeting to order at 1:06 p.m.

INVOCATION

Councilor Snell gave the invocation.

ROLL CALL

Present 14 - Jack D. Baker; Harley Buzzard; Joe Byrd; Don Garvin; Frankie Hargis ;
Curtis Snell; Janees Taylor; David Thornton, Sr. ; Victoria Vazquez;
Buel Anglen; Dick Lay; Shawn Crittenden; Wanda Hatfield and Bryan
Warner

Late Arrival 3 - Keith Austin; David Walkingstick and Rex Jordan

APPROVAL OF MINUTES

**Councilor Hargis moved to approve the February 17th regular session minutes.
Councilor Vazquez seconded the motion. The motion carried.**

REPORTS:

Marshal Service - Shannon Buhl

*Captain Scot Craig offered to answer questions pertaining to the report provided in
the absence of Mr. Buhl.*

Office of the Attorney General - Todd Hembree

*Mr. Hembree reported they have been busy with many of the items on the lengthy
agenda today. He offered to answer questions.*

FOIA-GRA - Gwen Terrapin

*Ms. Terrapin reported the 2015 requests have now been updated on the website.
There have only been two FOIA requests to date this year, none are outstanding at
this time.*

Tax Commission - Sharon Swepston

Ms. Swepston offered to answer questions from the report provided. She reported the second batch of hunting and fishing licenses have been issued. The store front is almost ready and once it is the licenses will be printed monthly. Councilor Lay requested the contact information be emailed to them. Ms. Swepston gave an update on issues with citizens applying who live outside of the state of Oklahoma.

Self-Governance - Karen Ketcher

No one was present to present.

Gaming Commission - Jamie Hummingbird

No one was present to present.

Human Resources - Nason Morton

AMEND THE AGENDA

Councilor Hargis moved to amend the agenda for consider all of the nominations now. Councilor Vazquez seconded the motion. The motion carried.

NEW BUSINESS

1. [16-035](#) A RESOLUTION CONFIRMING THE NOMINATION OF RUFUS KING AS A GOVERNING BOARD MEMBER OF TSUNADELOQUASDI CHEROKEE IMMERSION SCHOOL BOARD
Councilor Buzzard moved to approve. Councilor Vazquez seconded the motion. Mr. King was present for questions. Councilor Walkingstick requested to be added as a sponsor. The motion to approve carried with no opposition.
2. [16-036](#) A RESOLUTION CONFIRMING THE NOMINATION OF MELVINA SHOTPOUCH AS A GOVERNING BOARD MEMBER OF TSUNADELOQUASDI CHEROKEE IMMERSION SCHOOL BOARD
Councilor Snell moved to approve. Councilor Thornton seconded the motion. All Councilors requested to be added as sponsors. Ms. Shotpouch was present for questions. The motion to approve carried with no opposition.
3. [16-037](#) A RESOLUTION CONFIRMING THE NOMINATION OF RUSSELL J. FEELING AS A GOVERNING BOARD MEMBER OF TSUNADELOQUASDI CHEROKEE IMMERSION SCHOOL BOARD
Councilor Baker moved to approve. Councilor Taylor seconded the motion. Mr. Feeling was present for questions. The motion carried with no opposition.
4. [16-038](#) A RESOLUTION CONFIRMING THE NOMINATION OF VALERIE J. ROGERS AS A GOVERNING BOARD MEMBER OF THE CHEROKEE NATION HOME HEALTH SERVICES, INCORPORATED

Councilor Vazquez moved to table #4 and #5 as Ms. Rogers is unable to attend today. Councilor Taylor seconded the motion. The motion carried.

5. [16-039](#) A RESOLUTION CONFIRMING THE NOMINATION OF VALERIE J. ROGERS AS A GOVERNING BOARD MEMBER OF CHEROKEE NATION COMPREHENSIVE CARE AGENCY (PACE)

Councilor Vazquez moved to table #4 and #5 as Ms. Rogers is unable to attend today. Councilor Taylor seconded the motion. The motion carried.

OLD BUSINESS

1. [TMP-330](#) DISCUSSION AND POSSIBLE ACTION:
(A) WHAT CONSTITUTES SUFFICIENT BASIS FOR A COUNCILOR TO CLAIM TRAVEL TO AND FROM COUNCIL MEETINGS, INCLUDING TRAVEL FROM PERMANENT RESIDENCES AND FROM TEMPORARY WORK LOCATIONS OUTSIDE OF CHEROKEE NATION?
(B) MAY THE COUNCIL REQUIRE REIMBURSEMENT OF TRAVEL FUNDS, FOR TRAVEL TO AND FROM COUNCIL MEETINGS, FROM A COUNCIL MEMBER WHO DID NOT HAVE A SUFFICIENT BASIS TO CLAIM SUCH FUNDS?

Councilor Thornton stated if another Councilor doesn't wish to move forward with this item then he would table it indefinitely.

Councilor Thornton moved to table indefinitely. Councilor Baker seconded the motion. The motion carried.

2. [TMP-273](#) DISCUSSION AND POSSIBLE ACTION: CEMETERY RESTORATION ASSISTANCE POLICIES AND PROCEDURES
Councilor Hargis move to approve. Councilor Snell seconded the motion. Councilor Baker voiced concern for those living outside of the jurisdiction not being able to obtain funding to take care of a cemetery within the jurisdiction. Councilor Thornton voiced concern for the requirement that there must be a federal identification number to apply. Councilor Hargis voiced concern for the requirement for the names, dates of birth and death on all within the cemetery.

Councilor Hargis moved to table. Councilor Vazquez seconded the motion. Chair Byrd requested all concerns be emailed to himself and/or the Council staff prior to the next meeting to they can be forwarded to the proper group. He requested someone from the Community Development Group to be present next month. The motion to table carried.

3. [16-025](#) AN ACT AMENDING LA-04-14 REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED
Councilor Vazquez moved to approve. Councilor Hargis seconded the motion. Chair Byrd reminded everyone we already had a motion and a second on this from the special session held on the 9th. This discussion will begin where the special meeting adjourned with page 29 §74. Attorney General Hembree began with the first amendment being in §78. Mr. Hembree provided a handout of a revised version of this section and Mr. Harvey Chaffin gave a brief overview of the changes. Chair Byrd reminded everyone the original motion to approve was by Councilor Vazquez and the second was by Councilor Hargis and they would be the ones to address friendly amendments.

Councilor Garvin made a motion for there to be a maximum of ten (10) absentee ballots brought in per person. Councilor Baker seconded the motion. The motion failed with the following roll call vote:

Yea: 5 - Jack D. Baker; Harley Buzzard; Don Garvin; Buel Anglen and Shawn Crittenden

Nay: 9 - Joe Byrd; Frankie Hargis ; Janees Taylor; Victoria Vazquez; Keith Austin; David Walkingstick; Wanda Hatfield; Rex Jordan and Bryan Warner

Abstain: 3 - Curtis Snell; David Thornton, Sr. and Dick Lay

Councilor Austin offered a friendly amendment to strike "the voter or a person designated by the voter delivers" and insert "is delivered" following the ballot. The friendly was accepted.

After additional discussion and debate Councilor Walkingstick made a motion to keep the language as original. Mr. Hembree commented by parliamentary procedure the motion would be to restore the original language and it would kill the friendly amendment from Councilor Austin. Councilor Jordan seconded the motion. The motion carried by the following roll call vote:

Yea: 10 - Jack D. Baker; Harley Buzzard; Don Garvin; Janees Taylor; David Thornton, Sr. ; Buel Anglen; Dick Lay; David Walkingstick; Shawn Crittenden and Rex Jordan

Nay: 7 - Joe Byrd; Frankie Hargis ; Curtis Snell; Victoria Vazquez; Keith Austin; Wanda Hatfield and Bryan Warner

In Chapter Article 3 §79 the changes were accepted with no objections.

In Chapter Article 3 §80A the changes were explained by Mr. Chaffin and were accepted with no objections.

In Chapter Article 3 §80B the changes were accepted with no objections.

In Chapter Article 3 §82 the changes were accepted with no objections.

In Chapter Article 4 §91 the changes were accepted with no objections.

In Chapter Article 4 §91A the changes were accepted with no objections.

In Chapter Article 4 §92 the changes were accepted with no objections which deletes the entire section.

In Chapter Article 4 §92 new section. The changes were accepted with no objections.

In Chapter Article 4 §93 the changes were accepted with no objections.

In Chapter Article 5 §101 the changes were accepted with no objections.

In Chapter Article 5 §102 the changes were accepted with no objections.

Section 2 of the Act the changes were accepted with no objections.

Mr. Hembree commented this concludes their work and the proposed changes of the loophole work group. The additional proposed amendments submitted by Councilor Lay will now need to be considered. These amendments are included in your packet. The first amendment proposed is in §43. Councilor Lay requested his proposed amendments be withdrawn.

Councilor Lay requested discussion on the timeline of filing. Mr. Chaffin commented the election date has been changed but not the filing date. He suggested a change in

§36.

Councilor Lay made a motion to accept the filing date suggested by the Election Commission as the first Monday in February and the first campaign donations can be accepted once the background checks are complete. Councilor Thornton seconded the motion.

Councilor Lay upon request split the motions. The first motion for discussion is for the filing date to be the first Monday in February. After discussion was held the motion carried with the following roll call vote:

Yea: 12 - Jack D. Baker; Harley Buzzard; Joe Byrd; Don Garvin; Frankie Hargis ; Curtis Snell; David Thornton, Sr. ; Keith Austin; Buel Anglen; Dick Lay; Wanda Hatfield and Bryan Warner

Nay: 4 - Janees Taylor; Victoria Vazquez; David Walkingstick and Rex Jordan

Not In Room: 1 - Shawn Crittenden

Councilor Lay second motion was to begin accepting campaign contributions once certified to be a candidate and the challenge period is complete. Councilor Walkingstick seconded the motion. Following discussion and debate the Councilor Lay withdrew his motion.

Chair Byrd stated we are now voting on the entire proposed act as amended with all of the accepted friendly amendments. Councilor Buzzard requested clarification on the definition of "term" on page 4 new section §31.

The motion to approve the Act in its entirety as amended carried with the following roll call vote:

Yea: 11 - Joe Byrd; Frankie Hargis ; Curtis Snell; Janees Taylor; David Thornton, Sr. ; Victoria Vazquez; Keith Austin; David Walkingstick; Wanda Hatfield; Rex Jordan and Bryan Warner

Nay: 4 - Jack D. Baker; Harley Buzzard; Don Garvin and Buel Anglen

Not In Room: 2 - Dick Lay and Shawn Crittenden

NEW BUSINESS

- 6. [16-040](#) A RESOLUTION SUPPORTING THE DEPLOYMENT OF THE F-35 LIGHTNING II FIGHTER AIRCRAFT TO THE 138TH FIGHTER WING OF THE OKLAHOMA AIR NATIONAL GUARD LOCATED AT THE TULSA AIR NATIONAL GUARD BASE

Councilor Austin moved to approve. Councilor Walkingstick seconded the motion. Councilors Anglen and Taylor requested to be added as sponsors. The motion carried.

- 7. [16-044](#) A RESOLUTION AUTHORIZING INTERVIEWS AND RESEARCH FUNDED BY NATIONAL INSTITUTE OF JUSTICE REGARDING DOMESTIC VIOLENCE AND SEXUAL ASSAULT ISSUES/VIOLENCE AGAINST INDIAN WOMEN WITHIN THE CHEROKEE NATION

A motion was made by Co Chair Frankie Hargis , seconded by Councilor David Thornton, Sr. , that this matter be Approved and Forwarded to Council to the TRIBAL COUNCIL due back on 4/9/2016. The motion carried unanimously by Voice Vote

- 8. 16-045 A RESOLUTION AUTHORIZING CHANGING THE NAME OF SALLISAW CREEK PARK OWNED BY THE CHEROKEE NATION IN SEQUOYAH COUNTY WITHIN THE TRIBE'S FOURTEEN COUNTY JURISDICTION TO NATIONAL CHEROKEE NATION PARK

 Councilor Thornton moved to approve. Councilor Garvin seconded the motion. The motion carried.

- 9. 16-046 A RESOLUTION AUTHORIZING THE ATTORNEY GENERAL TO COMMENCE LITIGATION FOR AN ACCOUNTING OF CHEROKEE NATION TRUST ASSETS

 Councilor Hargis moved to table. Councilor Walkingstick seconded the motion. The motion carried.

- 10. 16-047 A LEGISLATIVE ACT AMENDING TITLE 12 OF THE CHEROKEE NATION CODE ANNOTATED ESTABLISHING THE CHEROKEE NATION JUDGMENT ACT

 Councilor Hargis moved to approve. Councilor Baker seconded the motion. Mr. Hembree gave a brief overview of the purpose for this Act. Councilor Baker offered a friendly amendment to add "year" to section 10. The friendly was accepted. Mr. Hembree provided an amendment to Section 5. The Section 5 amendment provided was accepted as a friendly amendment. The motion to approve as amended carried by acclamation.

- 11. 16-048 A LEGISLATIVE ACT AMENDING TITLE 21 OF THE CHEROKEE NATION CODE ANNOTATED; RELATING TO OFFENSES AGAINST PROPERTY

 Councilor Vazquez moved to approve. Councilor Hargis seconded the motion. The motion carried by acclamation.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Hargis moved to adjourn. Councilor Vazquez seconded the motion. The motion carried at 3:01 p.m.

STAFF PRESENT:

<i>Sonja Glory</i>	<i>Scott Craig</i>	<i>Todd Hembree</i>
<i>Canaan Duncan</i>	<i>Sharon Swepston</i>	<i>Chad Harsha</i>
<i>Gwen Terrapin</i>	<i>John Hammons</i>	<i>Connie Parnell</i>
<i>Nason Morton</i>	<i>Bill John Baker</i>	<i>John Paden</i>
<i>Willard Mounce</i>	<i>Chuck Hoskin Jr.</i>	<i>Claud Stover</i>
<i>Brooke Tillison</i>		

VISITORS PRESENT:

<i>Harvey Chaffin</i>	<i>Martha Calico</i>	<i>Teddye Snell</i>
<i>Melvina Shotpouch</i>	<i>Dianne Barker Harrold</i>	<i>Rufus King</i>
<i>Russell Feeling</i>	<i>Ada Pecos Melton</i>	<i>Dee Jay Chino</i>