



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 Coke
Phone: 1-800-995-9465,
E-mail: council-public@cherokee.org

Thursday, January 28, 2021

1:00 PM

Tribal Council Offices

CALL TO ORDER

Chair Byrd called the meeting to order at 1:02 p.m.

INVOCATION

Councilor Taylor gave the invocation.

ROLL CALL

Councilors Coates, Deere and Shaw attended remotely.

Approved with Corrections

Present 15 - Joe Byrd; Janees Taylor; Victoria Vazquez; Harley Buzzard; E. O. "JR." Smith; Mike Dobbins; Canaan Duncan ; Rex Jordan; Wes Nofire; Daryl Legg; Shawn Crittenden; Dora Patzkowski; Joe Deere; Keith Austin and Julia Coates

Late Arrival 2 - Mike Shambaugh and Mary Baker Shaw

APPROVAL OF MINUTES

Councilor Vazquez moved to approve the December 2020 minutes as submitted. Councilor Crittenden seconded the motion. The motion carried.

REPORTS:

Marshal Service - Shannon Buhl

Mr. Buhl announced they are in the process of hiring, getting additional supplies and equipment to be prepared for the McGirt decision. He gave appreciation to the Attorney General's office, Human Resources and the Treasurer's office for their assistance in getting this all accomplished quickly. They have had 3 physical fitness tests for deputy marshals and one for a transport officer and next week will have a physical fitness test for scheduled for next week. Councilor Duncan inquired where to send people that are interested in becoming a marshal. Councilor Nofire gave appreciation for their assistance in a recent missing person case. Councilor

Shambaugh gave appreciation for providing some marshals in Jay while the Jay Police Force attends a fellow officer's funeral.

Office of the Attorney General - Sara Hill

Attorney General Hill gave updated on the business interruption case, the United Keetoowah Band request to game at the Riverhouse Brew location, the UKB appeal to the 10th Circuit Court on the Cherokee Nation court being able to rule on Cherokee children, and the UKB 2 acre case. In relation to McGirt they have added another paralegal and have posted opening for additional attorneys. They have received the first set of referrals from the State for prosecution. They are still waiting on the Oklahoma Court of Criminal Appeals for a decision. They have filed a gaming lawsuit as the Governor of Oklahoma has gone into 4 different gaming compacts with other tribes all with different terms. She reported on two new U. S. Supreme Court cases pertaining to Indian country. She offered to answer any questions. Councilor Crittenden inquired if the cases referred to us recently are all subject to the three year maximum? He inquired about major crimes that should have more than a three year sentence. Councilor Coates requested additional information on the executive order President Biden signed increasing the sovereignty of federal tribes. Councilor Duncan requested clarification on the Oklahoma State Tax Commission Code 710 regarding Indians within a reservation boundary being exempt from income tax. Councilor Dobbins inquired about the status of the Criminal Justice Compact. Councilor Austin inquired of the cases handed to us from the State, what determines if they are prosecuted by us versus going federal. Councilor Shambaugh inquired about post-conviction relief, does the Cherokee Nation have anyone who can those individuals. He inquired what the compact would do to the Major Crimes Act. Chair Byrd commented on a State Representative wanting to pass legislation on not wearing mask and vaccines. He requested the AG to research and possibly assist with a letter to the OSSAA for those students who left Sequoyah during the pandemic and want to come back.

FOIA-GRA - Gwen Terrapin

Ms. Terrapin reported in 2020 there were a total of 10 FOIA requests and 2 of those are currently outstanding. There were no GRA requests in 2020. For 2021 so far 5 FOIA requests have been submitted and all of those are outstanding at this time. There haven't been and GRA requests submitted. The website is up to date.

Election Commission - Marcus Fears

*Mr. Fears wasn't able to be heard.
Councilor Shaw inquired what type of voting machines we have.*

Tax Commission - Sharon Swepston

Ms. Swepston offered to answer questions from the report provided. Councilor Buzzard requested clarification on the tobacco tax being down 10-15%. Councilor Legg inquired if we collect tax on items other than tobacco at the smoke shops. Chair Byrd inquired when the reception for the school administrations is scheduled.

Gaming Commission - Janice Purcell

Ms. Purcell offered to answer questions from the report.

Human Resources - Alana Casteel

Ms. Casteel offered to answer questions from the report provided.

Chair Byrd requested Secretary of Natural Resources, Chad Harsha, to provide a brief on the 4,300 acres recently purchased in Sequoyah County. Following Mr. Harsha's brief Councilor Buzzard inquired if it would be open to the public. Chair Byrd suggested if the opportunity arises to let the Council to visit the property. Councilor Shaw inquired if a portion would be set aside for cultural hunting. Councilor Nofire requested clarification on how the hunting preserves would be secured, and how the CARES Act funding used to purchase would be implemented. Councilor Austin requested confirmation that the Act also refers to three other properties and others can be added. Councilor Smith inquired about the bear study on the property.

OLD BUSINESS

1. [20-091](#) DISCUSSION AND POSSIBLE ACTION - AMENDING THE TRIBAL COUNCIL RULES OF PROCEDURE TO ADD D. TO SECTION III

Chair Byrd stated he spoke to Councilor Patzkowski about her leading a work group on this proposed policy regarding confidential, privileged and/or proprietary information to be added to our Council Rules of Procedure.

NEW BUSINESS

1. [21-001](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF BETTY FROGG AS AN ADVISORY COMMITTEE MEMBER OF CHEROKEE NATION NATIONAL TREASURES PROGRAM
Councilor Vazquez made a motion to approve. Councilor Duncan seconded the motion. The motion carried.
2. [21-002](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF EDDIE MORRISON AN ADVISORY COMMITTEE MEMBER OF CHEROKEE NATION NATIONAL TREASURES PROGRAM
Councilor Buzzard made a motion to approve. Councilor Dobbins seconded the motion. The motion carried.
3. [21-003](#) A RESOLUTION CONFIRMING THE REAPPOINTMENT OF JANE OSTI AN ADVISORY COMMITTEE MEMBER OF CHEROKEE NATION NATIONAL TREASURES PROGRAM
Councilor Jordan made a motion to approve. Councilor Taylor seconded the motion. The motion carried.
4. [21-004](#) A RESOLUTION CONFIRMING THE NOMINATION OF LYNDON EMBERTON AS A BOARD MEMBER OF THE CHEROKEE NATION SEQUOYAH HIGH SCHOOL BOARD OF EDUCATION
Councilor Smith made a motion to approve. Councilor Legg seconded the

motion. The motion carried. Councilor Austin announced Amon Baker at the age of 92 has stepped down from this board position. He was recognized today in a press release giving him a lifetime advisory board position. This is Councilor Shaw’s father. Councilor Dobbins inquired who the other board members were.

- 5. [21-005](#) A RESOLUTION CONFIRMING THE APPOINTMENT OF EVAN MCLEMORE AS A DISTRICT COURT JUDGE OF THE CHEROKEE NATION

Councilor Duncan motioned to withdraw this resolution as requested by Mr. McLemore.

- 6. [21-006](#) AN ACT ESTABLISHING THE CHEROKEE NATION PARK, WILDLANDS, FISHING AND HUNTING PRESERVE ACT OF 2021

Councilor Legg made a motion to approve. Councilor Jordan seconded the motion. Councilor Vazquez requested to be added as a sponsor. The motion to approve carried. Councilor Nofire offered a friendly amendments to §1006, §1007, §1010 and §1011. He inquired about amending the agenda for consideration of if just discussion only today. He stated he did try to contact each sponsor prior to the meeting. Following discussion no motions were made.

- 7. [21-007](#) AN ACT AMENDING TITLE 21 OF THE CHEROKEE NATION CODE ANNOTATED AND DECLARING AN EMERGENCY

Councilor Shambaugh made a motion to approve. Councilor Taylor seconded the motion. The motion carried.

- 8. [21-008](#) AN ACT AMENDING TITLE 22 OF THE CHEROKEE NATION CODE ANNOTATED

Councilor Crittenden made a motion to approve. Councilor Patzkowski seconded the motion. The motion carried.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Dobbins made a motion to adjourn. Councilor Vazquez seconded the motion. The motion carried at 2:23 p.m.

STAFF PRESENT:

<i>Taralee Montgomery</i>	<i>Todd Enlow</i>	<i>Sara Hill</i>
<i>Chuck Hoskin Jr.</i>	<i>Chad Harsha</i>	
<i>Remote:</i>		
<i>Sharon Swepston</i>	<i>Shannon Buhl</i>	<i>Alana Casteel</i>
<i>Janice Purcell</i>		

VISITORS PRESENT:

<i>Teddy Snell</i>	<i>Tim Brown</i>
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Remote:

Betty Frogg

Eddie Morrison

Jane Osti