



# Council of the Cherokee Nation

## Tribal Council Minutes Tribal Council

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Monday, July 14, 2008

6:00 PM

Council Chambers

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### CALL TO ORDER

**Chair Frailey called the meeting to order at 6:05 p.m.**

### INVOCATION

**Councilor Crittenden gave the invocation.**

### ROLL CALL

**Present** 17 - S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap; Bradley Cobb; Chuck Hoskin, Jr. ; Julia Coates and Bill John Baker

### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

**Councilor Anglen made a motion to approve the June 16th regular session minutes. Councilor Jack Baker seconded the motion. Motion carried.**

### STATE OF THE NATION

*Deputy Chief Joe Grayson gave the State of the Nation in the absence of Chief Smith. Deputy Grayson read a letter from Chief Smith to the Council as a request for the Council to table a provision that appears on tonight's agenda regarding voting districts. He applauded the time the Council put into the issue but expressed concern that his office and the Tribal Council had not had the opportunity to discuss the final proposal. He apologized for not being in attendance that he was in Washington DC attending to Cherokee Nation business. It is three years before an election and the voting district legislation will affect the design and operation of the government of the Cherokee Nation for decades to come. He respectfully requested the Council delay tonight's vote. He stated he would like to make sure sound principals and policy had been followed and that the Cherokee people would be advised of the proposed changes. He requested a conference with the Council during the time the proposal is tabled to discuss the concern. This provision has tremendous impact and he is committed to doing what is best for the Cherokee Nation and its people.*

*Deputy Grayson requested a moment of silence and remembrance for Cynthia Wolf, Jim Brown, Bob McSpadden, Clem McSpadden and Patricia Helton who have passed over the last month. He honored veterans Jack Pettit, Jerry Ice Sr., and Jerry Ice Jr. Deputy Chief Grayson announced a partnership began last week with the Oklahoma Department of Transportation. The Cherokee Nation gave \$11.7ml contribution in land and funds that will help move up the completion of the highway exchange at Catoosa. A video was shown with the goal to help people understand the facts about tribal citizenship and demonstrates how a bill severing the ties between the Cherokee Nation and the United States would hurt the Cherokee people.*

*Mr. Todd Enlow announced in June at the Employee Appreciation Day activities the Employee Attribute Awards were given out. He stated a survey is done each year to nominate employees for the various attribute awards. The attributes are named after employees who have passed away. He requested the family members of the passed employees here to stand and be honored as they are announced. The awards are as follows:*

*Nellie Taylor Award for Responsibility went to Lori Hogner,  
Donald C. Guy Sr. Award for Cooperation went to Carrie Sisco,  
Clifford Hendrickson Award for Self Confidence went to Rodney Sumner,  
Nancy Jay Miller Davis Award for Communication went to LeAnn Dreadfulwater,  
Myron Taylor Award for Leadership went to Rhonda Cochran,  
Irene Goodnight Award for Integrity went to Louise King,  
Ed Bighorse Award for Creativity went to Norma Merriman,  
Wayne Wallace Award for the Cherokee Way of Life went to Mary Peters,  
Shelby Washington Award for Committed went to Dallas Pettigrew,  
Susan Bluebird Award for Respectful went to Cheryl Hill, and  
The Employee of the Year Award named after J.B. Dreadfulwater went to Cynthia Sturgis.*

**Councilor Bill John Baker made a motion to amend the agenda to include a resolution authorizing the placement of Sequoyah High School lands in trust. Councilor Cowan Watts seconded the motion. Motion carried.**

#### ACTION OF UNFINISHED BUSINESS

*None pending.*

#### COMMITTEE REPORTS

##### Monthly Reports:

##### Housing Authority - David Southerland

*Mr. David Southerland announced the next regular board meeting is tomorrow at 5:30. He stated the agenda is rather lengthy. One of the items is the signing the Title VI notes to the Cherokee Nation. The tribe will be solely responsible to the creditor. The Community Shield Program is close to having 2300 active participants. The employees are getting acclimated with the transition. The biggest adjustment is getting the processes in line with the tribe.*

##### Cherokee Nation Enterprises - David Stewart

*Mr. David Stewart announced CNE continues to have very good financial results. They will top out the 19th floor at Catoosa by the end of the month. West Siloam is gearing up to open in November. The job fairs will begin soon for West Siloam all information is on the website.*

##### Cherokee Nation Industries - Bryan Collins

*Mr. Bryan Collins gave the June results as \$61.5ml in year to date revenue which is tracking 28% below last year. The month to date revenue is \$6.5ml and the year to date loss is \$1.6ml. He stated a lot of this loss is due to the erosion in the construction and to the recession that is affecting their telecommunications. CNI has 362 employees with 84% of them being Cherokee. He announced they signed a contract to build a warehouse expansion in Cleveland, Oklahoma. They purchased the grocery store building in Stilwell next to the old Wal-Mart. They began a new training program today. He stated they are looking into going to a paperless*

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environment. Their next board meeting is July 28th at 2:00 p.m. in the Tulsa office.

Cherokee Nation Business, Inc - Brad Carson

*Mr. Brad Carson announced the landfill is proceeding. They have selected a construction firm to begin the process. They have also selected in the presence of Speaker Frailey a firm to conduct the comprehensive environmental survey of the landfill. Another firm has been identified to do a status quo environmental check. They are in the process of updating the landfill employees of how CNB's operation of the landfill will mean to their careers. He stated they do plan to hire a couple of people with landfill, marketing and environmental expertise. They are in the midst of their budget process now.*

*Councilor Fishinghawk stated she had posed some questions pertaining to contracts with CNB that haven't been answered. Mr. Carson stated as earlier stated he would be happy to speak with her after the meeting.*

OLD BUSINESS

*None pending.*

NEW BUSINESS

1. T. E. R. O. CERTIFICATIONS

*Councilor Glory-Jordan stated the TERO certifications do not normally come to this body. When this list was presented for approval in committee they failed to have the ownership and percentage of ownership included. This information has now been provided.*

**Councilor Glory-Jordan moved for the approval as submitted. Councilor Jack Baker seconded the motion. Motion carried.**

2. **A RESOLUTION AUTHORIZING THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES TO SUBMIT AN APPLICATION FOR FUNDING TO THE OKLAHOMA OFFICE OF JUVENILE AFFAIRS, FOR EMERGENCY YOUTH SHELTER SERVICES, AND PREVENTION AND DIVERSION SERVICES**

**Councilor Buzzard made a motion for approval. Councilor Glory-Jordan seconded the motion. Motion carried unanimously.**

3. **A RESOLUTION AMENDING RESOLUTION NO. 23-90 RE-NAMING THE SAM HIDER COMMUNITY CLINIC TO THE SAM HIDER HEALTH CENTER**

**Councilor Buzzard made a motion for the approval. Councilor Bill John Baker seconded the motion. Motion carried unanimously.**

Enactment No: R-59-08

4. **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**

Councilor Cowan Watts moved to table. Councilor Garvin seconded the motion. Motion carried unanimously.

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

*Speaker Frailey stated this amendment to the Sovereign Immunity Act is needed due to bonding companies reluctance to bond with our entities. A major challenge for our business enterprises is bonding and other guarantees are required by the bid solicitors. This amendment authorizes the Principal Chief to grant a partial waiver of sovereign immunity to Cherokee Nation Businesses or its entities for the purposes of securing a contract. The waiver is limited to the cash or cash assets of CNB or to the assets of the entity owned by CNB. This amendment does not grant a waiver of sovereign immunity as it relates to the Cherokee Nation or allow recovery from the Cherokee Nation government or its elected officials.*

**Speaker Frailey moved for the approval of this amendment. Councilor Hoskin Jr. seconded the motion. Motion carried with roll call as follows:**

**Yea:** 16 - S. Joe Crittenden;David Thornton Sr. ;Don Garvin;Meredith Frailey;Cara Cowan Watts;Buel Anglen;Jack D. Baker;Tina Glory Jordan;Jodie Fishinghawk;Janelle Fullbright;Harley Buzzard;Curtis Snell;Chris Soap;Bradley Cobb;Chuck Hoskin, Jr. and Julia Coates

**Nay:** 1 - Bill John Baker

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

**A motion was made by Speaker Meredith Frailey, seconded by Councilor Bradley Cobb, that this Resolution be Approved in toto passed unanimously**

**Yea:** 17 - S. Joe Crittenden;David Thornton Sr. ;Don Garvin;Meredith Frailey;Cara Cowan Watts;Buel Anglen;Jack D. Baker;Tina Glory Jordan;Jodie Fishinghawk;Janelle Fullbright;Harley Buzzard;Curtis Snell;Chris Soap;Bradley Cobb;Chuck Hoskin, Jr. ;Julia Coates and Bill John Baker

Enactment No: R-60-08

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

**A motion was made by Speaker Meredith Frailey, seconded by Councilor Bradley Cobb, that this Resolution be Approved in toto passed unanimously**

**Yea:** 17 - S. Joe Crittenden;David Thornton Sr. ;Don Garvin;Meredith Frailey;Cara Cowan Watts;Buel Anglen;Jack D. Baker;Tina Glory Jordan;Jodie Fishinghawk;Janelle Fullbright;Harley Buzzard;Curtis Snell;Chris Soap;Bradley Cobb;Chuck Hoskin, Jr. ;Julia Coates and Bill John Baker

Enactment No: R-61-08

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

*Speaker Frailey stated this Act was before this Council last month and the motion for approval failed because a majority of the Council members didn't want to eliminate the excise tax placed on mixed beverage sales. This Act includes the excise tax and also includes a prohibition on serving intoxicated persons. Previously our ordinance only prohibited service to persons under twenty-one years of age. This prohibition gives our law enforcement the tools to prevent such service and is in compliance with the State Dram Shop law.*

**speaker Frailey moved for the approval. Councilor Hoskin Jr. seconded the motion. Motion carried with the following roll call vote:**

**Yea:** 16 - David Thornton Sr. ;Don Garvin;Meredith Frailey;Cara Cowan Watts;Buel Anglen;Jack D. Baker;Tina Glory Jordan;Jodie Fishinghawk;Janelle Fullbright;Harley Buzzard;Curtis Snell;Chris Soap;Bradley Cobb;Chuck Hoskin, Jr. ;Julia Coates and Bill John Baker

**Nay:** 1 - S. Joe Crittenden

Enactment No: LA-13-08

9.

**A LEGISLATIVE ACT RELATED TO TITLE 26 "ELECTIONS", AS AMENDED BY LA#39-05, AMENDING REPRESENTATIVE DISTRICTS**

*Councilor Fishinghawk stated pursuant to the mandate of the Cherokee people through the adoption of the 1999 constitution in 2003 the Legislative Branch was directed to redistrict the fourteen county jurisdiction to afford a reasonably equal representation of the citizenry. She stated this redistricting plan has been through months of planning, multiple drafts and significant work effort by the Tribal Council with the input and aide of the Administration's GEO Data Department. She stated this plan was approved unanimously by the Tribal Council in the Rules Committee to be voted on tonight.*

*Councilor Cowan Watts agreed with Councilor Fishinghawk's statements. She reminded everyone of the approximate year of deliberation in the prior term on this very issue. She stated the 1999 Constitution Convention which became the 2003 constitution adopted by the Cherokee people calls out strongly for fifteen individual districts throughout the Cherokee Nation. She stated this Council has done due diligence and has moved forward with the information provided by the GEO Data Department. She stated the issues have been debated very thoroughly and this body has agreed to come together by passing this legislation unanimously out of the Rules Committee. She stated she is in full support of the redistricting plan being provided tonight.*

*Councilor Hoskin Jr. agreed with the statements of Councilors Fishinghawk and Cowan Watts. He expressed disappointment with the Chief's statement that the Administration didn't have sufficient opportunity to be involved in this process. Certainly every meeting held was public. The Council has certainly availed themselves to the expertise of the Administration frequently in using the GEO data information that was so critical to determining that we are going to adhere to one person one vote.*

**Councilor Fishinghawk moved for the passage of this contitutional required piece of legislation. Councilor Cowan Watts seconded the motion.**

**Councilor Snell made a motion to table. Councilor Soap seconded the motion. Councilor Bill John Baker called for a roll call vote. The motion to table failed with the following roll call vote:**

**Yea:** 2 - Curtis Snell and Chris Soap

**Nay:** 15 - S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Bradley Cobb; Chuck Hoskin, Jr. ; Julia Coates and Bill John Baker

*Councilor Jack Baker read the following statement into record. For Consideration at this Tribal Council Meeting is an Act that will create fifteen Council districts within the jurisdictional boundaries of the Cherokee Nation. Article 6 Section 3 of the Cherokee Nation Constitution calls upon the Council to establish representative districts which afford a reasonably equal division of citizenship among the districts. Presently there are nine districts with seven districts having two Council seats and two districts having one Council seat. In order to enable the idea of one man one vote which is implied in our constitution and to establish more direct representation of the Cherokee people the Council puts forth this legislation. In establishing the district map the Council has considered many factors. First it was important to consider the continuity of communities and keep together areas of common theme and location. Secondly the Council established district boundaries along readily identifiable geographic lines. Using established county lines, major highways and bodies of water to ease any possible confusion voters may have in determining which district they may vote. The Council used citizenship numbers from the Registration Department and these numbers are the best information available as to the number of citizens located within the boundaries of the Cherokee Nation. With the assistance of the GEO Data Department the districts were apportioned in a reasonably equal division of citizens. This was done by utilizing the exact locations of citizens in counties that have 911 addresses and using the geographical apportionment method in counties that do not have 911. This combined method using the best available numbers allowed this Act to meet the reasonably equal distribution of citizen standards required by the constitution. This Act is a combination of years of work reaching back to the last term of the Council and dozens of maps with various districts were considered. Literally hundreds of hours of work were involved in coming to this final product. In this regard special thanks should go to David Justice and Todd Enlow of the Administration for their assistance.*

*Councilor Anglen requested a friendly amendment to have District 14 to be Tulsa County instead of just Tulsa. Councilor Fishinghawk accepted the friendly amendment.*

*Council Attorney Todd Hembree recommended two amendments as mentioned earlier today in the Rules Sub Committee meeting. One of the amendments would be to strike Section 5 Sub Section D of this Act. The second amendment would be to strike the last two sentences of Section 5 Sub Section C of this Act. He recommended a motion to this affect. Councilor Glory-Jordan requested a friendly amendment for District 1 to be named Cherokee East and District 2 to be named Cherokee West. Councilor Fishinghawk accepted these friendly amendments as well. Councilor Bill John Baker called the question.*

**Motion for approval with amendments carried with the following roll call vote.**

**Yea:** 15 - S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Bradley Cobb; Chuck Hoskin, Jr. ; Julia Coates and Bill John Baker

**Nay:** 2 - Curtis Snell and Chris Soap

10.

**A RESOLUTION CONFIRMING THE CHEROKEE NATION GUARANTEE OF FUNDS FOR RESTORATION AND PRESERVATION OF THE**

**CHILOCCO INDIAN SCHOOL CAMPUS**

*Councilor Bill John Baker stated there is no doubt the Cherokee Nation has a long history with Chilocco. Many of our tribal leaders and elders have gone to Chilocco. The property has fallen into terrible disrepair. A proposal has been presented by the Chilocco Benefit Association where several tribes are getting together to fund a loan for this association. He stated the Association has a hope and a dream that the facility may be a National Museum of the American Indian satellite. He stated in committee a meeting a resolution to guarantee a loan of \$300,000 was passed. The Chief has requested the option to loan directly rather than waive sovereign immunity.*

*Councilor Jack Baker stated he had the opportunity a few weeks ago to visit Chilocco and see the disrepair first hand. He commended the Chilocco Benefit Association for their efforts in undertaking this huge project.*

*Councilor Bill John Baker recognized Guy Monroe the Kaw Nation Chairman and Charles Lonechief a Pawnee Councilor present from the Chilocco Benefit Association.*

**Councilor Bill John Baker moved for the approval. Councilor Jack Baker seconded the motion. Motion carried unanimously.**

11. **AN ACT AMENDING LEGISLATIVE ACT #37-07 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2008 - MOD 9; AND DECLARING AN EMERGENCY**

**Councilor Jack Baker made a motion for approval. Councilor Cowan Watts seconded the motion. Motion carried by acclamation.**

12. **A RESOLUTION AUTHORIZING THE PLACEMENT OF LAND IN TRUST - SEQUOYAH SCHOOLS LANDS**

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

**ANNOUNCEMENTS**

*JC Lowe of the Cherokee Tribal Youth Council invited everyone to attend the Cherokee Art Institute Talent Show on Wednesday, July 16th at 8:00 p.m. in the new Sequoyah gym.*

*Councilor Soap inquired about the Youth Council's trip to the Crow Nation. Mr. Lowe gave appreciation for the Council assistance with funds for the trip. The Youth Council stayed in Harding, Montana just outside the reservation. While there they experienced cultural exchange by singing songs and participating in a traditional sweat.*

**DISTRICT COMMUNITY MEETINGS**

**DISCUSSION AND POSSIBLE ACTION OF ELECTED OFFICIALS  
COMPENSATION**

**DISCUSSION REGARDING INDIAN HOUSING PLANS**

ADJOURNMENT

**Councilor Bill John Baker made a motion to adjourn. Councilor Cowan Watts seconded the motion. Motion carried.**

Next Tribal Council meeting will be held on August 11th, 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.

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**Meredith A. Frailey, Speaker  
Council of the Cherokee Nation**