



Council of the Cherokee Nation

Tribal Council Minutes

Tribal Council

Monday, July 16, 2007

6:00 PM

Council Chambers

CALL TO ORDER

Speaker Frailey called the meeting to order at 6:00 p.m. in the Tribal Council Chambers, W.W. Keeler Complex.

INVOCATION

Councilor Conner gave the invocation.

ROLL CALL

Present 15 - S. Joe Crittenden; David Thornton Sr. ; Phyllis Yargee; Don Garvin; Melvina Shotpouch; John F. Keener; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen; Charles "Chuck" Hoskin; Taylor Keen; Jack D. Baker; Bill John Baker and Audra Smoke-Conner

Absent 2 - Jackie Bob Martin and Linda Hughes-O'Leary

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Jack D. Baker moved to approve the minutes of the June 11th Regular Session. Councilor Bill John Baker seconded the motion. Motion carried.

STATE OF THE NATION

Chief Smith requested a moment of silence to pay respect for friends who have passed this last month. Veterans honored this month were Gary Lister, Calvin Eugene Trenzen, Lawrence Battie, and Perry Battie. James Lee Baker was recognized and presented with an award for working above and beyond the call of duty on the Ballou waterline project. Shelbi Turtle, Cherokee Nation's 2007 Little Miss Cherokee recently won first place in the song & dance individual category at the Oklahoma Native Language Fair and second place at the Cherokee Language Fair this past spring. Shelbi Turtle has been a very good ambassador for the Cherokee Nation and she performed three songs in the Cherokee language. In order to build leaders we need to support the education of our young people and with higher education becoming more cost prohibited. Dr. Morton and the Education department has informed him that college tuition has increased across the board at all major universities and the cost for books is around \$300 to \$700 dollars per semester. With these increasingly amounting costs he strongly supports an increase in funds to Cherokee Nation PELL scholarship. These are scholarships that would qualify for federal assistance, however; the federal assistance has been waning. He has also been advised that Congress is considering adding more money to the PELL funds and providing for waivers, eliminations, and forgiveness of fees. Therefore, he is asking the Council to amend the statute that is pending of the provision for expanding the PELL funding to put an up to provision and subject to federal law. Should the federal law change our grants should be in addition to the federal provisions instead of in lieu of the federal grants. When this issue was considered at committee there was no funding passed for this initiative and he asks the Council to fund that initiative in the amount of \$825,000 dollars and to amend the agenda to do so. Cherokee Nation Emergency

Management has been coordinating emergency responses to the flooding problems in Miami, Nowata, and South Coffeyville with local agencies since July 2nd. Cherokee Nation's initial response was to deliver the water but the participation expanded quickly and the Cherokee Nation Departments working on the disaster relief included health services, human services, family assistance, community services, marshal services, and the environmental services group will continue monitoring the results of testing being performed by EPA or the DEQ, Department of Environmental Quality of Oklahoma. Emergency Management will continue contact with the local emergency management as services and agencies. The Redbird Smith celebration is this Thursday, July 19th at Stokes. The Redbird Health Center Annex open house will be held on July 25th at 12:00 in Sallisaw. The Inauguration celebration of Cherokee Nation's elected officials will be held on Tuesday, August 14th beginning at 9:00 a.m. at the courthouse in downtown Tahlequah. District 1, Cherokee County and District 2, Adair County have runoff elections for council member seats. The election will be held on Saturday, July 28th from 7:00 a.m. to 7:00 p.m. with the same polling sites. Should you have any questions about the elections please contact the election commission at 1-800-353-2895. He thanked the Cherokee people for their vote of confidence at last month's election. He and Chief Grayson are honored to serve another 4 year term. The Cherokee people voted by a margin of 2 to 1 to affirm the decision of four years ago to keep the BIA and the people in Washington, DC out of our constitutional process. By removing the federal government from our Constitution we have made the Nation stronger. He is disappointed in the actions of some of our elected officials who publicly voted to put the Resolution on the ballot but then went out and deceived the people as to its implications by telling people funding would be cut if this measure passed. The BIA has never threatened to cut off our funding as stated in a letter dated June 22nd, addressed to Chief Smith from the BIA. Chief Smith also distributed a letter dated July 11th from the BIA that recommends by the Area Director to remove the BIA from our Constitutional process.

Councilor Cowan Watts made a motion to amend the agenda for an item 3A on the PELL grant to provide \$825,000 in funding. Councilor Garvin seconded the motion with a friendly amendment to add a statement at the end of the first sentence that would say "Subject to appropriations and federal law up to \$1000 per semester per student. Councilor Cowan Watts accepted the friendly amendment. Motion carried.

ACTION OF UNFINISHED BUSINESS

None pending.

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

David Southerland announced the July board meeting is scheduled for tomorrow night at 5:30 p.m. in the Alyene Hogner conference room. The board will continue discussion on the mortgage assistance applications for families living in substandard housing. They assisted approximately 34 families during the month of June with mortgages which brings the number for the fiscal year to 213 and about \$12 million dollars in loans. The board will consider revising the investment policy to allow them to go out longer than two years on investments. The two year investment maximum is required on the block grant funds but the funds they invest do not carry that requirement and they are missing out on favorable rates by restricting investments to two years. They will also discuss with the board a selection for a new compute software package and for funding for their annual

Christmas dinner. The NAHASDA recertification passed out of the House of Financial Services Committee and there are some hearings in the Senate later this month. The Southern Plains Indian Housing meeting is scheduled for next week at the Catoosa Casino.

Councilor Conner stated she had several constituents receive a final notice letter on maintaining their yards and were told it would be a three hundred dollar (\$300) expense to each citizen if the Housing Authority had to provide the mowing service. She would like to know how many people received the letters and what areas or housing areas they live in. She requested Mr. Southerland to bring that information and the requirements for maintaining yards to the committee meeting tomorrow.

Cherokee Nation Enterprises - David Stewart

David Stewart reported net income continues to be strong despite the competition they have around the State. They are approximately \$12 million dollars ahead of budget with dividend to the tribe at approximately \$3 million dollars and \$85,000 in sales tax pay. The employee base is at 3100 with 60% Cherokee at all levels including upper management. They just completed a job fair today in Catoosa with about 350 applicants to fill over fifty (50) positions. He gave an update on the Fort Gibson and West Siloam projects.

Cherokee Nation Industries - Bryan Collins

Brian Collins reported as of June 30th monthly sales are \$9.8 million, total sales for year ending is \$108 million which is a 9% growth from the previous year. The overall estimated profitability is \$1.9 million. Local employment in the Tahlequah/Stilwell area is 87% Native Americans at approximately 317. The next board meeting is being rescheduled to mid August.

Councilor Cowan Watts congratulated Mr. Collins for officially being named CEO of CNI.

Cherokee Nation Business, Inc - Callie Catcher

Brad Carson reported they were able to finalize the \$15 million dollar loan to CNI which allowed them to pay off their long standing line of credit with IBC Bank. CCRC is working on the final stages of a contract with the Environmental Protection Agency which they expect will be worth \$1 million dollars a year for over a five year period. They are in the process of an extended work in establishing capital budgets for all of the entities over the next three years. Cherokee Services Group is a new company they have formed, it is an 8A company under the small business administration and they look forward to expanding it as a company that can provide a number of services to the federal government and private sector marketplace.

OLD BUSINESS

None pending.

NEW BUSINESS

- A LEGISLATIVE ACT AMENDING TITLE 20, "COURT AND PROCEDURES" OF THE CHEROKEE NATION CODE ANNOTATED; RELATING TO COURT RULES AND JURISDICTION; AND DECLARING AN EMERGENCY**

Speaker Frailey stated this Act is an amendment to the court rules and jurisdiction which

was tabled by Councilor Keen last month and the amendment covered the Supreme Court jurisdiction and was vetoed due to technical flaws. Councilor Keen tabled the Act to reach a compromise with the Justice Department.

Councilor Keen stated this Act shall be known as the "Judicial Reform and Jurisdiction Act of 2006" and the purpose of this Act is to establish jurisdiction of the Supreme Court over Constitutional matters, provide for Tribal Council adoption of Court rules and codify the name change from Judicial Appeals Tribunal to Supreme Court in all laws and official documents of the Cherokee Nation.

A motion was made by Councilor Taylor Keen and seconded by Councilor S. Joe Crittenden, that this matter be Approved. The motion carried by the following vote:

Yea: 15 - S. Joe Crittenden; David Thornton Sr.; Phyllis Yargee; Don Garvin; Melvina Shotpouch; John F. Keener; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen; Charles "Chuck" Hoskin; Taylor Keen; Jack D. Baker; Bill John Baker and Audra Smoke-Conner

Enactment No: LA-29-07

2. aN ACT AMENDING LEGISLATIVE ACT 04-05, tHE FISCAL POLICY AND RESPONSIBILITY ACT AMENDMENTS OF 2005 AND DECLARING AN EMERGENCY

Councilor Bill John Baker stated the purpose of this Act is to amend the fiscal policy and responsibility Act amendments of 2004 which authorized a line of credit to be utilized in satisfying the permanent cash reserve required by Legislative Act 5-02, and to permanently provide for operating cash needs of the Nation. This amendment is necessary to change Section 2 (D) of the Act, to exclude budgeted transfers between funds.

Councilor Bill John Baker moved for the approval. Councilor Cowan Watts seconded the motion. Motion passed by acclamation.

Enactment No: LA-30-07

3. A LEGISLATIVE ACT PROVIDING SCHOLARSHIPS FOR PELL GRANT QUALIFIED STUDENTS

Councilor Bill John Baker stated this Act is to increase the amount of scholarships available in Cherokee students who receive PELL grant assistance to \$1000.

Councilor Bill John Baker moved for the approval. Councilor Cowan Watts seconded the motion. Motion passed by acclamation.

Enactment No: LA-31-07

3a. PELL Grant Scholarships (\$825,000).

Councilor Jack D. Baker moved to approve \$825,000 for higher education to grant up to \$1000 per semester to PELL eligible students, subject to changes in federal law and appropriations. Councilor Garvin seconded the motion. Motion passed by acclamation.

4. A RESOLUTION AUTHORIZING THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES TO SUBMIT AN APPLICATION FOR

YOUTH SHELTER SERVICES TO THE U.S. FAMILY AND YOUTH SERVICES BUREAU, RUNAWAY AND HOMELESS YOUTH PROGRAM

Councilor Shotpouch stated this Resolution is a continuation of funding to supplement residential operations and supportive services to children and youth temporarily placed in the John A. Ketcher Youth Services Center.

Councilor Shotpouch moved for the approval. Councilor Conner seconded the motion. Motion passed.

Enactment No: R-66-07

5. **AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 - MOD 9; AND DECLARING AN EMERGENCY**

Councilor Bill John Baker moved for approval with amendments. Councilor Cowan Watts seconded the motion. Motion passed by acclamation.

Enactment No: LA-32-07

ANNOUNCEMENTS

Councilor Jack D. Baker announced Thursday, July 19th at 1:00 p.m. there will be a public hearing in the council chambers based on the law that was passed by Congress last fall to add routes and trail segments to the Trail of Tears National Historic Trail

Councilor Cowan Watts recognized Danielle Culp, Junior Miss Cherokee and other members of the Cherokee Nation Tribal Youth Council.

Councilor Bill John Baker recognized four newly elected council members, Julia Coates, Curtis Snell, Dr. Brad Cobb, and Chuck Hoskin, Jr.

Councilor Keen recognized his brother John Keen, At Large constituent from Omaha, Nebraska.

Councilor Conner announced the run-off election for Saturday, July 28th.

ADJOURNMENT

With no further business presented, Councilor Johnson moved for adjournment. The next regular Council meeting will be held on August 13th, 6:00 p.m. at the W.W. Keeler Complex.

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