



Council of the Cherokee Nation

Meeting Minutes Community Services Committee

Tuesday, April 15, 2008

9:00 AM

Legislative Conference Room

CALL TO ORDER

Chair Buzzard called the meeting to order.

INVOCATION

Councilor Bill John Baker gave the invocation.

ROLL CALL

Present 16 - Bill John Baker; 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 and Julia Coates

APPROVAL OF MINUTES

Councilor Anglen made a motion to approve the minutes of the March 11th regular session. Councilor Cowan Watts seconded the motion. Motion carried.

REPORTS:

1. Human Services Department - Norman Merriman

Attachments: [Hum Serv Report April 08](#)

Ms. Norma Merriman stated her written report had been provided and would answer any questions. She announced this Thursday on the 17th the Human Services department and Housing Rehab will host the employee luncheon. The Indian Child Welfare auction will be held during the employee luncheon. The funds raised from the auction are used for functions that none of the budgets cover.

2. Community Services - Charlie Soap

Attachments: [Comm Serv Group Apr 2008 \(3\)](#)

Mr. Charlie Soap submitted his written reports. Chair Buzzard inquired if the \$251,918 for community projects had already been distributed. Mr. Soap stated the funds have been distributed and he would provide a list at the next meeting. Chair Buzzard inquired as to where the ICDGB grant funds would be used. Mr. Soap announced they would be used for the Leach waterline project. Chair Buzzard inquired about the new funds for a housing project and the status of the policy. Mr. Soap stated they are in the meeting process of developing the policies and the program. Chair Buzzard inquired if they are considering a waterline project to serve the casino in West Siloam Springs. Mr. Soap announced they are in discussion with CNE in regard to the possibilities. Councilor Fishinghawk inquired about the Watts

youth shelter. Mr. Soap this is a Community Works self-help project. Councilor Jack Baker gave appreciation to Mr. Soap and his staff for cooking at the California picnics. Councilor Snell inquired as to how the survey is coming along for the Leach waterline project. Mr. Soap announced the first phase of the survey is complete. Councilor Crittenden gave appreciation to the Community Service group who assisted with storm clean up in Adair County.

3. Housing Services - David Southerland

Attachments: [HACN report Apr 08](#)

Mr. David Southerland announced his written report has been provided and announced their audit is complete with good clean results. Councilor Bill John Baker inquired how many Housing Authority employees didn't receive an offer. Mr. Southerland stated everyone got an offer. He announced 30 received non comparable offers and 1 declined a non comparable offer. Councilor Bill John Baker inquired about COBRA for the employees who choose to separate. Mr. Southerland stated the HACN's insurance policy will terminate on the first of May. He stated there isn't a policy to COBRA too therefore it isn't an option. Councilor Bill John Baker inquired if other arrangements were being made for those employees. Mr. Southerland stated no other arrangements have been made. There is an item on the board agenda tonight for discussion. Councilor Bill John Baker inquired if this went against State and Federal law. Mr. Southerland stated they have researched this and it is not because there isn't a plan to COBRA too. Councilor Fullbright gave appreciation to the Housing Authority and all of the employees who assisted in the storm cleanup. Councilor Cobb commented on the consistent quick response on issues he brings forward. Councilor Glory-Jordan requested clarification regarding the job offers. Mr. Southerland stated 12 employees choose voluntary separation. He stated there was a point when it was determined to not give a lucrative severance package and find everyone jobs. The employees who wanted to find jobs were given decent offers some with a \$300 to \$1,000 pay cut. Decisions had to be made if this was acceptable or not. Some choose to leave and take the four weeks of severance pay. Councilor Glory-Jordan inquired if 60 day notices of reduction in workforce as required by federal law to the employees. Mr. Southerland stated through research they discovered this didn't apply to them. Councilor Glory-Jordan requested a copy of the research results. Councilor Fishinghawk inquired as to how many people were not going to be entitled to COBRA. Mr. Southerland stated it should be twelve. Councilor Glory-Jordan announced her comments are not directed toward Mr. Southerland that she knows he has to report to a board. She voiced concern that the board may not realize that there are certain State and Federal law that must be followed. She voiced concern that this may be an opening for litigation. She suggested a better severance package may have kept this from happening. She voiced concern that COBRA isn't being offered to employees. She stated generally when offers are given that are less than required by State and Federal law it is due to the company going under which is not the case here. She stated today we are being asked to move the HACN's discretionary funds to the Cherokee Nation through an amendment to the IHP. She stated these funds could have been used by the board to sufficiently take care of the individuals who are leaving. Councilor Soap inquired if the personnel offered non comparables were management or non-salary. Mr. Southerland stated the bulk is management. Councilor Bill John Baker voiced his frustration in regard to the time spent in meetings in which they tried to develop a good fair package for the employees. He stated none of these developments were presented to the board. Mr. Southerland stated it was presented to the board as an agenda item for 2 to 3 months. He stated the board didn't feel it was fair to all of the employees. Mr. Southerland stated very few people choose the option of COBRA due to the expense. Councilor Cobb inquired as to the tenure of the 30 employees

who received non comparables. Mr. Southerland stated substantially 10 years or more on average. Councilor Glory-Jordan inquired as to the tenure of the 12 who have left. Mr. Southerland stated some were 2 to 3 years and a few who were 15 to 25 years. Councilor Glory-Jordan inquired as to the number who had been there from 10 years and up. Mr. Southerland stated at least half of the 12 had been there more than 10 years. Councilor Fishinghawk inquired as to a way to find some help for these 12 with no insurance. Chair Buzzard suggested Mr. Southerland look into options and report back to the committee. He stated he is concerned about the COBRA issue and requested some law quotes be located and emailed to all of the Council.

OLD BUSINESS

NEW BUSINESS

1. Briefing on Environmental Assessments (i.e. water, sanitation, housing) and Lead Base Paint (discussion only)
Chair Buzzard stated he requested this discussion due to questions regarding the time lines involved. Mr. Tom Elkins stated they do environmental reviews for IHS projects, BIA projects and NAHASDA. He stated they have the certification ability from the Federal Government for HUD and IHS. The BIA projects are considered an internal function and certification must be obtained from them. He stated they have to do some type of an environmental review any time they spend federal monies. He stated an environmental review is required at the first of the year for their administrative functions. He stated some agencies they deal with have 30 days to respond to requests. Chair Buzzard voiced concern for emergency situations taking long periods of time due to the environmental requirements. Mr. Elkins stated if tribal funds are used an environmental review is not required. He stated there usually isn't much of an issue if the structure is constructed after 1965 and no digging is required. Councilor Jack Baker inquired if we had our own tribal historic preservation office and didn't have to go to the State would this cut down on the time. Mr. Elkins stated in a sense it would but for the most part we make the first level of determination. Councilor Fishinghawk inquired about lead base paint. Mr. Elkins stated there is a misunderstanding that if there is lead base paint there is always abatement. All of the lead base paint they have done since 2002 has only required a few abatements. He stated they can do most of the work through program controls. He stated they are required to do visual inspections on homes built prior to 1978. Councilor Fishinghawk inquired as to the cost of environmental reviews and lead base paint assessments. Mr. Elkins this is a wide area of cost.

2. A RESOLUTION AUTHORIZING THE SUBMISSION OF A SPECIAL GRANT APPLICATION TO THE U.S. DEPARTMENT OF AGRICULTURE FOR A HOUSING AND PRESERVATION GRANT
Sponsors: Councilor Buzzard
Mr. Southerland stated this is a \$38,000 grant through the USDA used to supplement the Housing Improvement Program.
Councilor Jack Baker made a motion to approve. Councilor Soap seconded the motion. Motion carried.

3. A RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF THE AMENDED FISCAL YEAR 2007 INDIAN HOUSING PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Sponsors: Councilor Buzzard

Mr. Marvin Jones stated the process for the Indian Housing Plan is changing. He announced they have changed the wording of these two resolutions as requested at the last change. He stated the change in the 2007 plan is connected to the change in the 2008 plan. He stated the main reason for the revision in the plan is because of the Housing Authority of the Delaware tribe reduction in funds. He stated their funds were reduced due to the lack of reporting information. The changes in this plan as far as it relates to the Cherokee amounts take into account the large reduction in the 2008 money. He stated we are recognizing the additional income that is being earned by the money invested. He provided a handout of a summary of comparisons of the plans that were passed a couple of months ago. This amendment increases the amounts for Human Services, Housing Management, recognizes the income and corrects the number of Mortgage Assistance units. He stated the resident services and the housing management are increasing to have 2008 money cover human service activities to extend over to the end of the fiscal year as well as extend funds for housing management employees coming over from the housing authority through the end of the fiscal year. This will allow us to reduce the 2008 plan for the very same activities. What increases in the 2007 plan decreases in the 2008 plan. He stated the 2008 plan includes a reduction in this manipulation. Councilor Glory-Jordan requested clarification as to what is changing exactly in the 2007 plan. Mr. Jones stated to reduce the Delaware amount as required, recognizing additional income. Councilor Glory-Jordan inquired if this is proceeds of sale. Mr. Jones stated it is not. It is the income when Cherokee Nation draws down money and earns interest from it. Councilor Glory-Jordan inquired if this 2007 modification of the housing plan does not in any way reflect any proceeds of sale that the housing authority may be holding. Mr. Jones stated this is correct. Mr. Jones stated the third thing the amendment does is expend the additional program income and is connected to the 2008 IHP.

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

4.

A RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF THE AMENDED FISCAL YEAR 2008 INDIAN HOUSING PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sponsors: Councilor Buzzard

Mr. Jones stated there is a large reduction in money from when the original plan was approved a couple of months ago based on the estimated amounts from HUD. The largest portion of the reduction is due to a lawsuit several tribes have against HUD. They have withheld the amount of funds to be allocated pending the outcome of the lawsuit. He stated he has a copy of the award letter from HUD giving a detailed description of the withholdings if anyone is interested. The Delaware amount is reduced in the 2008 plan the same as in the 2007 plan. The regulations have changed and there is now a new minimum amount for Indian tribes. One of the reductions is due to the Controller requesting a reduction in the amount of interest to be earned due to the change in interest rates. Councilor Cobb inquired if there is a page in the IHP referencing the change regarding the Delaware tribe. Mr. Jones stated page 15 of the 2008 plan. Councilor Fishinghawk inquired if program management income goes into housing management services. Mr. Jones stated they do not distinguish from the grant amount and the program income amount when they do the total. Councilor Fishinghawk requested the original IHP's for 2004, 2005, 2006, 2007, 2008 and the APR's for 2004, 2005 and 2006 all electronically. Councilor Soap inquired if the tribes suing HUD is common and how long does the suit take. Mr. Jones stated it wasn't common until a tribe won. He stated they have been corresponding with HUD to be on their side of this case. Councilor Glory-Jordan requested for next months meeting a reconciliation of each IHP to it's individual budget in the comprehensive budget and each time from this point forward

when NAHASDA budgets are submitted provide the reconciliation. She requested Chair Buzzard consider forming a sub committee for housing since the tribe will be totally responsible for housing.

Councilor Cowan Watts made a motion for the approval of this IHP amendment. Councilor Anglen seconded the motion. Motion carried.

Chair Buzzard requested a show of hands for those who wish to serve on the sub committee. Members are as follows: Harley Buzzard, Bill John Baker, Chris Soap, Tina Glory-Jordan, Joe Crittenden, Jodie Fishinghawk, and Janelle Fullbright. Mr. Jones mentioned there may be a radical change in the IHP process implemented in the next few months. Chair Buzzard suggested meeting next month following the Health Committee meeting.

ANNOUNCEMENTS

ADJOURNMENT

Motion made by Councilor Bill John Baker to adjourn the meeting. Councilor Thornton seconded the motion at 10:18 a.m. Motion carried.

STAFF PRESENT:

<i>Shay Smith</i>	<i>Norma Merriman</i>	<i>Kim Carroll</i>
<i>Vickie Boston</i>	<i>Charlie Soap</i>	<i>Marvin Jones</i>
<i>David Southerland</i>	<i>Tom Elkins</i>	<i>Doug Evans</i>
<i>Callie Catcher</i>	<i>Melanie Knight</i>	

VISITORS PRESENT:

Mike Miller

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____