



Council of the Cherokee Nation

Tribal Council Minutes Tribal Council

Monday, May 12, 2008

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 Chris Soap 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 Bill John Baker moved to approve the minutes of the April 14th Regular Session. Councilor Cowan Watts seconded the motion. Motion carried.

STATE OF THE NATION

Chief Chad Smith recognized the Cherokee's lost over the last month as Annabelle Anglen Emery, Louise Mouse, Ramona Carey, Mary Ross, Jim Buckskin, Dorothy Teague, Sam Keys and Wesley Girty Jr. Chief Smith stated earlier today at the State Capitol the Original Enrollees was honored. The two known living Cherokee Original Enrollees, Eva Chief Gilbert of Sallisaw and Asa Glenn Purcell of Houston, were not able to attend the event. He stated the event brought thoughts of indomitable spirits which for them has lasted for a century. He stated it is this same indomitable spirit that is sometimes found in unique circumstances. This is the spirit that they want to instill in every one of our students. He spoke of the infectious indomitable spirit of Robert and Flossie Girty's five year old grandson "Shuggs" Wesley Girty, Jr. who passed this week. He requested a moment of silence to pay respect to members and friends who have passed this last month. Chief Smith honored a family of Veterans this month as Cleo Deerinwater, Bobby G. Rogers and Joseph Fourkiller. He announced last week they attended the Circuit Court of Appeals in Washington D.C. to listen to the Vann vs. Kempthorne hearing in which the Cherokee Nation is appealing sovereign immunity. A decision in the case is expected later this summer. Chief Smith announced a constituent wrote to the Barak Obama campaign and asked what his position is regarding the Freedman issue. When he was asked to reconcile his support for tribal sovereignty with his Congressional black caucus membership a statement was given stating Barak Obama has reiterated his support for tribal sovereignty. Senator Obama said tribal sovereignty must mean that the place to resolve inter tribal disputes is the tribe itself. Our Nation has learned with tragic results that Federal intervention in internal matters of Indian tribes is rarely

productive. Failed policies such as allotment and termination grew out of efforts to second guess native communities. This is not a legacy we want to continue. With respect to the Cherokee Freedman issue Senator Obama said while he was opposed to unwarranted tribal disenrollment, Congressional interference was not warranted at this point. Discrimination anywhere is intolerable but the Cherokees are dealing with this issue in both tribal and Federal courts and as it stands now the rights of the Cherokee Freedman are not being abrogated because there is an injunction in place that ensures Freedmen rights to programs during pendency of the litigation. I do not support efforts to under mind these legal processes and impose a Congressional solution. Tribes have a right to be self governing and we need to respect that even if we disagree in which I do in this case. We must have restraint in asserting Federal power in such circumstances. Chief Smith stated he respects Senator Obama. Even though he may not agree with us on the issue he respects our sovereignty and the right of our courts to settle this issue. Senator Obama went on to reiterate his support for full filling treaty obligations to tribes by stating the Cherokee Freedman issue highlights the larger issue of un full filled treaty promises made by the Federal government to tribes. It is these promises that Senator Obama is most concerned with as a future President. He understands that the government has a legal and moral obligation to tribes to provide health care, education and other essential services. This is not a hand out but compensation for millions of acres of land relinquished by the tribes. Chief Smith expressed hope that the rest of the Congress would follow the wisdom of Senator Barak Obama. He stated we continue in negotiations to move forward with contracting operations of W. W. Hastings Hospital. He gave appreciation for the Council's involvement in the negotiation process. Further discussion will be held during the Tribal Council's Health Committee meeting tomorrow. The Cherokee Elder Care Program held a ribbon cutting ceremony for the new facility in Tahlequah. This elder program is open to all seniors as a part of the Federal program for all inclusive care for the elderly. This is not only the first in Oklahoma but also the first Native American sponsored Nationwide. The Sequoyah Alumni Association held their 63rd Annual Reunion. The Stilwell Strawberry Festival was well attended by Cherokee Nation programs and citizens. Our Indian Child Welfare program float received top honors in the civic category and the Immersion class float took second place. The Cherokee Nation recently held a Youth Stickball tournament at Peavine in Adair County with five schools participating. The Cherokee Nation Marshals recently signed a cross deputization agreement with the City of Ramona in Washington County. The Emergency Management team assisted in clean up efforts in Adair, Delaware, Mayes and Sequoyah Counties. A truck load of water, hygiene kits and food rations went today to assist the tornado victims of Pitcher in Ottawa County. He acknowledged the great contributions of the students at Sequoyah High School. Lorin Hammer received a scholarship and signed to play basketball at Mercer University. Angel Goodrich is going to the University of Kansas, Nathan Stanley is going to Ole Miss, and Cody Poe is going to Dartmouth. Coach Grigg, the Athletic Director, introduced Lorin Hammer and requested she introduce the members of the girl's basketball team present. Ms. Hammer introduced Senior Mariah Norwood, Freshman Lauren Keen, Sophomore Ande Pickup and Sophomore Lindsey Dry. Ms. Hammer announced they won state three years in a row and came up 3 points short this year. They placed third in the Best of the Best tournament and finished with a 27 and 3 season. The record for the seniors on the team is 104 wins and 7 losses. Coach Grigg introduced Chris Little and requested he introduce the boys basketball team members present. Mr. Little introduced Sophomore Ramsey Butler, Freshman Terin Pettit, Sophomore Cody Fourkiller, and Senior Mike Soap. Coach Grigg announced the boys team placed second at state two of the last four years. He announced Mike Soap won the state high jump in track for the second year in a row. This year he jumped 6 feet 10 inches and tied the State meet record of any class. He stated Mr. Soap is considering attending Oklahoma University. The boys Cross Country teams have won nine state championships and the girls have

won two. The football team went 10 and 0 on the season and the baseball teams won districts four years in a row. He stated we have become the school of choice with a waiting list. He stated he agrees with the statement that these kids will probably not make their living playing sports it will be based on their academics. Coach Grigg agreed with the Chief in stating the athletes at Sequoyah both win and loose with grace. Chief Smith requested Augustus Smith the College Prep Advisor at Sequoyah to come forward. He stated as a result of her hard work in assisting the students prepare scholarship paperwork 14 students were Gates finalists with 8 of those being awarded with the scholarship. Ms. Smith stated they are proud of their athletic program but are just as proud of their academic program. She stated they have placed the bar high and the students are reaching high to obtain and go beyond. The Gates Millennium Scholarship isn't easy to obtain it takes extensive time, effort, community involvement, organizations and leadership. She announced they had 18 students apply. Ms. Smith announced there are 12,000 students competing for these scholarships. Each Gates Scholar receives \$100,000. She introduced the Gates Scholars in attendance as Cody Poe who will attend Dartmouth, Colton Homes who is planning to attend Oklahoma State, Lorin Hammer who has signed with Mercer, Cassie Smith who also plans to attend Oklahoma State and Anthony Beaver will attend UCO in Edmond. The Scholars not in attendance are Feather Smith, Alyssa Riddle and Ralee Conrad. Ms. Smith introduced and gave appreciation to Debra Nelson, Sequoyah Counselor, who assists her in the scholarship preparation. She announced they also have a student who has been accepted to West Point and students who have received scholarships for D1 athletics, Wal-Mart, Sequoyah Alumni and President's Leadership. Ms. Smith announced an awards assembly will be held this Friday in the old gym at 12:30. Ms. Smith stated they are aware not everyone is college material and promote life after high school and the pursuit of a trade school. This is the first year for the Robotics team. She introduced them as Cody Poe, Colton Holmes, Tess Hardison, Logan Francis, Trey Francis, Aleigh Willey, Megan Williams and Ross Reeder. Chief Smith announced in recognition of their dedication to Cherokee life and culture 9 Cherokee citizens received the Principal Chief's Leadership award. This years recipients' are Don Mankiller, Francis Ross Pritchett, Joe Fourkiller, Stoney Humble, Harry Oosawhee, Bonnie Kirk, Dennis Jay Hannah, Richard Pickup, and Billy Joe Latta. The 37th Annual Trail of Tears Art Show opened May 3rd at the Cherokee Heritage Center and will run through May 26th. He announced community meetings were recently held in Bakersfield and Long Beach California. Additional meetings will be held this month in Sacramento and San Diego California. Chief Smith he was given the opportunity to attend the Juvenile Diabetes Research Foundation Gala to raise money for a cure for type 1 diabetes. He stated CNE bid and paid \$3,500 a flat for the award winning strawberries at the festival. Upon the announcement that the strawberries would be auctioned at the Gala several other bidders and producers at the festival began donating strawberries as well. Speaker Frailey requested to include an item on the State of the Nation if possible. She wished to recognize and acknowledge four Cherokee Citizens currently living in California as Charles Twist, William Vanlandingham, Earnest Hull and Enid Hull. Speaker Frailey requested Mr. Twist say a few words. Mr. Twist gave appreciation for the opportunity to come and be a part of the community here. He presented Chief Smith, Deputy Chief Grayson, the Tribal Council, Fredia Vann, Julia Coates, Jack Baker, Cherokee Nation Youth Choir and Cara Cowan Watts all with plaques' of appreciation to their dedication to the California Cherokees. Mr. Twist stated his family moved to California during the war. He gave appreciation for the efforts being made that they have not only provided opportunities to learn about heritage and culture but to find family members and make friends. He stated their community is very thankful and just wants to know about the heritage. He stated there is just one fire and just one Nation and we are all a part of it.

ACTION OF UNFINISHED BUSINESS

A RESOLUTION RESCINDING RESOLUTION 24-08 AND CALLING FOR THE COMMISSION OF A COMPREHENSIVE AND INDEPENDENT ENVIRONMENTAL STUDY OF THE CHEROKEE NATION LANDFILL IN ADAIR COUNTY

Speaker Frailey stated last month Resolution #24-08 was adopted by the Council which authorized a comprehensive study of the Cherokee Nation landfill located in Adair County this also required the landfill maintain it's current level of operation until the completion of the environmental study. She stated the resolution was not vetoed by the Principal Chief within the required time nor was it signed therefore the resolution stands as written. After further discussion between the Council and the Administration it was determined that certain changes are needed in the language. The changes include the environmental study be conducted by an independent firm that has no prior business relationship with the Cherokee Nation or its entities and that the firm be selected by Cherokee Nation Businesses in consultation with the Speaker of the Council. Additionally the landfill shall not receive any additional trash other than the trash currently being taken at the landfill until June 15, 2008 after which the landfill may resume operation by Cherokee Nation Businesses according to the license issued to them by the Cherokee Nation Environmental Protection Commission. She stated the resolution before you today rescinds Resolution 24-08 and replaces is with the new resolution containing the new language.

Councilor Cobb made a motion to rescind Resolution 24-08 and adopt the new resolution. Councilor Cowan Watts seconded the motion. Motion carried with Councilors Crittenden and Fishinghawk in opposition.

Enactment No: R-34-08

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

Mr. Gary Cooper reported for David Southerland. Mr. Cooper announced the board meeting scheduled for the 20th of May will be rescheduled to a date uncertain at this time. He stated the transition over the past few weeks has been hectic. The Cherokee Nation staff has been working hard to make the transition as easy as possible. Councilor Cobb acknowledged Councilor Hoskin and David Southerland for the assistance with a Washington County constituent.

Cherokee Nation Enterprises - David Stewart

Mr. David Stewart announced they had a great month and set another record month in March. The revenue and net profit was record \$11.5ml. They paid \$96,000 in sales tax through all of the retail operations. All expansions are going well. They will be hiring a significant number of Cherokees over the next six to eight month. Their Cherokee employment remains at 58% with a total Native American employment rate of 71%. They will kickoff their diversification efforts to leverage some of their IT services out to the public sector over the next several months. This is in effort to use some of their gaming expertise to get into other main stream businesses to help in the long term create jobs. The program to gather necessities for the troops overseas kicks off today and runs through the 3rd of June. He announced they hosted the 8th and 9th grade Sequoyah students at their facility where some of the executives visited with them in regard to leadership.

Speaker Frailey congratulated Mr. Stewart on the increasing revenues. She inquired as to how CNE is able to have record breaking numbers when other gaming facilities numbers are down. Mr. Stewart stated the gaming revenues are generally going down throughout the country. He contributed the numbers to the excellent staff, most of our customers are local, and there is a focus on reducing cost.

Cherokee Nation Industries - Bryan Collins

Mr. Collins reported monthly sales for March consolidated are \$7.2ml with a profit of \$159,000. The year to date sales is \$42ml which is an approximate 25% lower than the same time frame last year. The year to date profitability continues to be in the red at \$845,000 for March. A lot of this loss is primarily in areas of large medical claims in December and January and the recession in the economy. He stated they have a lot of construction bids out at this time. The staffing services from this time last year is down approximately \$2ml from the revenue base due to contracts not being renewed. He stated they are actively pursuing new contracts. The A&D Manufacturing has successful programs with new programs beginning to kick off. They have had a 12% increase in employment in this area. Locally they have a total of 335 employees at 83% Cherokee. He stated they have been in start up mode with the Bell Helicopter program for over a year. It is finally being moved from first article of testing an approximate 360 harnesses to production beginning in approximately 30 days. CNI's next board meeting will be held May 19th in Stilwell

Cherokee Nation Business, Inc - Callie Catcher

Mr. Carson stated he had provided a consolidated financial report as well as a cash flow update during the Executive and Finance Committee meeting. He gave appreciation for everyone's assistance with the Bank of America loan agreement stating they closed the deal Friday afternoon. He stated they are taking away an approximate 100,000 gallons from the leachate pond daily. They are in compliance with the various requirements placed upon them.

OLD BUSINESS

None pending.

NEW BUSINESS

Councilor Soap made a motion to amend the agenda to consider a legislative act that was inadvertently left off of the agenda after passing out of the Rules committee and four resolutions dealing with the EPA that are time sensitive. These resolutions were approved earlier today in the Resource committee. The Titles are as follows:

#9 A Legislative Act Amending Title 68 - Tobacco Tax

#10 A Resolution Authorizing a EPA Grant Application for the 2009 General Assistance Program

#11 A Resolution Authorizing a CDC Grant Application for Health Promotion and Diabetes Prevention

#12 A Resolution Authorizing a EPA Grant Application for Cherokee Lead Certification Program

#13 A Resoltuion Authorizing the Submission of a Proposal to the EPA for a Municipal Solid Waste Project.

Councilor Cowan Watts seconded the motion. Motion carried.

1. A RESOLUTION AUTHORIZING THE SUBMISSION OF A SPECIAL GRANT APPLICATION TO THE U.S. DEPARTMENT OF AGRICULTURE FOR A HOUSING AND PRESERVATION GRANT

Councilor Buzzard made a motion to approve. Councilor Fullbright seconded the motion. Motion for approval passed unanimously.

Enactment No: R-35-08
2. 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

Councilor Buzzard moved for the approval. Councilor Cobb seconded the motion. Motion for approval passed unanimously.

Enactment No: R-36-08
3. **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**

Councilor Buzzard moved for the approval. Councilor Cowan Watts seconded the motion. Motion for approval passed unanimously.

Enactment No: R-37-08
4. **A RESOLUTION AUTHORIZING THE PLACEMENT OF LAND IN TRUST - TAHLONTEESKEE**

Councilor Jack Baker made a motion for approval. Councilor Cobb seconded the motion. Motion carried unanimously.

Enactment No: R-38-08
5. **A RESOLUTION AUTHORIZING THE PLACEMENT OF LAND IN TRUST - WARNER I-40**

Councilor Garvin moved for the approval. Councilor Bill John Baker seconded the motion. Motion for approval passed unanimously.

Enactment No: R-39-08
6. **A LEGISLATIVE ACT AMENDING CERTAIN SECTIONS OF THE CHILDREN'S CODE RELATING TO CHILD PROTECTION AND BACKGROUND CHECKS FOR INDIVIDUALS WORKING WITH CHILDREN**

Councilor Cowan Watts announced this resolution is sponsored by the entire Council.

Councilor Cowan Watts moved for its approval. Councilor Garvin seconded the motion. Motion carried by acclamation.

Enactment No: LA-08-08
7. **A RESOLUTION AUTHORIZING THE WAIVER OF SOVEREIGN IMMUNITY FOR SMARTNET HEALTH INFORMATION SHARING SYSTEM**

Councilor Cobb stated access to information is a huge part of health care. This system will allow hospitals and clinics within the Cherokee Nation to become a part of a central database. Councilor Cobb requested an amendment to the resolution in the first paragraph of the Be It Resolved section by striking agrees to and adding authorizes the Principal Chief to execute.

Councilor Cobb moved for the approval with the amendment. Councilor Cowan Watts seconded the motion. Motion for approval passed unanimously.

Enactment No: R-40-08

8. **AN ACT AMENDING LEGISLATIVE ACT #37-07 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2008 - MOD 7; AND DECLARING AN EMERGENCY**

Councilor Jack Baker announced this modification increases the budget by \$8,800,000 for a total budget of \$453ml. This modification includes \$800,000 for the food distribution program, \$1.8ml for housing, \$663,000 for capitol improvement projects for the Nowata clinic and \$5,409,000 for the Muskogee clinic.

Councilor Jack Baker moved for its approval. Councilor Cobb seconded the motion. Councilor Jack Baker stated this modification also includes \$27,000 for picnics within the fourteen county area. Motion carried by acclamation.

Enactment No: LA-09-08

9. **A LEGISLATIVE ACT AMENDING TITLE 68 CHAPTER 4 OF THE CHEROKEE NATION CODE ANNOTATED - TOBACCO TAX**

Councilor Bill John Baker stated the smoke shops are having difficulty with the compact with the State. The tribe received a negative arbitration ruling. He stated this amendment is an attempt to give the smoke shops relief. This amendment will rescind the tax the tribe collects from the smoke shops that are 20 miles or more away from the borders.

Councilor Bill John Baker moved for the approval. Councilor Garvin seconded the motion. Motion carried by acclamation.

Enactment No: LA-10-08

10. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR AN INDIAN GENERAL ASSISTANCE PROGRAM (GAP) GRANT PACKAGE**

Councilor Snell moved for the approval. Councilor Cobb seconded the motion. Motion carried.

Enactment No: R-41-08

11. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION FOR FUNDING USE TRADITIONAL FOODS AND SUSTAINABLE ECOLOGICAL APPROACHES FOR HEALTH PROMOTION AND DIABETES PREVENTION IN AMERICAN**

INDIAN/ALASKA NATIVE (AI/AN) COMMUNITIES

Councilor Cobb moved for the approval. Councilor Thornton seconded the motion. Motion carried unanimously.

Enactment No: R-42-08

12.

A RESOLUTION AUTHORIZING THE SUBMISSION OF A PROPOSAL TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR A CHEROKEE LEAD CERTIFICATION/ACCREDITATION PROGRAM

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

Enactment No: R-43-08

A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR A MUNICIPAL SOLID WASTE PROJECT

Councilor Cowan Watts moved for the approval. Councilor Cobb seconded the motion. Motion carried unanimously.

Enactment No: R-44-08

ANNOUNCEMENTS

Councilor Cowan Watts announced there is an additional original enrollee living in Claremore by the name of Lula Hall and she is 103 years old.

Councilor Anglen announced Sperry won the State Championship in Baseball.

Councilor Thornton announced the Vian girls won State Championship in 3A Track.

ADJOURNMENT

With no further business presented, Councilor Cowan Watts moved for adjournment.

Next Tribal Council meeting will be held on June 16th, 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.

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