



Council of the Cherokee Nation

Meeting Minutes

Tribal Council

Monday, January 22, 2007

6:00 PM

Council Chambers

Special Session

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

Councilman Keener gave the invocation.

ROLL CALL

Present 16 - S. Joe Crittenden; Jackie Bob Martin; Phyllis Yargee; Don Garvin; Linda Hughes-O'Leary; 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 1 - David Thornton Sr.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Cowan Watts moved to approve the minutes of the December 11th Regular Session. Councilor Anglen seconded the motion. Motion carried.

Speaker Frailey stated due to the weather the regularly scheduled meeting for January 15th was cancelled and Chief Smith agreed to call this special meeting this evening.

STATE OF THE NATION

Chief Smith welcomed everyone to the proceedings of our Government and recognized those citizens, friends, and others that have passed from this life in the past few weeks. Chief Smith requested a moment of silence. Veterans honored were Ahniwake Cherokee Sanders and Bill Starr. Chief Smith announced the issuance of the bonds to pay for the construction of the Nowata and Muskogee clinics. The minimum wage increase has taken affect as of last Friday and Cherokee Nation employees affected by the increase received the increase in their pay checks. The Election Commission has finalized a ballot for the March 3rd, 2007 special election regarding citizenship. The Secretary of State has placed legal notices in the newspapers as required by law. He encouraged all citizens to participate in their government to determine and understand the issues to vote in all elections and for more information they can call the Election Commission. Cherokee Nation Enterprises announced an expansion last week that the Cherokee Casino Resort is preparing a construction expansion project. The post construction facility in Catoosa will encompass approximately 337,000 square feet making the Cherokee Casino resort the largest gaming destination in Oklahoma. More than 1700 people are currently employed and this will add another 450 employees for the staff expansion. Emergency Management has been busy with this winter storm and as in the past they have been working closely with County Emergency Agencies, law enforcement,

fire departments, EMS, church groups and general volunteer groups. They have helped hundreds in the communities with water, cutting trees and getting the word out about shelters. He asked all employees who worked on the emergency management effort to stand at this time to be recognized. He reported thousands of gallons of water have been distributed to Delaware, Mayes, Muskogee and Cherokee Counties and crews have worked delivering water, food, working chainsaws and delivering generators in the following rural areas; Peggs, Jay, Salina, Welling, Locust Grove, Hulbert, Eucha, Colcord, Spavinaw, Leach, Muskogee, Oaks, Kenwood, Chimney Rock, Chouteau, Pryor, Oak Hill, Piney, Lost City, West Siloam, and Kansas. The teams that have worked in the effort include emergency management, human services, LIHEAP, food distribution, elderly nutrition, health clinic staff, home health nurses, facilities, natural resources, communications, marshal service, EMS, gaming commission, Cherokee Nation fire crew, community services, roads department, water & sanitation, compassion capital and many other volunteers. He stated he will be asked the Council to modify the budget modification to include \$200,000 to help with the relief effort resulting from the ice storm. The funds will be used to restore electrical power, help repair plumbing for frozen pipes, debris removal prioritized based upon the need for access by EMS, and propane. Private property will be limited to health, safety and home repair. The funds will also assist with temporary housing if housing is completely destroyed for essential living needs. Chief Smith concluded the meeting by reading an email from Ruth Fallen of Pryor thanking Todd Enlow and the Cherokee Nation staff for their assistance in her time of crisis.

Councilor Cara Cowan Watts moved to amend the agenda to include new items as follows:

- 1) To immediately allow for the approval of the special tribal council meeting minutes on January 10, 2007.**
 - 1a) A Resolution Honoring Lucille Marie Wadley as an Elder Cherokee of Great Distinction**
Councilor Don Garvin
 - 2) A Resolution Honoring Junie Susan Bengé Ward as an Elder Cherokee of Great Distinction**
Councilors Cara Cowan Watts & Don Garvin
 - 3) An amendment to budget modification 2 for \$200,000 for disaster relief efforts.**

Councilor Don Garvin seconded the motion. Motion carried.

Councilor Cowan Watts moved to approve the minutes of the January 10th special session. Councilor Jack Baker seconded the motion. Motion carried.

ACTION OF UNFINISHED BUSINESS

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

David Southerland announced the January board meeting has been rescheduled for the 30th at 5:30 p.m. in the Alyene Hogner conference room. The low rent apartment sites at Jay, Grove, Locust Grove, Pryor, Porum, Warner and Birdtail addition in Tahlequah spent most of last week without electric and several were without water. All are back on line with the exception of fifteen apartments at Pryor. They are using vacant apartments that have electric to house those that are without electric. The Vinita site has a busted six inch waterline which has not currently affected residents and they do expect to have it

repaired by tomorrow. They have extensive tree and limb problems at Jay, Grove, Locust Grove and Pryor. As power has been coming back on in the mutual help homes they are having problems with the electric lines being pulled out from the houses and they are treating those as insurance jobs.

Cherokee Nation Enterprises - David Stewart

Shaun Slayton announced the CNE board meeting is Tuesday, January 30, 2007 in Catoosa. CNE reported out in November another good month and December seem to be along those same lines with a lot of parties, activities and entertainment for the month. The dividend to the Nation for December was \$2.7 million and paid additional taxes on retail sales in the amount of \$85,000. The parking garage at Catoosa is progressing nicely and they hope to be done by the end of April or the middle of May. The project in Roland is in currently in recovery mode as far as schedule and scope and they anticipate knowing where they will be on this project by the end of this week. The West Siloam expansion is continuing along and they are beginning to do site and utility work and have come to an agreement with the City of West Siloam on sanitary sewer. Insurance adjusters have been out to look at a barn that collapsed at Will Rogers Downs due to the ice storm and they are trying hurriedly to get that back in shape for the upcoming race season which starts up February 22nd or 23rd. He gave an update on community partnerships which included providing a semi load of water for the emergency response to the storm. They currently employ 3011 employees with 60% being Cherokee and 14% other Native American for a total of 74%. Management level is 65% Cherokee; other Native American is 7% for a total of 72%. Her recognized Gina Olaya for receiving from the Oklahoma Council for Problem and Compulsive Gambling an award for all the work she does on behalf of those people that are in need of assistance.

Cherokee Nation Industries - Bryan Collins

Brian Collins gave thanks to Chief Smith for lending a helping hand for setting the dome in Muskogee. CNI recently received an award they will be accepting in April as a top diversity supplier in the Nation. CNI was ranked 65th National and 4th in the State of Oklahoma for revenue for top diversity. Current employment in the Tahlequah/Stilwell area is 258 employees with 88% being Native American. Sales year to date for the end of December is \$50 million which is 17% greater than the same timeframe last year. Profitability is estimated at \$850,000. CNI next board meeting is January 29th at 3:00 p.m. in Catoosa in the CNB conference.

Cherokee Nation Business, Inc - Callie Catcher

Callie Catcher reported Cherokee CRC continues to do well and they have approximately \$5.1 million in contracts from inception to date. In shared services, business development is currently working with CNE on several projects, existing property development as well as business cases for some of the expansion projects. Internal audit is busy with ongoing compliance monitoring for CNE and they have several reviews for CNI. Ethics Point which is the online reporting system went online for CNE, CNB, and CNI and is working well. The next CNB board meeting is this Saturday, January 27th at 10:00 a.m. in Catoosa.

Councilor O'Leary requested and update on the landfill. Callie Catcher stated the landfill does not fall under the CNB umbrella. She has been working because the current permit was issued to Cherokee Nation financial resources at the time Sharon Swepston had oversight therefore she has been trying work with the contract operator ICI and environmental protection to discuss any issues that arise. She would like to defer a formal report until she has better information

OLD BUSINESS

None.

NEW BUSINESS

- 1a** A RESOLUTION HONORING LUCILLE MARIE WADLEY AS AN ELDER CHEROKEE OF GREAT DISTINCTION
- Councilor Garvin stated Marie Wadley was employed with the Bureau of Indian Affairs for 42 years and received the distinguished service award from the Secretary of Interior.*
- A motion was made by Councilor Don Garvin and seconded by Councilor Cara Cowan Watts, that this matter be Approved. The motion carried unanimously.**
- Enactment No: R-02-07
- 1b** A RESOLUTION HONORING JUNIE SUSAN BENGE WARD AS AN ELDER CHEROKEE OF GREAT DISTINCTION
- Councilor Cowan Watts stated Junie Susan Benge Ward is a Cherokee citizen of great historical background. Her grandfather was the first U.S. Marshal in Indian Territory who donated the land for a Cherokee cemetery in Fort Gibson.*
- A motion was made by Councilor Cara Cowan Watts and seconded by Councilor Bill John Baker, that this matter be Approved. The motion carried unanimously.**
- Enactment No: R-03-07
- 1.** A RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF THE FISCAL YEAR 2007 INDIAN HOUSING PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
- A motion was made by Councilor Melvina Shotpouch and seconded by Councilor Cara Cowan Watts, that this matter be Approved. The motion carried unanimously.**
- Enactment No: R-04-07
- 2.** A RESOLUTION AUTHORIZING APPROVAL OF A RIGHT-OF-WAY UNDER THE ARKANSAS RIVERBED FOR A GAS LINE
- A motion was made by Councilor Jackie Bob Martin and seconded by Councilor Buel Anglen, that this matter be Approved. The motion carried unanimously.**
- Enactment No: R-05-07
- 3.** A RESOLUTION CONFIRMING THE NOMINATION OF KENNETH LIMORE AS A BOARD MEMBER OF THE CHEROKEE NATION EMPLOYEE APPEALS BOARD OF DIRECTORS
- A motion was made by Councilor Jackie Bob Martin and seconded by Councilor Buel Anglen, that this matter be Approved. The motion carried unanimously.**
- Enactment No: R-06-07

4. AN ACT AMENDING LEGISLATIVE ACT 25-05 RELATING TO THE PRESERVATION OF CHEROKEE CULTURE AT CHEROKEE NATION FACILITIES

A motion was made by Councilor Cara Cowan Watts and seconded by Councilor Buel Anglen, that this matter be Approved. The motion carried by acclamation.

Enactment No: LA-01-07

5. AN ACT AMENDING LA#33-04 RELATING TO PROTECTING THREATENED TRADITIONAL CHEROKEE CEMETERIES; PROVIDING SEVERABILITY AND DECLARING EMERGENCY

A motion was made by Councilor Jack D. Baker and seconded by Councilor Linda Hughes-O'Leary, that this matter be Approved. The motion carried by acclamation.

Enactment No: LA-02-07

6. A RESOLUTION AUTHORIZING THE SUBMISSION OF A TRIBAL COURTS ASSISTANCE PROGRAM GRANT APPLICATION

Councilor Bill John Baker stated the department asked this Resolution be pulled because the grant was different from what they believed and was not designed for their needs.

This matter was Withdrawn

7. A RESOLUTION CONFIRMING THE NOMINATION OF DAVID BALLEW AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, INC. BOARD OF DIRECTORS

A motion was made by Councilor Jackie Bob Martin and seconded by Councilor Don Garvin, that this matter be Approved. The motion carried with Councilor O'Leary opposing.

Yea: 15 - S. Joe Crittenden; Jackie Bob Martin; 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

Nay: 1 - Linda Hughes-O'Leary

Enactment No: R-07-07

8. A RESOLUTION AUTHORIZING CHEROKEE NATION MARSHAL SERVICE TO DONATE ONE (1) 1995 CROWN VICTORIA VEHICLE TO THE DELAWARE COUNTY SHERIFF'S OFFICE

A motion was made by Councilor Melvina Shotpouch and seconded by Councilor Jackie Bob Martin, that this matter be Approved. The motion carried unanimously.

Enactment No: R-08-07

9. AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 - MOD 2; AND DECLARING AN EMERGENCY

A motion was made by Councilor Don Garvin and seconded by Councilor Cara Cowan Watts, that this matter be Approved. The motion carried by acclamation.

Enactment No: LA-03-07

10. AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 - MOD 3; AND DECLARING AN EMERGENCY

Councilor Bill John Baker stated this mod has a total of \$14,896,000 included and it relates to special debt reduction payments for Sequoyah High School gymnasium, self help waterline programs, employment bonus adjustment, expansion and planning budget, close out of softball field construction project, Sequoyah High School apportionment for the previous year, environmental protection commission, landfill special construction funding and indirect cost shortfall funding, a transfer related to Sequoyah High School shortfall of indirect cost as well as additional relative funding, \$1 million dollars for mortgage assistance out of the 2005 Indian Housing Plan, and pow wow grounds improvement project.

Enactment No: LA-04-07

Councilor Jack Baker stated this has a lot of good items included in it but it also has the one controversial item which is the million dollars in bonuses to employees and this has already been vetoed once by Chief Smith and to move the Nation forward he moved to separate the bonuses from the other items on this question.

A motion was made by Councilor Jack D. Baker and seconded by Councilor William G. "Bill" Johnson, that this matter be divided. The motion failed by the following vote:

Yea: 7 - Jackie Bob Martin;Don Garvin;Meredith Frailey;Cara Cowan Watts;William G. "Bill" Johnson;Buel Anglen and Jack D. Baker

Nay: 9 - S. Joe Crittenden;Phyllis Yargee;Linda Hughes-O'Leary;Melvina Shotpouch;John F. Keener;Charles "Chuck" Hoskin;Taylor Keen;Bill John Baker and Audra Smoke-Conner

Enactment No: LA-04-07

Question was called on the motion for approval of Mod. 3.The motion carried by the following vote:

Yea: 9 - S. Joe Crittenden;Phyllis Yargee;Linda Hughes-O'Leary;Melvina Shotpouch;John F. Keener;Charles "Chuck" Hoskin;Taylor Keen;Bill John Baker and Audra Smoke-Conner

Nay: 7 - Jackie Bob Martin;Don Garvin;Meredith Frailey;Cara Cowan Watts;William G. "Bill" Johnson;Buel Anglen and Jack D. Baker

Enactment No: LA-04-07

11. A RESOLUTION CONFIRMING THE NOMINATION OF EDDIE HUMPHREY AS A BOARD MEMBER OF THE CHEROKEE NATION BUSINESSES, INC. BOARD OF DIRECTORS

A motion was made by Councilor Jackie Bob Martin and seconded by Councilor Buel Anglen, that this matter be Approved. Motion carried with opposition from Councilors Crittenden and O'Leary.

Yea: 14 - Jackie Bob Martin;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

Nay: 2 - S. Joe Crittenden and Linda Hughes-O'Leary

Enactment No: R-09-07

12. A RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF THE FISCAL YEAR 2005 INDIAN HOUSING PLAN AMENDMENT NUMBER THREE TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

A motion was made by Councilor Melvina Shotpouch and seconded by Councilor Linda Hughes-O'Leary, that this matter be Approved. The motion carried unanimously.

Enactment No: R-10-07

13. A RESOLUTION REQUESTING FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DONATIONS OF SURPLUS HOUSING TRAILERS TO THE CHEROKEE NATION HOUSING AUTHORITY

A motion was made by Councilor Bill John Baker and seconded by Councilor Linda Hughes-O'Leary, that this matter be Approved. The motion carried unanimously.

Enactment No: R-11-07

ANNOUNCEMENTS

Councilor Conner thanked those that made it possible to get water out to the communities who did not have water and for their combined efforts to make the communities whole.

Councilor Bill John Baker announced a planning meeting is scheduled for Monday, January 29th, 2007 at 10:00 a.m. at the Tahlequah Community building conference room to get community leaders and citizens to get together to come up with a better plan to better serve the people in a disaster such as this one.

ADJOURNMENT

With no further business presented, Councilman Bill Johnson moved for adjournment. The next regular Council meeting will be held on February 12th, 6:00 p.m. at the W.W. Keeler Complex.

Meredith A. Frailey, Speaker
Council of the Cherokee Nation