



Council of the Cherokee Nation

Meeting Minutes Executive and Finance Committee

Thursday, March 26, 2009

3:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Jack D. Baker called the meeting to order at 3:04 p.m.

INVOCATION

Councilor Crittenden gave the invocation.

ROLL CALL

Present 15 - 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; Chris Soap; Bradley Cobb and Julia Coates

Absent 1 - Chuck Hoskin, Jr.

Late Arrival 1 - Curtis Snell

APPROVAL OF MINUTES

Councilor Cowan Watts made a motion to approve the February 17, 2009 sub committee and the February 26, 2009 regular session minutes. Councilor Frailey seconded the motion. Motion carried.

REPORTS:

Financial Report/Treasurer Report - Callie Catcher

Ms. Catcher offered to answer questions from her written report. She stated the audit is wrapping up and they expect to deliver the annual report next week.

Cherokee Nation Enterprises - David Stewart

Mr. Stewart announced the monthly net income was \$9.2ml and is behind budget. The revenue was up from the prior month and from February of 2008. Mr. Shawn Slaton stated phase 2 at West Siloam is well under way and they anticipate a mid June opening. The timeline for Catoosa is to open floors 5 through 10 of the hotel and the convention center on May 1st. The gift shop is scheduled to open June 1st and Toby Keith's on July 1st. He stated they are waiting on the BIA in regard to the Ramona project. They have the construction plans ready to go and have spoke to the city in regard to the utilities. Councilor Cowan Watts inquired as to when the

Cherokee version of the Hard Rock would be more available. Mr. Stewart stated they are trying to sort through.

Cherokee Nation Businesses - David Stewart

Mr. Stewart gave an update on the companies they have invested in. APSE is in Huntsville, Alabama is a parts distribution for Boeing. Their net income is \$71k in February with CNB owning 75% of the company. CRCC has a net income of \$50k and we own in excess of 50%. This company was just awarded a 3 to 5 year contract. The landfill remains in the construction phase. He stated they have stopped taking any kind of waste or trash pending getting the site open and all procedures in place. They have acquired insurance to cover accidents and spills. Councilor Crittenden inquired about the status of the leach ate ponds and the coming spring rains. Mr. Stewart stated they are in the process of determining if it is more feasible to purchase a truck to transport the liquid out or lease a truck to do the same. Mr. Stewart stated CNI was profitable and CNE is holding. He stated at CNB they are looking at three basic functions to provide; 1) overall governance of the entities, 2) shared services, and 3) acquisitions. He announced they had a very good meeting wit FACET and they plan to build as soon as the economy takes a turn. They will be renewing their lease. He stated they did offer capital but they decided to do it on their own. Councilor Crittenden gave appreciation for the assistance with the FACET situation.

Cherokee Nation Industries - Robert Drvostep

Mr. Drvostep announced the revenue for the month of February was \$7.3ml versus a budget of \$12.ml. They did exceed last years revenue by \$396k. He stated all in all they had a pretty good month. Mr. Collins announced he has received notification of a formal contract with Amcon in the amount of \$75ml. This contract is an IDIQ based on a cost plus which is a sole source set aside.

Career Services/Employment - Diane Kelley

D. Kelley stated she and Anna Knight are working closely in regard to the bid center. She stated they are meeting with the procurement contract areas of the divisions. She stated they are in the process of redesigning the reports. She announced they will be adding two additional people at the construction sites. Councilor Frailey requested business workshops in the communities. Ms. Kelley stated they can do this without problem. Councilor Fishinghawk inquired about two bids placed by the Marshal Service and how it is viewed with TERO. Ms. Catcher stated she watched the earlier committee and has scheduled a meeting with the procurement group following this meeting. She stated they will procedures, and ensure the programs are educated on the proper way to request a bid and justify a sole source if needed. She stated it sounded like a miss communication. Ms. Kelley stated they had their first administrative appeals hearing this morning. The appeal was on a denial and the three attorneys' have agreed to provide a ruling within the next thirty days. She stated the process did work. Councilor Fishinghawk requested an update on the Summer Youth program. Ms. Kelley stated they have received their economic stimulus funds from the Department of Labor. She stated they will have to review the age criteria as it is a higher limit with the stimulus funds. She stated they are going to take half of the stimulus funds and use this year along with the SBC and 10477 funds. She stated they hope to have numbers available by next week.

Commerce - Anna Knight

Ms. Smith offered to answer questions from the report. She responded to the

Councilor members earlier question regarding business training in the communities by stating on the last page of their report there is a calendar of these classes. She stated they will also provide one on one help. Councilor FISHINGHAWK requested information regarding small business and the stimulus funds. Ms. Smith stated she would request Ms. Knight provide a response.

Councilor Crittenden made a motion to amend the agenda to consider a resolution donating surplus items from Sequoyah to Peavine School. Councilor Cowan Watts seconded the motion. Motion carried.

CONSENT ITEMS:

T.E.R.O. CERTIFICATIONS

Councilor Cowan Watts made a motion to approve as submitted. Councilor Anglen seconded the motion. Motion carried.

CEMETERY RESTORATION ASSISTANCE APPLICATIONS

Mr. Doug Evans announced the addition of Miller Cemetery in Cherokee County. Councilor Bill John Baker moved for the approval. Councilor Thornton seconded the motion. Councilor Buzzard requested the Mann Cemetery in Delaware County be held until the location can be determined. Councilor Bill John Baker and Thornton accepted the friendly amendment. Councilor Cowan Watts stated it would be good policy to have the cemeteries mapped through GIS once received. Councilor FISHINGHAWK requested additional information on the Cherokee Arts and Humanities Council cemetery application. Mr. Evans stated this was submitted by Roy Hamilton and the name of the cemetery is Wahilia in Adair County. Councilors Crittenden and FISHINGHAWK were in agreement to go ahead with the application. Councilor Bill John Baker inquired if the address is on the applications. Mr. Evans stated it is not provided on all applications. Mr. Evans suggested changing the form to be more specific on the location of the cemetery. Councilor Garvin made a motion to change the form to require directions. Councilor Cowan Watts seconded the motion. The motion carried to hold the Mann Cemetery and change the name of the Arts and Humanities Council to Watt Christie.

Councilor Garvin made a motion to change the application to include driving directions. Chair Jack D. Baker requested tasking the Community Service Department to revise the form. Councilor Garvin withdrew his motion. Councilor Bill John Baker made a motion to task Community Services to change the form to include driving directions. Councilor Crittenden seconded the motion. Councilor Cowan Watts requested a friendly amendment to send the applications to the GIS department. Councilor Bill John Baker expressed reluctance of adding yet another layer of red tape prior to receiving funds. Councilor Cowan Watts stated it isn't necessary to be done prior to funds being given but that it is a part of archiving our history. Councilor Bill John Baker accepted the amendment. Mr. Evans inquired if it would be possible to request Community Service to provide the cemetery information to the GIS department. Motion carried with amendments.

LAW ENFORCEMENT REQUESTS

Mr. Evans stated in addition to the report provided there is one additional request for the Salina Police Department in the amount of \$3,500 from Councilor Frailey. Councilor Cobb made a motion for approval. Councilor Thornton seconded the motion. Motion carried.

COMMUNITY ASSISTANCE

Mr. Evans announced an update report has been provided. Councilor Glory-Jordan commented the \$500 has not been deducted from the Councilor giving the funds. Councilors Fishinghawk, Crittenden, Jack D. Baker, Coates and Fullbright agreed to donate \$400 each to the Cherokee Heritage Center. Councilor Garvin made a motion to approve with amendments. Councilor Bill John Baker seconded the motion. Motion carried.

ROADS

Mr. Evans announced there is one road project this month which is a major overlay project on 186th Street North in Tulsa to be split by Councilors Anglen and Cobb in the amount of \$127,267 each. Councilor Buzzard made a motion to approve. Councilor Fishinghawk seconded the motion. Motion carried.

OLD BUSINESS

1. DISCUSSION PERTAINING TO DONATIONS MADE BY CHEROKEE NATION BUSINESS ENTITIES
Mr. Mike Miller announced the CNB donation policy came into effect this week. Councilor Cowan Watts requested clarification for the event.
Chair Jack D. Baker withdrew this item after discussion was held.

NEW BUSINESS

1. KRISTEN FORD FUNDING REQUEST TO PARTICIPATE IN THE INTERNATIONAL SCHOLAR LAUREATE PROGRAM DELEGATION ON MEDICINE
Councilor Thornton withdrew this request for funding. Chair Jack D. Baker requested individual funding requests go through the proper channels of the Cherokee Nation. He stated he is not going to allow these requests to come before this committee without good reason to do so.
2. FUNDING REQUEST FOR TUTION TO ATTEND THE UNIVERSITY OF GEORGIA SUMMER INSTITUTE
Chair Jack D. Baker stated in discussion with the Administration the funds are available in the budget and will be brought forward in the form of a budget mod if necessary. He withdrew this funding request.
3. AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 6; AND DECLARING AN EMERGENCY

Sponsors: Councilor Jack D. Baker and Councilor Cara Cowan Watts

Mr. Evans gave a review of budget mod 6. He provided an update on the request made for the Oklahoma Academy. Last month comments were made that Oklahoma Academy was in relation to a youth organization. He stated there is a youth organization that is a Christian school around the Oklahoma City area. He stated this request doesn't have any relation to this youth organization. He stated this requests a membership. Councilor Glory-Jordan questioned why the request is for \$25,000 when the highest corporate sponsorship is \$15,000. She stated it looks like this is a political action group. Ms. Ginger Brown stated she is unsure of the amount however this is a non partisan organization that the Cherokee Nation has been a part of for several years. She stated there are different contribution levels. Councilor Glory-Jordan inquired if money had been given to this organization in the past. Ms. Brown stated funds in the past have never come from charitable donations. Councilor Glory-Jordan made a motion to table to allow Ms. Brown to be able to provide additional information. No second to table was made. Councilor Cowan Watts stated she has attended these functions and it is an incredible by partisan group of people. She stated they had an entire session on tribes two years ago. They advocate for a cabinet level position for tribes which has never been done in the State. Councilor Glory-Jordan stated she is not questioning the work they do rather than if this is the proper way to give them the funds. Ms. Catcher stated in the past they have done individual memberships and some town hall meetings. She stated it doesn't appear to have ever been given at this level. Mr. Hembree stated of the information provide this is a public think tank type of organization. He stated they have a corporate sponsorship at the platinum level in the amount of \$15,000, gold level at \$10,000 and so on. With the platinum level you receive 25 memberships. Last year they received one gold sponsorship. Chair Jack D. Baker inquired if it would be appropriate to leave the request in the mod and have the requested information provided prior to the Council meeting. Councilor Glory-Jordan requested holding this item to the end of the mod discussion to allow Ms. Catcher time to gather information. Chair Jack D. Baker requested Mr. Evans move forward with his mod review. Councilor Glory-Jordan inquired as to the reasoning for taking funds from the clothing project to be given to the wellness program. She questioned if there is another way to locate the funds. Mr. Evans stated the funds could come from un-appropriated revenues. Councilor Glory-Jordan made a motion to take the \$21,000 for the Healing to Wellness group from the un-appropriated revenues budget. Councilor Fishinghawk seconded the motion. Ms. Catcher stated the \$21,000 is actually a rebate received in 2009 from the prior years clothing vouchers. There is already \$500k budgeted for clothing for kids in 2009 therefore Human Services requested to use the rebate funds in the Juvenile Healing to Wellness Court where it is needed more. Councilor Glory-Jordan requested the \$21k be left with clothing for kids that every dollar is needed in the program that is available. Motion carried with Councilor Garvin opposed. Mr. Evans continued on with his mod review. Councilor Fishinghawk questioned if the budgets are followed with the IHP. Ms. Catcher stated he asked Mr. Marvin Jones if we are required to amend the IHP prior to presenting a budget mod from a federal prospective. She stated the response given is we are not. The IHP is approved by resolution. She stated when the budget mod is approved the changes to the IHP are also approved unless it is being changed to a totally new activity never approved by HUD. Councilor Fishinghawk stated she would like to see how the budget mod reconciles back to the original IHP. Ms. Catcher reported the 2007 and 2008 payments to the Oklahoma Academy were approximately \$1,100 each. Councilor Glory-Jordan inquired as to why the big change in funding. Ms. Catcher replied to have a more active role in the organization. Councilor Glory-Jordan inquired as to who attends the meetings. Ms. Catcher stated primarily Ginger Brown. Mr. Hembree stated we could end up with 35 memberships and questioned if every member of the Council would be a member.

Ms. Brown stated we participate in the town hall and ten or eleven people from the group are in attendance. She stated there is an event in August where the Cherokee Nation Choir presents. She provided some information of the issues they have supported in the past. Councilor Glory-Jordan made a motion for these funds to come from the same budget as it had come from in the past. Councilor Fishinghawk seconded the motion. Ms. Catcher stated due to the change in the amount she is unsure if that program would have the funds available. Councilor Bill John Baker requested a friendly amendment to transfer the funds to the Chief's budget. Motion carried with the opposition of Councilor Soap.

Councilor Cowan Watts moved for approval with amendments. Councilor Anglen seconded the motion. Motion carried.

- 1. A RESOLUTION PROVIDING FOR THE DONATION OF SURPLUS EDUCATIONAL SUPPLIES FROM SEQUOYAH HIGH SCHOOL TO PEAVINE ELEMENTARY SCHOOL IN ADAIR COUNTY

Sponsors: Councilor S. Joe Crittenden and Councilor Jodie Fishinghawk

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

ANNOUNCEMENTS

Chair Jack D. Baker announced on April 25th an honoring dinner will be held at the Gilcrease Museum. They will be honoring Principal Chief Chad Smith, Speaker of the Council Meredith Frailey, and Chief Justice of the Supreme Court Darryl Matlock. He stated this is in celebration of the 10th anniversary of the signing of the 1999 constitution. Tables are \$3,000 for 8 guests. He requested RSVP to Gayle for her to determine the number of tables to purchase. Mr. Evans commented the funds are available in the budget.

ADJOURNMENT

Councilor Cobb moved to adjourn. Councilor Anglen seconded the motion. Motion carried at 4:35 p.m.

STAFF PRESENT:

Callie Catcher Doug Evans Shay Smith
Diane Kelley Jon Overacker Mike Miller
Ginger Brown

VISITORS PRESENT:

Robert Drvostep Shawn Slaton Todd Hembree
David Stewart Bryan Collins

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____