



Council of the Cherokee Nation

Cherokee Nation Complex
17675 S. Muskogee Ave.
Tahlequah, OK 74464

Tribal Council Minutes - Final

TRIBAL COUNCIL

Meredith Frailey, Speaker

Recording Secretary, Shelli Brittain

Phone: 1-800-995-9465

E-mail: council-public@cherokee.org

Monday, June 14, 2010

6:00 PM

Council Chambers

CALL TO ORDER

Speaker Frailey called the meeting to order at 6:03 p.m.

INVOCATION

Councilor Cobb gave the invocation.

ROLL CALL

Present 17 - Buel Anglen; Cara Cowan Watts; David Thornton Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; S. Joe Crittenden; Bradley Cobb; Chris Soap; Chuck Hoskin; Curtis Snell; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; Tina Glory Jordan and Bill John Baker

Councilor Jack D. Baker moved to amend the agenda to include items 9 through 12 as follows: from Education & Culture Committee #9 A Resolution Authorizing the Submission of a Special Grant Application to the Department of Education for a Promise Neighborhood Grant. From the Resource Committee items #10 A Resolution Requesting the Donation of Three Computers and Two Printers to the Claremore Veterans Center in Claremore, Oklahoma, #11 A Resolution Authorizing Cherokee Nation to Submit a Grant Application for an Independence Demonstration Program to Establish an Individual Development Accounts Program for Sequoyah High School Students, and #12 A Resolution Authorizing the Office of Environmental Programs to Submit a Formal Grant Application to the U. S. Environmental Protection Agency for a Brownfields Grant. Councilor Cowan Watts seconded the motion. Motion carried.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Jack D. Baker moved to approve the May 10, 2010 regular session minutes. Councilor Cowan Watts seconded the motion. Motion carried.

SPECIAL PRESENTATION: Cherokee Clan Banners

Ms. Robin Flint Ballenger, Flintco Chair of the Board, along with Vice Presidents David Kollmann and Rex Woods presented to the Chief, Council and citizens of the Cherokee Nation the wall hanging of the Seven Clans and the explanatory box. She announced the permanent home for these items will be in the Veterans Center. The Seven Clan banners are given in the spirit of partnership and service to the Cherokee Nation.

STATE OF THE NATION

Chief Smith requested a moment of remembrance for our Cherokee friends and family who we have past on over the last month. Gina Olaya, Felicia Olaya and Charlie Soap honored Leandra Mike the hospice nurse who cared for their wife and mother, Wilma Mankiller during her passing. She stated the hospice nurse not only cares for the patient but also serves as the mediator for the family. They honored Ms. Mike with a pink watch from Ms. Mankiller's collection, one of her favorites. Ms. Mike stated it was a privilege, she loved caring for her and she feels like a part of the family. Veterans honored this month were brothers Walter Thomas and Thurman Thomas along with Thurman's daughter, Rene Thomas. Deputy Chief Grayson announced he had the honor of attending the reunion of the U.S.S. Enterprise, one of the most decorated carriers in World War II, where they gave him a part of the flight deck. Chief Smith announced over Memorial Day weekend the Cherokee Nation and CNB helped sponsor at the Hard Rock facility the Falls of Honor Gala. The Gala was to raise money for scholarships for the families of those who were wounded or lost their lives in the Middle East. He announced several employees received awards recently including Diane Kelley and Darrell Legg, from the Career Services Group, were honored by the American Indian Chamber of Commerce in Oklahoma for their volunteerism and support. Veronica Hix from the Commerce Department was named Minority Business Advocate of the Year by the U. S. Department of Commerce. Katina Dugger from Cherokee Elder Care was named the Outstanding Outreach Individual by the Oklahoma Task Force on Minority Aging. Cherokee Nation Industries was recognized by Lockheed Martin as an Outstanding Small Business Provider. In Legislative issues while our Federal funding seems stable our general fund income fluctuates with the economy. He respectfully requested the Council reconsider portions of the Budget Modification before them tonight where they are requesting funds for the over income Summer Youth Employment Program and the Council travel budget from the Contingency Reserve. Also included on tonight's agenda is a provision to bring some clarification as to how numbers are determined in the function of apportioning seats for an election and how citizen population is attributed to a district. This is a critical piece of legislation that would aide not only the Election Commission but also the Council in their statutory and Constitutional duties. A case is currently pending before the Court addressing these issues where the judge has committed to make a ruling by this Friday. He encouraged the Council to table this measure to obtain the guidance of the Court. The Oklahoma Confederation of Indian Women awarded Cherokee Nation First Lady, Bobbie Gail Smith, as the Women of the Year for her contribution in preserving and teaching our Cherokee language. Chief Smith announced he was inducted into the National Wrestling Hall of Fame within the category of public officials who believe in the attributes of wrestling. He reminded everyone of the Cherokee Challenge for Fitness by announcing a run/walk event in Muskogee this weekend at the U. S. S. Batfish. The Remember the Removal bike riders have made it half way on their journey and will return home on Wednesday, June 23rd.

Speaker Frailey recognized George Roach and requested he introduce the Youth Leadership participants. Mr. Roach introduced the 2010 Youth Leadership Intern Students under the Career Services Summer Youth Program. Mr. Roach stated the interns must be tribal members, have a 3.0 grade point average, have a good letter of reference and be going into some type of field the Cherokee Nation promotes.

ACTION OF UNFINISHED BUSINESS

None pending.

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

Mr. Southerland announced the board meeting will be held tomorrow on the 15th of June at 12:00 noon. He attended the NAHASDA Negotiated Rule Making Meeting in Seattle, Washington. He stated progress is being made on the initiatives we have. The staff has been monitoring the contracts with the Stimulus funding. He has been receiving letters of appreciation from tenants whom have received new storm windows and other items.

Cherokee Nation Business, Inc - David Stewart

Mr. Don LeBass reported for Mr. Stewart. He announced CNB held its second board meeting following the reorganization. With all companies combined there are just fewer than 4400 employees of which approximately 2500 have their CDIB card. CNB has 64% of the credit facility unused and available.

Cherokee Nation Entertainment - David Stewart

April was up approximately 5.2% in revenue from the prior year but continue to be below budget by approximately 8%. The net income is slightly lower than the prior year due to higher operating expenses. In addition to the dividend CNE contributed approximately \$200,000 in sales tax to the Cherokee Nation. The hotel in Siloam Springs was opened over Memorial Day weekend along with coffee shops serving Starbucks at the Hard Rock facility and West Siloam Springs. The Ramona property also opened over Memorial Day weekend with about 90% capacity. The Cultural Tourism Group received two citations of merit from the State Historic Preservation Office for the Ross Cemetery and Supreme Court Building restoration projects. Councilor Jack D. Baker congratulated Mr. LeBass, a Cherokee citizen, on being name Chief Financial Officer at CNE and CNB. Councilor Fishinghawk announced she has received several complaints over the last few weeks from Cherokees at West Siloam in the food and beverage department that they have been told they would like to get rid of the Cherokees and hire Mexicans. Mr. LeBass stated he would follow up.

Cherokee Nation Industries - Bryan Collins

Mr. Collins announced they continue to track ahead of budget with a \$565,000 profit year to date. Within the business segments they continue to have a positive outlook through the balance of 2010. CNI currently has 515 employees with 82% of those

being Native American. In the month of March they had over \$3ml in wire harnesses built and shipped. Telecommunications continues to have record sales and had \$3.3ml in shipments. He recognized Mary White a former employee and Cherokee citizen who became employee #22 on August 4, 1969. Ms. White with five years of perfect attendance retired with forty years of service.

OLD BUSINESS

1. **AN ACT RELATING TO CONSTRUCTION OF AND IMPROVING ACCESS TO CHEROKEE OWNED HOMES FROM PUBLIC ROADS OR RIGHT-OF-WAYS AND DECLARING AN EMERGENCY**

Speaker Frailey announced last month Principal Chief Smith offered to issue an Executive Order to accomplish the objective of the legislation. This policy has been provided for reporting and information purposes only.

Councilor Hoskin Jr. stated the Administration has made an effort to meet some of his and Councilor Bill John Baker's concerns. With concurrence from Councilor Bill John Baker he requested the legislation be withdrawn. Councilor Baker agreed to withdraw.

NEW BUSINESS

Rules Committee

1. **A RESOLUTION CONFIRMING THE NOMINATION OF TONYA ROZELL AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION**

Councilor Glory-Jordan moved to approve. Councilor Bill John Baker seconded the motion. Motion carried unanimously.

Enactment No: R-49-10B

2. **A RESOLUTION HONORING DEREK RYAN PRATHER FOR RECEIVING THE LEVEL OF EAGLE SCOUT FROM THE BOY SCOUTS OF AMERICA**

Councilor Cowan Watts moved to approve. Councilor Garvin seconded the motion. Motion carried unanimously.

Enactment No: R-50-10

3. **A RESOLUTION IN SUPPORT OF THE PROSPECTIVE NOMINATION OF CHEROKEE NATION CITIZEN KEITH HARPER TO THE UNITED STATES 10TH CIRCUIT COURT OF APPEALS**

Speaker Frailey announced this appointment is significant because Mr. Harper is a Cherokee citizen and would be the first Native American to serve on an Appellate Court in the Federal Justice System.

Councilor Jack D. Baker moved to approve. Councilor Cowan Watts seconded the motion. Councilor Glory-Jordan stated upon research the concerns she voiced during committee have been put to rest. The motion for approval carried unanimously.

Enactment No: R-51-10

4. **AN ACT AMENDING LEGISLATIVE ACT 15-10 THE CHEROKEE NATION GENERAL CORPORATION ACT CREATING AN ADVISORY BOARD OF DIRECTORS AND SETTING TERM LIMITS ON DIRECTORS ON CORPORATIONS IN WHICH THE CHEROKEE NATION IS A MAJORITY SHAREHOLDER**

Councilor Cobb moved to approve. Councilor Cowan Watts seconded the motion. Motion carried by acclamation.

Enactment No: LA-17-10

5. **A RESOLUTION APPOINTING CHEROKEE NATION TRIBAL COUNCIL MEMBERS TO THE CHEROKEE NATION BUSINESSES BOARD OF DIRECTORS AS ADVISORY BOARD MEMBERS**

Councilor Cobb moved to approve. Councilor Cowan Watts seconded the motion. Motion carried unanimously.

Enactment No: R-52-10

6. **AN ACT AMENDING LEGISLATIVE ACT 06-10 REVISING TITLE 26 ("ELECTIONS") PROVIDING FOR APPORTIONMENT**

Councilor Jack D. Baker announced this Act is to determine the correct number of Cherokee citizens within the Nation to then be divided by fifteen to represent the optimum number of citizens to be represented by each of the fifteen Council members within the Nation. Councilor Jack D. Baker moved to approve. Councilor Hoskin Jr. seconded the motion.

Councilor Garvin stated this is too little too late and moved to table. Councilor Cowan Watts seconded the motion. The motion failed by the following vote:

Yea: 6 - Cara Cowan Watts; Don Garvin; Meredith Frailey; Chris Soap; Janelle Fullbright and Julia Coates

Nay: 11 - Buel Anglen; David Thornton Sr. ; Jack D. Baker; S. Joe Crittenden; Bradley Cobb; Chuck Hoskin; Curtis Snell; Harley Buzzard; Jodie Fishinghawk; Tina Glory Jordan and Bill John Baker

Councilor Cowan Watts gave explanation for voting differently during the committee meeting. She voiced concern for being able to execute in a timely fashion prior to the election. She stated she continues to find inherent problems with this piece of legislation in that it treats all tribal citizens, all zip codes, and all areas consistently. Councilor Hoskin Jr. stated time is of the essence and doesn't feel the need to wait for the Court's decision. What the Administration needs to do to execute this piece of legislation is very doable. This legislation provides the tools needed to identify where the citizens live within those few counties in question. Councilor Bill John Baker called for the question.

The motion for approval carried with the following vote:

Yea: 12 - Buel Anglen; David Thornton Sr. ; Jack D. Baker; S. Joe Crittenden; Bradley Cobb; Chuck Hoskin; Curtis Snell; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Tina Glory Jordan and Bill John Baker

Nay: 5 - Cara Cowan Watts; Don Garvin; Meredith Frailey; Chris Soap and Julia Coates

Executive and Finance Committee

7. **AMENDED RESOLUTION AUTHORIZING THE SALE OF INHERITED PROPERTY IN THE STATE OF CALIFORNIA, AND AUTHORIZING THE PLEDGE OF CREDIT OF THE CHEROKEE NATION ASSOCIATED WITH THE INHERITED PROPERTY**

Councilor Bill John Baker moved to approve. Councilor Cowan Watts seconded the motion. Motion carried unanimously.

Enactment No: R-53-10

8. **AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 - MOD 8; AND DECLARING AN EMERGENCY**

Councilor Jack D. Baker stated this budget mod provides an increase of over \$17ml to the budget. This mod includes Mutual Help insurance recovery, Department of Roads increase, Hastings capitol improvement, Health Care Bond payment, the Vinita Clinic construction, an increase in NAHASDA program funds, and also moves funds from the contingency fund to the Summer Youth fund and the Tribal Council travel. This mod increases our budget to over \$636ml. Councilor Jack D. Baker moved to approve. Councilor Cowan Watts seconded the motion. Councilor Bill John Baker stated \$250,000 of the \$500,000 for the Summer Youth is to fund the balance of the youth who are under income. If the funds are not expended they will go back into the general fund at the end of the fiscal year. He pointed out the other \$250,000 is for over income and that a single parent making over \$14,000 a year is considered over income. Councilor Cowan Watts inquired if a friendly amendment was being offered that it excludes anyone over \$80,000 per year in income. Councilor Bill John Baker stated in committee the motion was to work from the lowest income up. He agreed to offer the friendly amendment. Councilor Jack D. Baker accepted. Councilor Thornton stated if these additional funds for the under income didn't bring them to a 40 hour work week he would be against the measure. Councilor Soap reminded everyone that numerous people were either turned away or followed the rules posted who were over income. These over income funds are only for those who and applied anyway therefore he would be voting no on this issue. Speaker Frailey stated she agreed with Councilor Soap and that it isn't good business to take \$575,000 from our savings account. The \$75,000 increase in the Tribal Council travel would bring the Tribal Council travel budget to approximately \$304,000. She stated she would also be voting no.

The motion for approval carried with the following vote:

Yea: 10 - Buel Anglen; Jack D. Baker; S. Joe Crittenden; Chuck Hoskin; Curtis Snell; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Tina Glory Jordan and Bill John Baker

Nay: 7 - Cara Cowan Watts; David Thornton Sr. ; Don Garvin; Meredith Frailey; Bradley Cobb; Chris Soap and Julia Coates

9. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A SPECIAL GRANT APPLICATION TO THE U.S. DEPARTMENT OF EDUCATION FOR A PROMISE NEIGHBORHOOD GRANT**

Councilor Crittenden moved to approve. Councilor Coates seconded the motion. Motion carried.

Enactment No: R-54-10

10. **A RESOLUTION REQUESTING THE DONATION OF THREE COMPUTERS AND TWO PRINTERS TO THE CLAREMORE VETERANS CENTER IN CLAREMORE, OKLAHOMA**

A motion was made by Councilor Cowan Watts to approve in Toto. Councilor Bill John Baker seconded the motion. The motion carried unanimously by consent.

Enactment No: R-55-10

11. **A RESOLUTION AUTHORIZING CHEROKEE NATION TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES' ASSETS FOR INDEPENDENCE DEMONSTRATION PROGRAM TO ESTABLISH AN INDIVIDUAL DEVELOPMENT ACCOUNTS PROGRAM FOR SEQUOYAH HIGH SCHOOL STUDENTS**

Councilor Glory-Jordan announced her concerns of these funds affecting the ability for the students to obtain scholarships has been addressed and this will not hinder them from obtaining other grants or scholarships.

A motion was made by Councilor Cowan Watts to approve in Toto. Councilor Bill John Baker seconded the motion. The motion carried unanimously by consent.

Enactment No: R-56-10

12. **A RESOLUTION AUTHORIZING THE OFFICE OF ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S ENVIRONMENTAL PROTECTION AGENCY FOR A BROWNFIELDS GRANT**

A motion was made by Councilor Cowan Watts to approve in Toto. Councilor Bill John Baker seconded the motion. The motion carried unanimously by consent.

Enactment No: R-57-10

ANNOUNCEMENTS

Councilor Cowan Watts announced tomorrow night at 6:30 the Will Roger Memorial will host a public showing in the National Park Service of the twenty-three minute Trail of Tears film. She invited everyone to attend.

Councilor Bill John Baker recognized former Councilor Jackie Bob Martin in attendance.

Councilor Cobb commented on the long discussion held during game 1 of the OU vs. Virginia baseball game pertaining to tribal member Caleb Bushyhead.

Councilor Fullbright invited everyone to her and Councilor Thornton's community meeting next Tuesday night at Blue Ribbon Downs at 5:30 p.m. in the Banquet Hall.

ADJOURNMENT

Councilor Cowan Watts moved to adjourn. Councilor Garvin seconded the motion. Motion carried at 7:17 p.m.

Next Tribal Council meeting will be held on July 12th at 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.