



Council of the Cherokee Nation

Tribal Council Minutes

Tribal Council

Monday, December 17, 2007

6:00 PM

Council Chambers

RESCHEDULED FROM 12-10-08

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 Garvin 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 Jack Baker moved to approve the minutes of the November 13th Regular Session. Councilor Cowan Watts seconded the motion. Motion carried.

STATE OF THE NATION

Chief Smith requested a moment of silence for those friends and loved ones lost over the last month as Myron Taylor, Orville Barber, and Brian Killin. Veterans honored this month were Rick Tripheart and Kenneth Crisp. He recognized several Boys & Girls Clubs in the Cherokee Nation jurisdictional area in which they have developed a partnership with and will strategically continue to build over the next five years. The Boys & Girls Clubs received funds based on the enrollment number with a total for all clubs of \$100,000.00. Chief Smith gave congratulations to several Career Service employees for their achievements. Mr. Rob Daugherty recently received the Volunteer of the Year Award from the Eastern Chapter of the American Indian Chamber of Commerce. Mr. George Roach was elected secretary of the Eastern Chapter of the American Indian Chamber of Commerce. Ms. Diane Kelley was re-elected to the Stilwell Chamber of Commerce Board of Directors for a 16th term. Ann Wheeler of the Cancer program was elected as President Elect of the Oklahoma Cancer Registry Association. The Jack Brown Center passed their accreditation with zero recommendations and four exemplary conformance awards to standards. Only 3% of all youth treatment centers in the Nation surveyed had no recommendations. The Sequoyah girl's basketball team will be playing in the Nike Invitational Tournament this week in Phoenix, Arizona. This is the first time an Indian school has been invited to this prestigious tournament of 32 top national high school teams. The games will be announced in Cherokee on our local station KTLQ and audio streamed on our web site as well. He announced he received an opportunity last week to appear before the Assembly of First Nations. This is a Canadian Indian counterpart to the National Congress of American Indians. There were approximately 200 chiefs present with 600 tribes in Canada. He requested a resolution

in support of our position in the Freedman controversy and to resist Diane Watson's bill to terminate the Cherokee Nation. He stated unsure of their reaction he presented a slide show of history, concepts, and issues. One of the Chiefs in attendance stated the resolution wasn't strong enough we want to denounce and object this initiative. Another Chief was even more adamant in the support of sovereignty. A third Chief suggested incorporating by reference the Declaration on Indigenous Rights passed by the United Nations. In September 200 countries of the world endorsed this declaration with only 4 countries in opposition. The four countries that refused to recognize by treaty or declaration the rights of indigenous people were Australia, Russia, Canada, and the United States of America. In a press release after the vote the United States acknowledged that one of the most fundamental rights that they recognize by Indian tribes as dependant domestic nations is the right to determine their own citizenry. The resolution passed by unanimous consent of the 200 Chiefs present. He stated this resolution is available for the Council. Chief Smith reminded everyone of the winter storm suffering of Tulsa along with the areas to the North and West. Our emergency management group has been active since the first hour. They are working with state, county, and local officials to provide the necessary resources to several shelters through out the affected areas. He provided copies of the video of the Report to the People released last week. The grand opening for the Will Rogers Health Clinic will be held at noon tomorrow in Nowata. A video was played of the Cherokee National Youth Choir while in attendance of the Macy's Thanksgiving Day Parade. The Choir gave the Council a gift pack of their new "Precious Memories" CD. Ms. Mary Kay Henderson presented Chief Smith with the print copy of the "Precious Memories" framed. She also presented him with the Native American Music Award for the best gospel and inspirational CD for last years Christmas CD "Comfort & Joy". The Youth Choir will have auditions on January 6 through the 8th for Cherokee citizens who are in the 7th through 12th grade. The Choir sang Happy Birthday to Chief Smith as well as a few songs from their CD. Chief Smith announced Councilors Anglen and Fullbright just had birthdays as well as Bobbie Gail Smith's next week. Chief Smith showed the Council a hard hat decorated in Cherokee motif as his birthday gift from the staff. He announced the immersion class students told Santa Clause this year what they wanted for Christmas in Cherokee.

ACTION OF UNFINISHED BUSINESS

None pending.

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

Mr. David Southerland gave appreciation for Chief Smith and the Council members who attended their Christmas party last week. The low rent apartments affected by the ice storm are getting back to normal. He stated tomorrow is his last day as a Housing Authority employee. He will begin employment as the group leader for Housing Services of the Cherokee Nation on Wednesday. The Housing Authority Board will take action tomorrow night to name the group leader for housing services as its executive director. He stated if the board chooses this option it should ensure a smother transition of the housing programs over to the Cherokee Nation.

Cherokee Nation Enterprises - David Stewart

Mr. David Stewart announced October had good results and is on target with budget. He stated they continued to have heat and electricity thanks to the generator during the storm. He gave appreciation to the many the employees who worked double shifts and

helped them get through the situation. They are at approximately 3200 employees with the Cherokee employment remaining steady at 58%. In addition to the dividend of approximately \$2.4ml in October they paid the tribe \$93,000.00 in sales tax revenue. He stated they lost some time on the projects due to the storm. The board approved the hotel at West Siloam. He announced an organizational change. Mr. Stewart announced during the past 8 years with Mr. Shawn Slaton as CFO they have experienced significant growth from \$75ml to \$450ml in revenue. He stated Mr. Slaton is without a doubt of the highest integrity of any business person he knows. Mr. Slaton will take a more strategic role as they diversify and edge from gaming into other businesses as well as control all of their expansions. He introduced Guy Walcott from California as the new CFO. Mr. Walcott has 15 years of casino and gaming experience.

Cherokee Nation Industries - Bryan Collins

Bryan Collins reported as of November 30th their monthly sales are at \$6.8ml with total sales fiscal year to date of \$14.2ml. This is 13% less than last year. Local employment is 270 with 78% being Cherokee. The next board meeting is scheduled for January 28th at 2:00 p.m. in the Tulsa facility. The employees participated in the Stilwell and Tahlequah Christmas parades. He invited everyone to the employee Christmas lunch scheduled for Wednesday at 12:30 p.m. in Stilwell. He requested everyone keep in mind all of the Cherokee's behind the scenes of the construction management crew who make the clinics possible during the grand openings. He introduced Bob Divorstep as the new CFO at CNI.

Cherokee Nation Business, Inc - Callie Catcher

Mr. Jim Carrington reported in the absence of Mr. Brad Carson. Mr. Carrington announced the board approved some of the largest capitol projects. He announced the hiring of Diane Wood as CFO and CNB.

OLD BUSINESS

None pending.

NEW BUSINESS

- 1. A RESOLUTION AUTHORIZING THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES TO SUBMIT AN APPLICATION FOR TRANSITIONAL LIVING SERVICES FOR YOUTH TO THE U.S. FAMILY AND YOUTH SERVICES BUREAU, RUNAWAY AND HOMELESS YOUTH PROGRAM**

Council Buzzard moved for its approval. Councilor Bill John Baker seconded the motion. Motion passed.

Enactment No: R-102-07

- 2. a resolution Authorizing THE submiSSION OF a formal application to the united states department of Agriculture rural utilities service to reassign the Community-Oriented Connectivity Broadband Grant, Oklahoma 1403-A23, Agreement from Cherokee Nation Businesses to Cherokee Nation Information Systems**

Councilor Cowan Watts moved for the approval of items 2 through 6 in Toto. She stated these broadband grants are for Braggs, Hulbert, Okay, Redbird, and Vian. This is a simple transfer of grants from the company Cherokee Connex to Cherokee Nation

Information Systems to allow us to fulfill our obligations for broadband wireless communications in these communities.

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

Enactment No: R-103-07

- 3. a resolution Authorizing THE submiSSION OF a formal application to the united states department of Agriculture rural utilities service to reassign the Community-Oriented Connectivity Broadband Grant, Oklahoma 1403-B23, Agreement from Cherokee Nation Businesses to Cherokee Nation Information Systems**

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

Enactment No: R-104-07

- 4. a resolution Authorizing THE submiSSION OF a formal application to the united states department of Agriculture rural utilities service to reassign the Community-Oriented Connectivity Broadband Grant, Oklahoma 1403-C23, Agreement from Cherokee Nation Businesses to Cherokee Nation Information Systems**

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

Enactment No: R-105-07

- 5. a resolution Authorizing THE submiSSION OF a formal application to the united states department of Agriculture rural utilities service to reassign the Community-Oriented Connectivity Broadband Grant, Oklahoma 1403-D23, Agreement from Cherokee Nation Businesses to Cherokee Nation Information Systems**

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

Enactment No: R-106-07

- 6. a resolution Authorizing THE submiSSION OF a formal application to the united states department of Agriculture rural utilities service to reassign the Community-Oriented Connectivity Broadband Grant, Oklahoma 1403-E23, Agreement from Cherokee Nation Businesses to Cherokee Nation Information Systems**

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

Enactment No: R-107-07

- 7. A RESOLUTION APPOINTING MRS. JENNIFER BARGER JOHNSON TO THE CHEROKEE NATION ELECTED OFFICIALS COMPENSATION COMMITTEE**

Councilor Garvin stated LA#40-07 passed last month creating a compensation committee. The Council has 2 appointees, the administration has 2 appointees, and those 4 appointees appoint a 5th member. The Council's 2 appointees are Jennifer Barger Johnson and John A. Ketcher. Councilor Garvin moved for the approval of both nominations.

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

Enactment No: R-108-07

8. **A RESOLUTION APPOINTING MR. JOHN A. KETCHER TO THE CHEROKEE NATION ELECTED OFFICIALS COMPENSATION COMMITTEE**

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

Enactment No: R-109-07

9. **A Resolution Requesting the U.S. Congress to Declare the Claremore Indian Hospital and Surrounding Parcel of Land as Indian Country under 18 U.S.C. § 1151(b)**

Councilor Cowan Watts stated this is a request for Congress to change this property from an exclusive federal jurisdiction to a dependant Indian Country to allow for the Cherokee Nation to provide armed security at the facility.

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

Enactment No: R-110-07

10. **AN ACT ALLOWING REMOTE ATTENDANCE OF MEMBERS OF THE CHEROKEE NATION TRIBAL COUNCIL FOR MEETINGS OF THE TRIBAL COUNCIL AND COMMITTEES AND DECLARING AN EMERGENCY**

Councilor Coates stated this legislation would allow the At Large Tribal Council representatives as well as any Tribal Council Member who is on official Cherokee Nation business to attend committee meetings of the Tribal Council by remote attendance.

Councilor Coates moved for the approval. Councilor Anglen seconded the motion. Motion carried by acclamation with Speaker Frailey in opposition.

Yea: 16 - S. Joe Crittenden; David Thornton Sr. ; Don Garvin; 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

Nay: 1 - Meredith Frailey

Enactment No: LA-42-07

11. **A RESOLUTION SUPPORTING AN AMENDMENT TO THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 TO REQUIRE ENVIRONMENTAL PROTECTION AGENCY COMPLIANCE**

Councilor Coates announced this is a resolution in support for the Elem Band of Pomo Indians in Northern California. They have experienced the destruction of a great deal of their cultural patrimony in the process of a superfund cleanup. This resolution in support would close loop holes in the National Historic Preservation Act of 1966 to keep this from happening in the future.

Councilor Coates moved for the approval. Councilor Garvin seconded the motion. Motion carried.

Enactment No: R-111-07

**12. a resolution Authorizing A LOAN FROM cHEROKEE NATION
BUSINESSes, L.L.C., TO THE CHEROKee NATION
COMPREHENSIVE CARE AGENCY**

Speaker Frailey stated this is a request for approval from the Comprehensive Care Agency to approve the financing of the PACE building through a loan from CNB to the agency in the amount of \$1.4ml.

Councilor Jack Baker moved for the approval. Councilor Crittenden seconded the motion. Motion passed.

Enactment No: R-112-07

**13. AN ACT AMENDING LEGISLATIVE ACT #37-07 AUTHORIZING THE
COMPREHENSIVE BUDGET FOR FISCAL YEAR 2008 - MOD 2; AND
DECLARING AN EMERGENCY**

Councilor Jack Baker announced this modification increases the budget by \$10,180,259 with over half of the increase being a transfer of Housing Authority funds to the Cherokee Nation.

Councilor Jack Baker moved for the approval. Councilor Anglen seconded the motion.

Enactment No: LA-43-07

Councilor Glory-Jordan stated she wanted the Council as well as the public to realize the scope and magnitude of the Housing Authority of the Cherokee Nation's work over the years. Organized in the 70's under state law and since that time on their own initiatives utilize funds from the federal government through HUD where they have built thousands of homes and provided them to Cherokee families in need of safe and sanitary housing. None or very little tribal money was ever used for this task of providing housing for Cherokees. The approximate 170 employees at this time are 99% Indian mostly Cherokee. She gave personal appreciation to the employees for their dedicated hard work in trying times. In years past as many as 450 families obtained new housing yearly using the old method of HUD's distribution of funds through out Cherokee country. In the late 90's the method by which the housing funds were distributed by HUD became known as NAHASDA funds or block grant funding. At that time all of the tribes were given great leeway in where to put their housing funds. It was at that time that the tribe began a process through what is known as the Indian Hosing Plan to decide where the money coming to the Cherokees from HUD at the rate of approximately \$30ml a year would be utilized. Each year since 1999 the amount provided to the Housing Authority of the Cherokee Nation has been reduced as the tribe has kept more and more for purported housing activities. The IHP by approval of this Council has reduced the building of stick homes from hundreds of homes per year to roughly under thirty houses in 2007 for a budget of \$31ml. Councilor Glory-Jordan stated in her opinion we have taken an organization that was not broke and systematically choked it down to be able to accomplish very little. She apologized to the Housing Authority staff for the lack

of respect shown to them in how this change has been handled as well as a specific plan for the transition. She apologized to the Housing Authority clients for the uncertainty that this change is creating. She voiced concern for the speed of the transition, lack of knowledge of the transition, and the lives disrupted. She stated she will oppose this budget mod and requested the other council members to consider tabling this matter until there is a defined plan in place. Councilor Hoskin Jr. stated he also has concerns with this transition. The underlying policy change is the idea that the Cherokee Nation is capable of running housing programs for our citizens. He stated he isn't in disagreement with this idea just the process in which the change has come about. From the Council standpoint he felt they should retain as much authority as possible over how the transition moves forward. What we have now is more questions than answers particularly in respect to the employees. He stated it is appropriate of the Council to know what the plan is before approval.

Councilor Hoskin Jr. moved to table this modification. Speaker Frailey requested clarification as to if the motion was for the entire mod or just the housing portion. Councilor Hoskin Jr. clarified he doesn't want to hold up any other budget items but to the extent the budget mod related to the changes in the housing program he moved to table on that limited extent. Councilor Crittenden seconded the motion. The motion FAILED by the following vote:

Yea: 5 - S. Joe Crittenden; Tina Glory Jordan; Jodie Fishinghawk; Chuck Hoskin, Jr. and Bill John Baker

Nay: 12 - David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap; Bradley Cobb and Julia Coates

Enactment No: LA-43-07

Speaker Frailey stated the original motion by Councilor Jack Baker for approval of the entire budget mod remains on the floor. Councilor Cowan Watts stated sometimes in government we have to make very difficult decisions. In government sometimes things have to be done intentionally and deliberately due to size to secure interest. Sometimes when this is done it becomes difficult on the peoples lives involved as employees. She stated she is not here to guarantee individuals their jobs. She stated she has to look out for the interest of the Cherokee people as a whole. The past image of our Housing Authority building homes for people is wrong. She stated there are people we have to serve who can't serve themselves such as the elderly and the handicapped and we will continue to provide for them. However if we are talking about housing as an economic development tool within our community then we have to do what the Housing Authority hasn't been doing in the year 2007. The Housing Authority is not set up to do what we as a tribe can do to serve our people. She stated she wants to be able to expand our communities and economic development by utilizing our housing funds for the Cherokee Nation and its people as intended. Councilor Hoskin Jr. stated this is a wonderful debate however it is a shame that it could not of happened in the context of several months of committee meetings where we could better discuss these various housing issues. He stated his opposition isn't whether the administration can administer housing programs it is about whether or not it has to be done today. In the alternative the administration could develop a comprehensive proposal in which they address what will happen to each employee. He stated this doesn't have to be done tonight to reach the goals Councilor Cowan Watts suggested. Councilor Glory-Jordan stated the Housing Authority has always taken the steps to be innovative to create housing for all sectors of the Cherokee Nation population.

A motion was made by that this matter be Approved. The motion carried by the following vote:

Yea: 12 - David Thornton Sr. ;Don Garvin;Meredith Frailey;Cara Cowan Watts;Buel Anglen;Jack D. Baker;Janelle Fullbright;Harley Buzzard;Curtis Snell;Chris Soap;Bradley Cobb and Julia Coates

Nay: 5 - S. Joe Crittenden;Tina Glory Jordan;Jodie Fishinghawk;Chuck Hoskin, Jr. and Bill John Baker

Enactment No: LA-43-07

Councilor Fishinghawk inquired if any of the 3 new CFO's announced tonight along with Mr. Shawn Slaton were Cherokee. Chief Smith stated it is his understanding that none of them are Cherokee. He stated there was advertising and a search performed for tribal members and other tribal members. He stated it is one of the duties of the CFO's to take on an understudy who is a tribal member to take their place. These are very hard to fill positions with the experience necessary for our growing businesses. The idea of finding qualified Cherokees is still a priority. Councilor Fishinghawk voiced concern that none of them are Cherokee.

ANNOUNCEMENTS

Councilor Garvin wished a happy 101st birthday to Marie Wadley of Muskogee.

Councilor Crittenden announced Adair County constituent Parker Howell was announced Rookie of the Year in Las Vegas last week.

Councilor Cowan Watts gave appreciation to Todd Enlow, Charlie Soap, Brian Cooper for their time of need in Rogers County during the recent winter storm.

Councilor Thornton announced his granddaughter Katie Thornton was named an All American in Cheerleading.

Councilor Buzzard announced a community meeting tomorrow evening at 6:30 p.m. at the Jay Community Center.

ADJOURNMENT

With no further business presented, Councilor Jack Baker moved for adjournment. The next regular Council meeting will be held on January 14th, 6:00 p.m. at the W.W. Keeler Complex.

Meredith A. Frailey, Speaker
Council of the Cherokee Nation