



# Council of the Cherokee Nation

Cherokee Nation Tribal  
Council  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Meeting Minutes - Final EXECUTIVE AND FINANCE SUB COMMITTEE - TERO

*Chuck Hoskin Jr., Chair*

*Recording Secretary, Shelli Brittain  
Phone: 1-800-995-9465,  
E-mail: council-public@cherokee.org*

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Thursday, March 29, 2012

11:00 AM

Legislative Conference Room

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### CALL TO ORDER

Chair Hoskin Jr. called the meeting to order at 11:10 a.m.

### INVOCATION

Councilor Hargis gave the invocation.

### ROLL CALL

All Councilors present requested to become members of this subcommittee.

**Present** 10 - Buel Anglen; Cara Cowan Watts; Lee Keener Jr.; Don Garvin; Chuck Hoskin Jr. ; Jodie Fishinghawk; Frankie Hargis ; Dick Lay; David Thornton, Sr. and David Walkingstick

**Late Arrival** 2 - Tina Glory Jordan and Curtis Snell

### TMP-180

#### DISCUSSION ON TERO LAW REFORM

*Councilor Lay introduced Cherokee citizen Mike Riley and requested he be given a few moments to explain his situation. Information was copied and handed out regarding his situation. Mr. Riley stated he was working at CNB for a TERO construction company and fell from a scaffold shattering his leg and breaking bones in his foot. The company didn't have worker compensation insurance and has denied any compensation. He has had to obtain a lawyer for help with the situation. He questioned why a TERO contractor would be allowed to not carry workers compensation insurance. Chair Hoskin Jr. commented he would like to speak to Mr. Riley more off line but that this does raise question as to if the current TERO law requires a contractor to carry workers compensation. Councilor Cowan Watts inquired if it would be covered under requirements of the entities for construction contracts. Councilor Lay voiced concern and frustration for Mr. Riley not receiving any assistance or information in his numerous attempts to reach the TERO Compliance Office, Marshal Service, CNB and CNE. Councilor Thornton inquired why one of the Cherokee Nation attorneys couldn't provide assistance for these types of situations. Councilor Glory-Jordan inquired if our TERO office required insurance certificates from the TERO contractors with it being specific to the Cherokee Nation so that we receive notification of cancellation or termination. She stated debarment should be automatic if a TERO contractor fails to keep their workers compensation*

insurance. Councilor Glory-Jordan made a motion that a debarment procedure be added to the TERO law and a certificate of insurance is always required with us named as an entity to receive notifications. Councilor Thornton seconded the motion. Chair Hoskin Jr. requested the motion be held until we have the legislation to insert the requested language. Councilor Cowan Watts stated this should be part of a separate act that covers more than just TERO. She inquired if this wasn't on trust land why wouldn't Oklahoma State workers compensation help in this situation. Councilor Fishinghawk inquired if the company is still working for the Cherokee Nation and/or our entities. Councilor Snell commented the general contractor should carry the insurance and also make sure all subs have insurance.

The members of the audience introduced themselves as requested. Chair Hoskin Jr. announced handed out today are some possible amendments to the TERO law which have been drafted by Ms. Kelley and her staff drafted. He commented this also includes some of his suggestions. Councilor Fishinghawk moved to approve to allow discussion. Councilor Cowan Watts seconded the motion. Ms. Kelley commented Attorney General Hembree has assisted in the changes. Mr. Hembree suggested going through the changes in the act section by section.

Section 4 Definitions – D. Core crew. Mr. Hembree read the language and gave an explanation. Councilor Anglen voiced concern for the insertion of the language “an employee”. Questions were raised as to the language in the current law and these amendments. Chair Hoskin Jr. and Attorney General Hembree requested one document showing the current law with strike through language and underlines for amendments. A lengthy discussion was held in regard to core crew. Councilor Fishinghawk reminded everyone that during the last TERO revision two acts were proposed separating out contracts and procurement. She suggested revisiting those two separate documents. In regard to procurement with CNE and CNB she inquired if the Nation knew of all contracts and vice versa. She also inquired if Human Resources follows TERO. Ms. Kelley stated on the specialized contracts they do not monitor daily because they were never given the directive from the previous administration to do so. She commented they do not have the manpower or the time to monitor daily. She did agree that they should be spot checked especially the sole source. Councilor Fishinghawk requested Jerry Crew, Jason Carlin and Dan Duke explain how they monitor TERO, how often they sole source and the dollar amount sole sourced in a year. Each was requested to provide a report showing each sole source for the last year, the amount and type of business. Councilor Lay voiced concern for this government not having enough control over the business units. Ms. Kelley gave a brief history of TERO and the relationship with the businesses. She commented with the support of the Administration and the Council everyone will see a lot more dialogue, communication, collaboration and coordination between the government and the business side in regard to TERO. Councilor Keener inquired about the work permits under the general provisions and how they fit in with the core crew. Mr. Overacker commented they have requested a change in the TERO law for the daily fee to have a non-TERO worker on sight to be \$25.00 each. He stated once the law is amended the general provisions would also have to be updated to reflect the changes as they are their policy guidelines for enforcement of the law.

## ANNOUNCEMENTS

Councilor Garvin announced this discussion is and will be lengthy and that we are still on Section 4D, he requested adjourning for the day to be able to keep on schedule with the other meetings. Chair Hoskin Jr. agreed that at the next meeting on April 26th at 11:00 a.m. we should adhere to the act with amendments to provide more

*structure.*

ADJOURNMENT

**Councilor Garvin moved to adjourn. Councilor Cowan Watts seconded the motion. The motion carried at 12:15 p.m.**

STAFF PRESENT:

<i>Todd Hembree</i>	<i>Anna Knight</i>	<i>Diane Kelley</i>
<i>Tammy Beaver</i>	<i>Willard Mounce</i>	<i>Jon Overacker</i>
<i>Rebecca Mitchell</i>	<i>Sonny Price</i>	<i>Shelly McClain</i>
<i>Deann Etchman</i>		

VISITORS PRESENT:

<i>Mike Riley</i>	<i>Dianne Barker Harrold</i>	<i>Jerry Crew</i>
<i>Vivian Phillips</i>	<i>Bob Thomas</i>	<i>Dan Duke</i>
<i>Rev. Blackwood</i>	<i>Mrs. Blackwood</i>	