



# Council of the Cherokee Nation

Council House  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Meeting Minutes - Final EXECUTIVE AND FINANCE COMMITTEE

*Jack D. Baker, Chair*

*Recording Secretary, Shelli Brittain  
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E-mail: council-public@cherokee.org*

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Thursday, June 24, 2010

3:00 PM

Legislative Conference Room

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### CALL TO ORDER

Chair Jack D. Baker called the meeting to order at 3:13 p.m.

### INVOCATION

Councilor Garvin gave the invocation.

### ROLL CALL

**Present** 15 - Bill John Baker; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin; Curtis Snell; David Thornton Sr.; Don Garvin; Jack D. Baker; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; S. Joe Crittenden and Tina Glory Jordan

**Late Arrival** 2 - Bradley Cobb and Meredith Frailey

### APPROVAL OF MINUTES

Councilor Thornton made a motion to approve the May 27th regular session, May 27th Donations & Contributions sub committee and the June 14th PAC sub committee. Councilor Coates seconded the motion. Motion carried.

### REPORTS:

Financial Report/Treasurer Report - Callie Catcher

*Ms. Catcher offered to answer questions from her written report. She stated as requested she brought the members of the Strategic Budget Committee to this meeting. In 2003 Chief Smith appointed this committee to review discretionary budgets for him and to make recommendations. Members of the committee include: Callie Catcher, Melanie Knight, Anna Knight, Dallas Pettigrew, Vickie Hanvey, Todd Enlow and Lisa Pivec. Ms. Catcher gave a brief overview of how the SBC works. Mr. Doug Evans voiced concern that this budget committee may be confused with a Council committee and suggested changing their name to group instead of committee. Ms. Catcher stated it wouldn't be a problem to change the name from*

committee to group. Councilor Cobb reiterated for the camera the Council is the Legislative branch of the Cherokee Nation and the job of the Council is two fold; make law and control the purse strings. He stated it is not a committee's job to do. Ms. Catcher gave appreciation for the concern and stated the SBC doesn't feel it is their job to approve anything they only make recommendations to the Chief for his submittal in a budget to this Council for approval and final say. Councilor Fishinghawk suggested positions and salaries be posted on the web for public viewing. Ms. Catcher agreed it was a good idea.

Councilor Fishinghawk stated approximately three months ago she inquired about sole source contracts under \$5,000. Ms. Catcher apologized and stated she would provide the information tomorrow. Councilor Fishinghawk inquired as to who hires the auditors. Ms. Catcher stated they do request for proposal and she is involved in picking the audit firm. Councilor Fishinghawk inquired how many big companies allow their Treasurer to do their own audit. Ms. Catcher stated most have a board of directors who select an audit committee and the audit committee selects the audit firm. She stated she would welcome the input of Mr. Evans or the Chair of Executive & Finance during the next solicitation of an audit firm. She stated they had issue last time locating a company that could handle a government as large as the Cherokee Nation. Mr. Evans stated he had spoken to Frank Crawford of Crawford and Crawford that does a lot of governmental audits and he was shocked the Legislature doesn't have any involvement in selecting the audit firm. Councilor Hoskin Jr. inquired if there is legal authority requiring the Council to approve or ratify a decision. Mr. Evans suggested looking at the Constitution and the language regarding the engagement of an independent audit firm. Ms. Catcher stated she would have no objection in participation of selecting an audit firm. Councilor Glory-Jordan inquired if the Head Start Program is aware they have funds available that have not been utilized. Ms. Catcher stated the budget is in the system and doesn't have a hold placed. Ms. Knight stated she has spoken to the Head Start Director in regard to these funds and how to expend them. Councilor Glory-Jordan requested monthly updates from now to the end of this fiscal year regarding these funds.

Cherokee Nation Entertainment - David Stewart

**Chair Jack D. Baker announced with the reorganization of Cherokee Nation Businesses Mr. Stewart would be reporting for CNE, CNI and CNB. Councilor Garvin moved to combine the three reports into one to be listed as CNB. Councilor Anglen seconded the motion. Motion carried.**

Cherokee Nation Businesses - David Stewart

Mr. Stewart stated the report and the financial results will be combined into one report. He announced the minutes from the first combined meeting have been provided. Training for the Chief's Executive Order pertaining to TERO will begin next week at CNE. The succession plan at CNE for upper management is in place with some being more developed than others. Councilor Cowan Watts inquired as to the status of TERO compliance at the Toby Keith Restaurant and other spaces. Mr. Stewart stated he was unsure but would review and report back. Councilor Cowan Watts inquired about the income generated from these spaces. Mr. Stewart stated pursuant to contract they pay a lease based on gross revenue. Councilor Cowan Watts request to see the detailed information. Councilor Glory-Jordan also requested to see the information. He reported they improved by 5.2% over last year. All properties are slightly up this year with the exception of Catoosa and Will Rogers Downs. The highway construction at Catoosa is scheduled for completion in the first quarter of 2011. The Ramona property opening was very successful and exceeded

*their expectations. Councilor Glory-Jordan inquired about the process for employees turning in their tips each night. She requested a break down of how much of the tip is withheld and where it goes. Mr. Stewart stated he would provide an update. Councilor Buzzard inquired if they are considering remodeling the Wild Potato Bar and if so to reconsider removing the private dining room within the Potato Bar. Mr. Stewart stated they are in the final stages of the remodel plan at this time and one of the options is to remove that wall to open that room. Councilor Glory-Jordan commented the café at the Tahlequah casino is a popular place and inquired if they had any plans to enlarge the eating area. Councilor Thornton inquired about placing Blue Ribbon Downs in trust. Mr. Stewart stated the process for trust has not yet begun. He reported the April revenue for CNI at 4% over last year with a net income of approximately \$70,000 compared to a loss last year. The CSG acquisition is going well. The safety and security company has been formed and a CEO has been hired. Both APSE and CCRC are profitable. Councilor Cowan Watts requested an introduction of the new CEO.*

Cherokee Nation Industries - Robert Drvostep

**This report is now part of the CNB report.**

Career Services/Employment - Diane Kelley

*Ms. Kelley reported they have been really busy with Day Work, Summer Youth, and training for the Gulf. She announced the trainings have been scheduled for the TERO roll out regarding the Executive Order and will begin next week at CNE. They hope to roll out to the TERO businesses in August. They have trained a total 97 people for the gulf jobs with an additional 25 graduating tomorrow in Pryor. An additional training will begin Monday in Little Kansas with approximately 25 training slots. Upon the completion of next weeks class they will have trained approximately 122 people and will not hold any additional trainings until it is determined if they will obtain additional contracts. In Summer Youth they have 165 participants Economic Stimulus and 316 on the federal program. The Day Work Program started up again last week with 542 applications taken. A vendor fair will be held on July 21st at the Three Rivers Clinic.*

Commerce - Anna Knight

*Ms. Knight offered to answer questions from her written report.*

#### CONSENT ITEMS:

##### T.E.R.O. CERTIFICATIONS

**Councilor Fullbright made a motion to approve. Councilor Thornton seconded the motion. Motion carried.**

##### CEMETERY RESTORATION ASSISTANCE APPLICATIONS

**An updated cemetery report was provided with additional requests listed. Councilor Crittenden moved to approve. Councilor Thornton seconded the motion. Motion carried.**

LAW ENFORCEMENT REQUESTS

**Councilor Anglen moved to approve the amended Law Enforcement Request report. Councilor Thornton seconded the motion. Motion carried.**

ROADS

**Mr. Evans stated there were no amendments to the report provided in the packet. Councilor Garvin moved to approve. Councilor Soap seconded the motion. Motion carried.**

**Councilor Fishinghawk made a motion to amend the agenda to discuss the \$100,000 for the school clothing vouchers. Councilor Crittenden seconded the motion. Motion carried as item #3 under new business.**

OLD BUSINESS

1. DISCUSSION: STATUS OF FY2010 COUNCIL INITIATIVES

*Councilor Hoskin Jr. inquired if the Administration had updates. Ms. Paula Ragsdale provided a handout of the nutrition sights and a follow up of the food pantry list. A survey has been sent to all of the food pantries within our jurisdictional area to determine how many Cherokees they serve and what services they provide. Funds will not be expended until the survey is complete. She commented the community organization list has had technical difficulties and would be provided as soon as possible. Councilor Hoskin Jr. requested notification of when the funds would be transferred to the nutrition sights. He inquired as to the status of the backpack programs in Craig County. Ms. Ragsdale stated she has the information needed and is ready to disburse the checks.*

*Ms. Ragsdale announced the 2010 Regional Economic Summit is October 26th and 27th at NSU. She encouraged the Council to attend.*

NEW BUSINESS

1. A RESOLUTION AUTHORIZING CAREER SERVICES TO DEVELOP AND SUBMIT A THREE-YEAR PLAN FOR 102-477 PROGRAM ACTIVITIES

**Councilor Bill John Baker moved to approve. Councilor Thornton seconded the motion. Motion carried.**

2. AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 - MOD 9; AND DECLARING AN EMERGENCY

*Mr. Evans announced this budget mod has \$2.6ml of grants received with the mod itself containing \$9.3ml. The General Fund component has no impact. The Property Management group has requested to utilize the system to be able to track capital projects by combining them all into one budget and use activity accounting within the system. Within the Enterprise Fund the Title VI Loan Fund is requesting a \$400,000*

reduction in the amount transferred from the 2009 IHP for debt service on the loan. Within DOI and the Agriculture Noxious Weed grant is requesting an increase in spending of \$20,500. IHS is requesting a line item reallocation to accommodate a transfer into the Capital Projects Fund for the construction cost of approximately \$6ml for the Hastings Warehouse and Physical Therapy expansions along with \$3ml of the construction cost of the Salina Dental Clinic expansion. The Environmental Health Services has an increase of \$425,000. The NAHASDA Fund has a net decrease all in the 2009 IHP. Mr. Evans stated he didn't find anything of technical concern with the Mod 9 request.

Councilor Hoskin Jr. made a motion to amend the budget mod to include the items included in the vetoed Mod 8 with the exception of the \$575,000 the Chief identified as objectionable. Councilor Fishinghawk seconded the motion. Councilor Glory-Jordan offered a friendly amendment to add in the \$500,000 for the Summer Youth Program. Councilors Hoskin Jr. and Fishinghawk accepted. Ms. Catcher stated the items objectionable in the vetoed Mod 8 is the \$500,000 of Contingency Reserve funds for Summer Youth funds which summer is almost over. She stated putting these funds into this mod places the entire mod at risk for veto. Councilor Glory-Jordan commented in the past the Summer Youth sometimes continued into the fall and if it could be done again. Ms. Catcher stated it has been done one time in the past. She stated the issues include the people were told when the applications were taken that there wasn't funding for over income. Councilor Glory-Jordan inquired if this budget mod is approved if it immediately frees up \$600,000. Mr. Evans stated in his opinion it would. Councilor Glory-Jordan stated then this could have a zero net effect on the contingency fund if it is replenished with this \$600,000. Mr. Evans commented this is one viable option. Councilor Bill John Baker gave clarification that \$250,000 of the \$500,000 was to fund the balance of the under income kids. Ms. Kelley expressed her concern with timing in that if this passes Council on the 12th of July a budget wouldn't be set up until approximately the 21st and terminations for the program begin on the 30th of July. The over income applications they have are not complete, reviewed nor have job sites been found for any of them. Ms. Kelley stated she reported for three months there wouldn't be funds available for over income Summer Youth. Councilor Glory-Jordan moved to amend her friendly amendment to reduce it to the \$250,000 to take care of the under income participants. The amendment to the friendly was accepted. Ms. Catcher stated based in her perspective in our revenue and budgeting cycle it is not a good idea to set an expectation for a program that we have been saying for months we are not funding now we are putting \$250,000 in. She questioned where the funds would come from next year. She stated she is currently trying to locate \$15ml to cut from the 2010 budget that currently exists in order to balance a budget to present to this Council. She stated it isn't because revenues are down it is because we are spending carryover on programs. Councilor Fishinghawk stated for the record the first year she was on the Council it was Administration who brought budgets to the Council with new initiatives funded with carryover. She once again questioned how many unfilled positions the Nation has with money tied up in.

Chair Jack D. Baker restated the motion as approving Mod 9, with the addition of Mod 8 without the \$575,000 but adding back the \$250,000 for under income Summer Youth from the Contingency Reserve.

**Councilor Buzzard moved to amend the mod to add \$386,594 to the Bridge Program from the Cash Match for Grants Program. Councilor Fullbright seconded the motion. The motion carried with the following roll call vote:**

**Yea:** 11 - Bill John Baker; Bradley Cobb; Buel Anglen; Chuck Hoskin; David Thornton Sr. ; Don Garvin; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

**Nay:** 5 - Cara Cowan Watts; Chris Soap; Jack D. Baker; Julia Coates and Meredith Frailey

**Not In Room:** 1 - Curtis Snell

*Councilor Glory-Jordan made a motion to add \$100,000 to Mod 9 for School Clothing for Kids. She inquired if Ms Catcher has located a place to transfer funds from. Ms. Catcher stated although the program feels they can meet the needs without the additional funds she recommended the ICW supplemental budget 1010147 be reduced. She stated this would keep the funds within the group that manages both programs. Councilor Glory-Jordan stated if it is the recommendation of Administration to cut ICW to meet the clothing voucher need then she wants it on record to do so. Ms. Catcher stated it is not the recommendation of Administration she stated it is her recommendation after reviewing all of the reports. Mr. Evans clarified there is not a net cut it is a reprogramming effort. Councilor Fullbright seconded the motion.*

**The motion for an additional \$100,000 for school clothing for kids failed with the following roll call vote:**

**Yea:** 8 - Bill John Baker; Chuck Hoskin; David Thornton Sr. ; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

**Nay:** 8 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Don Garvin; Jack D. Baker; Julia Coates and Meredith Frailey

**Not In Room:** 1 - Curtis Snell

*Mr. Evans stated from the reconvened Community Service meeting earlier today a Water and Sanitation funding item was forwarded to this committee for consideration. The Program has recommended reprogramming \$105,000 from the Community Work and Building Projects within the Community Service Group to the Individual Water and Sanitation budget also within the Community Service Group.*

**Councilor Buzzard moved to approve this reprogramming request. Councilor Crittenden seconded the motion. Motion carried.**

**Chair Jack D. Baker stated with no further discussion a vote would be taken on budget mod 9 plus mod 8 with the exception of the \$575,000 but adding back \$250,000 from the Contingency Reserve, plus a \$105,000 reprogram for Water and Sanitation and the Bridge funds. The motion failed with the following roll call vote:**

**Yea:** 7 - Bill John Baker; Chuck Hoskin; David Thornton Sr. ; Harley Buzzard; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

**Nay:** 9 - Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Don Garvin; Jack D. Baker; Janelle Fullbright; Julia Coates and Meredith Frailey

**Not In Room:** 1 - Curtis Snell

## ANNOUNCEMENTS

## ADJOURNMENT

**Councilor Bill John Baker moved to adjourn. Councilor Thornton seconded the motion. Upon the Chair asking for all of those in favor he then stated the**

meeting was adjourned.

Upon some opposition Chair Jack D. Baker requested a roll call vote on the adjournment. The roll call vote to adjourn failed as follows.

Yea: 0

Nay: 15 - Bill John Baker; Bradley Cobb; Buel Anglen; Chris Soap; Chuck Hoskin; David Thornton Sr. ; Don Garvin; Jack D. Baker; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

Not In Room: 2 - Cara Cowan Watts and Curtis Snell

Councilor Glory-Jordan called for point of order voicing concern that Councilor Cowan Watts thinks the meeting has adjourned. Councilor Anglen stated he is texting her now. Councilor Glory-Jordan questioned if this meeting is now legal. The meeting was paused waiting the advice of the Council Attorney, Todd Hembree.

Upon the arrival of Mr. Hembree, Chair Jack D. Baker gave a review of events leading to this pause. Mr. Hembree stated after reviewing the actions this is currently a legal meeting. If someone wishes to challenge that decision it would need to be done at this time if not the meeting would continue on with discussion with the issues or items remaining. Chair Jack D. Baker inquired if there was a challenge to continuing the meeting.

Upon no challenges heard Chair Baker stated we had just voted down the motion to pass the budget mod as amended.

AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 - MOD 9; AND DECLARING AN EMERGENCY

*Councilor Garvin made a motion to approve mod 9 as presented in the packet. Councilor Coates seconded the motion. Councilor Anglen offered a friendly amendment to include the bridge funds in mod 9. The friendly was accepted. Councilor Fishinghawk went on the record as saying we were reprogramming dollars by trying to give 1,000 kids \$100 clothing vouchers but now it is okay to put our roads and bridge funds back in. Councilor Glory-Jordan requested clarification if we were back to the beginning, starting over, since the vote on the mod failed. Mr. Hembree stated the options are to reconsider what was voted down or start from scratch with the initial motion and amendment process.*

*Councilor Fishinghawk offered a friendly amendment to reprogram \$100,000 for Child Clothing Vouchers. Councilor Garvin didn't accept the friendly amendment.*

**Councilor Fishinghawk made a motion to reprogram \$100,000 for Child Clothing Vouchers. Councilor Glory-Jordan seconded the motion. The motion carried with the following roll call vote:**

Yea: 10 - Bill John Baker; Buel Anglen; Chris Soap; Chuck Hoskin; David Thornton Sr. ; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

**Nay:** 6 - Bradley Cobb; Cara Cowan Watts; Don Garvin; Jack D. Baker; Julia Coates and Meredith Frailey

**Not In Room:** 1 - Curtis Snell

*Councilor Bill John Baker offered a friendly amendment to reprogram \$105,000 for Individual Water and Sanitation. The friendly was accepted.*

**The motion to approve mod 9 as amended carried with the following roll call vote:**

**Yea:** 14 - Bill John Baker; Bradley Cobb; Buel Anglen; Chris Soap; Chuck Hoskin; David Thornton Sr. ; Don Garvin; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

**Nay:** 2 - Cara Cowan Watts and Jack D. Baker

**Not In Room:** 1 - Curtis Snell

#### ADJOURNMENT

**Councilor Cobb moved to adjourn. Councilor Coates seconded the motion. The motion carried at 5:47 p.m.**

#### STAFF PRESENT:

*Anna Knight  
Mike Miller  
Ashley Canoe  
Melanie Knight*

*Dallas Pettigrew  
Jon Overacker  
Paula Ragsdale  
Jeff Vance*

*Diane Kelley  
Vickie Hanvey  
Doug Evans*

#### VISITORS PRESENT:

*Ollie Starr  
Dennis McLemore*

*Mary Thompson*

*David Stewart*