



# Council of the Cherokee Nation

## Meeting Minutes

### Executive and Finance Sub Committee

#### - TERO

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Monday, September 15, 2008

1:00 PM

Legislative Conference Room

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#### CALL TO ORDER

*Chair Cowan Watts announced she had come from another meeting and apologized for her late arrival. She announced Mr. Todd Hembree will not be in attendance today and is critical to the line by line discussion of the proposed amendments. She requested Ms. Diane Kelley and Jon Overacker provide information and answer questions pertaining to an independent commission.*

**Chair Cowan Watts called the meeting to order at 1:22 p.m.**

#### INVOCATION

**Councilor Bill John Baker gave the invocation.**

#### ROLL CALL

*Councilors Curtis Snell and David Thornton are present but don't serve on this sub committee.*

**Present** 7 - Cara Cowan Watts; Bill John Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; S. Joe Crittenden and Buel Anglen

**Late Arrival** 2 - Harley Buzzard and Don Garvin

A LEGISLATIVE ACT AMENDING LA#38-05 "AN ACT REPEALING AND SUPERSEDING CHEROKEE NATION LAW REGARDING LABOR AND THE EMPLOYMENT RIGHTS ORDINANCE"; AND DECLARING AN EMERGENCY (Discussion and Possible Action)

*Chair Cowan Watts provided handouts of information she had researched via the internet of other tribes TERO offices. She questioned if other tribes have independent commissions and if so how are they structured. Ms. Diane Kelley stated when TERO was originally started it was based on the Fort Hall and the Navajo Commission and it was a commission with people appointed. She stated because we are not a reservation and do not have the land base the entire state of Oklahoma is exempt. Most all of the TERO's in the United States are reservations. Since the Cherokee Nation had standing committees and Oklahoma doesn't have the land base it was determined we should revert back to a committee instead of a commission. Chair Cowan Watts inquired if there is a legal precedence that prevents us from becoming a commission. Ms. Kelley stated at the time there was because we do not have a reservation land base. Chair Cowan Watts questioned if the documentation could be provided. Ms. Kelley stated she would do some research and see if it could be located. Chair Cowan Watts inquired as to how many people were seated on the commission. Ms. Kelley replied there were three members at large selected by the Chief's office and confirmed by the Council and two from the Council. Chair Cowan Watts inquired as to the cost that would be incurred by an independent commission. Councilor Buzzard inquired if the TERO department has enough backing to perform the TERO duties on the construction projects. Ms. Kelley*

*stated the TERO Department's job is not from a personnel standpoint that they are to monitor the bids and what the contractor states they will deliver. Chair Cowan Watts inquired how we might better utilize the fees collected to train people. Ms. Kelley stated there had been previous discussions to not use the fees for salaries. They have contracted with some teachers for the training programs that have been offered. They began collecting the fees two years ago but only began training this year. Councilor Buzzard voiced concern for the need of a TERO officer on location at the larger projects eight hours a day. Ms. Kelley stated she doesn't have a problem using the funds collected in fees to have someone on site but wants the Council's approval to do so. Chair Cowan Watts stated the law requires the fees be used for training opportunities. Councilor Anglen inquired if at one time there was a full time TERO position at Catoosa. Ms. Kelley stated someone from here drives there everyday. She stated there was staff inside the Flintco trailer but not everyday. Mr. Overacker stated no one can enter the site without going into the Flintco office this ensures we are getting copies of the Indian cards, citizen cards and other documentation. He stated they do have a Career Services office in Catoosa. Chair Cowan Watts inquired if there would be a problem with having someone on site full time. Ms. Kelley stated she doesn't have a problem with the request but didn't request funds. Chair Cowan Watts stated getting jobs for our people is a priority. Ms. Kelley suggested the possibility of contracting with someone due to the uncertainty of additional projects and their locations. Chair Cowan Watts stated without the presence of the Council Attorney for input she is unsure of legislation but that there is a considerable amount of funds from the fees collected. She suggested a motion be made for legislation stating the fees collected are to be used for contracting to have someone on site at all of the major projects to ensure the Cherokee people are getting employed or trained to be employed.*

*Councilor Crittenden made a motion to amend the legislation to allow the funds collected from fees to be used to have someone on site at all times. Councilor Snell seconded the motion. Chair Cowan Watts stated she would provide a report at the next Executive and Finance meeting. Motion carried.*

*Chair Cowan Watts questioned if vendor decisions, construction contracts and employment of construction workers are independent enough now. Ms. Kelley stated she would follow up with all of the entities and report back.*

#### ANNOUNCEMENTS

*None.*

#### ADJOURNMENT

**Councilor Bill John Baker made a motion to adjourn. Councilor Crittenden seconded the motion. Motion carried at 2:00 p.m.**

#### STAFF PRESENT:

*Jon Overacker*

*Diane Kelley*

#### VISITORS PRESENT:

*Jim Ketcher*

*Robert Girty*

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: \_\_\_\_\_

Minutes attested and concurred by: \_\_\_\_\_

Date: \_\_\_\_\_