



Council of the Cherokee Nation

Tribal Council Minutes

Monday, April 16, 2007

6:00 PM

Council Chambers

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

Council member Cowan Watts gave the invocation.

ROLL CALL

Present 16 - S. Joe Crittenden; Jackie Bob Martin; David Thornton Sr. ; Phyllis Yargee; Don Garvin; Linda Hughes-O'Leary; Melvina Shotpouch; John F. Keener; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen; Taylor Keen; Jack D. Baker; Bill John Baker and Audra Smoke-Conner

Absent 1 - Charles "Chuck" Hoskin

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor O'Leary moved to approve the minutes of the March 12th Regular Session. Councilor Jack D. Baker seconded the motion. Motion carried.

STATE OF THE NATION

Chief Smith requested a moment of silence for Warren Buzzard, Robert Sanders, Jimmy Rex Gibson, and Dylan Lasley and also to reflect on the passing of friends, neighbors, and citizens. The Veteran honored this month was Billy Walkabout, born March 31, 1949 and died March 7th, 2007. His son Jess Walkabout was in attendance to receive Mr. Walkabout's award. He gave updates on the Cherokee Nation Immersion Program students literally swept the Oklahoma Native American Youth Language Fair held at the University of Oklahoma in Norman, Oklahoma where all four groups received the top competition honors. The Immersion Class will also be in attendance at the NSU American Indian Symposium which is scheduled for April 18-20, 2007. Cherokee Nation will be hosting traditional game competitions on Saturday, April 21st in Tahlequah. These games are held in many different Cherokee communities and the games include horseshoes, Cherokee marbles, cornstalk shoot, stickball, hatchet throwing, and blowgun competitions. The winner of each competition will be invited and encouraged to participate in playoff games during the Cherokee Holiday on Sunday, September 2, 2007. Cherokee Nation will be holding its general election on Saturday, June 23rd, 2007. Citizens will vote on a total of seventeen (17) Council seats as well as the Offices of Principal Chief and Deputy Principal Chief and they encourage everyone to attend the various election gatherings to learn about the issues so they can make an informed vote. For more information about the election a person can contact the election commission.

ACTION OF UNFINISHED BUSINESS

(None pending)

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

David Southerland announced the CN Housing Authority April Board meeting is scheduled for tomorrow, April 17th at 5:30 in the Alyene Hogner conference room. The board will have continued discussion on their policy for illegal drug use and violent criminal activity. The auditors will be there to present the FY'06 audit report. The board will also discuss their present policy on single wide mobile homes. They were put in as eligible items in the mortgage assistance policy and the specific issue is used single wide mobile homes and whether they want to require them to be new single wide mobile homes. He would be interested on hearing the Councils view on this issue at the meeting tomorrow. They performed random drug tests last week for the first time at the Housing Authority and he wants to discuss with the board the consequences of a bad drug test because due to the new handbook that was passed a year ago the consequences stated is termination. The Community Shield Home Owners Coverage has approximately 2200 families participating in the program and for FY'06 the annual premium which is paid each March was close to three quarters of a million dollars and of that amount .6 percent was uncollectible. The staff is doing a good job collecting but also folks are doing a real good job paying.

Cherokee Nation Enterprises - David Stewart

Shaun Slayton reported February was a great month financially for the company and another record setting month with the preliminary close on March indicating similar results. The total amount of retail sales tax contribution to the tribe for the month of February 2007 is \$67,755.51 and the total amount of the liquor excise tax contribution to the tribe for the month of February 2007 is \$7,800.33. The Catoosa Hotel and Casino expansion project is still in the design phase. Work continues on the Catoosa parking garage and the overall status of this project is on time and on budget, with an anticipated completion date of June 2007. The Roland travel plaza is nearing completion of the interior finish work and Flintco will be completing the site work. Anticipated opening date is near the end of May 2007. There will still be some site work remaining to be completed after the facility opens. The West Siloam Springs expansion project is underway with site work and construction trailers are in place. The detention pond is complete and drainage work is in progress. As of the end of February 2007, this project was on schedule and on budget. The tract remediation project at Will Rogers Downs is complete. Racing began on February 24th but due to additional weather-related track surface inconsistencies, racing on February 25th and 26th was suspended pending repair of the surface area that softened during Saturday's rain event. CNE sponsored the Red Earth annual art festival in the amount of \$5000. CNE sponsored Special Olympics door prizes for Polar Plunge in kind at a value of \$310; in kind auction items for Verdigris Volunteer Firefighters fundraiser at a value of \$155, the same for the Child Abuse Network; in kind auction item for Make-a-Wish Foundation fundraiser at a value of \$864; in kind auction item for Indian Health Care Resource Center at a value of \$379; and in kind expenses for Cherokee Community Organizations valued at \$802. CNE sponsored an ad in Indian Country Today's Annual Pow Wow Magazine in the amount of \$700. CNE sponsored the Rogers County Youth Services annual corporate turtle races in the amount of \$500. CNE sponsored the Tahlequah City Hospital Foundation Heart of Gold Gala at a

level of \$1000. CNE currently employs 3052 employees with a total Cherokee percentage at 59% and other Native Americans at 13.4% for a total of 72% Native Americans. Management level is at 62% Cherokee and other Native Americans at 8% for a total of 70% Native Americans.

Cherokee Nation Industries - Bryan Collins

Brian Collins reported as of March 31st, 2007 monthly sales are at \$10.7 million. Total sales for year to date are \$79.8 million and overall estimated profitability is \$1.8 million. Local employment in the Tahlequah/Stilwell area is 333 with 56 new employees which is a 20% increase in employment and of which 277 employees are Native Americans for 83%. The next CNI Board meeting is May 29th, 2007 at 3:00 p.m. in Catoosa.

Cherokee Nation Business, Inc - Callie Catcher

Jim Carrington, Associate General Council provided the report due to Mr. Ron Foster returning to his former employer. He reported the financials for CNB are basically a roll up of their subsidiaries financials for February and they have been provided to the treasurer. CNB's audit has been completed and has been provided to Doug Evans, Director of Financial Oversight for the Tribal Council. Cherokee CRC continues to do well in the environmental services area and they are now getting close to revenue run rate of \$1 million dollars per year. They hosted a booth at the Reservation Economic Summit this year for Cherokee CRC, CNI, and Cherokee Medical because they are all government contractors and have all their government contractors appear under the single banner of the Cherokee Nation. CNB shared services/contract administration group in 2006 negotiated, administered, or drafted over 900 contracts for their affiliates and sister groups in terms of a scope and the construction contracts alone were probably close to \$200 million dollars. This is something the shared services group is very proud of and looks forward to sharing information on the audit group and other groups in the future. The next scheduled board meeting is July 2nd at 9:00.

OLD BUSINESS

(None pending)

NEW BUSINESS

1. **A RESOLUTION IN SUPPORT OF THE PRESERVATION AND DEVELOPMENT OF CHEROKEE AND OTHER NATIVE AMERICAN LANGUAGES THROUGHOUT OKLAHOMA**

Councilor Bill Baker stated Councilor Hoskin sends his regrets that he could not be in attendance due to being in session at the Capital and asked Councilor Bill Baker to introduce this Resolution for him. Councilor Bill Baker stated the purpose for this Resolution is in support for preservation and development of Cherokee and other Native American languages throughout Oklahoma. The Legislation has been introduced in the Oklahoma Legislature that if passed would mandate that English would be the official language of the State of Oklahoma. Cherokee Nation supports all efforts to preserve, develop and encourage the use of the Cherokee language in spoken and written form. Cherokee Nation promotes the preservation of all Native American languages throughout Oklahoma and that Cherokee Nation opposes any efforts to limit Native languages or any measure that would degrade Native languages.

Councilor Bill John Baker moved for the approval. Councilor Cowan Watts seconded the motion. Motion passed.

Enactment No: R-31-07

2. **A LEGISLATIVE ACT AMENDING TITLE 51, "OFFICERS" OF THE CHEROKEE NATION CODE ANNOTATED; RELATING TO THE DUTIES OF THE OFFICE OF THE MARSHAL; AND DECLARING AN EMERGENCY**

Speaker Frailey stated this particular amendment is brought forward to conform to the Constitution drafted in 1999, ratified by our Supreme Court in 2003.

A motion was made by Speaker Meredith Frailey and seconded by Councilor Buel Anglen, that this matter be Approved. The motion carried by the following vote:

Yea: 16 - S. Joe Crittenden; Jackie Bob Martin; David Thornton Sr. ; Phyllis Yargee; Don Garvin; Linda Hughes-O'Leary; Melvina Shotpouch; John F. Keener; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen; Taylor Keen; Jack D. Baker; Bill John Baker and Audra Smoke-Conner

Enactment No: LA-17-07

Speaker Frailey stated items #3 & #4 are Resolutions confirming the nominations of Pam Iron and Tom Herrian as members of the Cherokee Nation Comprehensive Care Agency and if there are no objections would like to present these in Toto. Councilor O'Leary moved for the nominations to be presented and voted on in Toto. Councilor Bill John Baker seconded. Motion passed.

3. **A RESOLUTION CONFIRMING THE NOMINATION OF PAM IRON AS A GOVERNING BOARD MEMBER OF THE CHEROKEE NATION COMPREHENSIVE CARE AGENCY**

Councilor Garvin moved for approval of the nominations of Pam Iron as a member to the governing board of the Cherokee Nation Comprehensive Care Agency. Councilor Conner seconded the motion. Motion passed unanimously.

Enactment No: R-32-07

4. **A RESOLUTION CONFIRMING THE NOMINATION OF TOM HERRIAN AS A GOVERNING BOARD MEMBER OF THE CHEROKEE NATION COMPREHENSIVE CARE AGENCY**

Councilor Garvin moved for approval of the nominations of Tom Herrian as a member to the governing board of the Cherokee Nation Comprehensive Care Agency. Councilor Conner seconded the motion. Motion passed unanimously.

Enactment No: R-33-07

5. **A RESOLUTION AUTHORIZING THE DONATION OF THE HEATH SERVICES MOBILE UNIT TO CHEROKEE COUNTY EMERGENCY MANAGEMENT**

Councilor Bill John Baker stated the Cherokee Nation Health Services is no longer in need of the mobile unit and its donation to a worthy organization would be beneficial to the Cherokee Nation. The Cherokee County Emergency Management has expressed a desire and need for said mobile unit to create an emergency management mobile communication command center and they have agreed that the mobile command center will respond to emergencies as called upon within the jurisdiction of the Cherokee Nation.

Councilor Bill John Baker moved for the approval. Councilor Conner seconded the motion. Motion passed unanimously.

Enactment No: R-34-07

- 6. a resolution Authorizing the submission of an application for the 2007 National Breast and Cervical Cancer Early Detection Program to the Centers for Disease Control and Prevention (CDC).**

Councilor Crittenden stated the Early Detection Program supports activities to assure the early detection of breast and cervical cancers in low-income, underinsured and medically under-served women. Cherokee Nation has held this grant since 1994 and it has grown from \$500,000 of initial funding to over \$1.1 million currently.

Councilor Crittenden moved for the approval. Councilor Thornton seconded the motion. Motion passed unanimously.

Enactment No: R-35-07

- 7. a resolution Authorizing the submission of an application for the 2007 National Comprehensive Cancer Control Program to the Centers for Disease Control and Prevention (CDC)**

Councilor Crittenden stated Cherokee Nation has held this grant since 2003 and it provides seed money and infrastructure to support the coordination and promotion of tribal-wide cancer control programs.

Councilor Crittenden moved for the approval. Councilor O'Leary seconded the motion. Motion passed unanimously.

Enactment No: R-36-07

- 8. A RESOLUTION AUTHORIZING THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, FAMILY VIOLENCE PREVENTION AND SERVICES PROGRAM, FOR VICTIMS OF FAMILY VIOLENCE**

Councilor Shotpouch stated this Resolution is in the amount of \$100,000 with no matching funds required.

Councilor Shotpouch moved for the approval. Councilor Martin seconded the motion. Motion passed unanimously.

Enactment No: R-37-07

- 9. ACT RELATING TO Amendment of L.A. 16-96, the Cherokee Nation General Corporation Act, as Amended by L.A. 2-03, L.A. 4-04, and L.A. 36-05**

Councilor Thornton stated this is an Act that brings forth those Corporations in which Cherokee Nation is the sole or majority shareholder and that are incorporated under Cherokee Nation law. This Act shall issue a monthly cash dividend in the amount of 35% of net income. This is an increase of 5% and said dividend will be set aside exclusively for contract health services for Cherokee citizens, including but not limited to for eyeglasses, dentures and caps, prosthesis, and hearing aids. In addition the Board of Directors of such Corporation will have the discretion to declare any special quarterly

dividend that they deem appropriate.

Callie Catcher stated in January they presented a three-year capital plan to the Tribal Council for CNE and CNI and as part of that three-year plan was a request to enter into a \$50 million dollar line of credit with Bank of America. Actually it amends the existing line of credit and one of the covenants included in the agreement is that we, we being Cherokee Nation were agreeing that we would leave our dividend policy alone during the time this line of credit is in effect. The dividend policy stated in that agreement was 30% so with that being said the Resolution passed unanimously in January and three months later we are back looking at the dividend policy. Can we go renegotiate, sure, however she looks at it that Cherokee Nation gave their word and now we are changing it.

A motion was made by Councilor David Thornton Sr. and seconded by Councilor S. Joe Crittenden, that this matter be Approved. The motion carried by the following vote:

Yea: 9 - S. Joe Crittenden; David Thornton Sr. ; Phyllis Yargee; Linda Hughes-O'Leary; Melvina Shotpouch; John F. Keener; Taylor Keen; Bill John Baker and Audra Smoke-Conner

Nay: 7 - Jackie Bob Martin; Don Garvin; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen and Jack D. Baker

Enactment No: LA-18-07

10.

A LEGISLATIVE ACT RELATING TO NATIVE AMERICAN ARTS AND CRAFTS COPYRIGHT ACT OF 2007

Councilor Yargee stated the purpose of this Act is to prevent the purchase of copyrights of works of art by the Cherokee Nation or its entities in the initial purchase of the work of art. This does not prohibit the negotiation of copyrights at a later date but it should be the artist and entity both wanting to do so. It also includes a definition that clarifies a wide range of arts or things that qualify as art. She would like to commend the Artist Association and Councilor Jackie Bob Martin for bringing this forward.

Councilor Bill Baker stated he co-sponsored this Act and would like to recognize members of the Artist Association who are in attendance. Those members included Bill Glass, Mary Adair, Sharon Irla, Connie Glass, and Mary Horsechief Henderson.

Councilor Yargee moved for the approval. Councilor Thornton seconded the motion. The motion for approval passed by acclamation.

Enactment No: LA-19-07

Speaker Frailey stated items #11 & #12 are bringing us into compliance with the federal law to qualify for federal child support enforcement grants from the Administration for children and families. The federal requirements are such that this Act covering paternity which is item #11 and the following item #12 involving marriage and family of the Cherokee Nation code need to be amended to comply with these federal guidelines

11.

A LEGISLATIVE ACT AMENDING TITLE 10 OF THE CHEROKEE NATION CODE ANNOTATED - PATERNITY; REPEALING SECTION 111; AMENDING SECTION 110; AND DECLARING AN EMERGENCY

Speaker Frailey moved to approve this amendment. Councilor Jack D. Baker seconded the motion. Motion passed by acclamation.

Enactment No: LA-20-07

12. **A LEGISLATIVE ACT AMENDING TITLE 43 OF THE CHEROKEE NATION CODE ANNOTATED - MARRIAGE AND FAMILY; REPEALING SECTION 512, SUBSECTION 3; AND DECLARING AN EMERGENCY**

Speaker Frailey moved to approve this amendment. Councilor Jack D. Baker seconded the motion. Motion passed by acclamation.

Enactment No: LA-21-07

13. **A RESOLUTION AUTHORIZING THE CHILD CARE AND DEVELOPMENT DEPARTMENT TO PREPARE AND SUBMIT AN APPLICATION TO THE DEPARTMENT OF HUMAN SERVICES OR THEIR CONTRACTED AGENCY FOR CHILD CARE RESOURCE AND REFERRAL**

Councilor Shotpouch moved for the approval. Councilor Bill John Baker seconded the motion. Motion passed unanimously.

Enactment No: R-38-07

14. **A Resolution Authorizing the Submission of a Proposal to the National Endowment for the Humanities**

Councilor Yargee stated the purpose of this Resolution is to submit a proposal to the National Endowment for the Humanities for grant funds to support the digitization of cultural/language collections that will allow the tribe to thoroughly plan, research, and develop a comprehensive digital repository for materials supporting the Cherokee people.

Councilor Yargee moved for the approval. Councilor Garvin seconded the motion. Motion passed unanimously.

Enactment No: R-39-07

15. **AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 - Mod. 6; AND DECLARING AN EMERGENCY**

Doug Evans stated originally this mod was submitted for \$1.8 million dollars from the Administration with several new initiatives in it and one of them being a \$421,000 dollar discretionary fund utilization for a recreational center on the Markoma property. In addition it had \$140,000 dollar discretionary fund request for capital equipment for a first response training program. One of the larger items in the mod was a \$1.2 million dollar 2005 Indian Housing Plan carryover authorization. In the committee process there were three programs that were included into this mod of which one was a \$22,000 Global Positioning System for the Cultural Resource Group, as well as a \$250,000 dollar subsidy to the Housing Accessibility Program and lastly there was a \$65,000 donation to the Boys & Girls Club of Tahlequah for a total budget amendment of \$2.2 million.

Councilor O'Leary moved for the approval of Mod 6. Councilor Cowan Watts seconded the motion with a friendly amendment to include an additional \$520,000 to defend our Constitution in particular the peoples right to on the March 3rd issue and the defense for the Vann litigation. Councilor O'Leary did not accept the friendly amendment. Councilman Bill John Baker stated since that committee meeting they have found that Doug Evans was correct and there is still \$364,000 left in that fund and thirty days should not make any difference. Diane Hammons stated that is correct, it will not be expended in thirty days and it can take the regular course. Councilor Jack D. Baker stated there is one correction to Doug Evan's comment on the \$22,000, he stated it was global positioning equipment but it was actually for ground penetrating radar equipment. The motion carried by the following vote:

Yea: 16 - S. Joe Crittenden; Jackie Bob Martin; David Thornton Sr. ;Phyllis Yargee; Don Garvin; Linda Hughes-O'Leary; Melvina Shotpouch; John F. Keener; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen; Taylor Keen; Jack D. Baker; Bill John Baker and Audra Smoke-Conner

ANNOUNCEMENTS

Councilor Cowan Watts recognized District 7 constituents, Doris Coke Meyer and Ollie Starr. Speaker Frailey recognized District 6 constituents, Paul Adair, Jerry Troglin, and Sue Fine and Spouse. Councilor Anglen recognized District 8 constituents, Deroin Peake and Karen Stuber. Councilor Crittenden recognized District 3 constituents, Jack Christie, Ronnie Hale, and Bobby Leach and his wife June.

ADJOURNMENT

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

Next Tribal Council meeting will be held on May 14th, 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.