



Council of the Cherokee Nation

Meeting Minutes

Executive and Finance Committee

Thursday, September 27, 2007

3:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Jack Baker called the meeting to order at 3:04 p.m.

INVOCATION

Councilman Bill John Baker gave the invocation.

ROLL CALL

Present 15 - Bill John Baker; David Thornton Sr. ; 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. and Julia Coates

Absent 2 - S. Joe Crittenden and Don Garvin

APPROVAL OF MINUTES

Councilor Bill John Baker moved for the approval of the minutes of the August 30th regular session. Councilor Cowan Watts seconded the motion with an amendment. The CNI loan should be \$15 million. Motion carried.

Councilor Cara Cowan Watts moved for the approval of minutes of the September 11th, E&F sub-committee session. Councilor Cobb seconded the motion. Motion carried.

Councilor Cobb made a motion to amend the agenda to add a resolution authorizing the submission of a funding application to the CDC for consideration under new business. Councilor Bill John Baker seconded with an amendment to also amend the agenda for item four as CNB has different language and bank documents to put with the item. Motion carried.

REPORTS:

Financial Report/Secretary-Treasurer Report:

Tamyse Leake

Callie Catcher provided a written report.

Cherokee Nation Enterprise:

David Stewart

David Stewart reported CNE's 2008 budget has been approved at the last board meeting. They yielded dividends at the current rate of \$37 million to the Tribe. Net income was \$125 million. He gave a brief review of construction projects.

Cherokee Nation Industries:

Dennis McLemore

Dennis McLemore reported the 13 month year to date sales was \$120 million with income at \$2 million. As of July 31, 2007 they had \$11.3 million in cash, \$11.5 million in receivables, net inventory at \$9.2 million, and payables of \$10.2 million. The debt payable to ADC on the old inventory is \$452,000 and a bid to CNB for \$13.3 million. Net worth at the end of July was \$10.5 million.

Historical Society:

Carey Tilley

Chrissy Moore reported 27, 000 people have visited the Heritage Center with representation from all fifty states and sixty-five countries. The months of July and August did well therefore they were able to pay \$104,000 down on the debt and in August they completely paid off the Bank of America loan. This is a total of 63.9% of the debt paid off in fy 2007. Memberships are up \$7,900 dollars which represents 52% increase.

Cherokee Nation Business:

Callie Catcher

Brad Carson reported they have concluded budgeting season, approving operating and capital budgets for subsidiaries. The operating budget for fiscal year 2008 is \$9 million with 51 people dividing 6 shared services as well as business development and a number of other services.

Career Services/Employment

Diane Kelley

Diane Kelley provided a written report. She announced that Jon Overacker has replaced Ed Bighorse.

Commerce

Anna Knight

Shay Smith provided a written report.

COMMUNITY ASSISTANCE

OSU AISES National Conference	\$205.00	Councilor Cowan Watts
Jay High School	\$630.00	Councilor Buzzard
Boys & Girls Club Delaware Co.	\$630.00	Councilor Buzzard

Councilor Bill John Baker moved to table this item to the end of the meeting. Councilor Cowan Watts seconded the motion. Motion carried.

LAW ENFORCEMENT REQUESTS

None

T.E.R.O. CERTIFICATIONS

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

CEMETERY RESTORATION ASSISTANCE APPLICATIONS

Councilor Buzzard made a motion to add two cemetery applications to the agenda. Councilor Glory-Jordan seconded the motion. Motion carried.

Hillside Cemetery for \$500.00
Kegg Cemetery for \$500.00

Councilor Buzzard made a motion for approval of District 5. Councilor Cobb seconded the motion. Motion carried.

Councilor Frailey made a motion for approval of District 6. Councilor Thornton seconded the motion. Motion carried.

Councilor Anglen made a motion for approval of District 8. Councilor Cobb seconded the motion. Motion carried.

LAW ENFORCEMENT (Cont.)

Councilor Hoskin, Jr. made a motion to add Vinita Police Department for the amount of \$2,338.94. Councilor Glory-Jordan seconded the motion. Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

1. Discussion and Possible Action for Funding of a Cemetery Assistance Program Employee
Councilor Thornton moved to table this item to next month. Councilor Cowan Watts seconded the motion. Motion carried.
2. MFT & MVT Road & Bridge Project Requests for FY2007.

*Town of Strang Refund of \$435.00
Strang Road Striping Refund of \$662.00
Port City Baptist Refund of \$376.00*
3. Budget Mod (Reporting only - No action needed)
4. A RESOLUTION AUTHORIZING CERTAIN LENDING TRANSACTIONS INVOLVING CHEROKEE NATION BUSINESSES, A CHEROKEE NATION TRIBAL LIMITED LIABILITY COMPANY AND AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY

Brad Carson stated a few months ago this body passed a resolution allowing borrowing up to \$75 million dollars and passed with that the rights to grant a waiver of sovereign immunity to the Bank of America which they insisted upon and various other terms. They respectfully request this body at the direction of the CNB board and with the approval of the CNE and CNI boards to increase the total borrowing from \$75 million dollars to \$125 million dollars. The changes the Council sees before them in the redline version that was distributed reflects things that came from the Bank of America yesterday during a conference call where they would like to make sure that we basically incorporate some of the language more explicitly that we are referencing in the resolution passed by this

Council some months ago regarding the \$75 million dollars. There are no other significant changes.

Councilor Hoskin, Jr. asked if CNB would be willing to approach the bank with an offer to ask them their position on whether it saying in black and white 30%, if it would say 35% which would give Cherokee Nation some leeway, if during the course of the life of this line of credit Cherokee Nation decided to increase the dividend and report back to this Council before the council meeting. Brad Carson stated he would approach the bank with the offer and report back to the Council. Councilor Hoskin, Jr. also asked if the current line of credit agreement inconsistent with Legislative Act concerning dividends. The Legislative Act concerning dividends says 30% but also provides for special dividends but the line of credit makes no mention of special dividends. Brad Carson stated he will give Councilor Hoskin a more definitive answer after he has the lawyers look at the agreement.

Callie Catcher stated the Legislative Act sets a minimum percentage and it authorizes the board of directors for the business entity to pay special dividends at their discretion.

Councilor Thornton requested a report every six months on the cash on hand from whatever bank CNE is using to find out just how much funding they have on hand. Brad Carson stated he will include the cash on hand balance with the report that Councilor Glory-Jordan has requested for each month.

Councilor Glory-Jordan made a motion to approve with a requirement for CNB to report to the Council monthly on the borrowing activities for the previous month. Councilor Cowan Watts seconded the motion. Motion carried for the approval of the resolution.

a resolution Authorizing the submission of a funding application to Centers for Disease Control and prevention for a Cherokee Nation coordinated school health program

Councilor Cobb made a motion for approval of the resolution. Councilor Anglen seconded the motion. Motion carried.

COMMUNITY ASSISTANCE (Cont.)

<i>Strang Fire Department</i>	<i>\$3600.00</i>	<i>Meredith Frailey</i>	<i>Jaws of Life Bed</i>
<i>Locust Grove School</i>	<i>\$275.00</i>	<i>Meredith Frailey</i>	<i>Leadership Conference</i>
<i>Bell Community Org.</i>	<i>\$1000</i>	<i>Joe Crittenden</i>	<i>Financial Support</i>
<i>Greasy Community Org.</i>	<i>\$1000</i>	<i>Joe Crittenden</i>	<i>Financial Support</i>
<i>Proctor Community Org.</i>	<i>\$1000</i>	<i>Joe Crittenden</i>	<i>Financial Support</i>
<i>Stilwell Education Foundation</i>	<i>\$1000</i>	<i>Joe Crittenden</i>	<i>Scholarships</i>
<i>Fairfield Community Org.</i>	<i>\$418</i>	<i>Joe Crittenden</i>	<i>Financial Support</i>

Councilor Bill John Baker moved for the approval of the community assistance requests. Councilor Thornton seconded the motion. Motion carried.

ANNOUNCEMENTS

Councilor Fishinghawk announced a community gathering will be held in Stilwell at the City Park at 6:00 p.m. on Saturday, October 6th, 2007.

Councilor Jack Baker announced a Trail of Tears Certification ceremony is being held at Fort Gibson on Saturday, October 13th at 11:00 a.m.

The next meeting date is tentatively scheduled for October 25th at 3:00 p.m.

ADJOURNMENT

Councilor Thornton moved for adjournment. Councilor Bill John Baker seconded the motion. Motion carried.

STAFF PRESENT:

Callie Catcher Lisa Pivec Diane Kelley
Shay Smith

VISITORS PRESENT:

Dennis McLemore Chrissy Moore David Stewart
Todd Hembree Raymond Vann Brad Carson
Mike Miller Emily Bushyhead

APPROVAL / DISTRIBUTION

Minutes submitted by: Gayle Miller, Recording Secretary

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____