



Council of the Cherokee Nation

Tribal Council Minutes Tribal Council

Thursday, August 28, 2008

5:00 PM

Council Chambers

SPECIAL

CALL TO ORDER

Speaker Frailey called the meeting to order at 5:05 p.m.

INVOCATION

Councilor Soap gave the invocation.

ROLL CALL

Present 17 - S. Joe Crittenden; David Thornton Sr. ; Don Garvin; 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. ; Julia Coates and Bill John Baker

Memo from Principal Chief Chad Smith calling for a Special Council Meeting

Attachments: [CS SPEC TCM 2008 08-28 \(2\)](#)

Speaker Frailey announced the purpose of this special meeting is to consider a resolution ratifying a self-governance compact with the United States of America, Health and Human Services, Indian Health Service.

A RESOLUTION RATIFYING A SELF-GOVERNANCE COMPACT WITH THE UNITED STATES OF AMERICA, HEALTH AND HUMAN SERVICES, INDIAN HEALTH SERVICE

Attachments: [08-108 Proposed CN-IHS compact resolution attachments](#)

Councilor Cobb stated we have been working on this issue for a while. He stated LA-15-01 requires compacts be ratified by the Council of the Cherokee Nation. This resolution states the Council of the Cherokee Nation hereby ratifies the Compact of Self-Governance entered into on March 6, 2006 for Indian Health Service programs, services, functions, and activities, including WW Hastings Indian Hospital, and including all routine funding attachments to such compact as they are negotiated from time-to-time. Councilor Fullbright stated she is very much for the passage of this resolution. She stated it will create better services and save administrative costs.

Councilor Cobb made a motion for approval. Councilor Fullbright seconded the motion.

Chief Chad Smith shared with the Council that the Muskogee Creek Nation during their National Council last Saturday approved a resolution supporting unanimously

our operation of W. W. Hastings. The Cherokee Nation and Creek Nation have had a successful relationship for over a decade to provide high quality health care services and this will extend to W.W. Hastings. Chief Smith gave a special thanks to Speaker Yahola and Chief Ellis for their unwavering support of this endeavor. When this effort began eight months ago there have been dozens of Cherokee Nation and Hastings staff who have worked tirelessly on this evaluation and plan. In speaking with a number of doctors and administrators at Hastings they recognized that under the federal system they had taken Hastings and the Indian Health Care system as far as they could and were looking forward to the opportunity to work with the Cherokee Nation for the common goal to create the best health care possible for our Indian people. The negotiation and transitions teams were composed of health professionals, administrators, finance, resource, information system and others. The direction and recommendations for Hastings is a result of this dynamic group of individuals as they worked hours often late into the night because they believe in this opportunity. They have demonstrated the best of Indian country and care the best and foremost about expanding the quality and quantity of health care for our citizens. Chief Smith asked the negotiation team members present to stand and be recognized for their hard and diligent work.

Councilor Glory-Jordan stated this issue coupled with the Housing Authority transition has probably been the most difficult issues for her this year to make. She stated she knows both the Cherokee Nation and the hospital have an excellent health staff and have done their best to negotiate a compact that they feel will be better for the future for the Cherokee Nation. She stated she has been contacted by literally hundreds of constituents regarding their concerns with the Cherokee Nation assuming the activities at Hastings Hospital with everything else going on at the Cherokee Nation at the current time. She stated she has a great amount of respect for all of the people involved with this endeavor but she must vote what she personally thinks with her constituents. Her constituents are the basic people whom you see at the hospital everyday, they are the rank and file employees of the hospital and they have a great concern of how we are going to fund the proposed improvements, what the time line is and the biggest concern is when will there be a clinic on site. She questioned if a clinic on site would have solved the problems. She stated this is in another Act for vote on another night. Had that Act been here tonight it certainly would have helped with her decision. She stated not knowing the life of that Act, not knowing where all of the funding is coming from and not knowing what the time table will be she could not support this resolution at the present time.

Councilor Hoskin Jr. announced he brings a great deal of reservations to the meeting tonight concerning this legislation. He stated he has resolved a lot of uncertainties in favor of supporting the resolution. He stated whatever the outcome tonight this is a victory for the Council of the Cherokee Nation. Months ago the Council wasn't necessarily on the track to be the final arbitrator of this decision and certainly LA-15-01 demanded it and good public policy demanded it. He stated the concerns he does have center around the time of the take over, the precision of how the administration has identified it will be funded and the specificity as to how we will move forward with improving health care. He stated there is another piece of legislation that is regrettable it is not on the agenda tonight. This Act among other things identified a number of clinics that would be in our plan to create and the most important piece is the Tahlequah clinic. Creation of the Tahlequah clinic is the cornerstone of making Hastings better to take the outpatient load out of the hospital. Councilor Jordan's legislation would do just that and set the administration on a definite time table to identify funding sources to make this happen. Councilor Hoskin Jr. voiced confidence that the companion act would be passed at the next meeting and doesn't feel the Chief has any reservations in regard to the Act because it already embraces what is already on paper in the administration. Given this

information and that we can do a better job than the federal government in running Hastings he will be in support of this resolution tonight.

Councilor Bill John Baker stated he too has reservations and wished the companion legislation was before the Council tonight. He stated not only does the companion legislation prove our commitment and desire to put our money where our mouth was to improve Hastings. It also gave a written guarantee to our present employees by allowing them to keep their IPA and MOA and continue to be federal employees for as long as they wish to be. The Cherokee Nation has good benefits but no one has better benefits than the federal government. He questioned the timing with a moratorium on any indirect cost for newer expanded services. He stated the issue with the Freedman is there and we shouldn't gamble our health care. He stated he is reluctant with putting all of the eggs so to speak in one basket therefore he would be voting no.

Councilor Buzzard stated over the last 25 years he has watched the progress and has seen a lot of programs compacted. All of the programs have been successful and the people running the departments are experts in their fields. He stated he worked with the Indian Health Service before working with the Cherokee Nation. He stated other than the retirement the Cherokee Nation is a better place to work. He stated he would be in support of this resolution tonight.

Councilor Cobb stated being Chair of the Health Committee during this issue wasn't always easy. The thoughts and advice of some very intelligent Cherokee citizens helped him in some decisions. He stated he has worked as a doctor in a federal health facility and knows the limitations placed on the federal government especially with funding. He stated over the next 25 years he would like to see the Cherokee Nation health care system the Mayo health system of this part of the country. He stated the decision came down to one question. In its present form and with the present limitations can the federal health system get us to that point. He stated he will be in support of this legislation.

Speaker Frailey stated the motion is to approve this resolution ratifying this compact with the U.S. Government. Roll call vote is as follows:

Yea: 13 - David Thornton Sr. ;Don Garvin;Meredith Frailey;Cara Cowan Watts;Buel Anglen;Jack D. Baker;Janelle Fullbright;Harley Buzzard;Curtis Snell;Chris Soap;Bradley Cobb;Chuck Hoskin, Jr. and Julia Coates

Nay: 4 - S. Joe Crittenden;Tina Glory Jordan;Jodie Fishinghawk and Bill John Baker

Enactment No: R-75-08

ANNOUNCEMENTS

Speaker Frailey announced the Council's float in the parade is #7 and everyone is requested to be there by 9:15. The Eastern Band float is #8 and the Youth Council float is #9.

ADJOURNMENT

Councilor Cowan Watts made a motion to adjourn. Councilor Bill John Baker seconded the motion. Motion carried at 5:22 p.m.

Meredith A. Frailey, Speaker
Council of the Cherokee Nation