

**MIINUTES OF  
TRIBAL COUNCIL MEETING – REGULAR SESSION  
MONDAY, APRIL 14, 2008**

**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:**

Councilor Glory-Jordan gave the invocation.

**ROLL CALL:**

Shelli Brittain, Legal and Legislative Coordinator gave roll call. The following members were present:

Buel Anglen	Bill John Baker	Jack D. Baker
Harley Buzzard	Julia Coates	Bradley Cobb
Joe Crittenden	Jodie Fishinghawk	Meredith Frailey
Janelle Fullbright	Don Garvin	Chuck Hoskin, Jr.
Tina Glory-Jordan	Curtis Snell	Chris Soap
David Thornton	Cara Cowan Watts	

A quorum was present to conduct business.

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Councilor Jack Baker moved to approve the minutes of the March 10<sup>th</sup> Regular Session. Councilor Bill John Baker seconded the motion. Motion carried.

**STATE OF THE NATION ADDRESS:**

Chief Chad Smith recognized the Cherokee's lost over the last month as Gladys Pearl Thorpe Ward and Daniel L. Taylor. He requested a moment of silence to pay respect to members and friends who have passed this last month. Chief Smith honored a family of Veterans this month as Tania Sue Holt, R. Andrew Holt Jr., Lloyd P. Miller Sr., Lloyd P. Miller Jr., Gloria Miller Jones, Glenn Miller, Stephen Miller Sr. and David L. Miller. He further recognized Veteran Leonard LittleDave. He announced last week they had an opportunity to meet with our Eastern Band cousins in Catoosa for Joint Council meetings. Speaker Frailey announced the Eastern Band of Cherokee Indians and the Cherokee Nation met for three days to join forces to determine how we can better serve our Cherokee people where ever they are. Resolutions were approved covering health care and opposing repatriation of body parts from the University of Ohio. She stated there were numerous other issues discussed in which they were all united. She gave appreciation to Deputy Speaker Cowan Watts and Gayle Miller of the Council staff for their organization of the historic event. Councilor Cowan Watts stated she was honored to be given the opportunity to organize the 13<sup>th</sup> Joint Council session. She announced for the first time it was video streamed live through out Cherokee Nation but also live through cable television for the Eastern Band in Cherokee, North Carolina. Chief Smith announced they met with the some

of the At Large Cherokees over the past weekend in Bakersfield and Long Beach, California. He stated Bakersfield is known as the end of the second Trail of Tears or the Grapes of Wrath in the 1930's. At Large Councilor Coates stated both picnic's had great attendance and are very much appreciated by the At Large constituents. She stated this is a tremendous way to make connection with a very substantial part of our citizenry that is no longer here at home. At Large Councilor Jack Baker stated this is a great way to show the citizens in California that they haven't been forgotten. Councilor Thornton attended the event and stated he was pleasantly surprised by the people he very much enjoyed the trip learned a lot and appreciated the opportunity. Councilor Cowan Watts stated any shadow of doubt in regard to supporting the At Large Cherokees is now gone. She stated the At Large Councilors do have a role in the community in 2008 in the Cherokee Nation and those communities need our outreach in order to help us with bigger issues that we face not only today but in the future and it is critical we maintain those ties. Chief Smith stated one of our major initiatives is revitalizing our language and tonight he has the honor of presenting Laura Birdtail, Dora Dunn, JoAnn Fields, Bonnie Kirk, Netta Nix, Phyllis Pettit, Reba Rogers, Mary Pettit, Peggy Sawney, Thelma Soap and Wynema Webber Smith all with certificates of teachers of Cherokee literacy. He stated these ladies are immersion school teachers. He reported the immersion school children took the top three positions in the language competition in Norman with over 1,000 children from different tribes competing. Chief Smith recognized translation department volunteer First Lady Bobbie Gayle Smith with a certificate of appreciation for her hours of dedication to the revitalization of the Cherokee language. The Emergency Management Group assisted with problems caused by last week's floods and storms. Community Service Department employees Chris Sams, Jerry Copeland and David Standinwater assisted the Illinois River Volunteer Fire Department to surround a home with sand bags being threatened by rising waters along the river. The Cherokee Nation and Cherokee County Emergency Management Groups together donated over 1000 cases of drinking water to our local volunteer fire departments in preparation for the summer fire runs. The Community Services Staff worked with volunteers around Eucla to build a new community center in which the Cherokee Nation provided \$87,000 in materials. The Cherokee Nation donated \$153,000 toward the improvement project for road work in Owasso. This is a joint venture with the City of Owasso, Tulsa County and the Cherokee Nation. The Cherokee Nation EMS recently received reaccreditation for another three years with zero deficits. The Cherokee Nation STEPS Conference had 165 participants which brought a better understanding of everyone's role in policies and processes that will support healthy lifestyles and choices. The Cherokee Nation and the Eastern Band of Cherokees passed a resolution in support of the development of a memorandum of understanding for promoting strategies healthy communities for both tribes. Chief Smith announced this week Northeastern State University will host the Annual Symposium of the American Indian. The Tulsa Juvenile Diabetes Benefit Gala is scheduled for early May. Healthy Nation will be hosting two fitness camps this summer one in Cherokee County, Welling on the 27<sup>th</sup> through 30<sup>th</sup> of May and Rogers State University June 9<sup>th</sup> through the 13<sup>th</sup>. These camps are open to Native American students 9 through 12. Cherokee Nation's Healthy Nation Program is getting people interested in buying local produce. He stated they will partner with the Stilwell Library on April 26<sup>th</sup> where local farmers will bring in produce to sell. A family walk event and a farmers market will take place from 8:00 a.m. to noon the same day. This Saturday the Cherokee Nation Wings Program has over 300 participants signed up for the Flower Power run in Muskogee. The Cherokee Women's Leadership Conference is scheduled for this Saturday in Catoosa. Councilor Cowan Watts stated the RSVP is closed therefore it would be first come first serve for the dinner. The event is from 10:00 a.m. to 2:00 p.m. with former Chief Wilma Mankiller as moderator as well as Secretary of State Melanie Knight, Dr. Gloria Grimm, Molly Jarvis, Sharon Wright, and Chief Smith all speaking. She stated they have 209 RSVP's for the conference at this time. She stated there will also be a

networking event for the CEO's of the Enterprises, Board of Directors and Executive Staff as well as the Supreme Court, Full Council, and Deputy Chief. There will be a drawing for two \$500 scholarships. Chief Smith announced on May 6<sup>th</sup> in Washington DC Circuit Court of Appeals an appeal has been taken by the Cherokee Nation in the case of Vann vs. Cherokee Nation. The issue is where the 13<sup>th</sup> amendment of the 1866 treaty was an implicit waiver of sovereign immunity over this issue of citizenship.

**ACTION OF UNFINISHED BUSINESS: (None Pending)**

**MONTHLY REPORTS:**

**Housing Authority: David Southerland**

Mr. David Southerland announced the board meeting is scheduled for tomorrow at 5:30 p.m. at the Alene Hogner Administration Building Conference room. He stated they have staff assisting families with storm aftermath with the bulk of the damage being in and around Muldrow. He stated they have received numerous calls from individual home owners who participate in the Community Shield Program. He requested any calls be forwarded to him in regard to reporting damage from the storms. He stated the offices will be staffed lightly on the first of May due to orientation scheduled in the Council Chambers. Approximately a dozen staff members have already transferred to either the Cherokee Nation or CNE. The few employees that chose to voluntarily separate from the Housing Authority will leave this Friday. The remainder will transfer on the first of May. There were 171 employees when the transition began, 127 have accepted a comparable job, 30 accepted a non comparable job, 12 chose to voluntarily separate and 1 who choose not to accept a non comparable offer and will leave employment later this week.

**Cherokee Nation Enterprises: David Stewart**

Mr. David Stewart announced they have had a record month in February not only in revenue and net income which results in a record dividend of \$3.5ml to the tribe for February. CNE contributes substantially to the community. Over the years they have developed an internal team with a full time staff to assist the employees in help within the communities. Several organizations are elected through out the year to support such as the American Heart Association and the American Diabetes Association. Mr. Stewart announced this year he agreed to match what the employees raised for the American Heart Association. He introduced Lisa Long as the Director of the Community Services Program at CNE. Ms. Long introduced Tiffany Reavis as the Group Leader of the Heart Walk for the second year for CNE. Ms. Reavis announced the 2008 American Heart Association Heart Walk was held last Saturday at Veteran's Park in Tulsa. The CNE employees raised over \$35,000 through fund raisers for the Heart Walk this year. Last year they raised just over \$18,000. Cherokee Casino sponsored "Eat Street" at the walk where breakfast was provided. They placed second out of 85 companies participating in the walk. Ms. Reavis recognized the 20 team captains present. She stated they are looking forward to supporting the American Diabetes Foundation this fall. Mr. Stewart announced the last day of horse racing is May 27<sup>th</sup> at Will Rogers Downs in Catoosa. He announced a sub contracting fair for the TERO organizations will be held on the 24<sup>th</sup> of April at the Catoosa Casino. The purpose of this fair is to bring contracting and sub contracting opportunities to Native owned companies in an effort to help them get business. Mr. Stewart announced the "Where the Money Goes" pamphlet is an effort to educate everyone on what CNE is all about and where the dollar goes. He stated the pamphlet is very personal and is a reflection of what the employees are all about.

Councilor Cobb gave appreciation to the staff for all of the hospitality during the Joint Council meeting. Councilor Glory-Jordan echoed Councilor Cobb and requested employees in training under the department heads to attend next months committee meeting. Mr. Stewart inquired is she was referring to the Leadership Development program. Councilor Glory-Jordan agreed.

#### **Cherokee Nation Industries: Bryan Collins**

Mr. Collins reported monthly sales as of March 2008 are \$7.5ml with total sales year to date at \$41.5ml. This is approximately 20% less than last year. This is primarily due to a reduction in the construction business. Their local employment remains at 298 which is 80% Cherokee. They received the Boeing Suppliers Excellence Award which is contract specific to a Boeing facility. He announced they just received notification of a Boeing Supplier Performance Excellence Award which encompasses all of the Boeing facilities they do business with and are a top tier supplier for the industry. He announced they have been renovating the old Wal-Mart facility in Stilwell in order to grow capacities for what needs to be done. Mr. Collins stated they will be adding 75 to 100 additional employees by summer. He stated the Council would be notified of the grand opening dates when they are set. CNI's next board meeting will be held May 19<sup>th</sup> in Stilwell.

Councilor Bill John Baker inquired as to the bottom line or profit. Mr. Collins stated the total sales year to date is \$41.5ml. He stated he doesn't have the bottom line numbers at this time but would report them during the Executive and Finance Committee.

#### **Cherokee Nation Businesses, Inc: Jim Carrington**

Mr. Carrington announced the audits have been finalized and delivered to the Cherokee Nation. The transfer documents for the Stilwell landfill are almost complete. A lot of their time has been in negotiating the Bank of American agreements in which they hope to close in the next 30 days.

#### **OLD BUSINESS:**

#### ***A Resolution for the Commission of a Comprehensive and Independent Environmental Study of the Cherokee Nation Landfill in Adair County/R#24-08***

Councilor Crittenden stated it is his understanding the resolution in front of you today that doesn't have a sponsor is to be submitted to take the place of the one provided in the packet. He stated the one in the packet began in committee in December and is sponsored by himself and Councilor Fishinghawk. He stated it is his opinion that if the survey would have been performed when the legislation was brought forward the environmental could have been done, the cell built and possibly be taking trash by now. He stated he is not willing to sponsor the new version provided today. Councilor Crittenden moved for the approval of the resolution provided in the packet. Councilor Bill John Baker seconded the motion. Councilor Cowan Watts questioned the deadline date provided. Councilor Crittenden accepted the wording as written. Councilor Soap inquired as to how this would affect CNB's plans for development. Ms. Dena Geib of CNB announced she has been working on the landfill with Mr. Brad Carson. She announced they anticipate this analysis would run concurrently with their plans to construct and open a new cell. She stated it would inhibit their ability if they have documentation from this Council stating they can not open the landfill until this testing is complete. Councilor Bill John Baker inquired if the environmental testing would be completed by CNB as well. Ms. Geib stated the testing done previously shows there are no environmental problems with the landfill. This testing is being

done to ensure the residents that there aren't any problems at the landfill. Councilor Hoskin Jr. referred to the final further be it resolved portion of the legislation where the date of January 14, 2008 is listed. He inquired if this date is the hold up for CNB. Ms. Geib agreed. Councilor Hoskin Jr. suggested the date be stricken to take away concerns. Ms. Geib stated they anticipate the initial construction will be complete in 3 to 4 months. They are trying to insure individuals they can bring their waste at this time of completion. If the testing is completed within this time frame there wouldn't be a problem. Councilor Hoskin Jr. inquired if she would be willing to come back to the Council if there is a need to modify. Ms. Geib stated she does have reservations regarding the language "current level of operations" until the testing is complete due to the testing being general and want to ensure a very thorough job is done. Councilor Hoskin Jr. made a friendly amendment to strike the date of January 14, 2008. Councilors Crittenden and Baker accepted the friendly amendment. Motion for approval carried unanimously.

Councilor Cobb made a motion to amend the agenda to add item #11 in new business as A Resolution Authorizing the Cherokee Nation to Submit a Formal Grant Application to the Untied States Department of Health and Human Services for Tribal Self-Governance Program Planning/Negotiation Cooperative Agreements. Councilor Cowan Watts seconded the motion with a friendly amendment to also add a Resolution Authorizing Cherokee Nation Enterprises, LLC or Cherokee Nation Businesses, LLC to Submit a Grant Application of the Untied States Department of Energy. Councilor Cobb accepted the friendly amendment. Speaker Frailey stated item 11 would be the resolution covering the self-governance and item 12 would be the resolution regarding the wind energy grant. Motion carried.

**NEW BUSINESS:**

***An Act Amending LA#01-01 "A Legislative Act Entitled the Cherokee Nation Motor Vehicle Licensing and Tax Code"; as Amended by LA#27-01, 34-01, 34-02, 25-04, 29-04, 7-06, 12-06, 17-06, and 8-07/LA#05-08***

Councilor Glory-Jordan announced this amendment includes the immersion program and the Cherokee Nation head start program in regard to the calculation of the motor vehicle funds the same as Sequoyah High School. Councilor Glory-Jordan moved for its approval. Councilor Bill John Baker seconded the motion. Roll call is as follows:

Bradley Cobb	Yea	Joe Crittenden	Yea
Jodie Fishinghawk	Yea	Meredith Frailey	Yea
Janelle Fullbright	Yea	Don Garvin	Yea
Chuck Hoskin, Jr.	Yea	Tina Glory-Jordan	Yea
Curtis Snell	Yea	Chris Soap	Yea
David Thornton	Yea	Cara Cowan Watts	Yea
Buel Anglen	Yea	Bill John Baker	Yea
Jack D. Baker	Yea	Harley Buzzard	Yea
Julia Coates	Yea		

Motion for approval passed unanimously with seventeen (17) yeas and zero (0) nays.

***A Resolution Confirming the Nomination of Pamela Bickford as a Board Member of the Economic Development Trust Authority Board of Directors/R#25-08***

Speaker Frailey stated this is a two year appointment from March 2008 to March 2010. She moved for the approval. Councilor Anglen seconded the motion. Motion for approval passed unanimously.

***A Resolution Confirming the Nomination of Fredia Vann as a Board Member of the Cherokee Nation Community Association Corporation Board of Directors/R#26-08***

***A Resolution Confirming the Nomination of Patsy Edgar as a Board Member of the Cherokee Nation Community Association Corporation Board of Directors/R#27-08***

***A Resolution Confirming the Nomination of Jim Ketcher as a Board Member of the Cherokee Nation Community Association Corporation Board of Directors/R#28-08***

Councilor Coates moved for the approval of the three nominations to the Cherokee Nation Community Association Corporation Board of Directors in Toto. Councilor Garvin seconded the motion. Motion for approval passed unanimously.

***A Legislative Act Amending LA#31-04; Amending Title 63 Chapter 3, Article 2 § 101 of the Cherokee Nation Code Annotated, the Environmental Quality Code; and Declaring an Emergency/LA#06-08***

Councilor Snell moved for its approval. Councilor Cowan Watts seconded the motion. Motion carried by acclamation.

***A Resolution Consenting to the Annexation of Cherokee Nation Property to the Boundaries of the City of Collinsville/R#29-08***

Councilor Anglen moved for its approval. Councilor Cobb seconded the motion. Motion for approval passed unanimously.

***A Resolution in Support of Invoking Section 16 of the Cherokee Nation and State of Oklahoma Tobacco Compact of 2004/R#30-08***

Councilor Hoskin Jr. announced he was pleased with the Chief's letter a couple of weeks ago invoking the Most Favored Nation Clause. He stated we need to take a stand strong and unified for our position in the Tobacco Compact. He stated this is about jobs, the Cherokee people and our Sovereignty. The Most Favored Nation Clause means the tax portion of the compact should be changed to reflect the better deal that the Kaw Nation received by virtue of a renewal of their compact. Councilor Hoskin Jr. moved for the approval. Councilor Thornton seconded the motion. Councilor Hoskin Jr. requested a friendly amendment to strike the phrase "to wit" at the end of the last whereas paragraph. Councilor Glory-Jordan made the friendly amendment requested. Councilor Thornton accepted. Councilor Bill John Baker called for the question. Motion for approval with the friendly amendment carried unanimously.

***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/R#31-08***

Speaker Frailey announced in October of 2007 the Tribal Council approved entering into proposed financing transactions with the Bank of America for \$125ml. This resolution increases

the line of credit from \$125ml to \$174,135,000 with the primary purpose of the increase to refinance the existing line of credit for the casino expansion projects and capitol projects. Speaker Frailey moved for its approval. Councilor Jack Baker seconded the motion. Councilor Hoskin Jr. noted a similar resolution was presented in September in which he opposed. He stated the attempted unsuccessfully to get language inserted to preserve the Council's right in the future to increase the dividends from CNB. He stated at that time it was his understanding that this lending instrument would be an impediment to increasing the dividend. He stated during the last Executive and Finance Committee meeting that there is no such impediment and that the Council could increase the dividend that CNB pays back to the Cherokee people under this loan agreement. He stated due to this revelation he has no hesitation in supporting this resolution. Councilor Jack Baker clarified that this increases the line of credit to \$174,135,000 but also contains an increase option of \$50ml that may be elected for use at a later time. Therefore the total is \$224,135,000. Motion for approval passed with Councilor Bill John Baker in opposition.

***An Act Amending Legislative Act #37-07 Authorizing the Comprehensive Budget for Fiscal Year 2008 – Mod 6; and Declaring an Emergency/LA#07-08***

Councilor Jack Baker announced this modification increases the budget by \$6,579,015 with the majority of this in contract health with an increase of \$5ml, \$500,000 for the constitutional defense fund, \$200,000 for self-help emergency assistance, \$200,000 for heating assistance to be purchased this summer, and \$411,000 for land development. He stated these are the major items included in the modification. Councilor Jack Baker made a motion for the approval. Councilor Cowan Watts seconded the motion. Motion carried by acclimation.

***A Resolution Authorizing Cherokee Nation to Submit Formal Grant Applications to the United States Department of Health and Human Services for Tribal Self-Governance Program Planning/Negotiation Cooperative Agreements/R#32-08***

Councilor Cobb moved for the approval. Councilor Anglen seconded the motion. Councilor Bill John Baker stated these are grants for the study of taking over federal programs. He stated he is highly reluctant in regard to W. W. Hastings Hospital but is in support of this resolution. Motion carried unanimously.

***A Resolution Authorizing Cherokee Nation Enterprises, LLC or Cherokee Nation Businesses, LLC to Submit a Grant Application to the United States Department of Energy/R#33-08***

Councilor Cowan Watts announced this grant is for wind energy in the amount of \$1ml with a 50% match. A majority of this match is already identified but doesn't have to be up front to obtain the grant. She stated this project has been ongoing for sometime now, is highly successful and has the potential to create at least 50 jobs. Councilor Cowan Watts moved for the approval. Councilor Cobb seconded the motion. Motion carried unanimously.

**ANNOUNCEMENTS:**

Councilor Cowan Watts announced the meetings tomorrow beginning at 9:00 a.m. will be held here in the Council Chambers due to an accident at the Council House over the weekend. She requested keeping this tribal citizen who due to health issues drove into the Council House in prayers.


Speaker Frailey announced the Rules Committee and Executive and Finance Committee meetings on the 24<sup>th</sup> will also be held here in the Council Chambers due to construction to repair the damage at the Council House at that time.

Councilor Hoskin Jr. noted when Chief Smith went to the State legislature earlier this month to speak on an important issue regarding the English only bill. He stated the Chief went to speak not only as a citizen of the Cherokee Nation, the State of Oklahoma, and the United States of America but also as the leader of a sovereign nation and was disrespected. When the State Legislature treated the head of a sovereign nation with disrespect they also treated us as individuals, this Council, this government, and the Cherokee people with disrespect as well. He stated during elections if it isn't agreed to denounce their actions toward Chief Smith then they shouldn't receive our support.

Speaker Frailey recognized Mr. Paul Adair as a Mayes County resident and a WWII Veteran.

**ADJOURNMENT:**

With no further business presented, Councilor Bill John Baker moved for adjournment. The next regular Council meeting will be held on May 12<sup>th</sup>, 6:00 p.m. at the W.W. Keeler Complex.

  
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Meredith Frailey, Speaker  
Council of the Cherokee Nation