



# Council of the Cherokee Nation

Cherokee Nation Complex  
17675 S. Muskogee Ave.  
Tahlequah, OK 74464

## Tribal Council Minutes - Final TRIBAL COUNCIL

*Meredith Frailey, Speaker*

*Recording Secretary, Shelli Brittain*

*Phone: 1-800-995-9465*

*E-mail: council-public@cherokee.org*

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Tuesday, February 16, 2010

6:00 PM

Council Chambers

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### CALL TO ORDER

**Speaker Frailey called the meeting to order at 6:00 p.m.**

### INVOCATION

**Councilor Fullbright 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

### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

**Councilor Anglen made a motion to approve the January 11th regular session minutes. Councilor Cowan Watts seconded the motion. Motion carried.**

**Councilor Jack D. Baker made a motion to amend the agenda to include and additional 12 items. These would be items 2 through 13 under new business as follows:**

- 2. A Resolution Confirming William Grass as a Member of Cherokee Medical Services, LLC**
- 3. A Resolution Confirming the Nomination of Casey Ross-Pethrick as a Board Member of the Cherokee Nation Education Corporation**
- 4. A Resolution Confirming the Renomination of Foreman Ross as a Board Member of the Cherokee Nation Sequoyah High School Board of Education**
- 5. A Resolution Confirming the Nomination of Harold Ray "Sam" Hart as a Commissioner of the Cherokee Nation Tax Commission**
- 6. An Act Amending the Election Law**
- 7. A Legislative Act Amending LA#01-01, "The Cherokee Nation Motor Vehicle Licensing and Tax Code"; Amending Allocation of Revenues**
- 8. A Resolution Authorizing Tribal Officials to Approve Indian Preference**

**Applications**

- 9. A Resolution in Support of the Preservation and Protection of the Ancient Kituwah Mound in North Carolina**
- 10. An Act Relating to Donations and Contributions from the Cherokee Nation; Repealing Portions of LA-43-03**
- 11. An Act Relating to Construction of an Improving Access to Cherokee Owned Homes from Public Roads or Right-Of-Ways**
- 12. An Act Amending Legislative Act #21-09 Authorizing the Comprehensive Budget for Fiscal Year 2010 - Mod 4**
- 13. A Resolution in Support of the Naming of a Building at the University of North Carolina After Prominent Citizen of the Eastern Band of Cherokee Indian Henry Owl**

**Councilor Garvin seconded the motion. Motion carried.**

## STATE OF THE NATION

*Deputy Chief Joe Grayson requested a moment of silence to remember those friends and family who has passed on over the last month. Veterans honored this month were Jack Wayne Clay, Jimmy Wayne Clay, and Jimmy Eugene Clay. Deputy Chief Grayson announced some Administrative changes with the transition of the Educational Services Group Leader, Dr. Neil Morton to serve as a Senior Advisor for Education. Melanie Knight will take on the Education Services Group Lead position while continuing to hold her office as Secretary of State. He also welcomed back Pat Ragsdale as the new Group Leader of Government Resources. Mr. Ragsdale will also be responsible for managing Administrative matters for the Office of the Principal Chief. These Administrative changes will take place the 1st of March. The Cherokee Nation Health Center in Salina has been named a recipient of the laboratory excellence award. Ground was broke over the past month in Ramona for the 8th Cherokee casino. An open house will be held tomorrow at Sequoyah High School for potential 7th and 8th grade students. The Youth Choir will hold their first performance of 2010 in Grove this Friday. The ground breaking ceremony for the Salina Dental Clinic will be held at 10:00 a.m. on the 23rd of February. On Tuesday, March 23rd the grand opening will be held for the restored Supreme Court building.*

## ACTION OF UNFINISHED BUSINESS

*None pending.*

## COMMITTEE REPORTS

## Monthly Reports:

## Housing Authority - David Southerland

*Mr. Gary Cooper reported for Mr. Southerland. The board meeting has been rescheduled for February 23rd at noon in the Alene Hogner Conference room. The Housing Services staff continues to be busy with stimulus funds. The deadline to have the entire stimulus funds obligated is 45 days away. He commented there are several jobs available and posted on the web site. The Community Shield Insurance program continues to do well with approximately 2,350 families participating. They currently have 968 mutual help homes, 520 NAHASDA homes, 923 low rent apartments under management. Mr. Cooper passed along Mr. Southerland's*

*appreciation for the Housing Services staff.*

#### Cherokee Nation Entertainment - David Stewart

*Mr. Shawn Slaton reported for Mr. David Stewart. He reported they finished the month of December at \$4.9ml. The first fiscal quarter of the year was soft as it was throughout the State of Oklahoma. The monthly contributions to the Nation beyond the dividend included taxes collected on their retail sales at \$153,000 and liquor excise tax \$14,000. The West Siloam Hotel is scheduled to open Memorial Day weekend. The theater at Hard Rock is scheduled to open at the end of August. An Italian Restaurant will open on March 1st in McGill's old location at Hard Rock. Cultural Tourism has booked over forty groups for the 2010 tour season bringing in approximately \$40,000 in revenue. Cultural Tourism has launched a Facebook page named Cherokee Nation Cultural Tourism. They have also launched a newly updated website with the following address [www.cherokeetourism.ok.com](http://www.cherokeetourism.ok.com). CNE currently employees 3,810. The total Cherokee percentage is 59.3 with other Native Americans at 8.5 for a total of 67.8%. At the management level of CNE 59.9% are Cherokee with 7.1% Native American for a total of 67% in management.*

#### Cherokee Nation Business, Inc - David Stewart

*Mr. Slaton reported the total consolidated revenue for December was \$5.2ml. The monthly contributions to the Nation in excess of the dividend was \$188,000 in shared services. CCRC is in the process of estimating a new design build contract for Dover Air Force Base. APSE negotiated a six month contract to June 30th of their Boeing Wichita Bend management contract. The new market tax credit negotiations are ongoing for a \$16ml transaction that is hoped to close in March. The current employment at CNB is 59 with 59.3% Cherokee and other Native Americans at 8.5%. Councilor FISHINGHAWK requested Mr. Huffman from the Ethics Commission provide a written statement explaining why it isn't a conflict of interest to have a CNI board member making money off of a CNI project. Mr. Slaton commented he believes a letter has already been written and sent to Mr. Stewart to review once he returns. Councilor FISHINGHAWK inquired as to who was on the Ethics Board. Mr. Slaton stated he is unsure but that Sharon Bertum and Bob Huffman participate. A designee is appointed from each company. Councilor FISHINGHAWK requested a list of the members of the Ethics Board.*

#### Cherokee Nation Industries - Bryan Collins

*Mr. Collins reported the November revenue for CNI consolidated is \$7.8ml with a profit of \$91,000. The December revenue was \$7.7ml with a profit of \$96,000. The December year to date totals for revenue are \$24.5ml with a year to date profit of \$352,000. CNI has just recently crossed a milestone with 500 employees in the local area. They have 84% Native American employment. Tel Comm has recently been recertified in their TL9000. In aerospace will be recertifying to the AS9100 standard this week. The CNI board meeting was cancelled due to inclement weather and has not been rescheduled at this time. Councilor FISHINGHAWK requested a list of all unpaid bills included in the \$1.7ml loss on the Bentley project by vendor. Councilor Glory-Jordan commented they are still waiting on the one year of minutes requested during the committee process.*

#### OLD BUSINESS

*None pending.*

NEW BUSINESS

Resource Committee

- 1. A RESOLUTION AUTHORIZING THE BUREAU OF INDIAN AFFAIRS (BIA) TO REVISE AND UPDATE THE CHEROKEE NATION'S INVENTORY OF INDIAN RESERVATION ROADS

**A motion for approval was made by Councilor Buzzard and seconded by Councilor Fullbright. The motion carried**

Enactment No: R-10-10

- 2. **A RESOLUTION AUTHORIZING CONFIRMATION OF WILLIAM GRASS AS A MEMBER OF THE BOARD OF MANAGERS OF CHEROKEE MEDICAL SERVICES, LLC**

*Councilor Cobb moved to approve items 2 through 5 in Toto. Councilor Hoskin Jr. objected and requested item 2 be voted on separately. Councilors Glory-Jordan and Fishinghawk agreed. Speaker Frailey announced item 2 would be voted on separately then items 3 through 5 in Toto if there is no objection.*

*Councilor Cobb moved to approve. Councilor Cowan Watts seconded the motion. Councilor Hoskin Jr. voiced concern for approving this with him being part of an ethics board and some of their decisions.*

**Councilor Fishinghawk moved to table. Councilor Crittenden seconded the motion. The motion carried by the following vote:**

**Yea:** 12 - S. Joe Crittenden;David Thornton Sr. ;Meredith Frailey;Buel Anglen;Tina Glory Jordan;Jodie Fishinghawk;Janelle Fullbright;Curtis Snell;Chris Soap;Bradley Cobb;Chuck Hoskin, Jr. and Bill John Baker

**Nay:** 5 - Don Garvin;Cara Cowan Watts;Jack D. Baker;Harley Buzzard and Julia Coates

- 3. A RESOLUTION CONFIRMING THE NOMINATION OF CASEY ROSS-PETHERICK AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION

**A motion to approve in Toto was made by Councilor Cobb and seconded by Councilor Thornton. The motion carried.**

Enactment No: R-11-10

- 4. A RESOLUTION CONFIRMING THE RENOMINATION OF FOREMAN ROSS AS A BOARD MEMBER OF THE CHEROKEE NATION SEQUOYAH HIGH SCHOOL BOARD OF EDUCATION

**A motion to approve in Toto was made by Councilor Cobb and seconded by Councilor Thornton. The motion carried.**

Enactment No: R-12-10

5. A RESOLUTION CONFIRMING THE NOMINATION OF HAROLD RAY "SAM" HART AS A COMMISSIONER OF THE CHEROKEE NATION TAX COMMISSION

**A motion to approve in Toto was made by Councilor Cobb and seconded by Councilor Thornton. The motion carried.**

Enactment No: R-13-10

6. **AN ACT AMENDING LA#7-97 AND LA#39-05; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED**

**A motion was made for approval by Councilor Jack D. Baker and seconded by Councilor Bill John Baker. The motion carried by acclamation.**

7. **A LEGISLATIVE ACT AMENDING LA#01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING ALLOCATION OF REVENUES**

*Councilor Buzzard stated this act amends the motor vehicle licensing tax code to allow schools within the Cherokee Nation jurisdictional boundaries to apply for a \$25,000 grant to go toward a school cultural program. Councilor Buzzard moved to approve. Councilor Cobb seconded the motion. Councilor Bill John Baker stated he is unable to support this legislation due to its funding source. He voiced concern of not keeping our promise to the State of Oklahoma. By taking the sorely needed funds that our school districts need and reducing it to have a grant is totally wrong. When the car tags passed we said we would give the schools 35% of all of the car tag money to hold them harmless so that they would have the same amount of money if we Cherokee's didn't sell tags. Councilor Thornton stated he had requested to earmark these funds to each school for 25% to go to our Cherokee students and was turned down. Councilor Cowan Watts gave appreciation to Councilor Buzzard for bringing this forward in response to complaints that school boards weren't responsive when asked for Cherokee programs in our schools even though they received the car tag funding. Councilor Crittenden spoke against the legislation for the same reasons as Councilors Thornton and Bill John Baker. Councilor Buzzard commented currently there is no accountability for the funds the schools receive now. This legislation will tell us where at least 5% of those funds are used.*

**The motion for approval carried by the following vote:**

**Yea:** 10 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Curtis Snell; Chris Soap; Bradley Cobb; Chuck Hoskin, Jr. and Julia Coates

**Nay:** 7 - S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright and Bill John Baker

Enactment No: LA-07-10

8. A RESOLUTION AUTHORIZING TRIBAL OFFICIALS TO APPROVE INDIAN PREFERENCE APPLICATIONS

**A motion for approval was made by Councilor Jack D. Baker and seconded by Councilor Garvin. The motion carried unanimously.**

Enactment No: R-14-10

9. **A RESOLUTION IN SUPPORT OF THE PRESERVATION AND PROTECTION OF THE ANCIENT KITUWAH MOUND IN NORTH CAROLINA**

A motion for approval was made by Councilor Cowan Watts and seconded by Councilor Anglen. The motion carried unanimously.

Enactment No: R-15-10

10. **ACT RELATING TO DONATIONS AND CONTRIBUTIONS FROM THE CHEROKEE NATION; REPEALING PORTIONS OF LA 43-03; "THE EMERGENCY ASSISTANCE AND COMMUNITY SUPPORT PROJECTS AUTHORIZATION ACT OF 2003" AS AMENDED; DECLARING AN EMERGENCY**

*Councilor Hoskin Jr. announced this is an amendment to legislation recently passed. He moved to approve. Councilor Bill John Baker seconded the motion. Councilor Cowan Watts commented this hasn't been an easy path and has been a somewhat controversial issue. We have given this very little time to work its self through. Councilor Hoskin Jr. stated this amendment preserves some of the previsions in the law passed by providing some scrutiny to the process.*

**The motion to approve failed with the following roll call vote:**

**Yea:** 8 - S. Joe Crittenden;David Thornton Sr. ;Meredith Frailey;Tina Glory Jordan;Jodie Fishinghawk;Curtis Snell;Chuck Hoskin, Jr. and Bill John Baker

**Nay:** 9 - Don Garvin;Cara Cowan Watts;Buel Anglen;Jack D. Baker;Janelle Fullbright;Harley Buzzard;Chris Soap;Bradley Cobb and Julia Coates

11. **AN ACT RELATING TO CONSTRUCTION OF AND IMPROVING ACCESS TO CHEROKEE OWNED HOMES FROM PUBLIC ROADS OR RIGHT-OF-WAYS AND DECLARING AN EMERGENCY**

*Councilor Bill John Baker announced there are a limited number of elders and citizens who live in rural communities that have driveways to the point of being impassable. When there is concern in getting a propane truck or an ambulance to these homes we need to have some method to be able to purchase materials for assistance. Currently the Self-Help Housing program can provide ramps to get into the house but can't be used to get their car to the house. Councilor Bill John Baker moved to approve. Councilor Hoskin Jr. seconded the motion. Councilor Cowan Watts commented this is an item in which the responsibility is in question. County governments will not go onto private drives. Councilor Hoskin Jr. commented on how absurd it is that we can provide a ramp to get from the front door to the driveway but if you can't get from your driveway to the street you are on your own. This corrects a deficiency in the system. This doesn't add cost to the budget as it would use the existing self-help budget. Councilor Glory-Jordan stated we always seem to be outraged over the smallest amount of money. Over the last week discussion has been held regarding the loss of up to \$2.2ml in an arm of CNI. Councilor Thornton commented the program already exists and the funds are available. He stated lets play Ga Du Gi and help our people. Councilor Fishinghawk commented she has debated this issue and has decided to support. She agreed Councilor Glory-Jordan's concerns.*

**The motion for approval carried by the following vote:**

**Yea:** 9 - S. Joe Crittenden;David Thornton Sr. ;Meredith Frailey;Tina Glory Jordan;Jodie Fishinghawk;Janelle Fullbright;Curtis Snell;Chuck Hoskin, Jr. and Bill John Baker

**Nay:** 8 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

Enactment No: LA-08-10

12.

AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 - MOD. 4; AND DECLARING AN EMERGENCY

*Councilor Jack D. Baker gave an overview of Mod 4. In addition to these budget mod items approved earlier in committee to be included in this budget mod are certain donations and contributions. Councilor Bill John Baker seconded the motion. Councilor Bill John Baker called for the question. Councilor Cowan Watts made motion to divide out the donations and contributions from the rest of the budget mod. Speaker Frailey requested assistance from Mr. Hembree as the question has already been called. Mr. Hembree stated it is the decision of the Chair as to who is recognized first. Once the Chair makes the decision it can then be appealed. Speaker Frailey stated she did hear Mr. Bill John Baker first as he does sit next to her. She inquired if someone wished to appeal. Councilor Cowan Watts stated with no disrespect to the Speaker she would like to appeal the decision of the Chair. Mr. Hembree stated this is not debatable or amendable. Councilor Coates seconded the motion. Councilor Glory-Jordan requested clarification that a yes vote would support the decision of the Chair and we would then continue on with the motion for approval. Speaker Frailey agreed.*

**The motion to appeal the decision of the Chair carried with the following roll call vote:**

**Yea:** 8 - S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Curtis Snell; Chuck Hoskin, Jr. and Bill John Baker

**Nay:** 9 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

*Councilor Cowan Watts respectfully resubmitted her motion for division to divide out the donations and contributions in total from the budget modification. Councilor Cobb seconded the motion. Councilor Cowan Watts stated the list of donations and contributions would be voted on separate as one item. Councilor Hoskin Jr. requested clarification that once the donations and contributions are passed they would be put back into the budget modification as one item to go before the Chief. Both Speaker Frailey and Councilor Cowan Watts agreed.*

**The motion for division carried with the following roll call vote:**

**Yea:** 10 - Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

**Nay:** 7 - S. Joe Crittenden; David Thornton Sr. ; Tina Glory Jordan; Jodie Fishinghawk; Curtis Snell; Chuck Hoskin, Jr. and Bill John Baker

*Speaker Frailey stated the vote now would be on the donations and contributions. Councilor Bill John Baker requested clarification if it would be the entire list in one vote or separate. Councilor Cowan Watts stated her motion was en toto therefore it would be the entire sheet as one vote. Then a vote on the budget mod with the outcome becoming one budget modification. Councilor Bill John Baker questioned why these were being divided out from the budget mod after they passed individually earlier today in committee after discussion. The list includes the Boy Scouts of America, Oaks Indian Mission, Cherokee Children's Mission, Jr. Miss Cherokee Contestants, the Cherokee National Day of Prayer, the Sequoyah High School Art*

*Awards, the Elm Tree Baptist Church Baptist Association Trainings, and the Outreach to Hulbert Community just to name a few. He stated we did away with community assistance to this better system. We worked on these items today and passed these items. Councilor Cowan Watts stated all of the things listed are great things but each could use existing programs and existing resources without spending additional cash that needs to be reserved for the remainder of the year. Councilor Coates stated there already have been potential sources identified in other tribal programs for these worthy causes. She voiced concern for not allowing this new legislation time to work. Councilor Crittenden requested clarification that this list would be included in the budget mod. Speaker Frailey agree. Councilor Crittenden commented we are five months deep into this fiscal year and have helped very few people. Councilor Hoskin Jr. commented this new system it's ineffective on it's face. Councilor Cobb stated the Boys & Girls Club of Bartlesville, Bartlesville Indian Women's Club, Iron Gate Food Pantry, New Hope United Indian Methodist Church, Operation Eagle, a Title VII Indian Education program, Washington County Senior Citizens Center are all included on this list and are within his district. He stated these are all important to his district and he has spoke to Secretary of State Knight about his concerns with this program. He commented he has agreed to give the program time to work and if it doesn't then it can be revisited. Councilor Fishinhawk voiced concern for not batting an eye when votes were cast to reappoint a board member at the Chief's request that helped lose \$2 million. She stated she would much rather take a harder look at the loss of \$2 million than a couple of hundred.*

**The motion to approve the donations and contributions sheet and be included in Mod 4 passed with the following roll call vote:**

**Yea:** 9 - S. Joe Crittenden;David Thornton Sr. ;Meredith Frailey;Tina Glory Jordan;Jodie Fishinhawk;Janelle Fullbright;Curtis Snell;Chuck Hoskin, Jr. and Bill John Baker

**Nay:** 8 - Don Garvin;Cara Cowan Watts;Buel Anglen;Jack D. Baker;Harley Buzzard;Chris Soap;Bradley Cobb and Julia Coates

**Speaker Frailey announced these would be included in the mod this evening. Councilor Cowan Watts called for the main question. The motion carried by acclamation with Councilor Cowan Watts opposed.**

Enactment No: LA-09-10

13.

**A RESOLUTION IN SUPPORT OF THE NAMING OF A BUILDING AT THE UNIVERSITY OF NORTH CAROLINA AFTER PROMINENT CITIZEN OF THE EASTERN BAND OF CHEROKEE INDIANS HENRY OWL**

**A motion for approval was made by Councilor Coates and seconded by Councilor Cowan Watts. The motion carried.**

ANNOUNCEMENTS

ADJOURNMENT

**Councilor Jack D. Baker moved to adjourn. Councilor Cowan Watts seconded the motion. Motion carried at 7:35 p.m.**



Next Tribal Council meeting will be held on March 15, 2010 at 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.