



Council of the Cherokee Nation

Tribal Council Minutes Tribal Council

Monday, August 11, 2008

6:00 PM

Council Chambers

CALL TO ORDER

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

INVOCATION

Councilor Bill John Baker 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 minutes of the July 14th regular session. Councilor Bill John Baker seconded the motion. Motion carried.

STATE OF THE NATION

Chief Chad Smith requested a moment of silence for fellow Cherokee citizens who passed this last month; Anna Joyce Phillips, George Underwood, David Hale, James Calico, Butler Welch and George Washington Fields. He recognized veterans this month as Alice Sanders Singleton, Harvey Buck Sanders, Lorene Dolly Sanders Farris, Charles Farris and Mitch Sisco. Chief Smith announced the Cherokee Casino in Catoosa has reached new heights as the most upper beam of the nineteen story luxury hotel is now in place. He announced both he and Councilor Snell participated in the topping out ceremony. The U.S. Court of Appeals for the District of Columbia Circuit unanimously dismissed the case against the Cherokee Nation in Vann vs. Kempthorne. This case was brought about by descendent of Freedmen asserting their federal right to be a member of the Cherokee Nation. He stated a civil right exception allows officials of the Cherokee Nation to be named as proxy of the government to avoid the issue of sovereign immunity. The Regional Office of the BIA reconsidered a decision to take 76 acres into trust for the United Keetoowah Band. The BIA rejected to take the land into trust for the second time on the principle reason that it is within the jurisdiction of the Cherokee Nation. No other tribe can take land in trust within our jurisdiction without our consent. He announced the Youth Council recently spent time giving back to the community by assisting Westville Schools with their bleachers. He requested everyone join in the celebration tomorrow morning at the Supreme Court Building in downtown Tahlequah in which they will turn dirt as a symbolic start the restoration of this historic property. The Cherokee Holiday begins August 28th with the State of Sequoyah Commission and History Conference at the NSU Campus and a performance by the Cherokee National Youth Choir at Crescent Valley Church. Chief Smith requested the opportunity to address the Council prior to

the issue pertaining to the attempt to override a veto.

ACTION OF UNFINISHED BUSINESS

1.

A LEGISLATIVE ACT RELATED TO TITLE 26 "ELECTIONS", AS AMENDED BY LA#39-05, AMENDING REPRESENTATIVE DISTRICTS

Speaker Frailey stated this relates to an amendment to the election code covering the districts of the Cherokee Nation. Last month we enacted this amendment covering a requirement of the 2003 Constitution to establish fifteen districts of reasonably equal representation. The Council spent many hours and drew many maps and unanimously decided on one which established fifteen separate districts with one Council person per district. The Principal Chief has vetoed the amendment on three basis. She stated our responsibility tonight as the Council is to decide whether to override the veto which means the legislation stands as written and becomes law or the Council will vote to support the veto which would mean the legislation would need to be re-drafted.

Councilor Cowan Watts made a motion to override. Councilor Crittenden seconded the motion.

Principal Chief Smith addressed the Council's motion to override his veto of the districting plan. He stated the main reason for the veto is that the proposed districts are not constitutional. He stated the key question that the Council must answer tonight is a simple math quiz. Do you think 160 is reasonably equal to 100. The Council has chosen a 15 district plan but the plan does not produce a reasonably equal division of citizens among the districts. We have been provided an advisory opinion by the District Court that 15 districts are not required. District #15 in the Council's plan would represent approximately 60% more citizens than District #8. He stated it seems unlikely that the proposed districts are the fairest possible districts for our Cherokee citizens. Only 6 of the proposed 15 districts even come within 10% of the number of citizens required for a truly representative district. A 1983 decision of the Supreme Court ruled districts in which the populations were less than 10% variance from a truly representative districts were constitutional. He stated 9 of the 15 districts are more than 10% off the truly equal number. He stated it seems quite likely that the Cherokee Nation Court would follow the Supreme Court and find the concurrent proposal invalid under our constitution. Since the next Cherokee election is a full three years away the Council could take the time to craft a districting plan in which the districts are more equally represented. The Council could come back with a proposal for another 15 districts but he encouraged the Council to also consider other options. He stated we have the opportunity to shape how our government works for the coming years. We could decide to create a fragmented map of the Cherokee Nation in which Council members would represent only a small number of Cherokees or we could decide to create a district map that unites Cherokees and encourages the spirit of Ga Du Gi among our Council. He once again encouraged the Council to review other district maps that would allow Council members to work together to serve a large communities within the Cherokee Nation rather than small districts. He stated the constitution doesn't require 15 districts just that 15 districts be apportioned equally among the districts however many there are. Cherokee Nation District Court Judge John Cripps has ruled the constitution does not require 15 districts. Larger geographical districts with multiple seats mirrors the system the Cherokee Nation had in the past and even today. Many districts have two representatives that work well together and have a common interest in improving the area. He stated it is clear to us outside the Council that Council members who represent the same area often work together and are able to accomplish good things not only for their district but for the entire Nation. He stated the Council is wise to examine and change the existing districts to conform to our constitutional mandates

but his plan is not constitutional. Why would we choose to change a plan to smaller separate districts that doesn't inspire cooperativeness, team work and services to the Cherokee Nation. Historically we had larger districts tied together by communities of interest. He showed a map of the historic districts created by communities of interest. We could devise a map that takes into account our history, culture and uniqueness as Cherokee communities rather than adopting a foreign concept such as the 15 district plans. He stated the Council has not considered the Cherokee people in the communities and their input in drafting this proposal. The last time the Cherokee Nation made major changes to the election law the Council undertook a lengthy series of meetings to educate their citizens. This time citizen polling places, districts and even representation of the Council may change they have not been consulted in this process. He stated there has not been one community meetings where this issue has been raised. By sustaining the veto tonight the Council could move forward and consider other options and give the Cherokees a voice in the process. A map of 3 districts with 5 seats each would meet the constitutional mandates and create an environment that would allow the Council members to work together to serve the communities. He showed a map of 3 proposed districts and stated these population numbers are almost identical and creates communities of interest. Chief Smith stated this should be considered with other options. He stated the population numbers in this option only vary by 1.5% of equality with the others. He gave another option of 5 districts with 3 seats each. In this example shown the population figures are within 9% of being equal. This option also has the ability to create certainty as to where prescient lines would fall. This map would follow the 10% rules and provide a reasonably equal division of citizenship among all of the districts. He stated the lynchpin of the discussion tonight is that the numbers just don't add up as the map stands District #15 represents 160 citizens for every 100 citizens that District #8 represents. He stated it is very obvious that 160 is not reasonably equal to 100. He requested the Council sustain the veto and come back in a collaborative mode and try to come up with a design that lends itself to the national interest not only for this generation but for generations to come while at the same time balancing the local interest.

Councilor Soap announced he would not be supporting the action to override the veto because he doesn't believe action needs to be taken as quickly as has been proposed in various discussions. He stated he couldn't in full confidence vote to amend or pass the legislation that amends representative districts due to a reduction of representation for a majority of Cherokee voters in the boundaries of the Cherokee Nation. He stated when the discussions began it was centered around a level playing field. A one man one vote scenario. He stated in an attempt to level the playing field we are actually reducing the representation for a majority of the citizenry that lies within the Nation's boundaries. In looking at the new proposed districting it would only change representation for a few people in a positive way. He stated this plan puts everyone on a level playing field but is it the most advantageous system that we could offer the Cherokee people. He voiced concern that it isn't the most advantageous. He stated we have representation from the At Large voters that will still have the representation of having more than one representative. He once again he can not in full confidence support this issue.

Councilor Thornton announced he is for the override. He stated boundaries don't make a difference within the Cherokee Nation. He stated in his eight years as a councilor he has represented eight different districts as a councilor by trying to help them with programs. He stated boundaries don't handcuff him when helping people.

Councilor Fishinghawk read the following statement into the record regarding the Chief's veto letter. This act is a constitutional mandate on us 17 legislators of the Cherokee Nation. All 17 tribal council members have had input as well as significant

input by the executive branch. The chief indicated in his veto message that he has not had a chance to talk to the council about the districts. Councilor Fishinghawk announced the Chief's staff was in attendance at every monthly meeting held over the last 2 years. We all understand the words in the constitution that say, "reasonably equal division" are subjective terms, open to interpretation of the word reasonable. Councilor Fishinghawk stated the proposed plan is not all is within 10% of the optimal number. There is a reason for this variance. The Council wanted continuity of communities. The Council looked at county lines, communities, major roads and highways. She stated they could do a map with 10% variation or 5% or even 3%; but would it be best for the people? She stated they were more worried of substance than procedure. She stated the Chief compared the largest district to the smallest district and this is where some of the misunderstanding lies. By the Chief's reasoning the Council's 10% variance is 20% and that is wrong. In one paragraph of the veto message Chief Smith compares the districts to the optimal number, which is exactly where this body focused their efforts; then in the following paragraph he compared the two extremes to each other, throwing out the target, or optimal number altogether. He then used that result as merely political rhetoric for a shock value in the media. It is a great sound bite and makes for dramatic reading but that doesn't mean it is right. When the chief addresses the councilors not having to run against each other he says, "This is not a likely coincidence". Councilor Fishinghawk stated we would have to gerrymander the districts to run against each other and not gerrymander for Councilor Crittenden and myself to run against each other. The definition of gerrymander is: the dividing of a state, county, etc., into election districts so as to give one political party a majority in many districts while concentrating the voting strength of the other party into as few districts as possible. She stated the Council's quotes were taken out of context and used against us in the public media. They sounded good for the papers but didn't paint an accurate picture of what was taking place in the committee room for the last two years. Councilor Fishinghawk stated she takes offense to the executive branch even coming close to questioning whether her decision is based on sound principles and what is best for the Cherokee people she represents. If she was not putting their interest first, she would want to open the landfill without doing a complete and comprehensive environmental study. The executive branch submitted a set of guiding principles they wanted the Council to adopt however they were not adopted. As elected officials and adults we are following our own guiding principles. The Cherokee people voted the Council, not the Chief, into office to adopt the laws of this nation. The election commission needs time to determine voting precincts and inform voters where to vote. The executive branch has just appointed its two commissioners and they still need to be sworn in so the four appointed commissioners can select a fifth. As it stands, they will have two and a half years to educate the people. Plenty of time to, not only hold numerous community meetings, but also inform all our voter and non-voters of their district. Budget time is upon us so we can appropriate money to this task and have ample time to do the Cherokee people right. Councilor Fishinghawk stated one of the reasons for the veto in 2007 was it was being implemented too close to election time. Now it is being done too early. The veto message from the Chief sent to the council states "one of the principles that drive me in this process is my duty to ensure that laws do not unfairly disenfranchise voters." The definition of disenfranchise is: to deprive the right of citizenship, especially to vote. Councilor Fishinghawk questioned is depriving anyone of the right to vote? Going from 9 districts to 15 isn't nearly as radical as going from 9 districts to 3, do the math. If we go to 3 why not say to heck with it and -go back to how it was originally done when the top 15 vote getters in the entire 14-county jurisdictional area are your councilors.

Councilor Coates expressed a great deal of respect for the Council's ability to work together and expressed hope for the ability would extend to the Administration. There has been great debate on both sides. She stated she is wrestling with the

decision to be made tonight. She stated this doesn't impact her in her representation of constituency. She stated the thing that sways her is not only does she represent a constituency but also a national interest. The arguments tonight are carrying weight and voiced an opinion that the national interest calls the Council back to the table to work much more closely with the administration. She understands this has been a process for years even predating this Council. If the type of discussion that was engaged in prior to this meeting is one that could be engaged in further. She expressed wishes of pursuing further discussion before taking final action.

Councilor Hoskin Jr. stated he will vote to override the veto. He stated he is confident that the Council passed a quality piece of legislation. In the Chief's veto message a number of points were raised. An additional point was raised this evening that really drives what the difference is here. The Chief has a philosophical difference with the majority of this Council as to how this Council ought to be organized under the constitution. He stated a majority of this body believes it should be 15 seats with one person per district. Councilor Hoskin voiced concern for moving toward smaller districts as the Chief suggested. He stated it is up to the Legislative Branch to make the philosophical decisions. He stated the Council has stated loud and clear it ought to be one person per district and it should be 15 districts. The Chief has asserted that the map is unconstitutional and if we override this evening the Attorney General will have to zealously stand before the courts if challenged and argue in fact that it is constitutional. *Brown vs. Thompson* does stand for the proposition that a 10% deviation was found to be constitutional. Additional research will disclose additional cases which actually indicate an even wider deviation has been found to be constitutional. Councilor Hoskin Jr. stated our courts will be given the opportunity to decide if they are strictly bound by the federal court cases in this area of the law or whether they can seize the opportunity to develop Cherokee Nation law. The Cherokee courts should decide what Article 6 Section 3 means by reasonably equal citizenship among the districts. He stated he believes our courts will take into account that as a legislative body we faced a challenge to determine not only how many Cherokee citizens we have but where do they live. He stated with the technology available and with the inherent limitations on us to determine our citizenship we did a fine job. With this determination we created a map that effectuates Article 6 Section 3. He agreed with Councilor Fishinghawk's assessment in regard to gerrymandering. He added the Chief took comments out of context. He didn't believe anyone would take the legislative record and come away with the idea that we divided up the seats to protect the Council's interest. During the entire process they tried to balance two things, one was to effectuate Article 6 Section 3, to look at the historic boundaries of the Cherokee Nation with the unique characteristics of Cherokee Nation communities. Councilor Hoskin Jr. stated they have been told by the experts at the Election Commission that the time is now. He stated the Council acted with dispatch but also took time and opened their doors to the administration and now at the eleventh hour the administration wants to come and have additional discussion. These discussions would have been wonderful months ago and would have been welcome at any number of meetings but they simple just didn't occur. He stated he does believe this plan will meet constitutional scrutiny.

Councilor Cowan Watts stated she has the upmost respect for the administration and for this body. She stated she and Councilor Garvin have struggled for over three years in the battle for proper re apportionment. There was a case in front of the Cherokee Nation Supreme Court brought forth by former Councilor Nick Lay where proper re apportionment was done before the twelve years that it is called for under the constitution. She stated they have been suffering for the past five years under improper apportionment where both Adair and Mayes County had less Cherokee tribal citizens than both of their districts. She stated their districts have been suffering due to the lack of adequate representation under the current methods of

apportionment and districting. She stated during the last term she and Councilor Garvin were unable to determine a political solution in a timely manner in order to address the redistricting and re apportionment and also give Cherokee citizens an adequate amount of time to understand what their new district may look like in order to vote. She stated they have been waiting patiently for this term to begin to aggressively move forward with proper reapportionment and redistricting. She felt the constitution clearly calls for 15 separate and somewhat equal districts. She stated this is not new dialogue there have been numerous committee meetings as well as community meetings and editorials. She stated she reviewed the oath of office she took and what would serve the Cherokee Nation people best and feels it is 15 separate and as equal as possible districts with reasonable boundaries the common Cherokee would understand. She stated this is how we have arrived at this point and why she would be in support of the override. Councilor Cowan Watts stated she doesn't want to just take a seat from either Mayes or Adair County as it has been insinuated. She stated it would be the politically expedient way to address the issue and felt assured she would be re elected. She stated they have worked for three years they have worked to find a solution not in the court system but through negotiations internally with this body and externally with the administration in order to look at what is best for the Cherokee people.

Councilor Glory-Jordan stated this process began long before she was on the Council. She stated this has been a three year process and the second time the Council's work on this has been vetoed by Chief Smith. She stated this is a constitutionally mandated job given to the Council. This Council has labored for at least ten months, fought back and forth, gone over numerous maps and finally in the end came together. She stated this map passed out of committee unanimously. She stated she doesn't believe anyone from the outside or anyone sitting here thinks this is a perfect job but it is the best job we can do. She stated she signed on as a Councilor to help Cherokee people and will continue to help Cherokee people no matter what the boundary lines are. She stated she plans to represent each district with each of her votes. She requested the entire Council join her tonight with the override of this veto so they can move forward to other issues.

Councilor Bill John Baker stated we have struggled long and hard with this issue. He stated there is disparity but there is a reason. The main reason is that Councilor Snell was good enough to give up Northern Cherokee County so that we could keep Cherokee County the way it has always been, traditionally, socially and economically. He stated he would rather represent a few more people in Cherokee County rather than have them go to Delaware County where they are not accustomed. He expressed hopes that if this does go to the court system that they will see the justice and wisdom of having some districts a little larger. He stated he would be in favor of the override tonight. He stated this isn't perfect however the Council was charged with the task not the administration.

Councilor Fullbright announced she would be voting to override. She stated the nation as a whole is her main interest and feels smaller is better. She stated while on the Council she has received numerous phone calls from people needing personal attention and it isn't possible with larger districts. She stated numerous maps were considered and felt keeping communities intact and dividing by major highways and water ways was the proper thing and best for the Cherokee people.

Councilor Garvin stated the Choctaw Nation has 12 Councilors with 12 districts. In the State of Oklahoma everyone has one Representative. In the United States we all have one representative. In the Cherokee Nation approximately 80% have two representatives and 20% have one. He questioned how this could be fair. He stated the task was to squeeze fifteen councilors into nine areas. He voiced concern for five

districts and the expense of the large areas for both the Councilor and the constituent. He stated he has been fighting this issue for years and it was almost accomplished last term and then there was one person who wore flip flops.

Councilor Crittenden stated we didn't take this duty lightly. He stated he isn't 100% certain we are under the 1999 constitution. He stated they were as fair as they could have been and used common values for common ground.

Chief Smith gave appreciation to everyone who addressed this issue with philosophical and policy grounds rather than personal attacks. He stated the State of Oklahoma only has two Senators for the entire State. He stated Councilor Soap put a good perspective on the discussion tonight. He stated we have been looking from the legislators view and should be looking from the constituent or voters perspective. In their view would it be better to turn to one person that is their representative or would it be better for them to be able to turn to two or more. Multiple representations per district creates a better empowerment and a greater access to our government. He stated this has been a great success to some degree of our Council. He stated Councilor Hoskin Jr. is ultimately right that the court will not look at our philosophical differences. He stated he doesn't agree that the citizens have had opportunity and feels they do not understand. He stated the courts will decide this, does 160 equal 100? He once again asked for consideration to sustain this veto and go back to the drawing board to find something we can all agree on and that fits the needs of the Cherokee people today and tomorrow.

Councilor Cowan Watts called for the question.

A motion was made by Councilor Cara Cowan Watts and seconded by Councilor S. Joe Crittenden to override the Chief's veto of LA-14-08. The motion carried by the following vote:

Yea: 13 - S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Bradley Cobb; Chuck Hoskin, Jr. and Bill John Baker

Nay: 4 - Buel Anglen; Curtis Snell; Chris Soap and Julia Coates

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

Mr. David Southerland announced the Housing Authority's regular board meeting will be August 19th. The board will be discussing policy issues regarding non Indians in the low rent apartments. During the board meeting last month they approved signing the Title VI notes to the Nation. This will make the tribe solely responsible to the creditor. He stated they have been working on a consistent back ground checks for housing applicants.

Cherokee Nation Enterprises - David Stewart

Mr. David Stewart announced despite a challenging economy they continue to have positive financial results. Their net income for June is in excess of \$10ml which is on target for budget. He stated they are seeing a lot of challenging areas around the country in gaming. He stated they are preparing for the opening of West Siloam in mid November and Catoosa following in mid December. The current Cherokee employment is at 60% with a total Native American employment rate of 72%.

Councilor Fishinghawk stated through her official capacity as an elected official she made some requests under the governmental records act and was informed in doing so that some internal emails were generated through CNE. She requested a copy of these internal emails she has been informed of. Mr. Stewart stated he would check into the situation.

Cherokee Nation Industries - Bryan Collins

Mr. Bryan Collins announced they are growing employment wise to meet the contract needs. Their current employment is at 392 with an 83% Cherokee employment base. He reported the June results last month and stated the July results would not be complete until tomorrow. An open house is set for August 21st from 11 to 1 for the opening of the old Walmart facility now called Cherokee South or building 4 in Stilwell. He announced he received notification that CNI is a recipient of the Oklahoma Governor's Manufacturing Leadership Award. This award is given by Governor Henry for setting standards in Oklahoma and the Nation each of the award winning companies must be progressive, forward thinking and willing to adapt to change to become more successful in their market place. They represent the enormous potential available in Oklahoma and take a leadership role in promoting the importance of doing business in and from our State. The awards committee is made up of manufacturing professionals selects the winners from a long list of nominee. CNI will receive the award on September 23rd in Tulsa. He stated he would provide information regarding the event once available for those who would like to attend. The next board meeting is September 29th at 2:00 p.m. in Tulsa.

Cherokee Nation Business, Inc - Brad Carson

Mr. Brad Carson announced they are in the process of beginning construction at the Landfill with the hope of opening sometime in the late fall. They are adding staff to the facility and continuing to make sure the coordination is done so that the landfill will be a source of pride for the Cherokee Nation and the citizens of Adair County. He stated the environmental study requested by this Council is ongoing and is uncertain of the completion date. He announced there are a number of acquisition opportunities going on in aerospace and health care in which they hope to announce by the end of the fiscal year.

Councilor Fishinghawk requested a article in the newspaper to let the Adair County citizens know what is going on at the landfill. Mr. Carson stated he is aware of this and is in the process of completion. He stated he would work with Councilor Fishinghawk with the article.

Councilor Fishinghawk inquired as to the status of Facet. Mr. Carson stated they are working closely with them on a number of proposals that both further our joint interest and economic development.

OLD BUSINESS

1.

A LEGISLATIVE ACT ADDING SECTIONS TO TITLE 57 OF THE CHEROKEE NATION CODE ANNOTATED CONCERNING PRISONS AND REFORMATORIES; REQUIRING SEX OFFENDER REGISTRATION, POST-CONVICTION SUPERVISION FOR THOSE CONVICTED OF CERTAIN OFFENSES, AND NOTIFICATION TO THE COMMUNITY OF CERTAIN SEX OFFENDERS

Councilor Cowan Watts stated there are two accompanying Acts that need to go with this piece of legislation. She stated all three acts need to be passed no later than the

October Council meeting in order to meet Adam Walsh compliance.

A motion was made by Councilor Cara Cowan Watts and seconded by Councilor Don Garvin, that this matter be Tabled. The motion carried unanimously.

NEW BUSINESS

1. **SWEARING IN OF THE PRINCIPAL CHIEF'S APPOINTED ELECTION COMMISSIONERS - Patsy Morton and Curtis Rohr**

Speaker Frailey announced this is the swearing in of the Principal Chief's Election Commission appointments Patsy Morton and Curtis Rohr. The Council recently swore in their two appointments and these four will appoint a fifth commissioner. Justice Wilcoxon performed the swearing in of Patsy Morton and Curtis Rohr.

Ms. Morton announced during her last term as commissioner she was the fifth member appointed and became the Chairman of the Commission. Mr. Rohr stated this will be a new experience for him and gave appreciation for the confidence and opportunity to serve the Cherokee people. Justice Wilcoxon gave appreciation for the opportunity to come before the Cherokee Nation. He stated serving on the Cherokee Nation is a tough job. He has been through a number of contested Cherokee Nation elections and it is important to have a steady commission.

2. **A RESOLUTION AUTHORIZING CHEROKEE NATION CHILD CARE AND DEVELOPMENT TO SUBMIT AN APPLICATION FOR PARTICIPATION IN THE STATEWIDE EARLY CHILDHOOD PILOT PROJECT**

A motion was made by Councilor Harley Buzzard, seconded by Councilor Bradley Cobb, that this Resolution be Approved in toto. The motion carried unanimously by consent.

Enactment No: R-64-08

3. **A RESOLUTION AUTHORIZING THE FOOD DISTRIBUTION PROGRAM TO SUBMIT AN APPLICATION FOR FUNDING TO THE UNITED STATES DEPARTMENT OF AGRICULTURE**

A motion was made by Councilor Harley Buzzard, seconded by Councilor Bradley Cobb, that this Resolution be Approved in toto. The motion carried unanimously by consent.

Enactment No: R-65-08

4. **A RESOLUTION AUTHORIZING THE FAMILY ASSISTANCE DEPARTMENT TO SUBMIT AN APPLICATION TO THE UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES FOR FY 2009 FUNDING FOR LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

A motion was made by Councilor Harley Buzzard, seconded by Councilor Bradley Cobb, that this Resolution be Approved in toto. The motion carried unanimously by consent.

Enactment No: R-66-08

5. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A INDIAN HEALTH SERVICE TRIBAL MANAGEMENT GRANT APPLICATION**
- A motion was made by Councilor Bradley Cobb and seconded by Councilor Janelle Fullbright, that this matter be Approved. The motion carried unanimously.
- Enactment No: R-67-08
6. **A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT-OF-WAY OVER, ACROSS, IN AND UPON USA IN TRUST LAND FOR THE CHEROKEE NATION LOCATED IN ADAIR COUNTY, OKLAHOMA, BEING PART OF CMS TRIBAL UNIT 39A**
- Councilor Crittenden made a motion for approval. Councilor Bill John Baker seconded the motion. Motion carried unanimously.
- Enactment No: R-68-08
7. **A RESOLUTION CONFIRMING THE RENOMINATION OF LETICEA STEVENSON-PABLO AS A BOARD MEMBER OF CHEROKEE NATION COMPREHENSIVE CARE AGENCY BOARD OF DIRECTORS**
- A motion was made by Councilor Chuck Hoskin,, seconded by Councilor Jodie Fishinghawk, that this Resolution be Approved in toto. The motion carried unanimously by consent.
- Enactment No: R-69-08
8. **A RESOLUTION CONFIRMING THE RENOMINATION OF SHARON SWEPSTON AS A BOARD MEMBER OF THE CHEROKEE NATION COMPREHENSIVE CARE AGENCY BOARD OF DIRECTORS**
- A motion was made by Councilor Chuck Hoskin,, seconded by Councilor Jodie Fishinghawk, that this Resolution be Approved in toto. The motion carried unanimously by consent.
- Enactment No: R-70-08
9. **A RESOLUTION CONFIRMING THE NOMINATION OF ROBERTA GIBSON AS A BOARD MEMBER OF THE CHEROKEE NATION SEQUOYAH HIGH SCHOOL BOARD OF EDUCATION**
- A motion was made by Councilor Chuck Hoskin,, seconded by Councilor Jodie Fishinghawk, that this Resolution be Approved in toto. The motion carried unanimously by consent.
- Enactment No: R-71-08
10. **A RESOLUTION CONFIRMING THE NOMINATION OF LORILEE SMILEY AS A BOARD MEMBER OF THE ECONOMIC DEVELOPMENT TRUST AUTHORITY BOARD OF DIRECTORS**
- A motion was made by Councilor Chuck Hoskin,, seconded by Councilor Jodie Fishinghawk, that this Resolution be Approved in toto. The motion carried unanimously by consent.

Enactment No: R-72-08

11. **A RESOLUTION CONFIRMING THE RENOMINATION OF JIM HUMMINGBIRD AS A COMMISSIONER OF THE CHEROKEE NATION TAX COMMISSION**

A motion was made by Councilor Chuck Hoskin,, seconded by Councilor Jodie Fishinghawk, that this Resolution be Approved in toto. The motion carried unanimously by consent.

Enactment No: R-73-08

12. **A RESOLUTION CONFIRMING THE NOMINATION OF MARTY MATLOCK AS A BOARD MEMBER OF THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**

A motion was made by Councilor Chuck Hoskin,, seconded by Councilor Jodie Fishinghawk, that this Resolution be Approved in toto. The motion carried unanimously by consent.

Enactment No: R-74-08

13. **A LEGISLATIVE ACT AMENDING LEGISLATIVE ACT #37-07 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2008 - MOD 10: AND DECLARING AN EMERGENCY**

Councilor Jack Baker announced this budget modification includes \$150,000 for additional funds for the renovation of Markoma gymnasium. He stated there is also \$202,000 charged to indirect cost pool to increase reserves for bad debts from several tribal loan funds. There is an increase of \$1,424,000 in additional expenditures in environmental health projects with the Indian Health Service. A \$291,000 decrease in the housing plan for modernization funds due to this amount being projected not to be spent by the end of the fiscal year. Housing has an additional \$66,000 for salaries and fringe plan. This is a net increase of over \$1.5ml to the annual budget with the annual budget being over \$481ml.

Councilor Bill John Baker seconded with a friendly amendment to include \$5,000 unanimously passed out of committee for the purchase of air conditioners. Councilor Jack Baker accepted the amendment.

Councilor Glory-Jordan inquired if the bad debt reserve is already in default or creation of a reserve fund in anticipation for some losses. Councilor Jack Baker stated it is his understanding that these are from various loan funds that the debts have not been paid so they are being written off but still pursuing collections. Ms. Anna Knight announced the bad debt reserve is based on past delinquencies. Councilor Glory-Jordan requested these items be reported on during committee meetings. She stated a 35% loss on a loan program is high and the program should be shut down. Ms. Knight stated they very rarely make these emergency loans. These were loans made for people who were having their utilities cut off therefore they were high risk loans. Councilor Glory-Jordan inquired if they were trying to collect from these loans. Attorney General Diane Hammons stated some of them they are trying to collect and offered to give a more in depth report in committee. Councilor Glory-Jordan stated she would be opposed to the passage until she has more understanding of the legal means to collect this bad debt.

Councilor Jack Baker made a motion to approve with amendments. Councilor Bill John Baker seconded the motion. Roll Call vote is as follows:

Yea: 14 - 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. ;Julia Coates and Bill John Baker

Nay: 3 - S. Joe Crittenden;Tina Glory Jordan and Jodie Fishinghawk

Enactment No: LA-16-08

ANNOUNCEMENTS

Councilor Cowan Watts invited everyone to the Annual Rogers County Hog Fry on September 20th from 10 to noon at the Will Rogers Memorial.

Councilor Garvin announced an Indian Taco Dinner on September 23 at the Three Rivers Health Clinic in Muskogee.

Councilor Fullbright announced a joint committee meeting with Councilor Thornton in Sallisaw on September 30th at the Sallisaw County Fairgrounds.

ADJOURNMENT

Councilor Bill John Baker made a motion to adjourn. Councilor Jack Baker seconded the motion. Motion carried at 7:50 p.m.

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

**Meredith A. Frailey, Speaker
Council of the Cherokee Nation**