



Council of the Cherokee Nation

Council House
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Meeting Minutes - Final EXECUTIVE AND FINANCE COMMITTEE

Jack D. Baker, Chair

*Recording Secretary, Shelli Brittain
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Thursday, March 25, 2010

3:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Jack D. Baker called the meeting to order at 3:00 p.m.

INVOCATION

Councilor Cobb gave the invocation.

ROLL CALL

Present 14 - Bill John Baker; Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; David Thornton Sr. ; Jack D. Baker; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Julia Coates and S. Joe Crittenden

Late Arrival 3 - Don Garvin; Meredith Frailey and Tina Glory Jordan

APPROVAL OF MINUTES

Councilor Anglen moved to approve the February 25th regular session minutes. Councilor Cowan Watts seconded the motion. Motion carried.

Councilor Hoskin Jr. moved to amend the agenda to include a new business item 2 while moving the current business item 2 to item 3. The new item 2 would be an Act amending the donations and contributions Act. Councilor Bill John Baker seconded the motion. Motion carried with the following roll call vote:

Yea: 15 - Bill John Baker; Bradley Cobb; Buel Anglen; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; David Thornton Sr. ; Don Garvin; Jack D. Baker; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; S. Joe Crittenden and Tina Glory Jordan

Nay: 1 - Cara Cowan Watts

Late Arrival: 1 - Meredith Frailey

REPORTS:

Financial Report/Treasurer Report - Callie Catcher

Ms. Tamyse Leake offered to answer questions from the financial report in Ms. Catcher's absence.

Cherokee Nation Entertainment - David Stewart

Mr. Stewart reported January was approximately 30% above December but still significantly below budget at \$6.5ml in net income. The results for February are approximately \$11ml. February is looking to be the third best month in the history of the company. Sallisaw exceeded the prior year by almost 12% as a result of the Choctaws closing Blue Ribbon Downs. The highway construction remains problematic at Hard Rock. They have begun transferring employees to Ramona. The construction of the event center at Hard Rock is on schedule as well as the hotel at West Siloam and the Ramona casino. Councilor Hoskin Jr. requested a list of the new market tax credits meeting locations. Councilor Fishinghawk inquired if they would attempt to recover any of the funds lost in the construction arm of CNI where the individual overstepped their legal authority. Mr. Stewart stated they are currently attempting to obtain the certificate of occupancy. Once this is obtained they will look at the different issues.

Cherokee Nation Businesses - David Stewart

Mr. Stewart announced Jay Hannah is leading a task force pertaining to the passing of the legislation to consolidate all of the boards. The first joint meeting will be held in the end of April. They are in the process of developing finance and audit charters. He commented it needs to be determined who will represent the Council during these meetings. Councilor Cowan Watts requested to continue to receive information as she has in the past. Mr. Stewart stated they will assume all of the existing advisory Council members will represent the companies until they hear otherwise. The credit line at the end of February is at \$44ml. with a total line of \$120ml and using another approximate \$20ml for bonding. Operating highlights for some of the subsidiaries include CSG's award of two contracts totaling approximately \$6.5ml, the backlog for the IT Company continues to grow, CCRC is now handling the construction at Dover Air Force Base and at APSE they are waiting the decision from Boeing. The companies are doing well. The governance committee has been developed to oversee the companies.

Cherokee Nation Industries - Robert Drvostep

Mr. Drvostep announced the January results for CNI were good. The revenue totaled \$8.637ml versus a budget of \$9.7ml. Their profit was \$178,000 versus a budgeted loss of \$166,000. The year-to-date through January profit totals \$505,000 versus a budgeted loss of \$1.2ml. The January employment totals 506 of which 424 are Native American or 84%.

Career Services/Employment - Diane Kelley

Ms. Kelley announced they continue to work with three businesses in three different counties. They will be doing a reverse job fair in several different locations beginning in May. She announced she and Ms. Anna Knight have began meeting with the

purchasing entities at CNI, CNE, CNB, Home Health and PACE in regard to the TERO Executive Order and will begin training on the government side on April 12th through the 16th and then April 19th through the 23rd for the business side. On Tuesday April 27th CNI will have their own training session. During the month of May they will visit Three Rivers Clinic, the Complex, West Siloam Springs, Catoosa and Afton to train from the government side, business side and TERO along with the Bid Center. Ms. Kelley provided a list of people who are on the TERO Certification Committee, meeting times and major businesses. She announced they have had an overwhelming amount of tribal members take part in the Day Work Training Program. They will be down sizing the program. They will shut down for two to three weeks to meet and try to determine how to recoup some of the funds so they can maintain up through the end of the fiscal year. No over income applications will be accepted for Summer Youth. All of the Summer Youth slots will be Federal Program dollars. The funds in the budget for tribal works went toward the Day Work Program. Councilor Soap requested a flyer for the Summer Youth Program. Northeastern State University and the Cherokee Nation partnered in an economic summit last fall and will host one again in October. On April 13th Northeastern State University will be recognized in Oklahoma City for giving voice to Oklahoma. She encouraged everyone to attend the awards event.

Commerce - Anna Knight

Ms. Knight handed out brochures for the economic summit referred to by Ms. Kelley. She offered to answer questions from her written report.

CONSENT ITEMS:

T.E.R.O. CERTIFICATIONS

Councilor Bill John Baker moved to approve the TERO certifications as submitted. Councilor Cowan Watts seconded the motion. Councilor Cowan Watts requested clarification on the Bonjour Flowers request. She offered a friendly amendment to table Bonjour Flowers for one month. Councilor Bill John Baker accepted. Councilor Hoskin Jr. commented a few months ago question was raised as to if Mr. Doug Evans held ownership interest in a TERO company. Through discussion it became clear he didn't have interest. He voiced concern the minutes didn't reflect any factual basis to assert that he had any ownership interest in this particular company and that it didn't implicate the Sunshine Act. He requested assurance from Mr. Evans he was speaking correctly. Mr. Evans commented there was ownership interest four years ago but not in the last three years. Councilor Hoskin Jr. requested the minutes reflect that Mr. Evans does not have any ownership interest in Grace Medical. The TERO certifications passed with no opposition as submitted with the exception of Bonjour Flowers being tabled for one month.

CEMETERY RESTORATION ASSISTANCE APPLICATIONS

Chair Jack D. Baker announced a revised cemetery list has been provided with five additional requests. Councilor Glory-Jordan added Miller Cemetery in Cherokee County to the revised list. Councilor Thornton moved to approve with additions. Councilor Bill John Baker seconded the motion. Motion carried.

LAW ENFORCEMENT REQUESTS

Chair Jack D. Baker announced a revised list of law enforcement requests has been

provided. Councilor Glory-Jordan announced she and Councilor Bill John Baker would like to distribute their funds as follows to deplete their accounts:

Tahlequah Police Department \$5,500
Hulbert Police Department \$3,509.18
Cherokee County Sheriff's Office \$23,500

Councilor Bill John Baker agreed. Councilor Thornton moved to approve with the additions. Councilor Crittenden seconded the motion. Motion carried.

ROADS

Chair Jack D. Baker announced an amended list has also been provided for the Roads requests. Mr. Evans gave an overview of his roads report. Councilor Bill John Baker moved to approve the revised list. Councilor Buzzard seconded the motion. Motion carried.

OLD BUSINESS

None pending.

NEW BUSINESS

1. DISCUSSION: STATUS OF FY2010 COUNCIL INITIATIVES

Councilor Hoskin Jr. stated during the 2010 budget hearings the Council added to the final budget package a series of initiatives which included: The Backpack Nutrition Program \$35,000, WISH Foundation \$15,000, Food Pantry/Senior Nutrition \$100,000, Cherokee Sports Teams \$50,000, and the County Livestock Auctions \$39,000. He requested confirmation from the Administration that these initiatives are on track. With respect to the Backpack Nutrition Program it is been learned the funds were spent and went to the programs ran by the Boys and Girls Clubs but didn't include the programs ran by other entities such as the Salvation Army. The Salvation Army in Craig County didn't receive funds and this was the intent of the legislation. He stated a fix needs to be located to correct this error. Ms. Paula Ragsdale commented she would look into the initiatives and report back. Councilor Hoskin Jr. commented he would like funds to be located to make good on the promise made during the budget hearings to fund the Salvation Army backpack programs. Councilor Bill John Baker voiced concern for the sports team applications. The current application states the funds can only be used for uniforms which the Cherokee seal must be placed on the shoulder, travel and equipment.

Councilor Bill John Baker made a motion to expand the use of funds to tournament fees. Councilor Cowan Watts seconded the motion. Councilor Glory-Jordan commented the only requirement made during the budget hearings was that the team be at least 50% Cherokee. There wasn't a requirement for cash matching, no uniform requirements, and no requirement on how the funds could be expended. She commented she didn't believe a motion would be necessary that the minutes just need to be adhered to. Ms. Ragsdale said this issue could be fixed in a timely fashion. Councilor Bill John Baker withdrew his motion. Councilor Glory-Jordan requested a revised form as soon as possible. Chair Jack D. Baker requested a copy of the budget hearing minutes be provided to Ms. Ragsdale. Councilor Glory-Jordan requested an update on the WISH Program. Ms. Ragsdale stated it has not been processed but is ready to be done. Councilor Glory-Jordan inquired

about the status of the \$2,000 for each food pantry, senior nutrition site and community building totaling \$100,000. Ms. Ragsdale stated a list of the pantries throughout the fourteen counties has been compiled and they are now trying to determine which serve the Cherokee communities. Councilor Glory-Jordan gave appreciation for the livestock auction funding and its process. Councilor Hoskin Jr. commented the minutes are clear in regard to the food pantries. He requested once the list is compiled that it is shared with the Council prior to distribution of funds. Ms. Ragsdale agreed. Councilor Cowan Watts agreed in the request to review the list prior to distribution. Councilor Frailey inquired if the homeless shelters would be included on the list. Ms. Ragsdale commented they are in the process of reviewing and they will be on a separate list.

Councilor Glory-Jordan moved to table this item to allow further discussion and an update next month. Councilor Hoskin Jr. seconded the motion. Motion carried.

2. AN ACT AMENDING LA 25-09; 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 amendment to the current donations and contributions law is to strike the deadline of March 31st for the equitable distribution of donations and contributions in Section 5 part G. He moved to approve the striking of the last sentence in Section 5 part G. Councilor Thornton seconded the motion.

The motion to approve carried with Chair Jack D. Baker and Councilor Soap opposed.

2. AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 - MOD 6; AND DECLARING AN EMERGENCY

Mr. Evans gave his overview of Mod 6. He commented the general fund request to move \$30,000 from the Elderly Transportation program to the Burial program didn't have an explanation for the transfer. He further commented if approved it would need to be reduced down to \$28,230 as a technical adjustment. Councilor Buzzard requested clarification on the Elderly Transportation program. Mr. Jerry Snell announced they did realize there were expenditures that hit the Elderly Transportation program when this budget cycle began that were in error. They have been on the process to correct the mistake. The final adjustment should have taken place yesterday which will bring this amount back up to \$30,000. He announced they have had the Elderly Transportation program approximately three years now. The funds were expended on eight trips with the 160 tribal elders. He stated they have exhausted all of their tribal burial funds and need to transfer these funds to support their contract support dollars. Mr. Evans continued with his review. He expressed caution moving funds for the Tribal Day Work Program and expending out of the Indian Housing Plan that there are adequate processes in place to ensure these are actual residents working on the housing locations. Councilor Glory-Jordan questioned if the assurance would be given in regard to these requirements in the use of federal funds. Mr. Marvin Jones announced included in the budget is administrative oversight to ensure the funds are kept separate and only used by residents of our housing. Mr. Evans continued with his overview. He provided a separate memo and gave an overview pertaining to the block grant for the Nowata food distribution and elder nutrition building. If the body chooses to authorize this amendment he could include it with the regular mod package.

Councilor Glory-Jordan moved to approve the budget mod with the addition of the donation and contributions request carried over from out last meeting. She requested the opportunity to read the list provided as the numbers have changed. Councilor Fishinghawk seconded the motion.

Councilor Cobb announced he and Councilor Anglen would like to add from their community assistance monies to this budget mod the following:

1. Victory Cherokee Organization - \$2,000
2. Tulsa County Cherokee Organization - \$1,500
3. Washington County Cherokee Organization - \$2,000

Councilor Cobb requested items 1, 2, and 3 be moved and go through the COTTA program.

4. Bartlesville Boys & Girls Club - \$1,200
5. Skiatook Immersion Teacher - \$1,200
6. Bartlesville Area Amateur Baseball - \$600
7. Angie Debo Memorial - \$500
8. Sam Bradford Statue - \$500
9. White Oak wild onion dinner - \$250
10. Bartlesville Indian Women's Club wild onion dinner - \$500.

Councilor Cobb stated this is a total between him and Councilor Anglen of \$10,250 or \$5,125 per Councilor.

Councilors Glory-Jordan and Fishinghawk accepted the request from the Councilors of District 8 as a friendly amendment.

Councilor Hoskin Jr. requested a friendly amendment to include a donation of \$250 for the Loyal Shawnee wild onion dinner from District 9 funding.

Councilor Glory-Jordan made the following amount changes to the list of items submitted for approval with the agreement from the sponsors:

1. Cedar Springs Baptist Church - \$500
2. Rocky Ford Community Church - \$500
3. Mount Zion – reduce to \$500
4. Warner Public Schools – reduce to \$12,967
5. Gore High School Senior Gifted and Talented - \$500
6. Leach School - \$3,000
7. Marble City Community Pantry - \$1,865
8. New Life Worship Center - \$1,000
9. Town Of Kansas – reduce to \$6,000
10. Native American Fellowship INC. – reduce to \$5,500
11. Special Olympics - reduce to \$1,000
12. Town of South Coffeerville – reduce to \$3,000
13. Cherokee Elementary PTO – reduce to \$2,000
14. Camp Grey Squirrel - \$500
15. Opportunity House of Tahlequah - \$500
16. Care Food Pantry – TABLE in hopes Admin will pay from funds set aside during budget hearings
17. Oak Grove Baptist Church - \$1,500
18. Craig County OSU Extension - \$900

Councilor Glory-Jordan added from District 1 the following supply closets:

1. Shady Grove - \$400
2. Hulbert - \$400
3. Norwood - \$400
4. Peggs - \$400
5. Grandview - \$400
6. Lowery - \$400
7. Woodall - \$400
8. Briggs - \$400
9. Tahlequah Cherokee Elementary - \$400
10. Tahlequah Sequoyah Elementary - \$400
11. Tahlequah Greenwood Elementary - \$400
12. Keys - \$400
13. Tenkiller - \$400

Councilor Glory-Jordan requested these also become part of her motion for approval. Councilor Fishinghawk accepted.

Councilor Frailey requested a friendly amendment to include the Indian Community Development Block Grant from HUD in the amount of \$1,000,000 to construct a facility in Nowata. This facility will contain a food distribution site an elder nutrition center. The application was approved last summer but does include a match of real property and cash with a combined value of \$250,000. Councilors Glory-Jordan and Fishinghawk accepted.

Councilor Coates requested a friendly amendment to include \$5,000 from the multi district contributions for the statue of Sam Bradford. She commented the Choctaws and Chickasaws are contributing and it would be an embarrassment if his own heritage didn't contribute. Councilor Glory-Jordan stated she would be unable to accept because District 1 doesn't have any funds to contribute and she didn't want to speak for other Councilors funds without their approval. Councilor Soap requested a friendly amendment for District 6 to fund this request. Councilor Frailey inquired as to the amount. Councilor Soap commented the whole amount. Councilor Cobb gave clarification that District 8 is contributing \$500 to this request.

Mr. Hembree recommended the most appropriate method is to do a separate amendment where individual contributions could be asked or it could be \$4,500 multi district. Chair Jack D. Baker commented some districts do not have funds available. He stated Councilor Soap requested a friendly amendment and if he is willing and Councilor Glory-Jordan is willing to accept. Councilor Frailey commented she was shocked. Councilor Glory-Jordan asked if Councilor Soap would like to present as a separate amendment. Councilor Soap commented it is up to her that he asked for a friendly amendment. Councilor Glory-Jordan didn't accept as a friendly amendment.

Councilor Soap made a formal motion to fund the Bradford statue. Councilor Bill John Baker seconded the motion. Motion carried.

Councilor Cowan Watts announced the Will Rogers Memorial check has not been cut and requested a friendly amendment to amend the original amount designated from District 7 by reducing it by \$500 for the Angie Debo memorial and \$500 for the Sam Bradford statue.

Councilor Bill John Baker requested a friendly amendment to bring the Pocahontas Club request off of the table and fund it for \$2,500 using multi district funding. Councilor Cowan Watts announced several districts have zero balances. Councilor Bill John Baker stated the funds would come from the districts that have funds

remaining. Councilors Glory-Jordan and Fishinghawk accepted the friendly amendment if the districts with funds available are willing to give.

Councilor Buzzard requested a friendly amendment to donate \$1,500 to the Delaware County Pow Wow Organization and the remaining \$217 to the Oak Hill Piney Cherokee Organization.

Councilor Snell requested a friendly amendment to donate the remaining \$3,000 of District 5 funds to Little Kansas High School.

Councilor Glory-Jordan accepted the friendly amendments.

Chair Jack D. Baker requested Mr. Evans and Ms. Ragsdale work together to determine the balances.

Councilor Glory-Jordan requested each Councilor notify Shelli of the amount they are willing to donate if any to the Pocahontas Club. Councilor Bill John Baker stated the remainder of District 1 funding should go to the Pocahontas Club.

The motion to approve the mod amendments carried with Chair Jack D. Baker opposed.

ANNOUNCEMENTS

Councilor Buzzard announced the council members maybe receiveing an email pertaining to the housing work group in regard to the 2010 IHP.

Mr. Evans gave highlights of an email that went our pertaining to the indirect cost pool and half of the Tribal Council's budget being able to be inclusive in this pool as well as to have the Chief's office budget. There was a recent determination made by the Department of Interior and the Office of Management and Budget to allow the 50% rule to stand. Tribes will not have to provide detailed support to include 50% of applicable Council and Executive cost in their IDC pool they will only need to provide such documentation in instances where the tribe elects to claim more than 50% within the pool. He stated this is good news that has been waited on for a long time and gave appreciation to Ms. Catcher and her staff for their hard work and also for keeping him in the loop.

Councilor Cowan Watts announced a PAC Sub Committee meeting would begin immediately following the adjournment of this meeting.

ADJOURNMENT

Councilor Cowan Watts moved to adjourn. Councilor Bill John Baker seconded the motion. Motion carried at 4:48 p.m.

STAFF PRESENT:

*Tamyse Leake
Marvin Jones
Pat Ragsdale
Larry Ketcher*

*Gregg Simmons
Anna Knight
Paula Ragsdale
Ginger Brown*

*Beverly Barr
Doug Evans
Diane Kelley
Ashley Canoe*

VISITORS PRESENT:

David Stewart
Gwen Henry
Byran Collins

Mike Miller
Ollie Starr
Gina Olaya

Bob Drvostep
Thelda Bowin
Todd Hembree