



# Council of the Cherokee Nation

## Tribal Council Minutes

### Tribal Council

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Monday, October 15, 2007

6:00 PM

Council Chambers

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#### 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 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 moved to approve the minutes of the September 10th Regular Session, September 12th Reconvene Session, and September 13th Reconvene Session in Toto. Councilor Cowan Watts seconded the motion. Motion carried.**

#### STATE OF THE NATION

*Chief Smith requested a moment of silence to pay respect to members and friends who have passed this last month. Veterans honored this month were Charles Battie and Charles F. Battie. A reception was held for the following Cherokee Nation employees deploying to Iraq: Keith Danner, Brian Bayhill, Frank Roof, and Scott Ennis. The Finance Department recently was honored once again with the Excellence in Financial Accounting Award from the Government Finance Officers Association. This award is given only to those whose comprehensive financial reports achieve the high standards in governmental accounting and financial reporting. This is the highest award in governmental accounting. The Early Childhood Unit recently celebrated the 3rd Annual Head Start Day. The Cherokee Nation currently operates 35 centers and providing services to 685 children. The Indian Child Welfare Program has begun accepting applications for this year's angel tree. He along with Councilor Anglen had the privilege of presenting the AKBAR Shriner's in Tulsa with a 15 passenger van. The Cherokee Art Market was held this past weekend sponsored by Cherokee Nation Enterprises in conjunction with the Cherokee Film Festival. Gina Stanley, Sequoyah High School Superintendent has been selected to receive the Excellence in Education Leadership Award from the University Councilor for Education Administration. KTUL TV Channel 8 in Tulsa has selected Sequoyah High School for their cool school for this week. The National Congress of American Indians Conference is being held in Denver, Colorado. The Tribe will be celebrating Red Ribbon Week this month and will be offering flu shots as well. The Cherokee National Youth Choir has been awarded the 2007 Best Gospel Inspirational Recording by the Native American Music Awards for their release "Comforting and Joy". The Choir will also be participating this month in the Macy's Thanksgiving Day Parade.*

Councilor Bill John Baker moved to amend the agenda to add an item that was inadvertently omitted last month as item #17, "A Resolution to Donate Surplus Equipment to the Welling Fire Department". Councilor Crittenden seconded the motion. Motion carried.

#### ACTION OF UNFINISHED BUSINESS

*None pending.*

#### COMMITTEE REPORTS

##### Monthly Reports:

##### Housing Authority - David Southerland

*David Southerland announced the HACN Board meeting scheduled for October 16th has been scheduled due to the lack of a quorum therefore they will take up business in November. He will be attending the Risk Management meeting where they will be electing a new chairman. Operations are going well and they are finishing up any outstanding 2006 Indian Housing Plan/Block Grant Money. They have begun spending the 2007 Block Grant funds and if nothing changes the 2008 funds will be available by May of next year. They have 170 employees with 97% being Native American. They have assisted approximately 117 students with dorm assistance this semester. Thirty-seven families moved into new homes this month with the help of the Mortgage Assistance Grant and 110 families for the fiscal year.*

##### Cherokee Nation Enterprises - David Stewart

*David LeBass, Chief Accounting Officer for CNE reported year to date results continue to exceed expectations. Total contributions to the Nation for the month of August were approximately \$2.5 million including dividends and miscellaneous taxes. Expansions are proceeding on schedule with no major delays. August employment for CNE was 3200 of which 59% is Cherokee and 13% other Native American for a combined total of 72% Native. Upper management is 58% Cherokee and 9% other Native American for a total of 67%.*

##### Cherokee Nation Industries - Bryan Collins

*Bryan Collins reported fiscal year to date as of August 31st, total sales of \$130 million. July & August total revenue is \$18.8 million. The overall estimated profitability was \$1.6 million. Local employment is 276 with 230 being Native American and 98% Cherokee. The next board meeting is scheduled for November 26th in Stilwell. They hosted an employee picnic this past weekend which was a big success. He thanked Chief Smith, Councilor Crittenden and Buzzard for attending. He attended UTC last week in Connecticut for a minority business exchange meeting where CN Distributors received the 2007 MBX Suppliers Excellence Award.*

##### Cherokee Nation Business, Inc - Callie Catcher

*Brad Carson reported it has been the busy time of the year for them as their role of the holding company they have completed the budgeting process which ties into the matter on the agenda for later this evening involving the line of credit to facilitate greater expansions in many of their businesses. As projected the next three years should be enormously profitable for the Cherokee Nation with greater dividends coming to the Tribal Council as well as a number of significant expansions to CNE, CNI and other related*

*businesses.*

OLD BUSINESS

*None pending.*

NEW BUSINESS

1. **a resolution Authorizing the submission of a funding application to Centers for Disease Control and prevention for a Cherokee Nation coordinated school health program**

*Councilor Jack D. Baker stated the purpose this resolution is to apply for funding from the Centers of Disease Control and prevention for planning and implementation of the coordinated school health and youth behavioral risk factor survey program. The program is designed to assist schools in developing and implementing programs to improve the health of youth and prepare them to be healthy adults. The award is for 5 years with a maximum funding of \$335,000 per year.*

**Council Jack Baker moved for its approval. Councilor Bill John Baker seconded the motion. Motion passed.**

Enactment No: R-86-07

2. **A RESOLUTION AUTHORIZING CHEROKEE NATION TO BECOME A MEMBER OF THE NATIONAL CONGRESS OF AMERICAN INDIANS AND TO APPOINT THE TRIBAL DELEGATE AND ALTERNATES**

*Speaker Frailey stated the purpose of this resolution is to authorize Cherokee Nation to become a member of the National Congress of American Indians to appoint the Tribal Delegate and Alternates and to authorize payment of membership dues. Membership will be for a one-year term, from the 2007 NCAI Annual Convention to the 2008 NCAI Annual Convention.*

**Speaker Frailey moved for the approval of the resolution. Councilor Jack Baker seconded the motion. Motion passed.**

Enactment No: R-87-07

3. **A RESOLUTION CONFIRMING THE RENOMINATION OF MIKE CRAWLEY AS A BOARD MEMBER OF THE ECONOMIC DEVELOPMENT TRUST AUTHORITY BOARD OF DIRECTORS**

**Speaker Frailey moved for the approval of the resolution. Councilor Cobb seconded the motion. Motion passed.**

Enactment No: R-88-07

4. **A RESOLUTION CONFIRMING THE RENOMINATION OF TERRI DANIELS AS A BOARD MEMBER OF THE ECONOMIC DEVELOPMENT TRUST AUTHORITY BOARD OF DIRECTORS**

**Speaker Frailey moved for the approval of the resolution. Councilor Cobb seconded the motion. Motion passed.**

Enactment No: R-89-07

5. A RESOLUTION CONFIRMING THE NOMINATION OF GERALD LEE WOFFORD AS AN EDITORIAL BOARD MEMBER OF THE CHEROKEE PHOENIX
- Speaker Frailey moved for the approval of the resolution. Councilor Cobb seconded the motion. Motion passed.**
- Enactment No: R-90-07
6. A RESOLUTION CONFIRMING THE NOMINATION OF DEACON TURNER AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION
- Speaker Frailey moved for the approval of the resolution. Councilor Cobb seconded the motion. Motion passed.**
- Enactment No: R-91-07
7. A RESOLUTION CONFIRMING THE NOMINATION OF MIKE MC EVER AS A BOARD MEMBER OF CHEROKEE NATION ADMINISTRATIVE APPEALS BOARD
- Speaker Frailey moved for the approval of the resolution. Councilor Cobb seconded the motion. Motion passed.**
- Enactment No: R-92-07
8. A RESOLUTION CONFIRMING THE NOMINATION OF RALPH KEEN, JR. AS A BOARD MEMBER OF CHEROKEE NATION ADMINISTRATIVE APPEALS BOARD
- Speaker Frailey moved for the approval of the resolution. Councilor Cobb seconded the motion. Motion passed.**
- Enactment No: R-93-07
9. A RESOLUTION CONFIRMING THE NOMINATION OF SHANNON FISHER AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION
- Speaker Frailey moved for the approval of the resolution. Councilor Cobb seconded the motion. Motion passed.**
- Enactment No: R-94-07
10. **AN ACT AMENDING LA-1-85 REQUIRING FORMATION OF THE CODIFICATION COMMITTEE OF THE CHEROKEE NATION TRIBAL COUNCIL**
- Speaker Frailey stated the purpose of this Act is to amend Codification Committee to coincide with the current Cherokee Nation Constitution requiring the Codification Committee to serve without compensation.*
- Speaker Frailey moved for the approval of the Act. Councilor Crittenden seconded the motion. Motion passed by acclamation.**
- Enactment No: LA-38-07

11. **AN ACT AMENDING LA-2-85 REQUIRING SPECIFIC FORM FOR ENACTMENTS OF THE CHEROKEE NATION TRIBAL COUNCIL**
- Speaker Frailey stated this Act is to amend the current form of enactments and resolutions to coincide with the current Cherokee Nation Constitution.*
- Speaker Frailey moved for the approval of this Act. Councilor Anglen seconded the motion. Motion passed by acclamation.**
- Enactment No: LA-39-07
12. **A RESOLUTION APPROVING AND AUTHORIZING THE SUBMITTAL OF A REQUEST TO THE INDIAN HEALTH SERVICE TO PARTICIPATE IN THE 2007 IHS JOINT VENTURE CONSTRUCTION PROGRAM AGREEMENT FOR CONSTRUCTION AND OPERATION OF THE VINITA HEALTH CARE FACILITY**
- Councilor Cobb stated the purpose of this Resolution is to authorize Cherokee Nation Health Services to participate in the 2007 Indian Health Service Joint Venture Construction Program, and that the Chief or his designee shall be authorized to execute all official documents in this regard.*
- Councilor Cobb moved for the approval of the Resolution. Councilor Hoskin, Jr. seconded the motion. Motion passed.**
- Enactment No: R-95-07
13. **A RESOLUTION AUTHORIZING CHEROKEE NATION REAL ESTATE SERVICES TO NEGOTIATE AND/OR ADVERTISE FOR BID TO LEASE CHILOCCO TRIBAL UNITS ON FEE AND TRUST LAND AND TO WAIVE THE BOND**
- Councilor Snell stated the purpose of this Resolution is to authorize the Cherokee Nation Real Estate Services Department to negotiate and/or advertise for bid and lease certain units on trust or fee land for a five year term that may become available, bond requirement to be waived and that Chad Smith, Principal Chief or his designee be authorized to negotiate and execute all official matters in this regard.*
- Councilor Snell moved for the approval of the Resolution. Councilor Garvin seconded the motion. Motion passed.**
- Enactment No: R-96-07
14. **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**
- Councilor Jack Baker stated this is a Resolution to increase the credit line from \$50 million to \$125 million to be used for the construction projects that are now underway or soon to begin for the Cherokee entities.*
- Councilor Jack Baker moved for the approval of the Act. Councilor Cowan Watts seconded the motion.**
- Enactment No: R-97-07

*The new paragraph would read" the agreements by and among CNB and Bank of America, NA, underlying said loan or financing transactions shall include provisions reflecting that, during the term of said loan or financing transactions, the monthly dividend paid by CNB to Cherokee Nation shall not be less than 30%, but shall not exceed 35%, of net income". It would further renumber the subsequent paragraphs for consistency.*

**A motion was made by Councilor Chuck Hoskin, Jr. and seconded by Councilor S. Joe Crittenden, that this matter be Amended. The motion FAILED by the following vote:**

**Yea:** 6 - S. Joe Crittenden;David Thornton Sr. ;Tina Glory Jordan;Jodie Fishinghawk;Chuck Hoskin, Jr. and Bill John Baker

**Nay:** 11 - Don Garvin;Meredith Frailey;Cara Cowan Watts;Buel Anglen;Jack D. Baker;Janelle Fullbright;Harley Buzzard;Curtis Snell;Chris Soap;Bradley Cobb and Julia Coates

Enactment No: R-97-07

**The motion for approval of the Act to increase the line of credit from \$50 million to \$125 million passed by the following vote:**

**Yea:** 14 - S. Joe Crittenden;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;Julia Coates and Bill John Baker

**Nay:** 3 - Tina Glory Jordan;Jodie Fishinghawk and Chuck Hoskin, Jr.

Enactment No: R-97-07

15.

**A RESOLUTION AUTHORIZING THE APPROVAL OF A LEASE BETWEEN CHEROKEE NATION AND THE VICTORY CHEROKEE ORGANIZATION, INC., TO CONSTRUCT A COMMUNITY BUILDING ON TRIBAL FEE PROPERTY**

*Councilor Anglen stated the request set forth in the attached resolution is for Cherokee Nation to lease one acre of tribal fee land at the Victory Cemetery in Collinsville, Oklahoma in order to construct a community building at a nominal rate for fifty years.*

**Councilor Anglen moved for the approval of the Resolution. Councilor Cobb seconded the motion. Motion passed.**

Enactment No: R-98-07

16.

**A RESOLUTION REQUIRING THE IMPLEMENTATION OF A CHEROKEE TRIBAL PREFERENCE POLICY ON ALL NON-TRUST LAND LEASES EXECUTED BY THE CHEROKEE NATION**

*Councilor Bill John Baker states that Cherokee Nation through its Tribal Council, that a policy of Cherokee Nation Tribal preference be imposed for tribal land leases administered by the Cherokee Nation and that said policy be reported to the Tribal Council upon implementation.*

**Councilor Bill Baker moved for the approval of the Resolution. Councilor Cowan Watts seconded the motion. Motion passed.**

Enactment No: R-99-07

17.                   **A Resolution Authorizing the donation of surplus equipment to the Welling, Oklahoma Fire Department**

*Councilor Crittenden stated this Resolution authorizes the donation of a "Jaws of Life" system to the Welling, Oklahoma Fire Department for emergency services.*

**Councilor Crittenden moved for the approval of the Resolution. Councilor Bill Baker seconded the motion. Motion passed.**

Enactment No: R-100-07

ANNOUNCEMENTS

*Councilor Cowan Watts announced the opening of the Rogers County Cherokee Association community building on Saturday, November 10th with a hog fry beginning at 4:00 p.m.*

*Councilor Garvin recognized visitors from Porum, Dixie Mabrey, Barbara Harris, and Elaine Cox.*

*Councilor Thornton announced the Sallisaw Central Cheerleaders placed 2nd in the State 1A Tournament and the Vian Cheerleaders place 1st in their State competition.*

*Councilor Fullbright recognized Dr. Bill Ratcliffe, Minister of the First Presbyterian Church of Sallisaw.*

*Councilor Anglen recognized Keith Stanley of Collinsville, who is the Chair of the Victory Christian Organization.*

*Speaker Frailey reminded Council members that flu shots will be give at the council house tomorrow at 12:30 p.m.*

ADJOURNMENT

**With no further business presented, Councilor Cowan Watts moved for adjournment. The next regular Council meeting will be held on November 13th, 6:00 p.m. at the W.W. Keeler Complex.**