



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

Monday, September 13, 2010

6:00 PM

Council Chambers

CALL TO ORDER

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

INVOCATION

Councilor Fishinghawk gave the invocation.

ROLL CALL

Present 15 - Buel Anglen; Cara Cowan Watts; David Thornton Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; S. Joe Crittenden; Bradley Cobb; Chris Soap; Chuck Hoskin; Curtis Snell; Harley Buzzard; Jodie Fishinghawk; Tina Glory Jordan and Bill John Baker

Absent 1 - Janelle Fullbright

Late Arrival 1 - Julia Coates

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Bill John Baker made a motion to approve the August 16, 2010 regular session minutes. Councilor Soap seconded the motion. Motion carried.

STATE OF THE NATION

Principal Chief Chad Smith requested a moment of silence to remember the family and friends who we have lost over the last month. Veterans honored were Tyler Fish, Ross Ward and Charles Thomas Scott. Chief Smith announced the Cherokee language is now for the first time is available on Apple I-phones and I-pads. This is the first native language to be featured by Apple and one of forty languages overall. Chief Smith commented the budget for the fiscal year has several functions as it is an accounting for our present resources, it funds and allows our work for the next year and gives the Principal Chief the authority to spend money. The budget is one of the Council's greatest responsibilities and the Legislative Branch has the power of the purse. The budget which passed out of committee and being voted on tonight is the Council's budget. Although this year's budget is 6% less, jobs have been preserved along with the continuation of essential and direct services to the people. He gave appreciation to the employees for providing these direct services to our people. The

budget brought forward by the Council tonight defers brick and mortar programs and initiatives as they must wait until financial times are better. The weakness within this budget is that we have less than four tenths of a percent for a reserve. He gave appreciation to the Council for their deliberation of this budget. Chief Smith announced this is the time of the year when we say goodbye to our previous years Ambassadors and introduce our newest representatives. He introduced Miss Cherokee 2010 Brooke Hudson from Claremore and Junior Miss Cherokee 2010 Jackie Eagle of Gore. Mary Kay Henderson, Kathy Sierra, Luis Buck, Dave Blackbird and the CC Camp Community Organization were recognized at the Cherokee National Holiday this year for Epitomizing the Cherokee Community Spirit. Three new National Treasures were also named as Christy Frog, Edna Sue Thompson and Ed Fields. They awarded Medals of Patriotism to Brad Carson and Charlie Soap. Cherokee Nation Statesmanship Awards were given to former Councilman Bill Johnson and former Principal Chief Ross Swimmer. Teacher Samilou Smith at Maryetta School in Adair County and her class were honored as winners of the National Art Competition held by the United States Department of Education in Indian Affairs in Washington D.C. Chief Smith and Councilors Fishinghawk, Crittenden, Buzzard and Snell presented Ms. Smith with a plaque of appreciation for her dedication and leadership. A video of their trip to the competition was shown. Chief Smith recognized Ella Grace Mounce as one of the artist from Maryetta School but also as one of our Little Ambassadors. He provided reminders of the Cherokee Challenge and the Chief's Challenge. The Cherokee Nation is hosting a 5K run this Saturday at the Cherokee Nation Courthouse. Cherokee children in grades 2 through 6 are invited this Saturday to take part in a first annual Cherokee Music Festival beginning at noon at the Place Where They Play. The Council was given the 9th Cherokee Nation Youth Choirs "Then and Now" CD.

ACTION OF UNFINISHED BUSINESS

None pending.

COMMITTEE REPORTS

Councilor Fishinghawk recognized one of the Maryetta artists as Councilor Joe Crittenden's grandson Caden.

Councilor Garvin announced the National Congress of American Indians annual meetings in November are at the same time as our Council and Committee meetings.

Councilor Garvin made a motion to change our meetings to the following week on Monday the 22nd and Tuesday the 23rd of November. Councilor Anglen seconded the motion. Motion carried.

Monthly Reports:

Housing Authority - David Southerland

Mr. Southerland announced the Board meeting will be Friday the 24th beginning at noon. The board has a light agenda this month. Two homes in Sequoyah County suffered minor damage due to storms recently. They have received notice of five homeowners under Community Shield with storm related damages. They have had two apartment fires within the last forty-five days both caused by smoking. They are in the process of discussing eliminating smoking in the apartments. He invited everyone to the Will Rogers Senior Housing open house on October 15th from 10:00 to 2:00 p.m.

Cherokee Nation Business, Inc - David Stewart

Mr. Stewart announced overall good financial results for June at all operating businesses. Results were slightly ahead of last year at CNE. The properties are all doing well with West Siloam having the best results with their hotel occupancy at approximately 60%. For the first nine months CNI is showing approximately \$1ml in profit. All operating companies are profitable. CCRC was awarded a \$10ml facilities maintenance contract at Dover. They were also awarded a Small Disadvantaged Business of the Year by the FAA. They also continue their work in the Gulf clean up efforts. Cherokee Nation Technology received a 8A certification in June which will put them in the position to compete more in the government contracting arena. CNB employees completed a volunteer assignment at the Belfonte community and are gearing up for another project at Kenwood. Mr. Stewart announced he is pleased with the consolidation of the boards. Councilor Fishinghawk announced she attended CNI's annual picnic where employees had several questions. She inquired if we had bought a plant. Mr. Stewart responded we had not. She commented employees voiced concern for hiring non-Cherokees and not promoting from within. Mr. Stewart stated he would look into the concerns. He stated the Cherokee employment percentage is very high and the only time they go out of preference is when they have to provide expertise and can not find a Cherokee that can. Councilor Fishinghawk inquired about possible upcoming jobs for Adair and Delaware Counties. Mr. Stewart stated they are working to make CNI more efficient and profitable. He commented they don't have anything to announce within those counties. Councilor Fishinghawk inquired about the TERO vendor usage at the Ramona casino. Mr. Stewart stated the construction portion of the property was at almost 95% TERO with the total project being just over 80% TERO. Councilor Cobb commented he has had people go out of their way to let him know how friendly the staff is at the Ramona casino. He also announced he has been approached by TERO vendors who were appreciative of the work they got to do at the Ramona sight. Councilor Glory-Jordan announced she still hasn't received the budgets she had requested for all of the entities. Mr. Stewart stated they have not been officially approved by the Board. They have a draft approved by the Executive Committee which will be sent to you tomorrow.

OLD BUSINESS

1. **AN ACT AUTHORIZING THE RECEIPT OF REAL PROPERTY BY DONATION OR GIFT FROM INDIVIDUALS, CORPORATIONS AND ENTITIES TO THE CHEROKEE NATION**

Councilor Cowan Watts moved to table for one month. Councilor Garvin seconded the motion. Motion carried.

NEW BUSINESS

Community Services Committee

Councilor Buzzard made a motion to approve items 1 and 2 in Toto. Councilor Thornton seconded the motion. The motion carried unanimously by consent.

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

Approved in Toto.

Enactment No: R-78-10

2. **A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES FOR FY2011 FUNDING FOR A LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

Approved in Toto.

Enactment No: R-79-10

Health Committee

3. **A RESOLUTION AUTHORIZING THE SUBMISSION OF AN INDIAN HEALTH SERVICE TRIBAL MANAGEMENT GRANT APPLICATION**

Councilor Cobb moved to approve. Councilor Bill John Baker seconded the motion. Motion carried.

Enactment No: R-80-10

Rules Committee

Councilor Glory Jordan made a motion to approve items 4 through 8 in Toto. Councilor Thornton seconded the motion. The motion carried unanimously by consent.

4. **A RESOLUTION CONFIRMING THE RENOMINATION OF SHANNON FISHER AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION**

Approved in Toto.

Enactment No: R-81-10

5. **A RESOLUTION CONFIRMING THE RENOMINATION OF JENNIFER BARGER JOHNSON AS A COMMISSIONER OF THE CHEROKEE NATION GAMING COMMISSION**

Approved in Toto.

Enactment No: R-82-10

- 6. **A RESOLUTION CONFIRMING THE RENOMINATION OF LLOYD ARMSTRONG AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC**

Approved in Toto.

Enactment No: R-83-10

- 7. **A RESOLUTION CONFIRMING THE RENOMINATION OF JIM CARSON AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC**

Approved in Toto.

Enactment No: R-84-10

- 8. **A RESOLUTION CONFIRMING THE RENOMINATION OF JACKIE BOB MARTIN AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC**

Approved in Toto.

Enactment No: R-85-10

- 9. **A LEGISLATIVE ACT AMENDING TITLE 63 CHAPTER 3, ARTICLE 2 § 101 OF THE CHEROKEE NATION CODE ANNOTATED, THE ENVIRONMENTAL QUALITY CODE; AND DECLARING AN EMERGENCY**

Councilor Jack D. Baker moved to approve by acclamation. Councilor Cowan Watts seconded the motion. Motion carried.

Enactment No: LA-25-10

- 10. **A LEGISLATIVE ACT REPEALING AND REPLACING LA#30-89, LA#9-90, LA#1-94, R#126-95, LA#29-03, LA#37-03, LA#44-04, LA#20-06, AND LA#15-07, RELATING TO GAMING WITHIN THE JURISDICTION OF THE CHEROKEE NATION AND DECLARING AN EMERGENCY**

Councilor Cowan Watts moved to approve. Councilor Jack D. Baker seconded the motion. Motion carried by acclamation.

Councilor Cowan Watts gave acknowledgement to Mr. Jamie Hummingbird for all of his hard work on this Act.

Enactment No: LA-26-10

- 11. **A LEGISLATIVE ACT AUTHORIZING THE COORDINATION OF INFORMATION BETWEEN DEPARTMENTS OF THE CHEROKEE NATION GOVERNMENT**

Councilor Bill John Baker stated this legislation requires the different departments within the tribe, with the exception of those dealing with sensitive records, to coordinate their data systems to determine the best addresses and ways for the

government to communicate with the citizens. He moved to approve. Councilor Hoskin Jr. seconded the motion. Chief Smith requested a friendly amendment to change the word culminating to compiling in Section 5B. Councilor Glory-Jordan offered the friendly amendment for Chief Smith. Councilors Bill John Baker and Hoskin Jr. accepted. Councilor Cowan Watts voiced concern with the logistics within the legislation and would not be able to support the legislation.

The motion for approval carried with the following roll call vote:

Yea: 10 - David Thornton Sr. ;Jack D. Baker;Meredith Frailey;S. Joe Crittenden;Chuck Hoskin;Curtis Snell;Harley Buzzard;Jodie Fishinghawk;Tina Glory Jordan and Bill John Baker

Nay: 6 - Buel Anglen;Cara Cowan Watts;Don Garvin;Bradley Cobb;Chris Soap and Julia Coates

Executive and Finance Committee

Councilor Jack D. Baker moved to amend the agenda to include item #13 which is the passing of the budget for fiscal year 2011. Councilor Cowan Watts seconded the motion. Motion carried.

12.

AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 - MOD 11; AND DECLARING AN EMERGENCY

Councilor Jack D. Baker announced Mod 11 to the fiscal year 2010 budget increases the budget authority \$7,918. Councilor Jack D. Baker moved to approve. Councilor Garvin seconded the motion. Motion carried by acclamation.

Enactment No: LA-28-10

13.

AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2011 BUDGET; AND DECLARING AN EMERGENCY

Councilor Jack D. Baker announced the budget for 2011 brings the spending authority to \$580.4ml which is a reduction from last years budget. He moved to approve. Councilor Cowan Watts seconded the motion. Councilor Bill John Baker announced he will not be supporting this budget. He stated they were able to put back in several very important services to the people however there are too many direct services that are not. Councilor Glory-Jordan voiced disappointment that the budget didn't contain the needed minimum services for the people. This government exists to serve the people. The money received from the entities is generated for the people. As reported tonight all companies are profitable yet we do not see any dividends from any companies that we own other than the casino. Because of these concerns and the feeling of not giving their best effort to distribute almost \$600ml she can not support the budget in its current form. Councilor Cowan Watts gave appreciation to the employees who have spent months on this budget and the difficult decisions. Over \$15ml of \$40ml in tribal revenue had to be cut back to ensure we were able to maintain the existing jobs but also jobs that we know we can hire. She commented on the difficult decisions made in order to maintain a minimum, which is more than many other governments, for our tribal citizens. She further gave appreciation to Speaker Frailey and Executive & Finance Committee Chair Jack D.

Baker for their time and planning over the three day budget hearings. Councilor Thornton commented he was the only Councilor who didn't vote for the budget last year and stated one of the reasons he supports this budget is our CPA who worked hard on this budget to bring forward different items not included in the budget. He stated our CPA reiterated that this is the best budget that had ever been brought forward by this Administration as far as he was concerned. He commented most of our discretionary funding comes from CNE and referred to the possibility of increasing the dividend. Councilor Crittenden commented he believes in a transparent government and didn't think the people of Adair County would consider this to be transparent. They don't know that there is \$10ml tied up in jobs that will not be filled this year. He stated many things could have been done with this budget to make the outcome much different. He voiced concern for approximately 200 scholarships being given outside of the jurisdiction and contiguous area as this may have kept students within the fourteen counties from receiving a scholarship. He stated services have been cut too deeply and that this is not a true Council budget. He would not be in support in its current form. Councilor Bill John Baker stated the government has to take care of their people. We are going down the wrong road. This budget is going to pass but he would be unable to support it. Councilor Hoskin Jr. commented priorities fell short in this budget. These short falls should not be characterized as hand outs or a slush fund. It just can't be that if you think something is a priority that helps our people then it is a slush fund. The choices made are going to affect people and those most vulnerable are going to get a lot less in some programs. He gave appreciation and respect to the staff that crafted the budget but wouldn't be able to support. Councilor Fishinghawk stated she has problems with operating expenses going up while direct services go down and denying contract health while having millions in health carry over. Speaker Frailey gave appreciation to the Council's Financial Oversight Director and the Nation's Treasurer for their hard work and their working together to produce what was presented to the Council.

The motion to approve the 2011 budget passed with the following roll call vote:

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

Nay: 6 - S. Joe Crittenden; Chuck Hoskin; Curtis Snell; Jodie Fishinghawk; Tina Glory Jordan and Bill John Baker

Enactment No: LA-29-10

ANNOUNCEMENTS

Councilor Garvin announced his community meeting tomorrow night at the Three Rivers Clinic beginning at 5:00 p.m.

Councilor Cowan Watts gave appreciation to the people involved in the Freedom of Information Act Anniversary. The Phoenix and several staff received a total of sixteen awards at the National Journalism Association Conference.

Mr. Jamie Hummingbird gave appreciation to the Council for the acknowledgement on the Gaming Act revision. He gave appreciation to Gaming Commission, Melanie Knight and the Chief's office for their help and patience.

Councilor Glory-Jordan announced on October 12th at the Tahlequah Community building her and Councilor Bill John Baker will host their annual community meeting. She invited everyone to join them beginning at 5:00 p.m.

ADJOURNMENT

Councilor Garvin moved to adjourn. Councilor Cowan Watts seconded the motion. Motion carried at 7:18 p.m.

Next Tribal Council meeting will be held on October 11th at 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.