



Council of the Cherokee Nation

Tribal Council Minutes

Tribal Council

Monday, September 10, 2007

6:00 PM

Council Chambers

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 Crittenden 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 August 13th Regular Session. Councilor Bill John Baker seconded the motion. Motion carried.

Councilor Bill John Baker moved to amend the agenda to add as item #19, the FY 2008 budget to allow the Council to approve the budget at a reconvened council meeting. Councilor Cowan Watts seconded the motion. Motion passed.

Councilor Bill John Baker moved to withdraw item #4 which was tabled in committee. Councilor Garvin seconded the motion. Motion passed.

STATE OF THE NATION

Chief Smith expressed his personal appreciation to all employees and other volunteers who the Cherokee Holiday a wonderful experience for all visitors and the Cherokee people. He requested a moment of silence to pay respect to members and friends who have passed this last month. Veterans honored this month were Charles Bud Carey and Sammy James Carey. Applications are currently being taken for the Cherokee Nation Tribal Youth Council for member districts 5-7. Interested persons may contact Reba Bruner for the application and the deadline is September 21st, 2007. Congressman Watson from North Carolina introduced an amendment to the NAHASDA authorization bill that would remove Cherokee Nation housing funds because he disagrees with the constitutional amendment that the Cherokees passed on May 3rd stating that we should remain as an Indian Tribe made up of Indians. This issue is currently before three separate courts. Congressman Dan Boren introduced another amendment which assures continued housing funding for the Cherokee people while the case is pending in tribal court. If you would like any information on these issues of sovereignty and citizenship of the Freedmen feel free to call the Washington office or look up their address on our website under Cherokee voice.com. He introduced the nominees for cabinet and Supreme Court appointments. Kathy Sierra received her master's level in the Cherokee Language.

ACTION OF UNFINISHED BUSINESS

(None pending)

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

David Southerland announced the HACN Board meeting has been rescheduled to September 12, 2007 at 5:30 p.m. in the Alyene Hogner conference room. The Community Shield Program is a home ownership coverage program that provides up to \$80,000 replacement cost coverage on the dwelling and \$10,000 personal property coverage and they have just under 2200 families on the program. They currently have 2000 families on the Home Ownership Program and these are homes that were developed through mutual help. They have 923 rental units and 90% are occupied. They have 170 employees of which are 97% Native American.

Cherokee Nation Enterprises - David Stewart

Shaun Slaten reported the month of July 2007 had a 20% increase compared to July of last year. He gave brief updates on the Cherokee Holiday activities and the expansion projects. They currently have 3200 employees with 71% being Native American and 51% are Cherokee.

Cherokee Nation Industries - Bryan Collins

Dennis McLemore reported they are transitioning their year end of June 30th to September 30, 2007 to match Cherokee Nation and the other tribal entities. He reported \$9.3 million in sales. They are currently remodeling the old Wal-Mart and will be moving some of the manufacturing over to the building. They have 230 employees with 90% Native American. The next board meeting is scheduled for September 24th at 3:00 p.m. with the location to be announced at a later date.

Cherokee Nation Business, Inc - Brad Carson

Brad Carson reported they are now the sole share holders of CNE and CNI and soon to be the sole share holder of debit companies affiliated with Cherokee Nation Industries such as Cherokee Nation Distributors and Cherokee Nation Medical Services. They provide seven shared services and do so effectively and efficiently. They will provide about \$4 million dollars of shared services to CNE and half a million dollars to CNI. In addition to providing the shared services they are responsible for diversification and capital allocation. The bulk of their employees are Native American. They have 47 authorized positions with 46 of those currently filled and approximately two-thirds of those are Cherokee.

OLD BUSINESS

(None pending)

NEW BUSINESS

1. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS GROUP TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAZARDOUS WASTE MANAGEMENT PROGRAM FOR TRIBES**

Councilor Snell moved for approval. Councilor Bill John Baker seconded the motion. There were no objections. Motion passed.

Enactment No: R-72-07

2. **A RESOLUTION AUTHORIZING THE ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR A TRIBAL PESTICIDES GRANT**

Councilor Snell moved for approval. Councilor Bill John Baker seconded the motion. There were no objections. Motion passed.

Enactment No: R-73-07

3. **A RESOLUTION Authorizing the Cherokee Nation Office of Environmental Programs to submit a formal grant application to the U.S. Environmental Protection Agency for a Brownfields Cleanup Grant**

Councilor Snell moved for approval. Councilor Bill John Baker seconded the motion. There were no objections. Motion passed.

Enactment No: R-74-07

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

This matter was Withdrawn

5. **a resolution Authorizing Cherokee Nation child care and development to submit an application for participation in the statewide early childhood pilot project**

Councilor Buzzard moved for the approval of the Resolution. Councilor Bill John Baker seconded the motion. Motion passed.

Enactment No: R-75-07

6. A RESOLUTION CONFIRMING THE APPOINTMENT OF CALLIE MARIE CATCHER AS TREASURER OF THE CHEROKEE NATION
Councilor Buel Anglen moved for approval of the appointment. Councilor Cowan Watts seconded the motion. Motion passed.
Enactment No: R-76-07
7. A RESOLUTION CONFIRMING THE APPOINTMENT OF MELANIE KNIGHT AS SECRETARY OF STATE OF THE CHEROKEE NATION
Councilor Bill John Baker moved for approval of the appointment. Councilor Crittenden seconded the motion. Motion passed.
Enactment No: R-77-07
8. A RESOLUTION CONFIRMING THE NOMINATION OF TROY WAYNE POTEETE AS A JUSTICE OF THE CHEROKEE NATION SUPREME COURT
A motion was made by Councilor Don Garvin and seconded by Councilor Janelle Fullbright, that this matter be Approved. The motion carried by the following vote:
Yea: 12 - 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 and Julia Coates
Nay: 5 - S. Joe Crittenden;Tina Glory Jordan;Jodie Fishinghawk;Chuck Hoskin, Jr. and Bill John Baker
Enactment No: R-78-07
9. A RESOLUTION CONFIRMING THE RENOMINATION OF ROBERT JENKINS AS A COMMISSIONER OF THE CHEROKEE NATION TAX COMMISSION
Councilor Cowan Watts moved for approval of the renomination. Councilor Anglen seconded the motion. Motion passed with opposition from Councilor Glory-Jordan and Fishinghawk.
Enactment No: R-79-07
10. A RESOLUTION CONFIRMING THE RENOMINATION OF MARK FREDRICK GREEN AS A MEMBER OF THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Councilor Garvin moved for approval of the appointment. Councilor Cowan Watts seconded the motion. Motion passed.
Enactment No: R-80-07
11. **A LEGISLATIVE ACT DEFINING NEPOTISM, AND DEFINING ACCEPTABLE PARAMETERS FOR EMPLOYMENT AND CONTRACTING AND AMENDING TITLE 28, "ETHICS", ADDING NEW SECTIONS, AND REPEALING CERTAIN SECTIONS OF THE CHEROKEE NATION CODE ANNOTATED**
Councilor Cobb stated the purpose of this Act is to codify the issues relating to conflicts

of interest pertaining to employees and appointed and elected officials of the Cherokee Nation; use businesses owned wholly or partially by Cherokee Nation employees and appointed and elected officials; employment of relatives of elected officials, including the prohibition of nepotism; and the parameters under which Cherokee Nation employees and officials must operate with respect to conflicts of interest.

Councilor Jack Baker offered a friendly amendment in Title 28, section 3; paragraph F, to strike Cherokee National Historical Society, Inc. because it is not an owned entity of the Cherokee Nation. Also in paragraph J, strike Cherokee Heritage Center because it is ran by the Cherokee National Historical Society. Councilor Cobb accepted the friendly amendments.

A motion was made by Councilor Bradley Cobb and seconded by Councilor Cara Cowan Watts, that this matter be Approved. The motion carried by the following vote:

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

Nay: 4 - S. Joe Crittenden;David Thornton Sr. ;Chris Soap and Chuck Hoskin, Jr.

Abstain: 3 - Tina Glory Jordan;Jodie Fishinghawk and Bill John Baker

Enactment No: LA-34-07

12. A RESOLUTION Authorizing the DEVELOPMENT AND SUBMISSION OF A THREE-YEAR PLAN FOR P.L. 102-477 PROGRAM ACTIVITIES

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

Enactment No: R-81-07

13. AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 - Mod. 11; AND DECLARING AN EMERGENCY

Councilor Jack Baker stated mod 11 increases the budget by \$2,079, 294. He offered an amendment to add an additional \$50,000 for the Vocational Education students and this would increase the budget by an additional \$50,000.

Councilor Jack Baker moved for approval of Mod. 11 with the amendment. Councilor Cowan Watts seconded the motion. The motion carried by the following vote:

Yea: 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

Enactment No: LA-35-07

14. A LEGISLATIVE ACT AMENDING TITLE 19 "COUNCIL" §11 OF THE CHEROKEE NATION CODE ANNOTATED, AS AMENDED BY LEGISLATIVE ACT #4-95; RELATING TO ESTABLISHMENT OF STANDING COMMITTEES; AND DECLARING AN EMERGENCY

Councilor Jack Baker moved for approval of the Legislative Act. Councilor Cowan Watts seconded the motion. Motion passed.

Enactment No: LA-36-07

15. A RESOLUTION FOR ADMINISTRATIVE SUPERVISION OF LEGISLATIVE STAFF AND COMMUNICATION WITH OTHER BRANCHES OF GOVERNMENT

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

Enactment No: R-82-07

16. A RESOLUTION ELECTING THE OFFICE OF SECRETARY OF THE TRIBAL COUNCIL

Councilor Bill John Baker moved for approval of Councilor Garvin for the Office of Secretary of the Tribal Council. Motion passed.

Enactment No: R-82-07

17. A RESOLUTION ELECTING THE OFFICE OF SPEAKER FOR THE CHEROKEE NATION TRIBAL COUNCIL

Councilor Jack Baker moved for approval of Councilor Frailey for the Office of Speaker for the Cherokee Nation Tribal Council. Motion passed.

Enactment No: R-84-07

18. A RESOLUTION ELECTING THE OFFICE OF DEPUTY SPEAKER FOR THE CHEROKEE NATION TRIBAL COUNCIL

A motion was made by Councilor Buel Anglen and seconded by Councilor Don Garvin, that this matter be Approved. The motion carried by the following vote:

Yea: 13 - 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: 4 - S. Joe Crittenden;Tina Glory Jordan;Jodie Fishinghawk and Chuck Hoskin, Jr.

Enactment No: R-85-07

19. AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2008 BUDGET; AND DECLARING AN EMERGENCY

Councilor Bill John Baker stated because Council has not gone completely through the FY 2008 budget he moved to recess this council meeting until 5:00 p.m. on September 12, 2007. Councilor Jack Baker seconded the motion. Motion carried.

ANNOUNCEMENTS

ADJOURNMENT

Councilman Bill John Baker moved to recess this council meeting until 5:00 p.m. on September 12, 2007. Councilor Jack Baker seconded the motion. Motion carried.

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