



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

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Monday, March 15, 2010

6:00 PM

Council Chambers

CALL TO ORDER

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

INVOCATION

Councilor Snell gave the invocation.

ROLL CALL

Present 17 - Buel Anglen; Cara Cowan Watts; David Thornton Sr. ; Don Garvin; Jack D. Baker; Meredith Frailey; S. Joe Crittenden; Bradley Cobb; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; Harley Buzzard; Janelle Fullbright; Jodie Fishinghawk; Julia Coates; Tina Glory Jordan and Bill John Baker

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Jack D. Baker moved to approve the February 16th regular session minutes. Councilor Bill John Baker seconded the motion. Motion carried.

STATE OF THE NATION

Principal Chief Chad Smith requested a moment of silence to remember those friends and family members who have passed over the last month. Veterans honored in the month of March were Charlie Soap, James Kingfisher, and Ray Lancaster. Chief Smith announced the Cherokee Nation is participating in the 2010 Census. Our Career Services Group is working with Peetco Facet Businesses in Stilwell to recruit new jobs for their 60,000 feet expansion. The Salina Dental Clinic ground breaking was held a few weeks ago which will bring approximately eight new chairs and fifteen new employees. The Cherokee Nation Human Services Group has announced plans to build a new food distribution center in Nowata. Both the Sequoyah Boys and Girls basketball teams went to State this year with both being defeated by Millwood. He congratulated Kansas girls for their State Championship. The Cherokee Nation held a cancer summer last week to bring awareness to cancer issues. The Cherokee Nation Health Department has won another certificate of excellence in their efforts to promote health. The Roads Department entered into a partnership with officials in Washington County to rebuild and resurface more than four miles of roads. A Public Education Symposium will be held tomorrow and Wednesday with topics covering

environmental issues such as pollution in the Illinois River and information regarding salt water injection wells. Chief Smith announced he has been asked to be a lead runner in the 15K October Tulsa Run. He issued a challenge to the employees, the Council and the other Five Tribes to participate. The Vinita Health Center has relocated to 525 S. Wilson and will be expanding their services to include nutrition and dietary services. The Sequoyah Schools Summer Learning Program will begin July 5th. A Veterans honoring dinner will be held this Thursday in the cafeteria of Sequoyah Schools. He welcomed Bill Lay as the new Cherokee Nation Waste Management CEO, Pat Ragsdale as the new Government Resources Group Leader and Paula Ragsdale who will be involved in Council Relations and other issues. Chief Smith shared a story of the 45th Anniversary of Bloody Sunday.

Former Chief Wilma P. Mankiller gave appreciation for honoring Charlie Soap. She commented she has met thousands of people and he is still one of the most extraordinary people she has ever met. She gave appreciation to Chief Smith and the Council for their service to the Cherokee people. She stated the greatest honor she has is to have served the Cherokee people.

ACTION OF UNFINISHED BUSINESS

1. AN ACT RELATING TO CONSTRUCTION OF AND IMPROVING ACCESS TO CHEROKEE OWNED HOMES FROM PUBLIC ROADS OR RIGHT-OF-WAYS AND DECLARING AN EMERGENCY

VETOED LA-08-10

Speaker Frailey stated the options are to either return the legislation to committee for reconsideration requiring nine votes or override the Principal Chief's veto which requires 12 votes. Councilor Hoskin moved to send this legislation to the Executive & Finance committee at the end of this month. Councilor Fishinghawk seconded the motion.

Councilor Hoskin Jr. stated this is important legislation that may not affect a great deal of people but for those who need this assistance are in great need. He commented the Chief missed the mark in his veto message. The claims regarding the cost of this program do not withstand even the mildest of scrutiny. He read Section 5C of the legislation. He gave appreciation to the objective criticism provided by others and stated amendments would be brought forward at committee.

Councilor Cowan Watts requested clarification from Council Attorney Hembree regarding vetoed legislation being referred back to committee. Mr. Hembree stated the Legislative Act is either to be sustained, overridden or tabled. Moving the vetoed legislation back to committee would kill the bill and then start afresh at the committee level. He recommended an up or down vote to override the veto or a motion to table.

Councilor Hoskin Jr. commented the amended legislation is in the works and he may request the committee agenda be amended at the end of this month for consideration.

Councilor Hoskin Jr. withdrew his motion to send back to committee and moved to table. Councilor Fishinghawk seconded the motion. The motion carried with no opposition.

Councilor Anglen moved to amend the agenda to include the following four new business items as:

9. A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR NATIVE AMERICANS

10. A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR NATIVE AMERICANS –

ESTHER MARTINEZ NATIVE AMERICAN LANGUAGE PRESERVATION ACT

11. A RESOLUTION RECOGNIZING REVEREND CHARLES O. WALKER AS A FRIEND OF THE CHEROKEE NATION

12. A RESOLUTION AUTHORIZING THE SALE OF INHERITED PROPERTY IN THE STATE OF CALIFORNIA.

Councilor Cowan Watts seconded the motion. Councilor Garvin requested to be added as sponsor on items 9 and 10. The motion to amend carried.

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

The March Housing Authority Board meeting has been rescheduled to the 29th beginning at noon. One of the items of discussion will be to change the meeting time. They currently have over 2,300 families participating in the Community Shield program. He provided an update on an ongoing court case that had potential to affect Indian Housing funds.

Cherokee Nation Entertainment - David Stewart

Mr. Stewart reported good news for the month of January by stating it was 30% above December. They continue to work to be more efficient. The projects are going well with the Hard Rock Hotel theatre and the West Siloam hotel both on schedule. The dirt work is about 60% complete at Ramona. A new Italian Café opened Sunday at Hard Rock. They are in the beginning stages of opening a Starbucks at Hard Rock. The Osiyo campaign for Cultural Tourism has been very well received with 47 group tours booked. The Supreme Court building dedication is set for the 7th of April.

Cherokee Nation Business, Inc - David Stewart

Mr. Stewart announced all of the companies are doing well and are all profitable. They are currently meeting with the properties, providing resources to help them succeed, providing governance along with other typical governing types of activities. They continue to look at opportunities to diversify. He announced they are currently looking at three or four new companies.

Councilor Fishinghawk stated last month she requested a statement from the Ethics Board determining if they did or did not find a conflict of interest for a CNI board member to do business with CNI. Mr. Stewart stated the disclosure was made by the board member. It has since then been decided this is not a good practice and all of those activities were terminated.

Cherokee Nation Industries - Bryan Collins

Dr. Drvostep reported good results for January. CNI's revenue was \$8.6ml versus a budget of \$9.7ml. Their operating profit was \$178,000 versus a budgeted loss of \$166,000. The year to date through January CNI has a profit of \$505,000 versus a budgeted loss of \$1.2ml. The January employment totals 506 of which Native American total 424 or 84%. The manufacturing segment of the company will be receiving an award on April 28th for their involvement in Lockheed Martin multiple launch rocket system harnesses. Councilor Glory-Jordan inquired if the construction arm of CNI had been completely shut down. Mr. Drvostep commented they have two projects which should be finalized by the end of this year. Councilor Glory-Jordan inquired as to when the total amount of loss for all construction projects would be known. Mr. Drvostep commented they would be able to calculate once all projects are complete. The remaining two projects are projected to have a small profit. These projects are Eastern Central Oklahoma Electric and the Tahlequah City Hospital. Councilor Glory-Jordan commented she still hasn't received the one year of board minutes she requested three months ago.

OLD BUSINESS

1.

A RESOLUTION AUTHORIZING CONFIRMATION OF WILLIAM GRASS AS A MEMBER OF THE BOARD OF MANAGERS OF CHEROKEE MEDICAL SERVICES, LLC

Councilor Anglen moved to approve. Councilor Garvin seconded the motion. Councilor Fishinghawk stated with the news of ongoing construction projects at CNI and Mr. Grass being a member of the ethics board who determined there wasn't a conflict of interest for a board member to do business with CNI she would be moving to table. Councilor Glory-Jordan seconded the motion.

The motion to table carried with the following roll call vote:

Yea: 9 - David Thornton Sr. ;S. Joe Crittenden;Chuck Hoskin, Jr. ;Curtis Snell;Janelle Fullbright;Jodie Fishinghawk;Julia Coates;Tina Glory Jordan and Bill John Baker

Nay: 8 - Buel Anglen;Cara Cowan Watts;Don Garvin;Jack D. Baker;Meredith Frailey;Bradley Cobb;Chris Soap and Harley Buzzard

NEW BUSINESS

Community Services Committee

1.

A RESOLUTION ADOPTING REVISIONS TO THE 2008 INDIAN HOUSING PLAN RELATED TO ARRA/STIMULUS FUNDING

Councilor Buzzard moved to approve. Councilor Garvin seconded the motion. Councilor Bill John Baker stated he will not be voting in favor of this as he is unable to vote for any more housing plans that do not include building houses. Councilor Thornton inquired if anyone was present to speak to the housing plan. He voiced concern for continuing to give the Marshal Service a substantial amount of funding from this program. He inquired as to the status of the situation. Ms. Callie Catcher commented there is an ongoing finding regarding the HUD review. They continue to work with HUD and there hasn't been anything issued stating the Marshal Service

cannot be funded out of NAHASDA. HUD is requesting information pertaining to base line services. Councilor Thornton inquired when this plan needed to be passed. Mr. Southerland stated this plan doesn't really address these issues it only moves around some stimulus funding. Mr. Marvin Jones stated it is important to pass this housing plan tonight as it pertains only to stimulus funding. This amendment makes adjustments in stimulus funding that we already have and is critical to pass because in early April 100% of the funds have to be obligated. If the funds are not 100% obligated there is a risk of loosing some of the funding. Councilor Glory-Jordan inquired if a baseline had been determined for the Marshal Service. Mr. Jones stated they have been unable to determine what HUD wants. Councilor Glory-Jordan requested clarification for objective 6a in the 2008 IHP. Mr. Jones stated this is the amount set aside for administration and planning. Councilor Glory-Jordan voiced the same concern of Councilor Bill John Baker that we receive approximately \$30ml a year and we fail to build houses. She stated she would vote for this tonight as it deals with stimulus funding.

Councilor Buzzard moved to approve. Councilor Garvin seconded the motion. Motion carried with Councilor Bill John Baker opposed.

Resource Committee

2. **A LEGISLATIVE ACT AMENDING TITLE 29 - GAME AND FISH OF THE CHEROKEE NATION CODE ANNOTATED; AMENDING LEGISLATIVE ACT 36-06, THE "CHEROKEE NATION HUNTING AND FISHING CODE"; ESTABLISHING PROVISIONS FOR CULTURALLY PROTECTED SPECIES**

Councilor Crittenden moved to approve by acclamation. Councilor Cowan Watts seconded the motion. Motion carried.

Rules Committee

3. **A RESOLUTION CONFIRMING THE NOMINATION OF ROB THOMPSON AS A BOARD MEMBER OF THE EDITORIAL BOARD OF DIRECTORS**

Councilor Cowan Watts moved to approve. Councilor Garvin seconded the motion. Motion carried.

4. **AN ACT AMENDING LEGISLATIVE ACT 37-05 RELATING TO CREATION OF JOBS GROWTH**

Speaker Frailey commented the purpose of this amendment is to form one board of directors rather than having a board of directors for each of our major corporations. Councilor Jack D. Baker moved to approve. Councilor Cowan Watts seconded the motion. Councilor Cowan Watts inquired if the Council would be involved in the process of narrowing the board and structuring the businesses under one unit. Mr. David Stewart stated there is a lot of mechanics to happen for these boards to essentially terminated and operating agreements changed. They will follow the normal course of business with changes of any board member. Mr. Todd Hembree commented by Legislative Act members of the Council are advisory board members on each separate board of directors. He stated they would work to amend the Act to ensure there is still a conduit of information from advisory board members to the Council as a whole. They will also need to ensure there is not a majority of the Tribal Council as an advisory board that meets with this super board of directors.

The motion to approve carried by acclimation.

5. **A RESOLUTION AUTHORIZING AND RATIFYING AN OFF-TRACK WAGERING COMPACT WITH THE STATE OF OKLAHOMA**

Councilor Cowan Watts moved to approve. Councilor Anglen seconded the motion. Motion carried.

6. **A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE GLENN L. AND FAYE V. GAMMON EDUCATIONAL TRUST FOR THE CHEROKEE NATION HIGHER EDUCATION PROGRAM**

Councilor Coates moved to approve. Councilor Cowan Watts seconded the motion. Councilor Glory-Jordan requested confirmation that this in no way moves from the Cherokee Nation once it is received. Ms. Coates stated it is her understanding that this resolution doesn't move it from the Cherokee Nation. Councilor Glory-Jordan stated an opinion from the Attorney General has been requested regarding removal to any other group and violation of the trust agreement. Mr. Hembree confirmed this resolution creates the mechanism to accept the funds. Councilor Glory-Jordan offered a friendly amendment to place a period following "the Cherokee Nation Higher Education Program shall be recipient to the funds of this trust" in the last Further Be It Resolved clause. Councilor Coates declined the friendly amendment.

Councilor Glory-Jordan made a motion to strike the remainder of the sentence and place a period following "the Cherokee Nation Higher Education Program shall be recipient to the funds of this trust" in the last Further Be It Resolved clause. Councilor Hoskin Jr. seconded the motion. Councilor Glory-Jordan inquired with her amendment would they be in a safe position then look at the second step once the Attorney General opinion is received. Mr. Hembree agreed and stated the mechanism for the Cherokee Nation Education Corporation to administer these funds is not in place at this time. He stated the safest mechanism would be to wait for the Attorney General's opinion.

Councilor Glory-Jordan upon the recommendation of Mr. Hembree amended her motion to table this item for one month. Councilor Hoskin Jr. seconded the motion. The motion failed with the following roll call vote:

Yea: 8 - David Thornton Sr. ;Meredith Frailey;S. Joe Crittenden;Chuck Hoskin, Jr. ;Curtis Snell;Jodie Fishinghawk;Tina Glory Jordan and Bill John Baker

Nay: 9 - Buel Anglen;Cara Cowan Watts;Don Garvin;Jack D. Baker;Bradley Cobb;Chris Soap;Harley Buzzard;Janelle Fullbright and Julia Coates

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE GLENN L. AND FAYE V. GAMMON EDUCATIONAL TRUST FOR THE CHEROKEE NATION HIGHER EDUCATION PROGRAM

Councilor Glory-Jordan made a motion to place a period after "shall be recipient of the funds of this trust" on the second page in the last paragraph. Councilor Hoskin Jr. seconded the motion. He stated this boils down to avoiding risk. Councilor Cowan Watts commented there have been several people whom have spoken to the Gammon family, both the Cherokee Nation Education Department and the Cherokee Nation Education Corporation have been working extensively with the lawyer who administered the trust. This is fulfilling the guidelines of the trust by creating the enabling legislation. Councilor Hoskin Jr. stated this amendment doesn't do anything to defeat that goal.

The motion to amend failed with the following roll call vote:

Yea: 8 - David Thornton Sr. ;Meredith Frailey;S. Joe Crittenden;Chuck Hoskin, Jr. ;Curtis Snell;Jodie Fishinghawk;Tina Glory Jordan and Bill John Baker

Nay: 9 - Buel Anglen;Cara Cowan Watts;Don Garvin;Jack D. Baker;Bradley Cobb;Chris Soap;Harley Buzzard;Janelle Fullbright and Julia Coates

The motion to approve as written passed with the following roll call vote:

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

Nay: 7 - Meredith Frailey;S. Joe Crittenden;Chuck Hoskin, Jr. ;Curtis Snell;Jodie Fishinghawk;Tina Glory Jordan and Bill John Baker

7. A RESOLUTION RECOGNIZING FORMER DEPUTY PRINCIPAL CHIEF HASTINGS SHADE AS A NATIONAL TREASURE OF THE CHEROKEE NATION

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

Executive and Finance Committee

8. AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 - MOD 5; AND DECLARING AN EMERGENCY

Councilor Jack D. Baker gave an overview of Mod 5 and moved for the approval. Councilor Anglen seconded the motion.

The motion carried by acclimation.

9. A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR NATIVE AMERICANS

Councilor Coates moved to approve. Councilor Garvin seconded the motion. Motion carried.

10. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR NATIVE AMERICANS - ESTHER MARTINEZ NATIVE AMERICAN LANGUAGE PRESERVATION ACT**
- Councilor Coates moved to approve. Councilor Garvin seconded the motion. Motion carried.
11. **A RESOLUTION RECOGNIZING REVEREND CHARLES O. WALKER AS A FRIEND OF THE CHEROKEE NATION**
- Councilor Jack D. Baker moved to approve. Councilor Cowan Watts seconded the motion. Motion carried.
12. **A RESOLUTION AUTHORIZING THE SALE OF INHERITED PROPERTY IN THE STATE OF CALIFORNIA**
- Councilor Jack D. Baker moved to approve. Councilor Garvin seconded the motion. Motion carried.

ANNOUNCEMENTS

Councilor Cowan Watts reminded everyone of the upcoming Joint Council meeting with the Eastern Band of Cherokee Indians on the Friday following the April Council meeting in Catoosa at the Hard Rock Casino.

Councilor Bill John Baker recognized Ollie Starr in attendance.

ADJOURNMENT

Councilor Cowan Watts moved to adjourn. Councilor Bill John Baker seconded the motion. Motion carried at 7:30 p.m.

Next Tribal Council meeting will be held on April 12, 2010 at 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.