



# Council of the Cherokee Nation

## Meeting Minutes Executive and Finance Committee

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Tuesday, November 17, 2009

3:00 PM

Legislative Conference Room

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### CALL TO ORDER

Chair Jack Baker called the meeting to order at 3:03 p.m.

### INVOCATION

Councilor Chuck Hoskin, Jr. gave the invocation.

### ROLL CALL

**Present** 16 - Bill John Baker; S. Joe Crittenden; 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. and Julia Coates

**Absent** 1 - David Thornton Sr.

### APPROVAL OF MINUTES

*Councilor Brad Cobb made a motion to approve the October 29th regular session minutes. Councilor Cara Cowan Watts seconded the motion.*

**A motion was made by Councilor Chuck Hoskin, Jr. and seconded by Councilor Bill John Baker, that this matter be Tabled. The motion failed by the following roll call vote:**

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

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

**Councilor Bill John Baker made a friendly amendment to attach the video and the transcript of the TERO portion to the October 29th regular session minutes submitted. Motion for approval of the October 29th regular session minutes with friendly amendment carried.**

**Councilor Meredith Frailey made a motion to amend the agenda to add a Resolution confirming the nomination of Brad Carson as a board member of the Cherokee Nation Business, LLC as item #3 under new business. Councilor Brad Cobb seconded the motion. Motion carried.**

#### REPORTS:

Financial Report/Treasurer Report - Callie Catcher

*Tamsye Leake stated the written report for this month is short due to the closing of FY 2009. They are hoping to have the first draft of the closing by December 28th and then go into audit with BKD.*

Cherokee Nation Entertainment - David Stewart

*Don LaBass reported opening dates for the Hard Rock Event Center of September 1st and the West Siloam Springs Hotel on July 4th. CNE & CNB closed the acquisition of the ITC Services company during the month of September which kicked off CNE's diversification efforts. Councilor Fishinghawk requested the number of TERO Subs on the Hard Rock Event Center and also information on the Flintco comments.*

Cherokee Nation Businesses - David Stewart

*See the above CNE report.*

Cherokee Nation Industries - Robert Drvostep

*Robert Drvostep stated the written report submitted are the preliminary results for the month of September and BKD will begin audit on those results this Monday. Profit for the month of September was \$263,000 and for the year was a loss \$1,089,000 and a large part of that was their construction business sector. He does not expect any material adjustments as part of the BKD audit. October was a good month with a budget loss of \$393,000 and a profit of \$ 176,000 with a large part of that being their staff services group. During the summer they recieved substantially more contracts than they had anticipated with higher revenue and higher gross profit margins. The affect of this being throughout the course of fiscal year 2010. Redwing budget profit was \$20,000, full corporate overhead profit was \$103,000, with corporate overhead the profit was \$82,000. The gross profit margin was higher and the revenue was lower but the gross profit margin exceeded the shortfall. They also had a reduction in operating expenses of about \$15,000. In total their profit was \$176,000 versus a budget loss of \$393,000, in which they exceeded their budget by \$556,000.*

Career Services/Employment - Diane Kelley

*Diane Kelley distributed handouts on TERO and Day Work participants and gave an updated report on where the \$300,000 was going to be used for the Day Work Program. They held an economic summit on Tuesday and Wednesday of last week. Speaker of the Council, Meredith Frailey was one of the speakers and she did an outstanding job representing the Council. Thursday night, November 19th is the second annual Indian Owned Business Banquet at the Hard Rock Entertainment*

*Center in Catoosa.*

Commerce - Anna Knight

*Anna Knight stated the Council has a copy of her written report and she welcomed any questions they may have.*

CONSENT ITEMS:

T.E.R.O. CERTIFICATIONS

**Councilor Cara Cowan Watts moved to approve the T.E.R.O. Certifications as presented. Councilor Buel Anglen seconded the motion. Motion carried with Councilor Bill John Baker abstaining.**

CEMETERY RESTORATION ASSISTANCE APPLICATIONS

**Doug Evans stated there are two additions to the cemetery list. Snake Girty Cemetery in District 4 and Tyler Springs Cemetery in District 1. Councilor Don Garvin made a motion to approve. Councilor Julia Coates seconded the motion. Motion carried.**

LAW ENFORCEMENT REQUESTS

**No new law enforcement requests.**

ROADS

**Doug Evans reported all current requests included in this month's package fall within each respective Council member's allocated balance. The Motor Vehicle Tax Fund will bring forward the FY2009 Tag/License revenue apportionments when they become available from the Treasurer's office around the first of the calendar year. Councilor Bill John Baker moved to approve. Councilor Don Garvin seconded the motion. Motion carried.**

OLD BUSINESS

- 1. AN ACT REPEALING AND SUPERSEDING CHEROKEE NATION LAW REGARDING LABOR AND THE EMPLOYMENT RIGHTS ORDINANCE SETTING FORTH REQUIREMENTS FOR THE CONTRACTING PROCESS FOR TERO EMPLOYEES

**Sponsors:** Councilor Jodie Fishinghawk and Councilor Tina Glory Jordan

*Councilor Jodie Fishinghawk made a motion to table items 1 through 3. Councilor Tina Glory-Jordan seconded the motion.*

**The motion to table items 1 through 3 in Toto carried.**

- 2. AN ACT REPEALING AND SUPERSEDING CHEROKEE NATION LAW REGARDING LABOR AND EMPLOYMENT RIGHTS ORDINANCE SETTING FORTH REQUIREMENTS FOR EMPLOYMENT AND EMPLOYEE PREFERENCE OF NATIVE AMERICANS WITH TERO EMPLOYERS

**Sponsors:** Councilor Jodie Fishinghawk and Councilor Tina Glory Jordan

**Tabled in Toto.**

3. AN ACT SUPERSEDING CHEROKEE NATION LAW REGARDING LABOR AND THE EMPLOYMENT RIGHTS ORDINANCE AND DECLARING AN EMERGENCY

**Sponsors:** Councilor Cara Cowan Watts, Councilor Jack D. Baker and Councilor Buel Anglen

**Tabled in Toto.**

4. ACT 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

**Sponsors:** Councilor Cara Cowan Watts

*Councilor Cowan Watts stated she handed out an amended version which addressed the concerns with potential line item veto by the Chief. Councilor Cowan Watts made a motion to approve the amended version. Councilor Buel Anglen seconded the motion. Councilor Chuck Hoskin, Jr. offered a friendly amendment to add language to read "Donations and contributions made under this Act shall be awarded equitably by districts. Awards that enur to the benefit of multiple districts or benefit organizations outside the jurisdiction will not be considered in the calculation for equity. Upon March 31st of each fiscal year this limitation shall be lifted". This would be a new section D. Councilor Cowan Watts accepted the friendly amendment and Councilor Anglen seconded the amendment.*

**Councilor Chuck Hoskin, Jr. made a motion to strike the word "recommend" from section 5D. Councilor Tina Glory-Jordan seconded the motion. The motion failed with the following roll call vote:**

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

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

**Councilor Chuck Hoskin, Jr. made a motion to strike section 6 from the legislation. Councilor Bill John Baker seconded the motion. The motion failed with the following roll call vote:**

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

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

**Councilor Chuck Hoskin, Jr. made a motion to strike the word "unanimous" from section 5D and replace it with the words "at least two-thirds". Councilor Tina Glory-Jordan seconded the motion. The motion failed with the following roll call vote:**

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

**Nay:** 8 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Harley Buzzard; Chris Soap and Julia Coates

Chair Baker called for the question on the original motion.

**The motion to approve the amended version with the friendly amendment passed with the following roll call vote:**

**Yea:** 12 - Bill John Baker; 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:** 4 - S. Joe Crittenden; Tina Glory Jordan; Jodie Fishinghawk and Chuck Hoskin, Jr.

5. AN ACT ENABLING COMMUNITY ASSISTANCE DISTRIBUTION TO CHEROKEE NATION COMMUNITY ORGANIZATIONS

**Sponsors:** Councilor Chuck Hoskin,, Councilor Tina Glory Jordan and Councilor Jodie Fishinghawk

*Councilor Chuck Hoskin, Jr. made a motion to table. Councilor Cara Cowan Watts seconded the motion.*

**The motion to table carried.**

6. CHEROKEE NATION ELECTION COMMISSION COMPENSATION (Discussion and Possible Action)

**Sponsors:** Councilor Meredith Frailey

*Councilor Meredith Frailey made a motion to table to next month. Councilor Brad Cobb seconded the motion. Councilor Jodie Fishinghawk requested Speaker Frailey to look at the last time the Election Commission staff received a raise, not a merit increase, but a raise since the time they started working there.*

**The motion to table carried.**

## NEW BUSINESS

1. A RESOLUTION CALLING UPON CHEROKEE NATION BUSINESSES IN CORPORATED/CHEROKEE NATION ENTERTAINMENT TO CONSTRUCT ALL CHEROKEE NATION AND ITS ENTITIES CONSTRUCTION PROJECTS USING ENTIRELY TERO CERTIFIED VENDORS

**Sponsors:** Councilor Bill John Baker, Councilor S. Joe Crittenden, Councilor Tina Glory Jordan, Councilor Jodie Fishinghawk and Councilor Curtis Snell

*Councilor Bill John Baker moved for approval with changing the "Be It Resolved" in the last line insert the word "qualified" in front of the word TERO and insert the words "if available" at the end of the paragraph. Councilor Jodie Fishinghawk seconded the motion with a friendly amendment to add the language "all projects going forward". Councilor Bill John Baker accepted. Councilor Buel Anglen offered a friendly amendment to strike "Ramona, Oklahoma" from the resolution. Councilor Bill John Baker accepted the friendly amendment. Councilor Fishinghawk seconded the amendment. Councilors Cowan Watts, Buzzard, Hoskin, Jr., Anglen, Fullbright, and Garvin would like to be added as sponsors to the resolution.*

**The motion for approval with amendments carried with Councilors Chris Soap and Jack Baker opposing.**

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

**Sponsors:** Councilor Jack D. Baker and Councilor Cara Cowan Watts

*Doug Evans reported budget modification #2 that is being considered today contains an item #3 titled "Vinita Clinic Utilities" in the amount of \$584,375. This amount was submitted by the obligating department with an anticipation of a certain prior year encumbrance for engineering/planning in the amount of \$13,656 converting to an expense. It was later determined this obligation will not actually convert to an expense and therefore the budget is actually understating its carryover amount by \$13,656. He would recommend increasing the budget request to allow the project expend these funds. Councilor Chuck Hoskin, Jr. made the motion to approve with the adjustment to the budget of \$13,656. Councilor Cara Cowan Watts seconded the motion.*

**This matter was Approved with Ammendments**

- 3. A RESOLUTION CONFIRMING THE NOMINATION OF BRAD CARSON AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC

*Councilor Cara Cowan Watts made a motion to approve. Councilor Buel Anglen seconded the motion.*

*Councilor Jodie Fishinghawk requested the number of Cherokees employed at CNB when Brad Carson was there and the number of Cherokees since he has been gone. Melanie Knight will provide the information.*

**The motion for approval carried.**

ANNOUNCEMENTS

*None*

ADJOURNMENT

**Councilor Bill John Baker moved to adjourn. Councilor Joe Crittenden seconded the motion. Motion carried.**

STAFF PRESENT:

<i>Malanie Knight</i>	<i>Diane Kelley</i>	<i>Tamsye Leake</i>
<i>Anna Knight</i>	<i>Doug Evans</i>	<i>Ginger Brown</i>
<i>Will Chavez</i>	<i>Greg Simmons</i>	<i>Norman Merriman</i>

VISITORS PRESENT:

<i>Todd Hembree</i>	<i>Gina Olaya</i>
<i>Brian Collins</i>	<i>Don LaBass</i>
<i>Robert Drvostep</i>	

APPROVAL / DISTRIBUTION

**Minutes submitted by: Gayle Miller, Recording Secretary**

**Motion to approve minutes made by:** \_\_\_\_\_

**Minutes attested and concurred by:** \_\_\_\_\_

**Date:** \_\_\_\_\_