



Council of the Cherokee Nation

Tribal Council Minutes

Tribal Council

Monday, June 11, 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 Martin gave the invocation.

ROLL CALL

Present 16 - S. Joe Crittenden; Jackie Bob Martin; David Thornton Sr. ; Phyllis Yargee; Don Garvin; Linda Hughes-O'Leary; Melvina Shotpouch; John F. Keener; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen; Charles "Chuck" Hoskin; Taylor Keen; Bill John Baker and Audra Smoke-Conner

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Bill John Baker moved to approve the minutes of the May 14th Regular Session. Councilor O'Leary seconded the motion. Motion carried.

Councilor Martin moved to approve the minutes of the June 6th Special Session. Councilor O'Leary seconded the motion. Motion carried.

STATE OF THE NATION

Deputy Chief Grayson requested a moment of silence for Pearl Cannon and Howard Payton and to reflect on the passing of friends, neighbors, and citizens. The employee appreciation picnic was held this past Saturday in appreciation for their hard work and dedication. A total of 2400 employees attended. Veterans honored this month were Jayce Miller, Buddy Floyd Phillips, Jess Phillips, Jr., Vincent Phillips, Clifford Phillips, Jess Phillips Sr., and Keith Phillips. He encouraged everyone to attend the various election parties and to get out and vote on June 23rd. A special council meeting was held last week to add a constitutional question to the ballot so the citizens could vote once again of whether or not they want the Bureau of Indian Affairs to affirm our Constitutional changes. The Principal Chief and Deputy Principal Chief debate is scheduled for June 15th at 6:00 p.m. at the Armory Municipal Center in Tahlequah. For more information on the General Election please contact the Election Commission at 1-800-353-2895.

Councilor Bill John Baker moved to amend the agenda to add "A Resolution Authorizing the Addition of Nine (9) Roads to, and Removal of (2) Road Segments from the List of Construction Priorities for Indian Reservation Roads Funding as item #14 under new business. Councilor Cowan Watts seconded the motion. Motion carried.

ACTION OF UNFINISHED BUSINESS

- A LEGISLATIVE ACT AMENDING TITLE 20, "COURT AND PROCEDURES" OF THE CHEROKEE NATION CODE ANNOTATED; RELATING TO COURT RULES AND JURISDICTION; AND DECLARING AN EMERGENCY**

Speaker Frailey stated last month Legislation was approved in full council amending Title 20 covering courts and procedures to establish jurisdiction of the Cherokee Nation Supreme Court. That Legislation was vetoed and she understands there is consideration to table this Legislation.

Councilor Keen moved to table this item to next month to allow time to work with Law & Justice on a compromise of the Legislation. Councilor Bill John Baker seconded the motion. Motion carried.

Speaker Frailey stated this Legislation will go back to the Rules Committee next month.

Enactment No: LA-23-07

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

David Southerland announced the next CNHA board meeting is scheduled for June 19, 2007 at 5:30 p.m. They will be discussing the process of the Mortgage Assistance Application for families that are currently living in the home. The mortgage assistance program is doing well and they assisted approximately 45 families during the month of May with mortgages which brings the total for the fiscal year to 180. They have 171 employees with 97% being Native American. Currently they are acquiring to get Indian Preference in hiring and part of the proposed language in the NAHASDA reauthorization will allow them to give Cherokee preference. They currently give Cherokee preference in their programs. HUD issued a proposed rule on using Block Grant funds as rental assistance in low income housing tax credit. They currently use non-federal funds to assist families living in the poor tax credit projects. With the limited amount of federal dollars they have been holding back on applying for more tax credit and with this issuance they will be looking at the February application process.

Cherokee Nation Enterprises - David Stewart

Shawn Slaten reported April was a good month and they expect to see the same trend in May. He gave an expansion update on the Catoosa Hotel & Casino, parking garage, Roland Travel Plaza, and West Siloam Springs projects. He announced a deal has been made with Toby Keith to put an "I Love This Bar & Grill" in the Catoosa Hotel and Casino. Mr. Slaten extended an invitation to the Council and audience to attend the Mel Tillis & Roy Clark Concert scheduled for June 21st at Will Rogers Downs. Councilor Yargee expressed a concern that was brought to her attention from Cherokee citizens on a CNE promotion that is called "Team Cherokee" and being election time there is a "Team Cherokee" that is being promoted therefore it gives the look that the Enterprises are also promoting "Team Cherokee". She knows that was not the intent but she just wanted to relay that information. Shawn Slaten stated he was not aware of that and he apologized for any confusion that caused. CNE has in their policy and procedures a prohibition

against campaigning on company time, company grounds, or using company facilities, vehicles, etc. They realize the importance of being neutral and they try to keep the work sites neutral as well. Cherokee percentage of employment is 59%; other Native American is 13% for a total of 72%. Management level is 60% Cherokee; other Native American is 7.6% for a total of 67.6%.

Cherokee Nation Industries - Bryan Collins

Brian Collins reported as of May 31st the monthly sales were \$9.8 million, total sales year to date are \$97 million, overall estimated profitability is still \$1.9 million. Local employment in the Tahlequah/Stillwell area is 314 of which 277 are Native American with an 88% ratio. Telecom as of June 5th received their TL9000 Quality Certificate which is the new standard that was put out in the industry and this will allow them to keep maintaining current business and to expand their business. ATT has awarded them an additional product line to carry that will give them an estimated \$5 million added business for coverage. The Bell Helicopter account has been awarded a big piece of business. Bell Helicopter will be in their facility for the next 2 to 3 days with their engineering staff going over all the processes and training programs. The potential could be \$7 million dollars in the second year. Mr. Collins had the opportunity to go to Boeing in Seattle to see a product of CNI in action. CNI has been producing products for the Boeing Missile program for over ten years and now the product is helping our armed services. The next board meeting is July 30th at 3:00 p.m. in Stilwell, Oklahoma.

Cherokee Nation Business, Inc - Callie Catcher

Brad Carson reported they currently have 35 people employed with two-thirds being Native American and 60% being Cherokee. They provide six shared services to CNE, CNI, and CCRC and it is anticipated to other businesses that Cherokee Nation gets involved in. Those shared services are non-profit centers and their purpose is to enjoy the economies of scale from centralization and they also provide cost effective services. He works diligently with the other CEO's to make sure these organizations are more closely integrated. CCRC was the recipient of a new contract from the Environmental Protection Agency for \$1 million dollars. They are working through complicated legal business issues around that but they do expect the contract to be quite profitable for CNB and for the Cherokee people. A board meeting was held where there was much discussion on the strategy of CNB and Cherokee Nation in terms of what business will be and as a result of that discussion a presentation has developed that he would be happy to brief anyone on individually if they would like to come to CNB or he could come to their home town to discuss his vision for CNB, what the board thinks, and how they want to integrate all these entities into a prosperous future for the Cherokee Nation. Under the terms of the Jobs Growth Act and the contracts and legislation passed related to that CNB has a critical role to play in the budget process. They approve the operating budget of CNE and they also approve the capital budgets for all of the various Cherokee entities. They completed the six month review of capital projects for projects that were approved in September 2006 at the last board meeting. This was mostly construction projects for CNE but also a substantial capital allocation to CNI, which is a capital allocation that is largely composed of a \$15 million dollar loan that will help capitalize CNI and to enjoy a greater prosperity in the future.

OLD BUSINESS

None pending.

NEW BUSINESS

1. **A RESOLUTION AUTHORIZING THE ISSUANCE OF MORTGAGES FOR SELF-HELP HOUSING AND BUILDING PACKAGE HOMES**

Councilor Shotpouch moved for the approval. Councilor Jack D. Baker seconded the motion. Motion passed.

Enactment No: R-59-07

2. **A RESOLUTION AUTHORIZING Cherokee Nation BEHAVIORAL HEALTH SERVICES AND Cherokee Nation INDIAN CHILD WELFARE TO SUBMIT AN APPLICATION FOR AN ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF) FUNDED GRANT TO EXPAND DRUG TREATMENT CAPACITY TO IMPROVE PERMANENCY OUTCOMES FOR CHILDREN**

Councilor Crittenden stated the purpose of this Resolution is to approve an application for grant funding to allow Cherokee Nation Indian Child Welfare to develop a collaborative program to meet the needs of children and families affected by a parent's methamphetamine or other substance abuse. This project will utilize an evidence-based program of intensive outpatient treatment for substance abuse (i.e., the Matrix Model) that will allow parents with substance abuse problems to remain near their children and in their communities. The grant is in the amount of \$2.5 million over a five year period with a match of \$593,000.

Councilor Crittenden moved for the approval. Councilor Keen seconded the motion. Motion passed.

Enactment No: R-64-07

3. **a resolution Authorizing the submission of a proposal to continue the funding for the cherokee nation cancer registry**

Councilor Crittenden stated this project has been funded since 1997 and has an annual budget of \$116,898. The Cherokee Nation Cancer Registry (CNCR) collects all cancer cases with a diagnosis year of 1997 or later for all American Indians and Alaska Natives in the 14 county jurisdictions of the Cherokee Nation.

Councilor Crittenden moved for the approval. Councilor Bill John Baker seconded the motion. Motion passed.

Enactment No: R-63-07

4. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR A BROWNFIELDS GRANT**

Councilor Martin made a motion for approval. Councilor Garvin seconded the motion. Motion carried.

Enactment No: R-56-07

5. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A PROPOSAL TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR A CHEROKEE RADON PILOT PROJECT**

Councilor Martin made a motion for approval. Councilor Garvin seconded the motion. Motion carried.

Enactment No: R-57-07

6. **AN ACT AMENDING LEGISLATIVE ACT 25-01 RELATING TO FREEDOM OF INFORMATION AND RIGHTS TO PRIVACY ACT**

Councilor O'Leary stated this is more of a housekeeping item that requires public bodies to give adequate advance notice to the public prior to meeting.

Councilor O'Leary moved for the approval. Councilor Cowan Watts seconded the motion. Motion passed by acclamation.

Enactment No: LA-25-07

7. **a resolution electing to participate in the national sex offender registry system AS A REGISTRATION JURISDICTION**

Speaker Frailey stated the purpose of this resolution is to effectuate the Cherokee Nation's election to participate as a registration jurisdiction in the National Sex Offender Registry system. Such an election by federally recognized Indian tribes is required pursuant to Section 127 of the Adam Walsh Child Protection and Safety Act of 2006 (United States Public Law 109-248).

Speaker Frailey moved for the approval. Councilor Conner seconded the motion. Motion passed.

Enactment No: R-60-07

8. **A LEGISLATIVE ACT AMENDING TITLE 10 OF THE CHEROKEE NATION CODE ANNOTATED - SECTIONS 1101, 1110 and SECTIONS 40.1 THROUGH 40.9; AND DECLARING AN EMERGENCY**

Speaker Frailey stated this Act broadens the definition of "deprived child", limit jury trials to proceedings to terminate parental rights and to set the burden of proof required in involuntary custody placements and actions to terminate the parental rights in certain situations.

Speaker Frailey moved for the approval. Councilor Cowan Watts seconded the motion. Motion passed by acclamation.

Enactment No: LA-26-07

9. **A LEGISLATIVE ACT PROVIDING FOR FUNDING OF EYEGLASSES OR OTHER CORRECTIVE LENSES FOR ELDERLY CHEROKEE CITIZENS AND CHEROKEE YOUTH**

Councilor Bill John Baker stated this Legislation raises the limit of help that can be provided to the amount of \$250.00. To be eligible for benefits under this Act, Cherokee citizens must have income below one hundred eighty-five percent (185%) of poverty income established by the Cherokee Nation Department of Health.

Councilor Bill John Baker moved for the approval. Councilor Thornton seconded the motion. Motion passed by acclamation.

Enactment No: LA-27-07

10. a resolution RESCINDING rESOLUTION #63-06, “a RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE III, SECITON 1 OF THE CHEROKEE NATION CONSTITUTION OF 1975 AND ARTICLE IV, SECTION 1 OF CHEROKEE CONSTITUTION OF 1999 PURSUANT TO ARTICLE 15, SECTION 2, DETERMINING CRITERIA FOR CITIZENSHIP INTO THE CHEROKEE NATION

Speaker Frailey stated the purpose of this Resolution is to rescind Resolution #63-06 due to the fact that the special election has already occurred.

Speaker Frailey moved for the approval. Councilor Jack D. Baker seconded the motion. Motion passed.

Enactment No: R-61-07

11. A RESOLUTION AUTHORIZING THE OFFICIAL CHEROKEE NATION WEBSITE TO BE REGISTERED AS A GOVERNMENT DOMAIN UNDER THE NAME OF www.cherokee-nsn.gov <<http://www.cherokee-nsn.gov>>

Councilor Cowan Watts stated the purpose of this Act is to authorize Cherokee Nation to register the official Cherokee Nation website as a government domain which would distinguish Cherokee Nation current website status from that of an organization to a government website.

Councilor Cowan Watts moved for the approval. Councilor Garvin seconded the motion. Motion carried.

Enactment No: R-62-07

- 12.

Councilor O’Leary stated Mod. 8 included 52 budgets and a net increase in spending authority of \$21,858,427.

Councilor O’Leary moved for the approval with amendments to include the Marshals request of \$375,000 and Webbers Falls Water District for \$25,000. Councilor Bill John Baker seconded the motion with a friendly amendment to add \$210,076 from General Fund for the Marshal Service. Motion passed by acclamation.

Enactment No: LA-28-07

13. A RESOLUTION AUTHORIZING THE SUBMISSION OF A PROPOSAL TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR A CHEROKEE LEAD CERTIFICATION PROJECT

Councilor Martin made a motion to approve. Councilor Garvin seconded the motion. Motion carried.

Enactment No: R-58-07

14. **a resolution Authorizing the ADDITION OF TEN (10) ROADS TO, AND REMOVAL OF (2) ROAD SEGMENTS FROM THE LIST OF CONSTRUCTION PRIORITIES FOR INDIAN RESERVATION ROADS FUNDING**

Councilor Martin moved for the approval. Councilor Bill John Baker seconded the motion. Motion passed.

Enactment No: R-65-07

ANNOUNCEMENTS

Councilor Conner gave a reminder for everyone to get out and vote on Saturday, June 23rd and walk-in voting begins next Tuesday, June 19th.

Speaker Frailey stated on June 6th at a special council meeting the council approved a Resolution authorizing the placement on the June 23rd ballot a question whereby the people affirm or not affirm the removal of federal approval of the Cherokee Constitution and or amendments thereto. An absentee ballot will be mailed out tomorrow to all absentee voters proposing that particular question.

ADJOURNMENT

With no further business presented, Councilor Johnson moved for adjournment. The next regular Council meeting will be held on July 16th, 6:00 p.m. at the W.W. Keeler Complex.

**Meredith A. Frailey, Speaker
Council of the Cherokee Nation**