



Council of the Cherokee Nation

Meeting Minutes

Community Services

Thursday, December 20, 2007

10:30 AM

Legislative Conference Room

Reconvene

CALL TO ORDER

Chair Buzzard called the meeting to order.

INVOCATION

Councilor Fullbright gave the invocation.

ROLL CALL

Present 12 - Bill John Baker; S. Joe Crittenden; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap and Julia Coates

Absent 2 - Don Garvin and Bradley Cobb

Late Arrival 2 - David Thornton Sr. and Jodie Fishinghawk

1. LIHEAP PROGRAM (continued discussion and possible action)

Ms. Norma Merriman announced she and Mr. Jerry Snell brought some averages from numbers in the past. Mr. Snell stated there are two different LIHEAP programs administered through LIHEAP funding. One of these programs is the heating assistance program and crisis intervention during the winter months. He stated on a rare occasion they are able to do a crisis intervention during the summer. He stated they serve approximately 1500 to 1600 households a year with heating assistance. Of this number they average approximately 1100 to 1150 elderly and disabled. The elderly and disabled are top priority in the LIHEAP program. He stated they take applications for the elderly and disabled before any others. They are in the process of taking applications for all others at this time. Councilor Bill John Baker provided an update from discussion from the last meeting stating we spend approximately \$500,000. on heating assistance. He inquired as to the possibility of this Council forward funding this money to allow the purchase of propane, wood, pellets in the summer months when the prices are so much less. If we could get in front of the curve and then pay ourselves back when the LIHEAP funding comes in to keep for next year. Mr. Snell announced these are accounting issues that he is not familiar with in regard to forward funding. Councilor Bill John Baker requested someone speak to the Federal government to inquire if it is a possibility to allow their funds to go further for the people. Mr. Snell stated this is great if the Tribal Council is willing to put an up front appropriation to supplement LIHEAP. He reminded everyone of the \$500,000.00 appropriated for the program to supplement the heating program by the Council 2 years ago where they received \$138,000.00 in leveraging funds from the federal government. He stated any non federal funds put into the LIHEAP program the feds matches a portion of the funding. Councilor Bill John Baker stated this does not include people receiving assistance for electric due to their not being much of a deviation in price. He suggested just looking at the wood, pellets, and propane recipients. Mr. Snell stated in 2007 they served 581 elderly and disabled with propane

totaling \$160,000.00. He stated the price of wood usually doesn't deviate much through out the year. He stated when payments are made for wood the funds are given to the participant to select a vendor of their choice. Councilor Fullbright inquired about the income guidelines. Mr. Snell stated the income guidelines are poverty level plus 10% regardless of age or size of household. The largest payment is given to the largest house with the smallest income. Right now the average propane payment is \$322.00 per household. He stated there are 4 payment levels for each heating source. Chair Buzzard requested someone speak to the accounting department to determine if this is possible. Mr. Snell stated the propane portion can be done. Councilor Bill John Baker suggested passing this as a line item in the next several meetings to keep updated. He suggested the possibility of supplementing \$160,000.00 for propane participants. Chair Buzzard requested an update be provided next month. Councilor Thornton inquired about the possibility of getting into the propane business. Mr. Snell stated the first group of payments will go out this Friday with another set of payments to go out next Friday. Ms. Merriman stated if the people need help they need to come in. Mr. Snell stated the State of Oklahoma's average payment is \$99.00 this year.

Councilor Bill John Baker suggested passing this as a line item in the next several meetings to keep updated.

2. EMERGENCY HOUSING PROGRAM (continued discussion and possible action)

Mr. David Southerland provided a handout of the Cherokee housing policy and income guidelines. He stated this Cherokee housing policy was developed February 15, 2005 when a special meeting was held with the Council to discuss housing principals and policies. The procedures and guidelines currently being used for emergency repair are the same as Sharon Lay and her group used as employees of the Housing Authority. To make the policy more consistent with the principals Ms. Lay is at this time revising the policy. There is a focus on the needest of the needy as well as the elderly and disabled. The focus at this time is on the emergency housing repairs but the overall philosophy will flow into the rehab program. He stated at this point nothing has changed. The plan is to get a proposed revision to the Chief's office for review. He doesn't the income guideline to change. The elderly, handicapped, and disabled are the main focus. He stated he doesn't have an answer today for the single parent of 3 children making \$9.00 an hour. Councilor Bill John Baker stated it is covered at the very top of the handout the needest of the needy. He stated a single parent making \$9.00 an hour with 3 kids is the needest of the needy. He stated he wanted to see this policy because he couldn't believe he would have ever voted for a policy that would eliminate the single parent. Mr. Southerland stated he doesn't feel that was the intent and they are a long way from the actual revision. He stated at some point they will have to come back to this Council and provide an update on the policy changes. Chair Buzzard stated he feels some of the funds are needed for emergency housing. He inquired as to a definition of an emergency. He expressed concern for someone who has a roof leak for 5 years all of a sudden it becomes an emergency. Mr. Southerland stated one of the issues is we shouldn't be using the emergency program as the rehab program. Councilor Thornton stated there are people who have lived in a home for 5 years who have roof leaks that just can't afford to re roof their homes. Councilor Bill John Baker stated one of the principals used over the years was that if the emergency program could abate a problem so that the family could wait that 2 to 3 years for the rehab program. This program had a one time maximum limit of \$5,000.00, had to be low income and/or elderly and disabled. He stated this program wasn't broke and doesn't need much fixing. He stated this was one of the best programs we had for the last 5 to 6 years. Chair Buzzard stated Councilor Baker makes a good point stating he was in the programs before and understands how the environmental can hold up progress. He stated he can support some funds going into the emergency program but needs to understand what is considered an emergency. Mr. Southerland gave an explanation of the federal requirements for the environmental and procurement process as well as why

they are trying to use federal funds instead of discretionary funds. He stated there are some new environmental guidelines. He stated the environmental is not an obstacle. He stated the federal government at this time requires bids as far as procurement is concerned. In the reauthorization of NAHASDA there is language to revise this requirement if under \$5,000.00. Councilor Crittenden supported keeping the program going. He stated the people here talking today about the program know how the program worked, what was and wasn't an emergency. Mr. Southerland explained the reasoning for using NAHASDA funds instead of discretionary funds. He stated there are NAHASDA funds available. The goal is if \$5.5ml is put into rehab within one of the Indian Housing Plans and then spend those funds within that fiscal year. Part of this would be used for rehab and part used for emergency housing. Chair Buzzard inquired if what Mr. Southerland was explaining is that part of the funds could be used for emergencies and part for rehab. Mr. Southerland agreed we have this capability. He stated HUD has taken the position that if you are using discretionary funds as we had in the past and there isn't administrative funds within to pay for procurement, environmentals, and staff then you are not in compliance. He recommended not putting any additional funds forward at this time and let them use the funds they already have available. If needed they will come to the Council for funds. Chair Buzzard inquired about the balance available. Ms. Sharon Lay stated there is \$200,000.00 in rehab and set aside \$180,000.00 which is committed to purchase orders and contractors. Councilor Bill John Baker inquired if all but \$20,000.00 has been obligated. Ms. Lay stated it is obligated but it isn't spent, it is in blanket purchase orders to different companies for contractors to get supplies. Chair Buzzard requested coming back to this Council if funds are needed in the future. Councilor Bill John Baker requested a report comparing last years and this years dollars spent, services, number of people, types of work done. If just as many people are being taken care of with NAHASDA funds and a back log is not being created. He stated he just cares about services to the people.

**Councilor Baker made a motion to table to next month to review the reports.
Councilor Jack Baker seconded the motion. Motion carried.**

3.

A RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF AMENDMENT NUMBER FIVE TO THE FISCAL YEAR 2006 INDIAN HOUSING PLAN TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sponsors: Councilor Buzzard

Ms. Denise Honowa stated since the last meeting she has spoke to Mr. Marvin Jones. She stated he wanted her to emphasize to the Council that there are certain parts of these IHP's that need to get passed. She stated page 8 of the 2006 amendment shows the goals of this amendment. Councilor Glory Jordan inquired if tabling the land acquisition portion could be tabled at this time to allow more time to determine location. Ms. Honowa announced Mr. Southerland and Mr. Todd Enlow are available today to discuss the land acquisition portion. Mr. Enlow provided a handout of maps showing some of the target areas they have been reviewing. He stated they have been looking for land to acquire that is in and around schools that have both low and high performance. They have been working with Community Services, and Education to do an analysis determining the top performing schools within the 14 counties, methamphetamine use in the 14 counties, and where jobs are being created. They are looking for tracts of land greater than 50 acres around the high performing schools. They have identified 9 communities at this time. He stated phase 2 will be looking into infrastructure. He stated they are looking at this as to how they can best serve the communities, by identifying where jobs are going to be, where roads and infrastructure will be, and the types of housing in surrounding areas. He stated they are considering 5 acre tracts. This week they will be identifying the parcels of land greater than 50 acres around the 9 communities. Councilor Fishinghawk inquired about the 9 communities. Mr. Enlow stated he would indicate the counties the focus is on as; Adair, Muskogee,

Delaware, and Mayes. Councilor Bill John Baker inquired as to why we would use housing dollars when we have riverbed settlement funds available for the purchase of property. Mr. Enlow stated the funds identified for land acquisitions in total are the Arkansas riverbed funds which they are trying to keep inside the corridor of the region around the Arkansas riverbed area. They have reserves set aside for things associated with Sequoyah Fuels and a couple of other properties they have considered. They have an approximate \$2ml set aside for cultural tourism. The total development cost of land is included in NAHASDA funds. He stated the reason for spending a large amount of funds on land at this point is that land doesn't get any cheaper.

Councilor Glory-Jordan suggested approaching this area of acquisition with a sub committee to be included in the process. She stated it has been proven time and time again that when large tracts of land are purchased cluster sites are not successful with the Indian population. She stated there is a tendency for these people who need a home desperately to turn one of the finest down if it is not within their comfort boundaries. Councilor Thornton voiced concern for just 4 areas within the Nation being looked at, he suggested a longer look. Mr. Southerland stated this discussion began 4 or 5 years ago. He reminded everyone that 9 counties are getting self help homes. He stated they are reviewing the possibility of another Title VI project under a slightly different structure. Councilor Fishinghawk inquired if NAHASDA funds are used to buy these 600 lots can the land be used in the future for any other purpose. Mr. Southerland stated there would be a restriction in HUD guidelines as if it were ever sold the funds would have to be given back. Councilor Cowan Watts called for the question on items 3 and 4.

Councilor Cara Cowan Watts made a motion to pass both amendments to the 2006 and 2007 IHP's. Councilor Buel Anglen seconded the motion. The motion FAILED by the following vote:

Yea: 7 - Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Chris Soap and Julia Coates

Nay: 7 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright and Curtis Snell

Councilor Glory-Jordan made a motion to form a sub committee headed by the Chair to study the issue of purchasing these land sites. Councilor Crittenden seconded the motion. The motion FAILED by the following vote:

Yea: 6 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Tina Glory Jordan; Jodie Fishinghawk and Harley Buzzard

Nay: 7 - Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Curtis Snell; Chris Soap and Julia Coates

Not In Room: 1 - Meredith Frailey

Councilor Bill John Baker inquired what portions of these amendments need to be passed at this time.

Chair Buzzard stated if a special meeting is needed to make contact with either him or Speaker Frailey.

4. A RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF AMENDMENT #2 TO THE FISCAL YEAR 2007 INDIAN HOUSING PLAN TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sponsors: Councilor Buzzard

ANNOUNCEMENTS

None

ADJOURNMENT

Motion made by Councilor Cowan Watts to adjourn the meeting. Councilor Bill John Baker stated he had the floor. Chair Buzzard announced he would give him 1 minute. Councilor Baker again asked if there is any portion of this that needs to be passed now. Mr. Southerland stated it is all in one package deal. Motion carried at 12:06 p.m.

STAFF PRESENT:

*David Pruitt Ginger Brown Sharon Lay Norma Merriman
Denise Honowa Todd Enlow Jerry Snell*

VISITORS PRESENT:

David Southerland Brian Cooper

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Recording Secretary

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____