



Council of the Cherokee Nation

Meeting Minutes

Executive and Finance Sub Committee

- TERO

Monday, January 12, 2009

2:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Cowan Watts called the meeting to order at 2:06 p.m.

INVOCATION

Councilor Cobb gave the invocation.

ROLL CALL

Councilor Chuck Hoskin Jr. is present but doesn't serve on this committee.

Present 7 - Cara Cowan Watts; Bill John Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard and Don Garvin

Absent 1 - David Thornton Sr.

Late Arrival 2 - S. Joe Crittenden and Buel Anglen

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

Chair Cowan Watts announced we would begin with Section 5 L pertaining to the authority and duties. She announced the meeting minutes from the last meeting have been included as a reference. She stated there are 3 action items that came from that October meeting: 1) Councilor Fishinghawk and Mr. Hembree to provide a full proposal for a TERO commission with budget and staff. 2) Councilor Glory-Jordan and Mr. Hembree were to look as specifics on how to strengthen the legislation. 3) Councilor Thornton and Mr. Hembree were to determine a definition of Discretionary funds. Chair Cowan Watts inquired if there are any updates on these items. Mr. Hembree stated strengthening the legislation can be very simple. The TERO statute does need some fine tuning the problem is in the enforcement. He stated to strengthen would be to create a commission that would have the ability and the authority to enforce the TERO laws. The second and probably most important way to strengthen would be to make TERO applicable to the Cherokee Nation entities. Councilor Glory-Jordan agreed with the recommendation of Mr. Hembree. She stated Section 4 G would need to be amended. Mr. Hembree stated this amendment is already included as one of the proposals. The commission would be a 3 person commission, appointed by the Legislative branch, 1 appointed by the Executive branch and those 2 appoint the 3rd. He stated they would have to meet no less than once a month. They would need to be paid some type of stipend to cover their expenses. This commission would need to be compared to other active commissions within the Cherokee Nation. He suggested looking at the Election Commission and or the Gaming Commission. Councilor Fishinghawk stated she would work with Mr. Hembree over the next few weeks and have something for review prior to the next meeting. Councilor Glory-Jordan suggested a 5 member

commission instead of a 3 member commission. Mr. Hembree stated he had suggested 3 due to concern for cost. Chair Cowan Watts inquired who would hear a mediation hearing and what qualifications would be required. Councilor Fishinghawk suggested commissioners from different backgrounds to cover all basis. Mr. Overacker stated each tribe is different as far as employee issues are addressed. Mr. Hembree stated the current appeal process is covered in Sections 26 and 27. He stated it wouldn't be difficult to change wording from TERO office to TERO commission. The frame work is already in the legislation. Councilor Glory-Jordan inquired if a vote could be taken today on whether to proceed with a commission or not. Chair Cowan Watts stated she would welcome a motion.

Councilor Glory-Jordan made a motion to form a TERO commission. Councilor Crittenden seconded the motion. Councilor Buzzard requested a friendly amendment that it be a 5 member commission. Councilor Glory-Jordan accepted the friendly amendment. Motion carried.

Section 5 L. - Authority and Duties

Mr. Hembree read the proposed addition to the section. He questioned if TERO would apply to the Cherokee Nation government as well. Councilor Anglen stated the Cherokee Nation should remain to be included with the Housing Authority now being under the Cherokee Nation.

Councilor Anglen made a motion to accept the language in Section 5 L as proposed. Councilor Bill John Baker seconded the motion. Motion carried.

Section 5 W

Mr. Hembree stated this is a new sub section which pertains to quarterly reports being submitted to the Tribal Council.

Councilor Bill John Baker made a motion to approve with sticking the word or. Councilor Crittenden seconded the motion. Chair Cowan Watts requested Cherokee Nation be added prior to web site and add shall in front of publish. Also change Phoenix to tribal. Councilor Bill John Baker accepted the recommendations in his motion for approval.

Motion to approve Section 5 W carried with amendments.

Section 5 X

Mr. Hembree read the new sub section X. This section requires audit compliance. Councilor Bill John Baker questioned all employers, what type of audit, and what type of burden does this cause for the small businesses. He stated he could understand audits of the TERO department. Mr. Hembree this is to ensure the vendors are in compliance with the TERO law. Chair Cowan Watts inquired if it included audit of citizenship. Mr. Hembree stated he is unsure.

Councilor Bill John Baker made a motion to table. Councilor Crittenden seconded the motion. Motion carried.

Section 5 A through E deals with the Commission.

Section 5 A through E was tabled.

Councilor Garvin made a motion to approve Definition G. Councilor Anglen seconded the motion. Motion carried.

Section 8 C

Mr. Hembree stated this entire section would be stricken because it doesn't include all of the entities.

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

Section 10 Preference in Promotions

Mr. Hembree stated the change is to strike Indians and insert Cherokee Nation citizens.

Councilor Garvin moved to approve the change as recommended. Councilor Anglen seconded the motion. Motion carried.

Section 11 - Preference in Employment of Students

Mr. Hembree stated this is pretty much the same amendment as the previous section.

Councilor Anglen made a motion to accept the changes. Councilor Bill John Baker seconded the motion. Councilor Garvin made a friendly amendment to change the last sentence by striking the word Indian and inserting Cherokee Nation citizen. Motion carried.

Section 18 Establishment and Administration of Job Bank

Mr. Hembree stated the change would require TERO to have a job bank and the employer shall recruit from that job bank. Chair Cowan Watts questioned the setting of fines. Mr. Hembree stated we would need to delineate that the appropriate fines would be set by the TERO commission.

Councilor Bill John Baker made a motion to approve as amended. Councilor Garvin seconded the motion. Motion carried.

Section 24 Filing of Complaints

Councilor Bill John Baker suggested Mr. Hembree review this section with the decision today to form a commission.

Councilor Bill John Baker made a motion to table. Councilor Crittenden seconded the motion. Motion carried.

Section 25 D Filing of Complaints

Mr. Hembree stated the amendment would allow complaints by employees or TERO vendors to bring complaints against the Cherokee Nation, Cherokee Nation Enterprises, Cherokee Nation Industries, and any other entities of the Cherokee Nation.

Councilor Bill John Baker voiced concern and stated the employee already has rights as an employee through human resources.

Councilor Garvin made a motion to table. Councilor Anglen seconded the motion. Motion carried.

ANNOUNCEMENTS

None.

ADJOURNMENT

Councilor Garvin made a motion to adjourn. Councilor Bill John Baker seconded the motion. Motion carried at 3:00 p.m.

STAFF PRESENT:

Kim Carroll

Jon Overacker

VISITORS PRESENT:

Todd Hembree

Jim Ketcher

Curtis Rohr

Roger Johnson

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____