



Council of the Cherokee Nation

Meeting Minutes Resource Committee

Monday, April 14, 2008

4:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Snell called the meeting to order.

INVOCATION

Councilor Crittenden 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 Anglen made a motion to approve the minutes of the March 10th regular session. Councilor Bill John Baker seconded the motion. Motion carried. Councilor Jack Baker made a motion to approve the minutes of the March 11th sub committee. Councilman Bill John Baker seconded the motion. Motion carried.

REPORTS:

1. Natural Resources - Angela Drewes

Attachments: [NR - Resources 04-08](#)

Ms. Angela Drewes announced they have been busy helping Emergency Management with storm cleanup. She stated Delaware County has a lot of issues with road and bridges being washed out. She stated they will be working with Community Services with the development of the pad for the Muldrow community building. They began today cleaning up two illegal dump sites in Delaware County. They had planned to begin planting corn, squash and beans but have postponed due to the weather conditions. Ms. Drewes requested Councilor Fishinghawk put together a project plan along with cost regarding Fourkiller Park to allow them to compare with their estimates. Councilor Fishinghawk stated there seems to be a misunderstanding and she would contact her later this week. Ms. Drewes stated they have drafted policy for the fish and wildlife code which is currently in the Attorney General's office. She stated they try to regulate the non tribal members from hunting and fishing as much as possible. She stated there are signs posted. Councilor Buzzard expressed concern for the need of a game warden at tribal properties. Ms. Drewes stated the Marshal Service turned in a strategic budget for game wardens during the last budget cycle however they were not approved. They were denied due

to waiting to see if a compact was entered into with the State.

2. Real Estate Services - Linda Donelson

Attachments: [Realty Committee Report April 2008](#)

Ms. Linda Donelson announced her report is in the packet and offered to answer any questions. Councilor Cowan Watts inquired as if title had been received on the Federal Building in Claremore. Ms. Donelson stated not at this time. They have received notice that once the Sallisaw Creek title is complete they would follow up on the Federal Building. Councilor Buzzard inquired as to the status on the Patton property. Ms. Donelson stated the environmental review has finally passed out of the Eastern District to Washington DC. They have received notification that the Bureau has sent out new notices to all city and county officials including the Keetoowah. She stated they are now in the process of responding to these notices. She stated the city and county continue not to have a problem with the request however the UKB does object.

3. Roads & Transportation - Michael Lynn

Mr. Michael Lynn gave the following update of IRR roads:

- Red Barn Road – It is wet and moving slowly. They are working on the sub grade and have installed some guard rail.*
- Daytown Dry Creek – they are laying asphalt today as well as working on phase II and III of the project.*
- Twin Oaks Bull Hollow – In the final stages of design*
- Rice Woodard – the condemnation went through and the parties have until the 24th of April to respond to the appraisal turned in to the court.*
- Barber – In the final design stages, waiting on easement from the BIA*
- Cedar Crest Road and Bridge – The county commissioner has signed a final offer letter for the property around the bridge.*

They met with the two contractors as design engineers last week and assigned each contractor with 3 projects. Hollow was assigned North East Fort Gibson, Dahlongah South and Kansas Dry Creed Road. Red Plain Engineering was assigned Smith Hollow, Tenkiller School Road and Chewey North Road. The 8.5 mile overlay project for Cookson Road Rehab in Cherokee County is being designed and the plans are in review. He announced they have one tribally funded project moving forward to Executive and Finance this month in the amount of \$177,899 from Councilors Bill John Baker and Glory-Jordan for Lost City Road. Councilor Buzzard inquired as to the status of placing signage on the roads. Mr. Lynn stated facilities maintenance has completed the new design of the signs they are now waiting on the seals. Councilor Buzzard inquired as to the status on the Kenwood overlay project. Mr. Lynn stated when this project was programmed in to the improvement plan funds were not included for bridges. A determination needs to be made if the bridges are going to be repaired or wait to see if the county seeks funding. Mr. John Masters inquired if there has been contact made with the commissioners regarding the Stan Watie Road. Mr. Lynn stated he has not spoke to them since his last report that the work would be complete by the end of this month. Mr. Masters announced there hasn't been any movement on the road. Councilor Frailey inquired if Oklahoma has met the threshold for disaster declaration relief. Mr. Lynn stated he hasn't heard. They are scheduled to meet with a gentleman from the Eastern Oklahoma Emergency Management Thursday while he is here doing some county assessments.

4. Public Comments: Road Issues - Michael Lynn

5. Construction/Facilities - David Roberts

Attachments: [Facilities - Resources 04-08](#)

Ms. Angela Drewes announced they are at 95% completion with the Markoma girls dorm renovation project. They are in the process of changing the landscape at the courthouse downtown. The floor plans have begun on the tax commission building. A report will be provided on the new Council House at the sub committee scheduled tomorrow. Councilor Bill John Baker inquired about the rumors of Markoma being a gym. He inquired if it would be for tribal members only or if it would be open to the public as well. Ms. Drewes stated she could only relay what she has heard which is it is a multi purpose health center. Ms. Melanie Knight announced citizens and families free and the public can use the facility for a fee. She stated Melissa Gower could provide a full report during Health Committee tomorrow.

6. Environmental Programs - Tom Elkins

Attachments: [Env Prog April 08 Resources Monthly Report](#)

Mr. Tom Elkins stated the environmental reviews, lead-based paint activities and radon work is not the lion share of their work but it is performed throughout the 14 counties. He stated they have developed a partnership with Natural Resources as well as Water and Sanitation to clean up dumps. He announced this Saturday 4 members of their staff participate as volunteers in Dewey to have a household hazardous cleanup. He announced an item on the Council agenda tonight will increase their Environmental Protection Commission from 3 to 5 members.

Councilor Bill John Baker stated he just read this today and is unsure of the urgency. Councilor Glory-Jordan agreed these are her concerns as well. She stated it has been asked and requested for the 10 day rule to be used to allow them time to review. Councilor Fishinghawk mimicked her fellow Councilors and stated this has some important issues that deserve time for review. Councilor Hoskin Jr. stated he too is in agreement. Councilor Frailey made a point of clarification stating it was requested this item go before Rules Committee which has an agenda deadline of today. She stated with this item dealing with leases she choose to bring it before this committee first. She stated if it is passed from this committee today it will be placed on the Rules agenda before going to Council.

Councilor Frailey made a motion to amend the agenda to include a resolution presented today as item 3 under new business requesting authorization of the negotiation and execution of leases of tribal land on gaming properties and authorizing potential suspension of Cherokee Nation sales tax collection for non-Indian lessees. Council Cowan Watts seconded the motion. Attorney General Diane Hammons stated it takes 2/3 to amend the agenda which is 12 with 17 members of the Council. Councilor Jack Baker inquired if it is 2/3 of the Council or of members present. Councilor Cowan Watts called point of order and stated in Robert Rules of Order during committee it is 2/3 of members present. Chair Snell announced with a vote of eleven (11) yeas and five (5) nays the motion to amend the agenda passed.

Yea: 11 - 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: 5 - Bill John Baker; S. Joe Crittenden; Tina Glory Jordan; Jodie Fishinghawk and Chuck Hoskin, Jr.

A RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF LEASES OF TRIBAL LAND ON GAMING PROPERTIES AND AUTHORIZING POTENTIAL SUSPENSION OF CHEROKEE NATION SALES TAX COLLECTION FOR NON-INDIAN LESSEES

Sponsors: Councilor Frailey

Councilor Cowan Watts made a motion to move consideration of this item to the Rules agenda. Councilor Anglen seconded the motion. Councilor Cowan Watts requested to yield her time to Ms. Hammons to explain the resolution. Ms. Hammons stated since this was intended to go before the Rules Committee there isn't anyone present from CNE or CNB. She stated the purpose is to allow CNE and CNB to negotiate leases at the gaming institutions only. The main issue forth coming where this would be needed is for the food court at West Siloam Springs and restaurants at Catoosa. Councilor Hoskin Jr. requested clarification on the votes to amend the agenda and if the Chair agreed the vote was sufficient to amend the agenda. Councilor Cowan Watts announced point of information that 2/3 of 16 is equal to 10.66 which is rounded up to 11. Chair Snell concurred. Councilor Hoskin Jr. inquired if there are already exceptions in the Freedom of Information Act as referenced that would apply for these leases. Ms. Hammons stated there are exceptions for proprietary information and that they just want to ensure these aren't treated as public records. Councilor Hoskin Jr. voiced concern for this exception and sidestepping the process. He inquired if the Council process has very cause a burden to a business process. Ms. Hammons suggested it may not be the burden of the process but maybe to publicity of the forum. Councilor Garvin called for point of order. He stated we voted to amend the agenda and we need to get back to the agenda at hand. Chair Snell agreed. Councilor Cowan Watts stated she has a motion with a second on the floor to consider this item at the Rules meeting. Councilor Bill John Baker called point of order stating the original motion was to amend the agenda putting this as item 3 under new business. Councilor Frailey agreed. Councilor Bill John Baker agreed with Councilor Garvin that discussion regarding this item should be when we get to item 3 on the agenda.

OLD BUSINESS

None.

NEW BUSINESS

1. A RESOLUTION AUTHORIZING THE PLACEMENT OF LAND IN TRUST - TAHLONTEESKEE

Sponsors: Councilor Baker

Councilor Bill John Baker made a motion for approval. Councilor Jack Baker seconded the motion. Motion carried.

2. A RESOLUTION AUTHORIZING THE PLACEMENT OF LAND IN TRUST - WARNER I-40

Sponsors: Councilor Garvin

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

- 3. A RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF LEASES OF TRIBAL LAND ON GAMING PROPERTIES AND AUTHORIZING POTENTIAL SUSPENSION OF CHEROKEE NATION SALES TAX COLLECTION FOR NON-INDIAN LESSEES

Sponsors: Councilor Frailey

Councilor Cobb made a motion to move to the Rules committee. Councilor Jack Baker seconded the motion. Motion carried.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Jack Baker made a motion to adjourn. Councilor Bill John Baker seconded the motion. Motion carried at 5:00 p.m.

STAFF PRESENT:

<i>Angela Drewes</i>	<i>Melanie Knight</i>	<i>Todd Enlow</i>
<i>Diane Hammons</i>	<i>Linda Donelson</i>	<i>Tom Elkins</i>
<i>Michael Lynn</i>		

VISITORS PRESENT:

Jim Ketcher Ollie Starr Mike Miller

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____