



Council of the Cherokee Nation

Tribal Council Minutes Tribal Council

Monday, June 15, 2009

6:00 PM

Council Chambers

CALL TO ORDER

Speaker Frailey called the meeting to order at 6:00 p.m.

INVOCATION

Councilor Thornton gave the invocation.

ROLL CALL

Present 14 - S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Harley Buzzard; Chris Soap; Bradley Cobb; Chuck Hoskin, Jr. ; Julia Coates and Bill John Baker

Absent 3 - Don Garvin; Janelle Fullbright and Curtis Snell

Councilor Jack D. Baker made a motion to amend the agenda to add a presentation from the Cherokee Heritage Center "From Under the Cherokee Moon" immediately following this motion. He further requested to add new business item 13 as a resolution for a grant application to the Department of Interior for a hydro project study and item 14 as a resolution implementing the National Treasurers program. Councilor Bill John Baker seconded the motion. Councilor Hoskin Jr. offered a friendly amendment to move the final three items on the agenda to the first items under new business. The friendly amendment was accepted. Motion carried.

Lorette Willis of Dovetail Productions announced this is the third summer for Under the Cherokee Moon. She invited everyone to come to the Heritage Center to see the show. She stated it brings Cherokee history to life. She stated dinner is optional. Steven Hair a performer provided an excerpt from Under the Cherokee Moon. The show is open every Friday and Saturday night through the 15th of August.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Cowan Watts made a motion to approve the May 11, 2009 regular session minutes. Councilor Jack D. Baker seconded the motion. Motion

carried.

STATE OF THE NATION

Chief Smith requested a moment of silence to honor those who have left this life this past month. Those honored were Sid Swimmer, Gary Cooper, Lisa Miller Bird, Ricky Bird, Carrie Hart, Betty Bunch, Jimmy Gray, James Hair, and Christine Johnson. He announced the Embassy of Pease exhibit at Gilcrease Museum opens July 11th. Veterans honored were four brothers: John, Bill, Martin and Bruce Thomas. The Education and Health Services have been holding several summer camps. The Day of Champions had approximately 100 students that enjoyed two days of leadership, coaching and mentoring by some successful college and NFL football players and coaches. Healthy Nations held camps at the Heart of the Hills Camp where the students learned about exercise and healthy eating. Education Services is coordinating STEM camp among others. A summer learning program is being offered for fifth through twelfth graders at Sequoyah. Chief Smith provided a short video of Sequoyah's 2009 graduation. He announced the 2009 class earned more than \$3ml in scholarships. The Cherokee Nation Health Services has received an important international accreditation. There have been several opportunities over the last few weeks for the Cherokee Nation to be involved in exercising our sovereign immunity. The Sovereignty Symposium was held. Litigation brought by the UKB and dismissed to prohibit the Cherokee Nation from operating W.W. Hastings Hospital. A lawsuit in the 10th circuit involving HUD found the only one sovereign in the Cherokee Nation is the Cherokee Nation. The Illinois River Watershed agreement with the State was an interesting exercise of our sovereign immunity. This lawsuit involved the Attorney General from Oklahoma and six poultry companies from Arkansas to restrain the pollution of the Illinois River Watershed. The poultry companies filed a motion to dismiss on in dispensable party alleging the Cherokee Nation owned the water. Chief Smith stated we are in agreement however it is not the time to litigate who owned the water it was a time for us to join with the State to prevent the pollution of the Illinois River. He stated we executed an agreement with the State that allows the State to prosecute our interests, to defend our interests in the water and they have acknowledged we have a substantial interest in the watershed. He announced last Saturday night Chilocco held their reunion where there were representatives from the 1930's, 40's, 50's, and 60's. In the news over the last week was Diane Watson re filing her termination bill with a new section to allow any individual to bring cause of action against the Attorney General for an investigation of the five tribes. He was in Washington D.C. last week discussing this matter with the Department of Justice and the Bureau of Indian Affairs. Plans for this year's Holiday are in full swing. Invited guests include John Lewis and Dr. Ray. The Holiday Art Show and Miss Cherokee are looking for participants. The Huckleberry Festival will be held July 4th in Jay and Ft. Gibson will host their first ever Corn Festival on June 26th and 27th. Beginning on the 27th of June Todd Enlow will be leading nine youngsters from ages sixteen to twenty four to retrace by bicycle the Trail of Tears. Chief Smith gave appreciation for the employees who volunteered to paint at the Sam Hider Health Center and the complex hallways. He provided a video clip from the Employee Appreciation Day Picnic. Chief Smith announced 3,400 employees registered for the event. He shared a new Cherokee image campaign advertisement which focuses on the identity of our Cherokee people beginning tomorrow "Ours to Build On" will begin airing through out Oklahoma.

ACTION OF UNFINISHED BUSINESS

1. AN ACT AMENDING LEGISLATIVE ACT 38-05 TRIBAL EMPLOYMENT RIGHTS ORDINANCE, PROVIDING FOR PROMPT PAYMENT OF VENDORS

Speaker Frailey stated this was passed by the Council amending the TERO legislation providing prompt payment for vendors. The Principal Chief vetoed the Act for various reasons and it is the decision of the Council tonight to override or sustain the veto. Councilor Hoskin Jr. inquired about discussion held to send this item back to committee for further action. Speaker Frailey stated the minutes reflect the item was tabled to come back to the June Council meeting. She stated if it is the desire to put back in committee for further discussion and study the motion would need to be made.

Councilor Hoskin Jr. made a motion to table back to Rules Committee for further discussion. Councilor Glory-Jordan seconded the motion. Chief Smith stated he was prepared to present to the Council the presentation. Councilor Glory-Jordan called for point of order. Speaker Frailey called for the vote on the motion. The motion to table back to Rules committee carried with the following roll call vote:

Yea: 8 - S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Harley Buzzard; Chuck Hoskin, Jr. and Bill John Baker

Nay: 6 - Cara Cowan Watts; Buel Anglen; Jack D. Baker; Chris Soap; Bradley Cobb and Julia Coates

Speaker Frailey inquired if Chief Smith still wished to comment. Chief Smith stated it is a bit moot now but conversation held several months ago is to present to the Council issues of concern and are prepared to do so tonight. He stated with permission he would still give this information. Speaker Frailey stated there isn't discussion on a motion to table. She welcomed the information at committee.

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

Mr. Southerland announced the Housing Authority's board meeting is scheduled for tomorrow at 5:30. The Board will consider a resolution for the sale of twenty acres in Stilwell that adjoins the Stilwell Elderly Housing Project. The Housing Authority doesn't have immediate plans to use the property and the Cherokee Nation is requesting it for the Children's Development Center. He announced his employee Joe Rumbley was recognized at the Employee Appreciation Day for the J. B. Dreadfulwater Award for Excellence which is the Employee of the Year.

Cherokee Nation Enterprises - David Stewart

Mr. Stewart reported the April revenues are up over last year but the net income is somewhat less. He stated they would continue to control their cost. Their contribution to the tribe in terms of sales tax revenue was approximately \$8,000 less than last month at \$112,000. The Catoosa expansion is taking shape. The Hard Rock conversion is taking place as we speak. Toby Keith's and some of the other amenities will be opening on the 1st of August. Phase II construction at West Siloam continues with an expected quick finish. The Board approved construction of the hotel at West Siloam. The current employment is at 3433 with Cherokee employment at 59%. He announced they went through an official name change and CNE is now Cherokee Nation Entertainment.

Cherokee Nation Business, Inc - David Stewart

Mr. Stewart announced they are continuing to focus on their strategy and developing of an alignment of the resources of the tribe and all subsidiaries. The first summit was held with all of the subsidiaries in the ballroom at Catoosa. Once the strategies are developed with all parties involved they will then move forward into businesses that make sense and ensure success rather than investing in a lot of companies that we do not have expertise in. The Board of Directors of CNE and CNB have approved the asset purchase of ITX which is an information and technology company located in Ft. Collins, Colorado. The company employees 150 people in eleven States. The objective now is to pull what they can into Tulsa and provide careers and jobs for Cherokees. The subsidiaries are profitable and doing well. They are working toward making each of them more efficient and profitable.

Cherokee Nation Industries - Bryan Collins

Mr. Collins announced they were close to forecast for the month of May. The year to date revenues is \$55ml with monthly revenue of \$7.4ml. They received the RFQ on the Army contract. AT&T awarded them the National footprint for ADC. The local employment is 480 with 83% Native American. The next board meeting is tentatively scheduled for July 10th. They will host their 40th Anniversary Celebration and picnic is scheduled for this Saturday.

OLD BUSINESS

None pending.

NEW BUSINESS

10.

AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 8; AND DECLARING AN EMERGENCY

Councilor Jack D. Baker announced Mod 8 increases our budget by more than \$9ml and includes items such as upgrading our video production equipment for \$143,000, additional contract health funding of \$3,100,000 which doubled their budget, the landfill loss of \$578,000, health carryover funding from last year of \$3,700,000 which was reserved for debt service and emergency equipment and also increases the rental assistance program by \$1ml. During Resource committee today \$453,000 was approved in pass through funds for the Delaware tribe for their food and nutrition

program.

Councilor Jack D. Baker made a motion to approve. Councilor Cowan Watts seconded the motion. Motion carried by acclamation.

Enactment No: LA-13-09

11.

A LEGISLATIVE ACT AMENDING TITLE 68 OF THE CHEROKEE NATION CODE ANNOTATED - ADDING PROVISIONS FOR TAX REBATE OF LICENSED TOBACCO RETAILERS

Councilor Hoskin Jr. stated this Act puts into effect a provision negotiated in the compact which enables the Cherokee Nation to rebate certain funds to border shops. The compact resulted in an increase in tax rates particularly for border shops. This is a short term modest way to mitigate the impact of that tax increase. Councilor Hoskin Jr. moved to approve. Councilor Fishinghawk seconded the motion. Councilor Thornton requested the Administration provide the names and locations of the border shops as they pertain to this Act

Councilor Thornton called for the question. The motion for approval carried with the following roll call vote:

Yea: 9 - S. Joe Crittenden;Cara Cowan Watts;Buel Anglen;Tina Glory Jordan;Jodie Fishinghawk;Harley Buzzard;Bradley Cobb;Chuck Hoskin, Jr. and Bill John Baker

Nay: 5 - David Thornton Sr. ;Meredith Frailey;Jack D. Baker;Chris Soap and Julia Coates

Enactment No: LA-14-09

12.

A LEGISLATIVE ACT MAKING AVAILABLE FUNDS FOR LOANS/REBATES OF TOBACCO/SMOKE SHOP OWNERS

Councilor Hoskin Jr. announced this Act gives structure for the budget modification approved months ago to make loans available for smoke shops suffering a hardship. Councilor Hoskin Jr. moved to approve. Councilor Thornton seconded the motion. Councilor Cowan Watts gave an explanation for her vote change from committee to Council by stating after further review and discussions she discovered there isn't a mechanism to recover the money if the loan is defaulted. In the last Act a vote was taken to subsidize these smoke shops and jobs. She stated she would be unable to vote for a second subsidy if there isn't a mechanism to recovery the funds. Councilor Hoskin Jr. commented in his view there is legal authority to issue rules and regulations to enable Cherokee Nation to recover any loans issued. Councilor Cobb commented this is a no win situation. He voiced disappointment for the way the State handled a lot of the compacts. He stated he didn't approve of the bail out of General Motors and others and doesn't see a difference in this situation. Councilor Thornton stated this Act puts together a funding to help all smoke shops. Councilor Bill John Baker stated we collect three times the tax from the border shops than any other shops. He stated in an essence we would be loaning them their money. These smoke shops have employed hundreds of people and have paid hundreds of thousands of dollars to the tribe and Cherokee people by way of leases and taxes. He stated it isn't good business to turn away when they are in trouble. Councilor Glory-Jordan stated she is in favor for the sole reason of the four hundred jobs at jeopardy. She stated there is no reason why the Administration can't put in measures to ensure these are collectible loans. Councilor Bill John Baker called for the question.

The motion for approval failed by the following role call vote:

Yea: 6 - S. Joe Crittenden;David Thornton Sr. ;Tina Glory Jordan;Jodie Fishinghawk;Chuck Hoskin, Jr. and Bill John Baker

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

Enactment No:

Community Services Committee

1. **A RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF THE AMENDED FISCAL YEAR 2009 INDIAN HOUSING PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Councilor Buzzard made a motion to approve. Councilor Cowan Watts seconded the motion. Motion carried.

Enactment No: R-61-09

2. **A RESOLUTION AUTHORIZING CHEROKEE NATION HUMAN SERVICES AND CHEROKEE NATION HEALTH SERVICES TO SUBMIT AN APPLICATION FOR A SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) FUNDED GRANT TO EXPAND SUBSTANCE ABUSE TREATMENT CAPACITY FOR JUVENILE DRUG COURTS**

Councilor Buzzard stated there are two components of funding in this grant. The first is a one time payment up to \$425,000 with a matching fund requirement of \$141,667. The second component is an award of up to \$800,000 over a four year period.

Councilor Buzzard moved to approve. Councilor Bill John Baker seconded the motion. Motion carried.

Enactment No: R-62-09

3. **A RESOLUTION AUTHORIZING THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES TO SUBMIT AN APPLICATION FOR FUNDING TO THE OKLAHOMA OFFICE OF JUVENILE AFFAIRS, FOR EMERGENCY YOUTH SHELTER SERVICES, AND PREVENTION AND DIVERSION SERVICES**

Councilor Buzzard announced this is a grant for \$310,729 to supplement the operation of the emergency shelter and supporting services at the John A. Ketcher Youth shelter.

A motion to approve was made by Councilor Harley Buzzard and seconded by Councilor Bill John Baker. Motion carried.

Enactment No: R-63-09

Education and Culture Committee

4. **A RESOLUTION AUTHORIZING THE DONATION OF SURPLUS INTERCOM SYSTEM EQUIPMENT FROM SEQUOYAH SCHOOLS TO MULDROW PUBLIC SCHOOLS**

Councilor Fishinghawk moved to approve. Councilor Bill John Baker seconded the motion. Motion carried.

Enactment No: R-64-09

Health Committee

5. **A RESOLUTION PROVIDING FOR THE DONATION OF SURPLUS OPTOMETRY EQUIPMENT FROM CHEROKEE NATION TO NORTHEASTERN STATE UNIVERSITY COLLEGE OF OPTOMETRY**

Councilor Bill John Baker moved to approve. Councilor Glory-Jordan seconded the motion. Motion carried.

Enactment No: R-65-09

Resource Committee

6. **A RESOLUTION AUTHORIZING CHEROKEE NATION TO LEASE TRUST LAND TO SALINA-SPAVINAW TELEPHONE COMPANY, INC.**

Councilor Bill John Baker moved to approve. Councilor Cowan Watts seconded the motion. Motion carried.

Enactment No: R-66-09

Rules Committee

7. **A LEGISLATIVE ACT AMENDING TITLE 68 CHAPTER 4 OF THE CHEROKEE NATION CODE ANNOTATED - TOBACCO TAX AMENDING § 42 Tax on Cigarettes and § 43 Tax on Tobacco Products**

Councilor Anglen stated this to amend the tobacco tax rates to reflect the tax rates established in the current Cherokee Nation and State tobacco compact.

Councilor Anglen moved to approve. Councilor Cobb seconded the motion. Motion carried by acclamation.

Enactment No: LA-15-09

8. **AN ACT AMENDING LEGISLATIVE ACT #19-00, AS AMENDED BY LEGISLATIVE ACTS #08-01 AND #05-05, ESTABLISHING A FREE AND INDEPENDENT PRESS FOR THE CHEROKEE NATION**

Councilor Bill John Baker stated this amendment changes some of the nomenclature and allows electronic media and adds additional board members.

Councilor Bill John Baker moved to approve. Councilor Cowan Watts seconded the motion. Motion carried by acclamation.

Enactment No: LA-16-09

9. **AN ACT REPEALING LEGISLATIVE ACT 05-95, TITLE 19 CHEROKEE NATION CODE ANNOTATED SECTION TWENTY-ONE (21) AND TWENTY-TWO (22) ALLOWING FOR REIMBURSEMENT OF TRAVEL**

EXPENSES OF MEMBERS OF THE CHEROKEE NATION TRIBAL COUNCIL

Speaker Frailey stated this legislation repeals certain Acts and Resolutions that are inconsistent with the travel expense and reimbursement policy.

Councilor Anglen moved to approve. Councilor Cowan Watts seconded the motion. Motion carried by acclamation.

Enactment No: LA-17-09

13

A RESOLUTION AUTHORIZING THE SUBMISSION OF A SPECIAL GRANT APPLICATION FROM THE U.S. DEPARTMENT OF INTERIOR - ENERGY AND MINERALS DEVELOPMENT PROGRAM

Councilor Cowan Watts announced this is for a \$131,000 planning grant to consider the feasibility of a hydro powered facility on the Arkansas River near the Mayo site.

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

Enactment No: R-67-09

14

A RESOLUTION AMENDING RESOLUTION NUMBER 74-88, ESTABLISHING THE NATIONAL TREASURES PROGRAM

Councilor Coates stated this amends a former resolution to establish the National Treasures Program. The four changes are: up to three National Treasures will be recognized each year, at least one individual each year must be a traditional artist or crafts person, at least one individual must be from within the Nation's fourteen county jurisdiction, no residency restrictions, and a five member committee will be appointed by the Chief and confirmed by the Council.

Councilor Coates moved to approve. Councilor Jack D. Baker seconded the motion. Motion carried.

Enactment No: R-68-09

ANNOUNCEMENTS

Speaker Frailey recognized Mr. George Roach from Career Services. Mr. Roach announced the Summer Youth Leadership Intern Program is a group of Cherokee students between the ages of eighteen and twenty one who have at least a 3.2 grade point average and live within the fourteen county jurisdictional area. The program teaches the interns all about the Cherokee government. He requested the 2009 interns to introduce themselves. Mr. Roach stated the interns were selected from a group of applicants and were interviewed.

J.C. Lowe of the Youth Council announced there have been a few changes regarding the Women of High Esteem award. The applications are due today however the event date has moved to July 25th.

Councilor Bill John Baker recognized a group of headstart staff and teachers who are participating in a six month leadership program. He requested they introduce themselves.

Councilor Fishinghawk announced Councilor Hoskin requested she apologize for his early departure.

Councilor Cowan Watts announced she attended the GED graduation ceremony at Catoosa. She stated she was in amazement of the support and gave appreciation to those who make it happen. She further announced the Rogers County Cherokee Association had their first Cultural Day Camp in partnership with the Cherokee Nation where they graduated 47 youth. She gave appreciation to all of the volunteers and the Community Service staff for their help with the event.

Speaker Frailey recognized Rachel Moore of Locust Grove who was in attendance.

ADJOURNMENT

Councilor Bill John Baker made a motion to adjourn. Councilor Cowan Watts seconded the motion. Motion carried at 7:10 p.m.

Next Tribal Council meeting will be held on July 13th, 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.

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