



Council of the Cherokee Nation

Tribal Council Minutes

Tribal Council

Monday, August 13, 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 Shotpouch gave the invocation.

ROLL CALL

Present 17 - 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; Jack D. Baker; Bill John Baker and Audra Smoke-Conner

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Anglen moved to approve the minutes of the July 16th Regular Session. Councilor Cowan Watts seconded the motion. Motion carried.

STATE OF THE NATION

Chief Smith requested a moment of silence to pay respect to members and friends who have passed this last month. Veterans honored this month were George W. Summerlin, Gerald Summerlin, Keith E. Summerlin, Eric Summerlin, William Smoke, and Leon Blevins. Chief Smith recognized Michele Locust, 2007 Miss Cherokee and Danielle Marie Culp, Jr. Miss Cherokee 2007 as tonight will be one of their final appearances. He introduced a group from Rome, Georgia who maintains the Chieftains Museum in Georgia. The group included the founder, Gaynell Grissard, Ansley Seville, past president, Marcia Wells, president, and Claudia Oaks, the executive director. The Cherokee Nation Employment Rights Office received the TERO Program of the Year award at the 30th Annual National TERO Conference that was held July 22-27, 2007 at the Seneca Nation in Niagara Falls, New York. The staff works diligently to ensure compliance of Indian Preference requirements by contractors, sub-contractors, vendors, suppliers, and others doing business with the Cherokee Nation. The TERO Office is also responsible for the Fire Dancers program which is wild land firefighting program. This year a total of sixty (60) fire dancers were dispatched to forest fires in Virginia, Tennessee, Kentucky, and Georgia. The TERO staff includes Dale Gipson, Mike Weaver, John Overacker, Leroy Wolfe, Rob Daugherty, and Aaron Buzzard. At the National Conference a youth scholarship award was announced and the recipient was Tyler Thomas from Adair County. Tyler Thomas will receive a \$1000 scholarship check. Kathy Sierra received her master's level proficiency in the Cherokee language. The Inaugural Celebration for the elected officials will be held tomorrow, August 14th at 9:00 a.m. at the Cherokee Courthouse. Chief Smith thanked and gave his appreciation to the Council members whose terms are ending. He announced the removal of the Bureau of Indian Affairs from the Cherokee

Nation Constitutional process. A letter was received last week from the BIA acknowledging their approval of our Constitution was no longer necessary. This acknowledgement of our sovereign should be seen as a victory not only for the Cherokee Nation but for all tribes who understand the importance of self-governance in crafting a constitution by and for their own people without interference from Washington, DC.

ACTION OF UNFINISHED BUSINESS

AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 - MOD 9; AND DECLARING AN EMERGENCY

Speaker Frailey stated last month the budget covering Mod. 9 was approved but there was an item in that mod covering appropriations to the Tahlequah Boys & Girls Club which was subsequently vetoed due to not having a plan in place for appropriation of funds to all boys & girls club. The particular issue of line item veto is a question currently before the court.

Councilor Bill John Baker moved to table. Councilor O'Leary seconded the motion. Motion passed unanimously.

Enactment No: LA-32-07

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

David Southerland announced the next board meeting is scheduled for August 23rd, at 5:30 p.m. in the Alyene Hogner conference room in the Administration Building. The board will be doing an annual evaluation on the Executive Director. He attended a meeting in Washington, DC last week with Assistant Secretary Cabrera of HUD to discuss tribes using tax exempt financing in similar ways that public housing agencies use that type of financing for capital fund expenditures. A group will be coming in this week to evaluate the Section 184 Program which is the loan guarantee program. They have topped 250 grants for this fiscal year generating more than \$14 million in bank loans. This Council and Administration should be commended for taking initiative to serve more families through mortgage assistance grants. He expressed his appreciation to this Council for the work they have done this past four years and for representing their people well.

Councilor Conner expressed a concern for families living at the Hilltop Circle that received letters of removal for having boats, etc. parked beside their homes. She feels this is a little harsh and would like for him to revisit that and report back to the Community Service Committee.

Cherokee Nation Enterprises - David Stewart

David Stewart paid tribute to all the CNE employees for doing an outstanding job representing the casino and the Nation during the time they had all the big guests in for the PGA. Their financial performance was extremely strong setting a new record in the 15-16 year history of CNE. The dividend is approximately \$3 million dollars for the month. They hired 100 new employees as they prepare for expansion and growth. The new total for employees is 3140 of which 60% are Cherokee and 72% being Native American. He reported all expansions are going well and they are on schedule and on budget.

Cherokee Nation Industries - Bryan Collins

Brian Collins stated he would back up on last month reported as of June 30th they had \$108 million and they have adjusted that back to \$105 million. There is approximately \$3 million of inter-company sales so what you will see in the year end audit will be \$105 million. Profit reported was \$1.9 million but with the finalizing of June they report profit \$1.2 million. The employees have hit their target for the year therefore they will be paying bonuses to the employees. July monthly sales are at \$9.4 million, local employment for Tahlequah/Stilwell area is 287 of which 248 are Native American. The next board meeting is August 16th at 12:00 p.m. at the Clubhouse in Catoosa.

Cherokee Nation Business, Inc - Callie Catcher

Brad Carson expresses appreciation to outgoing Council members. He reported is the time of year for the budget cycle and the budget cycle brings to bear their chief responsibility under the jobs growth act passed by this Council at the end of 2005 allocating capital between the various divisions under Cherokee Nation. Under David Stewart and Brian Collins leadership they have submitted their budgets to CNB and CNB is trying to work those out and plan over the next three years for the expansion of the casinos, for the growth required by CNI, the continued growth of Cherokee CRC, Cherokee Services group, and other important subsidiaries of Cherokee Nation Businesses and Cherokee Nation. They have two mandates of the CNB to provide shared services and diversification. A number of ambitious plans are on the table and will be unveiled in the next few months about business opportunities that could front the Cherokee Nation in ways to allow our businesses to continue to thrive.

OLD BUSINESS

None pending.

NEW BUSINESS

A resolution authorizing the Family Assistance Department to submit an application to the United States Department of Health & Human Services for FY 2008 funding for Low Income Home Energy Assistance Program (LIHEAP)

Attachments: [LIHEAP](#)

Councilor Shotpouch stated this resolution provides residential energy assistance payments to approximately 1500 low income Tribal households and also provide 350 households with emergency payments for residential energy related crisis.

Councilor Shotpouch moved for its approval. Councilor Garvin seconded the motion. Motion passed.

Enactment No: R-67-07

A RESOLUTION AUTHORIZING THE FOOD DISTRIBUTION PROGRAM TO SUBMIT AN APPLICATION FOR FUNDING TO THE UNITED STATES DEPARTMENT OF AGRICULTURE

Attachments: [fdp resolution 07](#)

Councilor Shotpouch stated this resolution provides distribution of food to approximately 11,000 participants a month through current operations of 5 food distribution centers located in the communities of Jay, Salina, Sallisaw, Stilwell, and Tahlequah and 8 tractor/trailer "tailgate" sites within the nine district areas of the Cherokee Nation.

Councilor Shotpouch moved for its approval. Councilor Yargee seconded the motion. Motion passed.

Enactment No: R-68-07

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

Attachments: [2006 IHP Amend 4 backup.pdf](#)
[IHP 2006 Amendment Resolution #4](#)

Councilor Shotpouch moved for the approval of amendment number four to the fiscal year 2006 Indian Housing Plan. Councilor Jack D. Baker seconded the motion. Motion passed.

Enactment No: R-69-07

A RESOLUTION AUTHORIZING THE RESCISSION OF RESOLUTION NO. 90-06 AND AUTHORIZING APPROVAL OF A LEASE BETWEEN CHEROKEE NATION AND THE PARK HILL COMMUNITY ORGANIZATION TO CONSTRUCT THE PARK HILL COMMUNITY BUILDING ON THE OWENS SCHOOL FEE PROPERTY

Councilor Martin moved for the approval of the Resolution. Councilor Conner seconded the motion. Motion passed.

Enactment No: R-70-07

A RESOLUTION AUTHORIZING THE ENVIRONMENTAL PROGRAMS GROUP TO SUBMIT AN APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR A MUNICIPAL SOLID WASTE PROJECT

Councilor Martin stated this grant is for a total of \$49,715 with no match required.

Councilor Martin moved for the approval of the resolution. Councilor Cowan Watts seconded the motion. Motion passed.

Enactment No: R-71-07

AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 - Mod. 10; AND DECLARING AN EMERGENCY

Attachments: [07-108 FY2007 CBA amendment \(Mod 10\) - 08132007 as amended](#)

Councilor O'Leary stated mod. 10 covers increases in general fund, motor fuels tax fund, title VI loan fund, enterprise fund, IHS self-governance-health, and debt service pool for an increase of \$21.5 million and a total budget authority of \$71.9 million.

A motion was made by Councilor Linda Hughes-O'Leary and seconded by Councilor Bill John Baker, that this matter be Approved. The motion carried with one opposition from Councilor Cowan Watts.

Yea: 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; William G. "Bill" Johnson; Buel Anglen; Charles "Chuck" Hoskin; Taylor Keen; Jack D. Baker; Bill John Baker and Audra Smoke-Conner

Nay: 1 - Cara Cowan Watts

Enactment No: LA-33-07

ANNOUNCEMENTS

Councilor Shotpouch announced the annual Shotpouch Hog Fry will be held August 26th beginning at 12:30 p.m.

Councilor Cowan Watts acknowledged constituents from her district which included Beverly Cowan, Sue and Johnny Prather, Ellen and Danielle Culp, Leon and Blanca Plemmins, and John Candy.

Speaker Frailey gave all outgoing Council members the opportunity to express their appreciation for service to the Cherokee people.

Speaker Frailey acknowledged Paula Ragsdale, Government Relations Director, Washington, DC.

Speaker Frailey acknowledged newly elected officials that were in attendance which included Tina Glory-Jordan-Dist. 1, Chris Soap-Dist 6, Harley Buzzard- Dist. 5, Curtis Snell-Dist. 5, Brad Cobb-Dist. 8, Janelle Fullbright-Dist. 3, and Julia Coates-At Large.

ADJOURNMENT

With no further business presented, Councilor Johnson moved for adjournment. The next regular Council meeting will be held on September 10th, 6:00 p.m. at the W.W. Keeler Complex.

Meredith A. Frailey, Speaker
Council of the Cherokee Nation