



Council of the Cherokee Nation

Tribal Council Minutes Tribal Council

Monday, April 13, 2009

6:00 PM

Council Chambers

CALL TO ORDER

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

INVOCATION

Councilor Bill John Baker gave the invocation.

ROLL CALL

Present 17 - S. Joe Crittenden; David Thornton Sr. ; 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. ; Julia Coates and Bill John Baker

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Bill John Baker made a motion to approve the minutes of the March 16, 2009 regular session. Councilor Cowan Watts seconded the motion. Motion carried.

Councilor Fishinghawk made a motion to amend the agenda to move the unfinished business and new business items to prior to the State of the Nation. Councilor Hoskin Jr. seconded the motion. Councilor Cowan Watts offered a friendly amendment to include new business items #27 through #32 which passed out of Resource Committee earlier today. Councilors Fishinghawk and Hoskin Jr. accepted the friendly amendment. Motion carried.

ACTION OF UNFINISHED BUSINESS

1. **AN ACT REPEALING LEGISLATIVE ACT 23-99 ALLOWING FOR REIMBURSEMENT OF TRAVEL EXPENSES OF MEMBERS OF THE CHEROKEE NATION TRIBAL COUNCIL**

Councilor Anglen made a motion to override the veto. Councilor Hoskin Jr. seconded the motion. Councilor Hoskin Jr. commented on the Chief's reasoning for the veto in regard to the lack of specificity in the legislation. It is left to the implementing body to determine the specifics through policy. Chief Smith stated this legislation repeals the

statutory requirements and provisions regarding travel for the Council. With the repeal of the statute there isn't a statute in place. He stated a law should be replaced with a law rather than policy. Reimbursement of expenses incurred by the Council is proper and necessary. He stated when the oath of office was taken for the respective offices the salary of the position, the term of office, the responsibilities and expenses were known. Created by statute we have a Citizen Body to overview and make recommendations on elected officials' compensation which travel expense should be included. If the method and manner of compensation or reimbursement is changed it should be effective for the next term so it would not be viewed as giving ourselves a raise. He stated it is his understanding there is Council policy to supplement or replace the statute. He voiced concern for this and requested the Council sustain and go through the process to replace this statute with another statute that reflects a policy where actual expenses are proper and necessary for reimbursement. Councilor Cowan Watts stated the Council sets its own policies and procedures within the confines of Federal and Tribal guidelines. This Act allows this body to set how to determine Council travel reimbursement whether it is mileage in district or out and so forth. She stated she will be in support of the override. Councilor Hoskin Jr. stated we are replacing a statute that is not serving the purpose it needs to serve with another statute. With the authority of that statute the Council will adopt rules that will govern our internal policies as it respects travel reimbursement. Councilor Jack D. Baker stated in committee a policy was discussed that would replace this Act which he felt was completely inequitable to the people within the districts. He stated he will be against the override. Councilor Hoskin Jr. called for the question.

The motion to override passed with the following role call vote:

Yea: 13 - S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Cara Cowan Watts; Buel Anglen; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Curtis Snell; Bradley Cobb; Chuck Hoskin, Jr. and Bill John Baker

Nay: 4 - Meredith Frailey; Jack D. Baker; Chris Soap and Julia Coates

2.

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

Councilor Cowan Watts made a motion to move this item back to a Special Rules Meeting on May 11th at 1:00 p.m. Councilor Anglen seconded the motion. Councilor Bill John Baker called for a point of clarification. He asked if the legislation is moved back to committee if they have to start over. Mr. Hembree replied that a motion to refer back to a committee would be starting over with considerations of this Act and amendments then it would move through the process back to Full Council. It would come back to Full Council as a new Act which could be vetoed. Councilor Cowan Watts requested a point of information by asking if a motion to table would override her motion to refer back to committee. Speaker Frailey agreed it would override. Mr. Hembree stated the effect of a motion to table would move the item from Action of Unfinished Business on this agenda to Action of Unfinished Business on the May agenda. Councilor Bill John Baker made a motion to table. Councilor Crittenden seconded the motion. Councilor Glory-Jordan requested a friendly amendment to table to June instead of May. Councilor Bill John Baker accepted the amendment.

The motion to table to Action of Unfinished Business in June passed with the following role call vote:

Yea: 11 - S. Joe Crittenden; Cara Cowan Watts; Buel Anglen; Tina Glory Jordan; Jodie Fishinghawk; Harley Buzzard; Curtis Snell; Bradley Cobb; Chuck Hoskin, Jr. ; Julia Coates and Bill John Baker

Nay: 6 - David Thornton Sr. ; Don Garvin; Meredith Frailey; Jack D. Baker; Janelle Fullbright and Chris Soap

OLD BUSINESS

None pending.

NEW BUSINESS

Community Services Committee

1. **A RESOLUTION AUTHORIZING THE SUBMISSION OF AN INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT FOR CHEROKEE ELDER CARE STILWELL**

Councilor Buzzard made a motion for approval. Councilor Crittenden seconded the motion. Motion carried unanimously.

Enactment No: R-27-09

2. **A RESOLUTION AUTHORIZING THE DONATION OF TWENTY-NINE SONY PLAYSTATION GAMING CONSOLES TO CHEROKEE COMMUNITY ORGANIZATIONS**

Councilor Buzzard made a motion for approval. Councilor Soap seconded the motion. Motion carried unanimously.

Enactment No: R-28-09

Resource Committee

3. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE TRIBAL WATER POLLUTION CONTROL PROGRAM**

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

4. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A SPECIAL GRANT APPLICATION TO THE UNITED STATES NATIONAL PARK SERVICE FOR A HISTORIC PRESERVATION FUND GRANT**

Councilor Cowan Watts moved for approval. Councilor Bill John Baker seconded the motion. Motion carried unanimously.

Enactment No: R-30-09

5. **A RESOLUTION AUTHORIZING AN APPLICATION TO THE BUREAU OF INDIAN AFFAIRS (BIA) AND FEDERAL HIGHWAY ADMINISTRATION FOR INDIAN RESERVATION ROADS BRIDGE FUNDING FOR SEQUOYAH COUNTY BRIDGE #240047**
- Councilor Snell made a motion for approval. Councilor Glory-Jordan seconded the motion. Motion carried unanimously.
- Enactment No: R-31-09

6. **A RESOLUTION AUTHORIZING THE LEASING OF TRUST PROPERTY AT CHEROKEE CASINO CATOOSA**
- Councilor Cowan Watts moved for approval. Councilor Garvin seconded the motion. Motion carried unanimously.
- Enactment No: R-32-09

Rules Committee

7. **A RESOLUTION RECOGNIZING AND COMMENDING UNIVERSITY OF OKLAHOMA STUDENT AND CHEROKEE CITIZEN SAM BRADFORD**
- Councilor Jack D. Baker made a motion for approval. Councilor Cobb seconded the motion. Motion carried unanimously.
- Enactment No: R-33-09
8. **A RESOLUTION EXPRESSLY WAIVING THE SOVEREIGN IMMUNITY OF THE CHEROKEE NATION AND OF CHEROKEE NATION HOME HEALTH SERVICES TO THE EXTENT IT MAY EXIST, AS IT APPLIES TO THE BANCFIRST AND CHEROKEE NATION HOME HEALTH SERVICES LOAN AGREEMENTS**
- Councilor Buzzard made a motion for approval. Councilor Cowan Watts seconded the motion. Motion carried unanimously.
- Enactment No: R-34-09

Councilor Cowan Watts moved for the approval of items #9 through #24. She stated these are nominations for Wayne Dunham, Brad Carson, Duane King, Wilma Mankiller, and David Ballew to various boards. Councilor Bill John Baker requested clarification be given to the audience that there are several nominations for David Ballew. He stated these are all extensions of CNI and required for the 8A process. Councilor Jack D. Baker recognized Mr. Duane King in the audience. Motion carried unanimously.

9. **A RESOLUTION CONFIRMING THE RENOMINATION OF WAYNE DUNHAM AS A COMMISSIONER OF THE HOUSING AUTHORITY OF THE CHEROKEE NATION BOARD OF COMMISSIONERS**
Approved in Toto.
10. **A RESOLUTION CONFIRMING THE NOMINATION OF BRAD CARSON AS AN HONORARY BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION**
Approved in Toto.
Enactment No: R-36-09
11. **A RESOLUTION CONFIRMING THE NOMINATION OF DUANE KING AS AN HONORARY BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION**
Approved in Toto.
12. **A RESOLUTION CONFIRMING THE NOMINATION OF WILMA MANKILLER AS AN HONORARY BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION**
Approved in Toto.
13. **A RESOLUTION AUTHORIZING CONFIRMATION OF DAVID BALLEW AS A MEMBER OF THE BOARD OF DIRECTORS OF CHEROKEE NATION BUSINESS, LLC**
Approved in Toto.
14. **A RESOLUTION CONFIRMING THE NOMINATION OF DAVID BALLEW AS A MEMBER OF THE BOARD OF MANAGERS OF CHEROKEE MEDICAL SERVICES, LLC**
Approved in Toto.
15. **A RESOLUTION CONFIRMING THE NOMINATION OF DAVID BALLEW AS A MEMBER OF THE BOARD OF DIRECTORS OF CHEROKEE NATION AEROSPACE AND DEFENSE, LLC**
Approved in Toto.
Enactment No: R-41-09
16. **A RESOLUTION CONFIRMING THE NOMINATION OF DAVID BALLEW AS A MEMBER OF THE BOARD OF DIRECTORS OF CHEROKEE NATION CONSTRUCTION SERVICES, LLC**
Approved in Toto.
17. **A RESOLUTION CONFIRMING THE NOMINATION OF DAVID**

**BALLEW AS A MEMBER OF THE BOARD OF MANAGERS OF
CHEROKEE NATION DISTRIBUTORS (CND), LLC**

Approved in Toto.

18. **A RESOLUTION CONFIRMING THE NOMINATION OF DAVID
BALLEW AS A MEMBER OF THE BOARD OF DIRECTORS OF
CHEROKEE NATION DISTRIBUTION, LLC**

Approved in Toto.

19. **A RESOLUTION CONFIRMING THE NOMINATION OF DAVID
BALLEW AS A MEMBER OF THE BOARD OF DIRECTORS OF
CHEROKEE NATION HEALTH GROUP, LLC**

Approved in Toto.

20. **A RESOLUTION CONFIRMING THE NOMINATION OF DAVID
BALLEW AS A MEMBER OF THE BOARD OF DIRECTORS OF
CHEROKEE NATION HEALTHCARE SERVICES, LLC**

Approved in Toto.

21. **A RESOLUTION CONFIRMING THE NOMINATION OF DAVID
BALLEW AS A MEMBER OF THE BOARD OF DIRECTORS OF
CHEROKEE NATION LOGISTICS, LLC**

Approved in Toto.

22. **A RESOLUTION CONFIRMING THE NOMINATION OF DAVID
BALLEW AS A MEMBER OF THE BOARD OF DIRECTORS OF
CHEROKEE NATION RED WING, LLC**

Approved in Toto.

23. **A RESOLUTION CONFIRMING THE NOMINATION OF DAVID
BALLEW AS A MEMBER OF THE BOARD OF DIRECTORS OF
CHEROKEE NATION TECHNOLOGY SOLUTIONS, LLC**

Approved in Toto.

24. **A RESOLUTION CONFIRMING THE NOMINATION OF DAVID
BALLEW AS A MEMBER OF THE BOARD OF DIRECTORS OF
CHEROKEE NATION TELECOMMUNICATIONS, LLC**

Approved in Toto.

Executive and Finance Committee

25. **A RESOLUTION PROVIDING FOR THE DONATION OF SURPLUS
EDUCATIONAL SUPPLIES FROM SEQUOYAH HIGH SCHOOL TO
PEAVINE ELEMENTARY SCHOOL IN ADAIR COUNTY**

Councilor Crittenden moved for approval. Councilor Soap seconded the motion. Motion carried unanimously.

Enactment No: R-51-09

26. **AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 6; AND DECLARING AN EMERGENCY**

Councilor Jack D. Baker stated this budget mod gives the Oklahoma Academy \$25,000, \$16,000 for the Youth Choir to attend the Joint Council meeting, and \$21,000 for the Juvenile Healing to Wellness Program. There is an increase in the housing proceeds of \$300k for budget shortfall, an increase in Self-Governance as it relates to Real Estate Services for \$103k and a net increase to the NAHASDA fund in the amount of \$2.2ml.

Councilor Jack D. Baker made a motion for approval by acclamation. Councilor Cowan Watts seconded the motion. Motion carried unanimously.

Enactment No: LA-10-09

Resource Committee

27. **A RESOLUTION AUTHORIZING CHEROKEE NATION TO LEASE TRUST LAND TO FACET, INC**

Councilor Crittenden moved for approval. Councilor Glory-Jordan seconded the motion. Motion carried unanimously.

Councilor Cowan Watts moved for the approval of items #28 through #32 in Toto. Councilor Bill John Baker seconded the motion. Motion carried unanimously.

28. **A RESOLUTION AUTHORIZING THE ENVIRONMENTAL PROGRAMS GROUP TO SUBMIT AN APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR CLEAN AIR SECTION 103 FUNDING**

Approved in Toto.

29. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR AN INDIAN GENERAL ASSISTANCE PROGRAM (GAP) GRANT PACKAGE**

Approved in Toto.

Enactment No: R-54-09

30. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT**

APPLICATION TO THE USEPA THROUGH THE TRIBAL SOLID WASTE MANAGEMENT ASSISTANCE PROJECT

Approved in Toto.

31. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE USEPA HAZARDOUS WASTE MANAGEMENT PROGRAM**

Approved in Toto.

32. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A PROPOSAL TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR A CHEROKEE LEAD CERTIFICATION/ACCREDITATION PROGRAM**

Approved in Toto.

Enactment No: R-57-09

STATE OF THE NATION

Chief Chad Smith honored the passing of Bessie Thompson, Lydia Neal, Sammy Sevenstar, Betty Flute, Rusty Love, Lefty Melton, John Barnett, William Soap Cochran, Oleta Williams Wolf and Charles Dick with a moment of silence. Veterans honored this month are James Cole Martin and Jack Keys. Chief Smith announced the Cherokee Nation will celebrate Earth Day on April 22nd by holding a special community health fair at Sequoyah School. The event will promote healthy living and showcase health services. News on 6 Chief Meteorologist Travis Myer will present a special weather show at 11:00 a.m. following the community health fair. The Cherokee Nation Emergency Management Group recently helped the City of Jay when they faced a crisis with the break down in their water system. Nearly 2000 bottles of water were provided to assist the city. He reported the programs are actively pursuing the stimulus funding. The grant has two functions on is the program component which supplements housing and roads. The other class of funds must have development and competitive proposals. He acknowledged Vickie Harvey and Melanie Knight for their efforts in obtaining the stimulus funding. He announced a group of Cherokees will retrace the Remember the Removal Project with a bike ride this summer. This 850 mile bike ride will retrace the historic trail of tears with the ride beginning in North Carolina and ending here in Tahlequah. He stated bicycles, helmets, meals and lodging will be provided for the riders. To participate in the ride you must be between the ages of sixteen and twenty four. The deadline to apply is the first of May. The Red Clay 25th Anniversary Joint Council meeting will be held April 16th through the 18th. This special festival will include the running of the eternal flame from Cherokee, North Carolina to Red Clay, Tennessee. The meeting will commemorate the Red Clay Reunion of 1984 when the Eastern Band and the Cherokee Nation came together for the first time since the National Council met at Red Clay in 1837 which was the last Council meeting before the Trail of Tears. He announced a special showing of the PBS documentary "We Shall Remain" will be held tomorrow night at the Net Auditorium at Northeastern State University. The documentary will air on PBS on April 27th. Later this week Heisman Trophy winner Sam Bradford will be honored at The Place Where They Play.

Youth Councilor J.C. Lowe provided an update on the 2nd Annual Pow Wow held in March. The event is one of the largest for the Youth Council and gives Native

American Youth the opportunity to express their individual dances in a community style atmosphere. He gave appreciation to the Council for their funding.

Youth Councilor Danielle Culp announced a banquet will be held to honor A Woman of Highest Esteem on June 20th. The funds raised will benefit the John A. Ketcher Youth Shelter. The Youth Council is currently seeking nomination for the award. She provided nomination forms to the Council. Councilor Cowan Watts requested the nomination form be sent by email.

COMMITTEE REPORTS

Housing Authority - David Southerland

Mr. Southerland announced the board meeting will be held on the 21st at 5:30 in the Alene Hogner Conference Room. This month the agenda is light however they will be discussing the FY2010 budgets at the next meeting. The National American Indian Housing Council's Annual Convention will be held next month. He extended an invitation to any Council member wishing to attend. Mr. Southerland stated they have been hard at work preparing for the stimulus funding they will receive.

Cherokee Nation Enterprises - David Stewart

Mr. Stewart reported they had good financial reports slightly below last year at just over \$9ml. They continue to be optimistic with the state of the economy and continue to work on cost cutting. The employee base increased by 37 for a total of 3424 employees. They will open floors 5 through 15 on May 1st at Catoosa with the final opening in July. The Cherokee employment is 59%, total Native employment at 70%, and management level at 68 ½%.

Cherokee Nation Businesses, Inc - David Stewart

Mr. Stewart announced they are working on several projects. They are in the final acquisition states for the IT Company. The economic development plan for the tribe and its businesses is at the top of the list and are holding additional meeting to move it along over the next 30 to 45 days. He announced they will be developing a team to determine how to integrate some of the stimulus funds into our businesses. The New Market Tax Program is moving slowly. He stated it is difficult to find the right circumstances for the program but they continue to look for those opportunities. The Landfill construction is almost complete and they anticipate opening in 30 to 45 days.

Cherokee Nation Industries - Bryan Collins

Mr. Collins reported \$7.6 ml revenue for the month of March with a loss of \$150,000. He stated with the economy and the market remaining uncertain there are areas within their business structures that are down. He stated they are looking at their processes and trying to make them more cost effective. The stated the forecast for this past month is within \$20,000 of what they had forecasted in the cash flow. He reported their efficiencies have increased. Mid May is the target start date for the HUD apartment complex in Oklahoma City. The Okmulgee design build project is scheduled for early May. He announced they just received an approximate \$10ml nursing contract. Red Wing has several quotes coming in from the customer base. They will be receiving an IDIQ award in Huntsville from the Army. He stated they are optimistic for this spring. The current local employment is at 479 with 82% Native American content. He will be accepting an award tomorrow on the behalf of CNI for

Economic Development Partnership Award with NSU from the Board of Regents in Oklahoma City. He announced June 16th is CNI's 40th Anniversary and the following Saturday on the 20th they will host a celebration. He stated invitation will be extended to everyone. Councilor Cowan Watts inquired if some of the parts manufactured by Red Wing could be manufactured within the Cherokee Nation jurisdiction. Mr. Collins responded it is possible. Councilor Cowan Watts requested notification of the celebration be emailed to the Council staff.

ANNOUNCEMENTS

Councilor Coates announced the California picnics in Northern and Central California will be held the first weekend of May. These events are co sponsored with Cherokee Satellite organizations that exist in each of these regions. She commended Freda Vann for her assistance with the preparations. She announced the Cherokee Southwest Township is hosting a traditional Cherokee hog fry on May 9th in Albuquerque, New Mexico.

Councilor Soap recognized the Pryor Junior High Native American Heritage Club in attendance. He stated he is proud of them as they have participated in various activities exposing them to several government activities. The most recent is petitioning for a name change of a local creek in Mayes County. They have petitioned the County Commissioners to change the name of Squaw Creek and it is moving forward to the State Legislature.

Councilor Hoskin Jr. announced the Coffeerville Community College Native American Leadership will be hosting a leadership social dance April 18th at 7:00 p.m. in the Coffeerville gym.

Councilor Jack D. Baker announced two weeks ago President Obama signed into law Anomalous Land Bill which created additional routes for the Trail of Tears. It doubled the size and now encompasses all of the routes involved in our forced removal. He gave appreciation to Congressman Whomp for sponsoring this bill.

Councilor Cowan Watts commended Councilor Jack D. Baker, Justice Troy W. Poteete, Principal Chief Chad Smith, Duane King and other staff who have worked hard on the Trail of Tears legislation. She recognized Councilor Soap's wife in attendance Sylvia Soap. She also gave appreciation for everyone's assistance and patience as she has pursued her PHD. She stated she will be walking on May 8th at Oklahoma State University.

ADJOURNMENT

Councilor Bill John Baker made a motion to adjourn. Councilor Cowan Watts seconded the motion. Motion carried at 7:05 p.m.

Next Tribal Council meeting will be held on May 11, 2009, 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.

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