



Council of the Cherokee Nation

Meeting Minutes

Executive and Finance Sub Committee

- TERO

Monday, October 13, 2008

2:00 PM

Legislative Conference Room

CALL TO ORDER

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

INVOCATION

Councilor Bill John Baker gave the invocation.

ROLL CALL

Councilor Curtis Snell is present but does not serve on this Sub Committee.

Present 6 - Cara Cowan Watts; Bill John Baker; Harley Buzzard; S. Joe Crittenden; Buel Anglen and Chuck Hoskin, Jr.

Absent 3 - Tina Glory Jordan; Jodie Fishinghawk and David Thornton Sr.

Late Arrival 2 - Janelle Fullbright and Don Garvin

A LEGISLATIVE ACT AMENDING LA#38-05 "AN ACT REPEALING AND SUPERSEDING CHEROKEE NATION LAW REGARDING LABOR AND THE EMPLOYMENT RIGHTS ORDINANCE"; AND DECLARING AN EMERGENCY (Discussion and Possible Action)

Mr. Todd Hembree announced we would pick up with Section 5.

Section 5 deals with the Commission and the proposed amendment to this section would create a commission with a set up similar to the Election Commission. After discussion was held Councilor Bill John Baker made a motion to table this section was made to allow time to determine funding issues. Councilor Crittenden seconded the motion. Motion carried. Mr. Hembree agreed to research funding a budget. Chair Cowan Watts suggested meeting with Mr. Doug Evans and using the Election Commission and the early Gaming Commission as a model.

Section 5 of the Act part E - the intent of the amendment is to legislate a high Indian employment rate with TERO vendors. Councilor Bill John Baker stated if we continue to grow within the entities it would be hard pressed to continue with an extremely high percentage of Cherokee employment. He stated he is completely for the idea and wants to strongly recommend and encourage but is unsure about actually legislating as a requirement. Councilor Buzzard stated these are goals and not set in stone. He questioned if the percentage addressed contractors only or does it include Cherokee Nation as a whole. Mr. Hembree stated that would depend on the definition of an employer. Councilor Hoskin Jr. stated it seems to be more than a goal. He suggested the ability to seek a waiver from the Commission as an exception. This would empower the commission and provides an option if an entity can not reach an unrealistic goal. Mr. Hembree suggested opt out information such as "...until accomplishing 75 percent goal unless exempted for good cause by specific act of the

TERO office, Commission or the Tribal Council". Councilor Hoskin Jr. agreed with the suggestion of Mr. Hembree. Mr. Hembree stated the enforcement provision of this Act is located in Section 28. Chair Cowan Watts asked the body if the desire is to take action or table. Councilor Hoskin Jr. suggested tabling to allow time to embrace the language. Councilor Bill John Baker seconded the motion to table. Motion carried.

Section 5 of the Act part L - Mr. Hembree read the proposed language. Chair Cowan Watts agreed with the language and stated we want assurance of compliance of Cherokee hiring preferences but not open up for a lawsuit. She voiced concern for 4G having an opening for legal liabilities that were not intended. Mr. Hembree suggested excluding the government in the definition of employer but make the business entities comply with TERO.

ANNOUNCEMENTS

Chair Cowan Watts stated the next meeting would be December 15th at 2:00 p.m.

Mr. Hembree stated he would continue to go over the amendments and make changes the committee has suggested. He requested the Council contact him with any other questions or concerns. Chair Cowan Watts stated she has a meeting tomorrow morning at 10:00 concerning TERO with the Chief. She welcomed anyone that wanted to join.

ADJOURNMENT

Councilor Garvin made a motion to adjourn at 2:55 p.m.

STAFF PRESENT:

Jon Overacker

VISITORS PRESENT:

Jim Ketcher

Dylan Chuckluck

Todd Hembree

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____