



# Council of the Cherokee Nation

## Tribal Council Minutes Tribal Council

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Monday, October 19, 2009

6:00 PM

Council Chambers

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### CALL TO ORDER

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

### INVOCATION

Councilor Jack D. 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

Councilor Cobb made a motion to amend the agenda to include three new business items #21 as A Resolution Supporting Solicitation of Health Care Facility Loan Proposals, #22 as A Resolution Honoring the Lifetime of Achievement of Lucille Marie Wadley, a Cherokee of Great Distinction, and #23 A Resolution Honoring George Anderson Bengé as an Elder Cherokee of Great Distinction. Councilor Cowan Watts seconded the motion. Motion carried.

### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Anglen made a motion to approve the September 14th regular session minutes. Councilor Cowan Watts seconded the motion. Motion carried.

### STATE OF THE NATION

*Principal Chief Chad Smith requested a moment to recognize the following friends and loved ones who have passed over the last month as Bob Musgrove, Felix Duncan, Sally White, Sue Ann Carter, Jim Lowe, Chance Bogle, Darci Scaper, Ruby Felts, Clifford Blackbird and Marie Wadley. Chief Smith stated they had the opportunity to visit with Ms. Wadley about a week before her passing. This 102 year old lady was a great example of statesmanship; she was gracious, gentle, and a powerful woman. She was a part of the Cherokee Nation in the 1940's when it was making valiant efforts to revive itself. She was in the service of the Cherokee Nation for some eighty years. He requested to defer this months honoring of Veterans as*

*the family of the Veteran requested the opportunity to all be present. The Cherokee Nation is proactively trying to reduce the incident of seasonal flu by partnering with the Cherokee County Health Department by hosting a flu vaccination clinic at W. W. Hastings Hospital. They have begun providing the H1N1 vaccine to the residential students and hope to be able to offer to others soon. A new tag office was recently opened in Sallisaw to better serve citizens in the tribes southern most counties. He took advantage of the opportunity to recognize several Marshals who have been honored by their peers. Those honored were Chad McCarter, Bret Mull, Shannon Buhl, Tony Asbill and James Carney. On Thursday November 5th President Obama will host a White House Tribal Nations Conference as part of his sustained outreach of the American people. This conference will provide leaders from the 564 federally recognized tribes the opportunity to interact directly with the President and representatives with the highest levels of his administration. The Health Nation program will host a family fitness walk run event on October 31st at Sequoyah High School. The events include a carnival, costume and pumpkin carving contest. He extended an invitation to all veterans and their family and friends to participate in a special tribute on Tuesday November 10th to the Cherokee Warriors Memorial. Chief Smith extended congratulations to Councilor Cara CowanWatts for her election last week as Regional Vice President for the National Congress of American Indians. Chief Smith requested Ms. Mary Kay Henderson present the announcements for the Youth Choir. Ms. Henderson announced a box of the Youth Choir's 9th CD "Learning as we sing" has been provided for each Council member. This CD contains several children's songs. They sang "The evening song" and "This land is your land."*

#### ACTION OF UNFINISHED BUSINESS

*None pending.*

#### COMMITTEE REPORTS

##### Monthly Reports:

##### Housing Authority - David Southerland

*Mr. Gary Cooper reported in the absence of Mr. Southerland. The regular board meeting for October will be on the 27th at noon in the Alene Hogner Conference Room. The board will be considering a revision to the MEPA program.*

##### Cherokee Nation Entertainment - David Stewart

*Mr. Stewart reporting for August stated financially their revenues remain strong but their expenses are up as a result of the expansions. They are working to control those costs and pull the net income up. Their credit line remains at approximately \$30ml with a strong cash flow. He stated they hope to earn enough to keep paying off their facilities as they are built. The sales tax contribution to the Nation beyond the dividend increased by about \$50,000 as a result of the merchandise sales at Hard Rock. He stated he doesn't expect this to continue at this pace. There are six stories up at the West Siloam Hotel expansion. The event center at Hard Rock is on schedule. The employees continue to be very engaged by raising \$22,000 for diabetes. Organizationally they have taken an important step in creating a new position of Vice President of Culture and Public Affairs. Ms. Molly Jarvis will take this position with the responsibility to ensure that our culture is infused in the organization not only in training but throughout all of our efforts. The current Cherokee*

employment is at 60%.

Cherokee Nation Business, Inc - David Stewart

*Mr. Stewart announced all of the operating companies are doing well. CCRC just received a significant contract which should triple their revenues and net income this coming year. The new acquisition in the information technology field is completed and very successful. The government is very excited about doing work with the Cherokee Nation.*

Cherokee Nation Industries - Bryan Collins

*Mr. Collins announced their September and year end financials are in the process of completion. Their local employment is 484 with 83% Native American employment. He will meet with the Army later this week to kick off the new contract. The new contract shows signs of adding new task orders. The Telecommunication and AT&T orders are beginning to pick back up. They have awarded an additional scope of work. They continue to see a shuffle of orders within the Aerospace Division. There next board meeting is scheduled for the 2nd of December at 2:00 in Stilwell.*

OLD BUSINESS

*None pending.*

NEW BUSINESS

Resource Committee

1. **A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY OVER, IN, UPON & ACROSS USA IN TRUST LAND IN MAYES COUNTY BETWEEN CHEROKEE NATION AND KAMO ELECTRIC COOPERATIVE INC. FOR AN ELECTRICAL LINE EASEMENT**

Councilor Jack D. Baker made a motion to approve. Councilor Bill John Baker seconded the motion. Motion carried.

Enactment No: R-104-09

2. **A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY AND LINE SERVICE AGREEMENT OVER, IN, UPON & ACROSS USA IN TRUST LAND IN DELAWARE COUNTY BETWEEN CHEROKEE NATION & ARKANSAS OKLAHOMA GAS CORPORATION FOR A NATURAL GAS LINE EASEMENT**

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

Enactment No: R-105-09

Rules Committee

Speaker Frailey requested Councilor Hoskin Jr. introduce new business items 3 through 10 and Councilor Bill John Baker introduce new business items 11 through 19. Councilor Fishinghawk requested division. She stated there are some that she wishes to vote on individually.

3.

**A RESOLUTION CONFIRMING THE NOMINATION OF KENNETH LIMORE AS A BOARD MEMBER OF CHEROKEE NATION ADMINISTRATIVE APPEALS BOARD**

Councilor Hoskin Jr. made a motion to approve the nomination of Mr. Limore. Councilor Cobb seconded the motion. Councilor Fishinghawk requested to go on record with her reason for her no vote. She stated we are asking him to be over the Employee Appeals Board when he made the decision to not invoke COBRA Health Insurance benefits for the former Housing Authority employees. She stated she doesn't want him over employees when he will not give them COBRA. Councilor Glory-Jordan commented she needed to join in with this concern. She voiced concern for placing approving someone to be on the Employee Appeals Board that would vote with other commissioners to possibly violate federal law.

**The motion to approve Mr. Limore's nomination carried by the following vote:**

**Yea:** 12 - David Thornton Sr. ;Don Garvin;Meredith Frailey;Cara Cowan Watts;Buel Anglen;Jack D. Baker;Janelle Fullbright;Harley Buzzard;Chris Soap;Bradley Cobb;Julia Coates and Bill John Baker

**Nay:** 5 - S. Joe Crittenden;Tina Glory Jordan;Jodie Fishinghawk;Curtis Snell and Chuck Hoskin, Jr.

4.

**A RESOLUTION CONFIRMING THE RENOMINATION OF WILLIAM GRASS AS A BOARD MEMBER OF CHEROKEE NATION BUSINESSES, LLC**

Councilor Hoskin Jr. moved to approve items 4 through 10 in Toto. He stated these are nominees for various boards with respect to #4 as William Grass to Cherokee Nation Businesses, #5 as Adolph Lechtenberger to Cherokee Nation Entertainment, #6 as B. J. Dumond to Cherokee Nation Entertainment, #7 as Dennis Dowell to Cherokee Nation Entertainment, #8 as Robin Flint Ballenger to Cherokee Nation Education Corporation, #9 as Lorilee Smiley to Economic Development Trust Authority, and #10 as Mike Crawley to the Economic Development Trust Authority. Councilor Cobb seconded the motion.

Councilor Fishinghawk inquired as to which nominees were Cherokee and which weren't. Speaker Frailey stated she is being told Mr. Crawley isn't Cherokee. Councilor Glory-Jordan requested division of item #10. Councilor Cowan Watts requested division of #4. Councilor Hoskin Jr. stated he had no objection to moving forward on the division.

Speaker Frailey moved forward with item #4 as a Resolution confirming the renomination of William Grass.

**The motion to approve carried by the following vote:**

**Yea:** 16 - S. Joe Crittenden;David Thornton Sr. ;Don Garvin;Meredith Frailey;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

**Nay:** 1 - Cara Cowan Watts

Enactment No: R-107-09

5. **A RESOLUTION CONFIRMING THE RENOMINATION OF ADOLPH LECHTENBERGER AS A BOARD MEMBER OF CHEROKEE NATION ENTERTAINMENT, LLC**

A motion was made by Councilor Chuck Hoskin to approve items 5 through 9 in Toto. Councilor Thornton seconded the motion. Motion carried.

Enactment No: R-108-09

6. **A RESOLUTION CONFIRMING THE RENOMINATION OF B.J. DUMOND AS A BOARD MEMBER OF CHEROKEE NATION ENTERTAINMENT, LLC**

This item was approved in Toto.

Enactment No: R-109-09

7. **A RESOLUTION CONFIRMING THE RENOMINATION OF DENNIS DOWELL AS A BOARD MEMBER OF CHEROKEE NATION ENTERTAINMENT, LLC**

This item was approved in Toto.

Enactment No: R-110-09

8. **A RESOLUTION CONFIRMING THE NOMINATION OF ROBIN FLINT BALLENGER AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION**

This item was approved in Toto.

Enactment No: R-111-09

9. **A RESOLUTION CONFIRMING THE RENOMINATION OF LORILEE SMILEY AS A BOARD MEMBER OF THE ECONOMIC DEVELOPMENT TRUST AUTHORITY BOARD OF DIRECTORS**

This matter was Approved in Toto.

Enactment No: R-112-09

**10. A RESOLUTION CONFIRMING THE RENOMINATION OF MIKE CRAWLEY AS A BOARD MEMBER OF THE ECONOMIC DEVELOPMENT TRUST AUTHORITY BOARD OF DIRECTORS**

The motion for approval carried by the following vote:

**Yea:** 12 - David Thornton Sr. ;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 - S. Joe Crittenden;Tina Glory Jordan;Jodie Fishinghawk;Chuck Hoskin, Jr. and Bill John Baker

Enactment No: R-113-09

**11. A RESOLUTION CONFIRMING THE RENOMINATION OF TERRI DANIELS AS A BOARD MEMBER OF THE ECONOMIC DEVELOPMENT TRUST AUTHORITY BOARD OF DIRECTORS**

*Councilor Bill John Baker moved to approve the following new business nominations to various boards as follows #11 Terri Daniels to the Economic Development Trust Authority, #12 Ed Fite as a member of the Cherokee Nation Environmental Protection Commission, #13 Mark Fredrick Green as a member of the Cherokee Nation Environmental Protection Commission, #14 Marjorie Johnson Lowe as a member of the Cherokee Nation Registration Committee, #15 Marybelle Chase as a member of the Cherokee Nation Registration Committee, #16 Dewayne Marshall as a board member of the Sequoyah High School Board of Directors, #17 Scott Gregory as a Commissioner of the Cherokee Nation Tax Commission, and #18 Lela Ummerteskee as a member of the Cherokee Nation Registration Committee. Councilor Cowan Watts seconded the motion.*

The motion to approve items 11 though 18 in Toto carried.

Enactment No: R-114-09

**12. A RESOLUTION CONFIRMING THE RENOMINATION OF ED FITE AS A MEMBER OF THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**

This item was approved in Toto.

Enactment No: R-115-09

**13. A RESOLUTION CONFIRMING THE RENOMINATION OF MARK FREDRICK GREEN AS A MEMBER OF THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**

This item was approved in Toto.

Enactment No: R-116-09

14. **A RESOLUTION CONFIRMING THE NOMINATION OF MARJORIE JOHNSON LOWE AS A MEMBER OF THE CHEROKEE NATION REGISTRATION COMMITTEE**

**..Body**

**WHEREAS**, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

**WHEREAS**, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

**WHEREAS**, the Cherokee Nation Registration Committee was created under Article III, Section 2 of the Constitution of 1975;

**WHEREAS**, the Principal Chief is authorized to appoint the Committee members subject to confirmation by majority vote of the Council of the Cherokee Nation;

**WHEREAS**, the term of the Registration Committee members is concurrent with the Principal Chief's term;

**WHEREAS**, Marjorie Johnson Lowe is duly qualified to fill this vacancy pursuant to Article III, Section 2 of the Constitution of 1975.

**BE IT RESOLVED BY THE CHEROKEE NATION**, that Marjorie Johnson Lowe is hereby confirmed as a member of the Registration Committee.

**This item was approved in Toto.**

Enactment No: R-117-09

15. **A RESOLUTION CONFIRMING THE NOMINATION OF MARYBELLE CHASE AS A MEMBER OF THE CHEROKEE NATION REGISTRATION COMMITTEE**

**This matter was approved in Toto.**

Enactment No: R-118-09

16. **A RESOLUTION CONFIRMING THE RENOMINATION OF DEWAYNE MARSHALL AS A BOARD MEMBER OF THE CHEROKEE NATION SEQUOYAH HIGH SCHOOL BOARD OF DIRECTORS**

**This matter was approved in Toto.**

Enactment No: R-119-09

17. **A RESOLUTION CONFIRMING THE RENOMINATION OF SCOTT GREGORY AS A COMMISSIONER OF THE CHEROKEE NATION TAX COMMISSION**

This matter was approved in Toto.

Enactment No: R-120-09

18. **A RESOLUTION CONFIRMING THE RENOMINATION OF LELA UMMERTESKEE AS REGISTRAR FOR THE CHEROKEE NATION REGISTRATION COMMITTEE**

This matter was approved in Toto.

Enactment No: R-121-09

19. **A RESOLUTION APPOINTING CHEROKEE NATION TRIBAL COUNCIL MEMBERS TO THE CHEROKEE NATION WASTE MANAGEMENT BOARD OF DIRECTORS AS ADVISORY BOARD MEMBERS**

Councilor Bill John Baker made a motion to approve Councilors Fishinghawk and Crittenden as advisory board members to the Cherokee Nation Waste Management Board of Directors. Councilor Cowan Watts seconded the motion. Motion carried.

Enactment No: R-122-09



Executive & Finance Committee

20. **A RESOLUTION AUTHORIZING MATCHING FUNDS FOR A CHEROKEE NATION ECONOMIC DEVELOPMENT TRUST AUTHORITY GRANT APPLICATION TO US TREASURY DEPARTMENT, CDFI FUND, TO ESTABLISH AN ACCESS TO CAPITAL PROGRAM FOR THE START-UP OF INDIAN-OWNED BUSINESSES AND THE EXPANSIONS FOR EXISTING BUSINESSES**

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

Enactment No: R-123-09

- 21 **A RESOLUTION SUPPORTING SOLICITATION OF HEALTH CARE FACILITY LOAN PROPOSALS**

*Councilor Cobb stated this is a joint venture agreement for the Vinita Health Center and the Salina Dental Clinic for an estimated amount not to exceed \$30ml and not to exceed fifteen years. He further announced both Speaker Frailey and Councilor Hoskin Jr. are Co-Sponsors of this resolution.*

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

Enactment No: R-124-09

22. **A RESOLUTION HONORING THE LIFETIME OF ACHIEVEMENT OF LUCILLE MARIE WADLEY, A CHEROKEE OF GREAT DISTINCTION**

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

Enactment No: R-125-09

23. **A RESOLUTION HONORING GEORGE ANDERSON BENGE AS AN ELDER CHEROKEE OF GREAT DISTINCTION**

**Councilor Cowan Watts moved to approve. Councilor Cobb seconded the motion. Motion carried.**

Enactment No: R-126-09

## ANNOUNCEMENTS

*Councilor Bill John Baker and Councilor Glory-Jordan extended an invitation to a hog fry with all the fixings tomorrow night at the Tahlequah Community building with music beginning 5:00 and the feed beginning at 6:00 p.m.*

*Councilor Cowan Watts gave appreciation to Diane Kelley, Lita Maupin, Sharon Swepston, Andy Quetone, Phyllis Chaffin, Avo Fivekiller, Melanie Dodge, the Tribal Council, Robbi Mouse and many more for their time and efforts at NCAI. She stated this was an effort on behalf of the Nation, for the Nation, for the Eastern Oklahoma area vice president. She stated she is honored to be appointed but it would not have happened without all of the work that went in prior to this last week and on the ground*

*at NCAI.*

ADJOURNMENT

**Councilor Jack D. Baker moved to adjourn. Councilor Cowan Watts seconded the motion. Motion carried at 6:45 p.m.**

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