



Council of the Cherokee Nation

Tribal Council Minutes Tribal Council

Monday, June 16, 2008

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 Snell 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 Soap made a motion to approve the minutes of the May 12th regular session. Councilor Anglen seconded the motion. Motion carried.

Councilor Cowan Watts made a motion to amend the agenda to add seven items with a sense of urgency that passed from the Resource Committee earlier today as follows:

- 1. Resolution regarding the Brownfields grant**
- 2. Underground storage tank training program grant**
- 3. Grant for radon**
- 4. Grant submission for Brownfields lead-based paint cleanup**
- 5. U.S. National Park Service Grant**
- 6. Placement in trust the Tahlonteeskee courthouse and**
- 7. acknowledgement of receipt of the Claremore federal building.**

Councilor Garvin seconded the motion. Motion carried.

STATE OF THE NATION

Chief Chad Smith expressed birthday wishes to his mother. He recognized the Cherokee's lost over last month as Cleo Deerinwater, William Carroll, Gerald Powell, Ryan Snell, Roxie Bishop, Samuel Elk, Johnson Vann, Radena Stevens, Jerry Harris, Asa Glen Purcell, Eli Dick and Nola Ellis. He requested a moment of silence to pay respect to members and friends who have passed over the last month. Chief Smith reminded everyone of the Cherokee Nation Resolution #93-27 that requires recognition of outstanding people in our history. He stated these people are outstanding individuals of integrity and have befriended the causes and rights of the Cherokee Nation and it's people far beyond any obligation of humanity. During the Memorial Holiday they laid flowers and wreaths in remembrance and appreciation for

the following individuals: Senator William Bate, Dr. Angie Davoe, Justice Joseph Story, Justice Smith Thompson, Reverend Samuel Worcester and Reverend Evan Jones. Chief Smith recognized the Veterans who are seated on the Council as Harley Buzzard and Curtis Snell. He announced 2800 employees and family members participated in the employee appreciation day held last week. During this event employees were acknowledged for their hard work and the success of the Cherokee Nation. The attribute award recipients were announced at the event as well. He gave appreciation to the Cherokee Nation employees and the CNE employees for their support of the 45th Infantry Brigade Reserve Unit from Northeastern Oklahoma. He stated CNE was recognized by a local news station for their efforts. The Cherokee Nation officially adopted the 45th Infantry several years ago. Cherokee Nation employee, Scott Ennis, who is serving in Iraq is home on medical leave. He sent his sincere and earnest wishes and thanks to the Cherokee Nation for the support of our soldiers in Iraq. He spoke of the Cherokee Nation Youth Choir and their trip to Washington DC where they sang at the Kennedy Center and at the Smithsonian. They also performed in Rome, Georgia and Cherokee, North Carolina. Over the last few weeks approximately 40 youth with the JOM program have been studying heritage, law and history of the Cherokee Nation. These youth took a cultural trip to Cherokee, North Carolina. He announced the Child Support Conference in Cherokee, North Carolina was well attended by 26 different tribes with 150 participants. The Emergency Management Group held an Inter Tribal Conference in Catoosa with approximately 180 emergency management personnel from FEMA, 14 different tribes, state, county, and local health departments were in attendance. The Cherokee Nation Language Program attended a joint language symposium in Cherokee, North Carolina. He stated during the event an immersion student was asked to sing. The five year old sang in Cherokee all three verses of Amazing Grace and brought the symposium participants to tears. Earlier this year CNE produced a short film to promote the tribes cultural tourism initiative. This film was shown at the Cain's film festival where it received a Telly award for great commercial and advertising film production. The Cherokee Nation's Youth Leadership program began this summer. Participants of this program have a 3.0 or better grade point average in their high school or college courses, they are Cherokee and reside within the Cherokee Nation jurisdiction. The participants attended a 2 week orientation concerning the Cherokee Nation government, Cherokee culture, language, history, services and career opportunities. They will spend the remaining weeks of the program at their assigned work sites. He introduced the Summer Leadership Participants as follows: Triston McDowell, Trace Kizzia, Angela Farmer, John Brooks Jr., Whitney Twist, Tiffany Natividad, Ashton Hardison and Zac Goodrich. Chief Smith encouraged the Council to amend the budget for a modification to the Summer Youth Program to increase the budget amount for \$150,000 and the Community Youth Program likewise in the amount of \$150,000. He acknowledged a mile stone in our history as the Cherokee Nation Jack Brown Treatment Center is celebrating their 20th year of service to our people. He announced Darren Dry is the new director of the center. He acknowledged the staff of the center in attendance.

ACTION OF UNFINISHED BUSINESS

None pending.

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

Mr. David Southerland announced the Housing Authority board meeting scheduled for tomorrow has been cancelled. The next board meeting will be the 15th of July. The board passed the budgets for FY09 at the May meeting. He stated he missed last month's Council meeting due to his attendance at the Annual Convention of the National American Indian Housing Council. The membership passed a resolution presented by the Great Lakes Region calling for Congress to pass the NAHASDA reauthorization bill without any amendments to allow the courts to settle the Freedman issue. The reauthorization bill has been passed by both the House and Senate. He stated they are still dealing with some relocating of programs and staff due to the transition. He requested he be contacted if there is difficulty in reaching anyone from his group.

Cherokee Nation Enterprises - David Stewart

Mr. Shawn Slaton announced they have had the best April ever. He stated this is a result of the hard work of their people. He stated normally April, May and June are soft months financially however this quarter it has been very strong. Mr. Slaton reported CNE contributed \$92,000 in tax collections to the Nation this month. The expansion are moving along strong. The West Siloam expansion is scheduled to open on the 15th of November. Catoosa is scheduled to open the gaming floor expansion on December 15th, the first 10 floors of the hotel in February and the remaining 9 floors in March. He announced at the end of May CNE has 3100 employees with 58% of those being Cherokee and a total Native American employment rate of 71%. The management level has 56% Cherokee employment with a total of 65% being Native American. He announced the Community Relations department director Lisa Long and Brian on the Hill challenged the company to a troop drive. He stated they collected over 40,000 items for the troops in this drive. He stated the drive became a competition between the departments. The Security and Surveillance Department won the competition. Security and Surveillance Director, Dave Roberts, gave recognition to his staff present. He stated this department responded to the challenge through civic duty and a sense of patriotism and contributed 22,000 items of the total collected.

Cherokee Nation Industries - Bryan Collins

Mr. Bryan Collins reported the May financials by stating they were very close to a break even point. The revenue year to date is \$54,973,000. They are still tracking an overall loss for the year of \$1.1ml. The actual revenue for May was \$6.9ml with a loss of \$102,000. He stated year to date they are down \$12.4ml in construction and overall projects. They are down approximately \$7ml in staffing services due to the loss of some contracts. Some of the efforts to try to correct these issues within construction include the recent award of the \$5.3 ml Bently Park project in Bixby. He stated this is their first project outside of Cherokee Nation projects. He stated they would be coming before the Council in the near future is support for a bonding solution. He stated a lot of the ups and downs in the construction business have been not having consistent projects. Within the staffing services contracts were lost due to size and the termination of contracts. They have proposals out that could be opportunities for as many as 700 employees in dental contracts. Mr. Collins announced the telecommunications is down approximately \$1ml due to the recession. He stated they are attending shows and brooding their marketing approach. They have had two meetings with the President of the AT&T supply chain. He stated in regard to A&D they have an up swing of approximately \$1ml year to date. He announced they were awarded a contract with Bell Helicopter and many more opportunities exist there. He announced CNI has a total of 334 employees of which 279 are Cherokee. There are an additional 25 Cherokee employees in training

and hope to add an additional 50 employees in the next 90 days. He stated year to date they are down 26% and month to date they are down 32% and are holding close to a break even. The next board meeting is scheduled for the 28th of July at 2:00 p.m. in Tulsa.

Cherokee Nation Business, Inc - Callie Catcher

No report given.

OLD BUSINESS

None pending.

NEW BUSINESS

1. **SWEARING IN OF THE COUNCIL APPOINTED ELECTION COMMISSIONERS - Martha Calico and Roger L. Johnson**

Attachments: [R-07-08.pdf](#)
[R-08-08.pdf](#)

Speaker Frailey stated the Cherokee Nation election law requires that an independent election commission be composed of five members. Two of these members are appointed by the Tribal Council, two are appointed by the Principal Chief and the fifth member is appointed by the four other commissioners. These commissioners have the responsibility among other activities of conducting all general and special elections.

Justice Troy Wayne Poteete administered the Oath of Office to the Council appointed commissioners, Martha Calico and Roger L. Johnson.

2. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A FISCAL YEAR 2008 INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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

Enactment No: R-45-08

3. **A RESOLUTION IN SUPPORT OF THE NATIVE AMERICANS GRAVES AND REPATRIATION ACT (NAGPRA) PROGRAM AT THE UNIVERSITY OF CALIFORNIA AT BERKLEY**

Councilor Cowan Watts stated this resolution is a reiteration of the National Congress of American Indians resolution in support of those tribes affected by NAGPRA and the issues at the University of California at Berkley.

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

Enactment No: R-46-08

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

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

Enactment No: R-47-08

5. **A RESOLUTION AUTHORIZING THE TRANSFER OF TITLE TO MUTUAL-HELP HOUSING PARTICIPANT**

Councilor Crittenden announced this participant has fulfilled her obligation with respect to the Mutual Help Occupancy Agreement and has received a certificate of release and satisfaction from the Cherokee Nation Housing Authority.

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

6. **A LEGISLATIVE ACT RELATING TO TECHNICAL AMENDMENTS TO THE CHEROKEE NATION LIMITED MIXED BEVERAGE SALES ACT; AND AMENDING LEGISLATIVE ACT #09-04**

Speaker Frailey stated as currently drafted the mixed beverage sales Act allows only CNE to be granted a license by the Cherokee Nation Tax Commission to sell mixed beverages on trust property. A third party non tribal lessee operating a restaurant on trust property is not authorized to apply for such a license. This amendment allows CNE or a person approved by CNE to apply for such a mixed beverage license. This additionally allows the Tax Commission to suspend tribal excise tax if the licensee is paying a similar tax to the state. This amendment further tightens the law in regard to serving intoxicated persons to be more closely in line with State Law with the major objective of preventing or reducing Dram Shop Liability.

Councilor Soap stated he is opposed to this legislation due to the fact that it allows the Tax Commission to suspend monies that have been earmarked for areas promoting mental health and related issues such as substance abuse.

A motion was made by Speaker Meredith Frailey and seconded by Councilor Bradley Cobb, that this matter be Approved. The motion FAILED by the following vote:

Yea: 6 - Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Bradley Cobb and Julia Coates

Nay: 11 - S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap; Chuck Hoskin, Jr. and Bill John Baker

7. **A RESOLUTION AUTHORIZING POTENTIAL SUSPENSION OF CHEROKEE NATION SALES TAX COLLECTION FOR NON-INDIAN LESSEES**

Speaker Frailey stated the Tax Commission collects tax on retail sales located on trust property. She stated there is question as to proper jurisdiction for retail sales tax paid by non tribal business enterprises located on trust property. At this time the Oklahoma Tax Commission intends to impose its retail sales tax on taxable transactions conducted by non tribal lessee. This resolution authorizes the suspension of the Cherokee Nation sales tax collection until the jurisdictional question can be resolved. The non tribal business will pay a sales tax to the State under protest. After negotiation with the State if it is determined the Cherokee Nation Tax Commission has jurisdiction the amounts collected by the State will be refunded to the Cherokee Nation Tax Commission.

Speaker Frailey moved for approval. Councilor Cobb seconded the motion. Motion carried with roll call is as follows:

Yea: 13 - David Thornton Sr. ;Don Garvin;Meredith Frailey;Cara Cowan Watts;Buel Anglen;Jack D. Baker;Janelle Fullbright;Harley Buzzard;Curtis Snell;Bradley Cobb;Chuck Hoskin, Jr. ;Julia Coates and Bill John Baker

Nay: 4 - S. Joe Crittenden;Tina Glory Jordan;Jodie Fishinghawk and Chris Soap

8. **A RESOLUTION AUTHORIZING FINANCIAL DEPOSITORIES FOR CHEROKEE NATION**

Councilor Jack Baker stated this resolution corrects the name of the former Bank One to JP Morgan Chase and adds RCB Bank of Claremore and Grand Savings and Loan of Grove.

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

Enactment No: R-50-08

9. **AN ACT AMENDING LEGISLATIVE ACT #37-07 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2008 - MOD 7; AND DECLARING AN EMERGENCY**

Councilor Jack Baker stated this budget mod adds to the funding source for general fund operations of \$7,894,000 and \$430,000 from the tribal judgment fund. The expenditures are \$950,000 for the Constitutional defense fund, \$6.5ml in capital improvement reserve, \$83,876 to the juvenile healing to wellness court, \$177,935 to the Title VI loan fund and \$30,000 for prior chief's memorials. This also transfers \$352,721 to the Cherokee Nation Education Corporation to provide scholarships for higher education. He stated the Chief has requested the addition of \$150,000 additional funding for the summer intern program and an additional \$150,00 to the community youth grant program.

Councilor Jack Baker moved for the approval. Councilor Bill John Baker seconded the motion with a friendly amendment to remove \$152,721 from the Gammon Trust to allow the attorneys time to ensure everything is correct. Councilor Jack Baker accepted the friendly amendment. Motion carried by acclamation.

Enactment No: LA-11-08

10. **A RESOLUTION AUTHORIZING CHEROKEE NATION OFFICE OF ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR A BROWNFIELDS GRANT**

Councilor Cowan Watts stated this grant is in the amount of \$250,000 with no match required. This grant is to locate, evaluate, remediate, plan and design sites on or near tribal land for Brownfields as well as provide training and development for our employees to perform the work.

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

Enactment No: R-51-08

11. **A RESOLUTION AUTHORIZING CHEROKEE NATION**

ENVIRONMENTAL PROGRAMS TO SUBMIT A GRANT APPLICATION TO THE U. S. ENVIRONMENTAL PROTECTION AGENCY, REGION 6 OFFICE, FOR AN UNDERGROUND STORAGE TANK TRAINING PROGRAM FOR THE INTER-TRIBAL ENVIRONMENTAL COUNCIL CONSORTIUM

Councilor Cowan Watts stated this grant would provide \$150,000 with no match required for underground storage tank programs. This grant would provide technical assistance for underground storage tanks we own as well as requiring a data base in GIS.

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

Enactment No: R-52-08

12. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A PROPOSAL TO THE U. S. ENVIRONMENTAL PROTECTION AGENCY FOR A CHEROKEE RADON PILOT PROJECT**

Councilor Cowan Watts stated this is for a radon program to train homeowners to perform testing in their homes. The grant is for \$89,008 with an inkind match of 40%.

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

Enactment No: R-53-08

13. **A RESOLUTION AUTHORIZING THE CHEROKEE NATION ENVIRONMENTAL PROGRAMS GROUP TO SUBMIT A FORMAL APPLICATION TO THE U. S. ENVIRONMENTAL PROTECTION AGENCY FOR A BROWNFIELDS LEAD-BASED PAINT CLEANUP GRANT FOR THE SALINE COURTHOUSE**

Councilor Jack Baker stated this grant will provide the funds necessary for the removal of lead-based paint from the interior of the Saline Courthouse. This grant is a request of \$104,000 with a match of \$20,800 for a total of \$124,800.

Councilor Jack Baker moved for the approval. Councilor Cobb seconded the motion. Motion carried unanimously.

Enactment No: R-54-08

14. **A RESOLUTION AUTHORIZING THE CHEROKEE NATION ENVIRONMENTAL PROGRAMS GROUP TO SUBMIT A FORMAL APPLICATION TO THE U. S. NATIONAL PARK SERVICE FOR A HISTORIC PRESERVATION GRANT FOR THE SALINE COURTHOUSE**

Councilor Jack Baker stated the purpose of this resolution is to obtain National Park Service funds to aide in the restoration of the Saline Courthouse. The grant is in the amount of \$60,000.

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

Enactment No: R-55-08

15. **A RESOLUTION AMENDING RESOLUTION NO. 38-08 AUTHORIZING THE PLACEMENT OF LAND IN TRUST - TAHLONTEESKEE**

Councilor Jack Baker stated this resolution is to correct the land description submitted in error in Resolution No. 38-08.

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

Enactment No: R-56-08

16.

A RESOLUTION AUTHORIZING REQUEST AND ACCEPTANCE OF LAND - CLAREMORE FEDERAL BUILDING

Councilor Cowan Watts stated this is a formal acknowledgement from this body to the Chief to accept the Claremore Federal Building from the Federal Government on behalf of the tribe. She stated this is required for completion of the land transfer.

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

Enactment No: R-57-08

ANNOUNCEMENTS

Councilor Bill John Baker invited everyone to a community meeting held by himself and Councilor Glory-Jordan tomorrow with music beginning at 5:00 p.m. with dinner at 6:00 p.m. at the Tahlequah Community Building.

Councilor Garvin announced a benefit to be held at the Porum Wheeler Estates from 11:30 to 2:00 this Saturday for Henry and Jonsie Birdtail to help with medical expenses.

ADJOURNMENT

With no further business presented, Councilor Cowan Watts moved for adjournment.

Next Tribal Council meeting will be held on July 14th, 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.

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