



# Council of the Cherokee Nation

## Tribal Council Minutes

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Monday, May 14, 2007

6:00 PM

Council Chambers

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### 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 Jack D. Baker 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 Jack D. Baker moved to approve the minutes of the April 16th Regular Session. Councilor Anglen seconded the motion. Motion carried.**

**Councilor Bill Johnson moved to amend the agenda to include an item under unfinished business that was inadvertently omitted. The item is Legislative Act 18-07 which is an amendment of L.A. 16-96, the Cherokee Nation General Corporation Act, as amended by L.A. 2-03, L.A. 4-04, and L.A. 36-05 that was vetoed by the Principal Chief. Councilor Bill John Baker seconded the motion. Motion carried.**

### STATE OF THE NATION

*Chief Smith requested a moment of silence to reflect on the passing of friends, neighbors, and citizens. Veterans honored this month were Leonard Gouge, Jim Barnoski, Jr., and Eugene Fox. Chief Smith acknowledged and honored Belinda Scroggins and the Vian Middle School students for their volunteer work with the hospice organization. These Vian Middle School students took part in threads of love, which is a volunteer program in partnership with the professional home hospice organization that provides crocheted items to hospice patients. They wanted to help those who were slipping away to the next life and what they received was worth more than just the funding they get from the community service youth program. Chief Smith introduced Helen Trask and her husband Eugene Trask. Cherokee Nation Environmental Program was one of thirteen organizations in the United States to receive the EPA's seventh annual clear air excellence award for outstanding accomplishments in reducing air emissions in the community action category. Four Sequoyah Seniors have recently received the Gates Millennium Scholarship. Sequoyah announced its top ten graduating seniors for the Class of 2007. Angel Goodrich received the Elite 8 Award by News Channel 8 in Tulsa. Tray Farris has been selected to participate in a summer's leadership seminar at the United States Military Academy, also known as West Point. The SHS softball Girls Slow*

*Pitch team recently brought home the silver ball from the Slow Pitch Softball State Championships. He announced and recognized nine outstanding Cherokee citizens for their dedication to Cherokee people and culture with the Principal Chief's Leadership Award. This year's recipients were Jack D. Baker, Lorene Hummingbird-Bates, Jack Christie, Karen Fourkiller, Ice Killer, posthumously Harold Jiggs Phillips, Curtis Rohr, Benny Smith, and Laverne Carpenter-Stone. Cherokee Nation recently held a language fair in conjunction with the 35th annual sovereignty symposium held at Northeastern State University. Cherokee Nation Industries has created more than 80 new jobs to support its aerospace manufacturing division. These new jobs will help CNI keep up with the increasing demands. Cherokee Nation had several employees being recognized by outside organizations for their dedication and service to their professions and their communities. Three employees were honored at the Tahlequah Chamber of Commerce banquet and those employees were Joyce rose of Talking Leaves Job Corp, Debra Lack also of Talking Leaves Job Corp, and Kelli Swim, a paramedic with the EMS Department. Several Health Service employees will be honored in July at the Area Director's Award's Ceremony in Oklahoma City as outstanding employees for their years of service and they include Sandra Peake, Emma Kay Catcher Sue Crawler, Barbara Williams, Richard Soldier, Kay Jondro, Brandy Marques, Amy Hicks, Jamie Clark, Carla Kime, Terry Ross, Angela Morgan, Nita Cochran, and Kim Osborn. Cherokee Nation will hold a recruitment fair on May 17th at the Northeastern State University, Muskogee campus to fill dozens of new job openings that will be available at the Tribe's new Three Rivers Health Center. He encouraged everyone to attend the election gatherings with a vote coming up on June 23rd. There will be a Principal Chief and Deputy Principal Chief debate on June 15th at 6:00 p.m. at the Armory Municipal Center sponsored by the Cherokee Phoenix. He advised to the Council and to the citizens that as a result of the March 3rd election on requirements for citizenship, those that were no longer citizens, a class sometimes called freedmen and inter-married whites, under our laws appealed that decision of the constitutional amendment as it applied to them. In the Registration process there is a way to appeal that decision and the process is working. Around 230 freedmen have appealed the withdrawal of their citizenship and that case is now in the Tribal Courts. Our courts on the motion of the Attorney General moved to appoint an attorney for this class of people and that attorney is Nathan Young. He filed today and was granted a temporary order and injunction to allow the freedmen to continue receiving services and to vote in the upcoming election. The Cherokee people voted and expressed their opinion and their will very clearly on the March 3rd election. Seventy-seven percent said you have to have one Indian ancestor on the base roll to be a citizen of the Cherokee Nation and in the last 30 years this is the third time this vote has been brought to the people but what this demonstrates for Cherokee Nation as a government, that the processes of our government are open to all, that our court systems are open to all, and that we are a fair and just governments so this case will work through our system and our courts will make those decisions.*

## ACTION OF UNFINISHED BUSINESS

### **ACT RELATING TO**

**Amendment of L.A. 16-96, the Cherokee Nation General Corporation Act, as Amended by L.A. 2-03, L.A. 4-04, and L.A. 36-05**

**A motion was made by Councilor David Thornton Sr. and seconded by Councilor S. Joe Crittenden, to override the Chief's Veto. The motion FAILED by the following vote:**

**Yea:** 10 - S. Joe Crittenden; David Thornton Sr. ; Phyllis Yargee; Linda Hughes-O'Leary; Melvina Shotpouch; John F. Keener; Charles "Chuck" Hoskin; Taylor Keen; Bill John Baker and Audra Smoke-Conner

**Nay:** 7 - Jackie Bob Martin; Don Garvin; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen and Jack D. Baker

Enactment No: LA-18-07

## COMMITTEE REPORTS

### Monthly Reports:

#### Housing Authority - David Southerland

*David Southerland announced the May Board meeting is scheduled for tomorrow night at 5:30 p.m. in Catoosa in the Resort Pro Shop and the meeting coincides with the Southern Plains Indian Housing Association Spring meeting. Discussion will be on some property in Pryor owned by Cherokee Nation and the future used of that property and they are also looking at their warehouse property. The Indian Housing Block Grant Program is up for reauthorization and within the reauthorization there is a push to revise language. Congressman Boren entered a reauthorization of the Section 184, Loan guarantee program and it was passed by the House. This is important to them because they utilize this program with their mortgage assistance programs as do many Native Americans in Oklahoma.*

#### Cherokee Nation Enterprises - David Stewart

*David Stewart announced their net income has almost exceeded for one month their annual income they earned in 2001. They have 3000 employees and of that 76% is Native American. The parking garage in Catoosa will be opening in June and in preparation for the tower that will be is still under design and is projected to open in December 2008. The soft opening of the Travel Plaza occurred several weeks ago but there is still some dirt work to do to complete the Roland Casino. The dividend last month was \$3.3 million and in addition they paid \$80,000 in sales tax to the Tribe.*

#### Cherokee Nation Industries - Bryan Collins

*Brian Collins reported the TQG program has been a very successful program that has been running for about ten years and supports around 35 employees. This program produces the tactical quiet generators that the Army uses. The Cherokee name is very highly respected in the military and that is why there has been a lot of growth. As of April, monthly sales are \$7.8 million, total sales year to date is \$88 million, profitability is \$1.9 million and local employment in the Tahlequah/Stilwell area is 316 employees with 276 being Native American. The next Board meeting has been changed to the 31st at 3:00 p.m. in Catoosa.*

#### Cherokee Nation Business, Inc - Callie Catcher

*Jim Carrington, Associate Counsel for CNB reported for Brad Carson who is on military leave for a couple of weeks. He stated there are currently no material developments. The next board meeting is scheduled for June 2nd at 9:00 a.m. in Catoosa.*

## OLD BUSINESS

*None.*

## NEW BUSINESS

1. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A PROPOSAL TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR NATIVE AMERICANS, FOR A PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE) PROJECT**  
**Councilor Shotpouch moved for the approval. Councilor O'Leary seconded the motion. Motion carried.**  
Enactment No: R-40-07
  
2. **a resolution Authorizing the DEVELOPMENT AND submission of a grant application TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A RESIDENT OPPORTUNITY AND SELF-SUFFICIENCY (ROSS) FAMILY AND HOMEOWNERSHIP PROGRAM**  
**Councilor Conner moved for the approval. Councilor Crittenden seconded the motion. Motion carried.**  
Enactment No: R-41-07
  
3. **A RESOLUTION AUTHORIZING THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES TO SUBMIT AN APPLICATION FOR FUNDING TO THE OKLAHOMA OFFICE OF JUVENILE AFFAIRS, FOR EMERGENCY YOUTH SHELTER SERVICES, AND PREVENTION AND DIVERSION SERVICES**  
**Councilor Shotpouch moved for the approval. Councilor Conner seconded the motion. Motion carried.**  
Enactment No: R-42-07
  
4. **A RESOLUTION ADOPTING A MAINTENANCE AND OPERATING POLICY AND ESTABLISHING A SET ASIDE FOR M&O CONTINGENCIES TO THE U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY BUILDING APPLICATION**  
**Councilor Shotpouch moved for the approval. Councilor O'Leary seconded the motion. Motion carried.**  
Enactment No: R-43-07
  
5. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO ADMINISTER A GRANT IN PARTNERSHIP WITH COMMUNITIES TO BUILD COMMUNITY BUILDINGS AS SELF-HELP PROJECTS AND CONSTRUCT THE KENWOOD WATER PROJECT**

Councilor Shotpouch moved for the approval. Councilor Garvin seconded the motion. Motion carried.

Enactment No: R-44-07

6. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO ADMINISTER A GRANT IN PARTNERSHIP WITH COMMUNITY ORGANIZATIONS**

Councilor Shotpouch moved for the approval. Councilor O'Leary seconded the motion. Motion carried.

Enactment No: R-45-07

7. **A RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF THE AMENDED FISCAL YEAR 2007 INDIAN HOUSING PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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

Enactment No: R-46-07

8. **AUTHORIZING THE APPROVAL OF A BUSINESS LEASE BETWEEN CHEROKEE NATION AND THE KENWOOD COMMUNITY ASSOCIATION ON TRUST LAND**

Councilor Martin moved for the approval. Councilor Garvin seconded the motion. Motion carried.

Enactment No: R-47-07

9. **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 Martin moved for the approval. Councilor O'Leary seconded the motion. Motion carried.

Enactment No: R-48-07

10. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT AN APPLICATION TO THE U.S. EPA FOR A WATER QUALITY MONITORING GRANT**

Councilor Martin moved for the approval. Councilor O'Leary seconded the motion. Motion carried.

Enactment No: R-49-07

11. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT AN APPLICATION TO THE U. S. ENVIRONMENTAL PROTECTION AGENCY FOR AN**

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**INDIAN GENERAL ASSISTANCE PROGRAM REGIONAL TRIBAL  
OPERATIONS COMMITTEE SUPPORT GRANT**

**Councilor Martin moved for the approval. Councilor O'Leary seconded the motion. Motion carried.**

Enactment No: R-50-07

12. **A RESOLUTION AUTHORIZING CHEROKEE NATION  
ENVIRONMENTAL PROGRAMS TO SUBMIT AN APPLICATION TO  
THE U. S. ENVIRONMENTAL PROTECTION AGENCY FOR AN  
INDIAN GENERAL ASSISTANCE PROGRAM TRAINING GRANT**

**Councilor Martin moved for the approval. Councilor O'Leary seconded the motion. Motion carried.**

Enactment No: R-51-07

13. **A RESOLUTION AUTHORIZING CHEROKEE NATION  
ENVIRONMENTAL PROGRAMS TO SUBMIT AN APPLICATION TO  
THE U. S. ENVIRONMENTAL PROTECTION AGENCY FOR AN  
INDIAN GENERAL ASSISTANCE PROGRAM GRANT**

**Councilor Martin moved for the approval. Councilor O'Leary seconded the motion. Motion carried.**

Enactment No: R-52-07

14. **A RESOLUTION AUTHORIZING THE PLACEMENT OF LAND IN  
TRUST - ROSS ROAD 255.33 ACRES**

**Councilor Martin moved for the approval. Councilor Bill John Baker seconded the motion. Motion carried.**

Enactment No: R-53-07

15. **A LEGISLATIVE ACT AMENDING TITLE 20, "COURT AND  
PROCEDURES" OF THE CHEROKEE NATION CODE ANNOTATED;  
RELATING TO COURT RULES AND JURISDICTION; AND  
DECLARING AN EMERGENCY**

*Councilor Keen stated the purpose of this Act is to establish jurisdiction of the Supreme Court over Constitutional matters, provide for Tribal Council adoption of Court rules and codify the name change from Judicial Appeals Tribunal to Supreme Court in all laws and official documents of the Cherokee Nation.*

**A motion was made by Councilor Taylor Keen and seconded by Councilor Jack D. Baker, that this matter be Approved. The motion carried by the following vote:**

**Yea:** 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

Enactment No: LA-23-07

16. **a resolution Authorizing the DEVELOPMENT AND submission of a grant application TO THE DEPARTMENT OF EDUCATION FOR A NATIVE AMERICAN CAREER AND TECHNICAL EDUCATION PROGRAM**

**Councilor Hoskin moved for the approval. Councilor Conner seconded the motion. Motion carried.**

Enactment No: R-54-07

17. **AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 - Mod. 7; AND DECLARING AN EMERGENCY**

*Councilor O'Leary stated mod 7 includes a WIC infrastructure grant, Capital Projects Interest, Inc., IHS-Self Governance, G/F Ops, Contingency Reserve, Emergency Rehab, RN Scholarships, and Muskogee which brings the total budget authority to \$412.5 million.*

**Councilor O'Leary moved for the approval. Councilor Cowan Watts seconded the motion with a technical amendment to clarify the language in two places of the Act. Section 4A, it should refer to the \$1.2 million as an increase in the defense budget and also on the memo on section B, mod 7, general fund 1. The motion carried by the following vote:**

**Yea:** 15 - S. Joe Crittenden; Jackie Bob Martin; David Thornton Sr. ;Phyllis Yargee; Don Garvin; Linda Hughes-O'Leary; Melvina Shotpouch; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen; Charles "Chuck" Hoskin; Jack D. Baker; Bill John Baker and Audra Smoke-Conner

**Abstain:** 2 - John F. Keener and Taylor Keen

Enactment No: LA-24-07

#### ANNOUNCEMENTS

**Councilor Bill John Baker announced the dedication of the ball fields tonight at 6:00 p.m.**

**Councilor Johnson introduced Honor Keeler, the granddaughter of former Chief W.W. Keeler.**

**Councilor Conner announced Sequoyah High School, Locust Grove, and Stilwell graduations are all scheduled for this Friday, the 18th.**

#### ADJOURNMENT

**With no further business presented, Councilor O'Leary moved for adjournment. The next regular Council meeting will be held on June 11th, 6:00 p.m. at the W.W. Keeler Complex.**

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

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