



# Council of the Cherokee Nation

Council House  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Meeting Minutes - Final EXECUTIVE AND FINANCE COMMITTEE

*Jack D. Baker, Chair*

*Recording Secretary, Shelli Brittain  
Phone: 1-800-995-9465,  
E-mail: council-public@cherokee.org*

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Tuesday, February 9, 2010

3:00 PM

Legislative Conference Room

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**This meeting was originally scheduled for January 28th**

### CALL TO ORDER

**Chair Jack D. Baker called the meeting to order at 3:02 p.m.**

### INVOCATION

**Councilor Buzzard gave the invocation.**

### ROLL CALL

**Present** 14 - Bill John Baker; David Thornton Sr. ; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap; Chuck Hoskin, Jr. and Julia Coates

**Late Arrival** 3 - S. Joe Crittenden; Don Garvin and Bradley Cobb

### APPROVAL OF MINUTES

**Councilor Cowan Watts moved to approve the December 15th regular session minutes. Councilor Bill John Baker seconded the motion. Motion carried.**

### REPORTS:

Financial Report/Treasurer Report - Callie Catcher

*Ms. Catcher offered to answer questions from her written report. Councilor Cowan Watts requested clarification on the TERO bid contract numbers on her report. Ms. Catcher commented they have difficulty obtaining a good report on the under \$5,000 bids due to the high volume. She stated it is their policy for anything under \$5,000 to try to place with a TERO vendor first. Councilor Fishinghawk inquired when they would be able to track the under \$5,000 since it is such a high volume. Ms. Catcher replied by high volume it is a lot of small orders. They are working with the I. T. department and One Stop. Councilor Fishinghawk asked how much the total is for*

under \$5,000. Ms. Catcher stated she could provide the information. Councilor Fishinghawk inquired about the financing for the Vinita and Salina clinics. Ms. Catcher stated they submitted a request for financing proposals and received two which she and Mr. Evans reviewed. Changes were made and a second round of proposals were sent out and they are currently reviewing the four responses. She commented they hope to have more information to bring forward to the Council at the next Executive & Finance meeting. Currently it is a tuff financing market.

Cherokee Nation Entertainment - David Stewart

Mr. Shawn Slaton reported for December. The net income was \$4.9ml compared to \$6.4ml the prior year. The net income is 38% below the budget of \$8.2ml. The revenue was below last year by \$1ml and below budget primarily due to generally forecasted higher gaming revenues. The gaming market across the entire Nation is soft with Oklahoma fairing better than most other gaming markets. Typically December is the softest month with January generally slow then a gradual pick up. They hope the trend will continue with February being a take off month. The operating expenses were down in December. Construction continues on the event center in Catoosa with completion expected in August. The banquet room in West Siloam is ready and the hotel is on track to open on the 10th of June. Cherokee employment holds at 58.3% and Native American at 69.2%. Councilor Soap inquired as to what the indicators are to constitute an economic recovery for people to begin spending their entertainment dollars. Mr. Slaton stated like other businesses they look at the sales tax collections across the State along with the price of oil. He commented they haven't necessarily seen a decline in their attendance but people being more careful with their money.

Cherokee Nation Businesses - David Stewart

Mr. Slaton reported the December monthly net income for all entities was \$5.2ml. The consolidated net income was above November's by \$700,000. There is \$47ml outstanding on the BOA loan facility. Operating highlights of the subsidiaries include CCRC estimating a new design build contract for Dover Air Force Base with a potential to generate approximately \$14ml in revenue over two years. APSE negotiated a six month extension on the Boeing Wichita Bin Management contract at a reduced activity level. They are awaiting a decision on the KC-135 which was submitted in October. Councilor Cowan Watts inquired about the glass recycling of bottles. Mr. Slaton stated they are recycling bottles. The company recycles each month approximately 24 tons of all materials. Councilor Cowan Watts commented the break out on the report didn't separate out the glass.

Cherokee Nation Industries - Robert Drvostep

Mr. Drvostep reported for the month of November. The budgeted revenue was \$8.1ml with an actual of \$7.8ml. The operating profit was \$67,000 versus a budgeted loss of \$284,000. The year to date profit was \$232,000 versus a budgeted loss of \$677,000. They are doing quite well in regard to the budget for the first two months of this year. In regard to their 2009 performance the audit report will reflect a loss of \$2.173ml. The difference in the loss previously reported is a result of an adjustment made in December retroactive to 2009 for remediation and expenses incurred at the Bentley Park project. This project loss totaled \$1.621ml. Councilor Fishinghawk inquired when they realized the Construction Management for the year was going to be a loss. Mr. Drvostep stated at the end of September in their preliminary results they had a \$484,000 loss for Bentley Park. October showed a \$26,000 loss and the month of November a \$136,000 loss. They waited until December to have a clear picture of the expenses to allow them to make one adjustment. Councilor

*Fishinghawk stated in the summer it was reported that the Bentley project would break even. Mr. Bryan Collins stated a briefing meeting was held in August that reported the job to be at best case break even or loose money. He stated at this time he didn't realize the remediation work that needed to take place from poor workmanship in certain areas of subcontractors. The property was surveyed and the site was shut down. Activities were re-engaged in October and November to repair and replace a lot of the work. Councilor Fishinghawk voiced concern stating CNI is within her district and employs a great number of Cherokees. She questioned how long CNI could continue to sustain itself if they continue to have losses year after year. Mr. Collins stated CNI does not plan on taking any additional construction projects going forward. Councilor Fishinghawk inquired as to what the profit or loss would be if we didn't have the construction arm. Mr. Drvostep stated the loss would have been about \$600,000. Councilor Fishinghawk inquired of all of last years construction projects which ones are profitable. Mr. Drvostep stated he could get the information. Councilor Fishinghawk inquired what steps were taken when they realized the Bentley project was a loss. Mr. Collins stated the individual has been terminated and it is now in the appeal process. He stated they are going to mitigate the losses by exploring recovery options. This process will take time and require both internal and external resources. He has requested assistance from Shawn Slaton, CNB legal and internal audit to review the process and contractual requirements to help insure that all of the controls are in place and that they have explored all recovery options. Councilor Fishinghawk voiced appointing someone to a board that is part of another board which has incurred so many losses. She further voiced concern when several Council members go to a board and voice issues about a person and it fell on deaf ears. She questioned why it took them so long to react. Councilor Glory-Jordan inquired if a back ground check was performed on the person whom lost over \$2ml on this one project prior to hiring. Mr. Collins replied yes. There are various types of background checks. The background check on this type of role is financial. This employee was with them quite some time before additional checks had been done and investigated. He stated at that time they were trying to determine if they were or weren't going to be able to bond. If the bonding wasn't going to be permitted other actions were going to be taken. Upon review of the personal information and the facts at that time it was felt there wasn't a high risk. Councilor Glory-Jordan stated the fact that he has numerous judgments against him didn't make him a high risk to be left with a \$250,000 ability to hire sub vendors and exceed this amount. Mr. Collins stated he was not allowed to exceed but he did. Councilor Glory-Jordan inquired as to who was his superior. Mr. Collins stated he was and that it was brought to his attention as soon as the information was brought into the finance department. Mr. Todd Hembree, the Council Attorney, commented discussing instances like this is a fine line. Names haven't been mentioned but when it gets to such a narrow field that a person can be identified it is an issue. If the Council wishes to have a more frank discussion this would be an item that would qualify under the Constitution for executive session. Councilor Glory-Jordan commented she had requested Mr. Evans provide a summary of CNI's financial results over the last five years. These reports show cumulative losses since 2005 of over \$9ml. She questioned how long Mr. Collins had been employed at CNI. Mr. Collins responded that he began in August of 2005.*

**Councilor Glory-Jordan made a motion to go into executive session. Councilor Cowan Watts seconded the motion. The motion carried at 3:33 p.m. with Chair Jack D. Baker opposed.**

**Councilor Garvin made a motion to exit executive session stating no business was conducted. Councilor Cowan Watts seconded the motion. Motion carried at 4:47 p.m.**

Cherokee Nation Industries - Robert Drvostep

*Chair Jack D. Baker inquired if there were further questions of CNI. Councilor Glory-Jordan requested a copy of all of the CNI board minutes for the past year. Councilor Fishinghawk requested the minutes of the board meeting where the oversight of a couple of projects was approved and was ruled there wasn't a conflict of interest. Mr. Collins requested to be able to address the issue. He stated the CNI board pre approved the engagement of the Ross Group lead by board member Warren Ross. A conflict of interest statement was submitted to the CNI ethics committee which includes a member of the CNI board and was made available to the CNI Chairman. The Ross Group is being reimbursed for actual cost of this project. They will be completed with this task this Friday. He stated the minutes do not reflect this as it was discussed during executive session. FlintCo was contracted to assist once a need was discovered for oversight. Councilor Fishinghawk requested Mr. Hembree provide an opinion regarding the board's decision to do business with a group in which one of the board members is a part of. Councilor Fishinghawk requested a copy of the conflict of interest statement submitted. Mr. Collins commented he would try to obtain a copy of the statement. Councilor Fishinghawk inquired as to the members of the ethics board he had referred to. Mr. Collins stated the Ethics Committee consists of Bob Huffman, Sharon Bertrum, Bill Grass, and possibly someone else. He stated he would look at confirm. Councilor Fishinghawk inquired how the ethics board members are appointed. Ms. Catcher commented the boards appoint their own committees.*

Career Services/Employment - Diane Kelley

*Ms. Kelley provided a handout of the Day Work report and gave a brief overview. Councilor Glory-Jordan requested Ms. Kelley and Ms. Norman Merriman determine how much the Human Services department saved by people being able to use the Day Work program. Ms. Kelley stated it has had some affect but probably not much. Ms. Kelley provided a handout for the points of contact for the referrals. She announced they are planning a reverse job fair. Ms. Kelly Forrest of the Life Skills Program will work with the counselors to assist some of the workers with finishing touches and a resume to present to employers. Councilor Glory-Jordan gave appreciation to the Day Work Program and commented on how Councilor Fishinghawk's idea to help victims during the 2007 ice storm and Ms. Kelley's undertaking has become such a successful project. Ms. Kelley commended the Chief and the Council for ensuring there were funds to operate this program.*

**Councilor Bill John Baker moved to amend the agenda to consider "An Act Awarding Scholarships to Cherokee Nation Students who are Accepted to the Military Service Academies of the United States" as item #5 under new business. Councilor Glory-Jordan seconded the motion. Motion carried.**

Commerce - Anna Knight

*Ms. Knight offered to answer questions from her written report. Councilor Fishinghawk commented a lawyer was hired to review election reform law with a*

*\$50,000 contract and was sole sourced. She inquired if this attorney is Cherokee, is she a TERO vendor, and why it was sole sourced.*

Historical Society - Carey Tilley

*Mr. Tilley offered to answer questions from his report handed out. He announced they are proud of the numbers at the Heritage Center. They are in good financial shape and from an attendance perspective they are in good shape.*

Cherokee Nation Education Corporation - Shelley Butler-Allen

*Ms. Kimberlie Gilliland offered to answer questions from their written report. Councilor Cobb stated he is consistently answering questions as to which scholarships are Cherokee Nation Education Corporation and which are Cherokee Nation Higher Education. Ms. Shelley Butler-Allen agreed there is confusion. The CNHE scholarships are federally driven as well as tribally funded and the CNEC scholarships are 501C3 or non profit. Councilor Cobb suggested delineation on the web site. Ms. Gilliland provided copies of the scholarship applications for this year.*

#### CONSENT ITEMS:

##### T.E.R.O. CERTIFICATIONS

**Councilor Cowan Watts moved to approve as submitted with one exception to move Bearwood Native to pending status for an additional review. Councilor Bill John Baker seconded the motion. Chair Jack D. Baker requested clarification to determine if the motion included the additional list provided today. Councilor Cowan Watts commented the motion is for approval of both lists. Motion carried.**

##### CEMETERY RESTORATION ASSISTANCE APPLICATIONS

*Mr. Evans announced there are several new cemetery requests since the report was provided:*

*McClure Cemetery – Three Rivers District  
Scott Cemetery – Craig  
Barber Cemetery – Cherokee  
Jeffery Beck Cemetery - Deleware  
Holt Cemetery – Sequoyah  
South Bethel Cemetery – Three Rivers  
Still Cemetery – Sequoyah*

*Councilor Glory-Jordan voiced concern in regard to the Barber cemetery and it's organization.*

**Councilor Cowan Watts moved to approve the cemetery requests and table the Barber cemetery until the next meeting. Councilor Glory-Jordan seconded the motion. Motion carried.**

LAW ENFORCEMENT REQUESTS

*Mr. Evans announced there are five Law Enforcement requests:*

*Bartlesville Police Department – Councilor Cobb – depleting his balance*

*Choteau Police Department – Councilor Soap - \$7,000*

*Colcord Police Department – Councilor Snell - \$3,500 - Councilor Buzzard - \$3,500*

*Delaware Sheriff's Department - Councilor Snell - \$5,000 - Councilor Buzzard - \$5,000*

*Kansas Police Department – Councilor Snell - \$5,000*

*The motor vehicle tax apportionment was calculated and the amount of \$16,254 went into each account.*

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

ROADS

*Mr. Evans announced the vehicle tax allocation for roads is \$87,212 per Council member. There aren't any motor fuel tax road requests or vehicle tax road requests this month only a refund on a driveway project in Councilor Thornton's area and a Church Road project on the bridge access fund from District 1 split \$5,531 each Councilor.*

**Councilor Cowan Watts made a motion to approve. Councilor Crittenden seconded the motion. Motion carried.**

RECESS

**Councilor Cowan Watts moved to recess until Tuesday, February 15th at 11:00 a.m. Councilor Anglen seconded the motion. Councilor Glory-Jordan requested moving ahead with some of the business items. Motion carried at 5:15 p.m. with Councilors Soap and Thornton opposed.**

RECONVENE

**Chair Jack D. Baker reconvened the meeting at 11:08 a.m. on February 16th.**

INVOCATION

**Councilor Soap gave the invocation.**

ROLL CALL

**Present** 14 - Bill John Baker; 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 and Chuck Hoskin, Jr.

**Late Arrival** 3 - S. Joe Crittenden; David Thornton Sr. and Julia Coates

OLD BUSINESS

1. AN ACT REPEALING AND SUPERSEDING LEGISLATIVE ACT 38-05 A CHEROKEE NATION LAW REGARDING LABOR AND THE EMPLOYMENT RIGHTS ORDINANCE AND PROVIDING SEVERABILITY AND DECLARING EMERGENCY
- Councilor Garvin moved to table. Councilor Cobb seconded the motion. The motion failed with the following roll call vote:**
- Yea:** 7 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Chris Soap and Bradley Cobb
- Nay:** 8 - Bill John Baker; David Thornton Sr. ; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Harley Buzzard; Curtis Snell and Chuck Hoskin, Jr.
- Late Arrival:** 2 - S. Joe Crittenden and Julia Coates

*Councilor Fishinghawk moved to approve with amendments. The amendments have been handed out. The first amendment in § 9 is currently being done but isn't law. Councilor Bill John Baker seconded the motion. Councilor Fishinghawk requested either Speaker Frailey or Councilor Glory-Jordan speak to the amendment to § 17 b. Councilor Glory-Jordan stated this amendment places new businesses and small business at a different level than the larger businesses. This is a stair step type penalty if they fail to use Indian workers. Councilor Frailey announced they met with a major contractor to determine what was fair and reasonable in regard to the sub contractors. They agreed a tiered process would be fairer particularly to the smaller vendors. Councilor Soap asked several questions pertaining to the Act.*

*Section 4 Part C – He inquired who requested the change. Councilor Fishinghawk stated this was put in by Administration and voted on by the Sub committee. Secretary of State Melanie Knight stated she didn't participate in the redraft of this language. She stated she had commented earlier on to revise it back to similar to what it was before. Councilor Soap requested clarification that this language change is not preferred. Councilor Cowan Watts stated after the last meeting their were specific instructions by this body for them to work with her, the Chair and Secretary Knight which nothing happened. She stated due to this she can not support. This language being presented is not what was requested at the last meeting.*

*Section 4 Part F – Councilor Soap stated this still excludes the Nation. He inquired how this keeps in time with the rest of the intent of the legislation. Mr. Hembree commented Section 4 C was language proposed by the Administration. If it is their wish to not have this language he suggested an amendment to go back to the original language. In regard to Section 4 Part F there are sections through out this Act that specifically include the Nation and its entities.*

**Councilor Soap moved to strike new language and go back to the original language in 4C. Councilor Cowan Watts seconded the motion. Motion carried.**

*Section 5 W – Councilor Soap inquired as to the reasoning to strike the language regarding the website. Mr. Hembree stated with technology as it is today he didn't see a compelling reason to strike web site or leave and insert and/or. Councilor Bill John Baker commented the discussion was that the website is continually updated but not everyone has the internet therefore publish in the Phoenix on a quarterly basis.*

*Section 12 C – Mr. Soap questioned reducing the fee from \$50 to \$25. Councilor Bill*

John Baker stated the original language was \$50 per award. A twelve month contract would only fine them \$50 for hiring non Indians. This amendment changes it to \$25 per day through out the contract. Ms. Knight stated their biggest concern is the implementation. This would be an enormous undertaking and would be difficult to determine what workers worked when and for how long. An alternative discussed which is included in the Executive Order is to apply a daily accessed on those non Indian employees where we have provided an Indian employee to fill the position. Councilor Fishinghawk commented she agreed during the meeting but the Executive Order reads differently. Ms. Knight stated this is the concept discussed during that meeting. Mr. Overacker drafted the language as a daily fee for those Indians that we provide from the job bank to fill positions and they fail to hire them. We would know who was referred for positions and it would eliminate auditing people on a daily basis. Councilor Fishinghawk announced she is willing to give one more time and use this language from the Executive Order. Chair Jack D. Baker commented this is a friendly amendment to change the language to the as written in the Executive Order. Councilor Cobb requested the language in the Executive Order be read. Mr. Hembree read page 2 #5 It is hereby ordered a) that Indian Preference as described in this Act shall apply to the Nation and its business entities b) to implement section 5.B and 8A of Legislative Act 38-05. The Tribal Employment Rights Office (TERO) shall be authorized to administer the following 1) any employer as defined in this Act shall be required to pay the fee of not less than \$25 per employee per award for non Indian employees hired for the project that are in addition to the core crew 2) each such employer shall be required to submit a core crew list to the TERO 3) once the core crew is submitted to TERO, TERO will confirm the essential employees the vendor has listed 4) if the TERO has identified Indians that can be used for the non core employees it shall ask the employer to place the qualified Indians 5) the employer has a right not to place qualified Indians referred by the TERO for non core positions. If the employer chooses not to the Indians referred by the TERO within three days the vendor shall pay \$25 per day for each non Indian the vendor chooses to keep on the project so long as the qualified Indian is available to work 6) The TERO is authorized to administer other fees and penalties as provided in LA-38-05.

Section 18 – Councilor Soap inquired where the current fines go once collected. He further questioned if it is necessary to designate where the fines go. Ms. Knight commented Section 7 speaks to where the funds are applied. Currently the fines collected are limited to be used for job training purposes only. This amendment would expand to include recruitment, compliance and so forth.

Section 19 – Councilor Soap inquired as to what type of crime. Mr. Hembree stated the criminal code currently has a fraud provision. In any fine committed there is a limitation of no more than one year in prison and a fine of \$5,000.

Section 24 – Councilor Soap requested a walk through of the complaint filing process. Councilor Hoskin commented his understanding is since TERO doesn't have an inherent power to prosecute and the only arm of the Nation that does have that power is the office of the Attorney General. The TERO office would have to refer the offense to the AG and they would have to prosecute.

Section 26 – Councilor Soap questioned the difference between an informal complaint and a formal complaint. Ms. Knight stated A through C of this Section provides an informal resolution process for the complainant and TERO to try to achieve an agreement. If through these steps a resolution isn't reached the process becomes formal beginning with D.

Section 26 – Councilor Soap questioned the payment of damages not exceeding \$100,000 and the waiver of sovereign immunity. Mr. Hembree stated the idea is to



*have a payment cap. When sovereign immunity is waived it needs to be done for very specific reasons and very specific amounts. The \$100,000 is less than the State of Oklahoma but is still enough to make it a substantial risk.*

**Councilor Glory-Jordan called for the question. Ms. Knight requested a point of clarification. Chair Jack D. Baker stated the question has been called. The motion to approve with amendments failed with the following roll call vote:**

**Yea:** 8 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell and Chuck Hoskin, Jr.

**Nay:** 8 - Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

**Abstain:** 1 - Don Garvin

## NEW BUSINESS

1. ACT RELATING TO DONATIONS AND CONTRIBUTIONS FROM THE CHEROKEE NATION; REPEALING PORTIONS OF LA 43-03; "THE EMERGENCY ASSISTANCE AND COMMUNITY SUPPORT PROJECTS AUTHORIZATION ACT OF 2003" AS AMENDED; DECLARING AN EMERGENCY

*Councilor Hoskin Jr. stated this legislation will amend LA-21-09 regarding donations and contributions. He referred to Section 5E under awards where currently it stated the Principal Chief will only make awards to recommended projects that have unanimous consent of the sub committee. The amendment is to change to two-thirds majority of the sub committee. In Section 5F it would strike language concerning funding when the project is not recommended by the Principal Chief and adds language pertaining to the authority of the Council to appropriate funds.*

*Councilor Hoskin Jr. moved to approve. Councilor Glory-Jordan seconded with a friendly amendment to change E from two-thirds to a simple majority. Councilor Hoskin Jr. accepted. Councilor Glory-Jordan also requested to strike the last sentence beginning with Upon in Section G. Councilor Hoskin Jr. accepted.*

**The motion to approve with amendments passed with the following roll call vote:**

**Yea:** 9 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell and Chuck Hoskin, Jr.

**Nay:** 8 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

2. AN ACT RELATING TO CONSTRUCTION OF AND IMPROVING ACCESS TO CHEROKEE OWNED HOMES FROM PUBLIC ROADS OR RIGHT-OF-WAYS AND DECLARING AN EMERGENCY

*Councilor Hoskin Jr. this is a follow up pertaining to a discussion of repairing driveways for Cherokee citizens. Councilor Hoskin Jr. moved to approve. Councilor Thornton seconded the motion. Councilor Hoskin Jr. stated there are two main provisions in Section 5A and 5B. Section 5A allows for the self-help fund to be used for driveways. This doesn't add or take from the budget as it just allows already appropriated funds to be used. Section 5B allows projects to move forward on driveway repairs by using bridge access funds. Councilor Cowan Watts stated it is still not clear given the budget situation of how the funds could be fair and equally*

distributed. She voiced concern for the demand this would create. She stated no other government provides such a service for private individuals. Councilor Bill John Baker stated the Eastern Band of the Cherokees provide this service by paving their citizens roads to their homes. He stated he doesn't see this as being given lightly nor that it would be every citizen coming forward. This should be for emergencies only for elders, ambulances and propane trucks. He stated they would welcome guidelines from the programs where the flood gates would not be opened. Councilor Cowan Watts requested to hear from the staff that would have to administer this program or someone from Administration that can speak to the impact to our existing services as well as logistics. Ms. Knight commented she could provide some information but requested Barry Hood from the Roads program to speak further. Ms. Knight commented that this sets up expectation for a broad program that is utilizing existing funds that we already fully utilize. The Self-Help housing provides materials only for housing but also provides a weatherization program. She voiced concern that this request isn't feasible. She stated they have received numerous requests already with the anticipation of this Act passing. Mr. Barry Hood commented that they receive calls all the time in the Roads Department requesting assistance with their private drives. The Commissioners are not willing to do the work because it is off the right-of-way. Councilor Hoskin inquired if it would be a rare exception for a County Commissioner to install a whistle. Mr. Hood commented the County Commissioner would probably do it if they materials were provided. The Commissioners are not legally able to go past the right-of-way. Councilor Hoskin Jr. stated this would be a very limited use of the bridge access funds. Beyond the ditch would have to utilize the Self-Help program. He commented he has a citizen who meets the income qualifications needs assistance getting from the public road to her home. The absurd result she has seen is that the Nation is willing to help with a porch or ramp to get to the driveway but aren't willing to connect the driveway to the public road. Councilor Thornton commented over the years he has received very few requests for this type of assistance. In the past the Housing Authority had a program to do these types of services. He stated when the bridge access funds first come about it was supposed to provide tin horns and gravel for citizens driveways. Councilor Bill John Baker stated Mr. Hood is correct that there are a lot of Cherokees who want gravel but it changes drastically when it becomes a need. If an ambulance or a propane truck can't get to the home then it is a need. Last year \$18,000 was carried over in the Self-Help program. He stated when the bridge and roads funds were established he had made the motion for approval with Councilor Anglen requesting a friendly amendment for it to also be for access. Tin horns were mentioned at this time and it was agreed to. He questioned why change in mid stream. Councilor Anglen stated he doesn't remember making the friendly amendment. He gave a point of clarification that every County Commissioner that the deals with provides a tin horn and a load of gravel. Councilor Fullbright commented she would be in support of the legislation and didn't feel there would be a great flood of requests. Councilor Cowan Watts using the \$18,000 cushion from last year commented at \$350 per load of gravel it would be 3 loads per 15 Council members. Councilor Cowan Watts made a friendly amendment to allow 3 loads of gravel per Council person and all of the people who receive those must be published in the Cherokee Phoenix. Councilor Hoskin Jr. commented it is a move in the right direction however his citizen don't always need gravel sometimes the need is lumber or materials. He commented the friendly amendment is to restrictive and requested input from his co-sponsor. Councilor Bill John Baker commented this is back to the same philosophy of all Cherokee citizens in all parts of the Nation can fit in a round hole and sometimes we have square pegs. The need for driveway assistance may be little to none in the metropolitan areas while in the rural areas it could be vastly different. Both Councilors Hoskin Jr. and Bill John Baker declined the friendly amendment. Councilor Cowan Watts changed her friendly amendment to a motion. Councilor Garvin seconded the motion. Councilor Thornton voiced concern for

*setting an amount per load but just to an amount per Council member. Councilor Cowan Watts accepted as a friendly amendment for it to be \$1,200 per Council member. Councilor Garvin also accepted. Councilor Hoskin requested a friendly amendment for gravel or subsequent driveway materials. Councilor Cowan Watts and Garvin agreed.*

**Councilor Cowan Watts amendment with friendly amendments failed with the following roll call vote:**

**Yea:** 7 - Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Bradley Cobb and Julia Coates

**Nay:** 10 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap and Chuck Hoskin, Jr.

*Councilor Cobb inquired as to the guidelines for the Self-Help program. Ms. Beverly Barr stated it is for materials only for minor home repair. The income guidelines are 50% of the National Medium. Councilor Crittenden commented applicants have to go through the rehab program first before the self-help program. He further commented that it seems as though every time there is an opportunity to help our people there is opposition and worries about the budget. We are to be good stewards of the people's money. He voiced concern and confusion when we can give hundreds of thousands of dollars to elected officials through the Political Action Committee but can't take care of our people's needs.*

**The motion for approval carried with the following roll call vote:**

**Yea:** 9 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell and Chuck Hoskin, Jr.

**Nay:** 8 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

RECESS

**Chair Jack D. Baker called for a recess to allow everyone to get their lunch and bring it back to the meeting. The meeting recessed at 12:17 p.m.**

RECONVENE

**Chair Jack D. Baker reconvened the meeting at 12:30 p.m.**

**3. MOD SUPPLEMENTAL - DONATIONS/CONTRIBUTIONS EXCEPTIONS**

*Chair Jack D. Baker announced this list of donations and contributions are the items turned down from the sub committee.*

**Councilor Glory-Jordan commented the first item on the list, The Tahlequah High School Cheerleading Squad, was not part of the motion to be brought forward and needs to be stricken. She moved to approve Junior Miss Cherokee Contest, Sequoyah High School Art Awards, Elm Tree Baptist Church, Reaching Our Hulbert Community and Shiloh Christian School to be part of the mod with the money source being the equitable funding she and Councilor Bill John Baker have for these items. She commented these were turned down mostly because they could go through COTTA. She has been told**

all of the COTTA funding has been used. The others were said to be funded from the motor fuels tax however the schools are so underfunded now. Councilor Bill John Baker seconded the motion. The motion carried with the following roll call vote:

**Yea:** 9 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell and Chuck Hoskin, Jr.

**Nay:** 7 - Don Garvin; Buel Anglen; Jack D. Baker; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

**Not In Room:** 1 - Cara Cowan Watts

*Councilor Glory-Jordan commented the Cherokee National Day of Prayer was turned down due to an in-kind donation for the use of Cherokee Nation facilities to host the event. The \$300 request is for other needs that come about with hosting an event. Councilor Glory-Jordan moved to approve the Cherokee National Day of Prayer as a multi district donation for \$300. Councilor Bill John Baker seconded the motion. He gave a brief background of the event by commenting it has been in held in many different districts and that if we ever need prayer it is now. Councilor Thornton commented he would be in support of this request.*

**The motion to approve the Cherokee National Day of Prayer carried with no opposition.**

*Councilor Glory-Jordan stated the request from the Cherokee Nation Tribal Youth Council is a multi district request for their program needs. They have a budget but have come before us on a yearly basis to request funding for travel needs.*

**Councilor Glory-Jordan moved to approve the Cherokee Nation Tribal Youth Council request. Councilor Bill John Baker seconded the motion. Motion carried with no opposition.**

*Councilor Glory-Jordan stated the Indian Women's Pocahontas Club is also a multi district request for organizational support. She commented the Nation has provided support in the past. This request is to assist in their travel and annual events. Councilor Glory-Jordan moved to approve. Councilor Bill John Baker seconded the motion. Councilor Cowan Watts announced she is a member of this organization and to date they have had no accountability for some of the funds. She highly suggested this request be tabled that they have also had on going issues with their cultural identities and if it is appropriate on some of the things they have done. The majorities of the women in the group are financially sound and have the capacity to pay for their own travel expenses.*

**Councilor Cobb moved to table Indian Women's Pocahontas Club request to next month. Councilor Anglen seconded the motion. The motion to table carried with Councilors Glory-Jordan and Hoskin Jr. opposed.**

*Councilor Glory-Jordan stated the Indian Nations Council which is basically the Boy Scouts of America is also a multi district request for organizational support. She made a motion to approve. Councilor Bill John Baker seconded the motion and requested a friendly amendment that the funds are also used for running water and sanitation needed at Camp Fred Darby. This will keep them from loosing the camp.*

**The motion to approve the Indian Nations Council with the friendly amendment passed with the following roll call vote:**

**Yea:** 9 - Bill John Baker; S. Joe Crittenden; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Harley Buzzard; Curtis Snell; Chris Soap and Chuck Hoskin, Jr.

**Nay:** 7 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Janelle Fullbright; Bradley Cobb and Julia Coates

**Not In Room:** 1 - David Thornton Sr.

*Councilor Fishinghawk made a motion to approve Zion School for \$500, reduce the Cherokee Children's mission amount to \$2,000, the \$4,500 request for multiple Adair County schools for birth certificates and the \$7,500 request for multiple Adair County schools for their school supply pantries. Councilor Crittenden seconded the motion.*

**The motion to approve carried with the following roll call vote:**

**Yea:** 9 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Curtis Snell and Chuck Hoskin, Jr.

**Nay:** 7 - Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Bradley Cobb and Julia Coates

**Not In Room:** 1 - Chris Soap

*Councilor Buzzard moved to approve the Oaks Indian Mission for \$5,000 as a multi district request. He gave a brief history of the Mission and their current students and staff. Councilor Cobb inquired as to the pending status listed on this request. Chair Baker stated this request was recommended for approval at the last meeting. Secretary of State Knight gave clarification that this item was recommended by the Principal Chief to the sub committee for \$10,000. She inquired if this motion is to reduce what has already been approved. Councilor Buzzard agreed the motion is to reduce the request to \$5,000. Councilor Cowan Watts announced she has been asked to be the keynote speaker at Oaks Mission's banquet Saturday night. She was advised Mr. Hembree to abstain from this vote.*

**The motion to reduce Oaks Indian Mission to \$5,000 carried with Councilor Cowan Watts abstaining.**

**Councilor Glory-Jordan requested clarification that the approved requests would go into the budget modification. Chair Jack D. Baker confirmed they would as that was the motion. Mr. Doug Evans inquired if it would be a list of those approved as the funds have already been appropriated. Councilor Glory-Jordan stated once they are approved in committee they become part of the budget modification. Mr. Evans requested clarification that this is a reporting mechanism inside the legislation of which ones have gone through the process. Councilor Bill John Baker stated they didn't get funded through the process, so the funds have been identified out of that budget to fund them through this committee through the mod process. Ms. Catcher clarified it is all coming out of the same contributions budget. This is effectively itemizing within a budget which has no impact on the budget legislation. Mr. Hembree stated the requests will all be in mod 4 stating the organization, the amount given and the funding source.**

**4. AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 - MOD. 4; AND DECLARING AN EMERGENCY**

*Mr. Evans announced Mod 4 is a very significant mod package of \$45ml. He provided an overview of Mod 4. He commented item 13 of his review listed as Muskogee Clinic Carryover is the name on an accounting unit that needs to be changed as it is Hastings Facility Improvements. He provided a handout of information of how this request would be utilized. Councilor Fishinghawk inquired if*

*these items listed were part of the plan provided during the take over. Ms. Melissa Gower commented the only one that may not have been identified by a specific line item would be the OB/Post Partum. Councilor Fishinhawk inquired if justification was received for the \$10ml request in item 14. Ms. Gower stated the equipment replacement is for pharmacy robotics, upgrade the phone systems, and annual medical equipment replacement fund. They do not have money in their recurring budget for the replacement of medical equipment as it is done through an annual assessment. This equipment replacement also includes hardware and upgrading the RPMS server and networks system for the computer. Mr. Evans continued with his overview.*

**Councilor Cowan Watts moved to approve Mod 4. Councilor Coates seconded the motion. Motion carried by acclamation.**

5.

AN ACT AWARDING SCHOLARSHIPS TO CHEROKEE NATION STUDENTS WHO ARE ACCEPTED TO THE MILITARY SERVICE ACADEMIES OF UNITED STATES

*Councilor Bill John Baker announced kids being accepted in the a military service academy receive a free ride for a very expensive education however they must pay approximately \$3,000 for deposits and to get to the academy. This legislation mirrors what was passed a few years ago. He commented Sequoyah High School has had a student for the past three to four years that has been accepted into an academy. Councilor Bill John Baker made a motion to approve and fund through the Education Scholarship Fund. Councilor Garvin seconded the motion. Ms. Knight pointed out that this item hasn't been through the Education Committee. She recommended that it go through that committee so numbers may be developed as to how many are being funded, the financial impact and so forth. The existing scholarship fund is taxed and they are unsure if they will be able to make the valedictorian and salutatorian awards that have come out of the surplus funds. She stated until numbers are developed the Administration can not recommend passing this legislation. Councilor Cowan Watts made a motion to move to the Education & Culture Committee in March. Councilor Cobb seconded the motion. Councilor Bill John Baker inquired if it could be discussed in Education & Culture committee today. Councilor Cowan Watts commented the courtesy has been requested to allow time to determine numbers which would require more than an hour or two. Mr. Evans commented he held a discussion with Education last Friday pursuant to questions regarding the valedictorian and salutatorian funding. This funding source will become much clearer as to the obligations necessary to be paid with the spring semester enrollment over the next two to three week period. With a one month delay the information necessary should be available to make a determination if that scholarship fund could also accommodate this service.*

**The motion to table this to the Education & Culture Committee in March passed with no opposition.**

**Chair Jack D. Baker announced four items have been passed out of this committee today. He inquired if the will of the committee is for them to go to full Council tonight. Councilor Hoskin Jr. made a motion to move all items passed today to full Council tonight. Councilor Crittenden seconded the motion. Motion carried.**

## ANNOUNCEMENTS

*Councilor Cowan Watts requested clarification on how to request the legal fees. She commented she is aware there are other Council members accessing those funds. She stated she and Councilor Garvin filed their reapportionment lawsuit and they would like access to those funds as well. Mr. Evans stated the 2010 budget for the*

*Tribal Council had significant adjustments, primarily the community assistance was stricken as well as the contract service line item. The contract service line item went from providing \$10,000 per Council member for legal fees plus an additional \$150,000 in contract services. This line item was reduced to a total of \$100,000 for contract services. He stated he is unsure as to what the \$100,00 is to be used for as he didn't prepare the makeup of what came back. These funds may be being utilized for this body's defense of LA-14-08. Councilor Hoskin Jr. called point of order questioning if this discussion is germane to the agenda as the Attorney General recently cautioned us and the agenda hasn't been amended for this discussion. Councilor Cowan Watts requested this issue be placed on the next agenda.*

ADJOURNMENT

**Councilor Bill John Baker moved to adjourn. Councilor Crittenden seconded the motion. Motion carried at 1:10 p.m.**

STAFF PRESENT:

|                       |                       |                             |
|-----------------------|-----------------------|-----------------------------|
| <i>Callie Catcher</i> | <i>Melanie Knight</i> | <i>Nason Morton</i>         |
| <i>Beverly Barr</i>   | <i>Doug Evans</i>     | <i>Shelley Butler-Allen</i> |
| <i>Larry Ketcher</i>  | <i>Diane Kelley</i>   | <i>Jon Overacker</i>        |
| <i>Jeff Vance</i>     | <i>Mike Miller</i>    | <i>Anna Knight</i>          |
| <i>Gregg Simmons</i>  | <i>Melissa Gower</i>  | <i>Barry Hood</i>           |

VISITORS PRESENT:

|                            |                      |                     |
|----------------------------|----------------------|---------------------|
| <i>Shawn Slaton</i>        | <i>Gwen Henry</i>    | <i>Todd Hembree</i> |
| <i>Gina Olaya</i>          | <i>Bryan Collins</i> | <i>Carey Tilley</i> |
| <i>Robert Drvostep</i>     | <i>Corey Bunch</i>   | <i>J.C. Shine</i>   |
| <i>Kimberlie Gilliland</i> |                      |                     |