



# Council of the Cherokee Nation

## Meeting Minutes

### Tribal Council

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Monday, March 12, 2007

6:00 PM

Council Chambers

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#### CALL TO ORDER

**Deputy Speaker Hoskin called the meeting to order at 6:00 p.m. in the Tribal Council Chambers, W.W. Keeler Complex.**

#### INVOCATION

**Deputy Chief Grayson 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 Conner moved to approve the minutes of the February 9th Special Session. Councilor O'Leary seconded the motion. Motion carried.**

**Councilor Bill John Baker moved to approve the minutes of the February 12th Regular Session. Councilor Conner seconded the motion. Motion carried.**

#### STATE OF THE NATION

*Chief Smith requested a moment of silence to reflect on the passing of friends, neighbors, citizens and one of America's finest Veterans, Billy Walkabout who died earlier this week at the age of 67. Billy Walkabout was from Cherokee County and one of the most decorated soldiers during the Vietnam War. The Walkabout family will be presented with the Cherokee Nation Warriors Medal and Certificate in his honor at next month's Council meeting. Chief Smith recognized the Sequoyah Boys & Girls Basketball Teams for their success in the State Basketball Tournament and for their statesmanship, sportsmanship, athleticism, and academics. Veterans honored were Robert L. Vance and Audie Joe Hayden. The McCoy Family of Vian, Oklahoma presented Cherokee Nation with a Medicine Hawk in honor of Jim McCoy, who was a highly respected and loved Cherokee elder of the Sycamore Community. Cherokee Nation is proud to offer the display in memory of both Jim McCoy and the Medicine Hawk. Chief Smith read a poem written by Yannah Brown, granddaughter of Jim McCoy. Cherokee Nation recently held a special election on whether or not to amend our Constitution. The Cherokee voters approved the referendum amendment to the Cherokee Constitution by a decisive vote of 77% polled. The amendment limits citizenship in the Cherokee Nation to descendants of people who are on the final rolls of the Cherokee Nation as Cherokee, Delaware, Shawnee and excludes descendants of those listed on intermarried white and Freedmen role. If you have a Cherokee ancestor on the Dawes Roll by blood you are and in time will be a citizen of the Cherokee Nation. Cherokee*

*Nation will be holding its general election on June 23rd, 2007. A total of seventeen Council seats along with the office of Principal Chief and Deputy Principal Chief will be on the ballot and Cherokee Nation encourages each and every Cherokee citizen to register to vote. The last day to register vote is March 30th, 2007. Cherokee Nation donated \$2.6 million dollars from the car tag sales to public schools located within their jurisdiction. Chief Smith introduced Ronald J. Foster, the new CEO of Cherokee Nation Businesses. The Sequoyah High School Wrestling Team won district champions in the Class 2A districts. The Cherokee Nation Marshal Service raised the most funds in the State for Special Olympics and had the most participants who took the plunge into the icy Illinois River. Cherokee Nation Legislative Day will be held on March 27th at the State Capital. Northeastern State University will hold its annual American Indian Symposium April 18-21, 2007.*

**Councilor Jack D. Baker moved to amend the agenda to add a Resolution Authorizing the Bureau of Indian Affairs (BIA) to Revise and Update the Cherokee Nation's Inventory of Indian Reservation Roads as item #11 under new business. Councilor Bill John Baker seconded the motion. Motion passed unanimously.**

#### ACTION OF UNFINISHED BUSINESS

*None pending.*

#### COMMITTEE REPORTS

##### Monthly Reports:

##### Housing Authority - David Southerland

*David Southerland announced the CN Housing Authority Board meeting is scheduled for March 20th at 5:30 in the Alyene Hogner conference room. The board will have discussion on their policy for illegal drug use and violent criminal activity. They are trying to find some consistencies in their policy about putting some quantitative things in place. They are expecting their annual audit to be completed by the end of the week but there has not been a definite date set as to when the auditors will present the FY 2006 audit. The President's budget for the Indian Housing Block Grant Program for FY 2008 is very close to the amount of FY 2007. HUD has been taking comments on the use of the multi-rates data during and the original comment period ended on February 12th but has been extended to April. Cherokee Nation has submitted comments on that issue and they are hoping there will be a resolution before the end of this calendar year. The National Indian American Housing Council which is funded with federal funds from HUD recently went through a major down sizing by laying off 60% of their staff due to the continuing resolution for the FY 2007 funding. The group was zeroed out in FY 2006 because Congress and the President felt they had enough funds previously appropriated to carry them through.*

##### Cherokee Nation Enterprises - David Stewart

*avid Stewart reported January presented its challenges with two weeks of ice storms but they still had good results and they expect to recover in February and preliminary results show they will be able to do so. The CNE dividend was \$2.2 million with an additional \$70,000 return from sales tax. Their projects are moving as planned with the topping off of the opening ceremony at the parking garage which means they have reached the highest point of five floors and it's a traditional ceremony with the general contractor, Flintco to represent on time, on budget and no accidents. Total employment is 3042 employees with 73% being Native American and 60% being Cherokee and they continue to work to increase that percentage.*

## Cherokee Nation Industries - Bryan Collins

*Brian Collins reported total sales at \$6.68 million which is 9% greater than last year. February monthly sales were \$8.4 million and profitability which is still moving in the right direction is \$1.6 million. Local employment in the Tahlequah/Stilwell area is 262 of which 236 are Native American and of that 231 are Cherokee. The next CNI Board meeting is March 26th at 3:00 p.m. at the Tahlequah Telecom Facility located at 203 East Choctaw.*

## Cherokee Nation Business, Inc - Callie Catcher

*Ron Foster reported CNB has received their first payment from Gates on the Connex divesture. They have begun working with CNI to extend a medical services contract utilizing CSG's new 8A status and they will be negotiating with the government on this very quickly. He has reviewed the final draft of the first printing of CNB's marketing campaign brochure. This will be the brochure they take into companies they will be looking at acquiring or talking about CNB services. The CNB staff this past week has been very active in seminars and trade organizations. They attended the Tribal Business Opportunities Seminar in Okmulgee. The CNB Business Development Group will be in attendance at the 2007 REZ Conference which kicks off tomorrow morning. The next scheduled CNB Board meeting will be March 24th at the CNB conference room at 9:00 a.m.*

## OLD BUSINESS

*None pending.*

## NEW BUSINESS

1. A RESOLUTION CONFIRMING THE APPOINTMENT OF TROY WAYNE POTEETE AS A JUSTICE OF THE SUPREME COURT OF THE CHEROKEE NATION

**A motion was made by Councilor Jackie Bob Martin and seconded by Councilor Don Garvin, that this matter be Approved. The motion failed by the following vote:**

**Yea:** 8 - Jackie Bob Martin;Phyllis Yargee;Don Garvin;Meredith Frailey;Cara Cowan Watts;William G. "Bill" Johnson;Buel Anglen and Jack D. Baker

**Nay:** 8 - S. Joe Crittenden;Linda Hughes-O'Leary;Melvina Shotpouch;John F. Keener;Charles "Chuck" Hoskin;Taylor Keen;Bill John Baker and Audra Smoke-Conner

**Abstain:** 1 - David Thornton Sr.

Enactment No:

2. A RESOLUTION CONFIRMING THE RENOMINATION OF JOHN T. CRIPPS AS A DISTRICT JUDGE OF THE CHEROKEE NATION DISTRICT COURT

**A motion was made by Councilor Bill John Baker and seconded by Councilor S. Joe Crittenden, that this matter be Approved. The motion carried with opposition from Councilors Hoskin and Keen.**

**Yea:** 15 - 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;Jack D. Baker;Bill John Baker and Audra Smoke-Conner

**Nay:** 2 - Charles "Chuck" Hoskin and Taylor Keen

Enactment No: R-27-07

3. A LEGISLATIVE ACT AMENDING TITLE 51, "OFFICERS", OF THE CHEROKEE NATION CODE ANNOTATED; RELATING TO DUTIES OF THE ATTORNEY GENERAL

**A motion was made by Councilor Taylor Keen and seconded by Councilor S. Joe Crittenden, 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-12-07

4. CHEROKEE NATION ADMINISTRATIVE PROCEDURE ACT

**A motion was made by Speaker Meredith Frailey and seconded by Councilor Jackie Bob Martin, 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-13-07

5. A LEGISLATIVE ACT AMENDING TITLE 51 "OFFICERS" OF THE CHEROKEE NATION CODE ANNOTATED; RELATING TO DUTIES OF THE DELEGATE TO CONGRESS

**Councilor Keen moved for the approval. Councilor O'Leary seconded the motion. The motion for approval of this Act passed by acclamation.**

Enactment No: LA-14-07

6. A LEGISLATIVE ACT AMENDING TITLE 4 SECTION 21 OF THE CHEROKEE NATION CODE ANNOTATED RELATING TO GAMING WITHIN THE JURISDICTION OF THE CHEROKEE NATION; AND DECLARING AN EMERGENCY

**A motion was made by Councilor Bill John Baker and seconded by Councilor Cara Cowan Watts, 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-15-07

7. A RESOLUTION AUTHORIZING COMMERCE STAFF TO DEVELOP AND SUBMIT A LOAN APPLICATION TO USDA TO REPLINISH LOAN FUNDS AVAILABLE FOR SMALL BUSINESSES

**Councilor Conner moved for the approval. Councilor O'Leary seconded the motion. Motion passed unanimously.**

Enactment No: R-28-07

8. A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S. FISH AND WILDLIFE SERVICE FOR A TRIBAL WILDLIFE GRANT

**Councilor Martin moved for the approval. Councilor Garvin seconded the motion. Motion passed unanimously.**

Enactment No: R-29-07

9. A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY OVER TRIBAL TRUST LAND IN ADAIR COUNTY KNOWN AS CMS-32 BETWEEN CHEROKEE NATION AND FRED AND RONDA HOLTZ, FOR ACCESS

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

Enactment No: R-30-07

10. AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 - MOD 5; AND DECLARING AN EMERGENCY

*Councilor Bill John Baker stated this mod went through the Executive and Finance Committee on February 23rd, 2007. It was amended on the floor to include mod 3 that last went to full council in the amount of \$14, 896,000.87 therefore this mod will be for a total of \$18,249,242.00.*

**A motion was made by Councilor Cara Cowan Watts for division on the bonus increase to employees. The motion FAILED by the following vote:**

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

**Nay:** 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

Enactment No: LA-16-07

**A motion was made by Councilor Bill John Baker and seconded by Councilor S. Joe Crittenden, that this matter be Approved. The motion carried by the following vote:**

**Yea:** 9 - S. Joe Crittenden;David Thornton Sr. ;Phyllis Yargee;Linda Hughes-O'Leary;Melvina Shotpouch;Charles "Chuck" Hoskin;Taylor Keen;Bill John Baker and Audra Smoke-Conner

**Nay:** 8 - Jackie Bob Martin;Don Garvin;John F. Keener;Meredith Frailey;Cara Cowan Watts;William G. "Bill" Johnson;Buel Anglen and Jack D. Baker

Enactment No: LA-16-07

11. A Resolution Authorizing the Bureau of Indian Affairs (BIA) to Revise and Update the Cherokee Nation's Inventory of Indian Reservation Roads

**Councilor Martin moved for the approval. Councilor Garvin seconded the motion. Motion passed unanimously.**

Enactment No: R-26-07

#### ANNOUNCEMENTS

*Councilor Garvin recognized Tammy Haley and family. Councilor Crittenden recognized Bob Leach, June Leach and Jack Christie from Adair County. Councilor Shotpouch recognized the Tribal Youth Council. Councilor Bill John Baker recognized Mickey Igert and Barbara Dawes-Martin. Speaker Frailey recognized Jerry Troglin and Sue Fine from her district.*

#### ADJOURNMENT

Next Tribal Council meeting will be held on April 16th, 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.

**With no further business presented, Councilor O'Leary moved for adjournment.**

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Meredith Frailey, Speaker  
Council of the Cherokee Nation