



# Council of the Cherokee Nation

## Tribal Council Minutes Tribal Council

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Tuesday, February 17, 2009

6:00 PM

Council Chambers

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### CALL TO ORDER

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

### INVOCATION

**Councilor Soap gave the invocation.**

### ROLL CALL

**Present** 16 - 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. and Bill John Baker

**Absent** 1 - Julia Coates

### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

**Councilor Bill John Baker made a motion to approve the January 12, 2009 minutes. Councilor Cowan Watts seconded the motion. Motion carried.**

**Councilor Buzzard made a motion to amend the agenda to include two resolutions approved in the Resource committee earlier today. The first one is a resolution submitting a grant application to the EPA and the second is a resolution updating the IRR road system. Councilor Bill John Baker seconded the motion. Motion carried.**

### STATE OF THE NATION

*Chief Chad Smith provided the Council members with a copy of the latest CD by the Youth Choir. Chief Smith requested a moment of silence to recognize the fellow loved ones, friends, and citizens who have passed over the last month as Anna Rooster, Greg Pickup, Ray Phillips, Nettie Adair, Andrew Hair, Evan Gonzales, George Goodnight, Markus Studie, Alvin Washington, Eric Hanson, Jeff Gibson, and Jess Doublehead. Chief Smith honored State Representative Shane Jett not only as a Cherokee citizen but as a veteran. Also honored veterans Edward C. Ketcher Sr. and Ryan K. Tiger. He provided an update on the stimulus package as it was signed today in Denver. He stated they had met with the transition team to discuss how Indian Country could benefit from the stimulus package. The stimulus package will provide close to \$4bl to Indian Country. They are currently in the process of determining how to compete for the funds. He gave appreciation to the employees and elected officials who have worked diligently to secure part of the legislation for Indian Country. He announced the Cherokee Nation has filed a lawsuit asking a federal court in Oklahoma to resolve the long standing dispute of whether non Indian Freedman defendants have a federal right to citizenship in the Cherokee Nation. Last year he shared with members of Congress that if they would allow the federal courts to decide that we would push to have the controversy heard on the merits.*

*This filing is the Cherokee Nation keeping its word. This is the quickest way to an impartial, non political, judicial solution. This is the best way to have the matter settled once and for all. The Cherokee Nation's Natural Resource Department has a program to ensure future generations will be able to enjoy the same traditional plants that have been part of Cherokee history for centuries. This seed exchange encourages gardeners to grow these special heirloom plants then return a few seed to help replenish the Cherokee Nation seed stock. All of the seeds have been spoken for. Seed corn was given out at the State of the Nation where people were encouraged to bring back an ear of the corn to the State of the Nation address the next year. The Emergency Management Team helped during the ice storm disaster by providing shelter, water, and food. Chainsaw crews were sent out to clear road ways. Chief Smith gave appreciation to Councilors Fishinghawk, Crittenden, Glory-Jordan and Bill John Baker for their help expediting the chainsaw crews. The Community Service group is once again offering free tax preparation services for Cherokee citizens with an annual income of \$42,000 or less. They are notifying Cherokee citizens that a state tax exemption is available for Cherokee citizens who work in certain locations and live on family land that is either in restricted or trust status. The ice storm has changed Sequoyah Schools calendar by making up the days missed at the end of the year. Ms. Linda Donelson, Director of Real Estate Services, will discuss all aspects of land allotment and policies within the Cherokee Nation on March 19th in the Council Chambers. Chief Smith announced he was invited to the PBR last weekend in Oklahoma City to watch Ryan Dirteater a Cherokee citizen from Hulbert. The next day he visited the State Capital to discuss English only. While there he met a Cherokee world champion bronc rider Justin McDaniel from Pourm who was being acknowledged by the Oklahoma Legislature for his accomplishments. He encouraged everyone to visit with their State Representatives to discuss English Only. He gave appreciation to Chuck Hoskin Sr. for combating these bills. He stated an image needs to be created at this moment in time for all people that we are a warm hearted, open minded and a very tolerant people.*

#### ACTION OF UNFINISHED BUSINESS

*None pending.*

#### COMMITTEE REPORTS

##### Monthly Reports:

##### Housing Authority - David Southerland

*Ms. Sharon Lay reported for Mr. Southerland who was attending the Housing Authority board meeting. One of the items on the board's agenda was funding for Rural Water District #3 in Cherokee County. They have received the renewal form Community Shield last week. Frame homes are now are \$370 a year which is a \$2 increase. Mobile homes are now \$465 a year which is a \$3.42 increase per month. They received a good clean audit last week.*

##### Cherokee Nation Enterprises - David Stewart

*Mr. Shawn Slaton reported they continued to see a weakness in the market in December. January does show a turn around which follows what historically has been the trend. Their contribution from taxes back to the Cherokee Nation for the month of January is \$118,000. The expansion projects continue at West Siloam. Phase II is scheduled to open in July. The hotel has been put back out for bid in attempt to take advantage of the softening market. Completion is scheduled for June 10th. They anticipate opening the hotel and convention center in Catoosa during the*

first week of May. They are working through some sewer issues with the City of Tulsa. In June of 2009 they will remodel Twisters along with the Hard Rock gift shop. Toby Keith's will open July 1st. The top floors of the hotel will also open the first of July. They are going to rebid the entire theatre project. CNE's employment is at 3,468 which is an increase of 22 employees from last month. They have a 58.9 Cherokee percentage and other Native Americans at 11.4% for a total of 70.3%. The management level is at 59.9% Cherokee and other Native Americans at 76% for a total of 67.5%. The CNE employees have committed to 16,000 hours of volunteer time at the veteran's center.

#### Cherokee Nation Industries - Bryan Collins

Mr. Collins reported the industry is still soft. They are working on contingency plans and positioning themselves to acquire more accounts. They do have a bonding solution and are aggressively bidding jobs. They are finalizing the \$17ml contract with HUD and hope to have a start date in mid April. They have a design build for the Okmulgee Central Oklahoma Coop new headquarters with a start date of mid May. They are on target to finish the Bixby project in August on schedule and budget and have been awarded an additional \$500,000 project on site. He gave appreciation for all of the support with the bonding issues. The revenue to date for construction is \$25ml with a budget of \$41ml. The telecommunication and technology segment is approximately \$5ml behind on budget as well. AT&T's orders have been reduced significantly but have been notified their order will begin to pick back up. He announced they have repositioned and are aggressively going after business with Verizon. They have experience significant improvements in production in the Aerospace division. CNI's current employment is 426 with 86% Native American content. Mr. Collins stated the next board meeting has not been scheduled at this time.

#### Cherokee Nation Business, Inc - Brad Carson

Mr. Slaton reported he attended the CNB board meeting. He stated they are working extremely hard to get the landfill open by the first of April. He stated Mr. Stewart is working closely with the other CEO's to ensure everyone is moving in the same direction.

#### OLD BUSINESS

*None pending.*

#### NEW BUSINESS

##### Resource Committee

- A RESOLUTION AUTHORIZING THE SUBMISSION OF THE CHEROKEE NATION'S INTEGRATED RESOURCE MANAGEMENT PLAN GRANT PROPOSAL TO THE BUREAU OF INDIAN AFFAIRS**  
**Councilor Snell moved for the approval. Councilor Bill John Baker seconded the motion. Motion carried.**  
Enactment No: R-12-09

Rules Committee

2. **A RESOLUTION EXPRESSLY WAIVING THE SOVEREIGN IMMUNITY OF THE CHEROKEE NATION AND OF CHEROKEE NATION HOME HEALTH SERVICES TO THE EXTENT IT MAY EXIST, AS IT APPLIES TO THE BANCFIRST AND CHEROKEE NATION HOME HEALTH SERVICES LOAN AGREEMENTS**

Councilor Buzzard made a motion to approve this resolution to waive sovereign immunity of the Cherokee Nation and Cherokee Nation Home Health Services to the extent it may exist as it applies to BancFirst and Cherokee Nation Home Health Services in the loan transaction. He stated this is a loan to purchase a nursing home in Jay, Oklahoma. He gave appreciation to Mr. Rick Richards for his hard work on this project. Councilor Crittenden seconded the motion. Councilor Hoskin Jr. offered a friendly amendment to add its officers or elected officials in the 5th Whereas where there are two references stating against the Cherokee Nation. He stated this would fully encompasses any possible action against any officer or elected official. Councilors Buzzard and Crittenden accepted the friendly amendment. Motion carried.

Enactment No: R-13-09

Executive and Finance Committee

3. **AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 4; AND DECLARING AN EMERGENCY**

*Councilor Jack Baker announced Mod 4's main items are bringing forward \$10,800,000 of unused funding from the last fiscal year. Unfortunately there is a \$9ml reduction due to the down turn of the economy in expected revenues.*

Councilor Jack Baker made a motion for approval. Councilor Cowan Watts seconded the motion. Motion carried by acclamation.

Enactment No: LA-02-09

4. **A LEGISLATIVE ACT AMENDING TITLE 68 CHAPTER 3 OF THE CHEROKEE NATION CODE ANNOTATED - SALES TAX; ADDING EXEMPTIONS FOR ONE HUNDRED PERCENT (100%) PERMANENTLY DISABLED VETERANS**

*Councilor Hoskin Jr. announced this would amend the current exemptions from the sale tax code to include 100% disabled Veterans.*

Councilor Hoskin Jr. moved for approval. Councilor Bill John Baker seconded the motion. Motion carried by acclamation.

Enactment No: LA-03-09

5. **A LEGISLATIVE ACT AMENDING LA#01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING AND ADDING DEFINITIONS;**

*Councilor Hoskin Jr. announced this adds to our existing legislation on mini trucks to*

*further define to be consistent with the federal regulations.*

**Councilor Hoskin Jr. moved for the approval. Councilor Cowan Watts seconded the motion. Motion carried by acclamation.**

Enactment No: LA-04-09

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

*Councilor Jack Baker announced this amendment removes two financial institutions and adds Wells Fargo.*

**Councilor Jack Baker moved for the approval. Councilor Cowan Watts seconded the motion. Motion carried.**

Enactment No: R-14-09

**7. A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE EPA DRINKING WATER TRIBAL SET-ASIDE PROGRAM**

*Councilor Cowan Watts announced this is for an EPA 2009 drinking water tribal set aside program grant for \$307,500 with no match requirements.*

**Councilor Cowan Watts moved for the approval. Councilor Crittenden seconded the motion. Motion carried.**

Enactment No: R-15-09

**8. A RESOLUTION AUTHORIZING THE BUREAU OF INDIAN AFFAIRS (BIA) TO REVISE AND UPDATE THE CHEROKEE NATION'S INVENTORY OF INDIAN RESERVATION ROADS**

*Councilor Snell announced this resolution is for a long-range transportation plan and authorizes the BIA to update the Nation's IRR inventory.*

**Councilor Snell moved for the approval. Councilor Cobb seconded the motion. Motion carried.**

Enactment No: R-16-09

#### ANNOUNCEMENTS

*Councilor Cowan Watts announced the Cherokee Women's Grassroots Leadership Group will meet this Saturday to discuss scholarships. If anyone is interested please contact her by email.*

*Councilor Crittenden gave appreciation for the ice storm assistance. He stated this was a Ga Du Gi exercise. Councilor Glory-Jordan echoed Councilor Crittendens comments. She commended Chief Smith for going along with the chain saw crew day labor.*

#### ADJOURNMENT

**Councilor Cowan Watts moved for adjournment. Councilor Anglen seconded the motion. Motion carried at 6:45 p.m.**

Next Tribal Council meeting will be held on March 16th, 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**