



Council of the Cherokee Nation

Tribal Council Minutes Tribal Council

Monday, November 10, 2008

6:00 PM

Council Chambers

CALL TO ORDER

Speaker Frailey called the meeting to order at 6:01 p.m.

INVOCATION

Councilor Glory-Jordan gave the invocation.

ROLL CALL

Present 17 - S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap; Bradley Cobb; Chuck Hoskin, Jr. ; Julia Coates and Bill John Baker

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Bill John Baker made a motion to approve the October 13th regular session minutes. Councilor Jack Baker seconded the motion. Motion carried. Councilor Bill John Baker made a motion to approve the October 23rd special session minutes. Councilor Garvin seconded the motion. Motion carried.

Councilor Bill John Baker made a motion to amend the agenda to include three items passed earlier in Resource Committee. He proposed item 7 as the tobacco compact with the State of Oklahoma, item 8 as a rebate to the border smoke shops and item 9 as a resolution in recognition of Jerry Prather. Councilor Cowan Watts seconded the motion. Motion carried.

STATE OF THE NATION

Chief Smith stated the month of Thanksgiving brings into perspective the many things we have to be thankful for. He requested a moment of silence for the fellow citizens James W. Carpenter, Willie Raper, Fannie Dick, Bonita Caviness, Rudy Gourd, Russell Gourd, Eli Gourd, Lyle Sutton, Ann Lilliard, Hope Smith Sober, David Miller and Thomas Monroe Dick who have passed over the past month. He stated Veterans Day tomorrow is a very special day for the Cherokees as all military will be honored. Deputy Grayson Jr. announced tomorrow will be a day to honor our citizens in the military and especially those who have died in combat. He recognized all veterans in the audience and Council and gave appreciation for their service. Chief Smith announced the Cherokee Nation Color Guard has been requested to participate in the Veteran's Day Parade in New York City and will represent the Cherokee Nation in the reopening of the U.S.S. Intrepid Museum in the New York City Harbor. Chief Smith honored four veterans all of whom are Cherokee Nation employees as Ben Stevens, Rogan Noble, Larry Ketcher and Dr. Richard Allen. Chief Smith announced tonight the Council will vote whether or not to accept the new tobacco compact with the State of Oklahoma which provides for a flat tobacco rate of \$6.65 per carton of cigarettes. Last month the Council held a special meeting where

they voted to support the Federal recognition of the Delaware tribe of Indians. He gave appreciation to the Council for the unanimous vote to ratify the measure between the Cherokee Nation and the Delawares. Last week the Cherokee Nation Commerce Department opened a new Small Business Assistance Office in Claremore. The Cherokee Nation Cultural Tourism Department is giving free educational tours of cultural historic sites that are significant to Cherokee culture. Cherokee Nation Health Services has been recently honored by being named the 2008 Exemplary Tribal Organization for Comprehensive Cancer Control. CNE will be opening the doors of the new West Siloam Springs Casino today. He encouraged everyone to take the opportunity to go see the new facility as it is another example of Cherokee history through architecture. The Cherokee Nation Road's Department will host a road dedication and fish fry on November the 18th at 6:30 at the Kansas High School cafeteria for the Daytown Drycreek road project. The \$7.7ml project was financed through the Indian Reservation Roads program. Last week the Cherokee Nation contributed \$145,000 to several Boys and Girls Clubs across the Cherokee Nation. The Christmas season brings the Angel Tree Program which eases the burden of holiday spending for low income Native American families. Chief Smith reminded everyone Christmas is a time of giving and this program gives the opportunity to give to those less fortunate. He announced the Sequoyah High School football team will participate in championship playoffs beginning this Friday.

ACTION OF UNFINISHED BUSINESS

None pending.

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

Mr. Southerland announced the board meeting will be on the 18th in the Allene Hogner Administrative Conference Room. They have been busy with year end activities and auditors will be in later this month to begin their on site work. He announced he would be attending the Southern Indian Plains Housing Association meetings later this week where the definitions of handicapped and disabled will be one of the topics. The Community Shield program continues to do well with approximately 2300 families participating.

Cherokee Nation Enterprises - David Stewart

Mr. Shawn Slaton announced the financial results for September were very strong even with the economic crisis. He stated they expect the same trend of the past years of having a soft October, November and December. The additional contribution made through tax collections was \$95,000 to the tribe. The soft opening at West Siloam was held at 1:00 today with good results. On behalf of the employees he gave appreciation for the support given by the Administration and the Council. He encouraged everyone to visit the facility. He gave appreciation to Charlie Soap and his group for their assistance with the water, gas and sewer issues. He announced an agreement has been reached with the City of Siloam Springs and the town of West Siloam. He gave appreciation to Billy Hix, Lisa West, Diane Kelley and Jon Overacker for all of their assistance with different issues through out the project. He announced they plan to open Catoosa on the 15th of December. The employment statistics continue to hold at approximately 60% Cherokee employment.

Cherokee Nation Industries - Bryan Collins

Mr. Collins announced their next board meeting is on the 16th of December at 2:00 p.m. in Stilwell. He invited everyone to attend the Christmas luncheon prior to the board meeting. He stated on October 23rd and 24th he had the privilege of taking 30 employees to Amarillo to visit the Bell Helicopter facility. Tomorrow they will have a recognition day for the Veterans. They currently have 408 employees in the local area with 86% Cherokee employment. He didn't provide a financial update and stated they are still consolidating the financial for October.

Cherokee Nation Business, Inc - Brad Carson

Mr. Carson announced he would give a more elaborate financial report once the books are closed for fiscal year 08 at the next Executive and Finance meeting. He announced at CNB they are very excited to have been one of the few recipients in the Country and the only tribal organization to receive an allocation of the new market tax credits. This program is the Federal governments most powerful economic development tool. He announced they received a \$60ml allocation. The service area will be over the fourteen county jurisdiction with restrictions toward high poverty and high unemployment areas. Mr. Carson announced the CEO for Cherokee Nation Waste Management is Tom Elkins.

OLD BUSINESS

None pending.

NEW BUSINESS

Health Committee

1.

A RESOLUTION SUPPORTING AND ENDORSING THE CHEROKEE NATION HEALTH CAPITAL IMPROVEMENT PLAN

Councilor Cobb announced the purpose of this resolution is to support the Health Services Capital Improvement plan. While substantial portions of the plan have been completed critical facility needs still exist. In the pending operation of W.W. Hastings Hospital by the Nation presents an opportunity to renew support and commitment to the overall long range health plan. Councilor Cobb moved for the approval. Councilor Thornton seconded the motion.

Speaker Frailey inquired under this plan when can we expect realistic and specific benchmark and timelines for completion of the items described in the plan. Secretary of State Melanie Knight announced an attachment is included with the resolution with proposed sources of funds for the projects. She stated the timing has to do with the sources of funds. In some cases they wish to seek joint venture funding. Once funding arrangements are determined a more specific timeline can become determined. Speaker Frailey inquired if there is a specific strategic planning committee for this process. Ms. Knight stated there is a strategy group within the Health Services Group. Speaker Frailey inquired if funding has to be established before priority are determined. Ms. Knight stated to some degree it does depend on what funds are available and when they are received. Chief Smith stated the joint venture process is an appropriation issue therefore we lobby Indian Health Service and Congress to put more money into that line item and to also be moved up on the priority list. Councilor Glory-Jordan inquired if it would be prudent for some representatives of the Council to be part of any strategic committee regarding this health plan and its implementation. Chief Smith agreed. Councilor Glory-Jordan

requested a friendly amendment to have a portion of this Council set with the strategic planning group. Chief Smith suggested tabling this item and allowing time to advise the Council of the process of the health care plan. Councilor Hoskin Jr. stated this re enforces what he felt in committee that this resolution has zero impact on the Administration. He stated he had inquired as to the impact if this item was tabled during committee and was told it would hold up the process. He stated he has always believed this should be a legislative act. Now it seems tabling this is neither here nor there as far as the projects go. This re enforces the need for an Act that a resolution has no bearing on what will or wont happen. Chief Smith disagreed.

Councilor Cowan Watts moved to table this item back to the Health Committee in December. Councilor Glory-Jordan seconded the motion. Motion carried with Councilor Cobb in opposition.

Resource Committee

2. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR AN EXCHANGE NETWORK GRANT**

Councilor Snell made a motion for approval. Councilor Cowan Watts seconded the motion. Motion carried.

3. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A NATURAL HAZARD MITIGATION PLANNING GRANT APPLICATION**

Councilor Cowan Watts stated this allows the Cherokee Nation to apply for grant money that could fund up to 75% of hazard mitigation projects.

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

Enactment No: R-90-08

4. **A RESOLUTION AUTHORIZING THE SUBMISSION OF THE CHEROKEE NATION'S FOREST MANAGEMENT PLAN TO THE BUREAU OF INDIAN AFFAIRS**

Councilor Snell moved to approve. Councilor Cowan Watts seconded the motion. Motion carried unanimously.

Enactment No: R-91-08

Executive and Finance Committee

5. **AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 1; AND DECLARING AN EMERGENCY**

Councilor Jack Baker this modification includes an increase of just over \$1ml for the Community Development Financial Institution Loan Pool, \$3.5ml brought forward from prior year funding for health equipment replacement, \$172,000 from the 04 Indian Housing Plan for new construction and a \$124,000 EPA grant for the Saline Courthouse.

Councilor Jack Baker moved for the approval. Councilor Cowan Watts

seconded the motion. Motion carried by acclimation.

Enactment No: LA-26-08

6. **AN ACT AUTHORIZING THE CANCELLATION OF \$3,365,000 OF THE 2006 SERIES HEALTH CARE BONDS**

Councilor Jack Baker announced this authorizes the cancellation and replacement of the 2006 health care system bonds from certain bond holders with a face value totaling \$3,365,000 at a discount rate of 94.375. The bonds were repurchased utilizing the motor fuels tax scholarship reserve fund. This fund will be replenished at a interest rate of 4.3% of the bonds until maturity in 2016 from the Cherokee Nation Health Care System original pledged third party revenues.

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

Enactment No: LA-27-08

7. **ACT RELATING TO AND APPROVING A CERTAIN COMPACT WITH THE STATE OF OKLAHOMA TO BE KNOWN AS THE "CHEROKEE NATION/STATE TOBACCO TAX COMPACT ACT OF 2008"**

Councilor Thornton stated the Cherokee Nation and the State have agreed to enter into a compact for the mutual benefit of both sovereign governments. In recognition of the sovereign authority of the Cherokee Nation to exercise the powers of self government and the sovereign authority of the State of Oklahoma to act as an independent sovereign state, this law authorizes the Principal Chief to approve a compact and to take the necessary action to implement the requirements of its provisions as authorized and approved by the Council of the Cherokee Nation. Councilor Thornton commended the Administration on the compact. He stated there are three key beneficial points in this compact; Section 10 - the ability for either party to bring forward action in the United States District Court for review of any arbitration award, Section 13 the Most Favored Nation Clause, and Section 17 where it is agreed for both parties to fully release each other from all actions and any taxes owed to this date. This also dismisses the on going arbitration proceedings.

Councilor Thornton made a motion to approve. Councilor Bill John Baker seconded the motion. Motion carried by acclimation.

8. **A RESOLUTION CALLING UPON THE CHEROKEE NATION TAX COMMISSION TO EXPEDITE THE REBATE OF CERTAIN TRIBAL TOBACCO TAXES COLLECTED PURSUANT TO THE TOBACCO TAX COMPACT BETWEEN THE STATE OF OKLAHOMA AND THE CHEROKEE NATION**

Councilor Bill John Baker announced this resolution goes hand in hand with the compact. It gives assurances that as soon as the Cherokee Nation receives the collected taxes that they will be forwarded on to the border smoke shops within 30 days of receipt.

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

Enactment No: R-92-08

9. **A RESOLUTION RECOGNIZING SHERIFF JERRY PRATHER OF ROGERS COUNTY AS A CHEROKEE CITIZEN OF HONOR AND**

DISTINCTION

Councilor Cowan Watts acknowledge Sheriff Prather and his family and announced under his administration they were able to bring back the cross deputization.

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

Enactment No: R-93-08

ANNOUNCEMENTS

Speaker Frailey acknowledged visitors Bruce Taylor, Rachel, Lee Levinson, Danny Carter, and Joe Lange. Both Mr. Taylor and Mr. Levinson gave appreciation for all of the hard work and support of the smoke shops.

Councilor Bill John Baker recognized John A. Ketcher as a War War II veteran.

Councilor Thornton announced the Vian football team is the 2A District Champs.

ADJOURNMENT

Councilor Bill John Baker made a motion to adjourn. Councilor Cowan Watts seconded the motion. Motion carried.

Next Tribal Council meeting will be held on December 15, 2008 at 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.

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