



Council of the Cherokee Nation

Tribal Council Minutes Tribal Council

Monday, September 15, 2008

6:00 PM

Council Chambers

CALL TO ORDER

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

INVOCATION

Councilor Cowan Watts 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 August 11, 2008 regular session minutes. Councilor Jack Baker seconded the motion. Motion carried.

Councilor Bill John Baker made a motion to approve the minutes of the August 28th special session. Councilor Jack Baker seconded the motion. Motion carried.

Councilor Jack Baker made a motion to amend the agenda to include new business item #11 as the Fiscal year 2009 comprehensive budget act. Councilor Bill John Baker seconded the motion. Motion carried.

STATE OF THE NATION

Deputy Chief Grayson gave the State of the Nation for Chief Smith who is in Washington. He gave remembrance for fellow Cherokee citizens who had passed from life over the past month as Susie Ketcher, Dorothy Wolfe Bracket, Nathan Young Jr. and Billy Robertson. Deputy Grayson gave recognition and honored Cherokee Veteran Josiah Hair. He announced the Cherokee Nation National Youth Choir has been nominated for Native American music awards for Best Gospel and Inspirational recording and the Best Historical Recording categories for their latest CD "Precious Memories". Deputy Grayson recognized the newly crowned Miss Cherokee Feather Smith. Miss Smith gave appreciation and expressed excitement for her upcoming year as Miss Cherokee. He gave appreciation for the volunteers who make the Cherokee National Holiday such a success. He announced Cherokee Nation will host the Saline Courthouse groundbreaking event this Thursday on 10:30 on the grounds of the historic Saline Courthouse.

ACTION OF UNFINISHED BUSINESS

None pending.

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

Mr. Southerland announced the board meeting will be held on the 19th at the Alene Hogner conference room. The Board will be considering upgrades on two different waterlines. A HUD consulting firm will be on site next week to do an assessment on the effectiveness of NAHASDA. There are community meetings planned at the Greg Glass Building in Tahlequah on the 22nd and on the 23rd at the Jay Senior Housing Center. The Community Shield program now has over 2300 families participating.

Cherokee Nation Enterprises - David Stewart

Mr. Stewart announced they continue to have good operating results. For the month of July they are operating at approximately 15% above the number for the previous year and approximately 5% above year to date. The opening of West Siloam is in approximately 60 days. They will be hosting a Native American job fair on September 17th and 18th. They will be hiring very aggressively for West Siloam and in 90 days the first phase of Catoosa will open with the same process.

Cherokee Nation Industries - Bryan Collins

Mr. Robert Drvestep the Chief Financial Officer reported a total of 410 employees with 88% Cherokee. The operating results for the month of August are mixed. The revenue was substantially lower than the budget with an actual amount of \$5.998ml as compared to a budget of over \$9ml. The revenue short fall was due to the rescheduling of product delivery for two major accounts and the telecomm industry slow down. As a result of the decrease in revenue CNI experienced a loss of \$163,000 for the month of August.

Cherokee Nation Business, Inc - Brad Carson

Mr. Carson announced the first draw on the Bank of America credit line will be in the next two to three weeks of approximately \$10ml largely for the landfill. The strategy is to make a number of investments for economic development that may not have a high return but creates the promotion of jobs and better communities for Northeastern Oklahoma. They also look for ways to invest funds outside of the Cherokee Nation jurisdiction if it could benefit Northeastern Oklahoma. Over the next six weeks a multimillion dollar announcement will be made about a health care project here in Cherokee County and an investment in an aerospace company. They are in the process of hiring a CEO for the landfill.

OLD BUSINESS

- 1. A LEGISLATIVE ACT ADDING SECTIONS TO TITLE 57 OF THE CHEROKEE NATION CODE ANNOTATED CONCERNING PRISONS AND REFORMATORIES; REQUIRING SEX OFFENDER REGISTRATION, POST-CONVICTION SUPERVISION FOR THOSE CONVICTED OF CERTAIN OFFENSES, AND NOTIFICATION TO THE COMMUNITY OF CERTAIN SEX OFFENDERS**

Councilor Cowan Watts made a motion to refer this item back to the Rules Committee to be placed on the September agenda. Councilor Bill John Baker seconded the motion. Motion carried unanimously.

NEW BUSINESS

Community Services Committee

- 1. A RESOLUTION AUTHORIZING THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES TO SUBMIT AN APPLICATION FOR TRANSITIONAL LIVING SERVICES FOR YOUTH TO THE U.S. FAMILY AND YOUTH SERVICES BUREAU, RUNAWAY AND HOMELESS YOUTH PROGRAM**

Councilor Buzzard made a motion to approve. Councilor Bill John Baker seconded the motion. Motion carried unanimously.

Enactment No: R-76-08

Health Committee

- 2. A RESOLUTION PROCLAIMING THE MONTH OF SEPTEMBER AS ALCOHOL AND DRUG RECOVERY MONTH WITHIN THE CHEROKEE NATION**

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

Enactment No: R-77-08

- 3. AN ACT ESTABLISHING ADDITIONAL CHEROKEE NATION HEALTH CLINICS, IDENTIFYING FUNDING AND ESTABLISHING TIME FRAMES FOR CONSTRUCTION**

Councilor Glory-Jordan gave an overview of the Act and moved for its approval. Councilor Bill John Baker seconded the motion. Councilor Cobb announced he is not in support of this Act. He stated the Cherokee Nation Health Group already has a plan in place. He stated this item is redundant and places restrictions on the Group Leader. He felt the IPA's were addressed during the numerous meetings held in regard to Hastings Hospital. Councilor Hoskin Jr. disagreed and stated he doesn't see the legislation as being redundant. He sees it as an action by the Council to embrace plans that the Administration has already embraced. He stated this legislation is a great companion to the Hastings legislation passed earlier with the cornerstone of the establishment of the clinic at Tahlequah. He stated the two pieces

of legislation together make a strong statement for health care. Councilor Cowan Watts stated she finds the legislation somewhat disconcerting due to already having the capitol improvement plan. She expressed the importance of respecting the plan. She stated she didn't want to create a misrepresentation to the public by placing emphasis on a portion of the plan and not the entire comprehensive plan. She stated she is unable to support not because of the facilities it highlights but because another mechanism has been provided. Councilor Bill John Baker stated a majority of this Council voted for the take over of Hastings over the objections of the Councilors that represent a majority of the employees of Hastings and constituents who use the facility. He stated Hastings is over crowded and traditionally serves a multitude of people in the emergency room that could be better served in an out patient clinic. He stated for the take over to be a success the clinic needs to be built across from the hospital. He stated this is the only place it has been placed in writing that the faithful employees of Hastings can remain federal employees until retirement. He stated they have been told this but they were also told we would never take over Hastings.

Councilor Glory-Jordan made a motion for approval. Councilor Bill John Baker seconded the motion. Roll call is as follows:

Yea: 12 - S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap; Chuck Hoskin, Jr. and Bill John Baker

Nay: 5 - Don Garvin; Cara Cowan Watts; Buel Anglen; Bradley Cobb and Julia Coates

Resource Committee

4. **A RESOLUTION AUTHORIZING THE PLACEMENT OF LAND IN TRUST - THREE RIVERS HEALTH CENTER, MUSKOGEE**

Councilor Garvin made a motion for approval. Councilor Bill John Baker seconded the motion. Motion carried.

Enactment No: R-78-08

5. **A RESOLUTION AUTHORIZING THE LEASING OF MINERALS AT CHILOCCO, KAY COUNTY, OKLAHOMA**

Councilor Anglen gave an overview of this resolution and moved for its approval. Councilor Garvin seconded the motion. Councilor Cobb stated he is in favor of this request but wanted to make everyone aware that this deals with minerals and drilling therefore he questioned if mandatory drilling requirement had been negotiated, has land reclamation been negotiated, what is the royalty and when is it paid, have we attained an oil and gas attorney and what social programs are the oil and gas companies willing to negotiate. Councilor Bill John Baker inquired if these concerns need to be determined before entering into the lease. Councilor Cobb stated not in his opinion that it would hold up the entire process with the other tribes as well. Councilor Glory-Jordan requested clarification from Ms. Linda Donelson. Ms. Donelson stated they are in the negotiation process at this time. The approval of this resolution will allow the negotiation to continue. In regard to the additional terms requested by Councilor Cobb she stated she doesn't have a problem reporting to the committee on the negotiation process and the terms before the final lease. Councilor Cobb stated his only intent is to alert the Council of these important points. Councilor Hoskin requested clarification if negotiations had been taking place without this resolution. Ms. Donelson stated they have discussed what they would be willing to put on the table as terms. Councilor Hoskin voiced concern for passage without consideration of the issues brought forth by Councilor Cobb but doesn't want to place

Ms. Donelson in an impossible situation. Ms. Donelson stated she could continue discussion without the resolution.

Councilor Hoskin Jr. made a motion to table this item until the October meeting. Councilor Glory-Jordan seconded the motion. Motion carried.

6. **A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT-OF-WAY OVER, ACROSS, IN AND UPON USA IN TRUST LAND FOR THE CHEROKEE NATION LOCATED IN ADAIR COUNTY OKLAHOMA BEING PART OF CMS TRIBAL UNIT 69**

Councilor Crittenden made a motion for approval. Councilor Fishinghawk seconded the motion. Motion carried.

Enactment No: R-79-08

Rules Committee

7. **A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI SECTION 13 OF THE CHEROKEE NATION CONSTITUTION, PROVIDING FOR THE AMENDMENT FOR REPLACEMENT OF COUNCIL MEMBER DUE TO REMOVAL, DEATH, RESIGNATION OR DISABILITY**

Councilor Jack Baker moved for the approval. Councilor Cowan Watts seconded the motion. Motion carried with Councilor Crittenden opposed.

Enactment No: R-80-08

8. **A RESOLUTION CONFIRMING THE NOMINATION OF IMA JEAN MCCOLLUM AS A BOARD MEMBER OF THE CHEROKEE NATION COMPREHENSIVE CARE AGENCY BOARD OF DIRECTORS**

Councilor Glory-Jordan made a motion for approval. Councilor Bill John Baker seconded the motion. Motion carried unanimously.

Enactment No: R-81-08

9. **A RESOLUTION AUTHORIZING A LIMITED WAIVER OF THE SOVEREIGN IMMUNITY OF CHEROKEE NATION ENTERPRISES, L.L.C. AND THE CHEROKEE NATION**

Councilor Bill John Baker made a motion to table until next month per the request of Mr. David Stewart. Councilor Cowan Watts seconded the motion. Motion carried unanimously.

Executive and Finance Committee

10. **AN ACT AMENDING LEGISLATIVE ACT #37-07 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2008 - MOD 11; AND DECLARING AN EMERGENCY**

Councilor Jack Baker stated this modification to our 2008 budget increases our spending authority by approximately \$1.5ml which includes \$88,000 for Cherokee National Holiday, \$287,000 in insurance proceeds from the Housing Authority, and additional contract health funds of \$1,084,000. This brings the total budget authority

for 2008 to \$484ml.

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

Enactment No: LA-18-08

11.

AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2009 BUDGET; AND DECLARING AN EMERGENCY

Councilor Jack Baker announced three days of budget hearings were held last week. This 2009 fiscal year budget gives a spending authority of \$478ml. Councilor Jack Baker moved for the approval. Councilor Cowan Watts seconded the motion. She appreciation to all staff involved for the efficiency of the budget hearing process. Councilor Bill John Baker announced he is extremely proud they were able to extend the educational dollars for scholarships, raise the Boy's and Girls's Club funding, raise contract health funding and extend the summer youth program through Christmas.

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

Enactment No: LA-19-08

ANNOUNCEMENTS

Councilor Cowan Watts announced the annual hog fry at the Will Rogers Memorial this Saturday from 10:00 to 2:00 p.m. She also announced the Children's Youth Choir is in concert tonight in the ballroom.

Councilor Garvin invited everyone to his community meeting on the 23rd of September at the Three Rivers Health Center from 4:30 to 6:30. Indian Taco's will be provided.

Councilor Fullbright announced she and Councilor Thornton will be hosting a community meeting on the 30th of September along with a hog fry at the Sequoyah County Fairgrounds.

ADJOURNMENT

Councilor Cowan Watts moved for adjournment. Councilor Thornton seconded the motion. Motion carried at 6:48 p.m.

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