



Council of the Cherokee Nation

Tribal Council Minutes Tribal Council

Monday, July 13, 2009

6:00 PM

Council Chambers

CALL TO ORDER

Speaker Frailey called the meeting to order at 6:02 p.m.

INVOCATION

Councilor Crittenden gave the invocation.

ROLL CALL

- Present** 14 - S. Joe Crittenden; 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; Julia Coates and Bill John Baker
- Absent** 3 - David Thornton Sr. ; Bradley Cobb and Chuck Hoskin, Jr.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Councilor Jack D. Baker moved to approve the June 15, 2009 regular session minutes. Councilor Bill John Baker seconded the motion. Motion carried.

STATE OF THE NATION

Chief Smith gave appreciation for allowing him the opportunity to share a snap shot of what is going on in the Cherokee Nation. He requested a moment of silence for those who have passed on over the last month: Viola Still, Dennis Nofire, Francis Fields, Charles Hix, Mary Keys, John Phillip Henry, Franklin Chewey, Ricky Bird, Johnny Bird, J. C. Davis, Woody Snell, Steven Mouse, Anna Lee Downing, Carrie Harp, Sue Duck Hanlin and Chuch Hair. Veterans honored for the month of July were Donald R. Scott, Kenneth Mayes and Phillip Daugherty. Chief Smith gave several program updates including the Commerce Department continuing their initiative to meet the growing needs of families having problems with their personal finances. The Cherokee Nation Roads staff is helping employees and area residents with a cost effective transportation alternative. They are offering public transportation for people commuting between Sallisaw and Tahlequah and new routes in Adair and Mayes Counties. Our Marshal Service recently partnered with the U.S. Marshals office in a unique month long fugitive apprehension effort that spans over twenty-three counties in Oklahoma. The Cherokee Nation W.W. Hastings Hospital has added new beds and bed side tables in patient rooms within the intensive care unit and labor and delivery. President Barak Obama has selected Cherokee citizen, Kimberly Teehee, as the new Senior Policy Advisor for Native American Affairs in the White House Domestic Policy Council. Our Human Services Group is hosting a one day seminar "Bridges out of Poverty". The public will have the choice of attending

July 14th or July 15th at the Crescent Valley Baptist Church. Plans for the Cherokee National Holiday are in full swing. They are accepting applications for little Cherokee Ambassadors, Jr. Miss Cherokee Leadership and Miss Cherokee Leadership. The Holiday Office is seeking vendors at this time. Chief Smith gave the Tribal Youth Council a moment for an announcement. Christine Hanvey the District 2 representative invited the Council to the Cherokee Women of High Esteem banquet on July 25th at the Catoosa Cherokee casino. Wilma Mankiller and John A. Ketcher are the key note speakers for the banquet. All proceeds from the event will go to the John A. Ketcher Youth Shelter. Kinsey Shade the District 1 representative announced the Youth Council had just returned from a National Unity Conference in New Mexico. They were able to network who we are as a tribe as well as express to other youth councils things happening here involving our youth. They presented to Chief Smith and the Council an award they had accepted for Cherokee Nation's sponsorship of the conference. Chief Smith announced on July 22nd will help dedicate the East West 150 Bridge over the Will Rogers Turnpike in Ottawa County at 10:00 a.m. On August 11th they will be hosting a banquet to honor our local volunteer firefighters. He presented a video of the leadership event "Remember the Removal bike ride" where nine young people retrace the Trail of Tears from New Echota, Georgia to Tahlequah. If anyone would like to ride the last leg of the journey you may join them at Speedy's at 11:30 a.m. They will arrive at the Supreme Courthouse at noon where a hog fry will be served. He gave appreciation to Councilor Jack Baker for being at the beginning of the trip to tell about the historic properties. He gave a comment of Todd Enlow organizer of the trip who said we have something to look forward to at the end. We will have our children and families but our ancestors had nothing to look forward too. It was an endless journey to some place unknown. He reflected on a half mile stretch of gravel where they had to walk the bicycles. At the end of the walk he stated it became very clear that those who caused the Trail of Tears were the culprits, not us among the Cherokees that debated between the Ross Party and the Ridge Party. The Removal Act was passed by the narrow margin of 102 to 97. He questioned the changes of our people if five more of the U.S. Congressman had any dignity or respect for human life.

Councilor Cowan Watts moved to amend the agenda to add six items passed out of committees earlier today. Councilor Bill John Baker seconded the motion. Motion carried.

ACTION OF UNFINISHED BUSINESS

A LEGISLATIVE ACT AMENDING TITLE 68 OF THE CHEROKEE NATION CODE ANNOTATED - ADDING PROVISIONS FOR TAX REBATE OF LICENSED TOBACCO RETAILERS

Councilor Fishinghawk made a motion to table for one month when Councilor Hoskin Jr. could be present. Councilor Cowan Watts seconded the motion. Motion carried.

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

Mr. Southerland announced their board meeting will be on July 21st at the Alene Hogner Conference Room. He stated they have been busy with the economic stimulus funds in the rehab and modernization departments. They have 20 rehabs funded with stimulus currently underway. The bids are out to shingle replacement the Pryor apartment complex. He provided an update on the status of paving some of the housing addition roads.

Cherokee Nation Entertainment - David Stewart

Mr. Shawn Slaton reported in addition to the net income to the Nation through the dividend they also contributed \$128,000 in tax collection for the month of May. The Hard Rock opening is scheduled for the 3rd of August. Toby Keith's will open for business on the 27th of July. Loverboy will be in concert at the Catoosa facility on the 3rd of August. Phase II is complete at West Siloam Springs. They will now work on the meeting space with a seating capacity of approximately four hundred. They break ground next week in Catoosa for the event center. McGill's restaurant will be moving from the main floor to the 19th floor. CNE currently employees 3434 with 58.5% Cherokee employment and other Native Americans at 11.3%. The management level is at 62.6% Cherokee and other Native Americans.

Cherokee Nation Business, Inc - David Stewart

Mr. Slaton announced they are working to organize and get a joint partnership with the Nation to form some industry teams. Cherokee Resources our environmental company has received two large new sole sourced contracts. APSE's performance is exceeding their budget and continues to operate its Boeing contract on a month to month basis. Construction continues at the landfill. Some of the future plans include working to see that the Chief's mandates are met. They are also working hard to develop a few economic development and diversification programs.

Cherokee Nation Industries - Bryan Collins

Mr. Collins reported on the June results. He stated the current employee count for CNI and the local area is 493 with 83% Native American employment. The June revenue was \$9.1ml which put them at a year to date revenue of \$64ml. He reported a profit for the month of \$292,000 which brought the loss for the year down to \$1.2ml. He stated they are beginning to see a lot of changes in the divisions. He gave appreciation to those who participated in the 40th Anniversary Celebration. He offered an invitation to tour the factory at any time. The July board meeting is this Saturday at 9:00 a.m. in Stilwell.

OLD BUSINESS

None pending.

NEW BUSINESS

Community Services Committee

1. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A RURAL HOUSING AND ECONOMIC DEVELOPMENT GRANT FOR RENOVATION OF THE JOHN A. KETCHER YOUTH SHELTER AND THE ADDITION OF THREE SINGLE RESIDENT OCCUPANCY UNITS**

Councilor Buzzard made a motion to approve items #1 and #2 in Toto. Councilor Bill John Baker seconded the motion. Motion carried.

Enactment No: R-69-09

2. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE USDA FOR A HOUSING PRESERVATION GRANT**

Approved in Toto with item #1.

Enactment No: R-70-09

3. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR AN INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT (ICDBG) APPLICATION FOR THE NOWATA FOOD DISTRIBUTION/ELDERLY NUTRITION BUILDING**

Councilor Soap made a motion to approve items #3 and #4 in Toto. Councilor Bill John Baker seconded the motion. Motion carried.

Enactment No: R-71-09

4. **A RESOLUTION ADOPTING A MAINTENANCE AND OPERATING POLICY FOR THE HUD ICDBG APPLICATION FOR THE NOWATA FOOD DISTRIBUTION/ELDERLY NUTRITION BUILDING**

Approved in Toto with item #3.

Enactment No: R-72-09

Resource Committee

5. **AN ACT REQUIRING ESTABLISHMENT OF A "REDUCE, REUSE AND RECYCLE" PROGRAM FOR THE CHEROKEE NATION**

Councilor Cowan Watts made a motion to approve. Councilor Coates seconded the motion. Motion carried by acclamation.

Enactment No: LA-18-09

6. **A RESOLUTION AUTHORIZING A RESTAURANT LEASE ON TRUST LAND AT THE COMPLEX IN CHEROKEE COUNTY**

Councilor Bill John Baker made a motion to approve. Councilor Glory-Jordan seconded the motion. Motion carried.

Enactment No: R-73-09

7. **A RESOLUTION AUTHORIZING THE BIA TO UPDATE THE NATION'S TRANSPORTATION IMPROVEMENT PROGRAM TO INCLUDE THE ADDITION OF SEVENTEEN (17) PROJECTS TO THE LIST OF CONSTRUCTION PRIORITIES FOR INDIAN RESERVATION ROADS FUNDING**

Speaker Frailey announced the amended resolution provided is the item for consideration.

Councilor Snell made a motion to approve as amended. Councilor Bill John Baker seconded the motion. Motion carried.

Enactment No: R-74-09

Rules Committee

8. **A RESOLUTION CONFIRMING THE RENOMINATION OF JOHNNIE EARP AS A BOARD MEMBER OF THE ECONOMIC DEVELOPMENT TRUST AUTHORITY BOARD OF DIRECTORS**

Councilor Jack D. Baker moved to approve items #8 through #13 in Toto. Councilor Bill John Baker seconded the motion. Motion carried.

Enactment No: R-75-09

9. **A RESOLUTION CONFIRMING THE NOMINATION OF BILL ANDOE AS AN ADVISORY COMMITTEE MEMBER OF CHEROKEE NATIONAL TREASURES PROGRAM**

Approved in Toto with items #8 through #13.

10. **A RESOLUTION CONFIRMING THE NOMINATION OF ALAN HERRIN AS AN ADVISORY COMMITTEE MEMBER OF CHEROKEE NATIONAL TREASURES PROGRAM**

Approved in Toto with items #8 through #13.

11. **A RESOLUTION CONFIRMING THE NOMINATION OF JANE OSTI AS AN ADVISORY COMMITTEE MEMBER OF CHEROKEE NATIONAL TREASURES PROGRAM**

Approved in Toto with items #8 through #13.

12. **A RESOLUTION CONFIRMING THE NOMINATION OF LORI SMILEY AS AN ADVISORY COMMITTEE MEMBER OF CHEROKEE NATIONAL TREASURES PROGRAM**

Approved in Toto with items #8 through #13.

13. **A RESOLUTION CONFIRMING THE NOMINATION OF MARY HORSECHIEF AS AN ADVISORY COMMITTEE MEMBER OF CHEROKEE NATIONAL TREASURES PROGRAM**

Approved in Toto with items #8 through #13.

14. **A RESOLUTION AUTHORIZING THE CHEROKEE NATION TRIBAL COUNCIL TO SUPPORT THE APPEAL OF COUNCILORS FISHINGHAWK AND JORDAN CONCERNING TRIBAL COUNCILOR'S RIGHT TO INDIVIDUALLY HAVE ACCESS TO COUNSEL OF THEIR CHOICE AND HAVE ACCESS TO THE COURTS**

Councilor Cowan Watts announced she does support this resolution in that she supports thier right to appeal but not actual content or position of the appeal.

Councilor Glory-Jordan made a motion to aprove. Councilor Fishinghawk seconded the motion. Motion carried.

Enactment No: R-81-09

Executive and Finance Committee

15. **AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 9; AND DECLARING AN EMERGENCY**

Councilor Jack D. Baker announced this budget mod increases our budget by \$2,280,000 which includes contributions of \$75,000, the equipment for the community recreation center of \$174,000, an increase in the individual water and sewer program of \$150,000, TERO job training of \$1,139,000, environmental protective services of \$48,000, mutual help operations \$350,000, the Tribal Youth Council \$10,000 all for a total budget authority of more than \$574ml.

Councilor Buzzard made a friendly amendment to this budget modification to add funding for the Jay tag office located in Delaware County. Councilor Jack D. Baker accepted and moved to approve the budget mod. Councilor Soap seconded the motion. Motion carried by acclimation.

Enactment No: LA-19-09

16. **A RESOLUTION RESCINDING RESOLUTION 62-08 OF THE CHEROKEE NATION TRIBAL COUNCIL WHICH AUTHORIZED A LOAN OF \$300,000 TO THE CHILOCCO BENEFIT ASSOCIATION, INC.**

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

Enactment No: R-82-09

17. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE USEPA FOR THE DEVELOPMENT OF AN**

ITEC PESTICIDES MANAGEMENT PROGRAM

Councilor Cowan Watts moved to approve items #17 and #18 in Toto. Councilor Bill John Baker seconded the motion. Motion carried.

18. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE USEPA FOR THE DEVELOPMENT OF A CHEROKEE NATION PESTICIDES PROGRAM**
- Approved in Toto with item #17.
- Enactment No: R-84-09
19. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A FISCAL YEAR 2009 VOLUNTEER INCOME TAX ASSISTANCE (VITA) GRANT PROGRAM TO THE UNITED STATES INTERNAL REVENUE SERVICE**
- Councilor Buzzard made a motion to approve. Councilor Jack D. Baker seconded the motion. Motion carried.
- Enactment No: R-85-09
20. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR A TARGETED GRANT TO REDUCE CHILDHOOD LEAD POISONING GRANT PACKAGE**
- Councilor Snell made a motion to approve. Councilor Bill John Baker seconded the motion. Motion carried.
- Enactment No: R-86-09
21. **A RESOLUTION REQUESTING THE TRANSFER OF THE BUILDINGS AND GROUNDS OF THE W.W. HASTINGS HOSPITAL TO THE CHEROKEE NATION IN TRUST STATUS**
- Councilor Anglen moved to approve. Councilor Jack D. Baker seconded the motion. Motion carried.
- Enactment No: R-87-09

22. **A RESOLUTION AUTHORIZING CHEROKEE NATION COMMUNITY SERVICES TO SUBMIT AN APPLICATION FOR COMMUNITY SERVICES BLOCK GRANT APPROPRIATION OF AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS**

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

Enactment No: R-88-09

ANNOUNCEMENTS

Councilor Garvin recognized visitors Dwight Epperson from Wagoner and Delsey and Jo Haley from Muskogee.

Councilor Anglen recognized his grandchildren Blake and Clara Ann in attendance with his wife Clara.

ADJOURNMENT

Councilor Bill John Baker moved to adjourn. Councilor Cowan Watts seconded the motion. Motion carried at 6:58 p.m.

Next Tribal Council meeting will be held on August 10th, 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.

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