



Council of the Cherokee Nation

Council House
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Meeting Minutes - Final EXECUTIVE AND FINANCE COMMITTEE

Jack D. Baker, Chair

*Recording Secretary, Shelli Brittain
Phone: 1-800-995-9465,
E-mail: council-public@cherokee.org*

Thursday, January 27, 2011

3:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Jack D. Baker called the meeting to order at 3:15 p.m.

INVOCATION

Councilor Soap gave the invocation.

ROLL CALL

Present 13 - Bill John Baker; Bradley Cobb; Buel Anglen; Cara Cowan Watts; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; Don Garvin; Jack D. Baker; Janelle Fullbright; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

Absent 1 - David Thornton Sr.

Late Arrival 3 - Harley Buzzard; Jodie Fishinghawk and Julia Coates

APPROVAL OF MINUTES

Councilor Anglen moved to approve the December 14 2010 regular session minutes. Councilor Snell seconded the motion. Motion carried.

REPORTS:

Financial Report/Treasurer Report - Callie Catcher

Ms. Catcher offered to answer questions from her written report.

Cherokee Nation Businesses - David Stewart

Mr. Stewart gave an overview of his report and offered to answer questions. Councilor Buzzard inquired about the status of the economic development in the Jay area in regard to the laundry mat. Mr. Stewart stated the business case is complete with the location in Jay. They would do all of the laundry for the existing casinos and

create approximately fifteen jobs. It will be presented to the Executive committee and then to the Board.

Career Services/Employment - Diane Kelley

Ms. Kelley provided a handout pertaining to the Day Work Program and flyers for Summer Youth. She also provided an overview of the report she provided. Councilor Buzzard requested copies of the OJT grant policies. Councilor Fishinghawk requested a copy of the new income guidelines be sent out to the Council.

Commerce - Anna Knight

Ms. Shay Smith offered to answer questions from their written report. She announced the Cherokee Creative Center is now open.

Historical Society - Carey Tilley

Mr. Tilley gave an overview of the reports provided and offered to answer questions.

Cherokee Nation Foundation - Kimberlie Gilliland

Ms. Gilliland announced they have changed their name to Cherokee Nation Foundation to better reflect their mission. She provided copies of their written report and gave a brief overview. Councilor Glory-Jordan requested the Council be provided a copies of the application for the zero percent loan pilot program.

CONSENT ITEMS:

T.E.R.O. CERTIFICATIONS

Ms. Diane Kelley announced a correction on McAlvain Construction. It should be 100% Choctaw not Cherokee.

Councilor Anglen moved to approve. Councilor Coates seconded the motion. Motion carried.

CEMETERY RESTORATION ASSISTANCE APPLICATIONS

Chair Jack D. Baker announced an amended list has been provided. Councilor Bill John Baker moved to approve. Councilor Crittenden seconded the motion. Councilor Cobb requested to add the Beck cemetery in Washington County. Councilor Garvin requested a change that Garvin cemetery is in Sequoyah County not Muskogee County. The changes were accepted.

The motion to approve as amended carried.

LAW ENFORCEMENT REQUESTS

Councilor Garvin moved to approve. Councilor Hoskin Jr. seconded the motion. Motion carried.

ROADS

Councilor Glory-Jordan moved to approve. Councilor Crittenden seconded the motion. The motion carried.

OLD BUSINESS

None pending.

NEW BUSINESS

1. [11-009](#) AN ACT AMENDING LEGISLATIVE ACT #29-10 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2011 - MOD 4; AND DECLARING AN EMERGENCY
Mr. Evans reported a decrease in the grants this month of \$910,000 however on the budget side mod 4 had 22 budgets totaling over \$9.1ml. Councilor Fishinghawk inquired what is being contracted out in the mutual-help operations. Ms. Callie Catcher offered to speak to Mr. Southerland and obtain the information. Councilor Fishinghawk voiced concern for sending more but building fewer houses in the Indian Housing Plans. She requested Mr. Evans meet with Marvin Jones in this regard. Mr. Evans offered to put a synopsis together with the annual performance reports behind it to summarize what is being stated in the annual performance review. Ms. Catcher stated she wasn't able to reach Mr. Southerland. This is the mutual-help home operations budget and it could be clients using their MEPA account. Councilor Glory-Jordan stated it was item #7 the draw from the proceeds of sale which appears to be for contractual services. She requested information pertaining to this item prior to the Council meeting. Mr. Evans announced a technical correction to his report on item #13 the account number should be 3560944 for housing rehab. Mr. Evans expressed his respect for Ms. Catcher and all the work she does although there are times they do have professional disagreements. When tribal discretionary dollars are closed out for the year and they are going through the audit process Ms. Catcher has a conservative procedure to leave them out until the audit is complete. He budget is an estimate, revenues are an estimate for the year and then appropriated out however revenues from the prior year are not technical revenues they are fund balances that carryover. He stated the motor vehicle tax apportionment law is very specific on how it handles revenues from the previous year in regard to schools, roads, and law enforcement with the remaining funds being the residual balance. This year the schools, roads and law enforcements have been appropriated but there is approximately \$780,000 of discretionary general fund dollars that is not being brought forward. He stated the position has taken as a body and working in conjunction with the Treasurer's office that the Treasurer has to certify the revenues for this body to appropriate for the needs of the Cherokee Nation. He stated he has been unable to find documentation stating this in the Constitution or in statute. Article X Section 2 of the Constitution states the Council shall provide by law for annual expenditure of funds and the source for which these funds derive. He stated he works for the Council and he would be a miss if he didn't notify the Council of his opinion that there are not only these funds but also the unspent elective travel funds which are to be placed in the community assistance fund. Councilor Cobb referred to the last sentence of Section 2 Article X states the budget shall not exceed estimated revenues. He stated it seems as though we have a quandary between two CPA's. Mr. Evans stated carryover is not revenue it is prior year fund balances. Ms. Catcher stated they wait until after the audit to make sure there isn't an adjustment which

would impact the fund balance. Councilor Soap inquired if this year's practice deviates from previous practices. Ms. Catcher stated no it is consistent. Mr. Evans disagreed and stated he could go to prior year budgets and show where before the audit was issues that not just capitol budgets were brought forward but some non capitol budgets were also brought forward. Ms. Catcher stated she would disagree but would research. Councilor Hoskin Jr. stated he would be interested in the research. Mr. Evans stated Ms. Catcher is not obligated to bring it forward until she is comfortable however this body doesn't have to wait for her to do so. Ms. Catcher stated they have tightened up their practices over the past few years because the fund balance continues to decline. She stated it is a matter of physical policy and during the budget process it was said the carryover would be brought forward in March. Councilor Glory-Jordan inquired if there have been audit adjustments in the past. Ms. Catcher stated there has been a few in the past. Councilor Glory-Jordan stated it appears \$780,000 of discretionary dollars have been identified. She inquired as to amount of the travel budget carryover. Mr. Evans stated \$70,540 is the balance. Councilor Glory-Jordan made a motion to approve mod 4 and add \$70,540 to the Council community assistance budget from the prior year Tribal Council travel budget. Councilor Fishinghawk seconded the motion. Councilor Cobb stated we have a philosophical difference between CPA's and neither is wrong. He stated as a part of the Legislative Branch it is his job to decide what is responsible as we control the purse strings. He stated he is in favor of the conservative approach.

The motion to approve as amended failed with the following roll call vote:

Yea: 6 - Bill John Baker; Chuck Hoskin, Jr. ; Curtis Snell; Jodie Fishinghawk; S. Joe Crittenden and Tina Glory Jordan

Nay: 7 - Bradley Cobb; Buel Anglen; Chris Soap; Don Garvin; Jack D. Baker; Julia Coates and Meredith Frailey

Not In Room: 3 - Cara Cowan Watts; Harley Buzzard and Janelle Fullbright

ADJOURNMENT

Councilor Glory-Jordan moved to adjourn. Councilor Hoskin Jr. seconded the motion. The motion failed by the following vote:

Yea: 5 - Bill John Baker; Chuck Hoskin, Jr. ; Curtis Snell; S. Joe Crittenden and Tina Glory Jordan

Nay: 7 - Bradley Cobb; Buel Anglen; Chris Soap; Don Garvin; Jack D. Baker; Julia Coates and Meredith Frailey

Not In Room: 4 - Cara Cowan Watts; Harley Buzzard; Janelle Fullbright and Jodie Fishinghawk

1. [11-009](#) AN ACT AMENDING LEGISLATIVE ACT #29-10 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2011 - MOD 4; AND DECLARING AN EMERGENCY

Councilor Garvin moved to approve as presented. Councilor Anglen seconded the motion. Motion carried with the following roll call vote:

Yea: 12 - Bill John Baker; Bradley Cobb; Buel Anglen; Chris Soap; Chuck Hoskin, Jr. ; Curtis Snell; Don Garvin; Jack D. Baker; Julia Coates; Meredith Frailey; S. Joe Crittenden and Tina Glory Jordan

Not In Room: 4 - Cara Cowan Watts; Harley Buzzard; Janelle Fullbright and Jodie Fishinghawk

ANNOUNCEMENTS

ADJOURNMENT

**Councilor Cobb moved to adjourn. Councilor Hoskin Jr. seconded the motion.
Motion carried at 4:48 p.m.**

STAFF PRESENT:

*Callie Catcher
Doug Evans
Mike Miller*

*Shay Smith
Kim Gilliland
Jon Overacker*

*Jeff Vance
Melanie Knight
Diane Kelley*

VISITORS PRESENT:

*David Stewart
Carey Tilley*

Gina Olaya

Shawn Slaton