



# Council of the Cherokee Nation

## Meeting Minutes

### Executive and Finance Sub Committee

#### - TERO

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Tuesday, February 17, 2009

2:00 PM

Legislative Conference Room

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#### CALL TO ORDER

Chair Cowan Watts called the meeting to order at 2:20 p.m.

#### INVOCATION

Councilor Fullbright gave the invocation.

#### ROLL CALL

*Councilors Hoskin Jr., Soap, and Cobb are present but do not serve on this sub committee.*

**Present** 10 - Cara Cowan Watts; Bill John Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; S. Joe Crittenden; Don Garvin; Buel Anglen and David Thornton Sr.

1. TERO Commission Budget and Staff Proposal (discussion and possible action)

*Mr. Hembree provided a handout of proposed amendments to Section 5 Title 40 § 1011. After speaking to numerous Councilors and with the results of the last meeting this handout is an outline for the TERO Commission. The proposal includes a five member commission selected by having two members appointed by the Council and approved by the Principal Chief, two members appointed by the Principal Chief and approved by the Council, then those four members appoint the fifth member to be approved by the Council and the Principal Chief. Mr. Hembree gave an overview of the proposed changes. He inquired if a flat or staggered four year term would be preferred.*

*Councilor Anglen made a motion for five year terms. Councilor Garvin seconded the motion. Motion carried.*

*Councilor Bill John Baker made a motion for the Council to appoint a member for a one year term and a member for a three year term. The Principal Chief to appoint a member for a two year term and a member for a four year term. The Commission appoint a fifth member for a five year term. This would begin the staggering. Councilor Anglen seconded the motion. Motion carried.*

*Councilor Glory-Jordan made a motion to change the stipend to \$300 per month. Councilor Fishinghawk seconded the motion. After discussion Councilor Bill John Baker offered a friendly amendment for \$300 per month and \$50 per meeting. The friendly amendment was accepted. Motion carried.*

*Councilor Anglen made a motion to require each Commissioner to attend a yearly TERO Conference. Mr. Hembree voiced concern for requiring a commissioner to attend a conference. Councilor Anglen withdrew his motion. Councilor Garvin*

*offered an amendment for at least one Commissioner to attend a TERO conference each year and report back to the Commission. Councilor Anglen accepted this amendment to his motion. Motion carried with Chair Cowan Watts and Bill John Baker opposed.*

*E. Meetings.*

*Mr. Hembree stated this is general language. Councilor Fishinghawk made a motion to change the monthly meeting location to the Tahlequah office. Councilor Glory-Jordan seconded the motion.*

*Councilor Glory-Jordan made a motion the board members can not be employees. Councilor Fishinghawk seconded the motion. Motion carried with Councilors Thornton and Crittenden opposed.*

*Councilor Glory-Jordan offered a friendly amendment to allow special meetings to be held at alternate locations. Councilor Fishinghawk accepted the friendly amendment. Motion carried with Councilors Cowan Watts and Thornton opposed.*

*No changes were made to sections F - Staff, G - Hearings, or H. Appeals.*

*Councilor Glory-Jordan inquired if Ms. Diane Kelley has looked at the proposed changes. Chair Cowan Watts stated the meetings have been open.*

**Councilor Glory-Jordan made a motion to table for one month to allow Ms. Kelley the opportunity to review. Councilor Bill John Baker seconded the motion. Motion carried with Councilors Cowan Watts and Thornton opposed.**

**2.** How to Strengthen the TERO Legislation (discussion and possible action)

*Councilor Glory-Jordan stated the proposed amendments just reviewed cover this.*

**3.** Definition of "Discretionary Funds" (discussion and possible action)

*Mr. Hembree stated in speaking with Mr. Doug Evans the idea is to have a pool of money to use for Cherokee preference. Discretionary funds are general funds TERO would collect and use for Cherokee preference. Mr. Evans stated tribal funds have uses determined by the tribe without influence from the outside. Chair Cowan Watts inquired if there was language to present. Mr. Hembree stated through out the language they have taken steps to change Indian to Cherokee. He stated it would require keeping the funds separate. Chair Cowan Watts requested the language in writing at the March meeting for a vote.*

*Councilor Anglen inquired if he could take back his motion and follow Councilor Thornton's suggestion to require 8 hours of training per year. Chair Cowan Watts requested the wording be ready for the next meeting to take a vote.*

*Councilor Glory-Jordan inquired if there would be time to address the issue with the late payments. Chair Cowan Watts stated all amendments should be sent forward together as a package and didn't think completion would occur today. She suggested the possibility of addressing this issue as a stand alone. She asked Speaker Frailey if she would like to put forward the issue as a stand alone item. Speaker Frailey stated she is not a member of this sub committee.*

*Councilor Glory-Jordan made the motion and Councilor Crittenden seconded the motion. Chair Cowan Watts gave clarification of the motion for Section 26 title 1051*

*labeled Prompt Payment. She stated this would be separate as legislation to the Rules Committee for consideration in the March Council meeting. Chair Cowan Watts stated this is a significant change in how we do business today. There are interest penalties that not only vendors could incur but also the tribe if prompt payment is not made. This could have a budgetary impact. She inquired if Speaker Frailey would agree to sponsor the legislation. Speaker Frailey agreed. Chair Cowan Watts suggested all sub committee members co sponsor the legislation. With no objections heard all sub committee members shall be listed as co sponsors. Motion carried.*

**Councilor Anglen moved to table all amendments to next month. Councilor Thornton seconded the motion. Motion carried.**

4. AN ACT REPEALING AND SUPERSEDING CHEROKEE NATION LAW REGARDING LABOR AND THE EMPLOYMENT RIGHTS ORDINANCE AND DECLARING AN EMERGENCY

ANNOUNCEMENTS

ADJOURNMENT

**Councilor Anglen made a motion to adjourn. Councilor Thornton seconded the motion. Motion carried at 3:00 p.m.**

STAFF PRESENT:

*Doug Evans*

VISITORS PRESENT:

*Todd Hembree*

APPROVAL / DISTRIBUTION

**Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator**

**Motion to approve minutes made by: \_\_\_\_\_**

**Minutes attested and concurred by: \_\_\_\_\_**

**Date: \_\_\_\_\_**