



Council of the Cherokee Nation

Cherokee Nation Complex
17675 S. Muskogee Ave.
Tahlequah, OK 74464

Tribal Council Minutes - Final TRIBAL COUNCIL

Meredith Frailey, Speaker

Recording Secretary, Shelli Brittain

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Monday, May 10, 2010

6:00 PM

Council Chambers

CALL TO ORDER

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

INVOCATION

Councilor Glory-Jordan gave the invocation.

ROLL CALL

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

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

**Councilor Cobb moved to approve the April 12th regular session minutes.
Councilor Cowan Watts seconded the motion. Motion carried.**

Councilor Bill John Baker moved to amend the agenda to allow a special presentation to the Mankiller family immediately following this motion and to add a resolution for a grant application for an Indian General Assistance Program that passed out of Resource Committee earlier today as New Business #17. Councilor Crittenden seconded the motion. Motion carried.

Councilor Bill John Baker announced Councilor Fishinghawk's son is graduating this evening and has requested him to present in her absence. Councilor Bill John Baker read Resolution 35-10 "A Resolution Recognizing Former Principal Chief Wilma Pearl Mankiller as a National Treasure of the Cherokee Nation" and he and Councilor Crittenden presented a framed copy of the resolution to the Mankiller family.

STATE OF THE NATION

Principal Chief Chad Smith requested a moment of silence for the friends and loved ones who have passed over the last month. He announced today would be the last day the flags would fly at half mast per an Executive Order one month ago commemorating the passing of former Chief Mankiller. In a special presentation Charlie Soap, Gina Olaya and Felicia Olaya gave special recognition to the two Cherokee Nation Hospice team members who helped in a peaceful passing but also guided the family through the horribly difficult process. In regard to the Cherokee Attributes of respect, responsibility, confidence, communication and integrity among others these two ladies are walking billboards for these attributes. They honored Dr. Gloria Grimm, Cherokee Nation's Medical Director, with a wrist watch from their Mom's collection. Ms. Gina Olaya announced they would give Leandra Mike, a LPN at Cherokee Nation Home Health and Hospice, hers at a later date as she was unable to attend this evening. Chief Smith announced four Sequoyah Seniors; Lindsey Hammer, Danetta Ross, Kevin Kingfisher and Christian Hummingbird have been named Gates Millennium Scholars and will receive a full scholarship to the school of their choice for up to eight years. Chief Smith gave recognition to Ms. Augusta Smith for her hard work and dedication as the College Prep teacher at Sequoyah. He announced May is Foster Parent Appreciation Month and gave special recognition to Glen and Kay Thompson who became tribally certified foster parents in 2006 and have cared for over thirty children. Mr. Henry Sixkiller was honored as a Cherokee Warrior. Chief Smith reported last Thursday ground was broken at the Cherokee Nation Prison museum. The Cherokee Nation is partnering with Tahlequah City Hospital to celebrate National Hospital week. The Cherokee Nation Marshal Service and the Attorney General have established a Tribal Sex Offender Registry. In addition to information provided on the website a presentation will be held in the Council Chambers from 11:00 to 1:00 p.m. this Thursday. The Daniel Horsechief Statue will be dedicated tomorrow at 1:00 p.m. at Sequoyah High School's main entrance. Sequoyah School's graduation is set for May 21st at 6:30 p.m. at The Place Where They Play. He once again challenged the Council and employees to participate in the Tulsa Run. In response to this challenge the Cherokee Challenge has been created to help people who want to exercise and eat healthy. First Lady Bobbie Smith has issued a walking challenge to the ladies to walk the 5K. Additional information about area runs and walks can be obtained from Lisa Pivec or at Healthy Nations.

ACTION OF UNFINISHED BUSINESS

1. AN ACT RELATING TO CONSTRUCTION OF AND IMPROVING ACCESS TO CHEROKEE OWNED HOMES FROM PUBLIC ROADS OR RIGHT-OF-WAYS AND DECLARING AN EMERGENCY
Councilor Bill John Baker stated he and Councilor Hoskin Jr. would like to withdraw this Act. They have visited with Chief Smith and he has offered an executive order to have policy change to accomplish this for the elders and handicapped. Councilor Hoskin Jr. agreed with Councilor Bill John Baker but questioned if the item needed to be disposed of or if it is simply a matter of withdrawing. Mr. Hembree recommended action be taken to either override or sustain the veto.
The motion to support the Chief's veto carried unanimously.

COMMITTEE REPORTS

Monthly Reports:

Housing Authority - David Southerland

Mr. Southerland announced the board meeting will be held on the 18th at noon. The Community Shield Program continues to do well with 2,302 current customers.

Cherokee Nation Entertainment - David Stewart

Mr. Stewart reported February was a great month with the second highest monthly gaming revenue in the company's history. Ft. Gibson and Sallisaw both set a new monthly record for revenue while Tahlequah had its third best revenue month. The West Siloam Springs hotel and theatre are on schedule. Within the next sixty days the pool and Starbucks will also be open. The Ramona facility will open in June. The CNE employees are very active with the Big Brothers and Sisters Program with eight teams consisting of forty volunteers. They raised \$1,600 at their annual chili cook off for the American Diabetes Association. The Chewey Community Center work date has been rescheduled to May 6th.

Cherokee Nation Business, Inc - David Stewart

Mr. Stewart announced CNB had a good month from its subsidiaries. CCRC will start a \$12ml design build construction project. APSE was awarded the Boeing contract. He introduced Cherokee citizen Russell Claybrook as the Chief Executive of our Safety and Security Company. Mr. Stewart announced they partnered with Sequoyah High School to develop a pilot program for economics and entrepreneurship. Mr. Jay Calhoun who is in business development at CNE developed a program that took Mr. Livingston's class through an entire profit and loss type business. Mr. Calhoun announced the students won an award from the Native American Finance Officers Association for the Financial Program of the Year Literacy Award. Mr. Livingston a Social Science Teacher at Sequoyah announced these gentlemen created spreadsheets, sold stock, paid their shareholders and made a profit.

Cherokee Nation Industries - Bryan Collins

Mr. Collins reported the financials for the year are tracking ahead of budget with a \$492,000 profit on \$42ml of revenue. They are at 514 jobs in the local area with a Cherokee percentage of 70% and other Native American at 11%. He announced the employees participated in the Stilwell Strawberry Festival parade. The revenues are increasing in the telecommunications. They recently recognized the CNI employees with T-shirts and a cook out for hitting \$3ml of through put of harnesses. He passed around the Small Business of the Year for 2009 award they received from Lockheed Martin. He recognized three employees in attendance for their assistance in this accomplishment as Marlene Eagle, Nannette Asbill and Pam Sontag.

OLD BUSINESS

None pending.

NEW BUSINESS

Community Services Committee

1. **A RESOLUTION OF CONTINUING SUPPORT FOR A RURAL TRANSIT PROGRAM**

A motion to approve was made by Councilor Chris Soap and seconded by Councilor Bill John Baker. The motion carried unanimously.

2. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION BY THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES TO THE U.S. DHHS, FAMILY VIOLENCE PREVENTION AND SERVICES PROGRAM, FOR VICTIMS OF FAMILY VIOLENCE**

A motion was made to approve in toto by Councilor Harley Buzzard and seconded by Councilor Don Garvin. The motion carried with Councilor Bill John Baker opposed.

3. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR YOUTH SHELTER SERVICES BY THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES BY THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES TO THE U.S. FAMILY AND YOUTH SERVICES BUREAU, RUNAWAY AND HOMELESS YOUTH PROGRAM**

A motion was made to approve in toto by Councilor Harley Buzzard and seconded by Councilor Don Garvin. The motion carried with Councilor Bill John Baker opposed.

4. **A RESOLUTION APPROVING AND AUTHORIZING THE SUBMISSION OF THE AMENDED FISCAL YEAR 2010 INDIAN HOUSING PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

A motion was made to approve in toto by Councilor Harley Buzzard and seconded by Councilor Don Garvin. The motion carried with Councilor Bill John Baker opposed.

Resource Committee

5. **A RESOLUTION AUTHORIZING THE LEASING OF TRIBAL TRUST LAND TO HOUSING APPLICANT**

A motion to approve was made by Councilor David Thornton and seconded by Councilor Cara Cowan Watts. The motion carried unanimously.

6. **A RESOLUTION AUTHORIZING THE PLACEMENT OF LAND IN TRUST - CHILOCCO 2667.94 ACRES**

A motion for approval was made by Councilor Jack D. Baker and seconded by Councilor Don Garvin. The motion carried unanimously.

7. **A RESOLUTION AUTHORIZING THE CHEROKEE NATION PROGRAMS TO DONATE EQUIPMENT TO U.S. GEOLOGICAL SURVEY (U.S.G.S.)**

A motion was made to approve in toto by Councilor Cara Cowan Watts and seconded by Councilor David Thornton. The motion carried unanimously by consent.

8. **A RESOLUTION AUTHORIZING THE CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE USEPA FOR THE EXPANSION OF THE DELAWARE COUNTY RURAL WATER SYSTEM**

A motion was made to approve in toto by Councilor Cara Cowan Watts and seconded by Councilor David Thornton. The motion carried unanimously by consent.

9. **A RESOLUTION AUTHORIZING THE ENVIRONMENTAL PROGRAMS GROUP TO SUBMIT AN APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR CLEAN AIR ACT SECTION 103 FUNDING**

A motion was made to approve in toto by Councilor Cara Cowan Watts and seconded by Councilor David Thornton. The motion carried unanimously by consent.

10. **A RESOLUTION AUTHORIZING A GRANT OF EASEMENT FOR RIGHT OF WAY OVER, IN UPON & ACROSS USA IN TRUST LAND IN DELAWARE COUNTY BETWEEN CHEROKEE NATION AND RONNY & CLAUDIA SWEGER FOR AN ACCESS (INGRESS & EGRESS) EASEMENT**

A motion was made for approval by Councilor Harley Buzzard and seconded by Councilor Don Garvin. The motion carried unanimously.

Rules Committee

11. **A RESOLUTION REQUESTING THE DONATION OF ONE ULTRASOUND SYSTEM TO THE LIGHTHOUSE PREGNANCY CENTER IN JAY, OKLAHOMA**

A motion to approve was made by Councilor Harley Buzzard and seconded by Councilor Bradley Cobb. The motion carried unanimously.

12. **AN ACT AMENDING LEGISLATIVE ACT 35-02 THE CHEROKEE NATION GENERAL CORPORATION ACT CREATING AN ADVISORY BOARD OF DIRECTORS AND SETTING TERM LIMITS ON DIRECTORS ON CORPORATIONS IN WHICH THE CHEROKEE NATION IS A MAJORITY SHAREHOLDER**

A motion to approve was made by Councilor Bradley Cobb and seconded by Councilor Cara Cowan Watts. The motion carried by acclamation.

Executive and Finance Committee

13. **A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE UNDER THE COORDINATED TRIBAL ASSISTANCE SOLICITATION**

A motion for approval was made by Councilor Cara Cowan Watts and seconded by Councilor Bradley Cobb. The motion carried unanimously.

14. **A RESOLUTION AUTHORIZING THE INCURRING OF INDEBTEDNESS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$24,000,000.00 AND AUTHORIZING A GENERAL OBLIGATION CREDIT FACILITY AND OTHER DOCUMENTS AS MAY BE NECESSARY OR REQUIRED; AUTHORIZING THE LIMITED WAIVER OF SOVEREIGN IMMUNITY OF THE CHEROKEE NATION IN CONNECTION WITH THE CREDIT FACILITY; PROVIDING FOR THE COMPLIANCE WITH APPLICABLE FEDERAL LAW RELATING TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAXATION PURPOSES OF INTEREST ON THE FACILITY; CONTAINING OTHER PROVISIONS RELATING THERETO; AND DECLARING AN EMERGENCY**

A motion to approve the amended version provided was made by Councilor Chuck Hoskin with the addition of Councilor Fishinghawk as a co-sponsor. Councilor Bill John Baker seconded the motion. The motion carried unanimously.

15. **AN ACT RELATING TO CONSTRUCTION OF AND IMPROVING ACCESS TO CHEROKEE OWNED HOMES FROM PUBLIC ROADS OR RIGHT-OF-WAYS AND DECLARING AN EMERGENCY**

Councilor Chuck Hoskin moved to table for one month to allow the Administration to develop a policy to address some of the issues contained within this Act. Councilor Cowan Watts seconded the motion. The motion carried unanimously.

16. **AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 - MOD 7; AND DECLARING AN EMERGENCY**

A motion was made by Councilor Jack D. Baker and seconded by Councilor Bradley Cobb to approve this budget modification. The motion carried by acclamation.

17. **A RESOLUTION AUTHORIZING CHEROKEE NATION ENVIRONMENTAL PROGRAMS TO SUBMIT A FORMAL GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR AN INDIAN GENERAL ASSISTANCE PROGRAM (GAP) GRANT PACKAGE**

A motion was made by Councilor Curtis Snell and seconded by Councilor David Thornton Sr. for approval. The motion carried unanimously.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Jack D. Baker moved to adjourn. Councilor Joe Crittenden seconded the motion. Motion carried at 6:56 p.m.

Next Tribal Council meeting will be held on June 14th at 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.