



# Council of the Cherokee Nation

Cherokee Nation Tribal Council  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Legislation Details (With Text)

**File #:** TC-12-4-76    **Version:** 1    **Name:** Tribal Council - 12/4/1976  
**Type:** Minutes    **Status:** Passed  
**File created:** 12/4/1976    **In control:** TRIBAL COUNCIL  
**On agenda:** N/A    **Final action:** N/A  
**Enactment date:** N/A    **Enactment #:** N/A  
**Title:** TRIBAL COUNCIL - 12/4/1976  
**Sponsors:** N/A  
**Indexes:** N/A  
**Code sections:** N/A - Not Applicable  
**Attachments:** 1. TC-12-4-76.pdf

Date	Ver.	Action By	Action	Result
12/4/1976	1	TRIBAL COUNCIL	Approved	Pass

### MINUTES OF REGULAR MEETING

December 4, 1976

Minutes of the Cherokee Nation Council meeting held on December 4, 1976, in the Banquet Room of the TSA LA GI Motor Inn, Tahlequah, Oklahoma.

Chief Swimmer asked the members of his appointed Council to take their seats at the table. Chairman Perry Wheeler took roll call. Members present were:

Perry Wheeler Robert Swimmer Lucille Maish T. V. Thorne Gary Chapman

Bob McSpadden Rachel Lawrence Don Mabrey

Mary Sellers

Members absent were:

Jim Chumwalooky

Moses Frye Will Rider W. W. Keeler Glen Henson Kenneth Wright

A quorum was declared by Chairman Wheeler. Minutes of the September 18 meeting were approved by a motion from Mr. McSpadden.

Second by Gary Chapman.

Chairman Wheeler then read a resolution affirming the election of the Council.

Mr. Chapman made a motion to approve the Resolution. Second by Robert Swimmer. Motion passed.

The appointed Council was then dismissed and took a seat in the audience. Chairman Wheeler asked the Chief to administer the Oath of Office to the elected Council.

Chief Swimmer welcomed the elected Council. He stated that the new Council members must recognize the reason that the Indian voice is being heard today is because of W. W. Keeler. The Chief stated that he felt Mr. Keeler would go down in history as a man who led the Indians into a new lifestyle. He stated that he was proud to take over the reins of the Cherokee Nation from a man as dedicated to the cause as W. W. Keeler was. Chief Swimmer stated further that he wished Mr. Keeler would have been present at the meeting.

Chief Swimmer stated that the Cherokee Nation is at a crossroads, and we have the opportunity of going forward or being stagnant. He stated that we have the obligation of being the leader of Indian tribes. He stated that there was a time when the Tribe, because of internal confusion, was facing a point of being a follower instead of being a leader.

Chief Swimmer stated that during the past year we have not only elected a new Chief, enacted a Constitution which is one of the best of the Five Civilized Tribes in Oklahoma, but following the Constitution we moved immediately into the election of the Council. He stated that there was a time he felt we were moving too fast and the people would be unable to keep up.

The Chief stated he knew we needed a democratic form of government, a voice of the people, and the elected Council to work with him and the Tribe, and to be a sounding board.

Chief Swimmer outlined various duties of the Council which included visiting with the people, finding out their needs, finding out or working out methods of satisfying these needs and desires, and that it was their duty to recognize that the needs of the people cannot be entirely satisfied. He stated that their being elected at large put them in a position of representing every Cherokee in the world. They could not be limited by county or state boundaries. He pointed out to them that they must recognize the Cherokee Nation is a whole, and that every Cherokee is entitled to share in the assets of the Cherokee Nation. He stated that it is our duty to represent the people in the best way we possibly can. He stated that he looked forward to the next three years toward their leadership.

Chief Swimmer informed the Council there would be legislation required for certain things the Tribe wants to do, and as they get more into the business they would be reviewing treaties that have been signed, and it will be their duty to be certain the Cherokee people are getting a fair shake in exchange for what they gave up,

The Chief informed the Council that they are taking office today with the Cherokee Nation being in the strongest position since the 1800s in

both management and financial status. He stated that we need to maintain that excellence, and that he was expecting that from the Council. He informed the Council that they would need to know the workings of the Cherokee Nation and that there would be seminars put on for their benefit to help them find out what makes it run.

At this time, Chief Swimmer asked the Council to stand and take the Oath of Office. He congratulated the Council and told them they were now the governing body of the Cherokee Nation. The Chief turned the meeting over to Perry Wheeler, Deputy Principal Chief and President of the Council.

President Wheeler stated he felt that it was a particular honor to be a part of the Cherokee Nation, and he wanted to thank each and everyone who gave him their confidence. He stated that he intended to strengthen the confidence given him in being a leader of the Cherokee Nation and to strengthen their pride in being a Cherokee.

Chief Swimmer asked Andy Wilcoxon, General Counsel of the Cherokee Nation, to take a seat at the Council table.

President Wheeler presented Legislative Act 1-76, An Act Providing for the Use of Both Law and Resolution and Distinguishing Between Them (as provided in Article V, Sec. 7 of the Constitution), and called for motions to approve Legislative Act 1-76.

Be It Enacted By the Cherokee Nation:

In order to implement the authority of the Council of the Cherokee Nation by providing a reasonable rule of distinction in the use of enactments which are to be called Laws, as distinguished from enactments to be called Resolutions, the following is declared to be the policy:

When a permanent rule of conduct of government in the form of a continuing regulation is the intent of the Council of the Cherokee Nation, the same shall be effected by a Law of the Cherokee Nation and shall include as provided in Article V, Sec. 7 of the Constitution, "Be It Enacted By the Cherokee Nation".

When an act of a temporary character not prescribing a permanent rule of government but only declaratory of the will of the Council of the Cherokee Nation on a given matter or in the nature of a ministerial act is the intent of said Council, the same shall be effected by a Resolution of the Cherokee Nation and shall include as provided in Article V, Sec. 7 of this Constitution, "Be It Resolved By the Cherokee Nation".

Motion was made by Hiner Doublehead to approve Legislative Act 1-76. Second by Gary Chapman. Legislative Act 1-76 approved unanimously.

President Wheeler presented Legislative Act 2-76, An Act Fixing Procedural Rules for Meetings of the Council (to implement Article V. Sections 2 and 4 of the Constitution), and asked if there were any questions or comments.

Be It Enacted By the Cherokee Nation:

In order to implement Article V, Sections 2 and 4 of the Constitution and establish rules of decorum and rules of procedure for the orderly conduct of the business of the Council of the Cherokee Nation, the following rules are enacted:

1. The Council of the Cherokee Nation shall meet in regular session on the second Monday in January, April, July, and October of each year at the offices of the Cherokee Nation, three miles south of Tahlequah, Oklahoma, commencing at 10 o'clock AM.

2. The order of business of each regular meeting of the Council of the Cherokee Nation shall be as follows:

(1) Roll Call

(2) Reading of Minutes of Previous Meeting

(3) Action on Unfinished Business

(4) Reports of Committees

(5) New Business

(6) Adjournment

3. A Roll Call shall be made and the vote recorded on every Law.

4. A permanent Minute Book or Journal shall be kept in which shall be recorded all the yeas and nays of the members voting.

5. The Council shall select from its membership a Secretary of the Council. The Secretary or his delegated deputy shall attend all meetings of the Council and be responsible for maintaining the Journal and providing any clerical assistance requested by the Council.

6. The Deputy Principal Chief shall preside over the meetings of the Council and in his absence this function shall be performed by any member whom the Council shall designate.

7. Meetings of the Council and proceedings shall all be conducted in accordance with recognized Rules of Procedure, and, where the same do not conflict with this Act or the Constitution, consistent with Roberts Rules of Order, revised edition.

8. Meetings of the Council shall be adjourned to a day certain or the next regular meeting.

BOOK1PAGE4j

Agnes Cowen raised a question on Item 3 of the Act in that she did not think votes on Resolutions should be recorded. She was advised that Item 3 could be amended by eliminating the words "Resolutions and". She also raised a question on Item 6, asking if the Council shouldn't designate the member to preside at meetings, or if this was out of their authority?

Mr. Wilcoxon informed her that this person could be designated by the Council.

George Wickliffe stated that they needed to think about Items 6 and 4, and he recommended they have monthly meetings. It was brought to his attention and corrected that he meant Item 1.

Chief Swimmer informed Mr. Wickliffe that the Constitution requires a meeting be held once a year. The expenses of a monthly meeting would be burdensome on the Tribe. He stated that committees would be appointed enabling the Council to keep working in between regular meetings. He recommended that it stay on a quarterly basis for that reason.

President Wheeler stated that it wasn't to mean that they will be required to meet quarterly. Agnes Cowen again asked about Item 3.

Mr. Wilcoxon offered an amendment that the words "Resolution and should be stricken.

Mrs. Cowen made a motion that the words "Resolution and be stricken in Item 3. Second by Sam Ed Bush. Motion passed.

Chief Swimmer stated that if a law is passed it can be amended later, and he suggested they review it and not spend a lot of time on it.

Mr. Wilcoxon stated that he thought Mrs. Cowen in reference to Item 6 wanted to move that the words by any member whom he shall designate" be eliminated.

Mrs. Cowen made a motion to amend Item 6 by eliminating the words by any member whom he shall designate" and rephrasing to by any member whom the Council shall designate". Second by Hiner Doublehead. Motion passed.

Motion to approve Legislative Act 2-76 as amended was made by Gary Chapman. Second by Goodlow Proctor. Roll Call vote was taken with the following recorded: Bush-yea; Chapman-yea; Chopper- yea; Coon-yea; Cowen-yea; Crittenden-yea; Doublehead-yea; Fishinghawk-yea; Johnson-yea; McSpadden- yea; Proctor-yea; Ragsdale-yea; Swimmer-yea; Thorne-yea; Wickliffe-yea.

Unanimous approval. Adopted upon signature of Chief.

President Wheeler presented Legislative Act 4-76, An Act Providing for Effective Date of Laws of the Nation and for Publication and Recording of Same, and called for any questions or comments.

Be It Enacted By the Cherokee Nation:

1. All Laws of the Cherokee Nation shall be effective thirty (30) days after approval by the Council and approved and signed by the Principal Chief and published in full in an official publication of the Cherokee Nation, unless a later effective date is provided therein.
2. Publications shall be made in the first issue of the official publication following approval and signature by the Principal Chief or as soon thereafter as it can be accomplished.
3. Any Law, notwithstanding the foregoing publication provisions, may be made effective immediately upon the approval and signature of the Principal Chief by a clear finding with a provision therein by the Council that an emergency exists by reason of which the welfare of the Nation requires that it take effect upon approval and signature by the Principal Chief. Any law declaring an emergency shall also be published in the first issue of the official tribal publication in which the same can reasonably be accomplished.
4. All Resolutions and Laws of the Cherokee Nation shall be indexed and maintained by the Secretary-Treasurer in a convenient place open to public inspection.

Mrs. Cowen questioned Item 1, asking if it meant that Resolutions could be turned down by the Principal Chief; does his veto power apply to Resolutions? She commented further that she knew on laws they have a recourse and can override a law, but nothing in the Constitution tells them what recourse they have on a Resolution.

Mr. Wilcoxon stated that he was of the opinion that an act means a legislative act and not a resolution.

Mrs. Cowen asked what became of the Resolution if the Chief did not concur with the Council members.

Mr. Wilcoxon stated that he would not answer that question until such situation came up. He stated that Legislative Act 4-76 provided for publication procedures.

Mrs. Cowen stated that she felt the Council should work on the Act and come to a decision among themselves.

President Wheeler stated that a Resolution simply expresses to the Principal Chief their desires, it doesn't take the force of a law.

Mrs. Cowen stated that they would have to keep the resolutions and laws separate and the wording would have to be changed.

President Wheeler stated this particular Act had to do with the date of the publication of the law.

Motion was made by Mrs. Cowen to table Act 4-76 until they had a chance to look it over. Seconded by Leo Fishinghawk.

President Wheeler asked for any further questions or comments.

Mr. Doublehead commented that they need legal clarification on the wording. Motion to table Legislative Act 4-76 approved.

Mr. Chapman stated that he would go along with tabling Item 1, but not the whole Act. Mr. Wilcoxon stated they could move to adopt all except Item 1.

Mrs. Cowen asked that her motion be corrected to read that she moved to accept all but Item 1 of Act 4-76. Seconded by Leo Fishinghawk.

Roll Call vote was taken with the following recorded: Bush-yea; Chapman-nay; Chopper-yea; Coon-yea; Cowen-yea; Crittenden-yea; Doublehead-yea; Fishinghawk-yea; Johnson-yea; McSpadden- nay; Proctor-yea; Ragsdale-yea; Swimmer-nay; Thorne-nay; Wickliffe-yea. 11 yeas; 4 nays.

Legislative Act 4-76 was approved with exception of Item 1.

President Wheeler presented Legislative Act 5-76, An Act Prohibiting Employment of Certain Persons Related to Members of Council or Related to Principal Chief; Providing for Filling Vacancies in Council; Providing for Removal of Members of Council, and called for questions or comments.

Be It Enacted By the Cherokee Nation:

1. No person shall be employed in any capacity by the Cherokee Nation who is related to the Principal Chief or any member of the Council by affinity or consanguinity with the first degree.
2. No member of the Council shall vote for the appointment of any person to any office in the Nation who is related to such member by affinity or consanguinity within the first degree.
3. Any member of the Council may be removed by a majority vote of the other members of the Council for willful neglect of duty; habitual and unexcused absences from meetings of the Council; habitual drunkenness; or conviction of any crime involving moral turpitude while in office.
4. When any vacancy appears on the Council by reason of death, resignation, or removal of a member, as previously provided, the Council shall select a qualified person to fill that vacancy.

Mr. Wilcoxon was asked to explain the meaning of the "first degree", which he did.

Chief Swimmer stated that we had provided for this in our employees policies and procedures, and we were simply making it an Act in the Tribe.

Mrs. Cowen asked if this applied to just employment or to elected positions. Mr. Wilcoxon stated it applied to employees of the tribal entities.

President Wheeler called for questions on Item 1. No questions.

Mr. Wilcoxon commented that on Item 2, the Council member could just disqualify himself from voting.

Mrs. Cowen stated that words in any capacity" covers a broad field.

President Wheeler stated that it meant only the money that the Council budgeted.

President Wheeler called for questions on Item 3, and it was added that the only thing inserted that was different from the Constitution was "habitual and unexcused absence from meetings of the Council".

Mrs. Cowen asked if the Council will determine the number of absences. The answer was yes.

Mrs. Cowen commented on Item 4, and stated she thought this should be vested back to the Council to decide how a vacancy should be filled.

PitiV 1 m: d

Chief Swimmer stated that it didn't require that they had to accept, they could turn down the nominations, and this was generally the method of doing this in most businesses.

Mrs. Cowen stated that we had just completed an election to take this one-man rule off the Chief's back, and she felt the Council should bear the burden.

Gary Chapman made a motion to approve Act 5-76. Second by Robert Swimmer.

President Wheeler called for further questions or comments.

Mr. Wickliffe suggested the 16th place vote getter fill the vacancy, instead of the Chief appointing. Robert Swimmer stated that there had been a motion and a second.

Mr. Wilcoxon stated they should allow everyone to discuss a subject and make sure that everyone followed the Roberts Rules.

Leo Fishinghawk stated that he felt this Act covered him and that he and his Director had discussed this conflict of interest. He stated that her director had told her to terminate his position.

He said he didn't understand why this was so sudden. He appealed to the Council to grant him until December 30 to terminate his employment as he had some unfinished business he needed to take care of.

President Wheeler stated that this would have to be discussed in a separate session.

Mr. Wilcoxon commented that this Act won't become effective until 30 days after it was approved.

Chief Swimmer stated that in light of what Mr. Wilcoxon brought out, there was no need to terminate employment but rather he resign to accept an appointment of higher honor.

President Wheeler called for further questions or comments.

Joe Ragsdale, in relation to Item 4, stated that Article 6, Sections 4 and 5 of the Constitution does give the Council authority to fill vacancies, and wouldn't this as written be inconsistent with the Constitution. He further stated if they have this power with the Chief and Deputy, why shouldn't have the power for the Council.

Chief Swimmer stated that in regard to the Constitution, naturally the Chief wouldn't select his successor. The Executive submits names for their selection. He stated that was the purpose of legislation. He further stated he had no objections.

President Wheeler call for a Roll Call vote on Legislative Act 5-76 with the following recorded: Bush-nay; Chapman-yea; Chopper-nay; Coon-nay; Cowen-nay; Crittenden-yea; Doublehead-nay; Fishinghawk-abstain; Johnson-nay; McSpadden-yea; Proctor-yea; Ragsdale-nay; Swimmer-yea; Thorne-yea; Wickliffe-nay. 6 yeas; 8 nays; 1 abstention.

Mr. Wilcoxon commented that someone may want to amend Item 4 to read "the Council shall select a qualified person" and still pass the Act. Mrs. Cowen made the motion to approve Act 5-76 with the amendment to Item 4 to read "the Council shall select a qualified person". Second by Mr. Doublehead.

President Wheeler called for additional questions or comments. There being none, he called for a Roll Call vote on Legislative Act 5-76 with amendment to Item 4. The following was recorded: Bush-yea; Chapman-yea; Chopper-yea; Coon-abstain; Cowen-yea; Crittenden-yea; Doublehead-yea; Fishinghawk-yea; Johnson-yea; McSpadden-yea; Proctor-nay; Ragsdale-yea; Swimmer-abstain; Thorne-yea; Wickliffe-yea. 12 yeas; 1 nay; 2 abstentions

Legislative Act 5-76 approved as amended.

President Wheeler presented Resolution 9-76, Providing for the Creation of Certain Committees of the Council of the Cherokee Nation:

WHEREAS, it is necessary for certain committees to be appointed for the purpose of carrying out the duties of the Council in between regular meetings of the Council, and

WHEREAS, the following committees are hereby recognized as essential for the proper conduct of Council business: Land, Executive, Education, Health, Economics and Industrial Development, Employment Assistance, Social Services, Personnel, Registration, now

THEREFORE BE IT RESOLVED, that the following committees be made standing committees of the Council of the Cherokee Nation: Land, Executive, Education, Health, Economics and Industrial Development, Employment Assistance, Social Services, Personnel and Registration, BE IT FURTHER RESOLVED, that appointments to the committees shall be made by the President of the Council and the duties of said committees shall be designated by the President of the Council.

BE IT FURTHER RESOLVED, that these committees shall have authority to recommend Resolutions and Laws to the full Council. That each committee shall select from its membership its chairman and recording secretary and make reports to the Council

BOOK 1, PAGE -h.<

at regular meeting dates. Further that said committees may consist of Council members as well as non-Council members. Tribal membership shall not be a necessary requirement to serve on a committee.

President Wheeler called for questions and comments.

Mr. Doublehead stated that they needed time to study the resolutions and laws, as he felt this was probably the most important part of their work.

Joe Ragsdale asked if the Registration Committee included both registration for voting and registration for membership.

Chief Swimmer stated that these committees were simply an effort to expedite the work of the Council. He stated that he couldn't see anything that would be a real problem, and if it is objectionable they can take it up in January.

President Wheeler stated that these committees would not be limited to Council members or to Tribal membership. He announced that he would prepare a recess for lunch and reconvene at 1:30 P.M.

Shortly after 1:30 P.M., the Council reconvened and the meeting was called to order by President Wheeler who introduced Austin Ketcher, Chairman of the Community Representatives Organization.

Mr. Ketcher addressed the Council, thanking the appointed Council and congratulating the newly elected Council and Deputy Chief. He pointed out to the Council two areas of concern of the Community Representatives. One was the method of registration and problems involved and the other was the election procedures. He informed the Council that the Community Representatives stand ready to offer their services and could act as a liaison. He stated the Council should feel free to call upon them.

President Wheeler again presented Resolution 9-76 and stated that these committees would serve as advisory committees to the Council.

Leo Fishinghawk commented that he felt some of the business they were doing was coming up too quick and fast. Also that some of the resolutions and laws were being passed in a matter of a few seconds. He stated that he had comments from Cherokees outside that the Council was moving too fast and this was something that is affecting them as they are the ones the members had appealed to for confidence and support. He felt they should take these rules, etc., and discuss them with the people, then come back and make a decision on it.

Mr. Wickliffe made a motion to table Resolution 9-76. Second by Mr. Johnson. Motion passed.

President Wheeler called upon Frank McLemore, Programs Director, to give the Cherokee Nation Program summary.

#### PROGRAMS SUMMARY

Mr. McLemore stated that on behalf of the Cherokee Nation Programs staff employees, he would like to congratulate the Council. He asked all program staff employees to please stand. He informed

the Council that we have four department heads: Louella Coon, who heads the Health Programs Department; Durbin Feeling, who heads the Education Programs Department; Exie Monroe, who heads the Employment Assistance Programs Department; Laveda Lay, who heads the Social Services Program Department. He added that each department head also is a director of one of the programs in their department. Mr. McLemore gave the Council the staff positions and total budget amount for the various programs in each department.

Mrs. Cowen requested that between now and the next Council meeting if it would be possible to have budget breakdowns. Also number of personnel, flow charts, who selected these employees, etc. What she wanted was a general outline.

Mr. McLemore replied that some of this information would be brought up by the Financial Director and they could find some information in the

Employees' Handbook. Mr. McLemore also stated that if the Council wanted the specific breakdown they would furnish it. At this time, Mr. McLemore informed the Council he wished to submit resolutions to the Council to consider for funding.

Mr. McLemore presented Resolution 6-76, Calling for Endorsement of a "Cherokee Nation Ethnic Heritage Program".

WHEREAS, the people of the Cherokee Nation did ordain and establish the Constitution of the Cherokee Nation of Oklahoma, and WHEREAS, the Constitution of the Cherokee Nation of Oklahoma provides that the Council shall have the power to establish Laws and endorse Resolutions as referenced in Article V, Section 7, of the Constitution and Legislative Act (1-76), "Providing for the Use of Both Law and Resolution and Distinguishing Between Them", and

WHEREAS, since the creation of the State of Oklahoma, Cherokee children have not been taught of their own history, culture, heritage and society by the public school system, and

WHEREAS, the Cherokee Nation is an eligible applicant under the Ethnic Heritage Studies Program under provisions of Title IX of the Elementary and Secondary Edu-

BOOK 1, PAGE sia.

cation Act of 1965, as amended by the Education Amendments of 1972 and 1974, and

WHEREAS, the Cherokee Nation Programs Administration has prepared a proposal titled "Cherokee Nation Tribal Education Project" addressing the Tribal education needs and junior high Cherokee students of the Cherokee Nation of Oklahoma, within the guidelines of the forementioned act,

NOW THEREFORE BE IT RESOLVED by the Cherokee Nation to fully support and endorse the "Cherokee Nation Tribal Education Project".

President Wheeler called for questions and comments.

Mrs. Cowen commented that in the future they would need to know what the objectives are, such as sub-contracts. She stated it would be helpful as they need to know what they are resolving to approve.

President Wheeler called for any additional questions or comments. There were none; vote was called. Resolution 6-76 was approved.

Mr. McLemore presented Resolution 7-76, Calling for Endorsement of a "Cherokee Nation WIC Program".

WHEREAS, the people of the Cherokee Nation did ordain and establish the Constitution of the Cherokee Nation of Oklahoma, and

WHEREAS, the Constitution of the Cherokee Nation of Oklahoma provides that the Council shall have the power to establish Laws and endorse Resolutions as referenced in Article V, Section 7, of the Constitution and Legislative Act (1-76) "Providing for the Use of Both Law and Resolution and Distinguishing Between Them", and

WHEREAS, a significant number of pregnant and lactating women and small children of the Cherokee Nation suffer from lack of health screening, nutritional food, and nutrition education, and

WHEREAS, the Cherokee Nation is eligible under the Child Nutrition Act of 1966 and revised and extended by Public Law 94-105, and

WHEREAS, the Cherokee Nation Programs Administration has prepared a proposal addressing the needs described above within the guidelines of the Child Nutrition Act,

NOW THEREFORE BE IT RESOLVED by the Cherokee Nation to fully support and endorse the "Cherokee Nation WIC Program" proposal.

President Wheeler called for motions on the resolution.

Joe Ragsdale asked for the full name of the project. He was informed it is the Cherokee Nation Women, Infants, and Children Program.

Goodlow Proctor made a motion to approve Resolution 7-76. Seconded by Leo Fishinghawk. The floor was open for questions and comments.

Mrs. Cowen reiterated the fact they would need to know the objectives. They need to be kept informed.

Chief Swimmer informed the Council that no program has been subcontracted, and that he was not in favor of subcontracting. He stated that he did agree that a program summary explaining the objectives was needed.

President Wheeler called for any additional questions and comments. There were none; vote was called. Resolution 7-76 was approved.

Mr. McLemore presented Resolution 8-76, Calling for Endorsement of a "Cherokee Nation Health Advocacy Program".

WHEREAS, the people of the Cherokee Nation did ordain and establish the Constitution of the Cherokee Nation of Oklahoma, and

WHEREAS, the Constitution of the Cherokee Nation of Oklahoma provides that the Council shall have the power to establish Laws and endorse Resolutions as referenced in Article V, Section 7, of the Constitution and Legislative

Act (1-76) "Providing for the Use of Both Law and Resolution and Distinguishing Between Them", and

WHEREAS, many of the Cherokee population suffer from insufficient health care, and

WHEREAS, Hastings Hospital has no facilities or programs to constructively care for children who accompany their families to the hospital, and

WHEREAS, the Cherokee Nation needs additional staff capacity to perform an advocacy role in securing proper and sufficient health care for the Cherokee population, and

BOOK 1, PAGE 7\_J

WHEREAS, the Cherokee Nation is an eligible applicant under the Indian Health Service Component of the Self-Determination Act of 1976, and

WHEREAS, the Cherokee Nation Program Administration has prepared a proposal titled, "Cherokee Nation Health Advocacy Program", which is constituted of five components including:

1. Administrative Structure for A Cherokee Nation Health Program

2. Indirect Cost for the CHR Program

3. A Day Care for Children at the Hastings Hospital

4. A Day Care for Children at the Claremore Indian Hospital 5. Feasibility Study for Construction of a new Indian Hospital in Tahlequah.

NOW THEREFORE BE IT RESOLVED by the Cherokee Nation to support and endorse the "Cherokee Nation Health Advocacy Program" Proposal.

President Wheeler called for motions on Resolution 8-76.

Mrs. Cowen made a motion to approve Resolution 8-76. Second by Mr. Doublehead.

Mrs. Cowen asked about the indirect cost rate for the CHR Program, and if we were in compliance with the law.

Mr. McLemore stated there was an indirect cost rate of 16%.

Mr. Chopper asked why the Claremore Service Unit was not included in the project for the Day Care for children.

Mr. McLemore advised that it was due to the proximity of the location, and if the Council wished they could include Claremore.

Chief Swimmer asked if the need had been established at Claremore. The answer was no. Mrs. Cowen asked if the funding on this was on a competitive bases and based upon need.

Mr. Chopper asked if the need could be established at Claremore. Mr. McLemore stated it could if they had the information.

Mr. Chopper asked if this would in any way delay the application as far as funding is concerned and asked that the Resolution be amended to include Claremore Service Unit, for the Day Care Center.

Mr. Fishinghawk asked about the indirect cost and the President stated this would be presented when the financial office gives his report. Mr. Ragsdale raised a question as to the other Tribes who use the Claremore Service Unit putting some money into the project and asked if this could be checked out.

President Wheeler informed him that all federally funded project applications were screened and duplications were caught.

Mrs. Cowen asked if it would be possible to get support from the other Tribes.

Resolution 8-76 was approved as amended in 4th paragraph, Item 3, to include the Claremore Service Unit.

President Wheeler stated the next item on the agenda was the business report and called upon Vance McSpadden to present his report to the Council.

#### BUSINESS REPORT

Mr. McSpadden gave a brief report on the motel complex and informed the Council that since the leasing of the motel to Don Smith, we have been paid approximately \$60,000 during the first 8 months of lease. Mr. McSpadden also commented briefly on the Marketable Arts Program which is a funded program and will train Cherokees in silversmithing, basketry, ceramics, etc., to be sold through our retail outlets. He gave a brief outline of the prospects for the Industrial Park in Stilwell, the Utilities Enterprises, and Cherokee Forest Industries. Mr. McSpadden then asked Mr. Bob Carlile

to give a report on the Tribal Land Enterprises.

Mr. Carlile reported that the land office has responsibility of 44,000 acres of land. He gave a summary of the lands they had leased and lands yet to be leased. He informed the Council that all tribal land was recently put up for lease for a period of five years, and he gave procedures they had gone through for bidding for the leasing. The land went to the highest bidder with Cherokees being given first preference. Mr. Carlile reported that plans are being made for a model farm with a poultry, cattle, and swine operation, also for co-op gardens and Christmas tree farms. He reported that a study is being made on lands not leased to determine the best, most economical way to make the land productive.

Resolution 4-76 was presented to the Council, "Fixing the Responsibility for Tribal Real Property".

WHEREAS, THE CHEROKEE NATION owns land, improved and unimproved, and certain buildings situated thereon, and  
BOOK 1, PAGE

WHEREAS, it is to the benefit of the Cherokee People for all Tribal Property to be put to its highest and best use consistent with Tribal goals, NOW THEREFORE BE IT RESOLVED BY THE CHEROKEE NATION that this Council delegates to the Principal Chief and/or his Delegee, The Tribal Land Director, responsibility for management and negotiation of all agricultural related pursuits and on going agriculture related enterprises, improvement of tribal properties, negotiation of leases, for setting of rental rates and collection of rents.

BE IT FURTHER RESOLVED BY THE CHEROKEE NATION that the Tribal Land Director shall prepare and submit to the Council at each of its regularly scheduled meetings a report summarizing rentals and status of rents receivable.

President Wheeler called for questions and comments.

Mr. Doublehead commented that he had received complaints from people on how the land was being leased. He also asked what procedures were they using in leasing the lands.

Mr. Carlile advised that they had put the announcement in all the local newspapers, the Tulsa papers, Cherokee Nation news, and Cherokees had first preference.

Mr. Doublehead stated he had also received complaints that people were moved off their land.

Mr. Carlile explained that the procedures had been set up so the highest bidder would get the land, and he has to be an Indian. The only way a non-Indian can get the land is to have an Indian partner. He stated that some of the people lost the land due to the fact they were overbid.

Mr. Doublehead stated that he realized that money has to be made, but he felt the Cherokee should be given special consideration.

Mr. Robert Swimmer inquired into the advertising of bids. Mr. Carlile reiterated the statement about advertising in the newspapers throughout the Cherokee Nation.

Mr. Robert Swimmer asked if all leases came due at one particular time or if they were intermittent times, and how were the people informed.

Mr. Carlile advised that all leases were effective January 1, 1977, expiring five years from that date, and advertised to the best of their ability on expiration dates.

Mr. Doublehead inquired about the people who are leasing houses on tribal lands.

Mr. Carlile advised that three families were affected and the Tribal land office has made provisions or is making provisions to assist the families in finding housing.

Mr. Bush asked what provisions had been made to keep a non-Indian from leasing.

Mr. Carlile advised that it has to be a partnership and the Indian partner has to live on the land. He informed the Council they would get a copy of the lease.

Mr. Chopper inquired if they still have a land policy governing the leasing the tribal lands. Mr. Carlile stated that they hoped to have a land governing policy board.

Mr. Chopper made a motion to table Resolution 4-76 at this time. Seconded by Mr. Doublehead.

Floor was open for further discussion. Mr. Thorne cited a complaint he had received from a lessee who had leased for 38 years. Mr. Thorne asked if the decision which was made by the committee was final and is there a recourse.

Chief Swimmer informed the Council that Mr. Carlile has been with the Tribe about 2 months. He stated that a lot of time was spent with these situations and they were trying to be fair.

He stated that all assets belong to all Cherokees. He stated the lease payments were based on B.I.A. appraisals. Also of the lease payments, 40% would be reinvested in the land for their benefit. He stated he felt there was more than sufficient notice on the leases.

Mr. Fishinghawk commented that a lot of the Cherokees had a disadvantage in that they did not understand the procedures.

Mr. Carlile stated that meetings had been held with interpreters present and they had tried to explain all procedures.

Mr. Ragsdale asked if there was a minimum blood requirement. Mr. Carlile informed that they had to trace back to the roll. Mr. Ragsdale stated he favored a bloodline.

Mr. Doublehead stated he would like to see the policies. Mr. Chopper also requested copies of the policies. Mr. Carlile advised the Council copies would be furnished.

Vote was taken. Resolution 4-76 was tabled.

President Wheeler advised the Council that when they received the policies not to feel this was the way that it can be done. He reminded the Council that the only laws the Council cannot change are those in the Constitution. He stated that they needed to be careful about encroaching too far into

◆\_

BOOK 1, PAGEQ:1

the administration of the Tribe, and if they were simply hamstringing the Tribe they would not get anything done.

President Wheeler brought up the next item on the agenda which was the registration report. REGISTRATION REPORT

Chief Swimmer stated that he had been requested to present this report and went over it briefly. A typewritten copy had been supplied to the Council. Chief Swimmer stated that the girls in the Registration department had worked diligently and things were progressing steadily.

Mr. Doublehead asked if there was any way to simplify the registration procedure.

Chief Swimmer stated that he knew of none and the only difficult thing was the Certificate of Degree of Blood. He informed the Council that the girls would take the time to explain the procedure.

Mr. Doublehead stated the information about the new registration isn't getting to the people.

Chief Swimmer stated that the idea of a roving registrar had come up so the people wouldn't have to come to Tahlequah. He stated this couldn't be done in the last two or three months because the

office had been overloaded. He stated he would like to see the registration of more Cherokees. He stated that we have some time now to get applications expedited.

Mr. Fishinghawk commented that one of the biggest complaints is the Certificate of Degree of Blood, and he suggested a way around it for voting purposes.

Chief Swimmer stated that he could not nor could the Council determine a person's blood degree. It had to be determined by the Dawes Roll.

He stated he would like to promote legislation in the next Congress to alter the Rolls based on evidence that if there was a greater degree of Indian blood than was shown on the Roll. Chief Swimmer cited the advantages of having the Certificate of Indian Blood. The degree of blood is shown on the blue card. Chief Swimmer advised the Council that the Tribal membership records and methods of registration were open to the Council. He also informed them that the registration office had already sent out the cards with the blood degree requirement.

President Wheeler at this time called on Scott Gregory to present the Financial Report.

Mr. Gregory had prepared a flip chart to help illustrate the accounting structure of the Tribe. He gave a general outline of the funds within the Tribe. He explained that the programs pay the General Fund indirect cost in which the government had developed a number of formulas to where the burden of administration costs gets spread to the various programs. He also explained the indirect cost rate for the CHR Program.

Mr. Gregory asked if there were any questions regarding the financial statements. There were none.

Mr. Gregory presented Legislative Act 3-76. An Act Providing for Deposit of Funds and Prescribing Procedure for Payment of Claims and Providing for Salary, Per Diem, and Travel Payments.

Be It Enacted By the Cherokee Nation:

1. The Secretary-Treasurer of the Cherokee Nation is directed to comply with Article X, Section 4 of the Constitution and establish a uniform system of accounting for all funds, monies, accounts, and indebtedness of the Nation.

2. The Secretary-Treasurer is authorized to make deposits of funds upon direction of the Principal Chief in any state or national bank in the state of Oklahoma.

3. All investments of surplus funds may be made by the Secretary-Treasurer on directions of the Principal Chief in United States bonds, state bonds, bonds of municipal corporations, accounts in savings & loan associations located in the state of Oklahoma, and all types of interest bearing time deposits, and certificates of banks and savings & loan associations located in the continental United States.

4. All claims against the Cherokee Nation and against its funds shall be verified by the claimant under oath and shall be approved by the department head or his authorized deputy who has personal knowledge of receipt of the goods or services before the same are paid by the Secretary-Treasurer. All such claims and approvals will be retained by the Secretary-Treasurer as permanent records.

5. Regular salary claims of employees and the regular payment of installments due under continuing contracts of the Nation shall not require filing and approval of claims.

6. When the expenditure of any funds requires the approval of the Secretary of the Interior or any agency of the United States, the Principal Chief shall first secure the same before such expenditure is made.

7. Per diem and reasonable travel expenses on business of the Cherokee Nation when authorized by the Principal Chief or his delegated agent, shall be paid at a rate not inconsistent with that permitted by the United States government for in-state and out-of-state travel and for actual travel expense not to exceed fifteen cents per mile by private automobile.

Mrs. Cowen asked who was the Secretary-Treasurer. Mr. Gregory replied that we did not have one at this time.

BOOK 1; PAGE: 10

Mrs. Cowen commented that things were going too fast and they needed to look at the resolutions.

Mr. Gregory stated that it was his understanding that the resolutions merely put into law the duties that the Constitution sets up.

Mrs. Cowen commented on the fact that the Council did not know the past procedures might need clearing up. She stated the process could go on as it had until the Council established procedures.

Chief Swimmer advised the Council that there were certain duties that had to be done and this Act does set a system for the Secretary-Treasurer.

Bob McSpadden stated that since that Tribe is dealing in big funds, it is an important matter as to what banks are handling the funds.

Mr. Ragsdale quoted Article 10, Section 6, of the Constitution, and asked if in Act 3-76 the authority wasn't being given to the Secretary-Treasurer.

Chief Swimmer stated that this is a law proposed to follow the instructions of the Constitution. The Council is supposed to approve all investments, but we have to have a person delegated to make deposits. It is up to the Council to decide how to do it.

Mrs. Cowen stated that perhaps they could amend the resolution.

Mr. Doublehead stated that he agreed with Mr. Ragsdale and Mrs. Cowen according to the Constitution.

Mrs. Cowen asked if we treat all monies as Cherokee Nation monies; following funding regulations; are monies deposited in separate accounts. The answer was yes.

President Wheeler commented that by approving the resolution they would be establishing a standard procedure, and they did have to designate someone.

Mrs. Cowen stated that she was trying to fulfill the Constitution.

Mr. Doublehead stated the Secretary-Treasurer by the direction of the Principal Chief would have the whole authority on where to invest the money, but the Constitution states the Council shall have the authority to invest the money.

Mrs. Cowen asked what bonds we had. Mr. Gregory replied that at this time, we have none. She also asked if we requested money before it was spent or after. Mr. Gregory replied both.

Mr. Wickliffe commented that they needed to know what banks they are going to use. President Wheeler informed him that was being brought

out in another resolution.

Mr. Wickliffe stated that the Council needed to have control on where the money goes because they are working for the people who voted for them. He stated he could not support the resolution as it was written and he would like to move that it be tabled and to continue operating as in the past until the Council met again.

Mr. Gregory stated that while waiting Council approval on deposits, we could lose interest on the funds.

Mr. Doublehead stated the Council was competent enough to have an interim executive committee.

Mr. Wickliffe made a motion that Legislative Act 3-76 be tabled and that operations continue to function as it has been until the Council reaches a decision. Second by Mr. Doublehead.

President Wheeler called for further questions and comments. Vote was called. Act 3-76 was tabled.

Mr. Gregory presented Legislative 6-76, An Act Providing for Compensation and Expenses for Members of the Council.

Be It Enacted By the Cherokee Nation:

1. The members of the Council of the Cherokee Nation shall receive compensation for actual attendance at each regular or special meeting in the sum of twenty-five dollars (\$25.00) and shall also receive actual travel expense, which when done by private automobile shall not exceed the sum of fifteen cents (15t) per mile calculated in the most usual and direct route to and from the place of meeting from the normal residence of the member.

2. Claims for compensation and mileage shall be executed by a member before payment of the same.

President Wheeler called for motions.

Mr. Robert Swimmer made a motion to approve Legislative Act 6-76. Second by Mr. Doublehead. President Wheeler called for questions and comments.

Mr. Ragsdale stated they needed a clarification on Item 1 as to the direct route one way or round trip. Mr. Robert Swimmer made a motion to amend Item 1 to read "to and from". Second by Mr. Doublehead.

The floor was open to further questions and comments.

:-

.J300K 1; PAGE -11,

Mr. Chapman stated that he personally did not expect compensation at this time, but if the meetings became too numerous then he would like to be reimbursed.

Mrs. Cowen stated that she felt the same as Mr. Chapman.

Roll Call Vote was taken with Legislative Act 6-76 being unanimously approved as amended with the words to and from in Item 1.

Mr. Gregory presented Legislative Act 7-76, An Act Changing the Fiscal Year of the Cherokee Nation. Be It Enacted By the Cherokee Nation:

WHEREAS, Article X, Section 1, of the Constitution of the Cherokee Nation provides that the fiscal year shall commence on the first day of July in each year, unless otherwise provided by law; and

WHEREAS, the federal government has changed its fiscal year to one beginning October 1; and

WHEREAS, it is desirable for the fiscal year of the Tribe to conform to that of the federal government,

Be It Enacted By the Cherokee Nation that its fiscal year shall commence on the first day of October in each year.

Mr. Doublehead made a motion to approve. Second by Mr. Fishinghawk. Legislative Act 7-76 unanimously approved.

Mr. Gregory presented Resolution 1-76, Calling for Summary Financial Information, Balance Sheet, and Budget Estimates.

WHEREAS, the Constitution of the Cherokee Nation, Article X, Section 2, requires that the Council shall provide by law for annual expenditures of funds from available sources to defray the estimated expenses of the various departments of government of the Cherokee Nation for each fiscal year.

WHEREAS, prior to the time of taking of office by this Council, the Principal Chief, or his delegate has formulated and submitted budgets in compliance with the requirements of grantor or guardian agencies.

NOW THEREFORE BE IT RESOLVED BY THE CHEROKEE NATION that the Secretary-Treasurer shall prepare and submit to the Council for its approval at its regular meeting on the second Monday of July or at such other time as designated by the Council, the tribal budget for the next ensuing fiscal year beginning October 1, as provided by the Legislative Act 7-76.

BE IT FURTHER RESOLVED BY THE CHEROKEE NATION that the Secretary-Treasurer shall prepare and submit to the Council within 60 days of the end of the fiscal year (September 30), financial statements as provided by Article X, Section 3, of the Constitution, and that such financial statements shall be audited by a firm of Certified Public Accountants as provided by Article X, Section 4, of the Constitution.

Mr. Gregory stressed time element and explained procedures for submitting budgets. President Wheeler asked if everyone understood the resolution.

Mr. Bush made a motion to approve Resolution 1-76. Seconded by Mr. Ragsdale.

President Wheeler called for questions and comments. There were none. Vote was called. Resolution 1-76 was approved.

Mr. Gregory presented Resolution 5-76, A Resolution Establishing the Depository for Operating Funds of the Nation and Authorizing Signatures on Checks Against Such Funds.

WHEREAS, the Cherokee Nation has certain demand deposit accounts for operating funds of the Tribe, its programs and enterprises; and

WHEREAS, such depository requires a resolution of its governing body establishing such accounts and authorizing persons to sign checks thereon;

NOW THEREFORE BE IT RESOLVED by the Cherokee Nation that the depository for tribal operating accounts shall be First National Bank of Tahlequah, Oklahoma, and

BE IT FURTHER RESOLVED by the Cherokee Nation that authorized signers shall be any two of the following:

Ross O. Swimmer, Principal Chief

R. Vance McSpadden, Business Director Scott Gregory, Finance Director

Frank McLemore, Programs Director

.%

BOOK 1 PAGE

f

Mr. Gregory explained that this was not talking about investment of funds, but the day to day operating accounts. The signers are the four that are now signing checks.

Mr. Proctor made a motion to approve Resolution 5-76. Second by Mr. Doublehead. Floor was open for questions or comments.

Mrs. Cowen commented that she was concerned about a replacement for Scott Gregory who was leaving. Also would they check with other banks in the surrounding counties and towns. She stated that she would have to think on this resolution.



Chief Swimmer commented on the fact that First National Bank had bailed the Tribe out numerous times. He pointed out that we do not always receive our grant funds on time and First National has carried substantial overdrafts. He stated that if there is any reason why they believe First National Bank is not the best bank in the area to deposit funds he would like to know about it. He further stated that he didn't think we should be punished because he is the President of First National Bank. He asked the Council to consider the resolution for the bank's sake and for the Tribe's sake.

Mrs. Cowen commented that she was not attacking First National Bank, but as a safeguard they should check other banks as part of their duty. Mr. Fishinghawk stated that he was concerned about the employees and that they would be looking for their paychecks.

Mr. Chapman commented that he was in the banking business and in that bank due to the overdraft situation, they would not be interested in the deposits. He stated that we have got to have a banking relationship within our own domicile as this would be where most people would draw their checks. He stated that they did not know whether other banks would handle the accounts because of the expense.

President Wheeler commented that First National Bank had carried the Tribe for years. He stated that if we go outside Tahlequah, we would have a considerably tighter operation.

Mr. Chapman commented that it would also be at much greater expense.

Mr. Gregory stated that what they were talking about was the checking account and the crunch that comes during payroll week, and where we can hand carry deposits to the bank.

Mr. Robert Swimmer commented that for the Council not to approve this resolution could amount to physical destruction of the tribal operations and the employees would probably hang the Council.

Mr. Fishinghawk commented that there are bills that need to be paid.

Mr. Bush commented that as long as the Cherokee Nation is maintaining a good relationship with First National Bank and anytime this climate ceased to exist the Council could change.

Mr. Crittenden made a motion to approve Resolution 5-76. Seconded by Mr. Johnson. Vote was called. Resolution 5-76 was unanimously approved.

President Wheeler at this time commended Mr. Gregory on the remarkable job he had done for the Tribe.

#### PLANNING DEPARTMENT REPORT

Chad Smith, Planner, congratulated the newly elected Council. He introduced his staff secretaries. Mr. Smith informed the Council that he was planning an orientation for the Council which would consist of seven three-hour sessions. He stated they hoped to bring in qualified speakers for these intensive sessions. He informed the Council that he would be sending out a package of information and suggested they read the Employee Handbook before the orientation sessions. He stated that he hoped from these orientation sessions they would understand our world better.

President Wheeler presented Resolution 2-76, A Resolution Confirming the Appointment of Certain Officers of the Cherokee Nation.

WHEREAS, Ross O. Swimmer, Principal Chief of the Cherokee Nation, has appointed the following named persons to the cabinet positions indicated all as provided in Article VIII of the Constitution,

General Counsel - Andrew Wilcoxon and

WHEREAS, the Council has reviewed this appointment and is fully advised; now THEREFORE BE IT RESOLVED that the above appointment is confirmed.

President Wheeler called for motions.

Mr. Proctor made a motion to approve Resolution 2-76. Seconded by Mr. Ragsdale. Vote was called. Resolution 2-76 was approved.

Chief Swimmer introduced Resolution 10-76, A Resolution Confirming the Appointment of Certain Officers of the Cherokee Nation.

WHEREAS, Ross O. Swimmer, Principal Chief of the Cherokee Nation, has appointed the following named persons to the cabinet positions indicated all as provided in Article VIII of the Constitution,

Secretary-Treasurer - Scott Gregory

BOOK 1, PAGE

WHEREAS, the Council has reviewed this appointment and is fully advised; NOW THEREFORE BE IT RESOLVED that the above appointment is confirmed.

Floor was open for motions. (The secretary was instructed to number the resolutions introduced by the Chief in sequence accordingly.)

Mr. Doublehead made a motion to approve the Resolution. Second by Mr. Ragsdale. Vote was called. Resolution was approved.

Chief Swimmer introduced Resolution R11-76, A Resolution Confirming the Appointment of Certain Officers of the Cherokee Nation:

WHEREAS, Ross O. Swimmer, Principal Chief of the Cherokee Nation, has appointed the following named persons to the cabinet positions indicated all as provided in Article VIII of the Constitution,

Secretary of Commerce & Industrial Development - Vance McSpadden and, WHEREAS, the Council has reviewed this appointment and is fully advised; now THEREFORE BE IT RESOLVED that the above appointment is confirmed.

Floor was open for motions.

Mr. Proctor made a motion to approve the resolution. Seconded by Mr. Thorne. Vote was called. Resolution was approved.

Chief Swimmer introduced Resolution 12-76, A Resolution Confirming the Appointment of Certain Officers of the Cherokee Nation:

WHEREAS, Ross O. Swimmer, Principal Chief of the Cherokee Nation, has appointed the following named persons to the cabinet positions indicated all as provided in Article VIII of the Constitution,

Secretary of Communications - John Lewis Stone, and

WHEREAS, the Council has reviewed this appointment and is fully advised; THEREFORE BE IT RESOLVED that the above appointment is confirmed.

The floor was open for motions.

Mr. Chapman made a motion to approve the Resolution. Seconded by Mr. Bush. Vote was called. Resolution was approved.

President Wheeler presented Resolution 3-76, A Resolution Approving the Appointment of a Judicial Appeals Tribunal to Implement Article VII of the Constitution and Fixing the Terms of Members:

BE IT RESOLVED BY THE CHEROKEE NATION:

1. The Principal Chief having appointed the following:

(1) Philip Viles, Jr.

(2) Roy Frye, Jr.

(3)

members of the Cherokee Nation licensed to practice law before the Supreme Court of the state of their residence as members of the Judicial Appeals Tribunal of the Cherokee Nation in accordance with Article VII of the Constitution, said appointments are approved for a term hereby

fixed at three (3) years from this date.

Mr. Thorne made a motion to approve Resolution 3-76. Second by Mr. Doublehead. President Wheeler called for questions or comments.

Mr. Ragsdale asked if it was necessary that these people be attorneys.

Mrs. Cowen stated that she would like the Council to have the opportunity to submit the names. Chief Swimmer informed her there was no provision for that.

Vote was called. Resolution 3-76 was approved with the additional person to be appointed at a later date.

Chief Swimmer commenting on the Resolutions and Acts which were prepared, stated that the staff was asked to prepare such and submit them to the Council. He informed the Council that as things do develop we will try to apprise the Council of action that is to be taken.

Chief Swimmer commented on a recent article in the papers concerning the OSBI leasing land from the Tribe. He explained that he had been approached by the OSBI in regards to leasing land to build a

BOOK 1, PAGE -pi!:

fl

regional headquarters building in this area. This could mean employment for some people. It would be at no cost to the Tribe and the building would be in conformance with the architectural structure on the complex. Chief Swimmer stated it would be an asset to the Tribe and he recommended that an agreement be worked out.

Mr. Proctor made a motion to authorize Chief Swimmer to pursue an agreement as outlined, to furnish land at nominal cost. Second by Mr. Doublehead. Vote was called. Motion passed.

Chief Swimmer advised the Council that Mr. Bo McGee had contacted him regarding a building on the Industrial Park in Stilwell. He needs a 10,000 square foot building. Mr. McGee informed Chief Swimmer that his business would operate sufficient rent. This building would be constructed by the Tribe at a cost of \$8 to \$10 a square foot. We would receive back rent to be paid on the building and benefits on employment of the people. Chief Swimmer asked the Council for approval to negotiate an agreement.

Mr. Proctor made a motion to authorize the Chief to proceed with negotiations for such a lease agreement between the company proposed, and that the lease agreement be in such a nature that it would amortize a 100% prime interest rate over a ten year period. Also that the limit be set at \$100,000, and authorize him to take bids on that building. Also to authorize the Chief to commence construction, that the bids be sealed, opened by the existing land committee and that the job be properly bonded in the usual course of business.

Seconded by Bob McSpadden. Vote was called; motion passed.

President Wheeler stated that he appreciated the attendance of the Council and of the people. He hoped a relationship had been established and he looked forward to working with the Council in the future.

Motion to adjourn was made by Mr. Doublehead. Seconded by Mr. Fishinghawk. Meeting adjourned at 5:55 P.M.

BOOK 1, PAGE 4.11

R. P rry Wheeler, Pr

Council of the Cherokee Nation