

**Delaware Tribe of Indians  
Delaware Tribal Council  
Monday, March 7, 2010  
Delaware Community Center  
Minutes--Approved 4.4.2011  
Respectfully submitted by Verna Crawford, Council Secretary**

Chief Paula Pechonick called the Delaware Tribal Council meeting of March 7, 2011 to order at 6:19 p.m.

Former Chief Dee Ketchum gave the invocation.

Chet Brooks congratulated all the Tribal members in attendance and expressed his hope that they continue to attend both Council and Trust meetings.

Chief Pechonick welcomed guests, asking if any would care to address the council.

Guests present were: T.J. Aaroe, JoAnn Markley, Lu Ann Hainline, Debbie Markle, John Tucker, Jack Tatum, Barbara Wallace, James Coffey, Nancy Sumpter, Titus Frenchman, Atty. Vicki Sousa, Nate Young, Annette Ketchum, Dee Ketchum, Verna Artherton, and Levi Randoll.

Tribal employees present were Lacey Harris and Marilyn Coffey.

Former Chief Ketchum requested to speak. He presented an article to be placed in the next DIN. He spoke regarding his objection to the council receiving a stipend of \$160 per week (the position paper is attached to these minutes [*editor's note: not included in this copy of the minutes document*] and in the April DIN). Ketchum said his stand is that this should have been presented at General Council or in a referendum vote.

Verna Crawford stated she is now able to spend more time at the Tribal office. I work on production of the DIN and have for many years. I intend to research what programs may be developed. These are some of the things I will continue to work on with or without.

Jan Brown said I am down there every day from 8 am to nearly 5 pm. I will be there with or without pay.

Chet Brooks said it is time for the Council members to be paid. They should have to work at least 20 hours per week. Jenifer Pechonick commented that it was understood at the meeting that council members would have to be at meetings.

Bill Hatch commented that the officers have duties that require work and should be compensated.

JoAnn Markley said that we need a business, use that money to invest in a business. Chief Pechonick stated that is what we are working toward.

**(Note for clarification:** at the January 24, 2011 Delaware Tribal Council meeting Vice Chief Chet Brooks moved to pay non-officer council members Wayne Stull, Bill Hatch, Jenifer Pechonick, \$160 per week plus 12.5% for each year served on council with a cap of \$1,500 per month to be paid from fuel tax money or other available funds. Jenifer Pechonick moved to pay council officers Chet Brooks, Jan Brown, Verna Crawford, \$160 per week plus 12.5% for each year served on council with a cap of \$1,500 per month to be paid from fuel tax money or other available funds. Both motions passed.)

Chief Pechonick asked Secretary Verna Crawford to call roll.

Those answering roll call were Chief Pechonick, Assistant Chief Chet Brooks, Secretary Verna Crawford, Treasurer Jan Brown, members Wayne Stull, Bill Hatch and Jenifer Pechonick. All members were present.

**Wayne Stull** moved to accept the agenda as presented.

Seconded by Jan Brown.

**Motion** carried with seven yes.

**Motion** was made by Wayne Stull and seconded by Jan Brown to approve the minutes of the February 14, 2011, with corrections.

**Motion** carried with five yes (Chief Pechonick, Crawford, Brown, Stull, J. Pechonick) and two abstaining (Brooks, Hatch).

**Motion** was made by Verna Crawford and seconded by Jenifer Pechonick to approve the financial report, pending audit.

Treasurer Jan Brown presented the financials stating that in some grant programs require the money to be spent than the tribe is reimbursed. This does make it difficult to have clear up-to-date financials.

**Motion** carried with five yes and two abstentions (Brooks, Hatch).

## **Unfinished Business:**

### **A. Delaware Housing Authority**

Debbie Markel, representative of the Housing Authority of the Delaware Tribe (HADT), presented the Annual Performance Report that has to be submitted to The Department of Housing and Urban Development (HUD) at end of each year. She explained the 2004 ITG grant that is open now. It is the only grant where the Housing Authority is the TDAT and operates it all. It has been open since August 30, 2004.

When Housing Authority moved back to Chelsea in 2005 several programs were done away with, such as general assistance. When the tribe lost its federal recognition the Cherokee Nation (CN) stepped in and gave us our cash portion to meet the needs of our original stock. They keep the needs portion of the grant. We get about \$490,000 to \$500,000 per year. The HADT is a sub-recipient of the Cherokee Nation. (Note HADT entered into a Memorandum of Agreement (MOA) with CN when the Delaware Tribe lost federal recognition in order to continue to operate and maintain HADT and the properties it is responsible for).

2004 is the only grant we have open and HUD has allowed us to keep open, and now that money has to be spent. When NAHASDA took effect 1996 the housing had 1.7 million dollars in reserve. That was monies received as subsidies since the housing authority started. Those reserves now have to be spent. In June of last year we amended the 2004 budget. We have expended about \$500,000; six houses were purchased in Bartlesville and they plan to buy four more in the area. The last participant will be housed within the week. That budget will be presented to you next month; the HADT Board of Commissioners must approve it first.

The APR is like a report card for HUD to show that we are expecting the homes and complying with the budget plan.

Jenifer Pechonick asked how many units are in the Bartlesville, Copan, and Dewey area?

Debbie answered about 30 units including the recent purchases.

Jenifer further noted she has been told that there are not enough houses available. I understand that there has historically been a lack of Delawares applying for housing. Is there a waiting list and is there a Delaware preference?

Markel responded yes to both questions. Delaware always have preference.

There has always been a shortage of Delaware applicants. Debbie stated the biggest obstacle is criminal history. That is doing away with most of our applicants. NAHASDA regulations will not allow anyone with a criminal record to be housed.

Verna Crawford asked if that was just felonies or any criminal history?

Debbie responded felonies and drugs. NAHASDA states that they cannot be housed. A person can have a felony for a DUI. HADT as well as most other housing authorities have lowered our requirement to five years on some felonies, such as DUI, robbery without weapons, victimless crimes. Drug charges of any kind cannot be considered. The others are considered on a case-by-case basis.

Dee Ketchum thanked Ms. Markel for addressing the Council and asked if the council still appoints the Board of Commissioners and how was this working out with being under the Cherokee directive?

Whenever it is time for appointing a commissioner the HADT notifies the council of the open position, recommends reappointment of an existing commissioner. The council may take the recommendation or appoint someone else. The Commissioners have no contact with the Cherokee Nation. The only thing we have to do with the Cherokee Nation is to send them HADT IHDBG application; they include it in their application. They receive the money, as the money is expended HADT sends a request for funds and it is wired into the bank account.

Chief Pechonick asked to have the “Needs Money” explained.

NAHASDA is broken down into two parts, one is the needs portion for which the Tribe has say what it is used for. The Cherokee Nation may work with the housing authority on this. The tribe identifies homes that need rehab, Delaware people that need general assistance, college students that need help with housing, or you may build, this is the needs portion for the Delaware Tribe. The Elder units at Lenape Acres were built with the needs portion of the monies because this was a need for the Delaware Tribe.

The FCAS portion is used to maintain and operate the houses on the ground at the time.

The Cherokee keep the needs money allocated for the Delaware.

The HADT Board of Commissioners meetings are set for the second Tuesday of each month at 1 pm at the Authority office. Council member Verna Crawford attends most of their meetings.

## **B. Roof Repair**

Chief Pechonick stated that there has been a leak in the Community Center for some time. Jan Brown reported that bids were received for the repair and has been awarded, and work completed for \$3,100 instead of 20 to 30 thousand, Child Care paid a portion of this. The contractor also gave a bid on replacing the air conditioner in the kitchen.

Jan reported that during a storm the Delaware flag came down. The halyard broke and was replaced and the flag is back up.

Chief Pechonick said the guttering on the Wellness Center came down during the last snowstorm and is in the process of being repaired.

## **Office Report:**

Lacey Harris presented the office report.

1. Construction has started on the walking path around the pond. Phil Cramer Construction started pouring the sidewalk on March 2, 2011.
2. The Community Center flagpole has been repaired.
3. Jade Johnson was hired on March 3, 2011 to be in the accounting department.
4. There have been 3 enrollments.

**Wayne Stull** moved to approve Resolution 2011-06 accepting the new members registered.  
**Chet Brooks** seconded the motion.

**Motion** carried with seven yes (Chief Pechonick, Brooks, Crawford, Brown, Stull, Hatch, J Pechonick).

## **New Business:**

### **LIHEAP**

Jan Brown reported that there was a problem with the program. In the past the Trust Board has used the Community Services Committee to get approval. Since the LIHEAP grant is Tribal and should be administered by the Tribe. Chief Pechonick stated that the LIHEAP is alive and well and for everyone to spread the word. Jenifer Pechonick noted that LIHEAP is for assisting low-income families and elders with utilities. One hundred fifty dollars may be paid for heat and \$150 air conditioning, depending on the season. This amount is paid to the provider. If the tribal member has a cut-off notice the Community Services may help with up to \$100. This may be paid only once per year. There are also 10 air conditioners available for loan if an elder needs one this year.

### **IHS money**

Chief Pechonick announced that she would be meeting with the Cherokee Nation representatives on March 11, 2011, at which time she will receive a check for \$184,000 of IHS money that was in our possession when Federal Recognition was lost. The money will be used for the same items as Community Services does—medical assistance, eyeglasses, and more—but will not be restricted just to youth or the Elders. Chet Brooks announced that the Cherokee Nation Clinic in Nowata now has the eye clinic operating. Brooks said that if any Delaware also is registered in the Cherokee Nation they would pay for your glasses if you are 55 or older. It is probable that the examination is free and there is a discount on the glasses.

### **ICDBG Update**

Jenifer Pechonick reported that in 2009 when the Tribe recovered federal recognition we applied for an ICDBG (Indian Community Development Block Grant) to expand the Educational Resource Building. The grant has been awarded and construction will begin soon. The 2010 ICDBG grant application was for a Community Services Building on this property. There has not been any announcement of any grants awarded. These applications were written and submitted by Sherry Rackliff, director of the Child Care Department.

### **Tribal Council Meetings**

Chief Pechonick asked if the Council would like to have two meetings per month because our meetings are so long. Jan Brown said one consideration is that if we had a second meeting

the financial reports could be up to date. Having the meeting on the first Monday the accounting department has not received the bank statements and cannot reconcile the accounts. Thus, the financial reports are a month behind.

## **Resolutions**

Chief Pechonick noted that the membership resolution has already been addressed. Dee Ketchum questioned Resolution 2011-04, Authorizing DEA to move forward with business development plans and projects for the purpose of issuing Tribal Economic Development Bonds. As stated this is not a grant it has to be paid back. Are these tax-free municipal bonds, same as issued by cities and states? Verna Crawford commented that the Resolution in question was to re-evaluate the existing projects to see if they are still viable. This authorization does not give anyone the authority to go out and sell the bonds. Bill Hatch asked if we are paying anyone to do this evaluation? No one will be paid unless the projects are successful. One direction given was to apply for an extension of the issuance of the bonds. The bonds will not be sold unless the projects are proved to be potentially successful.

## **Other Business:**

Chet Brooks moved to place an issue on ballot in November for a referendum vote on the council members stipend as stated in motions on January 24, 2011, that Tribal Council members must attend all Council meetings and that all Tribal Council members must work at least 20 hours per week. Motion seconded by Wayne Stull.

**Motion** carried with six yes and one abstention (Bill Hatch).

**Meeting adjourned at 8:45 p.m.**