Delaware Tribe of Indians
Tribal Council Meeting Minutes
November 10, 2012

The Chief called the meeting to order at 1:10pm. Assistant Chief Chet Brooks prayed in Lenape and English. Present: Chief Pechonick, Assistant Chief Chet Brooks, Treasurer Janifer Brown, Jenifer Pechonick, Nathan Young, Annette Ketchum. Late: Verna Crawford.

Guests: Curtis Zunigha, Leslie Fall-Leaf, Carol Young, Maggie Young, Nathan "Buck" Young, Don Mason, Jr., Priscilla Mason, Charles Randall, Mary Randall, Beverly McLaughlin, Dee Ketchum, Rick Barnes, Michael Morrison, Michelle Vernon, Greg Brown, Jim Rementer, Keith N. Anna, Tonya Anna, Barbara Wallace, LuAnn Hainline, and Curtis Zunigha.

The Chief swore in newly elected Tribal Council members (Annette Ketchum, Chet Brooks, and Nathan Young) and Chief Judge Don Mason and Judge Charles Randall.

Chet Brooks made a motion to amend the agenda striking D & E from New Business as the Housing Department resolutions were not prepared. 2nd Annette Ketchum. Motion passed all in favor.

Janifer Brown made a motion to approve the minutes from Oct 1, 2012 and Oct 30, 2012 meetings. 2nd Verna Crawford. Motion passed (6 yes, 0 no, 1 abstain – Annette Ketchum as she was not present at the meetings).

Janifer Brown made a motion to approve the Treasurer's Report pending audit. 2nd Nathan Young. (6 yes, 0 no, 1 abstain – Annette Ketchum as she did not have a copy of the report prior to the meeting).

Curtis Zunigha presented the Tribal Manager's Report.

Chet Brooks and Verna Crawford presented written reports with verbal highlights from attending NCAI.

LuAnn Hainline gave the Election Committee report. She said they learned a lot in the process. The Chief presented plaques to recognize the committee for their hard work and diligence.

Chet Brooks made a motion to give the Election Chair a $200 stipend and each other member to receive $100 for their services. 2nd Nate Young, Motion passed all in favor.

Unfinished Business

Nate apologized for not being able to attend General Council due to the death of his mother-in-law.

Jenifer Pechonick made a motion to approve Resolution 2012-39 Approval of Tribal Membership. 2nd Janifer Discussion: We have 19 new members. Motion passed all in favor.

Jenifer Pechonick made a motion approve Resolution 2012-40 to designated DFMS as the service provider for the Tribe. 2nd Nathan Young. Discussion: The Tribe will follow federal procurement (housing) policies as required.

Jenifer Pechonick made motion to table Resolution 2012-41, changes to procurement policy. 2nd Janifer Brown. Discussion: not in packet. Motion passed all in favor.

Nathan Young made a motion to approve Resolution 2012-44 Creating a Tribal Code Commission. 2nd Chet Brooks. Discussion: remove the word "supreme." Motion passed all in favor.

Don Mason discussed attending the ICWA conference, attending the Osage Nation Child Welfare software program and a potential CASA program. Don recommends partnering with the Cherokee Nation at first. Don has been researching Title IV-E and will continue. The judges will work to schedule a meeting within the next 30 days. Verna Crawford said that she gave the judges information on a flash drive and put a packet together.

Nathan Young made a motion to approve Resolution 2012-45 to approve the Delaware Tribe of Indians as a member of the National Tribal Environmental Council. 2nd Verna Crawford. Motion passed all in favor.

Annette Ketchum made a motion to entertain an offer from a bonified buyer. 2nd Chet Brooks. Motion passed all in favor.

Nate Young presented the proposed changes to the insurance codes.

Jenifer Pechonick made a motion to accept the proposed changes to the insurance codes. 2nd Verna. Motion passed (6 yes, 1 abstain – Annette, who needs to study the subject).

Janifer Brown made a presentation regarding the proposed changes to the Tribal Seal. The changes are small, the prayer sticks are changed to the proper striped and not striped. The bear paw is replaced with a wolf paw. The turkey foot is more realistic. Other suggested changes include removing "Lenni" and leave "Lenape" as this is redundant. The consensus is to post the proposed seal on website, bring it to the elders and the cultural preservation to be decided at the December Tribal Council meeting.

Other Business

We have an open position on the Court. Tribal Member Beverly McLaughlin was present to speak of her interest in the position. Don Mason endorsed Beverly as a good candidate.

Verna Crawford made a motion to appoint Beverly McLaughlin as a Judge of the Tribal Court. 2nd Annette Ketchum. Motion passed all in favor. Chief Justice Don Mason swore her in as judge.

Dee addressed the Council regarding a complaint filed with the Tribal Manager.

Several tribal members spoke for the good and welfare of the Tribe.

The Tribal Council took a short recess and went into Executive Session.

The Council resumed regular session at 4:16pm.

Janifer Brown made a motion to hire Jean Lewis as a temporary CFO. 2nd Nathan Young, Motion passed all in favor.

Janifer Brown made a motion to authorize the permanent position advertising of administrative assistant to Tribal Manager. 2nd Nathan Young. Motion passed all in favor.

Janifer Brown made a motion to authorize Curtis Zunigha to keep reviewing suggestions for a tribal attorney. 2nd Verna Crawford. Motion passed all in favor.

Meeting adjourned 4:19pm.

Tribal Manager's Report

1. DEA/DFMS – The first month of operation of the new company, Delaware Facilities Management Solutions, occurred with moderate success. The greatest challenge is establishing an agreed upon set of operating protocols for work orders, management communication, and invoicing. Overall we are meeting the challenge. Housing work continues as before, janitorial and grounds maintenance tasks are being handled, and special tasks such as Community Center setup are all being handled by the company. Close communication with DEA/DFMS management and tribal management will overcome the relatively small operational concerns.

   I also want to get tribal Council approval or affirmation of my decision to transfer Community Center rental management to DFMS. The last matter to add to this report is my further discussion on DEA occupancy of the Caney center and new signage that is required.

2. CHEROKEE MOA – We met with a delegation of Cherokee Nation employees led by Secretary of State Charles Head on October 15. We will not be able to get any FY2012 or 2013 monies for our construction of Barbara Street but will consider other funds still under control of CN. They still owe us $100K of aid-to-tribal-government funding and we anxiously await delivery. We addressed the BIA Solicitor letter of last July and Mr. Head agreed that the Delaware Tribe should be getting these funds directly. We subsequently contacted BIA Muskogee Area Office Director Karen Ketcher and she set up a meeting here in Bartlesville on November 19 to provide technical assistance on how we can begin directly contracting for these funds. We continue to work with CN to develop a current roads inventory in anticipation of directly contracting for this program.

   Our next funding target will be direct funding with HUD for NAHASDA (housing) funds. We continue to request a meeting with Cherokee Chief Baker but have yet to secure a firm response.

3. CANEY PROPERTY TRUST APPLICATION – I am anxious and a bit disappointed by the delay in our contractor, Horizon Engineering Services,

in completing and delivering the Environmental Review portion of our application. This is the key component in the application. We will inquire of the completion status when we see HE President Margo Gray-Proctor next week in Tulsa.

There may be some indirect benefit to this delay regarding DEA's concern about the effect of trust land in Caney on a possible gaming trust application in another part of Kansas. I have spoken with the Chief and with gaming consultant Dee Ketchum that the tribe needs a direct dialogue with the BIA in Washington to be assured we can have both. I have initiated contact with the new Assistant Secretary Kevin Washburn and Solicitor Jeff Nelson to set up such a meeting. The date remains to be determined.

4. STRATEGIC PLANNING– with the valuable assistance of Bruce Martin we initiated a survey of tribal programs and operations. It was handed out at the annual general council meeting and we received around 50 replies so far. It is the start of tribal outreach to develop priorities of our tribal members and assess strategic goals and objectives.

5. NCAI – October 22-24 I attended the annual convention of the National Congress of American Indians in Sacramento, CA. Obvious concerns with the outcome of the national elections were a major part of the presentations. We heard from Jodi Gillette, Senior Policy Advisor on NA Affairs at the White House, who assured us of the President's commitment to supporting tribal sovereignty issues and a corresponding budget. We heard from Secretary of Interior Ken Salazar who spoke of departmental accomplishments, particularly land-to-trust actions that significantly out-performed the Bush administration. We were introduced to Kevin Washburn the new Assistant Secretary for Indian Affairs. He is a Chickasaw tribal member and the former dean of the Indian Law School at University of New Mexico. I personally met with Secretary Washburn and his staff assistant Sequoyah Simmermeyer in hopes we could discuss our tribe's issues. I was unable to secure a meeting in Sacramento but received their pledge to meet at a later date, presumably in Washington, D.C.

   I also attended Concurrent Breakout Sessions on Protecting the federal Indian budget, Developing a digital communications infrastructure, and a committee meeting on national litigation and governance issues. Material

gathered at these meetings is being distributed at our staff meetings and tribal committee meetings.

Our tribal delegation also met with representatives of the state-recognized tribes in New Jersey and Delaware as they fought attempts by the Cherokee Nation to exclude them from NCAI membership. We discussed the concerns and doubts of our own local community members about their legitimacy as a tribe of Indian people. They submitted written explanations about their status (copies attached). A subsequent vote on the Cherokee Nation's proposed amendment change to the NCAI constitution failed at a vote on October 25.

6. GENERAL COUNCIL MEETING– with the exception of Nate Young, you all were there last week at the General Council meeting. Most everyone, including frequent critics, complimented us on the layout and conduct of the meeting. I am acutely aware of the failing of our audio-visual equipment during the meeting. I have already begun a procurement process to acquire new equipment that will carry us several years into the future. Some of the fault was with the electrical circuits in the building. The GC meeting was video recorded and is a link to the video is posted on our website. My staff was in attendance and provided great support during the meeting.

7. 2012 ELECTION– You will be receiving a report from Election Board Chair LuAnn Hainline in a moment. Congratulations to those elected. The board meets on November 15 to close out the paperwork on the 2012 election and make notes for improvements and plans for the next election.

8. VETERANS DAY RECOGNITION EVENT– yesterday November 9 the tribe, Veterans Committee, and War Mothers put on a veterans recognition event. It was well received by all and much appreciated by all veterans in attendance. The War Mothers also appeared in this morning's Veterans Day parade in downtown Bartlesville.

9. BUILDING CONSTRUCTION- the Social Services building construction is proceeding slightly ahead of schedule. The roof is complete and the brick mason work is at 90%. The kitchen expansion is moving ahead at a painfully slow pace but has not disrupted the elder lunch program or other community center activities. We also expect the new tribal complex sign to be set sometime in the next two weeks.

10. PERSONNEL ISSUES – we have several issues to discuss regarding personnel and human resources. They include the position of Chief Financial Officer, Tribal Attorney, and Administrative Assistant to the Tribal Manager. These can be discussed in detail during your executive session later in this meeting. I will also be attending a training course on Human Resources Management with HR Manager Mike Taylor this Thursday and Friday in Oklahoma City.