

Called to Order: 5:40

Prayer: Mary Watters

Report on Bonnie Thaxton as AARP, Indian Elder of the year.

Blue River Haas is recognized and reads his request from the Delaware Tribe to change Columbus Day to Indigenous Peoples' Day in the Bartlesville. He explains when he approached the Superintendent of Bartlesville School District, Operation Eagle personnel were threatened with their job.

Laura Maynor is recognized and spoke on behalf of him. He has support from Choctaw Nation and he plans to visit many Tribes to gain their support despite threats from the school district to defund Operation Eagle.

Attendance:

Chief Chet Brooks, Assistant Chief Bonnie Jo Griffith, Treasurer Benita Shea, Councilwoman Annette Ketchum, Councilwoman Michelle Holley, Councilman Nate Young.

Absent: Secretary Nicky Michael

Welcome guests:

Approve Agenda

Councilwoman Griffith moves to approve.

Councilwoman Shea seconds.

All in favor.

Unfinished Business:

Child Support Enforcement, Curtis Zunigha: July 30th submitted ACF \$341,342

New Business:

Resolution 2015-44: To Amend the Anti-Nepotism Policy

Councilwoman Ketchum motions to approve.

Councilwoman Holley seconds.

Questions came from the audience about what the difference was and grand-children are already in the previous policy.

Councilwoman Ketchum states that “you took cousins off.”

Councilwoman Holley confirms yes, due to the concerns about how far this would go.

Councilman Young expresses that his concern is that this resolution would limit the pool of Delaware candidates. He says we have such a small community that it will be hard to hire Delawares. He believes the Personnel Committee should make those decisions. “I’m concerned we wouldn’t hire someone because that person was married to someone’s grandson.” We may not be able to hire them because they are a “Wilson or a Barnes or a Young.” We are in a unique position as a small Tribe. As we develop our businesses, if someone is hired by an independent board. He appreciates the motive but feels that the “cure would be exclude Delawares that could be employed.”

Councilwoman Ketchum responds that we are just talking about the 7 people on the Tribal Council.

Councilwoman Holley responds that each of those examples he gave is already in the previous nepotism policy that Councilwoman Griffith proposed last winter. Those examples you gave already are in place. This resolution is simply adding nieces, nephews, aunts and uncles.

Chief Brooks notes the only difference in this resolution is it adds aunts and uncles and he doesn’t have to worry about this with none of these relatives in this area.

Councilwoman Shea and Griffith both state they do have to worry about it. Councilwoman Shea says she has a lot of family members sitting right here.

Councilwoman Ketchum states she isn’t worried about it.

Councilwoman Holley states she is not interested in seeing this Tribe turn into a family affair. “I believe there should be a fair chance for everyone, not just family members. I am not in favor of having multiple family members in key positions of this Tribe.”

Councilwoman Griffith states yes, this is why she wrote the initial resolution in December but she feels we have to be careful about going too far in the lineage.

Councilwoman Shea brings up the third **Whereas**, “sometimes a situation arises where the current policy does not meet the need of the Tribe.” She notes this could be the point at which certain situations go before the Personnel Committee who would make a recommendation to the Tribal Council.

Councilwoman Holley explains that every word of this to the **Now Therefore It Be Resolved** is the same wording as the previous resolution.

Councilwoman Griffith states that that the Now therefore be it resolved locks us into that policy though; not that the **Whereas** can override this.

2 in favor (Holley and Ketchum)

4 opposed (Brooks, Shea, Young, Griffith)

Councilwoman Ketchum asks why we spent all this time on this when no one believed in it. She states, “when just two of us voted for it.”

Chief Brooks felt that Councilwoman’s statement was unfair. His niece works for the Indian Health Services and knows better than to go to work for the Delaware Tribe.

Councilwoman Ketchum states her grand-children are the same way, they know not to work for the Tribe.

Councilwoman Griffith states her niece also would not work for the Tribe.

John Sumpter is recognized. He asks a hypothetical question regarding his nephew, Levi Randoll. “What if he were working for the Tribe?” If he ran for a Tribal Council seat and got it would his nephew then be fired?

There are mixed answers with some yes and some no.

Jack Tatum is recognized and states he feels this really affects our Tribe. It doesn’t just affect “you people up there.” He believes this should go to the people. He resents that the Tribal Council is making this themselves. He believes it should be for “the people.”

Resolution 2015: Amend resolution 2014-53 Anti-Nepotism Policy as reflected in the Code of Ethics

Councilwoman Griffith motions to table until the next meeting.

Councilman Young seconds

Resolution 2015: To Amend the Tribal Membership Act To Include Procedures For Disenrollment

Chief Brooks explains this is a resolution that only applies to those who were not legally qualified to enroll to begin with either by fraudulent claims or by mistake.

Levi Randoll is recognized and asks if we can give him a number for those who may not be lawfully enrolled.

Enrollment Director, Leslie Fall-Leaf explains that there are two families who would have this applied to them—not that they were fraudulently enrolled but had an ancestor with the same name as someone on the base roll.

Mr. Randoll favors the policy. He exemplified the Osage who are dealing with an issue where some adopted children were issued a CDIB against Osage policy.

Councilwoman Griffith states that this resolution is not to target anyone or place blame. It's meant to support our true members.

Director Fall-Leaf explains it was possible before to remove members but this resolution provides "due process."

Verna Sue Artherton asks "how does someone prove their enrollment?"

Director Fall-Leaf explains that everyone has to provide state certified birth certificates.

Ms. Artherton asks if we will ever see a blood quantum requirement.

Director Fall-Leaf explains she would not support a blood quantum because we would lose most of our Tribe. "We have only three full-bloods today, three."

Councilwoman Griffith motions to approve.

Councilman Young seconds.

All in favor.

Resolution 2015- : *To Approve Tribal Membership numbers 058573-058589.*

Councilwoman Ketchum motions to approve.

Councilwoman Young seconds.

All in favor.

Resolution 2015- : *To Implement the Line of Authority and Responsibility for the Tribal Government: for the Chief, Assistant Chief and Tribal Operations Manager shall have Oversight over the Daily Operations of the Tribe.*

Councilwoman Holley says she saw two resolutions earlier this week about the line of authority and a separate one for the Chief, Assistant Chief, and their designee to be the spokesperson for the Tribal Council. So we are combining them into one now?

Chief Brooks asks who wrote the resolution.

Councilman Young states he did.

Chief Brooks: "Was it written in two parts?"

Councilman Young: "Not that I recall."

Councilwoman Shea states maybe it was the way they were split up?

Councilwoman Holley: Possibly

John Sumpter is recognized: "The way I see this is those that are not written into this, which is four of you, has to go to the Chief, Assistant Chief, or the Tribal Manager to ask permission to go to a department to get information. Is this what I am hearing?"

Councilman Young: That is exactly what you are hearing.

Mr. Sumpter: Thank you. Ms. Shea. You said this was due to a Council member "trying to re-write Delaware History? Could you clear me up on that?"

Councilwoman Shea: We had a Councilmember go to one of our employees asking if we could edit the Tribal Council video.

Mr. Sumpter: The 106 video?

Councilwoman Shea: Yes

Councilwoman Griffith: No it was the Tribal Council meeting video of the 106 video.

Mr. Sumpter: "Because this seems like a power grab to me."

Councilwoman Griffith: "Absolutely not"

Councilwoman Ketchum: "Absolutely"

Councilwoman Holley: "Yes it is."

Mr. Sumpter: "I'm not the only one seeing it. But I'm here to question considering one individual slipped up and called it a fee, which is covered under the privacy act, and it was an honorarium. I set this up. She came here on my invite to help this Tribe. She did us a favor. She would not have come here for any of you. Chief Brooks, you know I have been trying for three years due to spending time down at the Western Delawares with their program.

Chief Brooks: States he agrees that John has been trying to bring this up for three years. "But the truth of the matter is that we have a problem on our Tribal Council that seems to be any individual Tribal Council member thinks they can order an employee to do what they want. The Tribal Council has to have a majority vote to do anything."

Councilwoman Holley: So let me get this straight. To do anything, except for the Chief, Assistant Chief and Treasurer that are mentioned in this resolution..."

Councilwoman Griffith: "And Allan."

Councilwoman Holley: "Allan is the Tribal Operations Manager. That is his job."

Councilwoman Griffith: "He is in the resolution."

Councilwoman Holley: “He is a paid employee. Under the Constitution it does not include that the Chief and Assistant Chief are to micromanage the daily details of the Tribe. I would think that you would be busy enough to not have to do that.”

Chief Brooks: “And I believe every Council member, including you Michelle, would be too busy to do this either.”

Councilwoman Holley: “Absolutely, I am busy, but I don’t believe I have any requests over the day to day operations...”

Mr. Sumpter asks for the floor back. “Like I said, I’m not the only one that sees this as a power grab. You are going to have to be very explicit on this. If you remember what I told you at the Oversight Committee, which it’s mute now; you blew us off; kept us out of the circle; on this program. I told you what would happen. It was my gift. There was two things I wanted to do that I owed this Tribe and that was to get the Elders recognized and the Veterans recognized and I accomplished that with help.”

Chief Brooks: “You accomplished that sometimes with my help.”

Mr. Sumpter: ‘I’m getting there. The first one was Curtis—he was the first but we didn’t have a line item. Your help there too when they was trying to make a run at us. We got them a line item and we got them money. But this program was another gift that the Tribe can benefit from. And this is a little push that makes me doubt how that’s going to go. To me, my observations, what I’ve seen happen, Executive Session abuse, Special Meeting abuse, the Conference Calls, which to me is conducting the business of the Tribe on the phone and the people don’t have any access to it. Well that makes me wonder. Don’t make me sorry. I endorsed every one of you. I campaigned hard for you. I’m not saying a bunch of people listen to me. But don’t make me sorry.”

Chief Brooks: “Your words are well taken. However, I don’t care what kind of authority I’ve got. I only can have the authority that this Tribal Council gives me. I didn’t ask for this resolution; other Tribal Council members did.”

Councilwoman Holley asks for clarification on the second whereas stating the Chief, Assistant Chief, or their designee shall be official spokespeople for the Tribe. I would like to know the motivation behind this. Are you saying individual Council members cannot speak for themselves?

Councilman Young: Most certainly not. You have that right under our constitution. As to what is our Tribal Policy there has got to be one official spokesperson on any subject.

Councilwoman Ketchum: “Can I speak? The line of authority we already have established. We have our constitution that tells what our duties are. We have a job description that tells what our Tribal Manager duties are. Therefore, this is unnecessary, because every individual employee can go to the Tribal Manager and tell him if any of the Tribal Council is trying to manipulate them. I don’t understand what this grievance is because it never happened. We had a wise employee that went to the Tribal Manager—Is that what happened?”

Councilwoman Griffith: No he came to me very stressed out.

Councilwoman Ketchum: Well he should have gone to the Tribal Manager.

Councilwoman Holley: Yes, exactly. That is not following their chain of command that is already established.

Tribal Manager Barnes: If this example is the one I'm thinking of, then yes, that employee did come to me. He consulted with me first. Then we went to the next Chain.

Councilwoman Shea: My concern is that we have power over that employee as Tribal Council members. I can see an employee feeling intimidated because I have a Tribal Council member asking me to do something. Yet, I have my boss over here telling me to do something else. Now I don't know what to do first. This lays it out that the authority goes to the Department Head. I should not have that power to go to an employee and tell them I want something done right then and there.

Councilwoman Holley: That is understandable that we go to the Tribal Operations Manager; he is over all of our employees. We are not specifically listing just employees in this resolution. I do not understand why they have to be in the line of contact.

Councilwoman Shea states she thinks the concept behind this is that these two (Chief and Assistant Chief) are here on a daily operations.

Councilwoman Griffith: Chief Brooks was elected to lead the Tribe.

Councilwoman Holley: I understand the concept and I feel it is a control effort.

Councilwoman Griffith motions to approve.

Councilwoman Ketchum: We have a Constitution that says where the authority lay and that is with our people. We go and make all these rules about authority and then the people never have a voice because they can't have a meeting. They are already complaining about it. I don't know of anyone besides John...

Jack Tatum: Me too. Not about this but the People don't have a voice.

Councilwoman Ketchum: I don't know how we solve it because the people have felt this way the last four years, but I don't like this; I don't like "designee." Who would that be?

Councilwoman Griffith: Whoever Chief chooses.

Councilwoman Holley: Or whoever the Assistant Chief chooses.

Chief Brooks: I totally disagree it would be who I chose to be the official designee. I don't have that authority. This whole thing is turning into a deal where Chet Brooks is becoming a dictator. It wasn't me that wrote the organization chart. It was the prior administration, which you were a part.

Councilwoman Ketchum: Did I say something offensive?

Chief Brooks: I don't in any way appreciate anyone's comments that I am a dictator.

Councilwoman Ketchum: "I didn't say that? Are you looking at me?"

Chief Brooks: "I am looking at you and Michelle both."

Councilwoman Holley: I have never used your name and dictator in the same sentence. I have said other Tribal Council members are.

Councilwoman Ketchum: That is an erroneous insult to both of us. We haven't said this.

Chief Brooks: I will apologize for the insult but I will not apologize for the organization chart.

Councilwoman Ketchum: I don't know. I haven't seen it. But what I'm talking about is in the last administration the people felt like they didn't get information. And they are already complaining they aren't getting the information. And I think this Tribal Council has done everything it can to provide the information. It's always been a problem that the elected constituents are out of favor by the end of the second year. This Council it's the first year. Everyone is second guessing everyone. One Council member may have possibly overstepped and made a judgement call. She apologized for it and now we want to go and make something like this out of it?

Leslie Jerden is recognized: I wanted to give my personal comment on the way this reads if I may. My experience from other Boards is it is a way to protect the employees who work for the Council. I don't read it as taking away from the people's voice because that is not in this resolution at all. It reads that a Tribal Council member cannot go to an employee without a couple people behind them saying yes, it's ok to do that. I think this is a protection for the individual Tribal Council because if one of you directs an employee with anything that is misleading, or withholds information, or anything in that line, that represents you as a Council. I would just suggest that you take out the "and" in the third whereas because it does make it sound like it's cumbersome and too much. I agree that there should be accountability and at least one other person behind that and whether that's the Chief and the Tribal Operations Manager, or whomever else I believe it provides a protection. The sixth whereas is confusing because you are allowing anyone to be the designee or spokesperson and I think that doesn't agree with what you are trying to do with the resolution. That should be discussed with the members of the Tribal Council. You don't pass the buck to someone else. You don't get that opportunity. That's the point of the resolution is to make a joint decision to ask an employee to do something.

Councilman Young: Are you suggesting we strike the next to the last whereas?

Ms. Jerden: Yes, completely.

Councilwoman Ketchum: When you're putting that official spokesperson in there it's a different subject than the line of authority.

Councilman Young: I would like to make two amendments to my own motion.

Ms. Jerden asks any Tribal Council member what aspects of the resolution do they think would hinder business?

Councilwoman Holley responds that it's not that it would hinder business. The problem is with the mention of the Chief and the Assistant Chief whose duties are separate and laid out in the Constitution, which does not include day-to-day operations.

Ms. Jerden: I see your point but when this did happen he stated he didn't get the problem resolved. He went up the chain to the assistant Chief. Maybe it's protecting him in his security.

Councilwoman Holley says we have an Organization Chart, a Constitution, an Employee Policy. We have a number of document that detail roles in the hierarchy.

Councilwoman Griffith states that when there is an issue, she refers the employee to the Tribal Operations Manager. If he is not here, then someone has to make the decision.

Nancy Sumpter: Well then wait until the next day.

Dana Murrell is recognized: She states Mr. Barnes is not her Direct Supervisor so this would not apply to her. She believes she is the only one in that position. Her and the receptionist.

Councilwoman Griffith motions to approve with the amendments.

Councilman Young Seconds.

3 in favor (Young, Griffith, Shea)

2 no (Ketchum, Holley)

1 abstention (Brooks because he doesn't want any further accusations of running a dictatorship)

Councilwoman Griffith motions to take a break.

Councilman Young seconds.

Called to order 7:42

Resolution 2015- *To Authorize Implementation of the Lenape Cultural Center Planning Grant*

Councilwoman Griffith motions to approve.

Councilman Young seconds.

Councilwoman Griffith states they took the employees name off and replaced it with the position.

5 in favor

1 abstention (Holley)

Resolution 2015- *To Amend the Housing Resolution: From assistance at \$5,000 to \$10,000 rehabilitation.*

Councilwoman Griffith asks the Housing Director if the previous program had a different age limit. This one says 55.

Housing Director, Ron Scott: Yes, when I wrote the first grant I listed 62 and higher.

Councilwoman Ketchum asks if this was because there were not enough people 62 and higher?

Mr. Scott: We have enough but only five applied.

Councilwoman Ketchum: How much is the grant?

Mr. Scott: The initial amount was \$25k. With this increase, we will boost it up to \$50k.

Councilwoman Griffith asks what if you have seven applicants?

Mr. Scott: We may not need the full amount for rehabilitation on each house. We may not be used rolls over.

Councilwoman Ketchum: They have to own their home correct?

Mr. Scott: Yes

Nancy Sumpter asks what happens if she needs a new roof but her sister owns the house?

Mr. Scott: Some type of agreement or understanding about a relative living in the home.

Councilwoman Ketchum: Was it first come first serve?

Mr. Scott: It ended up that way but hopefully more people will apply to demonstrate a need.

Councilwoman Griffith motions to approve.

Councilman Young seconds.

All in favor.

Resolution 2015- *: To submit an Indian Community Development Block Grant (ICDBG) for an Elder Independent Living Center, 2015.*

Councilman Young motions to approve.

Levi Randoll is recognized: He asks if this is being written by Sherri Rackliff

Councilwoman Griffith seconds.

Councilwoman Griffith states that Ms. Rackliff is not accepting any money for writing the grant.

All in favor.

Resolution 2015- : *To Approve Membership to NCAI*

Councilman Young motions to approve.

Councilwoman Shea seconds.

All in favor.

Councilwoman Ketchum asks if we have an alternate in case something happens to one of the delegates? We always have before.

Councilman amends his motion to include Councilwoman Griffith and then Holley in order of the alternates.

All in favor.

Resolution 2015- : *To approve the Declaration of Indigenous Peoples Day*

Councilman Young motions to approve.

Councilwoman Holley seconds.

Councilwoman Griffith asks to amend it to Indigenous Peoples Day.

Councilwoman Ketchum asks to amend government to "Federal Government."

All in favor.

Nancy Sumpter is recognized: She asks what a "fabricated Delaware is?"

Councilwoman Griffith states it's a wannabe.

Levi Randoll is recognized: He states, "You guys did a really good job against Susan Taffe Reed. It's an insult when you have a Chartered school to help Native Americans and here you have this woman from a fabricated Delaware Tribe as the head of the program. She passed herself off over the years as a legitimate Delaware from Pennsylvania receiving thousands of dollars in scholarship money. That could have been one of our tribal members. That could have been me. I would have liked to have been one of those. With you guys speaking out the way you did and not only you guys but Shawnees such as Ben Barnes and Keely Squirrel Denning, You guys speaking to the Dartmouth Alum and the Dean of Students shut that down. I applaud that effort Michelle, Chet, especially Nicky Michael. These people put their own time into it. People don't think these people are hurting our Tribe but they honestly are taking away from us." He thanked us.

Councilwoman Holley explains that yes, she agrees. A number of us before we were tribal leaders, even as individuals have been working on this with Ben Barnes, the second Chief of the Shawnee. These groups have stolen tens of thousands of dollars; Taffe-Reed scholarships should have gone to Native American students.

Councilwoman Ketchum asks to be excused.

Resolution 2015- Opposing Fabricated Delaware Tribe, Groups, and Indians

Councilwoman Griffith motions to approve.

Councilwoman Holley seconds.

Chief Brooks has a question on Be it further resolved, what would happen to our Tribe if we ever lose our recognition. I am for this resolution. But I am not sure about state recognized. He provides a synopsis of when we were not recognized with NCAI, which included us as State recognized and Tribes that have been before the Indian Claims Commission. Still, there were those who felt we should not be allowed to be a member. He moves to strike the "state recognized."

Councilwoman Holley: Disagrees with striking the "state recognized," because that is what is happening with a number of these groups who are stealing our heritage, culture and funding.

Levi Randall is recognized: I would have to disagree with your statement about NCAI having anything to do with who is Native American. NCAI is not in the business of recognizing Tribes. I have a problem with state recognized as well. States cannot recognize Tribes. States do not have that authority. We know who our Delaware people are. If you have any fear that would hinder any future negotiations with the Idaho Delawares, this will not. As our Council, we elected you to run the business of our Tribe and protect our people. Be strong leaders and protect our people.

Councilwoman Griffith states that if we lost our recognized, we would likely have all our resolutions nullified.

All in favor.

Letter of Intent: Chief Brooks is asking for approval from the Tribal Council to sign a letter with Ernie Jackson and the other the Dennis Group.

Councilwoman Griffith: There will be no funds to expend.

Chief Brooks: No

Councilman Young: Advises just to let us know by sending us a copy.

Chief Brooks doesn't want to bind us to anyone but wants to encourage business to be brought to us.

Councilwoman Holley: So this is basically a template and we will receive a copy.

Councilwoman Griffith motions to approve.

Councilwoman Shea seconds.

4 in favor

1 abstains (Brooks)

Councilman Young motions to adjourn.

Councilwoman Griffith seconds.

All in favor.

Adjourns 8:40.