

**Delaware Tribe of Indians**

**Delaware Trust Board Minutes**

**March 4, 2013**

**Delaware Social Services Conference Room**

**Respectively submitted by Jana Roth, Special Assistant to the Chief**

Chairman Chet Brooks called the March meeting to order on March 4, 2013 at 4:10 p.m. Joe Brooks gave the invocation.

Chairman Chet Brooks called roll, those present were DeAnn Ketchum, Homer Scott, Chairman Chet Brooks, John Sumpter, and Joe Brooks. Secretary Verna Crawford was absent due to illness. Cass Smith resigned at the Special meeting, three weeks earlier.

Chairman Chet Brooks welcomed guests and invited anyone present to address the Board.

**Joe Brooks** moved to approve the agenda. Homer Scott seconded. Motion carried with 5 yeas.

**Minutes of previous meeting:**

**Joe Brooks** moved to approve the Minutes of February 4, 2013 with no corrections. Homer Scott seconded the motion. Motion carried with 5 yeas.

**Treasurer's Report:**

DeAnn Ketchum noted she had not reviewed the Financials. Chairman Brooks stated that Jean Lewis, the CFO, gave a synopsis of the Trust Board Financials in February and that the Trust Fund was at \$ 3,873,663.14 in January. Homer Scott noted that Fund was moving up and that was *the main thing*. Chairman Chet Brooks asked if anyone had any questions regarding the Financials.

**John Sumpter** moved to approve the Financials. Joe Brooks seconded the motion. Motion carried with 5 yeas.

Jean Lewis, the CFO addressed the Board and stated she was prepared for the auditor. She also stated that last year the auditor had suggested changing the fiscal year end to the same as the Tribe's fiscal year end. She explained that such a change would be difficult and that MIP would have to reopen and close each year in order to change the fiscal year which will be costly. MIP will charge \$1500.00 to \$1600.00 to make the change. She suggested the Trust Board had run the old fiscal year calendar for years with no problem but she asked what the Trust Board wanted to do. Curtis Zunigha, the Tribal manager discussed the requirements of the Trust documents regarding budgets. Jean Lewis stated she thought there was no point in changing the fiscal year, that there would be no benefit for us to do it. Joe Brooks asked if it would make the audit cheaper. Jean Lewis responded no it would not. Jean Lewis recommended that there be no change to the old fiscal year structure. Jean explained that once you change it, it's expensive to go back. Janifer Brown asked if the fiscal year end was changed, would they have to change all the years and Jean responded "yes". Chairman Brooks asked if, from a technical standpoint, if the budget is for a year regardless, would the extra 3 months look like we overspent. Jean Lewis responded it would be easy to take the changes we had made, back to the old fiscal year calendar. Chairman Brooks noted that there was nothing wrong with going over budget and Jean replied that was true.

**Joe Brooks** made a motion to change the calendar back to fiscal year January 1 through December 31. John Sumpter seconded. Motion carried with 5 yeas.

**Economic Development Report:**

**Joe Brooks** stated there was no report because the DEA takes care of the Tribe's economic development.

### **Community Services Report:**

Verna Crawford was absent so Homer Scott stated the Community Services Committee met and approved 37 educational scholarships in February and 10 or 12 tribal assistance applications. Joe Brooks thanked the Community Services Committee and the Trust Board on behalf of his daughter, who received assistance for nursing school.

Curtis Zunigha reported on the cemetery project. He stated that the clearing of the property was under way and significant progress had been made. He stated that after this phase was completed the Cultural Preservation Committee would be consulted. Curtis Zunigha added the cemetery was located SE of the Copan about one and half miles above the Caney River (which has flooded the cemetery several times). Zunigha noted this is a long-term restoration project and that he would put together a report. Annette Ketchum asked how much money had been spent. Zunigha replied about \$4000.00 has been paid to Barnes American Tree Service and that the Tribe had received a discount because Terry Barnes is a Tribal member who wanted to work on the project out of respect to our Delaware ancestors buried there. Zunigha also discussed plans for restoration of the head stones at the cemetery. Furthermore, Zunigha noted that some of the money for the project could come from Cultural Preservation and some could come out of Land Management. Zunigha stated that as the project progresses he will seek the guidance and direction of the Historical Preservation Committee, the Cultural Preservation Committee, Land Management, and the descendants of those buried at the cemetery.

Joe Brooks asked about a Two Mile Cemetery restoration effort. Zunigha replied that any overgrown trees would be cut back. Brooks asked Mr. Zunigha to check on that cemetery. Zunigha added that the head stones at that cemetery will also be addressed in the future and that he had spoke with Windle's Rock shop to inquire about the cost to restore the headstones.

Bonnie Jo Griffith stated that she was on the cemetery committee. Verne Artherton asked if people could get into the cemetery and John Sumpter replied yes.

DeAnn Ketchum asked about getting ground penetration radar from Dr. Brice Obermeyer. Zunigha stated that it could be leased using cultural preservation funds and suggested the Ruby Cranor book might be used to find where "they" are and "who" they are. He also stated that funding could be provided by the Trust Fund, the Preservation fund and possibly fund raising efforts.

Joe Brooks requested the brush pile that is now floating in the pond be removed, as it was not anchored and feared it would eventually block the drain and cause flooding. There was some discussion on whether or not the brush was left to make a fish habitat. Charles Randall suggested that the state might stock the pond but Joe Brooks said "no" because then the pond would be open for non-tribal members to fish. It was also suggested that a "No Fishing" sign be posted. Zunigha stated he would be addressing the Tribal Council this evening to request the brush be removed as soon as possible.

John Sumpter stated that someone (a non-Tribal member, according to Leslie Fall-Leaf) had called him and asked about the Silver Lake Cemetery and he referred them to Leslie Fall-Leaf. It was also mentioned that although the Tribe does not own the cemetery, many Delaware people are buried there but he had heard that it is now full. Annette Ketchum said that if the Tribe requested it, the county wouldn't allow anyone outside of the Tribe to be buried there, unless they already had family buried there. Bonnie Jo Griffith stated that the county mows the Silver lake Cemetery. Bruce Martin stated that in 2005, he was told there were only 2 or 3 plots left. Ms. Griffith stated that she was on the cemetery committee and asked why decisions regarding cemeteries were being made here?

### **Reinvestment Report:**

John Sumpter asked what Chairman Brooks wanted to do about hiring attorney Michael McBride. Chairman Brooks replied that he had called on Wednesday or Thursday and was informed it would take a \$1000 retainer to review the situation. Annette Ketchum added that the attorney charges

approximately \$400 per hour. John Sumpter stated that a financial attorney is more expensive but that the Trust document papers are way out of date. Joe Brooks stated that he wondered if there was something better than Arvest Bank to keep the Trust Fund. Sumpter stated that Arvest was a safe and sound investment but the Trust Fund document needs to be “modernized”. Annette Ketchum asked if Jean Lewis, the Tribe’s CFO could look at it. Joe stated that Lewis wasn’t qualified to decide whether the Trust Funds were safe or not and the bank refuses to give an opinion on it.

DeAnn Ketchum asked when was the last time that it was analyzed and the reply was that it was last analyzed back when Raymond Cline was the Trust Board Chair.

John Sumpter stated that he had asked the accountant about it but the accountant told him he would need a financial attorney to look at it. Joe Brooks said he was concerned about the cost of an attorney and that he wants to know:

1. Is the Trust money safe and if the Tribe gets sued are the Trust monies safe? And,
2. What do we need to do to modernize?

Curtis Zunigha said, in his opinion, he didn’t think the Trust Fund was at risk because it’s a fund that’s approved by a vote of the people and it is not under the control of the Tribal Council. Discussion ensued and John Sumpter stated he still thought legal opinion was needed to modernize the documents and that maybe an attorney could strike a better rate with Arvest. Chief Pechonick asked John Sumpter why he doesn’t just ask Arvest for a better rate.

**Joe Brooks** made a motion that the Chairman ask the financial attorney:

1. How much he would charge to review and make sure the Trust Funds were safe from a lawsuit. And,
2. The maximum number of hours he would need to answer if the monies are safe.

No action was made on the motion.

**Joe Brooks** made a motion for Chet Brooks and John Sumpter to speak to the attorney.

No action was made on the motion.

Chet Brooks said that the attorney had told him that reviewing the Trust document and the Constitution wouldn’t take that much time but if we get sued it will take a lot of hours.

Joe Brooks requested the attorney be asked:

1. How much does the attorney charge per hour. And,
2. That the attorney state the projected number of hours in the contract. Furthermore, the attorney should not go over a set number of hours.

John Sumpter noted it should be sent as a packaged bundle with the Trust Document, the Constitution, and the contract with Arvest. Annette Ketchum asked if the government didn’t guarantee its safety up to a certain amount? Sumpter stated the main issue is the old paperwork. Annette Ketchum stated that the Tribal attorney said her firm has access to specialized attorneys. Sumpter asked how much the attorney would charge per hour and what would be the maximum number of hours for the attorney to review the bank, Trust Document, and Constitution. Chairman Brooks asked if the Tribe would have any problem asking Amanda Proctor? Curtis Zunigha stated that Ms. Proctor charges \$150 per hour with no retainer.

**Joe Brooks** made a motion to call the lawyers and Amanda Proctor and ask how much per hour do they charge, what would be the projected number of hours to review the Trust Document, Constitution, the contract with Arvest, and to evaluate whether the Trust Fund monies were safe. Motion seconded by John Sumpter. Motion carried with 5 yeas.

#### **Tribal Operations Report:**

No committee meeting because the money is used to take care of the audit for the Tribe and Trust.

**Cultural Preservation Report:**

The meeting was held last month. Reminder of the upcoming Stomp Dance on March 23, in Chelsea at 6 p.m. Bruce Martin is coordinating with the Boys and Girls Club in Chelsea. He will also be taking the van which allows for 15 passengers for anyone who would like a ride to and from the event.

Joe Brooks stated that he told Pat Fitzgerald, who prints a newspaper called "The Links" about the Stomp Dance and he is going to run a free advertisement for the event weekly till March 23. Joe Brooks requested that Chairman Brooks call Mr. Fitzgerald to thank him for the free advertisement. Joe Brooks added that the paper is offered for free across northeastern Oklahoma. Annette Ketchum requested Mr. Fitzgerald's contact information in order to advertise events for the Bartlesville Indian Women's Club.

**Unfinished Business:**

None.

**New Business:**

Cass Smith resigned approximately three weeks ago at a Special Meeting so there is an open seat on the Trust Board. Tribal member Nicky Michaels has requested to fill any vacant trust Board seat.

Chairman Brooks noted that any Trust Board openings are filled at the pleasure of Trust Board members. Bonnie Jo Griffith suggested that the opening be posted on the Tribe's Facebook page and on the website to allow all tribal members the opportunity to serve.

Joe Brooks noted that according to the Trust Board document, if someone resigns from the trust Board, the seat will be filled at the next Trust Board meeting. So the resignation is accepted at this meeting and then the opening is advertised prior to being filled at the next meeting.

**John Sumpter** motioned to accept the resignation of Cass Smith and to advertise for the open seat. Joe Brooks seconded. Motion was passed with 5 yeas.

Curtis Zunigha suggested the open seat be advertised in the Delaware Indian News next month. But it was mentioned that it would be too late because the delivery date would be after the April 1 meeting date.

Chairman Brooks stated that Verna Crawford had told him she was approximately half-way through with the changes that were discussed at the last Special Meeting and she suggested arranging another Special Meeting. Curtis Zunigha suggested an article regarding the revision of the Trust Document be published in the April issue and in July placing a notice for the people to vote in the November election. Chairman Brooks stated that he believed it would be ready for print in the July edition. Zunigha stated he was in favor of extending an election calendar for holding elections every two years and that we didn't have to wait until November.

John Sumpter asked to set a date for the next Special workshop. Chairman Brooks asked if Mondays were acceptable. A tentative date was set for 1:00 p.m., two weeks from today, on March 18 in the Social Services Conference Room.

Chairman Brooks asked for further new business. None.

Curtis Zunigha asked to make a statement regarding the new Social Services building. He stated that Housing, Child Welfare, EPA, and the Library and Archives are now located in the building. He also pointed out that Conference Room could be scheduled for any meetings. He noted that future Tribal Council and Trust Board meetings would be held upstairs in Forsythe Hall following the completion of construction.

**Chairman Chet Brooks** moved to adjourn. Joe Brooks seconded the motion. With 5 yeas, Chairman Brooks declared the meeting adjourned at approximately 5:30 p.m.