

Constitution Reform
Public Hearing No. 2
Saturday, November 21, 2009
Held at Fourth Street Clubhouse in Ponca City, OK
2:00 pm to 5:00 pm

Wanda Stone, Constitution Chairman, opened the Public Hearing at 2:00 p.m.

The meeting was turned over to Aaron Carlson, Project Coordinator for the Constitution Reform Project.

Aaron mentioned that the grant came from the Administration of Native Americans with the Department of Health and Human Services. One of the requirements is to have public hearings. The first one was at the Powwow. We will be holding three more in the next couple of months before we begin the drafting phase of the new Constitution. Obviously some of our committee members are here--Little Carol Clark, Carol Hare, and Wanda Stone is the Chairman of the Committee.

We usually meet every other Wednesday afternoon at the Kanza Museum. You are welcome to attend.

Today we are not having a presentation. I just wanted to come and let you voice your opinions or problems that you see in the tribe that can be fixed through a governmental system and get your advice so that as we move forward and begin the drafting phase, we can incorporate your views. I think everybody got a copy of the Constitution which are located in the back. Really I'm just here to listen and the other Committee members will listen to see what you have to say. I will attempt to answer any questions that you may have.

I know we started a discussion on the officers. I will open the meeting up for any comments that anybody has.

Attendee: This is what I was told. If we split the Chairman and the CEO, somebody told me that they want the CEO to be a non-Kaw. I just wanted to know if that has been discussed.

Aaron: Nothing has been finalized. The working discussion that the committee is having is to separate the Chairman and the Vice-Chairman from the Council. And to set up a governmental system more like the United States, where the President and Vice President are separate from the legislature. The second part of the discussion that is ongoing from the committee is whether or not we will leave the Chairman and CEO together or to separate the two. One of the concerns or issues that the committee has looked at is continuing to discuss that if we simply elect a Chairman, there are no educational requirements for this person and there is some thought that the tribe has in the area of a five million dollar a year budget, and they want somebody who is educated potentially running that. No decisions have been officially made. Is that pretty close to what we've done?

Carol Clark: We've discussed the different views of everything.

Aaron: One of the other things we discussed was that the term “CEO” should probably be more like a “CGO (Chief Governmental Officer)” who is running the government. Someone who handles everyday stuff for the tribe. I can say that one of the things the committee has gone back and forth about is are we better to hire a Tribal Administrator/CEO or to stick to an elected tribal official. We’ve done this in certain ways with the Treasurer of the tribe who is not a tribal member, because of the expertise needed to fill that position. The Treasurer is a constitutional Executive official in the current Constitution, but its somebody that the tribe can pull from anywhere.

Carol Hare: Is that in the Constitution about the Treasurer?

Aaron: The Treasurer can be selected from inside or outside the Executive Council.

Attendee: Are they going to lower the blood degree to a 1/8th to run for the Council?

Wanda: They are talking about taking away the blood degree.

Carol: We went and talked with the Potawatomi’s.

Aaron: The question that came up during the discussion with Chairman Rocky Barrett of the Potawatomi’s, was that they don’t count blood degree at all. Everybody in the tribe is classified as a full blood. That’s how they do it. One thing the committee has discussed is to lower it to a specific number, but it has not been determined. Another thing that we have talked about is lowering it in the form of electing officials so that either a number or percentage of the tribe is available to run for office. Currently there are about 240 people who can run for office in the Kaw Tribe. What we’ve talked about doing is saying that we bring every single tribal member from the most blood to the least blood, and we go down to the 500th or 1000th person, and say okay, the 1000th person clocked down is a sixteenth, and anybody who is a sixteenth or more can run for office. So it would change over time. I don’t think anybody would argue that the blood degree in the tribe drops with every generation. And the thought that if we don’t have a sliding scale or completely open it up, we’ll back here in 20 years doing the same thing.

Carol Clark: That was kind of my idea in the beginning, and then Gary Springer came up with an idea too. It’s like the quarter degrees could have two or three spots on the council, and then the 1/8th degree could have a few spots, and the sixteenth degree could have a few spots. But divide it down like that, and each blood degree could be represented there.

Aaron: The topic that Carol brought up, it’s one of those things that were brought up at a meeting that we have not gone back through and fully discussed. Yes we need to discuss and work through these ramifications and how that would potentially work. Carol keeps bringing it up and it’s kind of off the topic. There are too many things for us to cover. But that’s another possibility.

Carol Clark: But the way I see these meetings, that’s what we want to hear from you. What do you want to do about the blood quantum, and what do you want to do about the powers?

Attendee: Well I can't see any reason to having a quarter, a sixteenth or a thirty second or whatever. I mean you're coming down to different degrees of tribal members. The whole thing is for the whole tribe. It's not for this one little group here. We need to make changes in the Constitution to make it clear that if you are not working for the tribe, the whole tribe, then you are out. And that's what you need to look at.

Carol Clark: How do you do that?

Attendee: All you got to do is put it down on paper, and then go forward.

Carol Clark: Do you see how many people are here? This is how many people who are involved and care.

Attendee: Then when it comes time to vote, they'll vote on something they won't know anything about it. I see this over and over and we can't get anyone interested in changing the Constitution.

Aaron: I'm trying to be the antagonist, but we can't legislate good interaction between the Council. I can't legislate that the people will get along. It's difficult to write anything that says that you have to get along, and you have to do something, and you have to have the whole tribes view at heart. What you have to look at is the current Constitution says things like you can't vote in a way that benefits yourself, it doesn't say anything about family members, and I think that when we look at that, do we need to solidify or build up that language and how we do it as to the direction that we give the Executive Council.

Attendee: We need to figure out one way or another that whenever you get it written then we need to see if the General Council to rule on the legislative and the Executive part. Right now our hands are tied. And whenever I was on the Gaming Commission and I went to several different places, every one of those that we went to, the tribes that were doing good and the casinos that were growing, there were General Council votes and those that were done by small legislation, and those that had the General Council's input and vote on their whole governing body, it went better.

Aaron: How much control and in what areas do you think we should give the Kaw General Council?

Carol Clark: Let's define General Council. Are you talking about the people that's just there in that room, or are you calling the General Council who are on the roll, or are you calling them registered voters?

Attendee: The members who are of voting age.

Carol Hare: What about the people in Alaska and California.

Attendee: I think the whole tribe should be brought in on it.

Aaron: At this point, we have no districts in the Kaw tribal members. You as a tribal member can call one of the seven members of the Executive Council today. You don't have one specifically assigned to you or your geographic area.

Attendee: Years ago, they called it districts, but now it is considered the service area.

Carol Clark: In our Constitution, it says that the General Council are those members that are assembled. That's what the General Council is.

Aaron: How do you propose we do that? Do you want input from all 3,039 tribal members? How do we do that? Obviously we know from going to the General Council Meetings, only 45 people show up. At the election last week, they had 88. So how do we deal with the fact that approximately half the tribe lives outside the state of Oklahoma?

Attendee: You could use absentee ballots.

Aaron: So if we have an issue that needs to go to the General Council, do we send out an absentee ballot? So we send out 2,000 ballots, we're going to get back 150 if we're lucky. Is that enough?

Attendee: No, not for a majority vote. We did that when we removed the Secretary in the Constitution.

Aaron: There are two stages. Stage one is to send it to the people. What happens is if you want to send it to the people you either need a majority vote of the EC, or a majority vote of the General Council. So that's the General Council assembled. Then it has to be sent to the entire tribal population similar to what they did in the election to remove the Secretary's approval. We'll follow that same step. That's the second step. Getting it to there can be done in the General Council Meeting or an Executive Council Meeting. You have to have 30 percent of those eligible to vote, vote at stage one and half of them have to approve it. What happened when they did the election to remove the Secretary, you had to register to vote first, that was where you requested the ballot. Something like 200 people requested a ballot, and 130 responded which is 65 percent of those eligible and that's how they did it, and more than half approved it. We will still have to follow that when the new Constitution will be sent to every tribal member over the age of 18 for every voting member for the ability to ratify. It's a two-stage process.

Carol Clark: You were talking about the Gaming Commission and how the tribal members put in things, and did you notice that we have no say over KEDA? I've spoken at the last three General Council meetings about the amount of money that they give their workers? We can go in there and we can tell KEDA that we want you to look at this line item here of the meals we're paying these people to go eat in the amount of \$3,000. That we give the employees who are working at the Woodridge Market for food. Nobody is putting in the Kaws mouths because no Kaws work there. We've brought that up three times. Don't you think that KEDA ought to do something about it by now?

Wanda: We did. They don't get meals any more.

Carol Clark: You ought to tell us when you make a change like that.

Wanda: We haven't had another meeting so that we can tell you. We will be telling you at the January meeting.

Carol Clark: We don't have any say over the businesses. Tribal members don't have any say over the businesses.

Attendee: Does this have something to do with the Gaming Commission?

Wanda: The Executive Council just decided to separate the enterprises out. They didn't want anything to do with it.

Attendee: I was wondering if the National Gaming Commission had something to do with them is the reason why the Executive Council can't tell KEDA what to do.

Wanda: It had nothing to do with the Gaming Commission, it was the Executive Council's choice to stay out of the businesses.

Attendee: I thought that when they did all this that that's the reason it was separated.

Patti Kramer: It's not law, that they recommend that that's the way it's handled.

Wanda: The Council has nothing to do with Gaming.

Aaron: Wanda, were you the Chair when they separated KEDA out?

Wanda: No, it was done after me.

Aaron: When did KEDA get created?

Patti Kramer: It's been created for forever.

Wanda: We rewrote the Enterprise Authority in 2008. We didn't rewrite the whole thing, we just made changes.

Patti Kramer: I think it was basically done just to keep the Executive Council members from having complete control over everything.

Aaron: I had heard a rumor that members of the Council were potentially doing things illegally when it came to the operation.

Patti: That had happened in the past.

Carol: But there were 6 or 7 things we've looked at changing that we had come up with about a year ago.

Aaron: The Committee has talked about changing the term of office for judges. They talked about putting a little bit of wording to give more power to the General Council, and better defining the General Council. We talked about removing the adoption policy, technically the tribe can adopt a non-Kaw member and make them tribal. They don't give them any rights, it's just an honorary title. The blood quantum has never been voted on, and we've just discussed it for a long time. There's been a discussion of separating the Chairman from the CEO.

Somewhere about five years ago they sent a number of perspective changes to the Executive Council, and the Executive Council threw them out. One of the provisions there was to lower the blood quantum to a 1/8th.

Wanda: They wouldn't let us send them out to the General Council for a vote. And they wouldn't give us any money to operate on. We had to buy our own stamps and supplies. They finally gave us \$2500 for mailing.

Carol Hare: One of my biggest gripes is that the Executive Council tries to micromanage the employees that they don't know how they do their job.

Attendee: They need to micromanage the directors. We've got too many chiefs and not enough indians.

Patti: You have directors who aren't doing what they're supposed to do. What's the next step? They go direct to the Executive Council so that they can get things done.

Aaron: What you're saying is that nobody controls the Directors. So what you're basically saying is that the Directors report to nobody, and there is no way to enforce the policies that a director puts out. Is the cause of the problem is the fact that nobody follows the policies? Or is it that they're not enforced, or is it nobody knows what the policies are?

What I'm hearing is that we need to potentially put something in the Constitution as to who the Directors report to. The question is do we put something in the Constitution to either protect the Directors or to force the Directors to act, and who they report to. Or who they have interaction with because what maybe came from this side of the room was that Directors they feel like they can't get anything accomplished so they start going to members of the Executive Council.

Wanda: I don't think you can put that in the Constitution. I think you still have policies and procedures but you just need to have someone to enforce them.

Patti: I know one thing I'd like to see in the Constitution is to add a Grievance Policy.

Aaron: We talked about that at our last meeting.

Patti: There used to be a Grievance Committee. I think it needs to be in the Constitution so that they will have one forever and ever.

Carol Clark: How are you going to make sure it stays?

Patti: I think it's going to have to be a couple of tribal members, and a director or two. Why don't we form an Elder's Board, and have them hear the grievances. There's a lot of tribes that do that.

One thing about it is, there is no way we're going to be able to change this Constitution so that we can predict every situation that arises. We're just going to have to make it the best we can make it, and tweak it the best we can, and go on. It's not going to be perfect, and if we wait until we come up with the perfect constitution, we're not going to get anywhere. There's no way we're going to be able to handle every problem that's going to come up. We're just going to have to sit down and get a general consensus on each idea. Then we can go back later and tweak it.

Sandy: How did you get the 1990 Constitution in place?

Wanda: The tribe wasn't very big then, and we didn't have the businesses then. It was the older people who pushed it through.

Aaron: According to Roy Lee, they took different drafts and they sent them out to the tribal members at the time, and their weren't as many people at the time.

Wanda: We've simply outgrown this Constitution.

Patti: I'd still like to see an Elder's Committee. You've got three elders right here. I think it needs to be somebody that's not on the Executive Council.

Attendee: Do you think the Elder Board should be 65 and older?

Patti: I think it ought to be 65 or older, but that's my opinion.

Carol Clark: So we need solutions to these problems.

Sandy: Has anyone heard anything from any other tribal members?

Patti: I had somebody ask me when you come to us with all these changes, how are you going to vote on them? Are you going to vote on them one at a time, or are you going to vote on them as a group? I said well that's one of the things that we are going to talk about at our meetings. That's one of the things we are going to talk about as to how you want it done. I just don't know how you're going to do the pieces because if they vote one thing in and it affects something down the line and they don't vote that in, then you're screwed all the way around.

Carol Clark: Then that's when we have to go back to the drawing board.

Patti Kramer: This lady told me that if there is one thing in there that I don't agree with, then I'm not going to vote for it.

Carol Clark: Your blood degree that's going to be whether or not you get it passed right there.

Aaron: Sitting on this side of the table, that probably is the biggest fear I have is that we have people who are all or nothing. That is something I fear as projecting forward. In the past, most tribes who have done a complete rewrite, which is pretty much what we're discussing, it's an up or down vote on the whole item. Tribes over the years have passed amendments in a group but nothing as significant of changes as we're talking about.

Patti: I really don't think that the blood degree is going to be a big deal. I think there's going to be some that are going to want it that anybody can run. I think they're going to accept even if you change it to an eighth because it's being lowered. If you keep it as a quarter to be on the council, then they'll vote that down. I think as long as you are lowering it, then it will be passed.

Aaron: Now on that topic how far do we lower it? If we look at the 500th person, you're talking about one sixth of the tribe. Do you go 500, do you go to 750, do you go to 1,000, which is approximately a third of the tribe?

Patti: I think you're going to have a hard time getting people to wrap their head around that. I think you're going to have to go to an eighth, and in six years we're going to lower it to a sixteenth, etc. I agree with you on the 500 and all that, and I think it's a great idea, but I think you're not going to have very many people who are going to wrap their head around that.

Carol Clark: I think if you put the provision in there that it's a revolving door which can change daily and if you want to know that, have an open door policy to enrollment and say you can call any day of the week and find out what that blood quantum is.

Aaron: I think there are around 300 eighths.

Attendee: Somebody did ask me that they had no problem lowering to a 1/8th, but are you going to put that they have to be at least 35 before you could run, and have some kind of education. I don't want 300 eighths running and half of them don't have an education.

Aaron: We have discussed putting in the education when we talked about separating the Chairman and CEO. The problem is that I can go get a degree from XYZ College in underwater basket weaving, and what power does that give me to run a multi-million dollar business as opposed to the guy who goes to Harvard and gets an MBA.

Patti: What I thought about too when splitting into Executive and Legislative and Judicial, I think the Executive Council members say they have to have some years of experience, like perhaps three years of tribal government, or at least a working knowledge of the government.

Attendee: You wouldn't be able to hire anybody.

Attendee: I work at the Kaw Nation and everyone else knows more about what's going on than I do.

Attendee: I know one thing, you all have a problem.

Carol: We've got to figure out what to do.

Aaron: One thing that we've talked about is potentially sending out a survey to resolve some of the issues, so when we go into doing the second draft, I expect more than one, so for example is an 1/8th enough or is that going to tick off too many people? Do we need to go to a 1/16th?

Patti: I was hoping that people would come today and they could tell us what they wanted. That's what I was hoping. I think they should at least have a high school education.

Aaron: We've never done a true survey. What we have done when we sent out the baby Constitution, we asked for their comments.

Attendee: I came in thinking we were going to go through Article 1, and then you would ask us what we wanted to change. I thought you'd give us what you've already gone through and changed.

Wanda: If we changed the Executive, Legislative and Judicial, then the Chairman and Vice Chairman would be the Executive. And then we'd have 7 on the Legislative Branch.

Attendee: He was talking about leaving the Chairman and CEO together, and that would be a conflict of interest because he would be sitting on both.

Aaron: No, the Chairman would no longer serve on the Executive Council.

Patti: The Legislative Body would be the one to make the decisions and tell the Chairman what to do.

Carol: I think you're right, I think they're needs to be more than 7 people on there. What would be wrong with 11. It's still an odd number. It would give you more people to represent your tribe.

Aaron: What the committee has discussed, nothing is finalized, we would separate the Chairman and the Vice Chairman completely from the Legislature, and the Legislature would then be made up of 7 people, but these two don't serve down here. The Legislature would then be required to select their own leader, which we would probably call the Speaker. And that person runs the Legislature. And we would have the interaction with the Legislature, and Executive Council, and the Chair and Vice Chair has not truly been worked out. The worksheet talks about all the powers in the current Constitution, and what happens is we have to realign them. If we go this kind of method, one of the things we essentially did is we abolished the elected secretary because we have to decide going to this mechanism, we have to decide who is going to be responsible for

those things. Do we give it to somebody in the Legislature? Do we give it to the Chairman and the Vice Chairman? Who is in charge of all of the things under this new draft system.

Patti: And the Chairman and the Vice Chair would be full-time employees.

Aaron: Right now what happens if the Chairman leaves the tribe, nobody is in charge. What we've kind of looked at is, do we put the Vice Chairman in charge when the Chairman is gone. That sounds good to us, but then what happens is, if the Vice Chairman has another job, then he can't come to work on Tuesday afternoon if the boss decides he's leaving. And so we haven't worked it all out, but that's kind of the thought or idea that we're looking at, is how do we do that. One of the things we've talked about is giving these things to the CEO, but who does the CEO then report to? So if you abolish the Chairman and the Vice Chairman, who is running the tribe? The Speaker then becomes the Chairman.

Attendee: What would be the Chairman and the Vice Chairman's job? If you've got the CEO running all of the business, why do the Chairman and Vice Chairman have to sit there all day and get paid. What are they doing?

Aaron: These two are to run the day-to-day activities.

Attendee: But if you hold your directors to the fire and make them do their job and hold them accountable...

Carol: But who's going to punish them?

Attendee: Could you briefly explain the Executive Branch.

Aaron: The Executive Branch would be the Chairman and the Vice Chairman.

Attendee: What's the definition of what they do?

Aaron: We have not defined what they're job is. Today, the Chairman runs the day-to-day operations of the tribe. Not the businesses, solely the tribe. He makes sure the grants get done, he makes sure the directors do what they are supposed to.

Attendee: So the Legislature would be the law makers.

Aaron: In my mind, we have the council reactive to whatever the Chairman says. And what I envision as what I think the committee is trying to get to, we're not there, is that if the Legislature provides direction and then the Chairman is responsible for carrying it out. The Legislature says we have a million dollars to give out a per cap. So they authorize the Chairman to give out a million dollars in the form of a per cap. And the Chairman says okay I'm going to give out a million dollars, and he is responsible for making it happen. He cannot determine it, he just makes it happen. He runs the day-to-day operations. So what you have is instead of the Chairman driving the tribe, you've got the Legislature driving the tribe, and the Chairman is carrying out their actions.

Aaron: Who writes 95 percent of the Resolutions that are dealt with by the EC? Who's the brainchild behind them?

Carol Clark: The Executive Council.

Patti: No. The Administrative Assistant.

Aaron: They all come out of the people who work for the Chairman.

Carol Clark: So how do you get people to work for the Legislature?

Aaron: What happens is you tell the Chairman he can't write Legislature, and so what happens is these 7 legislators have interaction. I'm not saying they work for him, but they have interaction with the Directors.

Patti: No, I think you should have a CEO run the company.

Carol Clark: What if the Legislature does all the work like their supposed to, they meet more than once a month, and the Chairman only signs what goes into it.

Attendee: That's the big part. The Legislature is going to have to meet more than once a month. They're going to have to meet more than once a week to make sure they know what the hell's going on to start with. I still say that's going to have to be a bigger number.

Aaron: A couple of things that I will bring up. If the Legislature meets more than once a month or even twice a month, we've got to make them full-time people. How are we going to pay them?

Carol Clark: They're not.

Patti: You could give them a meeting fee.

Carol Clark: Then they don't have any business being in there.

Attendee: That's what went on in the last one. A couple of them were trying to get more money. You're not there to make money. It's never been down there, you should be there to help the tribe, not for the money.

Aaron: If you're meeting once a week, are we going to have anybody who can do that?

Patti: Do you want somebody who doesn't have anything else to do?

Aaron: In my mind, you've got to find the balance between meeting and being there to know what's going on, and the flip side of it is, and if you don't pay these people enough, nobody will want to serve.

Patti: You're going to find people who have nothing to do, and maybe somebody that you don't want.

Aaron: If we go to 11 members of the Council, and we expect the Council to meet on a more regular basis, is the tribe prepared to let people meet via the internet or via the telephone?

Carol Clark: There would have to be written regulations for that.

Aaron: For example, Kekahbah lives in Tulsa. It's an hour and 45 minute drive for him to get here. Will we allow him to meet via a conference call or the internet?

Attendee: Why not?

Aaron: That's one of the things that other tribes are starting to look at that. The Potawatomi's have allowed it. The Cherokees allow for a legislator to meet for a committee meeting via the internet, and if they meet via the internet at a committee meeting, they can vote but they're not part of the quorum. That's what the Cherokees do, and the Comanches do.

Wanda: How can they vote if they're not part of the quorum.

Aaron: If you have to have five people present, you have to have five physically there, but if the sixth person is there via the internet, they can't be one of five in the quorum.

Carol Clark: Then how do they count their vote?

Aaron: If you're over the quorum, it's okay. You can vote. The quorum at our committee meetings is five, but we had 8 or 9 people the other day, and all 9 get to vote. What happens is if we have our committee meeting, and you are in California, and you want to meet via the internet, but what happens is we have to have a quorum physically present in order to conduct a meeting.

Carol Clark: You can have a quorum of 5, but 6 votes.

Aaron: That's right. You can have the sixth vote, but you don't count for making up a quorum.

Patti: So if four people show up in Kaw City, and you're in California, you can't have a meeting because the quorum is five.

Carol Clark: And also in this Constitution we can also change the pay raise, or how that pay raise is voted on since that was brought up.

Aaron: Carol, I don't know what you're specifically talking about.

Patti: I think it needs to be spelled out in the Constitution as to what they can give themselves, and what they can't, and what has to be voted on.

Carol Clark: They need to have their pay suspended until they get their policies and procedures done.

Aaron: One thing that has been a problem in the tribe is what we pay the Chairman. Everybody knows there is a pending court case on what he gets paid, and who is responsible for setting his pay.

Carol Clark: It depends on if you're talking about the Chairman or the CEO?

Aaron: Assume their one and the same.

Wanda: The Executive Council sets his pay.

Aaron: I know that's what it is, but in the future, if we assume the Chairman and CEO are one and the same, who should set his or her pay?

Patti: If they're going to be running the tribe, say if it changes to this split of powers, I think it ought to be based on qualifications.

Carol Clark: I think it all ought to start out at the same amount, and let's see how well they're going to work for us, and then we'll talk about giving them a raise from the General Council. Everybody who goes in should be paid a base amount, and work their way up. It would give them more incentive to do a good job for the tribe

Aaron: Well then where do we start the base? What's the bottom?

Carol Clark: You don't have to have any kind of education to be on the Executive Council.

Patti: \$20 an hour--that's what the Executive Council gets paid for the meetings.

Carol Clark: You don't have to have any education. If you don't have any education in the real world, they're not going to pay you anything but minimum wage. And you don't have any type of education to be on the Executive Council or be the Chairman. All you have to do is have a high school diploma.

Aaron: No you don't even have to have that. You have to be not less than 25 years of age, not convicted as a felon, not crazy, and a quarter blood degree or more of Kaw Indian Blood. Carol said you get what you pay for.

I guess what I'm trying to figure out, what's the bottom?

Carol Clark: Based on the qualifications it says in the Constitution, based on those qualifications, what should they get paid? \$10 an hour?

Wanda: The Chairman doesn't get paid anything.

Attendee: How do they come up with the amount that they pay the Directors?

Wanda: It's in the grant. They write the grant, and put in what they should be paid.

Patti: That's not how accounting gets paid because they're not paid by a grant.

Wanda: Most of our people are grant people. It's listed in the grant as to what their pay is. Their supposed to have the qualifications it says in the grant. Usually the person who is writing the grant is the person who is going to be the Director.

Attendee: From the Grants and Contracts people, they're writing their own job?

Wanda: No the Grants and Contracts people will write the grant for that person, and they'll send their resume in with it.

Aaron: They had no idea that I was coming in, but the grant specifies what I get paid.

Carol Hare: There's no room for negotiation?

Attendee: Is there a pay scale in the grant?

Wanda: Yes there's a pay scale in there.

Carol Clark: They have their raises written in the grant.

Sandy: But they don't necessarily give it to us.

Aaron: I think what happens is that a number is put into the grant as an estimate and there's a top in the grant. There's a max that we can pay somebody, but if you can get somebody for less than that, then it can be less. And if there is a multi-year grant, then there are potential pay raises included in the grant.

Attendee: That part there wouldn't be exactly a constitutional deal though. That would be more legislative.

Wanda: And a lot of those people will send in their resumes and you can make a resume look good. And then the first rattle out of the box when they get in there, well I need to go to training. You are supposed to already have that training.

Aaron: The grant that I work on required that I had a Master's Degree if they could get somebody. So what the grant basically says, that if we can hire somebody who has a Master's Degree, then they are going to pay at the top. Then if they can't find somebody without a Master's Degree, they are going to pay less than that. On people who currently work at the tribe that are getting grants is what Wanda is talking about. We've been paying Billy Bob \$28,000 a year, so what do they put his salary in the grant at? \$28,000 a year plus a "x" percent pay increase. Now when you get into non-grant people, I don't know how we pay them. I think that

probably you have to be able to fill the position. I know that they have looked at what other people would make in the area.

Wanda: That's what HR used to do.

Aaron: HR checks around and says okay we need to hire a grant writer. Every tribe in the area has a grant writer, what do they pay. And we examine what the market will pay based upon that.

Wanda: And they try to find out what qualifications that goes with that pay.

Aaron: They do some kind of pay examination. The employees I think are different from the council. It's to how do we decide what we pay the council, and how do we decide what we pay the Chairman/CEO. If we are looking at a CEO who's running a \$5,000,000 business, we can't afford them. A CEO running a \$5,000,000 a year business in the real world, is going to make over \$100,000 a year. And we don't pay our Chairman/CEO anywhere near that.

Attendee: Are there any tribes around the size of ours that you could get an idea of what their pay is?

Aaron: I think there is so much variety in what the Chairs get paid. Somebody asked what Rocky at the Potawatomi's got, and he gave an answer of somewhere around \$100,000, but did not go into absolute detail.

Carol Hare: He also worked for nothing for a number of years.

Aaron: He said that when everybody was rebuilding the tribe in the 1970's and early 1980's, he said he worked without a paycheck. I don't think you can find a standard as to what they get paid because there is so much variation between the different tribes as to what they pay. The Creek Legislators make something like \$65,000 a year. The Cherokee make \$35,000 a year. Now they are huge tribes that have a lot more money than the Kaw. I'm just saying that both of those tribes are about the same size, and there's a \$30,000 difference in their legislators.

Wanda: Wouldn't the Cherokees have a lot more legislators than the Creek?

Patti: They pay their legislators like every day? Do they have to be there every day?

Aaron: The Cherokees get a salary of about \$36,000 a year. They each get a travel and training budget individually which is about \$7,500 a year.

Carol: But their legislature also has a lot to do, but ours would meet once a week or once a month.

Aaron: They meet once a month, they have committee meetings toward the end of the month, and then they have basically two days of the legislature meeting. It's the first week and the third week, or second and fourth week. They meet usually one or two days every other week is how their legislature is set up. And for that they get paid \$36,000 a year. I asked how many of them

had other employment. And about half of them did. A couple of them were lawyers, half of them were retired, one of them was a college student working on a Ph.D., one was a professor, and one was an optometrist. I would say that they were all either unemployed, retired, or they are in business for themselves where they don't have a boss. If I have a real job for 40 hours a week somewhere, it's going to be difficult to say to my boss, hey I've got to go work for my tribe today. That's the issue that comes up.

Carol Clark: One of the tribes around here though they pay them so much money and it has to last them all through their term.

Aaron: For their income or for their travel?

Carol Clark: I don't remember which tribe it is. There is one around here, and they get a certain amount of money, and they have to budget their money and it has to last them to the end of their term.

Wanda: Didn't the Ponca Tribe used to if you got voted on the council, then you got a position at the tribe. You were a director or you were something at the tribe. They put you to work.

Carol Hare: They had to make up a position for you.

Aaron: I think the Otoe's do that. If you get somebody elected who has experience in agriculture, we have no ag programs at the tribe.

Wanda: We have EPA.

Aaron: But that's not agriculture. It dips into a little bit, but it's not the same.

Wanda: I think what makes it really hard for Mr. Munroe is that he knows there are at least 2 or 3 people at the tribe who are directors that make more money than he does.

Carol Clark: That's all fine and good. Yeah I understand that everybody has to pay their bills. But what's more important to you. The tribe is important to me, and I've sacrificed my whole life for the tribe.

Wanda: When I came in as Chairman, I was paid \$25,000.

Carol Clark: But did the tribe mean something to you.

Wanda: Yes it did.

Aaron: If we want somebody who is educated, we are going to have to pay them to do it. You've got to have somebody educated and you're going to have to pay for the education that you get. We have to find a balance and decide how we're going to do that. One of the things that Rocky Barrett said was to set the pay based upon an outside figure. He said do you pay them half of what we pay the Governor of the State of Oklahoma? While it's subject to change,

it at least takes it out of the hands of the tribe because if we get ticked off at the Chairman, we're going to cut his pay. And that was one of the suggestions that he made.

Wanda: You can see how many problems we have to work through. It seems like one creates another one. We just need more input. We need more people.

Aaron: What else do we want to potentially discuss? I know we haven't got a whole lot of answers, but I think we're expanding the box that we're thinking in.

Carol Clark: I think we need to very quickly and don't decide we need to go home at 4:30 or 5:00, and knock out what your ideas of what the Chairman's job is going to be.

Patti: We asked for stuff from him such as his job description, what does he think his job description is, and what he thinks his job description should be in the future if we go this route.

Wanda: When did we ask him that.

Patti: At the last committee meeting.

Aaron: I had touched base with him on that topic. I think at this point I'm not sure he'll respond. Let me find out if he is going to respond or not.

The meeting was adjourned at 5:00 pm.