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RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the position of the Tribal Council Secretary is presently vacant due to the retirement of Mary C. Endfield on April 30, 1986; and

WHEREAS, pursuant to Article III, Section 4 of the Tribal Constitution, the Tribal Council is empowered and authorized to appoint a Tribal Council Secretary; and

WHEREAS, Tribal Council is advised that Mrs. Mariddie J. Craig is well qualified for said position due to her former position with the Tribal Executive Office which from time to time included duties as Acting Tribal Council Secretary; and

WHEREAS, it appears to the Tribal Council that Mrs. Craig is eminently qualified to fulfill the responsibilities and duties of said office.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Mrs. Craig is hereby appointed to the position of Tribal Council Secretary effective this date.

The foregoing resolution was on May 7, 1986, duly adopted by a vote of 8 for, 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 4, and Article V, Section 1 (u) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1934 (48 Stat. 984).

[Signature]
Chairman of the Tribal Council

[Signature]
Secretary of the Tribal Council

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DIVISION OF INDIAN SERVICES
BRANCH OF TRIBAL
OPERATIONS

WHITE MOUNTAIN APACHE TRIBE
Special Council Meeting
May 7, 1986
Executive Office Conference Room

ABSTRACT OF MEETING MINUTES

1. Chairman Reno Johnson called the meeting to order at 1:00 p.m.
2. Resolution No. 86-104 appointing Mrs. Mariddie J. Craig as the new Tribal Council Secretary
3. Resolution No. 86-105 adopted appointing Mr. Darvin Burnette to fill a vacant seat on the Tribal Council for District III, East Fork, Seven-Mile, and Turkey Creek.
4. Resolution No. 86-106 adopted rescinding prior Resolution No. 86-103 which granted gifts to the former Chairman Ronnie Lupe.
5. Resolution No. 86-107 adopted authorizing the passage of the Beefmaster Budget for FY86/87.
6. Resolution No. 86-108 adopted releasing Mr. Ron Malgara as General Manager of Sunrise Ski Resort.
7. Resolution No. 86-109 adopted authorizing the issuance of a \$7,746,250 General Obligation Bond, Series 1986.
8. Resolution No. 86-110 adopted authorizing a contract agreement between the White Mountain Apache Tribe and the State Department of Economic Security.
9. Meeting recessed at 5:40 p.m.

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Tribal Council Meeting of
Wednesday, May 7, 1986
Executive Conference Room

TRIBAL COUNCIL MEETING MINUTES

At 1:00 p.m. on May 7, 1986, members of the tribal council were assembled in the Executive Conference room for its first official council meeting after its tribal elections of April 2, 1986. Tribal Chairman Elect Reno Johnson, Sr., and Vice Chairman-Elect Alvino Hawkins were present with the following Council delegates:

Mrs. Marjorie Grimes District I
**Mrs. Judy Dehose District I

Mrs. Gertie Lupe District II

*Mr. Phillip Stago, Jr. District III
Mr. Darvin Burnette District III

Mr. Nelson Ethelbah District IV
Mr. Ray J. Ivans District IV
Mr. Herbert Tate District IV

Council Member-Elect Kinc Kane was absent.

Chairman Johnson called the meeting to order at 1:20 p.m. with a quorum of ten Council members.

Ms. Bernie H. Walker assigned to record the minutes of the Council meeting was excused from the assignment after an appointment of a Tribal Council Secretary. Tribal Attorney advised that it was within the powers of the Tribal Council to appoint a Tribal Council Secretary of their choosing.

A motion was made by Alvino Hawkins to appoint Mariddie J. Craig to the office of Tribal Council Secretary, seconded by Gertie Lupe. Vote carried eight in favor of the motion, zero against, and one (Judy Dehose) abstaining. Resolution No. 85-104 was unanimously adopted.

Mrs. Mariddie Craig was called upon to begin her appointment. She thanked the Tribal Council for the appointment and vowed to do her best in serving the White Mountain Apache people and the members of the Tribal Council.

Mr. Hawkins, Vice Chairman, advised members of the Council that based on recommendations of the communities of District III (Seven-Mile, East Fork and Turkey Creek), he was honored to present Mr. Darvin Burnette to complete the vacancy left by Mr. Hawkins. Since Mr. Hawkins successful bid for the Office of Vice Chairman his unfulfilled term of office would be served out by an appointed Council Member. This matter was discussed.

Mrs. Gertie Lupe inquired about the appointment process and the need for receiving references. She also commented that the prior administration had made appointments without questioning and wanted assurance that the methods being used by the new Council Delegates was a proper one.

It was pointed out by Council Members Ray J. Ivans and Alvino Hawkins that all previous appointments made by the former administrations had not had any problems.

Tribal Attorney, Robert C. Brauchli, offered his opinion after reading from the Tribal Constitution and Bylaws the following from Article IX, Section 3:

"...Any vacancies on the Council or any vacancy in the office of Vice-Chairman resulting from the application of one of the two sections immediately preceding shall be filled at once by a majority vote of the Council, a vacancy in the office of Chairman shall be filled by the Vice Chairman. Persons so appointed shall serve the unexpired term of the office or member."

The Tribal Attorney advised it was within the Council's powers to appoint a tribal member to serve out the unexpired term of office as vacated by the Vice Chairman Elect, Alvino Hawkins.

Mrs. Grimes then endorsed the Vice Chairman's recommendation.

Mr. Billy Kane, a tribal member, stated that the Constitution and Bylaws did not address the appointment of a Council member, but that it addressed only an appointment in the case of a "Forfeiture of Office and Removal from Office."

Tribal Attorney reiterated that the Council was acting within their powers and that there were no problems with the appointment of Mr. Darvin Burnette.

Mr. Hawkins then made a motion that Darvin Burnette fill out the unexpired term vacated by Vice Chairman-Elect, Alvino Hawkins. Motion was seconded by Councilman Nelson Ethelbah. Chairman Johnson called for a vote and the following were the results: Seven in favor and zero against. Resolution No. 86-105 was unanimously adopted.

Council Member Phillip Stago, Jr. advised the members of the council that Mr. Darvin Burnette was "the choice of the people of District III." He added, they had discussed this matter for three months.

Mrs. Grimes asked if tribal employees attending the Council meeting had taken annual leave. As a result of this questions, a brief general discussion took place. Chairman Johnson informed members of the Council that a resolution was passed concerning this matter four or five years ago. He suggested that reference resolution should be located for clarification on the existing policy.

The BIA Superintendent explained their Bureau policy regarding employee attendance of business meetings. He stated Branch personnel not directly affected were not allowed to attend such meetings.

At 2:05 p.m. Chairman Johnson introduced Chief Judge of the White Mountain Apache Tribal Court, the Honorable Marvin Ethelbah. Judge Ethelbah then administered the Oath of Office to Council Member Darvin Burnette. Mr. Burnette briefly addressed the Council and took his seat.

In a general counsel to the members of the Council, Chairman Johnson spoke in Apache advising the need for professional courtesy when discussing issues.

He further stated, constructive and objective discussions, without personal bias, should be the goal of the Council. In an effort to maintain control at all council meetings, Chairman advised Council Members should ask for the floor when making an address. This gesture would also be a sign of respect to all in attendance at a Council meeting.

Chairman Johnson also reminded members of the council that several meetings would be held by the Council concerning tribal program/enterprise budgets. Another vital matter of the Tribe was that of the tribe's water rights issue which would also require special meetings.

Tribal Resolution No. 86-103 which was formerly adopted by the Lameduck Council was discussed at length for a rescission. Reference resolution was read by the Tribal Attorney. The legality of a walk-thru resolution was questioned since Resolution No. 86-103 was adopted as a "walk-thru". Reference subject was proposed at a previous Council meeting and it was defeated for passage. However, it had been revived by Council Member Judy Dehose which received seven votes in favor of presenting gifts to the outgoing Tribal Chairman, with three against.

Vice Chairman, Alvino Hawkins, motioned to rescind Resolution No. 86-103 and instructed the Tribal Attorney to carry out the repossession of the 1982 Lincoln Continental and impounding it immediately. Instructions also included the Chief of Police carrying out the assignment. Mr. Hawkins explained that many tribal members were unhappy with the irrevocable gifts presented to Ronnie Lupe, the outgoing Tribal Chairman. He added gifts presented were the property of the White Mountain Apache Tribe and it was abusive to permit such giving. Motion was seconded by Council Member Gertie Lupe who also reaffirmed the statements made by Vice Chairman Hawkins and added that this was an abuse of tribal property and tribal funds.

Some of the remarks and comments made in a general discussion about rescinding resolution no. 86-103 are as follows:

Council Member Marjorie Grimes who also signed the walk-through Resolution No. 86-103, stated that the purpose she supported the resolution was because she thought the outgoing Tribal Chairman was going to retire. If that was not the case, she said she was in favor of rescinding Resolution No. 86-103 as proposed.

Council Member Judy Dehose at this point addressed the Council by informing them she supported Resolution No. 86-103 and initiated it. She reminded members of the Council that they also had presented gifts to an outgoing employee by granting her an honorarium pay of \$200 per month, plus she had also been given a head of cattle. Mrs. Dehose reminded members of the Council the procedure used in establishing Resolution No. 86-103. She stated the day gifts were presented to the outgoing employee mentioned above, the proposal to present the irrevocable gifts to Ronnie Lupe was brought out on the Council floor near a close of business and a vote had been made which resulted in a tie vote of four in favor and four against. The Tribal Chairman had left at that time and Mrs. Dehose took it upon herself to carry out the proposal as a walk-through resolution which received its favorable voting. Mrs. Dehose also stated that the sixteen years of service demonstrated by Ronnie Lupe was one that is to be appreciated, and as an expression of appreciation, the gifts were

presented. As such Mrs. Dehose stated that "she didn't think anything was wrong with the resolution." She further stated that the Council had the vote in their favor but that it would take legal litigation to repossess the gifts. She further clarified that the vehicle discussed and its maintenance up-keep was no longer the responsibility of the Tribe and that it was Ronnie Lupe.

Councilmember Herbert Tate reminded members of the Council that on the initial day of proposal presentation, Council Member Lafe Altaha was not in attendance at the council meeting and three previous meetings were not attended by Lafe Altaha also. Mr. Altaha's signature on a walk-through resolution was questioned. Mr. Altaha's status as Council Member was also questioned since he had missed three consecutive meetings.

Councilmember Phillip Stagg, Jr. also advised that the proposal became a dead issue after a tie vote resulted.

Councilmember Judy Dehose responded by saying that she took it upon herself to revive the proposal and drew up another resolution for Council attention. She also said the Council never officially removed Councilmember Lafe Altaha for missing three consecutive meetings, therefore, his membership and signature were valid.

Councilmember Marjorie Grimes recalled a resolution which was adopted and later the Council had realized a mistake had been made and thus rescinded a resolution concerning the Salt River issue. She added that now it was being made unnecessarily difficult to rescind an issue.

Councilmember Herbert Tate advised that allowing Resolution No. 86-103 to remain in tact would set a precedent in handing out tribal property.

Tribal Attorney informed that gifts had always been presented to tribal members and they were in the form of housing and cattle.

Councilmember Tate advised there was a difference here. There had been a dire need in previous cases where special considerations were given to tribal members who receive assistance with cattle or housing. He also added that the outgoing Tribal Chairman had no need for the gifts presented him.

Tribal member, Dallas Massey, offered personal remarks concerning the irrevocable gifts. He stated that the tribe had discussed the financial crisis many times and the present matter was an example of a "hand-out". He also added that if the Council were going to establish a precedent, that each Tribal Chairman assuming his office and prior to his term expiring could take advantage of owning a new tribal vehicle every four years. Mr. Massey also commented that there were many unrecognized tribal members who had devoted many years of service to the tribe.

Council Member Nelson Ethelbah, informed Mr. Paschal Johnson, Sr., had worked for the tribe 26-28 years and when he became sick he did not get any assistance from the tribe nor was he given a medical retirement. He also concurred with the statements made about the gifts presented to the former Chairman.

Mr. Ethelbah also stated Chairman Lupe had worked for a excellent salary and was given more than adequate benefits during his tenure as Chairman. He further commented that there were many poor Apache people throughout the reservation that needed consideration.

Council Member Ray J. Ivans reminded the Council that a former Tribal Council member, Mrs. Mary V. Riley, had spent eighteen (18) years on the Council but she didn't get anything other than the honorarium pay.

Mr. Ivan Kitcheyan informed members of the Council that he and Mr. Fred Banashley had worked on the retirement program and helped set it up. Prior to the set-up no one had received anything. According to Mr. Kitcheyan, Mr. Frank Walker was one of the first to retire from the tribe and was to have received his retirement benefits, whether or not it happened was not clear at the time of this discussion.

Council Member Phillip Stago, Jr. also reminded members of the Council that Nicodemus Riley had worked for the Tribe nearly forty years, but he didn't receive any special considerations.

Miss Agatha Lupe, a 22 year old tribal member, advised members of the Council that they as the "new administration" were elected by the Apache people as their choice. As such they should be able to incorporate new ideas and changes as had been proposed and that they as a full governing body should do something about the irrevocable gifts, because she felt it was wrong to permit the matter to stand as outlined.

Council Member Herbert Tate commented that the Council should proceed with litigation about repossession of the 1982 Lincoln Continental.

Council Member Phillip Stago, Jr., stated no special considerations were given him four years ago when he was made to look like a criminal by being taken to court on the Big Horn Sheep Case. He added he had to pay all the court costs for his defense.

Tribal Chairman after presiding over the general discussion on the rescission of Resolution No. 86-103, called for a vote. Nine Council members were in favor of its passage and one (Judy Dehose) against with zero abstentions. Tribal Resolution No. 86-106 unanimously adopted, which rescinded resolution no. 86-103.

A question was raised by Council Member Judy Dehose concerning the called council meeting which was according to the agenda prepared, was to have been an executive session. It was clarified that the meeting was not an executive session and that it was a clerical error. The agenda was supposed to have indicated the meeting was to have been held in the Executive Conference Room not specified as an executive session.

Council Member Marjorie Grimes inquired about the need to appoint a Tribal Treasure. She commented that now the Tribal Council Secretary position had been filled they needed to consider an appointment for Tribal Treasurer. The Tribal Chairman informed the matter of the Tribal Treasurer was planned for resolution at the following week's Council meeting.

At 3:00 p.m. Mr. Bill Jones of the Central Business Office introduced to the Council a budget for FY 86/87 concerning the Beefmaster program. Mr. Jones advised that after the Council's review and approval, they would get Mr. Perez to purchase and calve more cattle to market. He also stated they needed the Council's approval as to who would manage that.

A general discussion was held concerning the budget proposal for Beefmaster. Some of the concerns raised were (1) previous financial loss with Tribal Herd; (2) mismanagement of cattle; (3) operation costs of the cattle business; (4) general traditional policies of management assuming costs for the General Manager's expenses with food purchases; (5) General Manager's salary.

It was determined that it would be more feasible to combine the Beefmaster program with the Feedlot project and to phase out Tribal Herd. Mr. Bill Perez would assume the responsibility of overseeing Beefmaster program and Feedlot in addition to his present responsibilities. After the discussion, Councilmember Judy Dehose made a motion to approve the Beefmaster Budget for FY 86/87 as presented with the salary of Bill Perez being negotiated. Motion was seconded by Council Member Marjorie Grimes. Mrs. Grimes commented that based on the fact Mr. Perez had proved himself to be a productive employee, he could also assume the additional responsibilities being assigned him.

Tribal Chairman Johnson called for a vote which resulted as follows: Nine council members were in favor of approving the budget and one against. Resolution No. 86-107 adopted.

Additional comments were made after the passage of Resolution No. 86-107; they were: (1) How would the General Manager be able to cover all the additional responsibilities and to be at two different places to do a job effectively; (2) Reportedly, the current cattle market was low and any investment the Tribe was making currently was a gamble; (3) Since the Beefmaster proposal had been previously supported by the Council, the new members of the Council were urged to give their support for a continuation of the beefmaster project.

Tribal Chairman Reno Johnson called on the Tribal Attorney to read a proposed resolution concerning Sunrise Ski Resort's General Manager, Ron Malfara. The proposed resolution addressed the termination of Ron Malfara's contract since Mr. Malfara requested to serve as the General Manager for a \$100,000 salary instead of the previous arrangements drawn up in his contract. Other administrative matters were addressed in the proposed resolution and discussed by the members of the Council.

Reportedly, Mr. Malfara had received an advance on his Commission in excess of \$100,000 of which \$90,000 was outstanding. Members of the Council expressed considerable concern regarding the advance authorized by the previous administration.

The proposed resolution also addressed the need to have an Acting General Manager available at Sunrise immediately. Mr. Dave Shadle who was the General Manager of the Whiteriver Commercial Center was recommended to serve as Sunrise Resort's Acting Manager.

Council Member Judy Dehose acknowledged the attendance of staff members she invited to the Council meeting. They were Raymond Endfield, Jr. and Larry Vicario of Sunrise management. Mrs. Dehose advised that it was necessary to involve the Sunrise staff in the Council's decision making process regarding the Ski Resort. She further explained the reason for her opposition to the appointment of Dave Shadle to Sunrise. She stated that the purpose of the new administration was to give tribal members an opportunity to serve in managerial positions. Reference was made to a former Council Member who had been appointed to the Ski Resort and how Mrs. Dehose thought that member had never had the full reins to be able to show what he could do.

Chairman Johnson advised he had taken into consideration the overall managerial problems of Sunrise prior to proposing Dave Shadle's assignment at Sunrise. He explained it was important to immediately get Mr. Shadle to Sunrise so he could proceed with budget preparations and revamping the operations of Sunrise management.

Mr. Raymond Endfield, Jr., former Council member appointed to work at Sunrise commented that he was in support of the Council's decision and that in the near future he expected consideration to be given him for the managership of the Resort.

A motion was made by Alvino Hawkins and seconded by Herbert Tate to terminate the Contract with Ron Malfara as the General Manager of Sunrise Ski Resort and to immediately appoint Dave Shadle as the Acting General Manager. There were nine Council members in favor of the motion, and one (Judy Dehose) against with zero abstention. Resolution No. 86-108 adopted.

The Bond Counsel of the White Mountain Apache Tribe was then introduced by the Tribal Attorney. Mr. Dick Mitchell explained that the purpose of the bond establishment was to combine the loans made to the White Mountain Apache Tribe in the amount of \$7,746,250 and its refinancing. The refinancing would be made in accordance with the INDIAN TAX STATUS ACT which provides for a large savings to the White Mountain Apache Tribe. According to Robert Brauchli, the Tribal Attorney, the White Mountain Apache Tribe and the Jicarilla Apache Tribe were the only Indian tribes who had set up the means necessary to take advantage of the INDIAN TAX STATUS ACT. Methods in preparing for the refinancing package and the transaction was discussed and presented to the Tribal Council. The Tribal Attorney explained that the establishment of a general obligation bond meant a scheduling of payment for the Seven Million Dollars beginning May 31, 1986 through January 31, 1996.

Chairman Johnson asked for the Fort Apache Agency (BIA) opinion and the Superintendent Russell Bradley advised that a tribe with a credible record would be able to take advantage of a package introduced based on the INDIAN TAX STATUS ACT. Mr. Bradley added that the Agency/Bureau endorsed this transaction.

Mr. Dick Mitchell and the Tribal Attorney explained to the Council the terms and conditions of the transaction.

Mr. Phillip Stago, Jr. made a motion to approve the General Obligation Bond transaction as presented, seconded by Nelson Ethelbah. There was a vote of

seven in favor, zero opposition and two abstention. Resolution No. 86-109
unanimously adopted.

Mrs. Claude Endfield, Director of the White Mountain Apache Head Start, was
present for the passage of Resolution No. 86-110 concerning authorization
of an intergovernmental agreement between the Tribe and the Department of
Economic Security. This was for the purpose of developing a Child Abuse
and Neglect Prevention and Treatment program funding.

Adoption of the resolution was made by a motion moved by Herbert Tate and
seconded by Alvino Hawkins with a vote of ten for and zero against.

At 5:40 p.m. the meeting recessed and to reconvened at 9:00 a.m. on May 8, 1986.

Respectfully submitted,



Mariddie J. Craig, TRIBAL COUNCIL SECRETARY
WHITE MOUNTAIN APACHE TRIBE