

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

WHEREAS, the Tribal Council Secretary has prepared briefs for Council meeting minutes for August 8th, 9th and 14th; and September 4th and 12th, 1996 and has presented them to the Council this date for approval; and

WHEREAS, after reading the briefs to the Tribal Council, the Tribal Council concludes that the briefs should be approved.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves Council meeting briefs for August 8th, 9th, and 14th; and September 4th and 12th, 1996.

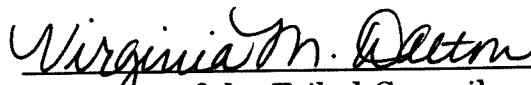
The foregoing resolution was on October 02, 1996, duly adopted by a vote of ten for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribal Constitution, including Article IV, Sections 1 (i) and (s) of the Constitution of the Tribe, ratified by the Tribe on September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

RECEIVED

OCT 15 1996

**FORT APACHE INDIAN AGEN
WHITERIVER, ARIZONA**


Chairman of the Tribal Council


Secretary of the Tribal Council

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Regular Council Meeting
Executive Conference Room
Thursday, August 08, 1996

B R I E F S

1. The meeting reconvened at 9:35 a.m. with the following members of the Tribal Council present: Chairman Ronnie Lupe, Vice Chairman Lafe Altaha, Councilmembers Lynn Cody, Alvin Declay, Guy Massey, Jr. and Herbert Tate. Other Councilmembers joined the meeting in progress.
2. Vernon Palmer, Phoenix Area office, BIA Road identified and explained Fort Apache Indian Reservation project data/description of all construction scheduled for FY 1997. Mr. Palmer advised that when Council overrides their prioritizes projects, those projects will be delayed or rescheduled.
3. Mr. Martti Ruona, manager of the Silver Creek Mortuary presented information on funeral services available to tribal members.
4. Keith Jones, Tribal Environmental Planner requested permission to submit an application to the USEPA Sustainable Development Challenge Grant Program for a pilot project at the Hondah-McNary community to develop a planning process for sustainable local economy to improve the quality of life for residents in the future. Resolution No. 08-96-181 was adopted granting permission to apply for a \$45,000 grant from U.S. EPA.
5. Resolution No. 08-96-182 was adopted establishing a Tribal Plan and Project Review process to provide a mechanism for full tribal control over natural resources related to project planning and management decisions.
6. The meeting recessed for lunch at 11:45 a.m. and reconvened at 1:55 p.m.
7. Robert Lacapa presented a summary of Maverick I Timber Sale. Resolution No. 08-96-183 was adopted approving the sale.

8. Resolution No. 08-96-184 was adopted approving the Budget & Finance Committee's Enterprise Budget Recommendations for FY 96-97; further reaffirming that all Enterprise Managers shall be "at will" and must execute a management agreement reflective of their at-will status with additional incentives and bonuses as reward for management excellence.

9. Chairman Lupe announced that a meeting has been scheduled with the Whiteriver School Board, Friday, August 9, 1996 at 9 a.m.

10. Jack Townsend reintroduced his business proposal, which included a request to store junk vehicles at the old dumpyard site once that is cleaned up. Tribal Council informed Mr. Townsend that they will not address his proposal until such time all vehicles are disposed of properly or returned to their owners. Mr. Townsend was also advised by the Tribal Attorney, that the building reverted back to the Tribe upon termination of his lease.

11. Assistant Tribal Attorney, George Hess advised for Tribal Council to consider Mr. Coppedge, doing the auto body work and would like to request a three year business lease before doing any capital improvements to deal with paint fumes.

12. Resolution No. 08-96-185 was adopted approving \$1M for Phase I, which is for the performance of earthwork, utilities and other underground site work as well as additional parking space for the Hondah Casino Complex expansion.

13. Resolution No. 08-96-186 was adopted authorizing Chairman Lupe to negotiate and execute a 638 Contract with BIA, Fort Apache Agency for all realty services presently performed by BIA and to advertise said position pending contract negotiation; and further requests the Fort Apache Agency Superintendent not to advertise current vacant realty position and to take all steps necessary to preserve funds budgeted for the position.

14. Resolution No. 08-96-187 was adopted directing posting of the proposed amendments to the Criminal Code in each district for 10 days as required by the Constitution.

15. Resolution No. 08-96-188 was adopted directing the Land Board not to grant land assignments in Hondah Homesite Area A and B until the Tribal Engineering and Planning Department makes its zoning recommendations to the Tribal Council as to the future use and development of said areas.

16. In the interest of time, Mrs. Carla Alchesay-Nachu will present her information at the next regularly scheduled Council meeting.

17. The meeting recessed at 4:50 p.m.

Respectfully submitted:

Virginia M. Dalton
Tribal Council Secretary

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Special Council Meeting
Executive Conference Room
Friday, August 9, 1996

B R I E F S

1. Chairman Lupe called the meeting to order at 9:42 a.m. with the following members of the Tribal Council present: Vice Chairman Lafe Altaha, Councilmembers Judy DeHose, Romeo Dazen, Lynn Cody, Frank Endfield, Jr., Guy Massey, Jr. and Herbert Tate.
2. Chairman Lupe addressed the Tribal Council, Mr. Clark, Superintendent of the Whiteriver School and Ermon Colelay, School Board member, asking for discussion on the Tribe's request for use of the Activity Center for the Tribal Fair, which was once approved by the Board and later that decision was changed, advising that the Tribal Council request an explanation.
3. Mr. Clark addressed the Tribal Council responding that the Board's initial reaction in June was to deny the request and that was explained in a letter to Mr. Kane; after that letter the Council expressed displeasure of the Board decision. In a special Board meeting the Board discussed possible lawsuits and voted not to ratify.
4. Councilmember Guy Massey, Jr. stated that he was not informed of the special meeting and that all five board members should have been there to ratify the Board's decision.
5. Mr. Clark said he bears the responsibility for not notifying Mr. Massey, but that the urgency of the meeting was to address the lawsuit.
6. Tribal Attorney said the Tribe doesn't see any conflict with school activities and the students will be the ones going to the concert. And asked if the Board has voiced their concern to the Fair Commission.
7. After considerable discussion, Mr. Clark said the Board needs to have another special meeting to resolve, but their vote to deny

the Tribe's request was ratified by a vote of 3 for and 0 against. Mr. Clark advised he needs to give 24 hour notice of the meeting.

8. Chairman Lupe agreed to meet with the School Board on Monday, August 12, 1996 at 9:00 a.m. in the Executive Conference Room.

9. The Tribal Council moved into Executive Session at 10:35 to discuss changes in Central Tribe budgets.

10. Resolution No. 08-96-190 was adopted approving the amendment to add \$80,000 to the Police Department for the sole purpose of providing security and safety for the Fair; further that the Tribal Fair employees positions are to terminate at the end of October each year.

11. Resolution No. 08-96-191 was adopted approving the Tribal Budget, the Revised Central Tribal Budget, and the Enterprise Budgets for FY 96/97.

12. The meeting recessed at 11:30 a.m.

Respectfully submitted:



Tribal Council Secretary

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Special Council Meeting
Executive Conference Room
Wednesday, August 14, 1996

B R I E F S

1. A special meeting of the Tribal Council was called to order at 4:16 p.m. There was a full quorum of the Tribal Council present, with the exception of Councilmember Judy DeHose. The purpose of the meeting was to continue discussion with the Whiteriver School Board's decision regarding the use of the Activity Center. Members of the Tribal Fair & Rodeo Commission were also present.
2. Chairman Lupe advised the Tribal Council that Mr. Clark, Superintendent for the School called and left a message saying he would try to be here, and that two of the Board members will be here. Respectively, Councilmember Guy Massey, Jr. was the only School Board member present.
3. After discussion on the IGA; the School Boards decision to deny the request of the Tribe; the repeated request for a meeting with the School Board and their refusal to meet with the Council; Resolution No. 08-96-192 was adopted requesting Superintendent Clark to call for a School Board meeting with the Tribal Council in order to comply with dispute resolution procedures set forth in the IGA, the meeting to be set for Monday, August 19, 1996 but no later than Friday, August 23, 1996.
4. Resolution No. 08-96-193 was adopted approving and granting permission to Mr. and Mrs. Roger Leslie to encumber the leased premises described in Resolution No. 05-96-118 for the purpose of securing a loan through Revolving Credit; further approving the land assignment relinquishment for the leased premises and directs Mr. & Mrs. Leslie to file such with the Land Office.

5. Resolution No. 08-96-194 was adopted approving and granting permission to Evelyn (Burnette) Mack to encumber the leased premises described in Resolution No. 07-96-133 for the purpose of securing a loan through Revolving Credit.
6. The meeting recessed at 4:54 p.m.

Respectfully submitted:

Virginia M. Dalton
Tribal Council Secretary

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Regular Council Meeting
Tribal Council Chambers
Wednesday, September 04, 1996

B R I E F S

1. Chairman Lupe called the Regular Council meeting to order at 9:35 a.m. with the following members of the Tribal Council present: Vice Chairman Lafe Altaha, Judy Dehose, Harley Janeway, Romeo Dazen, Lynn Cody, Margaret Walker, Frank Endfield, Jr., Guy Massey, Jr., Herbert Tate. Councilmember Alvin Declay joined the meeting in session.
2. Councilmember Romeo Dazen gave the opening prayer and roll call was conducted by the Secretary.
3. Resolution No. 09-96-197 was adopted approving council meeting briefs for July 10, 11, 12, 1996.
4. The Council went into Executive Session at 9:55 a.m. until 12:00 p.m. to discuss employment of Dino Manuel.
5. Resolution No. 09-96-198 was adopted directing Fort Apache Agency to assist tribal member, Dino Manuel in a transfer or possibly an exchange with U & O.
6. Resolution No. 09-96-199 was adopted that the Tribe would assume funeral and burial expenses for the late, Fred Larzelere, Sr., former Chairman and Councilmember of the White Mountain Apache Tribe.
7. Resolution No. 09-96-200 was adopted expressing condolences to the family of the late Charlie Lane, further expressing appreciation for his long lifetime service to the Tribe in the area of safety and protection while an active member of the County Sheriff's department.
8. The meeting recessed at 12:10 p.m. for lunch and reconvened at 1:54 p.m.

9. Tribal member, Isabelle Mason inquired as to the status of the construction of her HIP home. After a call to Dan Sorenson, who was unavailable, Chairman Lupe requested that Mrs. Mason and Mr. Sorenson meet with him in his office the following day.

10. Resolution No. 09-96-201 was adopted granting tribal member, DeJean Rodriguez permission to negotiate purchase of Hondah Homesite A-54.

11. Tribal member, Lenora Ethelbah addressed the Tribal Council regarding her prior request for a land assignment. She explains that the first request which is in the Cooley Lake area has been denied and she accepts that decision. She is now requesting that her second choice be approved.

12. Resolution No. 09-96-202 was adopted granting permission to tribal member, Glenda Antonio to negotiate purchase of Hondah Homesite A-32.

13. Tribal member, Lee (Palmer) Wagenfehr addressed the Tribal Council to request assignment of Hondah Homesite A-9, so that she may construct a garage on this lot, she explains this lot is adjacent to her Hondah Homesite A-10. Tribal Council requested a map of the lot she is requesting before they make a decision.

14. Tribal member, Genevieve (Declay) Burnette addressed the Tribal Council regarding her recent accident at the turnoff to FATCO, which involved another vehicle. She stated that as a result of that accident, she suffered immensely and has had to relearn how to walk, and is now having to use a cane to walk. She plead to the Tribal Council that no matter what the cost, that for the safety of all tribal members, a signal light be installed at the turnoff immediately.

15. Tribal members, Cathy (Sanchez) Garcia and Liza Sanchez strongly supported the request made by Genevieve Burnette, as they were also involved in accidents or near accidents at the same FATCO turnoff.

16. Resolution No. 09-96-203 was adopted that accident statistics warrant that corrective measure be taken immediately, and that ADOT be requested to install signal lights at the FATCO turnoff.

17. Resolution No. 09-96-204 was adopted granting tribal member, Bethany Skidmore permission to negotiate purchase of Hondah

Homesite A-7.

18. Tribal member, Holyan Lee approached the Tribal Council regarding contracts with FATCO. Mr. Lee was asked to wait until Mr. Carl Alsup, FATCO's General Manager arrives.
19. Tribal member, Perlinda Cosen addressed the Tribal Council requesting changes to her Form E. Chairman Lupe said he would review the policy and Ms. Cosen should see him in his office.
20. Resolution No. 09-96-205 was adopted granting tribal member, Keith Young, permission to negotiate purchase of Hondah Homesite A-32.
21. Tribal member, Cicero Albert has been laid off from his employment without notice and requested payment of his leave. Chairman Lupe told him to see him in his office.
22. Hal Butler introduced Judge Paul Colarich, who is seeking re-election to the Superior Court. Resolution No. 09-96-206 was adopted endorsing Judge Colarich.
23. Rand Henderson, a candidate for Division III Judge for the Superior Court also addressed the Tribal Council requesting for support.
24. Holyan Lee and Carl Alsup were called before the Tribal Council, after an exchange of comments, Chairman Lupe called for a fifteen minute recess at 3:00 p.m. so that he may confer with Mr. Lee and Mr. Alsup.
25. The meeting reconvened at 3:20 p.m. Chairman Lupe announced an IHS Residual meeting in Scottsdale, Thursday, September 5, 1996 and invited members of the Tribal Council to attend.
26. Carla Alchesay-Nachu, SUD for the Whiteriver Hospital presented information on their budget. Mrs. Nachu also extended an invitation to the Council to attend a two-day strategic planning meeting being held in Sunrise on September 11 & 12, 1996. Other issues covered was the survey and accreditation of both health care facilities on the FAIR; area support; removal of solar field; contracting patient care; prime vendors; and housing shortage for IHS staff.
27. Mrs. Nachu suggested that in response to tribal members

requesting a signal light, the Tribal Safety Director should bear the responsibility to provide driver education and addressing all safety issues on the reservation. Mrs. Nachu offered to provide accident data from that turnout for the Tribe to use.

28. Members of the Day Care Parent Board: Ruby Altaha, Ed Benally, Cathy Garcia, Delinda Altaha, Verna Bonito, along with Day care Director, DeJean Rodriguez presented and submitted a proposed budget to the Tribal Council for amendment consideration. Tribal Council concluded that their proposed budget be submitted to the Tribal Budget & Finance Committee for their review and recommendation.

27. Resolution No. 09-96-207 was adopted approving the Drug and Alcohol Free Workplace Policy for Hondah Casino as presented by the Assistant Tribal Attorney, George Hess.

28. Assistant Tribal Attorney, Charlie Stringer proposed a resolution to direct the Legal Department to conduct further factual investigation into improprieties of the Whiteriver School Board. Tribal Council concluded they will return with their decision at the next meeting.

29. The meeting recessed at 4:50 p.m. and will reconvene on Thursday, September 12, 1996 at 9:00 a.m. in the Executive Conference Room.

Respectfully submitted:

Virginia M. Dalton
Tribal Council Secretary

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Regular Council Meeting
Executive Conference Room
Thursday, September 12, 1996

B R I E F S

1. Continuation of the regular Council meeting reconvened at 9:30 a.m. with a full quorum of the Tribal Council present.

2. Robin Holden, present ^{ed} MOA's for approval as follows: Resolution No. 09-96-208 was adopted transferring IHS Project PH 96-R26 for construction of indoor plumbing and outside water supply and wastewater disposal facilities for 10 existing homes without indoor plumbing on the reservation.

Resolution No. 09-96-209 was adopted transferring IHS Project PH 96-A17 for installation and improvement of off-site sanitation facilities for 80 mutual help HUD units.

Resolution No. 09-96-210 was adopted transferring IHS Project PH 96-A30 for the construction of sanitation facilities for 12 new and renovated houses on the reservation.

Resolution No. 09-96-211 was adopted transferring IHS Project PH 96-A43 for construction of water and sewer service facilities for 20 state tax credit home, 10 in McNary and 10 in Cedar Creek.

Resolution No. 09-96-212 was adopted transferring IHS Project PH 96-R16 for construction of a community sewer system for Cedar Creek.

3. Chairman Lupe announced on Saturday, September 21, 1996 the Arizona Indian Voters Convention Campaign '96 will be holding its first political convention ever at ASU West. Chairman Lupe encourage members of the Tribal Council to attend and assist in promoting the potential power of Indian vote in Arizona.

4. Dustinn Craig, Healthy Nations request some Tribal assistance to construct a portable Skateboard facility which is expected to be the highlight of Play Day II scheduled for September 28, 1996, being sponsored by Healthy Nations. Resolution No. 09-96-213 was

adopted approving a tribal match of half of Healthy Nations contribution for the construction of the facility.

5. Tribal member, Richard Palmer on behalf of his daughter, Lee Wagenfehr requested assignment of Hondah Homesite Lot A-9 for construction of a garage. After discussion, Tribal Council concluded that assignment could not be granted until zoning plan meetings for that area have been held with homeowners.

6. Tribal Council in discussion with Dennis Bierer, Tribal Forester discussed implementation of penalties for prescribed burning violations; and the affect of prescribed burning on tribal hunting seasons.

Resolution No. 09-96-214 was adopted granting permission to BIA Forestry to install and monitor two smoke monitors.

Resolution No. 09-96-215 was adopted directing BIA Forestry to hold off on prescribed burning until after October 31, 1996, so as not to impact on tribal hunting seasons.

Resolution No. 09-96-216 was adopted approving application to the USEPA for funding under the Clean Air Act to partially fund a tribal member Air Quality Specialist position and provide information on the impact and strategies for protecting air resource.

Resolution No. 09-96-217 was adopted approval the General Miscellaneous Forest Products Use Rules and Instruction ^{which} changes incorporated as requested by the Tribal Council.

7. Councilmember Herbert Tate informed the Tribal Council that an accident involving two logging vehicles was due to brake failure which was reportedly reported to the Contractor and ignored. Councilmember Walker advised that Jaggo Logging vehicle came upon the Sonny Earl vehicle accident and swerved to avoid the accident causing him to run off the road. After discussion, Chairman Lupe volunteered to initiate a letter to Carl Alsup, FATCO General Manager and direct him to address concerns of the Council immediately.

8. Tribal member, Lenora Ethelbah returned to the Tribal Council requesting clarification of her request for a land assignment in McNary. Raymus Albert, Director of Land Office was there and advised the Tribal council that Ms. Ethelbah was given an option to

apply for land next to the green house which is a much better location and would give her a 200x200 lot. Councilmember Cody said the Land Board Committee will go and view the lot she is requesting in McNary, but agrees that Mr. Albert has a better suggestion. Mr. Albert also advised that Game & Fish has a proposal for Wetland development project in that area. Ms. Ethelbah agreed to wait for Land Board Committee's decision.

9. The meeting recessed for lunch at 12:15 P.M. and reconvened at 1:45 p.m.

10. Resolution No. 09-96-218 was adopted approving Land Board meeting minutes for July 12th, 19th, 30th and 31st; August 9th and 29th; and September 6th, 1996 as presented.

11. District IV representatives were directed to meet with North Fork residents regarding Whiteriver Unified School District No. 20 request for a proposed site in North Fork, which reportedly residents do not approve of.

12. Dennis Jones, BIA Land Operations addressed the Tribal Council regarding the Intergovernmental Agreement to contract functions of Land Operations. After discussion regarding their concerns of the current employees, Resolution No. 09-96-219 was adopted approving a cooperative agreement between BIA Land Operations and Tribal Department of Public Works.

13. Tribal Attorney presented Resolution no. 09-96-220 which was adopted directing the posting of the proposed bootlegging ordinance with incorporation of changes as requested by the Tribal Council, for a period of ten days in each district as required by the Constitution.

Mr. Brauchli announced a Tribal Council meeting with Mr. William Veeder on Monday, September 30, 1996 at 9:00 a.m. in the Executive Conference Room.

Resolution No. 09-96-221 was adopted directing Chairman Lupe to location contract amendment funds for Dr. Robinson, Elmer Clark, Mike Watson and Mike Kasmar for a total amount of \$156k.

Mr. Brauchli reminded Tribal Council that school leases have not been submitted to BIA. Tribal Council directed that they be processed.

Resolution No. 09-96-222 was adopted renewing Special Counsel Contract for Robert Alan Hershey for the period of 8/31/96 to 8/30/1999.

Mr. Brauchli gave a legislative update.

Assistant Tribal Attorney, George Hess and Human Resource Division Director, Serinda Clarkson presented a proposed amendment to the Tribal Personnel Policy Section 13 addressing Disciplinary Action and Grievances. Ms. Clarkson requesting appointment of a 15 member Grievance Committee. Tribal Council directed Ms. Clarkson to make recommendations and present to the Tribal Council at the next meeting.

Mr. Hess advised that Whiteriver Auto Body is still awaiting Tribal Council decision. After discussion, Tribal Council adopted Resolution No. 09-96-223 was adopted approving a business lease with Coppedge Auto Body for three years; that Mr. Coppedge is in compliance with EPA; and that Mr. Jack Townsend be responsible for his own debt with Revolving Credit.

14. Councilmember Harley Janeway asked why there are two different rates for travel to Phoenix, and that it is considerably less than compensation for regular council meeting stipend. Other concerns mentioned was the fluctuating motel rates, whereas the Treasurer should consider a contract with several motel/hotel in the valley area. Chairman Lupe agreed that concerns should be acknowledged and will be discussed.

15. The meeting adjourned at 5:30 p.m.

Respectfully submitted:

Virginia M. Dalton
Tribal Council Secretary