

Resolution No. 03-99-45

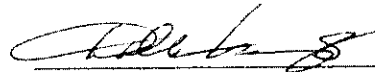
**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

WHEREAS, the Tribal Council Secretary has prepared briefs for Tribal Council meetings for January 6-8, January 13, January 26, February 3-5 and February 16, and has presented them to the Council this date for approval; and

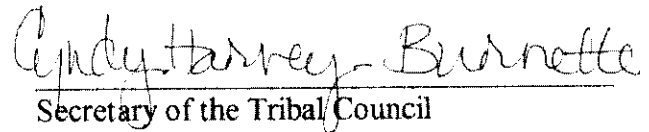
WHEREAS, after reading the briefs to the Tribal Council, the Tribal Council concludes that the briefs should be approved with changes as clarified.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves Tribal Council meeting briefs for January 6-8, January 13, January 26, February 3-5 and February 16 as presented with noted changes.

The foregoing resolution was on March 3, 1999, duly adopted by a vote of SIX for and THREE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (i), (t) 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).



Chairman of the Tribal Council



Secretary of the Tribal Council

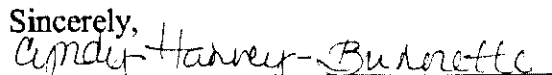
WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Tribal Council Meeting
Tribal Council Chambers
Wednesday, January 6, 1999

BRIEFS

1. The Tribal Council meeting was called to order at 9:35 a.m. by Chairman Massey. The invocation was offered by Pastor, Ben Hendricks. The Tribal Council Secretary took roll call and all members of the Council were present.
2. Tribal Member and Carrizo Community President, Janet Craig, thanked Council for Christmas candy and fruit. She stated that Hondah Casino donated toys but as there were not enough, they plan to use these toys as prizes for their Valentine's party, for which she requested \$400 from the Land Claims fund. She was advised that the Treasurer and the Controller will review fund and inform her this afternoon.
3. Tribal Members, Cornelia Hoffman and Doreen Pacheo, requested a twenty-five (25) year extension on their business lease for the Wash and Dry Laundromat. Resolution No. 01-99-01 adopted approving this request. Council Member Tate made the motion and the motion was seconded by Vice Chairman Endfield. The resolution passed with a vote of 7-0.
4. Tribal Member, Brenda McVeigh, shared concerns and complaints against the Tribal Court, Prosecution Unit, Law & Order Committee and the BIA Investigators regarding the death of her nephew, Phillip Narcisco, who was killed by a drunk driver. It was suggested that Robert Sombrero, BIA Investigator update Council on cases. She was advised that the Tribal Attorney, along with the Tribal Prosecutor, will assist her in updating her on this case.
5. Tribal Member, Roberta Leslie, commented on problems with supervisor and requested Tribal Council support in back payment of travel in the amount of \$8,195. Mrs. Leslie was advised that this issue will be addressed at meeting with BIA Education at month's end.
6. Robert Sombrero, BIA Investigator, gave an update on activities within his office. Council Member Craig requested more information on cases. He is to meet with Ms. McVeigh to assist her regarding her nephew's case.
7. Cathy Tate, Tribal Treasurer and Jaki Caid, Controller, reported on the land claim funds. They stated due to many records, receipts and documents missing, it was difficult to reconcile this account but have found that there are no funds. Chairman Massey informed Council of the 22D funds which has accumulated interest and is now at \$200,000. He expressed the need for Tribal Council plans for distribution of funds.
8. Tribal Member, Kathy Bragg, requested assistance due to recent vandalism to her rental unit. Ms. Bragg explained that Housing holds her responsible for payment of appliances that were vandalized. She also stressed the need for security lighting and repair of fencing.

9. Resolution No. 01-99-02 adopted to have Tribal Social Services assist Kathy Bragg with emergency funding to obtain clothing and any home furnishings she needs which were lost due to break-ins. The resolution to include directive to Housing Authority to provide assistance available to Ms. Bragg including repairs of damages, provisions for security lighting and security fencing on her premises, and a determination whether any of her losses are covered under insurance policies maintained by the Housing Authority. Council Member Craig to assist in advising the family on community resources available to them to improve their residence. Council Member Baha-Walker made the motion and the motion was seconded by Council Member Declay. The resolution passed with a vote of 7-0.
10. Tribal Member, Dustin Craig, informed Council that he is writing article titled "Council Review" and needs four Council volunteers. Council Members Tate, Dehose, Baha-Walker and Nez volunteered.
11. Buddy Jensen, Complex Manager, gave an update on the Alchesay and Williams Creek National Fish Hatcheries. His presentation included trout distribution and budget expenditures for FY 1998. He stated that there are no plans for expansion and informed Council of fish predation problems. He was advised of the need for future planning for growth and to plan now for expansion.
12. Resolution No. 01-99-03 adopted to endorse the Heritage Program initiative to collaborate with National Park Service Personnel to secure a LSRP Park Development grant support for the provision of facilities and amenities at the Fort Apache Historic Park. The motion was made by Vice Chairman Endfield and the motion was seconded by Council Member Nez. The resolution passed with a vote of 7-0.
13. Resolution No. 01-99-04 adopted for a lease agreement between the WMAT and the Cibecue Community School for the Old Cibecue Lutheran Mission. Council Member Baha-Walker made the motion and the motion was seconded by Council Member Nez. The resolution passed with a vote of 8-0.
14. Dr. John Welch reported that the Fort Apache Heritage Foundation Board are reviewing the Articles of Incorporation and had good discussion for vision of Board at orientation. He stated that the Board are enthusiastic and will focus on fund raising. Dr. Welch also recommended an expanded board and will present names at next meeting. A concern that was mentioned was the trust property for Fort Apache and funding concerns.
15. Tribal Members, Beverly Henry and Travis Baylish, presented complaints regarding Fire Chief Clinton Kessay. Chairman Massey informed Council of memo dated today to Mr. Kessay which lists all factors considered in his termination.
16. Tribal Member, Leroy Pinal, requested assistance for position. He was advised to check with his Council representatives Lynn Cody and Phoebe Nez.

17. Keith Jones, Environmental Planner, reported on the Canyon Day water system improvements, the proposed foot bridge in Whiteriver and the WMAT's community involvement plan.
18. Resolution No. 01-99-05 adopted to direct that monies approved for the Whiteriver water system improvements by the USDA Rural Development Agency, be redirected for Canyon Day water system improvements, and that these improvements are estimated to cost \$750,000. Council Member Tate made the motion and the motion was seconded by Council Member Clay. The resolution passed with a vote of 8-0.
19. Resolution No. 01-99-06 adopted to direct the Tribal Engineering Department, Public Works Department, Sunrise Ski Area, BIA and other entities having resources helpful in foot bridge construction in the vicinity of the Dayaye residence on the North Fork White River. Council Member Tate made the motion and the motion was seconded by Council Member Clay. The resolution passed with a vote of 9-0.
20. Resolution No. 01-99-07 adopted to undertake a pilot project with ITCA through its consultant, ECC, to develop a plan for community involvement and participation for all communities on the Fort Apache Indian Reservation, and that it directs the Tribal Environmental Planning Office and Tribal Planning Department to facilitate this project. Council Member Craig made the motion and the motion was seconded by Council Member Dehose. The resolution passed with a vote of 8-0.
21. Candy Lupe, Wetlands Planner, presented the Land Restoration Board 1st choice recommendations which consists of: Calvert Tessay, Cornelia Hoffman, Kirk Massey, Sr., Beverly Malone, Paul Ethelbah, Robert Lacapa, Janell Armstrong, and as advisors - Lee Ann Roosevelt, Doreen Gatewood, Carla Nachu, Larry Ethelbah, Orlando Carroll, and Candy Lupe as Coordinator.
22. Resolution No. 01-99-08 adopted to accept the Land Restoration Board and advisors as presented. Council Member Declay made the motion and the motion was seconded by Council Janeway. The resolution passed with a vote of 7-0.
23. Rayetta Kane, Welfare Reform Coordinator, presented an overview of Welfare Reform Programs (TANF and Welfare-to-Work). The need for a better transportation system for the Welfare-to-Work program, confidentiality, cultural considerations and caseworker overload concerns were addressed by Council.
24. Tribal Member, Leon Nozie, addressed Council on the importance of prayers.
25. The meeting recessed at 4:50 p.m. and to reconvene tomorrow at 9 a.m. in the Executive Conference Room.

Sincerely,

Cindy Harvey-Burnette
Tribal Council Secretary

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Tribal Council Meeting
Executive Conference Room
Thursday, January 7, 1999

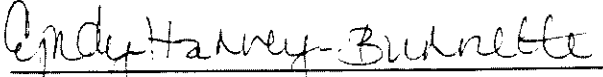
BRIEFS

1. The continuation of the Tribal Council meeting was called to order at 9:21 a.m. by Chairman Massey with a quorum present. The invocation was offered by Council Member Janeway. Council Member Dehose was on annual leave.
2. Chairman Massey began the meeting with announcements. He stated that the Tribal Court Administrator and the Director of Public Safety have submitted their two weeks notices. He reminded Council of the Navajo Nation Inauguration next week.
3. Tribal Education Director, Linda Declay, presented program update. She identified all staff, titles and short description of positions according to organizational chart. Ms. Declay informed Council of vacancies and stressed the need for a Retention Counselor due to the high rate of college drop outs. She was advised to submit a budget amendment for this position. Information regarding the 1999 Spring Semester Tribal Scholarship allocation was presented as follows: Freshmen \$2700, Sophomores \$2800, Juniors \$3100, Seniors \$3300, Masters \$4500, PH.D. & Law \$6000, and Medicine \$7000. Ms. Declay expressed concern for Juniors and Seniors who may lose other prestigious, university based scholarships and gift aids due to Tribal Scholarships.
4. Council brought up the need for overall retraining for staff, the need for Retention Counselor and the consolidation of other program scholarships. Several Council Members also commended Ms. Declay on her work and Council Member Craig presented constructive concerns regarding Higher Education.
5. Resolution No. 01-99-09 adopted for the approval of the 1999 spring semester Tribal scholarship allocations as follows: Freshmen \$2700, Sophomores \$2800, Juniors \$3100, Seniors \$3300, Masters \$4500, Ph.D. & Law \$6000 and Medicine \$7000. Vice Chairman Endfield made motion and the motion was seconded by Council Member Janeway. The resolution passed with a vote of 7-0.
6. Paul Declay, Tribal Forester, presented the Forest Management Deductions Budget and Use Plan. Chairman Massey stated that the estimated interest of \$209,953 on the \$4,000,000 should be a higher amount if invested by the tribe and stressed that this money should be in the tribes control. He also recommended depositing \$2,000,000 under Other for FATCO renovations which are sorely needed. Chairman Massey also advised to set date for review of rules and regulations regarding the 10% funds.

7. Tribal Attorney, George Hesse, recommended a special session as a follow up as there are many issues involved and the Tribal Council needs to hear all the different avenues open to the tribe before making final decision. Council Member Tate stated that the tribe subsidizes Game & Fish and yet penalizes FATCO with the roads suspense account. He also explained that the roads suspense account is a fixed cost which FATCO incurs. Chairman Massey made supporting comments on thinning and prescribed burning as they benefit livestock and wildlife. Paul DeClay stated that the thinning guidelines will be revised
8. The Tribal Attorney informed Council that the Indian Forest Management Resources Act states that the tribe cannot relieve the BIA from its trust obligations. The tribe should not have to spend tribal funds to shoulder burden that should be the governments trust obligation. He advised to verify that thinning is not a trust activity and should be paid for by the BIA rather than the tribe, through 10% funding.
9. Dave Reinhold, BIA Forester, commented that they would like to receive \$1.2 million in the Forest Development program to thin and to plant trees for the future. He would like enough funds to plan and regenerate the forest. Chairman Massey requested a session with Dave Reinhold and Ben Nuvamsa for update on the fire management funding situation.
10. Jon Cooley, Outdoor & Wildlife Recreation Division, gave background information on the Sensitive Species Program, which is an unfunded federal mandate. Cynthia Westfall, Sensitive Species Coordinator presented the Executive Summary Sensitive Species Management & Budget and stated that they are pursuing federal funding for program.
11. Resolution No. 01-99-10 adopted to request funding from the BIA and U.S. Fish & Wildlife Service to operate the Tribe's Sensitive Species Program within the Fort Apache Indian Reservation authorizing the temporary use of Tribal Forest Management Deduction Funds, as a stop gap measure, in recognition that the Tribe has the greatest interest in the conservation of sensitive species and their habitats within the Fort Apache Indian Reservation. Council Member Craig made the motion and Council Member Nez seconded the motion. The resolution passed with a vote of 9-0.
12. Resolution No. 01-99-11 adopted to earmark two million dollars from the Forest Management Deduction Carryover funds account for anticipated capital expenditures at FATCO, subject to review by the Tribal Council of a specific proposal by the FATCO Board of Directors. The Forest Management Deductions collected shall be properly deposited and expended on items designated in the Budget and Use Plan and the BIA to seek appropriate funding to carry out its obligation for forest thinning and sensitive species management; and that the Bureau, by this action, is not absolved of its responsibility to provide funding for these projects. Council Member Tate made the motion and Council Member Janeway seconded the motion. The resolution passed with a vote of 8-0.
13. Discussion on the Theodore Roosevelt School Board followed with recommended names for the two Board positions. A vote was taken by secret ballot and the two who received the majority of the votes were Dewey Lupe, Jr. and Jackie Altaha.

14. Resolution No. 01-99-12 adopted appointing Dewey Lupe, Jr. and Jackie Altaha to the Theodore Roosevelt School Board replacing Jerry Gloshey, Jr. and Vangie Gatewood. The motion was made by Council Member Tate and motion was seconded by Vice Chairman Endfield. The resolution passed with a vote of 9-0.
15. Tribal member, Abigail Tortice Wilson, informed Council of her son, Joe Wilson's problems and requested protection for him. After comments from Council in support of Mrs. Wilson and her son, Chairman Massey recommended to have Roger Leslie and Raymond Endfield, Jr. meet with the Council tomorrow.
16. Raymus Albert, Land Board Chairperson, presented the Land Board meeting minutes of December 18, 1998. He advised to delete #2 Fred Banashley, Jr. and #3 Ursula Banashley after concerns expressed by Council.
17. Resolution No. 01-99-13 adopted for approval of the Land Board meeting minutes of December 18, 1998 as presented but to delete #2 & #3 of minutes for further clarification. The motion was made by Council Member Tate and seconded by Vice Chairman Endfield. The resolution passed with a vote of 9-0.
18. The meeting adjourned at 5:10 p.m. and will reconvene tomorrow at 9 a.m.

Sincerely,



Cyndy Harvey-Burnette
Tribal Council Secretary

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Continuation of Tribal Council meeting
Executive Conference Room
Friday, January 8, 1999

BRIEFS

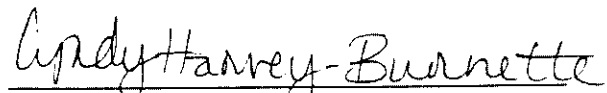
1. The continuation of the Tribal Council meeting was called to order at 9:44 a.m. by Chairman Massey with a quorum present. Vice Chairman Endfield was on travel status. The invocation was offered by Council Member Cody.
2. Roger Leslie, Hondah General Manager, was informed of complaints presented by Abigail Tortice Wilson at yesterday's meeting. A discussion and complaints followed on Corina Wilson, who is a non-tribal member Hondah employee. Council made comments for the protection of Joe Wilson, lack of tribal members to work the conferences, the rudeness of staff towards one another, promotion of tribal members and emphasized stressed training/orientation for employees. Mr. Leslie was advised to look into the situation and report back to Council.
3. Ruby Altaha, Revolving Credit Officer, informed Council that the Weatherization Program is now in the process of being audited due to overspent funds and introduced Mr. Raymond Bahe, Division of Social Services with the Navajo Nation. Mr. Bahe presented information on the Low Income Home Energy Assistance Program (LIHEAP) including Energy Crisis Intervention and Home Heating and Weatherization Assistance.
4. Terry Quest, Internal Auditor, gave a brief update on the Weatherization Program. He found that the program had poor or missing records and lack of control over contractors and materials. He recommended to set a plan of program and abide by it.
5. Keith Jones, Environmental Planner, presented information on the tribal land fill expansion underway at the Cedar Creek landfill. He informed Council that eventually four cells will be provided at the land fill and is projected to last 5 to 7 years. He then presented aerial photo which included the old Whiteriver land fill and Stago Curve area. He stated that area west of the Stago pit has material with an estimated twelve year supply. Keith added that prior to work in this area, a mining and reclamation plan would be developed. Keith also stated that community boundaries need to be identified. The Tribal Engineer also presented a resolution regarding collection of infrastructure improvement fees but this was tabled for further clarification. Chairman Massey stressed the rehabilitation of land and development for future home sites. Council Member Baha-Walker recommended that Keith Jones and staff present information at their community meeting.
6. Resolution No. 01-99-14 adopted to transfer Land Operations funds to the tribe for salary expenses. The motion was made by Council Member Tate and seconded by Council Member Declay. The resolution passed with a vote of 8-0.

7. Danny and Jaki Sedillo, presented information on Arizona's School To Work and Tech Prep Programs, and as a result, Resolution No. 01-99-15 adopted supporting both programs reservation wide. Council Member Tate made the motion and Council Member Cody seconded the motion. The resolution passed with a vote of 8-0.
8. George Hesse, Tribal Attorney, presented his report. He informed Council of a special action filed by Joe Sparks, San Carlos Apache Tribe's Water Rights Attorney, challenging that the 1995 state legislation is unconstitutional. George also provided a summary of the 10% account monies including Needs of Tribal Programs, Capital Equipment Needs for FATCO, Rate of Fund Reaccumulation, Forestry Budget Assurances/BIA Trust Responsibilities, Restrictions on Monies and Investment Issues. George recommended a special Council meeting to review the Criminal Code.
9. Cheryl Minjarez, Realty Specialist, updated Council on the Whiteriver airport hangar. Resolution No. 01-99-16 adopted granting a revocable permit from January 1st to December 31, 1999 to Rim Aviation, at an annual permit fee of \$750.00. Council Member Tate made the motion and Council Member Clay seconded the motion. The resolution passed with a vote of 7-0-1 abstention.
10. Resolution No. 01-99-17 adopted for the Michael Endfield/Kathryn Shepherd residential lease transfer. Council Member Craig made the motion and seconded by Council Member Tate. The resolution passed with a vote of 6-0.
11. George Hesse presented a resolution regarding a renewal of the Whiteriver Hospital lease but it was tabled so that IHS can present lease renegotiation information at next month's Council meeting.
12. Resolution No. 01-99-18 adopted for a 25-year lease for Sylvester and Arlene (Clawson) Altaha. Council Member Tate made the motion and the motion was seconded by Council Member Cody. The resolution passed with a vote of 7-0.
13. Assistant Tribal Attorney, Amy Mignella, gave an update on the Ramah Navajo Class Action and the West-end Iron Mine proposal. George Hesse reported the need for police and fire protection in Hondah and McNary. He ended his report by informing Council of the Udall Memorial.
14. Council Member Craig presented her council report for District IV as follows: Proposal: Council meeting with Native Vision the latter part of January. Resolution No. 01-99-19 adopted to invite Native Vision to Whiteriver on January 26, 1999 for presentation of their program. Council Member Tate made the motion and seconded by Council Member Declay. The resolution passed with a vote of 7-0.
15. Council Member Craig also gave a Housing update and informed Council of meeting on 1/13/99, CDC Board of Director appointment - twenty homes dedicated and occupied by tenants in McNary and the need for a consolidation of all housing programs, Health Board

appointment acceptance and looks forward to working with health programs, community meetings- concerns for safety of people, the need for security lights in McNary and slow response from police. She urged Council to encourage family harmony/unity or encourage churches to continue their active community involvement and Council needs to review tribal laws concerning vandalism and terrorism. Telecommunications issues - High Density Television change due in 2007, therefore recommended creation of a Telecommunications Commission to oversee this and other similar projects. Amy Mignella, Assistant Tribal Attorney also provided additional information on telecommunications issues.

16. Council Member Craig also reported on the creation of a Traditional Dispute Resolution Center in accordance with the Journal of Apache Elders. The last item she reported on was the addition of TERO committee members as recommended by Danny Sedillo, TERO Director.
17. Council Member Tate informed Council of the roads meeting on January 19, 1999 and stressed lobbying for TEA-21.
18. The meeting adjourned at 5:35 p.m.

Sincerely,


Cyndy Harvey-Burnette
Cyndy Harvey-Burnette
Tribal Council Secretary

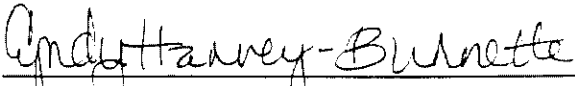
WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
NAHASDA Indian Housing Plan
Hon-Dah Convention Center
Wednesday, January 13, 1999

BRIEFS

1. At 9:30 a.m. Victor Velasquez, Executive Director of the Housing Authority, welcomed all, gave introductory remarks and introduced A.J. Yazzie and Julie Thompson, Consultants.
2. A. J. Yazzie presented information on Management and Physical Needs Assessment and FFY 1998 NAHASDA Block Grant Budget.
3. Julie Thompson, provided financial/budget overview of 1937 funds.
4. Some of the important issues presented included: TARS (Tenant Accounts Receivables) can be written off but affects housing funding. The Housing Authority now has delinquent accounts over \$200,000 and this figure is increasing. \$6.9 million dollars received for 1999 but need to modify through Housing Board due to incorrect Tribal enrollment amount. If correct enrollment submitted, could increase this dollar amount. Victor Velasquez informed Council that Housing has assisted over seventy (70) families with funerals from 1997 to 1998. Chadeen Palmer stated that the Drug Elimination fund, which began January 11, 1999, is now in effect reservation-wide.
5. Chairman Massey stressed the need to consolidate all housing programs on the reservation and he compared housing costs between Housing and Revolving Credit and stressed the need to cut the costs of building HUD homes.
6. Chairman Massey called the continuation of the Tribal Council meeting to order at 3:10 p.m. with a quorum present. Vice Chairman Endfield and Council Member Dehose were absent. Council Member Clay offered the invocation.
7. Council Member Craig presented resolution for the creation of the Telecommunications Committee. Chairman Massey recommended to appoint Council Member Nez to this committee for representation from the Tribal Council. Resolution No. 01-99-20 adopted approving the creation of a Telecommunications Committee. Council Member Tate made the motion and the motion was seconded by Council Member Cody. The resolution passed with a vote of 8-0.
8. Council Member Craig also proposed the creation of a Traditional Dispute Resolution Center to address traditional disputes utilizing casino funds. She referred to the 1982 tribal law regarding the Journal of Apache Elders. Amy Mignella, Assistant Tribal Attorney, gave supporting comments for the center and stressed that courts increase adversarial disputes. Chairman Massey advised to have Council Member Craig, Amy and George Hesse follow up on this issue by reviewing Navajo Nation's similar program and provide additional information to Council.

9. The Tribal Council discussed concerns relating to Council Member Dehose - absences from meetings and lack of voting
10. Resolution No. 01-99-21 adopted to approve the Tribal Council meeting briefs for the month of December 1998 with corrections. Council Member Clay made the motion and Council Member Tate seconded the motion. The resolution passed with a vote of 8-0.
11. The meeting adjourned at 5:25 p.m.

Sincerely,



Cyndy Harvey-Burnette
Tribal Council Secretary

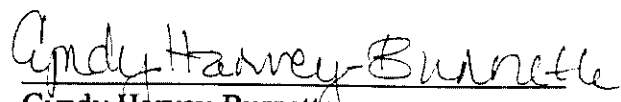
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WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Special meeting with Native Vision
Executive Conference Room
Tuesday, January 26, 1999

BRIEFS

1. Chairman Massey called the special meeting with Native Vision to order at 9:35 a.m. with all members of the Tribal Council present. The invocation was offered by Council Member Nez.
2. Chairman Massey reminded Council of the very important education meeting the next two days and urged all to attend and share concerns.
3. Dr. Ray Reid, Allison Barlow and Tod Beane presented information on the Native Vision program which is committed to marketable skill-building, a healthy start to life, positive activities after school, access to mentors, and a chance to give back through community service. Also shown was a video on program. They encouraged Native Vision participation and hosting athletic camp.
4. Resolution No. 01-99-22 adopted for the tribe to host a Native Vision camp and Council Member Craig to coordinate efforts. Council Member Declay made the motion and the motion was seconded by Council Member Cody. The resolution passed with a vote of 8-0.
5. A discussion followed on the AHS boys basketball team's losing streak and Council Member Craig suggested that the Tribal Council give the team a morale boost today at the high school with words of encouragement.
6. The meeting adjourned at 11:37 a.m.

Sincerely,


Cyndy Harvey-Burnette
Tribal Council Secretary

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WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Tribal Council meeting
Tribal Council Chambers
Wednesday, February 3, 1999

BRIEFS

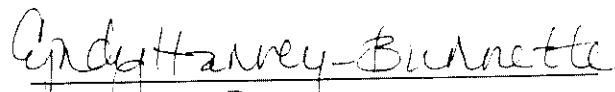
1. The Tribal Council meeting was called to order at 9:40 a.m. by Chairman Massey with a quorum present. Council Member Janeway offered the invocation. Roll call was taken by the Tribal Council Secretary. Vice Chairman Endfield, Council Members Craig and Tate were on trave status.
2. Tribal member, Gertie Lupe, informed Council that Pastor Roy Sullivan of the McNary Assembly of God Church passed away yesterday. On behalf of the McNary Assembly of God Church, she requested permission for his remains be buried in McNary as that was his wish. She requested two burial plots - one for the Pastor and the other for his spouse, who she reported is currently in poor health.
3. Resolution No. 02-99-23 was adopted granting permission for burial of the late Pastor Roy Sullivan in McNary and an additional plot for spouse. Council Member Clay made the motion and the motion was seconded by Council Member Nez. The resolution passed with a vote of 7-0.
4. Tribal member, Darrell Parker, informed Council that his son, Tony, was selected to travel to Germany to play football and for the USA Junior Nationals. He requested financial assistance to assist his son. Resolution No. 02-99-24 adopted to assist Tony Parker in the amount of \$500 for purposes stated. Council Member Cody made the motion and Council Member Declay seconded the motion. The resolution passed with a vote of 6-0.
5. Tribal member, Wayne Dahkoshay, requested back pay and removal of the sexual harassment allegations on his personnel records. He was advised that this issue will be discussed with Gwendena Real Bird, Human Resources Director, present.
6. Tribal member, Abrey Taylay, informed Council that he applied for a HIP home five years ago and is still without a home today. The Council raised many questions regarding the HIP program and Chairman Massey advised that District I Council Members follow up on this issue for Mr. Taylay.
7. Tribal members, Aaron and Tammy James, explained that Aaron was selected for a position and questioned delay in starting position. Chairman Massey advised them that Donna Vigil, Health Authority Director, will respond by letter to Aaron regarding their concern. Mrs. James also informed Council that she has made attempts to have her \$500 bond payment refunded. Tribal Attorney to follow up on this request.

8. An Executive Session was called at 10:55 a.m. to discuss Tribal member, Wayne Dahkoshay's request. Chairman Massey and Gwendena Real Bird, updated Council on Mr. Dahkoshay's case. Due to Mr. Dahkoshay's withdrawal of his grievance hearing, some Council felt that he should not receive his requested back pay but were in support of the removal of the sexual harassment charge from his records due to findings. The Tribal Attorney to draft an opinion letter for Mr. Dahkoshay.
9. Resolution No. 02-99-25 adopted to remove the sexual harassment allegations from Wayne Dahkoshay's personnel records with an opinion letter from the Tribal Attorney. The motion was made by Council Member Declay and seconded by Council Member Nez. The resolution passed with a vote of 6-0-1 abstention.
10. Joe Jojola, Wildlife Biologist, presented the Non-Tribal Member Regulations. He stated that they will recommend a Chairman's tag this year which will be offered on an auction basis. Council Member Cody recommended different schedules for Tribal & Non-Tribal Members hunts and the need for supervision. He also advised to have guides for the early cow hunts and lowering the number of late cow tags to reduce congestions in areas. Joe informed Council that an application fee of \$5.00 will be charged for every permit sold. Council Member Nez spoke in support of increasing number of permits and charging more for permits but to place limits on grouse. Council Member Declay stated that limits need to be indicated for bear and mountain lion. Chairman Massey requested Elk harvesting information.
11. Jon Cooley, Wildlife & Outdoor Recreation Director, presented a summary of the major regulation changes for the 1999 Proposed Non-Tribal Member Recreation Regulations.
12. Resolution No. 02-99-26 adopted for approval of the Non-Tribal Member Recreation and Hunting Regulations for 1999-2000 as amended. The motion was made by Council Member Nez and seconded by Council Member Baha-Walker. The resolution passed with a vote of 7-0.
13. Joan Timeche, Program Director for the Center for American Indian Economic Development, explained that she provides technical assistance, consulting services and strategic planning for Indian tribes. She then presented information and material on the Native American Cultural Center, which is a project of the Arizona American Indian Tourism Association (AAITA). The AAITA is seeking financial support for the development and establishment of a Native American Cultural Center at the historic Phoenix Indian school dining hall. Ms. Timeche presented a resolution for endorsement of the AAITA but she was advised that this information will be presented to the Budget & Finance Committee for their review prior to any action by the Tribal Council.
14. Albert Hale, Attorney at Law for the Branch Law firm presented information on the tobacco litigation. He stated that the Tobacco Industry settled lawsuits with more than forty states for \$246 billion and that Indian nations were not a part of that settlement but should be compensated for damages to their health. The firm will advance the cost of litigation and their fees and expenses reimbursed by the tobacco companies. He would like to enlist the WMAT as one of the clients for whom his firm will seek compensation.

Mr. Hale also presented a resolution and a Professional Services Contract which the Tribal Attorney will review.

15. Ken Clauser, Safety of Dams Coordinator, Phoenix Area Office, explained that due to laws passed by Congress, are inventorying all dams for safety purposes. He presented a proposal to install an automated early warning system for nine high hazard dams on the Fort Apache Indian Reservation. The installation of an automated early warning system to monitor the nine dams could significantly increase warning time and reduce the potential loss of life at several key locations along the North Fork of the White River in the event one or more of these dams should ever fail. Mr. Clauser was advised that the Tribal Attorney will review the proposal to add additional language and to re-present to the Council tomorrow.
16. The meeting adjourned at 5:13 p.m. and to reconvene tomorrow at 9 a.m.

Sincerely,



Cyndy Harvey-Burnette
Tribal Council Secretary

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Tribal Council Meeting
Tribal Council Chambers
Thursday, February 4, 1999

BRIEFS

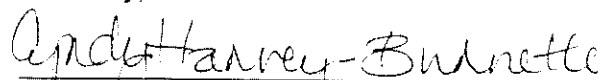
1. The continuation of the Tribal Council meeting was called to order by Chairman Massey at 9:35 a.m. with a quorum of the Tribal Council present. Council Members Craig and Tate were on travel status. The invocation was offered by Council Member Dehose.
2. John Ruegamer, Chief School Administrator, Theodore Roosevelt School presented Budget Report for the 1998-1999 school year. Council addressed concerns relating to: enrollment, student/teacher ratio, teacher turn over rate, carryover of funds, high number of staff in relation to low number of students, school board meetings/compensation and questions on services provided by Mr. Dickman. Council Member Dehose suggested the school to sponsor a meeting with the Council at the school and Chairman Massey addressed the child abuse policy that the teachers were being threatened with. He stressed the quality of education and that proper education for the children is provided.
3. Ramon Riley, TR Board Member addressed some of the dorm problems, clarified the purpose of the Taiwan trip which is now canceled and he urged Council to visit the school.
4. Connor Murphy, Tribal Planner, provided information on Community-Based Planning Project. He presented the five long-range objectives and he expressed the need for land division mapping by a registered surveyor, land title recording by the county recorder, land title mapping by the county assessor, land use planning by adoption of a comprehensive plan and land zoning to designate parcel specific land use. The Tribal Planner explained that Hon-Dah/McNary and Cedar Creek are part of the year one community planning group, year two includes Cibecue, Carrizo and Forestdale and year three consists of Whiteriver, East Fork, Seven-Mile, Canyon Day, North Fork and Diamond Creek. Connor also provided a comparison between Show Low and Pinetop/Lakeside and Whiteriver and reasons for lack of business development on the reservation.
5. A discussion followed on problems with illegal woodcutting and fence cutting in the Dry Valley area. Chairman Massey and Vice Chairman Endfield remarked on the need for development in this area.
6. Resolution No. 02-99-28 adopted for a grant application to be submitted to HHS to fund a 36 month Community-Based Planning Project. The motion was made by Council Member Declay and seconded by Council Member Cody. The resolution passed with a vote of 7-0.
7. Nathaniel Harvey, President of the Board of Directors for the General Livestock Association, presented a general status report. He informed Council of recent election results regarding the Board - he was elected as President, Harry Stover, Jr., Vice President and Wilkie Gregg as the Secretary/Treasurer. Joe was also elected to the Farm Services Agency for Navajo and Gila Counties as a Board Member. He stated that efforts will be focused on rules and regulations of the associations and reviewed trip to Montana regarding the Conservation District. Joe proposed to charge \$3.00 - \$4.00 for each cattle sold as grazing fee to help support the General Livestock

Association. Joe also reported on the continuing feral horse problems and stated that he would like to recognize the following board members who retired: Max Goklish, Dennis Massey and Breezy Johnson. Chairman Massey, Gwendena Real Bird and Joe to meet to discuss plans for retirement recognition for these three individuals.

8. Justin Williams, Farm Co-Op Manager, requested the old Livestock office for their use. Chairman Massey advised that there no problems with this request.
9. Ben Nuvamsa, BIA Superintendent, presented information on the Tribal Priority Allocation - Base Funding '98 Enacted Tribal Document. He informed Council that the TPA work group reviewed some program areas and found that other governments/countries get far more funding that Indian tribes. Now in the process of obtaining information as to what appropriations allowed depending on TPA versus number of students served, number of welfare cases and acreage information. He stated that Program Directors will be called upon to provide data and will report findings to the Tribal Council. He assured that the WMAT will not be identified on the form, just the data.
10. Linda Declay, Tribal Education Director, introduced Debra Perry as the Child Find Coordinator and Garrick OJ Declay as the Higher Education Coordinator. They both expressed appreciation to the Tribal Council for supporting education. OJ presented information on the INTERNET and E-Mail capabilities and advantages with regard to assistance for college students. He stated the need for computers, INTERNET accessibility and E-Mail to provide better services for students. He also presented a draft resolution for financial support for computer lab for college students. Linda presented position description and estimated budget for Higher Education Retention Counselor. She was advised to detail an individual to this position until April 30, 1999 and request position in budget this year.
11. Resolution No. 02-99-29 adopted to dedicate financial support to establish a computer lab for college students and Higher Education staff to utilize. Council Member Baha-Walker made the motion and Council Member Nez seconded the motion. The resolution passed with a vote of 7-0.
12. Elena Antonio, Ndee Biyati" Coordinator, presented an update on the Ndee Biyati" Program, as well as a proposal on a project abstract for Ndee Biyati' Preservation Program. Resolution No. 02-99-30 adopted to approve the Ndee Biyati' Preservation Program. Vice Chairman Endfield made the motion and Council Member Cody seconded the motion. The resolution passed with a vote of 7-0.
13. Khalilallah Muhammad, President of New Life Institute, informed Council that the program is for battered women. They intend to open a shelter in Pinetop this summer and would like to do the same in Whiteriver. He was advised that information will be reviewed by the Tribal Attorney.
14. Tribal Member, Bradley Clarkson, shared a complaint regarding land in Canyon Day. There were concerns over the number of acres he claimed was approved for him. Mr. Clarkson was informed that the Land Board approves only one acre per Tribal Member. He was advised that the Land Board meeting minutes will be reviewed and Council Member Cody to research information for him.

15. Pathways Coordinator, Becky Ethelbah, requested approval for publication of manuscript in the Journal of American Dietetics. The findings pertain to prevention of obesity and diabetes. Resolution No. 02-99-31 adopted for approval to publish manuscript in the Journal of American Dietetics. The motion was made by Council Member Baha-Walker and seconded by Council Member Janeway. The resolution passed with a vote of 7-0-1 abstention.
16. Becky Ethelbah also gave a brief update on the Finance & Budget Committee. Copies of Mission Statement to Council once revisions completed.
17. Ruby Altaha, Credit Officer, presented resolution for the reappointment of Franklin Quintero, Sr. to the Credit Committee as his term expired on December 31, 1998. Council Member Tate questioned other recommendations and was informed that there were none. Resolution No. 02-99-32 adopted to re-appoint Franklin Quintero, Sr. to the Credit Committee for a three-year term. Council Member Nez made the motion and Council Member Janeway seconded the motion. The resolution passed with a vote of 6-0-1 abstention.
18. Gwendena Real Bird, Human Resources Director, introduced Cindy Wright, President of Eaglesun Technology, Inc. and they presented information regarding the Tribal Assistance System (TAS) and the Central Information File (Core Module). Ms. Wright stated that the goal is to create a simple data base and she presented benefits and advantages. Chairman Massey recommended that Roger Jacobs review program.
19. Neal Whittle, Utility Authority Manager, informed Council that EPA grant monies available which he would like to utilize for staff training and to attend the National Water Rally in D.C. He also explained the need for an Assistant Manager and purchasing of vehicles. He was advised to review vehicle bids with the Controller.
20. Chairman Massey recommended to appoint Council Members Tate and Baha-Walker to the Finance and Budget Committee. Resolution No. 02-99-33 adopted to appoint Council Members Herbert Tate and Margaret Baha-Walker to the Finance and Budget Committee. The motion was made by Vice Chairman Endfield and seconded by Council Member Clay. The resolution passed with a vote of 6-0.
21. Council Member Tate presented the Proposed Road Construction Priorities for community streets and thirteen (13) routes. He urged Council to present this list to their communities for their input. Council Member Tate also expressed concern over the 1,226 more miles of roadwork for the various 1999 timber sales. Chairman Massey advised to prioritize the school roads and for Council to consider Route 48 for purposes of increasing tourism.
22. The meeting recessed at 5:10 p.m. and to reconvene tomorrow at 9 a.m. in the Executive Conference Room.

Sincerely,



Cyndy Harvey-Burnette
Tribal Council Secretary

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Forest Management Deduction
Executive Conference Room
Friday, February 5, 1999

BRIEFS

1. The special Tribal Council meeting on Forest Management Deduction was called to order at 9:50 a.m. by Chairman Massey with a quorum present. Council Members Nez and Craig were on travel. The invocation was offered by Vice Chairman Endfield.
2. Chairman Massey explained that the 10% funds, which total about \$5 million dollars is the tribe's money. The money comes from FATCO to the BIA for the operations of the Tribal Forestry Program. The 10% was reduced to 5% last year but the resolution is not yet approved by Phoenix Area.
3. Ben Nuvamsa, BIA Superintendent, stated that objectives of meetings is to provide guidance on Forest Management Deduction Regulations and options, to set Policy Direction and Procedural Guidelines. He gave a history and background information of the 10% deductions as well as the impacts of lowering to 5%.
4. Sylvia Cates, Special Counsel, presented legislative background of the National Indian Forest Resources Management Act including overview of the act, purpose and legislative history of the Forest Management Deduction Provisions and a review of forestry regulations.
5. Ben Nuvamsa also explained the Indian Trust Fund Management Reform Act, including an overview of the Act and regulations, role of the Officer of Trust Funds Management and comparison to National Indian Forest Resources Management Act. He also presented information on P. L. 103-412 American Indian Trust Funds Management Reform Act of 1994 and Regulations under 25 CFR Part 1200 pertaining to withdrawal of trust funds.
6. Dave Reinhold presented background of tribe's program under the Indian Forest Resources Management Act. Dave presented graphs which tracked FATCO stumpage, information on selling value of lumber and lumber volume sold and FATCO's annual income since 1983. The graphs also showed Forest Management Deductions from 1991 to 1999 and actual and project income into this account. Distribution of stumpage was explained by Dave Moreland which indicated that \$391,500 goes to the tribe, \$65,000 to Road Suspense and \$43,500 to the 10% account.
7. Cathy Tate, Tribal Treasurer and Jaci Ulmer, Controller, presented information on current status of Forest Management Deduction fund. Cathy covered items under Office of Trust Funds Management (OTFM) Investment Policy regarding acceptable portfolio investments and practices and the WMAT 10.0% Management Deduction Fee FY 97-98. Jaci Ulmer, Controller, presented graphs indicating the two options (10% and 5%) of the Forestry

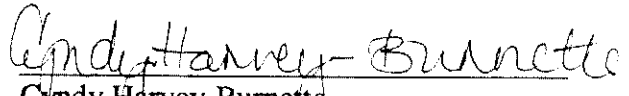
Management fees. Jaci also presented graphs indicating principle balance projection if all funds remain invested and Income projection compared to department expense forecast if all funds remain invested. They both stated that they are pleased with Steve Taddie's handling of investment funds (Retirement Savings and the Land Restoration) for the tribe.

8. Laurel Lacher, Tribal Hydrologist, presented information on the need for support for Tribal Environmental and Water Resources Programs. She stressed that a mechanism needs to be developed for supporting these programs with tribal funds to ensure their futures as these programs are essential to the Tribe's understanding and management of its natural resources. Laurel also commented on the need to build and demonstrate the Tribe's capacity to self manage these resources for the long-term protection of water rights and the environment.
9. A review of investment options was presented by George Hesse, Tribal Attorney. He encouraged the tribe to get more aggressive with regard to how funds are being managed by Office of Trust Funds Management (OTFM). George stated that there is no real direction as to how funds should be invested and that this needs to be done soon and to focus on tailoring the forestry plan to fit tribes needs.
10. Omar Villa and Wilkie Gregg emphasized on the need for renovations at FATCO.
11. Council addressed issues relating to: more boundary patrol officers, stricter enforcement, road closures, higher rate of return on investments, upgrading FATCO and Council requested to review Hondah's management plan as well.
12. Ben Nuvamsa advised that investing in FATCO is part of the Forest and Land Management plan and this will justify request from the tribe. Ben also stated that before processing of request, all requirements have to be in place. He advised the tribe to become more involved in decision making of investments.
13. After presentations, it was decided to have different options presented with input from the Tribal Attorney and General Counsel.
14. Jerlyn Burnette, Enrollment Officer, presented twenty-five (25) names of individuals for enrollment into the White Mountain Apache Tribe, as recommended and approved by the Enrollment Committee. A discussion followed on Marjorie Grimes children and grandchildren who had requested enrollment but were denied. The Tribal Attorney to check with the Solicitor's office regarding this issue.
15. Resolution No. 02-99-34 adopted to grant the twenty-five applicants enrollment into the membership of the White Mountain Apache Tribe. Council Member Tate made the motion and the Vice Chairman Endfield seconded the motion. The resolution passed with a vote of 6-0.

16. Loretta Duryea, Legislative Assistant, presented the 1999 Sunrise Dance Schedule. Council Member Dehose requested to add her Sunrise Ceremony for May 1 & May 2, 1999. Resolution No. 02-99-35 adopted to accept the 1999 Sunrise Dance Schedule as presented. Vice Chairman Endfield made the motion and Council Member Cody seconded the motion. The resolution passed with a vote of 8-0.
17. The Tribal Attorney presented a resolution to rescind Resolution No. 05-93-118 (failure of the BIA to maintain and preserve buildings identified in the Fort Apache Master Plan). Resolution No. 02-99-36 adopted to rescind Resolution No. 05-93-118 and the tribe reaffirms its refusal to accept transfer of any utilities and improvements within the Fort Apache Historic District until the United States meets its trust responsibilities. Council Member Janeway made the motion and the motion was seconded by Council Member Declay. The resolution passed with a vote of 8-0.
18. Resolution No. 02-99-37 adopted authorizing the BIA Safety of Dams Program to install an early warning system on the reservation and for the BIA to find appropriate and expedient mechanism to construct data collection station buildings and operation and maintenance of the early warning system. Council Member Declay made the motion and Council Member Janeway seconded the motion. The resolution passed with a vote of 7-0.
19. Donna Vigil, Health Authority Director, provided a brief update on the Well Women Health Check Program. She explained that the grant does not include indirect costs for Program Coordinator's position so she requested a waiver for this purpose. Jaci Ulmer, Controller, advised to consider the impact on Central Tribe budget regarding waivers.
20. Resolution No. 02-99-38 adopted to waive the indirect cost for the Well Women Health Check Program in providing pap smears for women, age 40+ and who are not covered under IHS, Well Women Health Check and tribal insurance. Council Member Dehose made the motion and Council Member Tate seconded the motion. The resolution passed with a vote of 8-0.
21. Resolution No. 02-99-39 adopted to waive the indirect cost for the Well Women Health check Program in providing mammograms for women, age 40+ and who are not covered under IHS, Well Women Health Check and tribal insurance. Council Member Dehose made the motion and Council Member Tate seconded the motion. The resolution passed with a vote of 8-0.
22. Resolution No. 02-99-40 adopted to approve the establishment of a Steering Committee to expand the scope of the feasibility study of locating and operating a long term care facility on the reservation, and to insure a full study is completed for effecting the establishment and operation of a long term care facility on the Fort Apache Indian Reservation. Vice Chairman Endfield made the motion and Council Member Declay seconded the motion. The resolution passed with a vote of 8-0.

23. Resolution No. 02-99-41 adopted to approve the Professional Services Contract for Tobacco Litigation, with the Branch Law Firm and Albert A. Hale, of Counsel to the Branch Law Firm, for litigation against the tobacco companies. Council Member Dehose made the motion and Council Member Cody seconded the motion. The resolution passed with a vote of 8-0.
24. Council Member Tate recommended to increase the Roads Committee membership with two new members due to absences and/or lack of quorum. He nominated Council Member Baha-Walker and Tribal Council Secretary Cyndy Harvey-Burnette as they have expressed their interest in roads issues by attending several roads related meetings.
25. Resolution No. 02-99-42 adopted to appoint Margaret Baha-Walker and Cyndy Harvey-Burnette to the Roads Committee. Council Member Tate made the motion and Council Member Declay seconded the motion. The resolution passed with a vote of 8-0.
26. The meeting adjourned at 4:55 p.m.

Sincerely,


Cyndy Harvey-Burnette
Tribal Council Secretary

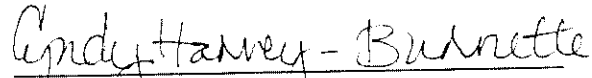
WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Special Council Meeting - FATCO
Executive Conference Room
Tuesday, February 16, 1999

BRIEFS

1. The special Tribal Council meeting regarding FATCO was called to order at 9:45 a.m. by Tribal Chairman Massey with all members of the Tribal Council present. Council Member Baha-Walker offered the invocation.
2. Chairman Massey made opening remarks regarding FATCO's financial situation and stressed that this cannot continue. He identified some of the many problems at FATCO and he advised the replacement of two board members. Chairman Massey requested that Omar Villa, FATCO General Manager update Council on current and future plans for FATCO.
3. Omar Villa, FATCO General Manager, described the current financial status of the Fort Apache Timber Company and also provided the Council a briefing on recent personnel issues, including the removal of the sawmill manager. He feels that the Board has implemented good points to try to make FATCO more productive and agrees that FATCO has problems relating to finances, machinery and personnel. He stated that new programs have been implemented for more revenue such as conducting more maintenance. Omar stressed the need for support from the Tribal Council and the Board of Directors.
4. The Tribal Council expressed its concern about the operations at FATCO, especially in light of the projected losses for this fiscal year and has yet to see a plan from the FATCO Board of Directors to remedy the current operating losses.
5. Council Member, Herbert Tate, stressed the seriousness of the FATCO situation. He commented on the importance of operating FATCO as a business but continuing to succumb to the pressures of politics. He discussed issues relating to the need for five year plans, informing people of real issues and effects of inventory adjustments. He also stated that Maria Classay would be an asset to the tribe due to her knowledge of timber operations and that she should be employed within the tribe.
6. Graphs were presented by the Controller indicating FATCO expense comparison which shows increasing payroll and other expenses while decreasing the stumpage expense. The Controller recommended cutting expenses at Central Tribe as well.
7. Raymond Endfield, Jr., Director of Enterprises, explained the policy organization structure and believes that changes should be made on the FATCO Board. He spoke in support of tribal members serving on the board. His recommendations included: limiting raises and hiring, a moratorium resolution to limit expenditures and to close Sunrise for the season.

8. Ben Nuvamsa, BIA Superintendent, advised the Board to develop a plan to correct situation at FATCO and share these plans with the Tribal Council. He also suggested time, mill and equipment studies for better efficiency.
9. Resolution No. 02-99-44 adopted directing the Board of Directors of FATCO to deliver to the Tribal Council within 45 days a report and recommendation on the current status of FATCO, including a detailed outline for a plan to return the facility to profitability, identification of ways in which FATCO can reduce costs, identification of potential new markets which should be explored, and a review of each segment of the FATCO operation including the re-manufacturing plan, the needs assessment at the Whiteriver and Cibecue mills, the performance of the logging contractors, and FATCO personnel issues. Included in this resolution is the appointment of Marilyn Endfield-Lovato to the Board of Directors of FATCO for a full term provided for in the FATCO Plan of Operations. Vice Chairman Endfield made the motion and Council Member Declay seconded the motion. The resolution passed with a vote of 10-0.
10. Chairman Massey recommended Hugh Lee for the Controller position at FATCO. He also informed Council on situation with Nelson Ethelbah.
11. The meeting adjourned at 11:35 a.m.

Sincerely,


Cindy Harvey-Burnette
Cindy Harvey-Burnette
Tribal Council Secretary