



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approval of Tribal Council Meeting Briefs with Supporting Meeting Minutes)

**WHEREAS,** pursuant to Article XI, Section 3, of the Constitution of the White Mountain Apache Tribe, the Secretary of the Tribal Council is responsible for keeping and maintaining minutes of all Council meetings; and

**WHEREAS,** pursuant to Article XIII, Section 5 of the Constitution of the White Mountain Apache Tribe, the order of business requires a reading of the minutes; and

**WHEREAS,** the Tribal Council Secretary requested for approval of the attached briefs with supporting meeting minutes prepared from the Tribal Council meetings held on June 4, June 6, July 29 and August 25, 2014; and

**WHEREAS,** the Tribal Council finds it in the best interest of the White Mountain Apache Tribe to approve the briefs with supporting meeting minutes from the Tribal Council meetings held on June 4, June 6, July 29 and August 25, 2014, as prepared and presented by the Tribal Council Secretary.

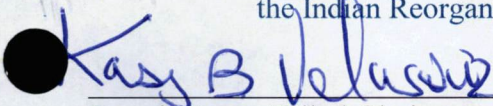
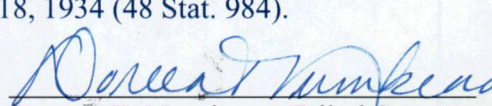
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the briefs with supporting meeting minutes from the Tribal Council meetings held on June 4, June 6, July 29 and August 25, 2014, as prepared and presented by the Tribal Council Secretary

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **OCTOBER 8, 2014** duly adopted by a vote of **NINE** for and **ZERO** against with **ONE** abstaining by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	<u>11-13-14</u>		<u>11-13-2014</u>
Ronnie Lupe, Tribal Chairman <i>Acting</i>	Date	Doreen T. Numkena, Tribal Secretary	Date



**White Mountain Apache Tribe**  
**June 4, 2014**  
**Tribal Council Meeting Minutes**

Call to Order: Meeting was called to order by Chairman Lupe at 9:00 A.M.

Roll Call: Chairman Ronnie Lupe, Vice-Chairman Kasey Velasquez, Arnold Beach, Tony Alsenay, KinoKane, Colleen Faden, Floyd Walker, Alvena Bush, Jerome Kasey, Theresa Larzelere

Others Present: Tribal Attorneys: Jim Palmer, Fred Soto, Kimberly Cromwell

Approval of Minutes: Motion to approve minutes of May 15, 2014, by Jerome Kasey, second by Vice-Chairman Kasey Velasquez. Motion passed. 10-0-0

Shane Burnette introduced Fred Duvall—who is a candidate for Governor of Arizona. Mr. Duvall gave a brief history of his career. He has worked with former Gov. Bruce Babbitt and worked in Washington D.C., for President Bill Clinton for seven years. He also worked under Arizona Governor Napolitano and gained experience working with different tribes in Arizona. He spoke briefly about Arizona Public Education funding being cut deeper than any state in the U.S. He was given a tour of the lumber mill and said he was familiar with the Minor Flat Dam Project for delivery of water in the communities and development. He is hoping to build a relationship with the WMAT Tribe and asked for support and endorsement for his bid for Governor of Arizona.

*Chairman Lupe asked for a motion to endorse Fred Duval: Motion by Mr. Beach to endorse Fred Duval, seconded by Vice Chairman Velasquez. Vote: 10-0-0*

*Chairman Lupe called for Executive Session at 9:43 A.M. for sensitive land issues. Colbert Burnette asked for the people to come back in to express their concerns regarding this issue.*

After a discussion in Executive session a list of home site applications recommended for approval by the Council was presented.

*Motion by Mr. Arnold Beach, seconded by Theresa Larzelere to approve home site applications presented by Land Office by November 2013 through March 2014 and put Gloria Martinez' land assignment from Cibecue on pending status for further research,. Motion passed with Vote: 9-0-1*

Break: 10:30 AM – 10:45 Reconvened

Land Issue: Colbert Burnette

Mr. Burnette asked that the people be invited back in the meeting as the 1.6 million acres belong to all. So everyone was invited back in to listen and for input.

Mr. Colbert Burnette asked Mr. Emil Lupe to state his case regarding his concerns about the Land. Emil stated the land dispute was himself and Cheryl Lupe. Her parents are James and Celine Goklish. The area being talked about belonged to Stevie Goklish who was her grandfather. After Emil explained his

version of the land dispute with the Land Office regarding farmland (dry land) that is connected to his approved home site land in North Fork, there was a lengthy discussion with Colbert Burnette, and Elvis Cromwell. Mr. Burnette said the Land Office does not have a record of approved farmland for Mr. Lupe and that this had been going on for 19 years. Ms. Cassie Kindelay also said there was no record of land assignment or relinquishment to Cheryl Lupe by her mother Celina Goklish. She went on to say they did not find anything on file that this area belonged to Celina and that the files are locked up in the land office and nothing had been lost.

Mr. Burnette explained there is a home site and dry land---talking about 2 lands. Mr. Burnette said there is no dispute on the home site. The land in question is the land that was fenced off in excess of 3 miles by Mr. Lupe without properly getting it approved by the Land Board. During the discussion, there was mention of the North Fork Cattle association having to drive cattle around the fenced land which may belong to the association. Mr. Lupe stated he had filed an injunction against Colbert Burnette and the Land Board to get this resolved through the courts.

Mr. Burnette and Mr. Cromwell reported that Emil Lupe gave documents at the last hour and the document had been altered. The land office found the original land assignment document and it did not show any illustrations on the form. The one Emil brought in had an illustration drawn on it. The area illustrated was never approved. Emil said the illustration on the Land Office document was erased. He claimed he turned in one with the illustration. The whole dispute is between Cheryl and Celina. Home site is .7 acre. Not even an acre. Elvis Cromwell said the Land Board was established in 1958. The paperwork started at that point.

North Fork Community Members who spoke in opposition of Mr. Lupe's fenced off land were Yvonna Redsteer, Isa Kasey, and ? Quintero. Mrs. Gertie Lupe spoke at length in support of her son's Emil Lupe's land acquisition and said she was present when it was approved by the Land Board.

Chairman Lupe: Land Board Committee is the line of authority here. That's why Colbert is here. He is making a report of chain of events as included in the binder provided. We see that nothing has been approved in that area. All we have are objections about it. 200x200 was approved, yes, not 3 miles of fenced-off land. How are we going to justify this land assignment? I see mostly objections to size of the land. You need to think about the people who have land up there.

It was decided by the Council to wait until the injunction is processed before doing anything. Attorney Jim Palmer will answer the injunction. The Land Board urged Lupe family to apply for land and advised them not to fence land before land being properly assigned to them. Council will not address this issue again until case is settled in court.

Adjourned for lunch - 12:50 PM

Reconvened: 1:50 PM

Lydia Dosela: Attorney/Client. Communications are confidential and privileged so asked for executive session. 1:50 PM entered executive session.

Kino Kane asked to be excused – not feeling well. He left meeting at 3:54 P.M.

Resolutions: *Exclusion of individual* –individual in jail right now. Requester: Samathea Redbird was not present at meeting. No action taken.

Appointments of Select Boards, Commissions and Committees:

WMAHA, Theodore Roosevelt School, ABHS, Tribal Gaming Commission, Land Board, WMATCO, Anadarko School, Chemawa H.S. and Riverside School

Motion by Jerome Kasey seconded by Vice Chairman Kasey Velasquez to approve Resolution 06-2014-64 for Board of Directors appointments as presented. Motion carried with Vote: 9-0-1

There was discussion of reorganization of Planning Department –to appoint Brenda Roberts at \$75,000, as acting and appoint Rachel Endfield GIS Coordinator \$55,000 Economic Planner, and Elva Lomyaktewa as Land Office Mgr. \$30,000. Eliminate Energy Efficiency Coordinator and direct Brenda Roberts to do a budget within 30 days.

Chairman was concerned there is no money in the Planning Department, and how Brenda Roberts was going to be paid. His employee is working as Acting Planning Director under his budget without added pay. He was referring to Dorothy Tyler who assists the directors who he said spots problems and gets it straightened out timely. The Chairman spoke about the Tribe being a high risk tribe and that WMAT is not watching their money so is on high-risk status. Another concern of the Chairman's was that the Vice Chairman is paying his staff higher wages than Chairman paying his staff. Chairman reminded council it had been one year, and carbon credits still have not been approved and would like to see it approved so tribe can start getting money. He was concerned about having another big credit bill after the new vehicles are received.

Mr. Beach discussed the importance of the Planning Department and that it was created for the WMAT and for council to know what is planned for the reservation. He added, Dorothy Tyler has a very important position as 638 Compliance Officer and that she needed to stay in that position. Rachel Endfield is a vital person she knows the position. Let's give Rachel that position and that chance. Brenda has only one job and sitting on an unpaid board job.

Motion by Jerome Kasey, seconded by Arnold Beach to assign Brenda Roberts, MBA at \$50,000, and Rachel Endfield GIS coordinator/Economic Planner, Elva Lomyaktewa Land Office Director contingent on 30 days to find funding in 01 Account. Vote: tabled

When Deron Peaches took the Acting Controller job an in-house raise was given to him by Edwin Kane because he has an accounting degree. He's going to stay at that amount and make him Tribal Controller at \$70,000.

Motion by Jerome to table his motion until tomorrow for further information on budget, second by Kasey Velasquez. Vote: 9-0-1

Salina Washburn: Social Services

Ms. Washburn asked for permission for State of Arizona to do an assessment on an elderly woman who is not a tribal member. She explained the woman lives in FATCO Housing in substandard conditions. She's refusing to leave her home at this point. She will write a petition to the court to be made ward of the courts. She is not a tribal member and is a white woman. Workers who came to fix her home robbed her. Attorney Jim Palmer added this was done for children all the time and this is the first time for an adult.

*Mr. Beach is supportive of this request. No resolution is needed. No motion made. Chairman will write a letter permitting State to come and do assessment as requested on elderly woman.*

Allen Siquah updated the council on vehicles for new council members. He reported that prices were good at Hatch Toyota and Show Low Ford. Show Low Ford wants to come on reservation to take vehicles if tribe defaults on the loan. Chairman's vehicle trade-in value is \$12,000. Chairman wants Toyota Avalon. Council and Vice Chairman want Ford Explorers.

Adjourned at 6:10 P.M. Meeting will be continued on Friday, June 6.

Recorder: Doreen T. Numkena  
Tribal Council Secretary



**WHITE MOUNTAIN APACHE TRIBE**  
**REGULAR COUNCIL MEETING MINUTES**  
**June 6, 2014 -- Executive Conference Room**  
*Meeting Continued from June 4, 2014*

Call to Order: The meeting was called to order at 9:35 A.M. by Chairman Lupe.

Opening Prayer: Offered by Arnold Beach

Roll Call: Chairman Ronnie Lupe, Vice-Chairman Kasey Velasquez, Arnold Beach, Tony Alsenay, Colleen Faden, Floyd Walker, Alvena Bush, Jerome Kasey, Theresa Larzelere --- Kino Kane was absent

Others present: Attorneys: Jim Palmer, Fred Soto, Kimberly Cromwell

**UNFINISHED BUSINESS:**

Transfer of Home

Ms. Cheryl Ethelbah from Tribal Realty Office, recommended to the council the transfer of ownership of an older home, built in the sixties to Cynthia Clawson. She has occupied the residence since 2002. It is located by the old trailer park. Ms. Clawson understands she will be responsible for maintenance and upkeep of the 2- bedroom home. This would relieve the tribe from further maintenance of the home.

*Motion by Beach, seconded by Vice Chairman Kasey Velasquez to transfer the home to Cynthia Clawson with the understanding that Ms. Clawson will be responsible for the maintenance of the house. Motion passed with a vote: 7-0-1*

Lease Renewals for Churches on Reservation Church Leases:

Ms. Cheryl Ethelbah asked for direction from council on how to handle renewal of church leases as they will expire next year. Currently, the fee is \$100 per year for each site. A list of churches was provided to council. There are currently 44 churches and only 16 have leases. There were discussions and concerns regarding the following:

- Majority of members in the churches are tribal members
- All churches should be charged same rate
- Waive fees for smaller congregation churches
- Charge more for larger congregation churches
- What is considered a church—what about the Holy Grounds
- Sunrise is a religious ceremony (no building required)
- Churches built on private property that extend over their boundaries
- Churches have helped the communities and the people

Ms. Ethelbah read current resolution aloud. After a lengthy discussion the council took the following action:

*Motion by Mr. Beach, seconded by Vice-Chairman Velasquez to waive fees for all churches, to be reviewed again in 5 years by legal counsel. Vote: 9-0-0 -- Motion passed Unanimously.*

Request for a Business License

Albert Cromwell and Etheline Cosen approached the Council to request for their assistance in obtaining a business license for non-emergency medical transport for the communities. They have met TERO rules

and regulations for a business license and they possess CPR Certificates as required. They also informed the council they have their background checks and driving records on file. They have completed HIPPA Training. They have 15 employees and two are non-tribal members.

Billy Dillon, Steffi Kinney, Jacki Dillon also requested assistance from the Tribal Council in obtaining a business license for non-emergency medical transport. They feel they have been given the run around by the Division of Health. They say they have been to TERO and have met the established rules set by TERO for a Business License. They have been to CBO and told to go through TERO. They are told by Ms. Charlene Hamilton that they are not in compliance with TERO.

Charlene Hamilton stated they have been given what they need to get on their meeting agenda. They need to have their paperwork in place if they want a business license. Only one company has met that.

After an on-going lengthy discussion, Vice Chairman Velasquez directed Tribal Attorney, Ms. Kim Cromwell to meet with these individuals and come up with a solution and to report back to the Council on a remedy. Mr. Jim Palmer stated this will be taken care of without bring it back to the council.

#### Fire Update—Skunk Fire-- Lynn Polacca, Acting BIA Superintendent

Mr. Polacca reported on the Skunk Fire in spot fire in the Black River Canyon and surrounding area. He reported some embers flew and landed on SCAT side and that San Carlos wanted to leave fire alone and let it burn some acreage. There is pretty extreme fire danger but outside is controlled.

There were concerns of the council members that embers blowing onto our reservation from San Carlos and threatening our side potentially burning up to Mt. Baldy and beyond. The Council was adamant that the fire be put out to protect our land from any potential destruction. Chairman Lupe expressed in very strong language that the fire should have been put out as soon as it started as did Vice Chairman Velasquez that if any more forestland is destroyed by fire, it will hurt us forever.

Mr. Polacca passed out a spreadsheet and explained funding received in the last seven years. In 2007 \$2.5 million were received. Ever since then, the funding has been going down. He explained, last year we hit the lowest point at \$1.7 million. Mr. Polacca explained that Payson hotshots and helitack are there. There is from San Carlos, one hotshot crew and one helitack crew engaged. He will make sure that the concerns of tribe are transmitted to San Carlos.

#### CDC Request for Approval

Jessica Rudolfo from Division of Health presented to the council information on Rocky Mountain Spotted Fever. The disease has killed many children. She said they need to come up with ways to reduce the ticks and stray dog population. She asked for permission and approval to publish several manuscripts. The manuscripts will be published with anonymity and the tribe will be identified with a number instead of by name. The manuscript would show that the antibiotic is safe for children. There is fear it causes death in children. She stated the way we let our dogs roam was beneficial for the study. When the antibiotic was administered it was found that it did not stain the teeth as was feared it would. FDA would take the label off that medicine. This is the first step in this process.

Charlene Hamilton discussed treatments for someone with Rocky Mtn. Fever. CHR is called and they check the dogs at the home and if ticks are found at the home, treatment is administered immediately. Some patients who were not treated immediately died or were admitted in ICU for treatment. It's important that we spread this information for other areas. Further, she stated, "The data we are looking

at belongs to the tribe. We would come to you for permission to use that data. We have done a review of charts and the tribe passed a resolution. All that we do is contained in that resolution. Cost: lost lives. It costs \$13,000-\$16,000 to do this study. We need a few million dollars to tackle RMSF. The end result is to provide care for members of our tribe and the antibiotic will save lives throughout the world. We lost two children in Cibecue to RMSF.

Jim Palmer informed the council that in 2010 a resolution was passed to do this study and to publish this data. The Resolution authorizes release of the information without names.

*Motion by Mr. Arnold Beach, seconded by Ms. Alvena Bush to approve request to publish manuscript.  
Motion passed with vote 8-0-1.*

Lutie Littleman was at the council meeting and wanted to address the Council regarding a personnel issue. Chairman Lupe advised Jim Palmer to handle this issue.

Jerome Kasey: "Governing Body, I am pleading with you to hear this out. We have entertained other things not on the agenda, why is this an issue now?"

Chairman Lupe wants all parties involved to be present so all sides can be heard.

Chairman Lupe: Called for Executive session to discuss tribal vehicles at 12:05.

Executive Session at 12:05.

Meeting adjourned: 12:23 P.M.

Recorder: Doreen T. Numkena  
Tribal Council Secretary





**WHITE MOUNTAIN APACHE TRIBE**  
**SPECIAL COUNCIL MEETING MINUTES – Executive Conference Room**  
**July 29, 2014 – 9:00 AM**

**CALL TO ORDER:** Chairman Lupe called the meeting to order at 9:15 A.M.

**Prayer:** Kino Kane offered the opening prayer.

**Roll Call:** Chairman Ronnie Lupe, Vice Chairman Kasey Velasquez

**Council Members:** Tony Alsenay, Arnold Beach, Colleen Faden, Kino Kane, Floyd Walker, Alvena Bush,  
Jerome Kasey, Theresa M. Larzelere

**Others:** Attorneys: Jim Palmer, Fred Soto, Kimberly Cromwell

**II. NEW BUSINESS**

A. Review of Existing Rainbow Treatment Center Buildings:

1. Ms. Vangie Natan, RTC, Administrative Director, presented written information about the existing Rainbow Treatment Center and services it provides to tribal members. The center has grown and is in need of a bigger facility.

2. Proposed Outpatient Building in Whiteriver

Vangie Natan, RTC Administrative Director, presented architectural plans for an addition adjacent to the existing Rainbow Treatment Center for which there is an approved resolution in place with Reece Angell Rowe Architects. She asked for approval of a resolution for the construction phase of the proposed Outpatient Building project in Whiteriver. Ms. Natan discussed the need to add to the existing building in Whiteriver to continue and expand services to tribal members as well as hiring additional people when the building is completed. There were architectural illustrations displayed of proposed buildings. Ms. Natan stated they have plans to build facilities in Cibecue and McNary to provide similar services to those offered in Whiteriver. The construction will begin in Whiteriver first.

There were discussions of support for the projects by the council and took action to approve the Whiteriver Project.

*Motion by Mr. Arnold Beach, seconded by Mr. Jerome Kasey to approve resolution for construction contracts for the proposed Outpatient Building at the Rainbow Treatment Center Whiteriver Project. Motion passed with a Vote, 9-0-1.*

Other Discussions: Attorney Jim Palmer explained that the money has been budgeted for the projects earned through 3<sup>rd</sup> Party Billing—AZ State Medicaid Program. The money is there and ready for the projects.

Council member Ms. Larzelere asked about the GED Program and Ms. Natan responded that the students go at their own pace.

Vice Chairman Velasquez discussed traditional sweat lodges and asked if they are used or in the plans for treatment. Mr. Bill Arnett responded they can integrate both traditional and Christian values for treatment of their clients.



**WHITE MOUNTAIN APACHE TRIBE**  
**SPECIAL COUNCIL MEETING MINUTES – Executive Conference Room**  
**July 29, 2014 – 9:00 AM**

Ms. Natan informed the Council that a residential treatment facility for women is slated to be opened on August 14, 2014. It will be located at the old Elderly Home acquired from the WMAT Housing Authority.

**3. Proposed Construction of Outpatient Building in Communities in Cibecue and McNary**

Ms. Natan asked that a resolution for Cibecue also be approved at this time. The facility will be located by the Commercial Center in Cibecue. They have not acquired Land for the facility in McNary but have saved enough funds to build facilities in McNary and Cibecue. Architectural plans will be approved later this year. The Council supports the projects and moved to approve the Cibecue and McNary projects.

*Motion by Vice Chairman Velasquez, seconded by Theresa Larzelere to approve resolution contingent on money as indicated, and as land is acquired for the McNary Project, and the Cibecue Project which will be located by the Commercial Center. Vote: 10-0-0, Motion carried unanimously.*

**4. Proposal for Assignment of the Whiteriver Motel to Rainbow Treatment Center for Repairs, Remodeling and Transitional Housing**

Ms. Vangie Natan and Mr. Arnett requested the Whiteriver Motel to be turned over to Rainbow Treatment Center to be used as Transitional Housing for their clients. If this is approved, RTC will renovate and remodel the motel to include kitchenettes and laundry facilities. They will turn the larger motel rooms into two bedrooms to accommodate families who have young children. When clients complete their treatment with RTC, they will stay at the transitional housing facility for a period of time where they will learn how to care and be responsible for their families, budget and manage their money. They will learn skills they need to survive and to be successful in their lives. A mobile unit will also be placed on the premises for clinical staff.

Attorney Jim Palmer explained the renovation costs will be paid from 3<sup>rd</sup> party billing earned from Medicaid. Further, that they are asking for a ten-year lease which allow them to recoup the costs they put into the renovation. After that time, they will come back to the council to renegotiate the lease. The lease will not include rental fees. They will renovate the building in lieu of rent. *Mr. Arnett agreed to renovate the restaurant bathrooms as part of this agreement.* The newly renovated facility will be fenced. The occupants of the motel will have to vacate and relocate to other areas.

The resolution is to include specific language with regard to providing services for IHS access. The purpose of the building and that RTC provides services for the tribe and the tribe will now be providing transitional services for its clients.

*Motion by Mr. Beach, seconded by Vice Chairman Velasquez to approve resolution for RTC to lease the Whiteriver Motel for a ten-year period free of rent and to be renovated by RTC. Vote: 10-0-0 Motion passed unanimously.*



**WHITE MOUNTAIN APACHE TRIBE**  
**SPECIAL COUNCIL MEETING MINUTES – Executive Conference Room**  
**July 29, 2014 – 9:00 AM**

**Other Business:**

Councilman Kino Kane announced he had received information and paperwork for a substation in Cedar Creek. Attorney Jim Palmer advised the Council to accept grant for \$400,000 as this type of offers do not come along often. It is proposed to be built adjacent to Cedar Creek former convenience store. This offer needs immediate response from the Council

Jim Palmer informed council it will belong to the tribe as the tribe will receive that grant. A draft resolution from another tribe will be used as a template and modified for the Cedar Creek Substation.

*Motion by Mr. Velasquez, seconded by Mr. Arnold Beach to accept the \$400,000 grant money and to begin the process for a substation in Cedar Creek, as long as everything is legitimate to tribal attorney. Motion carried with a Vote: 9-0-1.*

Attorney Jim Palmer advised the Council that Ronnie Peaches is not certified to run the detention center and needs to go to BIA classes to get certified. Someone is needed that the BIA will pay for and they recommend Norberta Clarkson as acting until Ronnie Peaches gets certified and put him back in.

Councilman Beach acknowledged that Norberta Clarkson is certified and qualified for the position. Jim Palmer agreed and stated she ran things when Leandro Garcia wasn't there. He added, if Ronald Peaches is paid under 01 account, it's okay, otherwise its disallowed costs. Mr. Beach stated we need more information about the training and a decision did not have to be made today. More to be discussed at a later date.

Vice Chairman Velasquez motioned to go into executive session at 10:30 AM.

*Motion by Mr. Jerome Kasey, seconded by Mr. Arnold Beach to put Associate Judge Candace Kane on administrative leave with pay pending an investigation by special investigators and have Judge Kane turn in everything today, and further to appoint Carol Gatewood Kasey as Chief Judge and Anna Goseyun as Juvenile Judge by the end of the day and that background checks for the newly appointed judges be done immediately by NCIC and ACIC. Motion carried with a Vote: 8-0-2.*

*Chairman Lupe called for adjournment of meeting. Meeting was adjourned at 11:25 AM.*

Recorder: Doreen T. Numkena  
Tribal Council Secretary

Attachments to Official Minutes:

1. Standard Form of Agreement Between Owner and Construction Manager as Constructor
2. General Conditions of the Contract for Construction



**WHITE MOUNTAIN APACHE TRIBE**  
**SPECIAL COUNCIL MEETING MINUTES – Executive Conference Room**  
**August 25, 2014 – 9:00 AM**

I. **CALL TO ORDER:** Chairman Lupe called the meeting to order at 9:10 A.M.

**Prayer:** Kino Kane offered the opening prayer.

**Roll Call:** Chairman Ronnie Lupe, Vice Chairman Kasey Velasquez

**Council Members:** Tony Alsenay, Arnold Beach, Colleen Faden, Kino Kane (excused at 10:15), Floyd Walker, Jerome Kasey, Theresa M. Larzelere, Alvena Bush (arrived at 9:20), Alvin Declay (arrived at 9:25)

**Others:** Attorneys--Jim Palmer, Fred Soto, Kimberly Cromwell

II. **REPORTS:** There were no reports.

III. **UNFINISHED BUSINESS:**

A. **Enactment of Ordinance 271**

Edwin Kane presented to the Council Resolution 08-2104-135 to amend Section 9.5(B) and (D) of the Government Code to increase the permanent trust fund from 10.7 million to 11.6 million. An additional \$800,000 was added for computer system.

Jim Palmer commented that the 9.5(B) amendment follows all government codes for amending codes. The amendment was posted on August 14 for ten days and the Council Secretary did not receive any comments from the public.

Mr. Velasquez questioned "D" and wording "of" in Section 9.5 D. Peter Lawson acknowledged the wording was incorrect.

Mr. Lawson explained the amendment is to allow for additional money for the computer system. It has been posted, reinsert "of" in Section 9.5 making resolution change retroactive May 30, 2014 because prior to 1996 Language would have sunsetted to June 1, 2014. There is 17 million in the trust fund. The permanent funds are in CDs. Best we can do is 1% interest rate. It used to be in securities, but because we borrow against it, it's better to have it in CD's. Hopefully, a part of it can go back into investment.

*Vice Chairman Velasquez motioned to approve enactment of Ordinance No. 271, Resolution number 08-2014-135, amending Sections 9.5(B) and (D) of the Government Code of the White Mountain Apache Code, seconded by Mr. Arnold Beach. Motion passed with a Vote: 8-0-2.*

Vice Chairman Velasquez gave a directive to consultant and Mr. Kane that anytime there is a general run with finances with central tribe, as vice chairman from here on, "I would like to see a report given out to tribal council and given notice in writing anytime a contract is allocated \$10 thousand or more. Any type of contracts we will be made aware of. Anything that comes in default, the Tribal Council needs to be aware of it. The same information that is given to chairman, the Tribal Council needs to be aware of it. We are all in the same boat. With those things in general, if we all going to work as a team, we need to start sharing information. Tribal Council expects directors need to abide by directives given to them."

B. Completion of Loan

*Motion by Vice Chairman Velasquez to approve Ratification of Resolution 08-2014-128, with Resolution 08-2014-136, seconded by Mr. Beach. Motion passed with vote: 10-0-1.*

C. Relocation of Tribal Courts

Attorney Jim Palmer informed the Council that he received a letter from Whiteriver Unified School District regarding the demolition of Alchesay High School and the need to vacate the premises by November 30, 2014. The letter was received on Friday and said he hoped to get more notice than was given. Mr. Palmer stated they have looked at old fire management building. The southern-most offices are available for use of management building. Ivan Kitcheyan is asking BIA to assist with funds. Ivan Kitcheyan is also looking at modular trailer for the courts. Mr. Palmer also stated there were not a lot of options to look at but will keep the Tribal Council informed of any new developments.

Jerome Kasey also informed the Council that the Apache Youth Program needs to relocate as they are using Alchesay High School for the Apache Youth Program.

Discussion of possible sites for the courts: vacant buildings at Ft. Apache, any old community buildings, the Country Hall, The Alchesay Hall. Most of the buildings are in disrepair.

Other Discussions:

Mr. Palmer stated that the tribal judges require a full background check and there are no designated funds under 01 to pay the judges. Mr. Palmer will put them under his account until the background checks are completed. Mr. Palmer asked the council to amend his budget to bring on the judges and hire a fourth attorney. Mr. Beach voiced his support of the attorneys and to approve the increase in compensation for Attorneys Jim Palmer, Fred Soto, Kimberly Cromwell that was promised three years ago by previous council and to bring on Kealoha Alo Douma as a fourth attorney for the tribe.

Mr. Beach also would like to commend and thank Vice Chairman Velasquez for his nomination to appoint Mr. Beach as national delegate for NIGA at Twin Arrows Casino Resort meeting in August.

Mr. Palmer: Kealoha Alo Douma will be hired at \$100,000. The salary she is asking for is reasonable for her experience. She will be getting paid more than my guys.

Alvena Bush commented that the tribe is having financial problems, so why is the tribe hiring another attorney and giving raises to attorneys and that she would like to see the budget before deciding on this. Mr. Palmer said they work hard to make sure a lot of problems never get to this level. He wants to bring tribal members back to work. Would rather do that than bring outside counsel. Mr. Palmer is asking for pay commensurate for the work they do. Further, they do a lot for this tribe and will continue to do a lot for this tribe.

Theresa Larzelere: How much work has been done on Candace Fox Kane. There was a hearing on August 18th but Candace requested another judge.

*Executive Session – Jerome Kasey motioned, seconded by Alvin Declay to go into executive session at 9:50 A.M.*

- Discussion of Tribal Judges
- Discussion of Tribal Attorneys, Employment and Salaries
- Discussion of WMATCO, Kasey Velasquez
- Allocations of expected money

*Mr. Jerome Kasey motioned, seconded by Alvin Declay to come out of Executive Session at 10:40 AM.*

*Mr. Arnold Beach motioned second by Vice Chairman Velasquez, to approve raises for Attorney Kimberly Cromwell to \$100,000, and amend \$1,179,712.83 Legal Budget. VOTE: 10-0-0 Unanimous. (Mr. Kane had left the meeting earlier)*

**Other Discussions:**

- Clinton Kessay Court Hearing—Wednesday, Aug 27, 2014 at 10:00 AM.
- Get specifics on Gary Cantrell of WMATCO.
- Next Regular Council Meeting moved from September 3, to September 10, 2014
- Jerome Kasey: Receiving lots of complaints of tribal vehicles out late at night possible drunk driving by Fair & Rodeo manager and assistant manager.
- Tony Alsenay: Lots of non-members working during the fair. First priority should go to tribal members.
- Floyd Walker: Asked if the Canyon Day dip got fixed---trimming trees to avoid rocks being thrown at passing cars. Need to contact public works to remove dead horse in East Fork.
- Mr. Alvin Declay: we worked on the rodeo grounds last evening. A lot of people do not want to assist Cairo with the fair. There was a letter from Cairo to cooperate with him to get rodeo grounds ready. Only Al Brooks is helping, with a lot of coaxing. The water tower from FATCO usually used. The departments don't want to help because of no letter of such from chairman's office.

Mr. Arnold Beach: Resolution should still be active from a couple years ago.

- Vice Chairman: Powerline Road needs to be filled with river rock out by Yvonna Redsteer's property.

"Ed Benally asked that Cliff Snider park vehicle after his suspension, he did park it, but keys cannot be found. Can't do anything at EMS with Ed Benally being gone. Ed needs to be reprimanded for not leaving keys. The secretary is refusing to give keys to EMS Department." Jim Palmer to go there to check on it.

- Mr. Alvin Declay: It's best to terminate those two.
- Vice Chairman Velasquez: "Ed knows he should have left everything behind. He was supposed to park his truck but did not give up his keys. Has Ed opened the safe?"

Mr. Arnold Beach: "No, as of last week. That is gross insubordination."

- **Motion by Vice Chairman Velasquez to terminate Ed Benally immediately, second by Alvin Declay, with amended motion, termination to include Cliff Snider. Motion passed with Vote: 9-0-1.**

Meeting Adjourned at 11:02 AM.

Recorder: Doreen T. Numkena  
Tribal Council Secretary