



# 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 approval of the attached briefs with supporting meeting minutes prepared from the Tribal Council meetings held on June 3, 2015; 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 3, 2015, as prepared and presented by the Tribal Council Secretary.

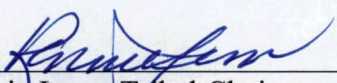
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the briefs with supporting meeting minutes from the Tribal Council meetings held on June 3, 2015, as prepared and presented by the Tribal Council Secretary.

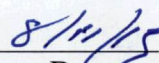
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

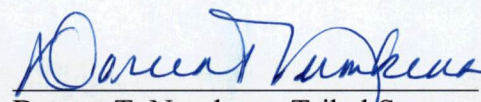
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution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

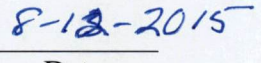
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **JULY 9, 2015** duly adopted by a vote of **NINE** for, **ZERO** against, and **ONE** abstention 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).

  
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Ronnie Lupe, Tribal Chairman

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Doreen T. Numkena, Tribal Secretary

  
\_\_\_\_\_  
Date





**White Mountain Apache Tribe**  
**June 03, 2015 – Executive Conference Room**  
**Regular Meeting Minutes**

I. ROLL CALL:

- A. Call to Order: Meeting was called to order at 9:12 A.M. by Chairman Lupe.
- B. Prayer: Prayer was offered by Vice Chairman Kasey Velasquez
- C. Roll Call: Chairman Ronnie Lupe, Vice Chairman Kasey Velasquez, Tony Alsenay, Arnold Beach, Alvin Declay, Floyd Walker, Alvena Bush, Jerome Kasey, Theresa Larzelere, Colleen Faden, Kino Kane  
Others: Attorneys: Jim Palmer, Fred Soto
- D. Approval of Minutes: Deferred.

II. REPORTS

A. Update of 2015 Legislative Session – Senator Carlyle Begay

No Report Given. Mr. Begay was not in attendance.

B. Tribal Pension Protection Act – Attorney Robert Yoder

•IRS – A phone conversation was held in Executive Session at 10:37 with Robert Yoder and Council.

- ✓ Dept of Labor Forcing Inaction of 401K Plan for Casino
- ✓ Controversy if Tribe should be treated as Government or Private Sector
- ✓ Imposing rules without Guidance or Consultants
- ✓ Challenge DOL's determining Government Status without regulations.

C. First Things First Organization Status Update: Krista Beazley

Kennita Hunter - Sr. Dir. of Tribal Affairs - First Things First, Hualapai Tribal Member and Krista Beazley presented information regarding the First Things First Organization by a Power Point presentation and handouts. They thoroughly reviewed the handout for the Quarterly Update dated June 3, 2015 and gave amounts of funding for each component. Total funding is \$1,020,399.

D. Sunrise Park Resort End of Season Report: - Brian, Dawnafe Whitesinger

Dawnafe Whitesinger gave a summary of activities for the winter season and ideas of what is to come for summer. She Introduced Mr. Joe Peterson, new board member, and Mr. Kasey Duva, new attorney.

Brian: Reported that this was one of worst years in recorded history with only 30% of average. It opened on November 21, with limited facilities and closed on April 5. They were open 122 days. They barely broke even on some days. It costs half a million to make snow every year. Terrain park improvements were made—more features were added. More Guest activities.

Challenges: Weather, Flood at Apache Peak, Wastewater EPA/AOC, employee challenges, competing resorts, equipment issues, weak market.

Weather Trend: four years of worst drought in the West.

Accts payable: Submit bill payment every 10-14 days. All bills are only \$30,000 right now. Last year they were hundreds of thousands of dollars in outstanding bills.

E. Junior Leadership Academy –June 8-19, 2015, Ft. Apache - Tyrell London

Junior Leadership Academy is in its eighth year. It offers learning in social skills, emotional and academic needs of today's youth. It helps to build self esteem, developing goal setting, and good decision making skills and other life skills. It also teaches self defense. Emphasis on leadership skills and community service. Applications



were received from Canyon Day, Seven Mile, Whiteriver Elementary, and Cradleboard Elementary Schools. General -type information will be collected from the parents of the participants. The attorney didn't see a need for a resolution to release the information as it would be left to the parents to decide if they want to release the information. Attorney Jim Palmer stated a letter would be written instead after Rikkilynn has contacted all of the board members of Fort Apache.

### III. UNFINISHED BUSINESS

### IV. NEW BUSINESS

Other: Vice Chairman Kasey Velasquez requested executive Session at this point in meeting at 11:35 AM

Mr. Velasquez presented a resolution and read it aloud: *Authorizing Agreement with Harshwal and Company* to do assessment and report the accurate state of our finances, Budget, Reconstruction of Accounting Records, ensure there is no comingling of federal funds. Contract with 30-day feasibility study.

- Motion by Alvin Declay, seconded by Floyd Walker to approve resolution *Authorizing Agreement with Harshwal and Company* as presented. Motion passed. Vote: 10-0-1

Mr. Jerome Kasey presented and read aloud a resolution *Approving the Revised Amended Reduction in Hours and Pay Cut*. He recommended approving the resolution. There was no discussion and the council broke for lunch at 12:50 P.M.

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*Reconvened 2:10 P.M*

#### A. Request Exemption of 64 Hours – Cheryl Paizote - TUA Hydrologist

Cheryl Paizote gave an update report on the Utility Authority. The report included:

- Monitoring water flow in the rivers
- Water Conservation
- Hauling Water to Carrizo Community
- Metering Installations
- Utility Authority Being a Separate Entity
- Separate Banking Accounts for TUA

Ms. Paizote presented a resolution and read aloud to exempt eleven operators from the 64-hour cost-saving initiatives as outlined in Resolution 05-2015-78.

- Motion by Mr. Jerome Kasey, seconded by Mr. Floyd Walker to approve resolution for exemption of the eleven TUA operators as recommended. Motion passed. Vote: 11-0-0.

#### B. Residential Lease – Inez Beall – Cheryl Ethelbah, Realty Specialist

Ms. Cheryl Ethelbah explained Inez Beall, homeowner at Hon Dah Home Sites, needs a Residential Lease on her house in order to get a loan through the bank to finance renovations to her home. Ms. Cheryl Ethelbah read resolution aloud.

- Motion by Vice Chairman Velasquez, seconded by Mr. Arnold Beach, to approve resolution *Authorizing a Residential Lease to Tribal Member Inez Beall*. Motion passed. Vote: 11-0-0.

Other: Ms. Cheryl Ethelbah presented and read aloud a resolution to approve a project to improve existing roads on Northside Streets as specified in Drawing #FA-104-1. Streets include:

West Sycamore Street	1 <sup>st</sup> Avenue	2 <sup>nd</sup> Avenue	3 <sup>rd</sup> Avenue
West Willow A Street	West Willow B Str.	Balsalm Street	Locust Street

- Motion by Mr. Alvin Declay, seconded by Mr. Jerome Kasey to approve resolution *Authorizing a Gratuitous Right-of-Way to the BIA, Division of Transportation, for Road Construction and Improvements to Route 104 – Northside Streets*. Motion passed. Vote: 11-0-0.



~~C. Verizon Contract Approval – Attorney – Fred Soto. Contract not ready from Verizon.~~

~~No action taken. Required paperwork was not received in time for meeting.~~

D. Tribal criminal Code – Attorney, Jim Palmer

Tribal Attorneys Jim Palmer, Kim Cromwell, and Kealoha Douma presented proposed changes to Ordinance 277. After considerable discussion of the changes, the council took the following action:

- Motion by Mr. Arnold Beach, seconded by Mr. Kino Kane to approve resolution *Authorizing the Posting of Ordinance 277, Amending Rules 1.4, 2.5, 3.9, 3.11, 3.19, 4.3, 5.1, 5.2, 6.1, 7.3, and 7.6 of the Rules of Criminal Procedure of the White Mountain Apache Tribe* for ten days for public comment. Motion passed. Vote: 11-0-0.

E. Land Board – Applications , Land Board Members - Adam Henry

Letter was presented concerning Ms. Roberts duties with land Board. Jerome Kasey asked this be put on hold as Ms. Roberts is not here and it is a personnel issue.

Raymus Albert discussed the need to have another Board Member to fill vacated position. He was concerned about the recording of minutes and record keeping and retaining the assistance of Colbert Burnette and Cassie Kenton.

Discussion of Tia Ivins' land assignment in the Tenijieth family land in question.

Lorene Billy, Scott Tenijieth and Lucille Williams were present to dispute land assignments numbers 6 and 10.

The land had belonged to Charles Colelay/A99 and want that land to remain with his direct descendents.

Land Board President, Adam Henry stated it is tribal land and tribal members need land and would like to assign it out the on a first-come first-serve basis whether the people are family or not. He does not was to discriminate.

It was recommended that the Tenijieth's present documentation that indicates that land is rightfully theirs and then they can dispute the land assignments if given to someone else and to do further research.

- Motion by Vice Chairman Kasey Velasquez, seconded by Mr. Alvin Declay to approve the land assignments except #'s 6 and 10 on the list. Motion passed. Vote: 10-0-1.

F. Resolution – Authorization Transfer of Cedar Creek Store to Division of Public Safety – Andrew Kane , Dennis Faden

Andrew Kane discussed with the Tribal Council the need for a Fire Station at Cedar Creek and he recommended that the vacant Cedar Store be converted into an office and residential facilities while the adjacent vacant lot be used for the new Fire Station to serve the communities of Cedar Creek , Carrizo and Cibecue. Mr. Kane answered the funding would be coming from BIA Facilities Management when asked by Council who was financing it. A Fire Truck will also be provided. Attorney Jim Palmer also commented "BIA offered to build a new fire station. They will fund and build the station and upkeep it. Once done, the tribe would take over."

- Motion by Vice Chairman Kasey Velasquez, seconded by Ms. Colleen Faden to approve resolution authorizing Cedar Creek "C" Store to the Division of Public Safety contingent on review by the Legal department. Motion passed. Vote: 9-0-2.

Other: Appointment of New WMAT Fire Chief

Vice Chairman Kasey Velasquez recommended that Mark Tessay be appointed as Fire Chief as he is a tribal member and has applied for the position and has been acting Fire Chief for a while. He is already being paid under 638 funding and does not affect the finances.

- Motion by Vice Chairman Velasquez, seconded by Arnold Beach to hire Mark Tessay as Tribal Fire Chief. Motion passed. Vote: 6-2-3.



**G. Request for Grant Submission National Institute of Health – Francene Larzelere–Hinton**

Randomized Controlled Trial of “Family Spirit Nurture” and Early Childhood Obesity Prevention and Parenting Promotion Intervention: Childhood obesity Grant – \$450,000/year for 4 year period. Family spirit program. Funded by Az .

- Motion by Jerome Kasey; seconded by Vice Chairman Velasquez to approve grant proposal as presented. Motion passed. Vote: 10-0-1.

**H. Request for JHU Graduate Student Intern – Francene Larzelere Hinton**

Approval of Emily Beaudoin, MD MPH(c) as Johns Hopkins Graduate Student Intern June 2015 to May 2016. She will assist the Whiteriver and Fort Apache Johns Hopkins Teams.

- Motion by Theresa Larzelere, seconded by Vice Chairman Velasquez to approve Emily Beaudoin as JHU Graduate Intern. Motion passed. Vote: 10-0-1.

**I/J. Tribal Official Authorized for Tribal Count Information – Chris Carusona**

Mr. Caruson oversees this jurisdiction and needs to identify points of contact. There are minor accounts in trust settlements such as IIM Accounts. There is a list of people with whereabouts unknown which is specific to per capita. Needs assistance in locating these people to get this money to them.

To meet fiduciary trust requirements needs tribal Official Authorized for Tribal Account Information. This is one of most essential piece. It needs to brought up to date. Have eight tribal accounts. Tribal Chairman needs to approve who can assess information on line, history of withdrawals, etc. There were discussions on the earnings in long and short term investments. The Tribal Attorney recommended that he contact Deron Peaches- for information and corrections. Mr. Carusona will meet with chairman for more information.

**K. Requesting IGA Between WMAT Division of Health & CHR and Springerville P.D. – Preeo Johnson**

Emergency funds of \$25,000 received from IHS. Stray dogs and sickly dogs will be euthanized with the funds to help prevent the spread of RMSF. There are concerns about ticks and RMSF. The dogs will be picked up 3 at time and transported to Springerville where they will be euthanized and returned here for disposal at the landfill. \$25 billed for each dog until \$25,000 is expended.

- Motion by Vice Chairman Velasquez, second by Arnold Beach to approve the IGA between the WMAT Division of Health Programs, CHR Program and the Springerville Police Department for the Euthanizing of Stray and Sickly Dogs. Motion carried. Vote: 10-0-1.

**L. Funding for RTC – Out patient Building – Director of Division of Health – Jessica Rudolfo**

Ms. Rudolfo was concerned that professionals that provide services to the community are leaving because insurance is not being paid. She asked that employee health benefits be managed by RTC separate from the tribe, however, it would be the same insurance package as the tribe offers.

After much discussion it was decided that Jessica Rudolfo would meet with the attorneys to come up with an alternative plan to separate the RTC’s Health Benefits from the tribe’s health plan.

**M. Non-Emergency Medical Transportation Policies and Procedures – Cheryl Stover**

Ms. Stover requested a resolution to approve new policies and procedures. It has been presented to the Health Board for Approval. The Resolution read aloud by Cheryl Stover: Authorize Client Business Office to oversee non-emergency transportation services on the Fort Apache reservation in the best interest of its tribal members.

- Motion by Vice Chairman Velasquez, seconded by Arnold Beach to approve resolution contingent upon Attorney General’s review of the resolution. Motion passed. Vote: 10-0-1.

Meeting Adjourned: 6:00 P.M.

Recorder: Doreen T. Numkena, Tribal Council Secretary