



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approval of Tribal Council 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 meeting minutes prepared from the Tribal Council meetings held on September 9, 2015, and
- WHEREAS,** the Tribal Council finds it in the best interest of the White Mountain Apache Tribe to approve the meeting minutes from the Tribal Council meetings held on September 9, 2015, as prepared and presented by the Tribal Council Secretary.

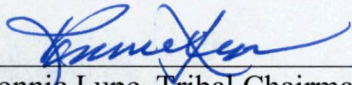
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the briefs with supporting meeting minutes from the Tribal Council meetings held on September 9, 2015, as prepared and presented by the Tribal Council Secretary.

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.

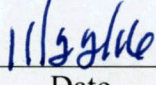
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution 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.

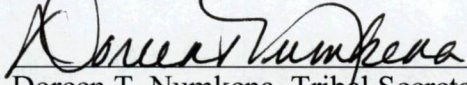
The foregoing resolution was on October 21, 2015 duly adopted by a vote of TEN for, ZERO against, and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



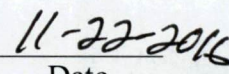
Ronnie Lupe, Tribal Chairman



Date



Doreen T. Numkena, Tribal Secretary



Date



White Mountain Apache Tribe

September 9, 2015 – Executive Conference Room

Regular Meeting Minutes

I. CALL TO ORDER:

- A. Call to Order: Chairman Lupe called meeting to order at 9:14 A.M.
- B. Prayer: Prayer Offered by Vice Chairman Velasquez
- C. Roll Call: Chairman Ronnie Lupe, Vice Chairman Kasey Velasquez, Council: Tony Alsenay, Arnold Beach, Colleen Faden, Alvin Declay, Floyd Walker, Alvena Bush, Jerome Kasey, Theresa Larzelere (Kino Kane--excused)
Attorneys: Jim Palmer, Fred Soto, Kim Cromwell
- D. Approval of Minutes: Deferred

II. REPORTS:

A. Attorneys Report – Jim Palmer

Mr. Palmer handed out 2 resolutions for council review: 1. (*Approving Posting of Ordinance No. 278, Amending the Election Code of the WMAT*) 2. (*Approving Posting of Ordinance No. 279, Amending the Rules of Appellate Procedure of the WMAT (For review only. No action was taken.)*)

B. Head Start Update – Leola Larzelere – Mona Ethelbah

Ms. Larzelere gave the monthly update report of Head Start. She reported the students and staff have moved from East Fork back to the Head Start Building. School has started for half of the children. Asbestos abatement of the Old Tribal Maintenance will be done during the week October 10 and will take approximately 2 weeks. Head Start will not be in session for two and half weeks during that time. Attendance is 229 children. There are 24 incomplete files and 14 children declined from Head Start. Her update included the 2015-16 Budget for Head Start.

~~C. Sunrise Resort Update – Board of Directors, Dawnafe Whitesinger~~

No Report was given. Ms. Whitesinger was not in attendance at meeting.

D. Carbon Credits Update: Attorney General, Jim Palmer

- Jim Palmer read aloud resolution: *Approving Sale of Carbon Credits to British Petroleum from the White Mountain Apache Tribe Improved Forest Management Project*. After considerable discussions, the Council took the following action:

- Motion by Vice Chairman Velasquez, seconded by Chairman Lupe, to approve the sale of 2.85 million carbon credits to British Petroleum. Motion passed. Vote: 10-0-0.

Resolution: *Authorizing Limited Waiver of Sovereign Immunity for Duration of Carbon Credits*

- Motion by Arnold Beach, seconded by Vice Chairman Velasquez to approve limited sovereign immunity for any future projects. Motion carried. Vote: 10-0-0.

Other: Introduction of 2015-16 Miss White Mountain Apache

The new Miss White Mountain Apache Queen Miss Lillian Kay Lupe was introduced to the council. Her aunt, Linda Lupe asked that Lillian be afforded the same opportunity as past queens for employment at the Culture Center during her reign. Further, to make a vehicle available for Lillian's use. After discussion of these requests, the council took the following action:

- Motion by Jerome Kasey, seconded by Vice Chairman Velasquez to transfer Miss WMAT Queen Budget from the Fair and Rodeo Office to the Culture Center/Museum, and to employ Miss WM Apache at the Culture Center/Museum during her reign. Motion passed. Vote: 8-0-2.

Note: Linda Lupe offered to make a crown and banner for the tribe and retire existing one and donate to the Museum.

Other: Special Report Regarding Unsafe Water Jimmy Brownfeather

Mr. Brownfeather reported on contaminated, discoloration and foul smell of drinking water at different communities: China Town Subdivision, Canyon Day and Seven Miles schools are affected. Water is not safe to drink at this time. Chairman's Executive Assistant, Ms. Real Bird and Mr. Brownfeather will put the communities on notice through KNNB Radio Station of this problem and advise to drink bottled water only until further notice.

E. Cell One Towers – Cedar Creek – Sue Leslie

Ms. Leslie approached the council with a petition signed by community members requesting for a cell phone tower in Cedar Creek. She reported she had conducted a door-to-door survey in Cedar Creek. Ms. Leslie talked about the need for phone services in Cedar Creek for times of emergencies to call for help. She also spoke of a need for internet service for the children to do their school work.

Jim Palmer explained to Ms. Leslie that this had been an on-going project to get cell phone services in Cedar Creek, but because of its location, it has been difficult.

After much discussion, it was the consensus of the Council to set up a meeting with Cedar Creek Community Members, Cell One Administrators, and Tribal Council and Attorneys in Cedar Creek to discuss these concerns where the community members can have input and get their questions answered. The Council Secretary will coordinate a meeting for this purpose and all parties will be notified.

Other: Susan Family Requesting Financial Assistance: Ann Susan, Justin Susan (Arnold Beach)

Justin Susan introduced himself and asked the Council for financial assistance, \$2,400, for free-lance editing of an 80,000-word novel which he had written. Jim Palmer referred him to Johns Hopkins where the program has entrepreneurship for students and may offer funds for which he is asking for. Mr. Palmer also referred to a resolution that prohibits donations for any personal reasons such as this.

Jerome Kasey offered to contact Freeport Moran on his behalf to see if they are able to offer anything.

Other: Request for Financial Assistance: Taylor Susan--Miss Native University of AZ,

Ms. Susan, UofA Chemistry Major, approached the Council for financial assistance for college tuition. She stated that she lost out on the Fall Semester Registrations due to the University not accepting unofficial transcripts. She stated she was in good academic standing with the university. After careful consideration of this request, the Council took the following action:

- Motion by Vice Chairman Velasquez, seconded by Arnold Beach to pass a resolution to direct higher education to grant Taylor Susan a scholarship of \$3,500. Motion passed. Vote: 10-0-0.

Recessed: 1:00 - 2:30 for Lunch

III. A. Enact Ordinance 261 Amending Domestic Relations Code – Attorney Jim Palmer

The Ordinance was posted for ten days in the communities for public comment. There were no comments received by the Council Secretary.

- Motion by Vice Chairman Velasquez, seconded by Colleen Faden to approve the resolution: *Enactment of Ordinance No. 261 Amending the Domestic Relations Code of the WMAT.* Motion passed. Vote: 7-1-2.

B. Establish 2016 Election Commission

The Council recommended the following as 2016 Tribal Election Commissioners:

Colbert Burnette*	Berta Bones*	Doreen Numkena	Virgilene Danford*
Curtis Suttle	Udall Opah	Cynthia Burnette	Louie Zospah*
Lorinda Nashio*	(*Were part of the 2014 Election Commission)		

- Motion by Vice Chairman Velasquez, seconded by Colleen Faden to approve new 2016 Election Commission as recommended. Vote: 9-0-1

IV. A. Participation in Commodity Flow Studies – Shannon Tsosie – Andrew Kane

Mark Tessay advised the Council there were 18 wheelers on the interstate and reservation roadways and take route through Salt River to avoid detection of contents of cargo. Trucking inspection sites and truck stops will be set up on US 60, 73, or 260 for paperwork and cargo checks for any transport of hazardous materials.

- Motion by Vice Chairman Velasquez, seconded by Colleen Faden to approve the Commodity Flow Studies to be conducted on the WMAT Roadways by the Department of Public Safety Program Office of Emergency Management. Motion passed. Vote: 8-0-2

B. Emergency Management Planning Grant – Shannon Tsosie

Amount of Grant is \$19,000 and the tribe has to match that amount. The tribe needs to be better-prepared for emergencies.

- Motion by Vice Chairman Velasquez, seconded by Theresa Larzelere to approve Emergency Management Planning Grant. Motion passed. Vote: 8—0-2. (Arnold Beach was out of meeting room.)

C. Approval of Demolition of Old Maintenance Building – Barbara Clawson

Brenda Begay reported an assessment was done on the old Maintenance Building and asbestos was found in the floors of the building. Before the demolition, an abatement of the asbestos materials must be conducted and is scheduled for October 12-19. Only the main building contained asbestos. None was found in the other building. The demolition project will be done under Public Works.

- Motion by Vice Chairman Velasquez, seconded by Arnold Beach to approve resolution: *Approving the Demolishment of the Old Maintenance Building Located Adjacent to the WMAT Head Start Building, for the Expansion of the Head Start Building, as well as to Mitigate the Asbestos Contamination of the Old Building.* Motion passed. Vote: 10-0-0

D. MOU: WMAT Head Start & WRUD#20 and McNary School District – Mona Lisa Ethelbah

The MOU has been signed by WRUD#20 Superintendent and Special Services Director as well as the Superintendent and Special Services Director for McNary School. It needs Council approval to offer services to preschool children with disabilities.

- Motion by Jerome Kasey, seconded by Alvin Declay to approve *Resolution: Approving the MOA for Special Education Services Between the McNary Elementary School District No., 23 and Whiteriver Unified School District No. 20 and the WMA Head Start Program for the 2015-2016 School Year as presented.* Motion passed. Vote: 8-0-2.

E. Approval of 2015-16 WMAT Headstart Budget – Director, Leola Larzelere

This is first year of the five-year budget of \$1,725,365. Ms. Larzelere will forward the 60-page budget electronically to all council members and leave one paper copy with the Council Secretary.

- Motioned by Jerome Kasey, seconded by Floyd Walker to approve the 2015-16 Headstart Budget as presented at \$1,725,365. Motion passed. Vote: 8-0-2. (Chairman out of room)

F. Mexican Wolf/Livestock Demonstration Grant – Sisto Hernandez

State Bill 1466, AZ Game and fish would apply. Mr. Hernandez was notified in late June that legislation had been passed. Deadline for application was in July, and Mr. Hernandez stated he took it upon himself to apply on behalf of the tribe. The grant is for \$70,000 for proactive measures in reducing conflicts with Mexican Wolf and livestock. Reservation covers more than ½ of all Mexican Wolf population in Arizona. This didn't seem to be fair so he applied for this application. The tribe does not have to put up anything to match the \$70,000. It will be paying for management to help lessen the loss to Mexican Wolves.

- Motion by Vice Chairman Velasquez, seconded by Floyd Walker to approve the grant as presented. Motion passed. Vote: 9-0-1

Other Discussions: Davis Dam Concerns at Hawley Lake

There were considerable discussions regarding concerns about Davis Dam and financial allocations that should have been given to the tribe. BIA Superintendent N. Tuchawena and Rick DiValentino were in attendance and took part in discussions. The reason for non-payment was due to work being done was outside the scope of work. Suspension of work was done at the site by BIA. However, due to the potential loss of lives and property should the embankment break, Rick DiValentino continued to rebuild the embankment. Superintendent Tuchawena explained there was a conflict in the funds and the scope of work and had submitted an invoice in April. Further, that they are working on reimbursement to the tribe but was uncertain about the entire amount requested and if the total amount would be paid or partially. She will check to see if they have a draw down and how much it will be. It was made known to Superintendent that if she does not take care of this, that the council would go to the next level.

G. Child Find Director & Social Services Director Qualifications – Ivan Kitcheyan

- Motion by Vice Chairman Velasquez, seconded by Jerome Kasey to modify resolution for Social Services Director's qualifications from a Master's Degree to "Master's Degree preferred but Bachelors Degree acceptable" in Social Work and to modify Child Find Director's qualifications from a Master's Degree to "Master's Degree preferred but Bachelor's Degree acceptable" in Early Childhood. Motion passed. Vote: 9-0-1.
- Motion by Vice Chairman Velasquez, seconded by Alvin Declay to promote Marlinda Clendon Rustin from acting director to Social Services Director. Motion passed. Vote: 9-0-1.

Other: Former Elderly Services Director

There was discussion about Former Elderly Services Director and how she wasn't given a chance to come to council to explain her side of what happened. Commented by one council member: "Ms. Declay was a politically appointed employee and HR does not have a say in what Tribal Council wants to do."

- Motion by Theresa Larzelere, seconded by Jerome Kasey to have Linda Declay come before the council regarding her dismissal. Motion passed. Vote: 7-1-1

INFORMATION: Andrew Kane informed Council that three applications for Police Chief have been received. Police Chief has to be certified by current certification standards by BIA or State of AZ Certification.

Other: Grants and Contracts Office: Ivan Kitcheyan sent out 22 memos on August 5 to 638 Directors for 2016 re-contracts. Only nine were received by the September 8, deadline. Who didn't submit? Tribal Courts, Hydrology, Adult Education, JOM, Adult Voc Ed., Adult Detention, Social Services, Historic Preservation, Housing Improvement, Forest Mgmt. Plan, Game and Fish Dept.

- Motion by Jerome Kasey, seconded by Theresa Larzelere to reprimand the Directors for failing to follow directive to turn in their re-contracts. Josh Parker and Tim Gatewood to return from Elk Camp to complete the report. Modified motion: Turn in by next week Wednesday to complete this, and if not completed, warning will be issued. Motion passed. Vote: 8-0-2

H. Approval of Residential Lease for Tribal Members – Cheryl Ethelbah

Resolution: Authorizing a Residential Lease to Tribal Members – Armando and Kimberly Cromwell

- Motion by Jerome Kasey, seconded by Alvin Declay to approve residential lease for Armando Cromwell and Kimberly Cromwell. Motion passed. Vote: 9-0-1.

I. Authorize WMAT Intent to Take Ownership of Cedar Creek Fire Station –Mark Tessay

Fire Chief, Mark Tessay would like the BIA to build the building and then once completed the tribe will take over the building as this would be the safest way to do this.

- Motion by Jerome Kasey, seconded by Colleen Faden to authorize to enter into an agreement for construction of Fire Department in Cedar Creek. Motion passed. Vote: 10-0-0

J. Trade Tribal Farm Equipment for Seeds and Services – Mike Henry

Mr. Henry is asking to sell Tribal farm equipment to Integrated Machinery Inc., out of Buckeye, AZ, in exchange for store credit to purchase supplies, seeds and equipment equivalent to value of equipment of \$28,000.

- Motion by Vice Chairman Velasquez, seconded by Floyd Walker to approve resolution to Sell Farm Equipment in exchange for store credit of \$28,000 so purchase supplies and equipment for the farm. Motion passed. Vote: 9-0-1

K. Request for New KNNB Board of Directors Appointments – Renell Williams

Renell Williams Sam Machuse Gary Lupe Leroy Tate Marylita Dazen

- Motion by Jerome Kasey, seconded by Vice Chairman Velasquez to approve new appointees. Motion passed. Vote: 10-0-0.

L. Approval of Tribal Enrollment/ Relinquishment(s) - Phoebe Nez

Executive session 6.42 P.M.

- Motion by Arnold Beach, seconded by Vice Chairman Velasquez to approve 60 applicants for tribal membership as presented. Motion passed. Vote: 10-0-0
- Motion by Arnold Beach, seconded by Jerome Kasey to approve request for relinquishment of Tribal Head Rights for Martina Berlee Bush. Motion passed. Vote: 8-1-1

Meeting Adjourned: 6:50 P.M.

Recorder: Doreen T. Numkena, Tribal Council Secretary