



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 October 21, 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 October 21, 2015, as prepared and presented by the Tribal Council Secretary.

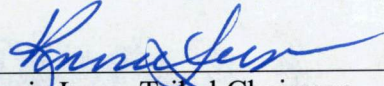
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the briefs with supporting meeting minutes from the Tribal Council meetings held on October 21, 2015, as prepared and presented by the Tribal Council Secretary.

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.

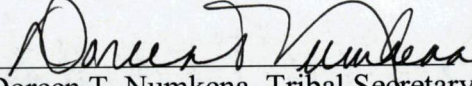
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution 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 **September 21, 2016** duly adopted by a vote of **TEN** for, **ZERO** against, and **ZERO** abstentions 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

11/22/16
Date


Doreen T. Numkena, Tribal Secretary

11-22-2016
Date



White Mountain Apache Tribe

October 21, 2015 – Executive Conference Room

Regular Meeting Minutes

I. CALL TO ORDER:

- A. Call to Order: Meeting was called to order at 9:15 AM by Chairman Lupe
- B. Prayer: Prayer was offered by Arnold Beach
- C. Roll Call: Chairman Ronnie Lupe, Vice Kasey Velasquez, Tony Alsenay, Arnold Beach, Colleen Faden, Kino Kane, Alvin Declay, Floyd Walker, Alvena Bush, Jerome Kasey, Theresa Larzelere
- D. Approval of Minutes: Motion by Vice Chairman Velasquez, seconded by Jerome Kasey to approve minutes of September 9, 2015 as written. Vote: 10-0-1—Motion passed.

II. REPORTS:

- A. Attorneys Report: Attorney Jim Palmer
Logan Penrod was approved for burial expenses. Also Ray Antonio was approved for burial expense. Need ratification.
 - Motioned by Vice Chairman Velasquez, seconded by Alvin Declay to ratify burial expenses for Ray Antonio. Vote: 10-0-1. Motion carried.
 - Motioned by Vice Chairman Velasquez, seconded by Alvin Declay to ratify burial expenses for Logan Penrod. Vote: 10-0-1. Motion carried.

Election Commission: Colbert Burnette has declined to fill this position. Others have been notified of appointment to election commission. Need recommendations from District IV for vacant position. Vice chairman and he met with Augie Belvado of BIA to go over law enforcement review. There were no big concerns. Primary thing they brought up was having no Chief of Police. There is a lack of leadership and no accountability. That is central to addressing all the other issues. Need strong good leaders at the PD. Currently they have four applicants for Chief of Police. Policy and Procedures need to be done.
- B. Head Start Update – Leola Larzelere
A written report was submitted by Ms. Larzelere. It was reported school has started and everything was going fine. The old maintenance building is gone. The asbestos removal was done last week. Housing authority was asked to fix roof. Budget was submitted to Washington, DC with revisions. It has not been submitted to council yet. Ms. Larzelere asked how to go about requesting for the old maintenance building land. They would like to extend the playground and also need space for buses. Jim Palmer recommended doing the master plan first. Then there would be no questions.
- C. Approve and Accept 2015 Tribal Fall Report – Cairo Clay, Josh Cheney
No report given. They will report at the November 4, 2015 meeting.
- D. ABHS - Life is Precious / Suicide Prevention – Program Manager - Millicent Kane
Millicent Kane, Ginger Meyers and Dr. Prince reported the program is self-sustaining now and do not have to rely on or apply for the grant.
They secure funding sources through billable services by offering services throughout the communities and able to generate income to support all the programs under ABHS.

E. NAGPRA Grant and General Update – Ramon Riley

Mr. Riley started with the program in 1995. NAGPRA was passed in 1990. He shared some information and facts about WMAT. After NAGPRA was passed, holy objects that were taken from the tribes were returned to respective tribes. This included human remains from Geronimo Cave that were put up for exhibit in a museum in Chicago. The tribe has a master plan for Fort Apache to redo the plan of the site. He read aloud *Repatriation Statement for the Council* document. This year \$84,868 NAGPRA grant was received which he said is what they are working with. Mr. Riley continued, there are eleven resolutions in place to protect Mt. Baldy. Bernie Santa Maria and he wrote a grant for \$84,000 to protect that site. It has not been approved yet. Mr. Riley was concerned that his job may be eliminated due to budget restraints and asked the council for permission to put sacred objects away in a safe place. Council replied that his position has never been discussed to be let go. It was the council's wish to continue to support the Cultural Center.

F. BIA Fire/Forest Mgmt Plan and Thinning – Jerome Kasey
No report - Will present report in November.

III- UNFINISHED BUSINESS

A. Approval of Ordinance 278, Election Code Revisions for Posting – Attorney Jim Palmer

Jim Palmer advised the Council that this is based off recommendations from 2014 elections. Chapter 4-B. Candidate can only look at his/her own documents and cannot look at other candidates.

Code is inconsistent with constitution. Made changes to go along with constitution. Sec. 4.10 Certification of Candidates "fluency and ability to speak Apache".

Nomination Petition: Added warning statement on the nomination papers "It is a criminal offense to knowingly signing more than one nomination petition for the same office.

Council discussed language requirement and keeping Apache language fluency as is.

- Motioned by Jerome Kasey, seconded by Vice Chairman Velasquez to approve posting of Ordinance 278 revisions as approved with exception of fluency of Apache Language and keeping it as. Vote: 10-0-1 - Motion carried.

B. Approving Posting of Ordinance 279, Amending the Rules of Appellate Procedures of the WMAT

Motioned by Jerome Kasey, seconded by Vice Chairman Velasquez to approve posting of Ordinance 279 for public input. Vote: 11-0-0. Motion carried.

Lunch Break: 11:55 P.M.---Reconvened at 1:42 p.m.

IV. NEW BUSINESS

A. Approval of Continuing Resolution for 2015-16 Budget – Treasurer Deron Peaches

Motioned by Arnold Beach, seconded by Vice-Chairman Velasquez for approval of resolution, *Approval of Continuing Resolution for 2015-16 Budget*. Vote: 8-0-1. Motion carried.

B. IHS Contract Renewal / Division of Health Director – Tribal Council

Councilman Arnold Beach advised Jessica Rudolfo, Division of Health Director, the Council was informed that she had missed the deadline for IHS Contract Renewal and she was brought before Council to discuss reasons for missing the deadline. Ms. Rudolfo explained the deadline was September 30 and discussed a chronological chain of events and meetings with Grants and Contracts, Michelle Holden and Ivan Kitcheyan, and Phoenix area office. Janita, Project Officer, was also mentioned in the events. Miss Rudolfo discussed the merger of EMS and Fire Department and that it shouldn't happen as the Division of Health was not informed about it. She said everything that EMS does, needs her approval and review. The issues brought up was the changing of the Fiscal Year and combining five contracts--EMS, CHR, Div. of Health, RTC, and Health Ed. Ms. Rudolfo believes I.H.S. made the contact. The Council accepted her explanation and concluded that "communication is not being shared with all departments".

C. Request Outdoor Space for Physical Fitness Equipment – Jessica Rudolfo

Ms Rudolfo asked for space outside the Fitness Center to put up basketball and volleyball courts. There is a lot of carryover money that could be used for it.

The Vice spoke of his concern for Cibecue and tribal members having no place to go to enjoy physical activities. The Cibecue Gym has been closed down. The Planning Director was advised to get the gym done. But there is no source of money. His recommendation was to prioritize Cibecue Gym so Cibecue people can have a place for physical activities and a place to gather.

Ms. Rudolfo responded there is about \$2 million carryover. The requirement is to submit 2013 Audit. It's in the clearinghouse and that could be included in the cover letter. A million dollars of that is committed for operational costs.

Brenda Roberts stated a plan of action was submitted last year and the best possible place was at the current site as the foundation and utilities are already there but there is no money for signing on documents.

The vice asked Ms. Rudolfo to help with the Cibecue Gym and to report back to the Council in December.

- There was no action taken on the request for space in front of the Fitness Center.

Attorney Jim Palmer asked for a resolution removing EMS from the Division of Health and put under the tribe.

- Motioned by Vice Chairman Velasquez, seconded by Jerome Kasey remove WMAT EMS from Division of Health and to give back to WMAT. Vote: 9-0-2. Motion carried. For clarification, Jerome Kasey asked if this would affect the money coming in to which Michelle Martinez responded "no".

D. Transportation Director – Arnold Beach

There was considerable discussion regarding the need for a transportation program and director.

- Feasibility of making Transportation Department a stand-alone program
- Partnership program with San Carlos Tribe and develop same caliber program that they have
- The roads are in bad shape – need improvement and repair
- Need knowledgeable person of tribal roads and ADOT regulations

- Job Qualifications
- Funding to hire for position
- Tara Chief, NAU Environmental Engineer Degree, spoke of her experience in engineering and construction, would like to develop this program
- Planning Director wants position advertised and posted and Ms. Chief may apply
 - Motioned by Arnold Beach, seconded by Tony Alsenay to approve Tara Chief as Director of Transportation, vote: 4-6-1. Motion failed.

E. Approval of Policies and Procedures – Ronnie Peaches & Parole Board

Mr. Peaches reviewed and discussed the policies and procedures with the council.

Attorneys Kim Cromwell and Kealoha Douma worked with the Parole Board to establish the policies in the best interest of the tribe. It is a living document and will change as needed and sets the foundation for what the Parole Board does.

- Motioned Jerome Kasey, seconded by Vice Chairman Velasquez to approve Resolution *Authorizing the WMAT Parole Board to Implement 2015 Policies and Procedures*. Vote: 9-0-2 – Motion carried.

F. Approval of Tribal Enrollment / Relinquishment(s) – Phoebe Nez –Executive Session

Ms. Nez presented for review and approval 30 Enrollment Applicants. There were no Relinquishments.

Out of Executive Session for motion and vote for following:

- Motioned by Arnold Beach, seconded by Vice Chairman Velasquez to approve enrollment of 30 applicants for tribal membership. Vote: 9-0-2 – Motion carried.

Other: Attorney Jim Palmer advised the Council that a formal letter from Chairman was needed stating to go ahead with Secretarial Election as requested.

Executive Session:

There was discussion with attorneys Kealoha Douma and Kim Cromwell regarding abuse of power on the part of Judge Kane and her threatening departments.

Executive Session--

- Motion by Jerome Kasey, seconded by Floyd Walker to terminate Judge Candace Kane as Associate Judge immediately for reasons discussed in executive session. Motion was amended to suspend her with pay and terminate after 10-day window per code. Vote: 8-0-3 – Motion carried.

Adjournment: 4:05 P.M.

Recorder: Doreen T. Numkena
Tribal Council Secretary