

Resolution No. 06-99-136

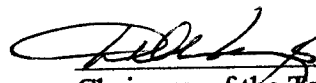
**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

WHEREAS, the Tribal Council Secretary has prepared briefs for Tribal Council meetings for May 5-6, May 12, May 24 and May 26, 1999 and has presented them to the Council this date for approval; and

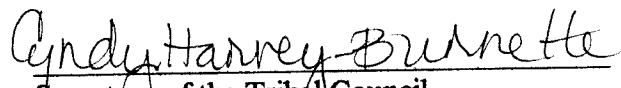
WHEREAS, after reading the briefs to the Tribal Council, the Tribal Council concludes that the briefs should be approved with changes as clarified.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves Tribal Council meeting briefs for May 5-6, May 12, May 24 and May 26, 1999 as presented with noted changes.

The foregoing resolution was on June 4, 1999, duly adopted by a vote of NINE for and ZERO 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

JUN 28 1999

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Tribal Council meeting
Tribal Council Chambers
Wednesday, May 5, 1999

BRIEFS

1. The Tribal Council meeting was called to order at 9:23 a.m. by Chairman Massey. Roll call was taken and all Council were present except Vice Chairman Endfield who was on travel. The invocation was offered by Kino Kane, Community Liaison.
2. Tribal members Kino Kane, Kandi Lee and Wayland Burnette requested lots in the Hondah homesite area. Kino requested lot C-14 while Wayland Burnette and Kandi Lee requested lots C-7 and C-8. Richard Palmer informed Council that he has signed documents for lots C-6 through C-8. Discussion followed on business lease requirements and time lines. It was recommended that they meet with Cheryl Minjarez and the Land Office for clarification and before decision is made by the Council.
3. Tribal member, Buddy Gloshey, shared concerns regarding livestock in the Forestdale area and on federal employee who serves on the livestock board. The Tribal Attorney to assist him regarding issue of federal employees.
4. Tribal member, Pauline Westover, requested removal of ex-husband from the reservation for the pain he has inflicted on her and her children. She also stated that he is abusing tribal member rights. She was referred to meet with the Tribal Attorney.
5. Tribal member, Roger Griggs, Sr., informed Council that he will be obtaining his medical degree but needs further financial assistance for the next three months as he has no means of financial support. He will begin his residency training in July for a three year period. Council congratulated and thanked Mr. Griggs for his achievement. Resolution No. 05-99-89 adopted to approve the financial assistance request for Roger Griggs, Sr. Council Member Tate made the motion and Council Member Clay seconded the motion. The resolution passed with a vote of 8-0.
6. Tribal member, Isabell Mason, brought up land concerns within her family and asked if land board decisions can be reversed. Justin Williams of the Land Board stated that similar requests have been tabled. Council Member Cody explained that all involved family members need to discuss issue and arrive at decision. Mrs. Mason also requested assistance in removal of trash in her residential area. Mrs. Mason was referred to District IV Council Members.
7. Tribal member, Arlinda Cassa, had a housing request and to have abusive ex-husband excluded from the reservation. Resolution No. 05-99-90 adopted directing the Housing Authority to locate emergency housing for Ms. Cassa and her children and the Tribal Attorney to review exclusion order for ex-husband. The motion was made by Council Member Baha-Walker and seconded by Council Member Cody. The resolution passed with a vote of 8-0.

8. Tribal member, Fayrene Williams, informed Council of her termination from the Tribal Court. Council to meet with Chief Judge Grimes tomorrow for further clarification.
9. Tribal member, Gertie Lupe, presented information on Social Security and invited Council to the Whiteriver Hospital to thank Social Security personnel May 10-14, 1999. She stated that over four million dollars are generated into the tribe from SSI. Mrs. Lupe expressed concern over the lack of participants in the SSI program from Cibecue. She also stressed community involvement and expressed personal opinions.
10. Tribal members, Gloria Tortice and Justin Williams, shared concerns regarding their father, Barker Williams' HIP home status. A discussion followed on the HIP program. The Superintendent stated that inventory is required yearly. They were advised that a careful review of requirements needs to be conducted.
11. Linda DeClay, Tribal Education Director and Alfred Walker, IEC Chairperson, asked for direction on youth camp status. They shared a report that Brian Johnson, OEH Sanitarian provided based upon inspection of the camps. Closure of camps would be until repairs are completed. Council Member Baha-Walker made a motion to accept IEC's recommendations regarding the youth camps and Council Member Janeway seconded the motion. The motion was defeated due to a vote of 3-4.
12. Cline Griggs, Work Adjustment Coordinator, offered other alternatives related to the camps, stressing community involvement. Council offered comments on protection of children, tribal finances, preventative maintenance, traditional values and community involvement. Ms. DeClay to submit letter to Chairman Massey and to include budget breakdown.
13. Linda DeClay also presented request to merge the Higher Education and Employment Assistance programs as well as an update on college graduates. She would like recognition of these students for their educational achievements.
14. Richard Palmer presented a request to utilize 2% Tribal Transportation Planning funds to operate an office of Tribal Transportation Coordination. Along with information on this office, he presented a budget and a supporting resolution. Council requested his resume, references and scope of work before reaching a decision.
15. Dennis Faden, on behalf of Little League, requested the need for a baseball field. He stated that an acquaintance is in the process of seeking grant monies but questions location of field. He was advised to meet with Franklin Quintero regarding costs and Raymus Albert on land status.
16. The meeting adjourned at 5:00 p.m.

Sincerely,

Cyndy Harvey-Burnette
Cyndy Harvey-Burnette
Tribal Council Secretary

WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Tribal Council meeting
Tribal Council Chambers
Thursday, May 6, 1999

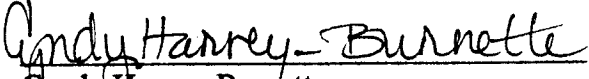
BRIEFS

1. The continuation of the Tribal Council meeting was called to order at 10:30 a.m. by Chairman Massey with a quorum present. Vice Chairman and Council Member Tate were on travel. The invocation was offered by Council Member Janeway.
2. Milfred Cosen, consultant, stated that Crews and Associates are here to present information on terms and conditions of proposal regarding the bond issue. Tom Thompson gave a brief history of Crews and Associates and stressed that Crews is seeking a long term relationship with the WMAT. John Banks provided a preliminary financing overview. It was explained that the bonds will be issued for 15 years but the tribe has the option of renegotiating the loan payments after eight years.
3. Concerns included: time to review the proposal, deleting the sovereignty immunity issue from the resolution and investment of funds for the future. Resolution No. 05-99-92 adopted for Crews & Associates, Inc. to be the tribe's exclusive investment banker and underwriter in connection with loan refinancing by the issuance of bonds. Council Member Declay made the motion and Council Member Craig seconded the motion. The resolution passed with a vote of 6-1-1 abstention.
4. Carla Alchesay-Nachu, Service Unit Director and Brian Johnson, OEH Sanitarian, addressed Council regarding alleged hanta virus situation at the Juvenile Court. They stressed that the building was inspected and nothing was found. Mrs. Alchesay-Nachu also invited Council to IHS budget presentation tomorrow.
5. Chief Judge Grimes updated Council on Fayrene Williams' termination status. She reported that Mrs. Williams' only serious offense was failure to serve subpoenas. Chief Judge Grimes stressed that she does not condone interference from Tribal leaders and referenced the Judicial Code, Section 2.26, E. Lack of or poor communication was discussed, along with the need for clarity and guidelines.
6. Raymus Albert of the Land Board presented Land Board Committee minutes of February 9, March 26, April 30 and May 03, 1999. Hondah business sites, relinquishments and deceased land assignments were discussed. Mr. Albert requested all resolutions related to land issues be forwarded to his office. Resolution No. 05-99-93 adopted to accept the Land Board committee meeting minutes with corrections. Council Member Nez made the motion and Council Member Janeway seconded the motion. The resolution passed with a vote of 6-0.

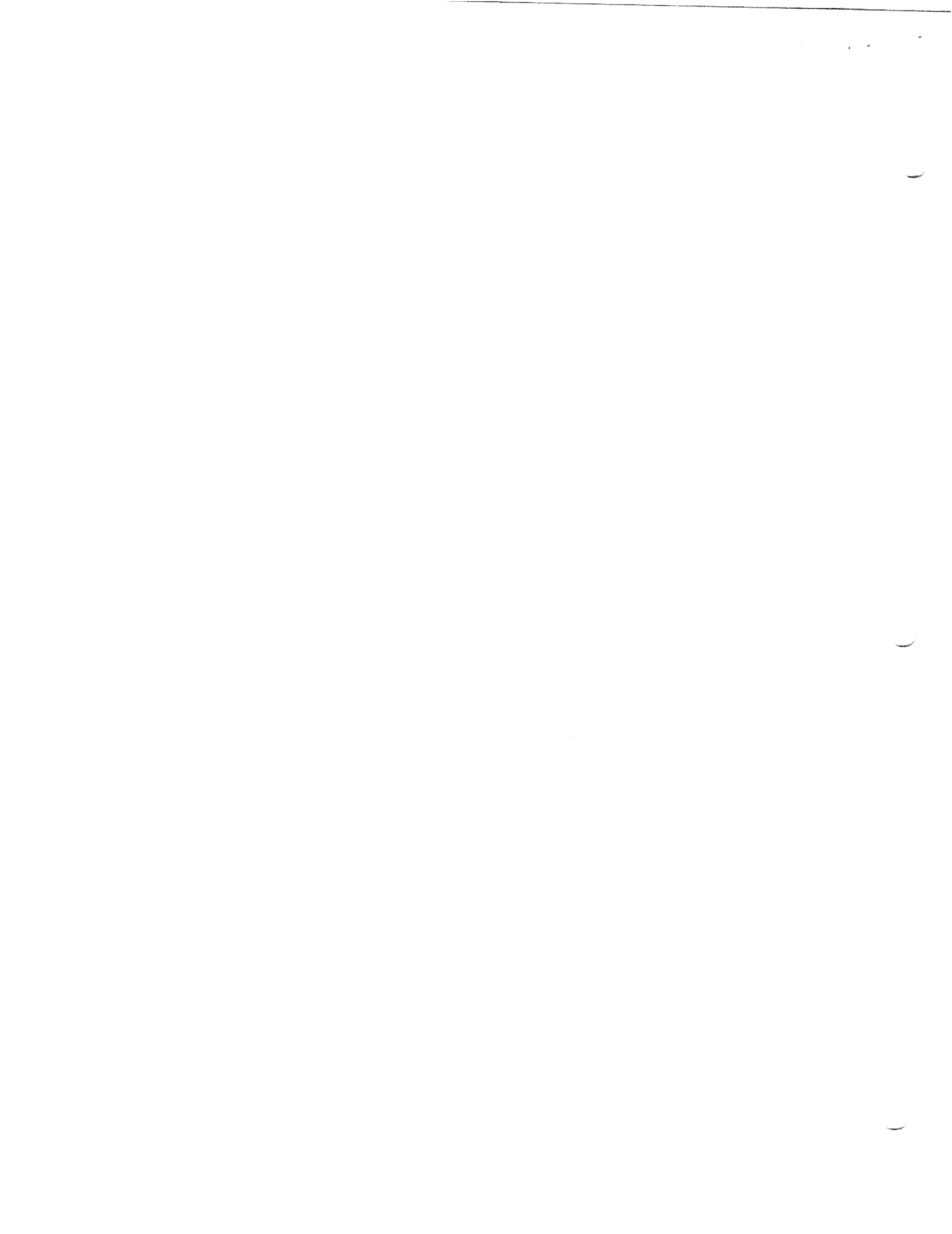
7. Council Member Janeway recommended that Council Member Cody serve as a Land Board committee member temporarily until someone appointed. Resolution No. 05-99-94 adopted for the temporary appointment of Lynn Cody to the Land Board Committee. The motion was made by Council Member Janeway and seconded by Council Member Declay. The resolution passed with a vote of 7-0.
8. Ray Burnette, Chief of Police, presented an update on the Police Department. He addressed issues of training, Law & Order Committee, HUD grant, intercounty coordination, complaints and personnel issues. Officers Lincoln Perry, David Martin and Billy Kahn were also present. Confiscated guns were shown to the Council. Council concerns included: substations for all districts, community involvement, support training for staff and 911 problems. Mr. Kahn stated he will present information on Police recognition day at next month's meeting. The group were thanked for their briefing.
9. Richard Palmer presented his resume, references and scope of work as requested by the Council. Council Member Baha-Walker requested two additions to the resolution: 1) to attend all Roads Committee meetings and 2) no commitment from the tribe to transportation related issues without authorization from the Tribal Council. Resolution No. 05-99-95 adopted to authorize and endorse the creation of a Tribal Transportation Coordinator and to include the two additional requests from Council Member Baha-Walker. Council Member Baha-Walker made the motion and Council Member Declay seconded the motion. The resolution passed with a vote of 4-1-1 abstention.
10. Harry Brewer, Keith Jones and Larry Ethelbah presented information on material borrow sources in the interest of providing sand, gravel, cinders and other types of aggregate products and dirt fill materials for the use of Public Works/Fort Apache Materials and others. Studies indicate that there is high quality material in the Gold Gulch, the existing Stago Pit and the Carrizo Creek floodplain areas. They indicated that all material source development must be accomplished in accordance with mining and reclamation plans. A resolution was presented to develop Gold Gulch, Stago Pit and the Carrizo Creek floodplain areas as a potential material site. After discussion, the resolution was tabled until a site visit to the Gold Gulch area was conducted by the Council. The site visit to include a visit of the youth camps.
11. Eric Mattson, OEH Senior Field Engineer, informed Council of the availability of funding in the amount of \$590,000 for planning, design and construction of sanitation facilities and the IHS Sanitary Deficiency System (SDS) rankings. Resolution No. 05-99-96 adopted to approve the tribal contributions as follows: Hondah Homesites Sewer Project \$590,000, Whiteriver Plumbing Project \$70,000 and Reservation-wide trash dump closures \$70,000. Council Member Dehose made the motion and Council Member Janeway seconded the motion. The resolution passed with a vote of 5-0-1 abstention.
12. Resolution No. 05-99-97 adopted to approve the ranking system and priorities shown on the Sanitary Deficiency System 1999 Listing table, and that it places its highest priorities as shown through assignment of Tribal priority points. The motion was made by Council Member Dehose and seconded by Council Member Nez. The resolution passed with a vote of 6-0.

13. Keith Jones introduced William Malone who was recently hired as the Air Quality Specialist in the Planning Department.
14. Ivan Kitcheyan, BIA Administrative Manager, presented the BIA budget priority listing. Resolution No. 05-99-98 adopted in acceptance of the priority listing. Council Member Janeway made the motion and Council Member Craig seconded the motion. The resolution passed with a vote of 7-0.
15. The meeting adjourned at 5:45 p.m.

Sincerely,


Cyndy Harvey-Burnette
Tribal Council Secretary

050699br



WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Tribal Council meeting
Wednesday, May 12, 1999

BRIEFS

1. The continuation of the Tribal Council meeting was called to order by Chairman Massey at 9:30 a.m. with all members of the Council present. Council Member Cody offered the invocation.
2. Paul Kuehl, Fire Chief presented information on the need for increased use of prescribed fire for the reduction of potential catastrophic wildfires. The BIA Branch of Forestry and the Interagency Smoke Management Program are involved in these efforts. Due to problems with unnecessary fire runs, poor coordination and communication, the need to designate one group to coordinate this effort was stressed.
3. Resolution No. 05-99-99 adopted to authorize the White Mountain Apache Fire & Rescue Department to institute an approved OPEN BURNING PERMIT policy for the Fort Apache Indian Reservation. The motion was made by Council Member Cody and seconded by Vice Chairman Endfield. The resolution passed with a vote of 6-0.
4. David Aldrete of Big D Aldrete's Construction, Inc. requested update on his ban status from the FATCO Home Center. Mr. Aldrete was advised that once feedback is obtained from the employees, he will be informed.
5. Ernest Aldrete updated Council on the misunderstanding at FATCO Home Center. He was advised that his concerns will be investigated and followed up in writing to him.
6. Harry Brewer and Keith Jones again presented a resolution on Gold Gulch. There were comments on the \$10,000 compensation issue. Council Member Baha-Walker recommended the inclusion of Stago Pit. Resolution No. 05-99-100 adopted to investigate Gold Gulch as a potential material site with a mining and reclamation plan development, to expand the west side of Stago Pit and the Carrizo Creek floodplain. Resolution to exclude issue of compensation for communities. Council Member Tate made the motion and Vice Chairman Endfield seconded the motion. The resolution passed with a vote of 6-0.
7. Keith Jones, Jimmy Newhall and Joaquin Garcia presented the Tribal Plan and Project Review Homesite Review sheet which identifies projects, approval by TPRR Coord., IHS-OEH, Tribal Land Office and Tribal Heritage Preservation Office, as well as follow-up actions. The TPRR sheet provides a better process for homesite developments, although there are still problems with mobile homes. The Council were informed that forms are forwarded to all the mobile home dealers in Show Low and the Pinetop-Lakeside area. They stated that problems arise when poor land assignments are granted. Council Member Janeway expressed his concerns for land assignments in cornfields as this could affect water rights. Keith also referenced the resolution regarding the Sanitary Deficiency System listing and noted changes.

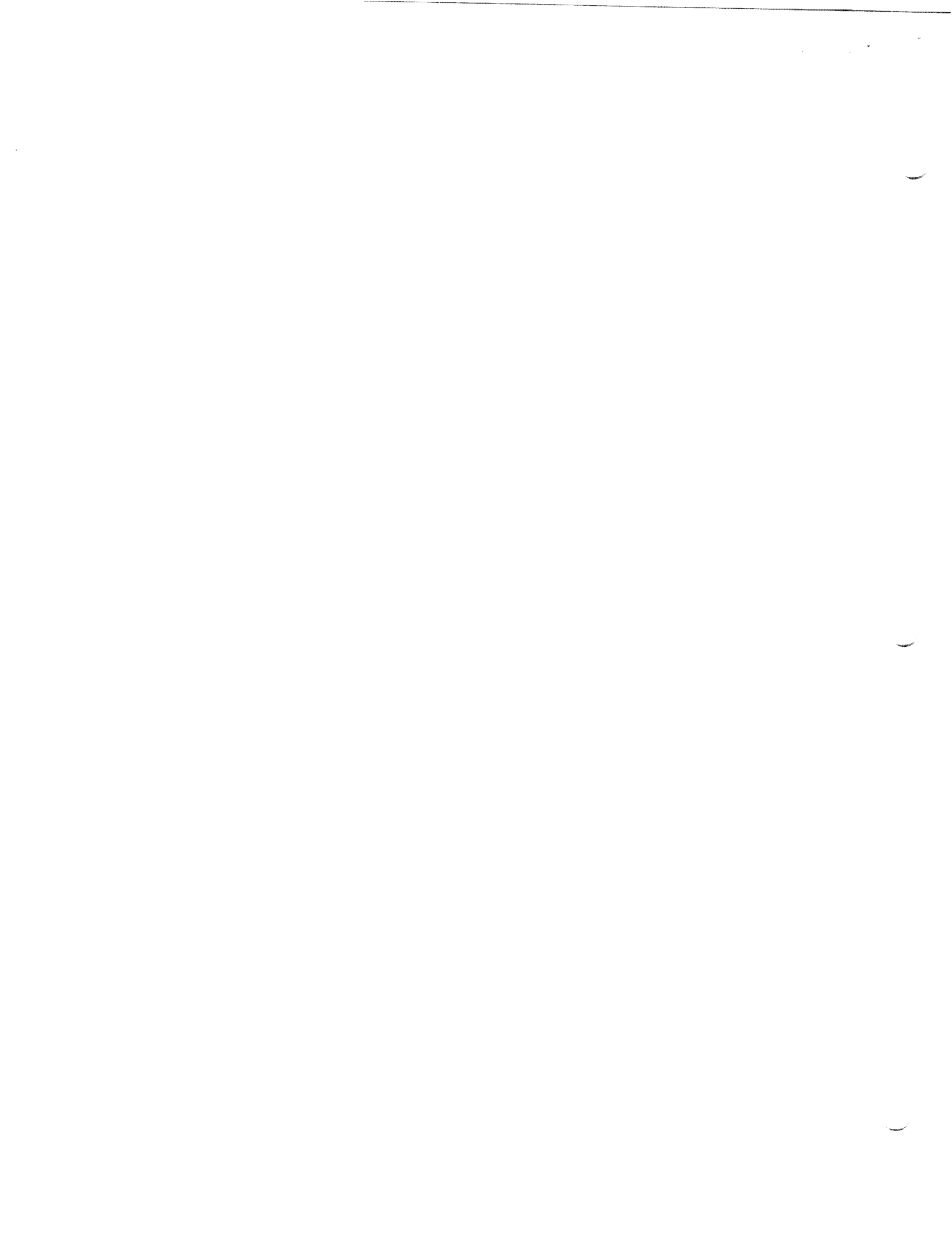
8. Resolution No. 05-99-101 adopted to accept attached forms for the individual homesite review process. The motion was made by Council Member Nez and Council Member Declay seconded the motion. The resolution passed with a vote of 7-0.
9. Jerry Kortekaas informed Council of plans for concert he would like to hold at Sunrise with proceeds to benefit the American Red Cross. He was advised to present plans for Council and Attorney review.
10. Tribal member Yolanda Henry requested a vacant HIP home which belonged to a deceased individual. Council Member Craig, Glorianna Dayaye, Dan Sorensen and Yolanda Henry to meet and report to Council of status. This lead to a discussion on a need for a meeting to address the many problems related to the HIP program. Ms. Henry then requested emergency housing for approximately four months until the situation with the HIP house is resolved. She was advised that Council Member Craig and Ruby Altaha will assist her in this request.
11. Resolution No. 05-99-102 adopted to apply for a grant for a tribal Vocational Rehabilitation project. Council Member Baha-Walker made the motion and Council Member Cody seconded the motion. The resolution passed with a vote of 7-0.
12. The Tribal Attorney gave a brief update on water rights. He stated that Mr. Veeder will identify the complete strategy on the federal action he will propose. A two day meeting with Mr. Veeder is scheduled for July 13th & 14th. He advised to invite Law Professor Charles Wilkinson here in June to present briefing to Council on water rights issues. George also gave an update on the Miner Flat Dam 638 contract. Laurel Lacher gave an update on the Miner Flat Dam while Amy Mignella, Assistant Tribal Attorney briefed Council on the Ramah Navajo Class Action, the tobacco litigation, the Apache Iron Mine and Cellular One Agency Agreement. Amy and George expressed their concerns related to the tobacco litigation.
13. Resolution No. 05-99-103 adopted for mandatory random drug and alcohol testing for FATCO employees. The motion was made by Council Member Janeway and seconded by Council Member Nez. The resolution passed with a vote of 6-0-1 abstention.
14. The Tribal Attorney presented a brief update on FATCO capital expenditures in discussions with BIA Area Office as well as an update on the Juvenile Court. Resolution No. 05-99-104 adopted for a three year lease for Treetop Auto Body. The motion was made by Council Member Dehose and seconded by Council Member Janeway. The resolution passed with a vote of 7-0.
15. Council Member Craig explained that the Whiteriver Middle School and the Alchesay High School Band are requesting assistance with meals for twenty-two students who will be traveling to California to participate in a music competition. Resolution No. 05-99-105 adopted to assist these students with \$1,000. The motion was made by Council Member Craig and seconded by Council Member Cody. The resolution passed with a vote of 5-1-1 abstention.
16. Ruby Altaha presented the Plan of Operation for Revolving Credit. It was advised to include a protective clause in the resolution. Resolution No. 05-99-106 adopted for the Plan of

Operation for the Revolving Credit Program. Vice Chairman Endfield made the motion and Council Member Cody seconded the motion. The resolution passed with a vote of 6-1.

17. Connor Murphy, utilizing a map, updated Council on the Hon-Dah business district and residential lease restrictions.
18. The Tribal Council will meet with the U.S. Attorney for Arizona on June 4th. The Tribal Attorney advised Council to identify issues for discussion prior to scheduled meeting. Updates on Gaming and State Legislative were followed by the Whiteriver Airport/Armstrong Consulting briefing.
19. Resolution No. 05-99-107 adopted for the development of the BIA/Tribal Smoke Management Work Group. The motion was made by Council Member Nez and seconded by Council Member Baha-Walker. The resolution passed with a vote of 6-0.
20. Tribal member, Sylvia Browning, informed Council that she was accepted into the Washington Internships for Native Students (WINS) Program as an Intern for the 1999 program year. She requested financial assistance to purchase professional wardrobe. Resolution No. 05-99-108 was adopted for financial assistance in the amount of \$500 for Ms. Browning to purchase professional wardrobe. Other funding sources identified were the Tribal Education and Social Services. Vice Chairman Endfield made the motion and Council Member Declay seconded the motion. The resolution passed with a vote of 6-0.
21. The meeting went into Executive Session at 5:20 p.m. to discuss Tribal Court. Out of Executive Session at 6:05 p.m.
22. Resolution No. 05-99-109 adopted to place Chief Judge Marjorie Grimes on administrative leave. The motion was made by Council Member Dehose and the motion was seconded by Council Member Craig. The resolution passed with a vote of 9-0. Discussion followed on stressing confidentiality, candidates and requirements for Judges.
23. Resolution No. 05-99-110 adopted in support of the Indian Education Committee's recommendation to provide day camps (with stipends) for the youth this summer. The motion was made by Council Member Baha-Walker and seconded by Council Member Tate. The resolution passed with a vote of 6-1-1 abstention.
24. The meeting adjourned at 6:30 p.m.

Sincerely,

Cyndy Harvey-Burnette
Cyndy Harvey-Burnette
Tribal Council Secretary

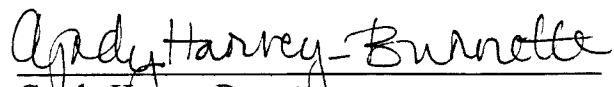


WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Whiteriver, Arizona
Budget Review meeting
Hon-Dah Convention Center
Monday, May 24, 1999

BRIEFS

1. The budget review meeting was called to order at 9:30 a.m. by Chairman Massey with all members of the Tribal Council present. The invocation was offered by Council Member Tate.
2. Frank Powell and Hugh Lee, Finance & Budget Committee members, Jaci Ulmer, Controller and Cathy Tate, Treasurer presented the Budget Summary for all Enterprises and Central Tribe, as well as statements of revenues and expenses. General recommendations were followed by specific recommendations by department was presented for Central Tribe which resulted in total projected expenses of \$16.9 million and \$15.5 for total projected revenues.
3. Total projected expenses of \$70.0 million and total projected revenues of \$81.5 million resulted in total net income of \$11.4 million after specific recommendations for the Enterprises were presented. The committee's general observations regarding capital and reserve funds were explained to the Council.
4. Mr. Powell advised one, two and five year tribal objectives and to develop a two year budget cycle. He also recommended the establishment of a strong control process regarding the budget and monthly budget reviews. Mr. Powell also advised operational reserves of at least \$1.0 million dollars.
5. Capital for FATCO and a review of ratio royalty were recommended. The need for a fleet management system due to liability concerns and high vehicle operating expenses was discussed. Game & Fish yard to be utilized temporarily for this purpose.
6. Education was stressed regarding credit. Centralized purchasing, control of credit cards and property inventory were also addressed. The importance of rewarding employees for success was explained. Consolidation of departments was discussed. Concerns were expressed about the Computer Manager being the sole individual possessing all vital information regarding the tribe's software and programs.
7. The meeting recessed at 4:45 p.m. and to continue on Wednesday, May 26, 1999 for further budget reviews.

Sincerely,


Cindy Harvey-Burnette
Tribal Council Secretary



WHITE MOUNTAIN APACHE TRIBE
Fort Apache Indian Reservation
Budget Review meeting
Hon-Dah Convention Center
Wednesday, May 26, 1999

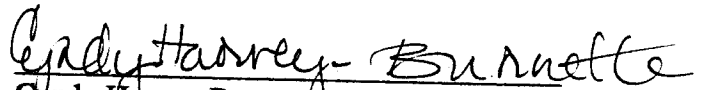
BRIEFS

1. The continuation of the budget review meeting was called to order at 9:42 a.m. by Chairman Massey with quorum of the Tribal Council present. Council Member Janeway offered the invocation.
2. Chairman Massey gave opening remarks regarding budgets and stressed to Council to arrive on time for all important meetings. Jaci Ulmer, Controller, gave an overview on summary of requests and compared figures from the Finance Committee and the 20% group. She felt that this is a conservative budget.
3. Raymond Endfield, Director of Enterprises, presented management methodology and stressed goal setting, resource allocations and training. Mr. Endfield presented revenue and expenses for all enterprises. He also provided recommendations and comments on each enterprise and manager. Discussion followed on enterprises problems, personnel and capital.
4. As tourism generates revenues for tribe, renovations were stressed. It was advised to identify tribal needs and achievement. Re-evaluation of FATCO General Manager was recommended. A restructure of Agriculture was advised and the Council to meet with Joe Harvey on June 3, 1999. The elimination of payroll deductions was discussed. The lack of quarterly meetings with managers was a concern.
5. A review of all Enterprise capital was conducted by the Council and Raymond and Jaci recommended acceptance of Enterprises numbers as presented but to control expenses. This was followed by capital review as recommended by the 20% group. Total request is \$3.5 million dollars.
6. Roger Leslie, Hon-Dah General Manager, updated Council on the Hon-Dah Rodeo scheduled for August 21 and 22. A discussion followed on Council meeting compensation.
7. Resolution No. 05-99-118 adopted for approval of the WMAT Budget as follows: projected revenues \$113.7 million dollars, expenses \$97.0 million dollars, net income of \$16.6 million dollars and capital in the amount of \$3.7 million dollars. Council Member Tate made the motion and Vice Chairman Endfield seconded the motion. The resolution passed with a vote of 7-0.
8. Resolution No. 05-99-119 adopted directing the Tribal Prosecutor to submit an application to the Department Of Justice for a Community Prosecution Grant. The motion was made by Council Member Baha-Walker and the motion was seconded by Council Member Craig. The resolution passed with a vote of 9-0.

Pg. 2 - Budget review meeting - 05/26/99

9. Council were informed of the tram proposal at Salt River by Chris Shellabarger. Status of the WMAT organizational chart will be presented next week.
10. The meeting adjourned at 5:00 p.m.

Sincerely,


Cyndy Harvey-Burnette
Cyndy Harvey-Burnette
Tribal Council Secretary

052699br