

Resolution No. 12-2004-279

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

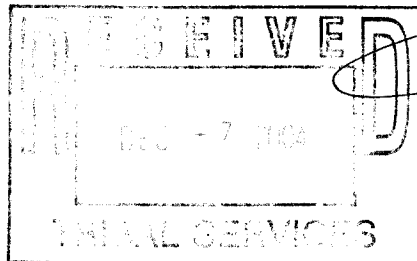
(Approval of Tribal Council meeting briefs)

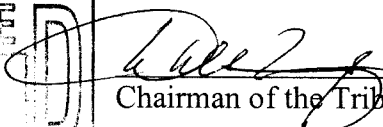
WHEREAS, the Tribal Council Secretary, Cyndy R. Harvey, has prepared briefs of the Tribal Council meetings for October 6 and October 7, 2004 and has presented them to the Tribal Council this date for approval; and


WHEREAS, after reading the briefs to the Tribal Council, the Tribal Council concludes that the briefs for October 6 and October 7, 2004, should be approved with noted changes.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Tribal Council meeting briefs for October 6 and October 7, 2004.

The foregoing resolution was on December 1, 2004, duly adopted by a vote of SIX for and FIVE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe 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

White Mountain Apache Tribe
Tribal Council Meeting
October 6, 2004

Fort Apache Indian Reservation
Council Chambers

COUNCIL MEETING BRIEFS

The meeting was called to order at 9:40 a.m. by Chairman Massey. The invocation was offered by Vice Chairman Endfield. Council Member Mariddie Craig was on travel status.

1. Steve Owens, Director, Arizona Department of Environmental Quality (ADEQ), commended the state's relationship with the Tribe and White Mountain Apache Housing Authority. Mr. Owens also provided information related to W.I.F.A. (Water Infrastructure Finance Authority. He stated that Housing Authority was honored with the project of the year award and presented award to Gladys Bencomo, Housing Authority Executive Director and the Tribal Council.
2. At 9:55 a.m. entered executive session for Tribal Enrollment presentation. Others present: Marguerita Griggs and Tryphena Nosie. Motion: Council Member Johnson, 2nd-Vice Chairman Endfield. Vote: 3-0. Exit executive at 10:05 a.m. Resolution No. 10-2004-236 adopted to approve tribal membership for thirty-three (33) applicants. Motion: Vice Chairman Endfield, 2nd-Council Member Johnson. Vote: 4-0.
3. Council Member Johnson stated that an audit and investigation of the BAER Program be conducted as it involves a high amount of federal funds. He also requested to see documentation as to allegations of misappropriations. Chairman Massey replied that a resolution to this effect should be considered and will be discussed later.
4. Doreen Gatewood, Director, Planning & Resources Conservation, requested executive session which was motioned by Council Member Baha-Walker, 2nd-Council Member Johnson. Vote: 5-0. Entered executive session at 10:14 a.m. and recessed at 12:04 p.m. Steve Taddie of Stellar Capital was also present.
5. Resolution No. 10-2004-237 adopted for approval of \$1,600.00 from the Rodeo/Chediski donation fund for the Youth Corp as presented by Council Member Henry. Motion: Council Member Nez, 2nd-Council Member Johnson. Vote: 6-0.
6. The afternoon session began at 2:23 p.m. with Kathleen Norton and Novaline Goklish on behalf of Johns Hopkins University who requested to publish a paper titled "*Epidemiology of Invasive Haemophilus influenzae Type a Disease among Navajo and White Mountain Apache Children, 1988-2003*". Council Member DeClay advised to hear from the Health Board and stated that Council should have received information earlier to review paper. Resolution No. 10-2004-238 adopted for approval to publish the above. Motion: Council Member Henry, 2nd-Council Member Baha-Walker. Vote: 4-0.
7. Leo Maestas and Mr. & Mrs. Robert Lewis presented a power point presentation on the I-40 land proposal. After discussion/comments/questions, it was decided that a field trip will be scheduled to tour the land.

8. Sharon Jimenez, Breastfeeding Specialist with the Apache Diabetes Wellness Center, along with Dianah Monahan, Executive Director of the Women's Choice Pregnancy Clinic of Show Low and Springerville, requested that they be allowed to establish another office in Whiteriver and they covered important aspects of the program. They were referred to the Health Board.
9. Eileen Hill, the new Miss White Mountain Apache, provided an introduction of herself, and information on the committee and her goals. Cathy Garcia, secretary of the Queen Committee, was also present and requested a separate bank account until problems resolved. Council expressed concerns on this year's funds and the need for a report from the committee treasurer Cheyanne Burnette. Supporting comments were shared on behalf of the Queen and she was thanked for her presentation. It was suggested to remember the Princess, along with other title-holders and to be fair to all. Resolution No. 10-2004-239 adopted to assist Miss WMA with \$2,000.00 for her trip to Phoenix and a one-time budget of \$15,000.00 from the Rodeo-Chediski donation account; further, to locate a vehicle and office for her. Motion: Vice Chairman Endfield, 2nd-Council Member DeClay. Vote: 6-0.
10. Paul DeClay, Jr., Tribal Forest Manager, presented the Forest Management Deduction Expenditure Plan. In discussing the timber costs and ratio royalty, it was recommended by Council Member Johnson that Paul, Jim Pitts, Maria & Chuck of FATCO meet to be on the same page.
11. Mr. DeClay reminded Council that the tribe owes Tribal Forestry \$338K. He was advised that BIA was to refund this amount and he is to write to the BIA Superintendent on this matter. Resolution No. 10-2004-241 adopted for the Forest Management Deductions collected to be properly deposited and expended on items designated in the Expenditure Plan for Management Deductions and in accordance with 25 U.S.C. Section 3105. Motion: Vice Chairman Endfield, 2nd-Council Member Baha-Walker. Vote: 7-0. Mr. DeClay was reminded to submit budget in a timely manner to the Tribal Council for reimbursement. Questions followed re: BAER Program and funds. Paul explained the \$11.5M was for both fires and it involved everyone, not just Tribal Forestry. He further explained concerns raised regarding Hershell Gregg. Comment made that those responsible for the prescribed burn projects getting out of control should be penalized.
12. Jim Pitts, Tribal Forestry, was to have presented three new burn projects; however, the discussion focused on the recent prescribed burn projects that went out of control and as a result, Council Member Johnson made motion to stop control burning, seconded by Council Member Lupe. The resolution will be presented tomorrow and voted upon then.
13. The meeting recessed at 5:46 p.m.



Cyndy R. Harvey
Council Secretary

White Mountain Apache Tribe
Tribal Council Meeting
Thursday, October 7, 2004

Fort Apache Indian Reservation
Executive Conference Room

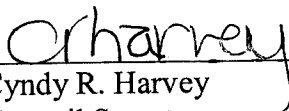
COUNCIL MEETING BRIEFS

Chairman Massey called the meeting to order at 1:51 p.m. Council Members Lafe Altaha and Phoebe Nez were on leave, Council Members Jacob Henry and Mariddie Craig were on travel status. The invocation was offered by Council Member Ronnie Lupe.

1. Executive session requested by Tribal Member Leanne Endfield. Council Member Johnson motioned and seconded by Council Member Baha-Walker. Vote: 5-0. Entered executive session at 1:57 p.m. until 2:05 p.m.
2. Resolution No. 10-2004-242 adopted to reinstate Leanne Endfield at Hon-Dah with back pay of two pay periods. Motion: Council Member Johnson, 2nd-Council Member DeClay. Vote: 4-0.
3. Executive session requested by Melissa Gregg. Council Member Johnson motioned and seconded by Council Member DeClay. Vote: 5-0. Others present: Hershell Gregg, Marshall Gregg, Ronald Suttle and Homer & Ramona Beatty. Entered executive session at 2:10 p.m. until 3:40 p.m.
4. Resolution No. 10-2004-243 adopted directing that individuals in charge of the BAER Irrigation Channel Protection Project shall continue to work on said Project until it is completed. Motion: Council Member Johnson, 2nd-Council Member DeClay. Vote: 5-0.
5. Resolution No. 10-2004-244 adopted to direct the Tribal Controller and the Tribal Attorney to immediately obtain and review all documents relating to a company known as MSW supposedly involved in BAER activities on the Reservation, including the identity of the owner(s) of said company. Motion: Council Member Johnson, 2nd-Council Member DeClay. Vote: 5-0.
6. The acting Tribal Attorney Amy Mignella presented her report from 3:45 p.m. to 4:00 p.m. Resolution No. 10-2004-245 adopted for the Tribal Council to approve application for additional WAPA hydroelectric power being made available through the Parker-Davis Project and directs the Tribal Engineer to coordinate completion of this process utilizing ANA funds as they are available and Energy Benefit Account funds as needed otherwise. Motion: Vice Chairman Endfield, 2nd-Council Member Baha-Walker. Vote: 6-0.
7. The tribe's water rights attorney Bob Brauchli reported from 4 to 5:10 p.m. Resolution No. 10-2004-246 adopted for the tribe to approve and accept the settlement offer of the United States in the amount of \$12,000,000.00, (Fort Apache case) pursuant to the terms and conditions set forth in the September 20, 2004, draft Settlement Agreement. Motion: Vice Chairman Endfield, 2nd-Council Member Clay. Vote: 7-0.
8. Resolution No. 10-2004-247 adopted directing Fort Apache Agency to cease and desist all prescribed burning operations until and after BIA review and a factual report has been completed by BIA and given to the Tribal Council for its

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9. evaluation and further action. Motion: Council Member Johnson, 2nd-Council Member Lupe. Vote: 6-0.
10. Resolution No. 10-2004-248 adopted to approve the appointments of new members to the twenty-nine committees and boards identified. Motion: Council Member Johnson, 2nd-Vice Chairman Endfield. Vote: 5-1.
11. Resolution No. 10-2004-249 adopted to support the establishment of the White Mountain Apache Tribe Dispute Resolution Center and directs the Dispute Resolution workgroup to locate and apply for all funding sources available to enable the establishment and operation of the Center. Motion: Council Member Johnson, 2nd-Council Member DeClay. Vote: 5-0.
12. Resolution No. 10-2004-250 adopted to direct that the WMAT and Division of Health Programs be responsible for and to oversee the Johns Hopkins University – NARCH program projects and studies, and that Donna Vigil, Executive Director, Division of Health Programs, be appointed Principal Investigator. Motion: Council Member Johnson, 2nd-Vice Chairman Endfield. Vote: 4-1-1 abstention.
13. Resolution No. 10-2004-251 adopted to have Chairman Massey look into request from Health Education regarding waiver for the women's conference. Motion: Council Member Johnson, 2nd-Council Member Baha-Walker. Vote: 4-0.
14. The meeting adjourned at 5:25 p.m.



Cyndy R. Harvey
Council Secretary

Five (5) walk-through resolutions were initiated on October 14, 2004 at the request of Evelyn Emory, Grants & Contracts Manager.

Resolution No. 10-2004-252 adopted to approve and authorize an annual contract for the Fire Management Program.

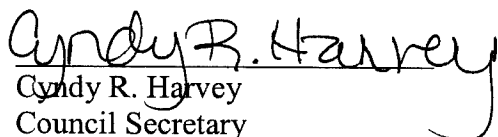
Resolution No. 10-2004-253 adopted to approve and authorize an annual contract for the Forest Management Program.

Resolution No. 10-2004-254 adopted to approve and authorize an annual contract for the Forestry Thinning Program.

Resolution No. 10-2004-255 adopted to approve and authorize an annual contract for the Hydrologic, Evaluation & Design Program.

Resolution No. 10-2004-256 adopted to approve and authorize an annual contract for the Judicial Services Program.

Approving the above: Chairman Dallas Massey, Sr., Vice Chairman Frank Endfield, Jr., Ronnie Lupe, Alvin DeClay, Sr., Noland Clay and Reno Johnson, Sr.


Cindy R. Harvey
Council Secretary