



Resolution No. 03-2007-49

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

(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 understands that there has been a considerable backlog of briefs of meeting minutes, owing to the time required for preparation of the briefs and the numerous number of meetings of the Tribal Council; and

WHEREAS, the Tribal Council Secretary has prepared briefs of the Tribal Council meeting minutes for the meetings of January 3, January 10 & 11, January 17, January 24 & 25, and January 29 & 30, 2007, and has presented them to the Tribal Council this date for approval; and

WHEREAS, the Tribal Council finds that the briefs for January 3, January 10 & 11, January 17, January 24 & 25, and January 29 & 30, 2007 should be approved as presented.

WHEREAS, Resolution Nos. 01-2007-01, 01-2007-20 and 01-2007-25 which were processed as Walk-Throughs are included in the briefs.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Tribal Council meeting briefs for January 3, January 10 & 11, January 17, January 24 & 25 and January 29 & 30, 2007 as presented.

The foregoing resolution was on March 7, 2007, duly adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the 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).

Handwritten signature of the Chairman of the Tribal Council.

Chairman of the Tribal Council

Handwritten signature of the Secretary of the Tribal Council.

Secretary of the Tribal Council

White Mountain Apache Tribe



Fort Apache Indian Reservation

WALK-THROUGH RESOLUTION

January 3, 2007

Resolution No. 01-2007-01 adopted granting approval to enroll deceased infant, Nataeo Mike Velasquez.

The following members of the Tribal Council were available to sign the resolution:

Chairman Ronnie Lupe

Vice Chairwoman Margaret Baha-Walker

Council Members Arnold Beach, Sr., Victoria Brewer, Kirk Massey, Sr., Noland Clay,
Wayne Colelay, Jr. and Reno Johnson, Sr.

ATTEST:

Cindy R. Harvey
Cindy R. Harvey, Council Secretary



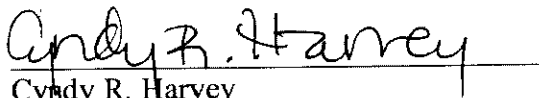
COUNCIL MEETING BRIEFS

Chairman Ronnie Lupe called the meeting to order at 9:20 a.m. The invocation was offered by Council Member Noland Clay. Roll call indicated a quorum. Council Member Evangeline Gatewood was excused.

1. Council meeting briefs for October 2006 were read by the Council Secretary. C.M. Massey stated he was against Resolution No. 10-2006-350 adopted on October 12, 2006 (#21). Chairman Lupe did not call for those against the resolution. Tribal Attorney clarified those not voting on resolutions should be counted as abstentions. A quorum should be present for voting and he explained the 2/3 vote, nothing in Constitution to limit it-Tribal Council can create limitations. He advised to create rules for resolutions to deal with disputes and formal voting process. **Resolution No. 01-2007-06 adopted approving Council meeting briefs for October 2006 with noted changes.** Motion: C.M. DeClay, 2nd-C.M. Massey. Vote: 8-0.
2. Delbra Baha-Alchesay referenced problems related to her rental unit; requested ownership of unit and reimbursement of rental payments for 2006. C.M. DeClay reiterated need for more staff at Tribal Maintenance due to more homes and recommended to repair Ms. Baha's home before giving home. Other issue is cattle monies belonging to her late father Les Baha, Sr.-no one appears to know status of these funds. Ms. Baha stated unit was given as is while other units were remodeled before issued. Comments were shared on liability (should sign waiver) and safety. Only homes are given, not the land. **Resolution No. 01-2007-07 adopted transferring ownership of Tribal Rental Unit #20 to Delbra Baha-Alchesay.** Motion: V.C. Baha-Alchesay, 2nd-C.M. Colelay. Vote: 8-0. Tribal Maintenance to provide rental list to Tribal Council.
3. Delbert Zahgotah, Jr. requested a renewal of lease for Snowy Mountain Stables. Mr. Zahgotah was referred to the Tribal Attorney who will assist with lease and resolution. C.M. Clay informed that a portion of land near stables belongs to Turkey Creek Livestock Association.
4. C.M. DeClay motioned to enter executive session at 10:36 a.m., seconded by C.M. Massey. Others present: Gibson Aday and family. Exit executive session at 11:59 a.m. **Resolution No. 01-2007-08 adopted requesting further information from the U.S. Attorney and Bureau of Indian Affairs Office of Law Enforcement as to the status of U.S. v. Jimmy Aday.** Motion: C.M. Johnson, 2nd-C.M. DeClay. Vote: 10-0.
5. The meeting reconvened at 1:44 p.m. Genevieve Burnette expressed her concerns about the lack of juvenile detention center and reported of the many problems related to this-truancy, vandalism, drugs/alcohol, threatening elders, etc. She urged Tribal Council to push BIA on the center and that it be a priority. A lengthy discussion followed with supporting comments on need for detention facility, current juvenile problems and solutions. Ms. Burnette was informed that facility was approved but operation funds are needed which was verified by Tribal Attorney who stated that construction may begin this spring. Ms. Burnette was thanked for her concern for the youth. **Resolution No. 01-2007-09 adopted directing DPS Director, together with relate directors of appropriate divisions, departments and programs, to report of Juvenile Crimes, Curfew Detention, Truancy and Substance Abuse.** Motion: C.M. Johnson, 2nd-C.M. Beach. Vote: 9-0.
6. Ronald Larzelere requested the use of McNary Sawmill site for land decks for inventory, sorting, etc. to produce products. He was informed by Brenda Begay that Phase 1 of the Brownsfield Project was completed. Copies of business plan and pictures were distributed. Tribal Attorney advised legal documents should be approved. It is a contract between Mr. Larzelere and the tribe. He suggested that

Brenda report on site to the Tribal Council. The request was tabled until tomorrow pending Brenda's report. Mr. Larzelere requested payment for invoice and he was told to check with finance people.

7. The Acting BIA Superintendent Nona Tuchawena stated the Tribal Social Services review is completed and Stephanie Birdwell, Central Office, Division Chief, Human Services, is here to report findings. The meeting went into executive session at 3:11 p.m. as motioned by C.M. DeClay and seconded by C.M. Clay. Others present: Evelyn Emory, Victor Velasquez, Collette Altaha, Norine Ashley, Donna Vigil, Vangie Natan, Ann Button, Nona Tuchawena, and review team members: Bernie Hinton, Louise Reis and Evelyn Roanhorse. Exit executive session at 4:23 p.m. at which time the meeting recessed.


Cyndy R. Harvey
Tribal Council Secretary



COUNCIL MEETING BRIEFS

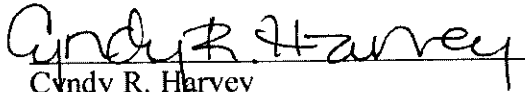
Chairman Ronnie Lupe called the meeting to order at 9:22 a.m. The invocation was offered by Council Member Reno Johnson, Sr. Council Member Evangeline Gatewood was excused until the afternoon.

1. Jack Townsend again requested land in McNary near the current Head Start building to build new church, baseball field, a recreation building and basketball court. Tribal Attorney advised that a legal description is required. Some Council Members did tour requested site; however it was stated that this is a business site and the request needs to go through the Land Board first.
2. Carlene Narcho, Tribal Social Services Director and staff responded to yesterday's review by the BIA. No major deficiencies in eight years so are puzzled as to recent review findings, do abide by CFR, receive only \$400K and no deficiencies in Child Welfare last year which was confirmed by Cynthia Burnett-Child Welfare Director. Evelyn Emory confirmed first official documentation regarding Youth Group Home and Custodial Care was received October 16, 2006.
3. Valita Hastings, Angeline Lee and Loreda Siow all offered supporting comments on need for Youth Group Home and Custodial Care as related to their clients who utilize both facilities. Since the contract was signed without legal review and Tribal Council knowledge, it was recommended by a general consensus of the Tribal Council that Carlene, Evelyn, Victor and Tribal Attorney review this matter, along with the changes.
4. Victor and Evelyn provided information on establishing separate bank account for 638 programs. A good recommendation as will avoid deferred revenue. Jeanna stated this was set up a year ago and is already in place. **Resolution No. 01-2007-10 adopted authorizing establishment of segregated special revenue bank account.** Motion: V.C. Baha-Walker, 2nd-C.M. Altaha. Vote: 5-1.
5. Melissa Copeland and Tracey Bergston of JPG thanked the Tribe and offered to help resolve outstanding issues as a transitional phase at no expense. They referenced potential savings with Blue Cross/Blue Shield and that since UNM and AFLAG not handled by Pequot, asked to continue to represent tribe with this. They would also like to continue to offer scholarship of \$2500 a year.
6. Written comparisons on JPG and Pequot were requested, along with an analysis of UNM and AFLAG. Pequot is offering same services at lower costs but concerns were raised on additional and/or increasing costs. It was stressed that a business decision was made to switch to Pequot with no ill feelings and JPG did serve the tribe well. Melissa and Tracey were advised to put their request in writing to Chairman Lupe.
7. The meeting reconvened at 1:44 p.m. with Byron McNeil who provided an update on Detention, nursing home, grants and future plans. He also introduced new grant writer Chris Chisel and presented resolution for BIA to pave road to the Detention Center. Includes parking lot-BIA to build and maintain it-results in \$250K savings of grant funds. Richard Palmer, Transportation Coordinator, informed Byron he has to bring paving request under Transportation Improvement Plan. Council was briefed on grants submitted and amounts. Goal is to generate as many grants as possible. Byron stated economic development and tourism can provide employment, includes Cibecue. Chris presented a summary on grants submitted and information on CDL license. C.M. Johnson suggested vehicle motor pool for tribe. Seed survey identified reservation needs. Need designated business and future housing site plans and more grant writers. **Resolution No. 01-2007-11 adopted requesting BIA pave road way to proposed Detention Center and constructs a parking lot.** Motion: C.M. Johnson, 2nd-C.M. Clay. Vote: 9-0.

3. Richard Palmer stated that due to request for 10 and 20 year housing plans, a 20 year plan is needed. C.M. Colelay stated information from seed survey will assist with grants. C.M. Massey suggested seeking grants to renovate older homes and to work with Housing Authority on this. He also asked that they look into sewer lines for Turkey Creek and East Fork. Byron advised a land use zoning plan for the Tribe.
9. Ronald Larzelere returned with Brenda Begay for an update on the Brownsfield Project in McNary, however, Brenda stated she has no authority to say anything on project. She lacks files and has no access to anything. Tribal Attorney stated he can give more details on this next week. Chairman Lupe commented are unaware where legal boundaries are and the area is hazardous-need to clear that first. C.M. Massey brief Council on project and the dumping problem. It was assumed the files are in Doreen's office so Tribal Attorney will check with Byron on this-files are property of the tribe. Ronald requested payment for invoice from Tribal Forestry and he was referred to Evelyn Emory and Jeanna Begay.
10. Chuck Peone briefed Council on two proposed resolutions from the Transportation Committee and gave a briefing on the budget. Tribal Attorney questioned if right-of ways were reviewed and advised to change language in resolution. It was explained that Transportation Plan is due by 1/15/07 and \$1.4M is expected. Also met with W&ORD, FATCO, Housing Authority and schools. Housing Authority 5 & 10 year plans, WRUSD plans, Hon-Dah Master plan, Hon-Dah/McNary Community plans, Route 48, W&ORD, EMS and trails will be included in information packet being sent to Albuquerque. This will always be a living document. Although Forestdale Community is against Route 48, the economic benefits for the tribe were referenced and that Route 48 will benefit second casino. Another suggestion was to get gravel pits operating again for income and of need to consolidate mechanics. Information on SAFETY-LU was provided. **Resolution No. 01-2007-12 adopted approval of the Fort Apache Indian Reservation – Long Range Transportation Plan.** Motion: C.M. Colelay, 2nd- C.M. Altaha. Vote: 9-0. **Resolution No. 01-2007-13 adopted approving 2% Annual Planning Grant for the Tribal Transportation Committee.** Motion: C.M. Massey, 2nd-C.M. DeClay. Vote: 7-0.
11. Discussion followed on tribal members who are in hospitals or had recent deaths in the family and who requested financial assistance. Affected families are: Cline Griggs, Moyah Lee, Evangeline Gatewood, Denise Lupe, and Fidel Dazen. **Resolution No. 01-2007-14 adopted approving financial assistance of \$500 each for five families.** Motion: C.M. Beach, 2nd-C.M. Altaha. Vote: 7-0. Concerns were shared on Sandra Gatewood and Ridge Tenjieth who should be institutionalized for their safety.
12. It was reported that four staff of the Youth Group Home (YGH) were laid off yet Chairman Lupe had advised not to close it. One person (who lacked seniority) was transferred and CPS was told not to take children there. Council agreed to keep the YGH open and to reinstate staff. **Resolution No. 01-2007-15 adopted to reinstate staff at the Youth Group Home.** Motion: C.M. Massey, 2nd-C.M. Colelay. Vote: 7-0.
13. Raymus Albert from the Land Office presented the Land Board meeting minutes. Land given is usually 200 x 200 (one acre). Regarding Jack Townsend land request, Raymus stressed that frontage area is reserved for business site and he was concerned about the discrepancies in acres Jack requested. He reminded Council that Cibecue Living Waters Church took many acres. Concerns were raised related to Anglo who sells vehicles near North Fork store and whether non-tribal members can own homes on the reservation. The Tribal Attorney will review this. **Resolution No. 01-2007-16 adopted approving Land Board meeting minutes for October 26, 2006.** Motion: C.M. Johnson, 2nd-C.M. Clay. Vote: 8-0. **Resolution No. 01-2007-17 adopted approving Land Board meeting minutes for November 30, 2006.** Motion: C.M. Johnson, 2nd-C.M. Clay. Vote: 8-0.

Resolution No. 01-2007-18 adopted approving Land Board meeting minutes for December 21, 2006. Motion: C.M. Johnson, 2nd-C.M. Clay. Vote: 8-0.

14. A representative from Pequot presented pens and invited Tribal Council to dinner but it was postponed until Pequot leaders visit here. It was reported that health insurance cards will be available in a week and they will take over prescription in March. For discussion at a later date is the possible elimination of co-pay.
15. Tribal Attorney requested executive session at 4:30 p.m. C.M. Clay made the motion to enter executive session with a second by C.M. Altaha. Exit executive session at 4:37 p.m. Tribal Attorney briefed Council of proposed basic rules of procedures and explained there are other issues to consider as well. A date to be set for policies.
16. Information on “General Activity” bill with Southern Arizona Legal Aid. He would like to put this out to bid. \$200 per case and is in tribe’s best interest. Report to follow at a later date. Due to resolution (cost containment) cannot hire third attorney but would like to hire Cheryl Minjarez for Realty Officer.
17. Up to commission to impose tax and Tribal Council to enact tax. Information on Sales Tax was distributed for the Tribal Council to read with follow up report later. Funds from taxes can be used for capital. C.M. Clay commented to start gradually and expand while Chairman Lupe advised caution on this matter.
18. Resolution for housing project to update Master Lease was brought up but it was unclear whether the issue was approved by the Housing Board of Commissioners so C.M. Johnson to check on this.
19. The professional service fee proposal from Milfred Cosen was discussed. Invoice for \$43,800 submitted for services rendered (engineering work and soil samples) and payment is requested. It was noted that only \$20K was approved via resolution but Tribal Attorney advised to pay them to avoid lawsuit.
0. The meeting recessed at 5:20 p.m. and to continue next week.


Cindy R. Harvey
Tribal Council Secretary

White Mountain Apache Tribe



Fort Apache Indian Reservation

WALK-THROUGH RESOLUTION

January 17, 2007

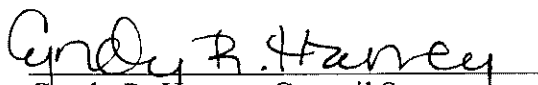
Resolution No. 01-2007-20 adopted authorizing appointment of Mrs. Brenda Pusher-Begay as Environmental Manager of the Environmental Protection Office.

The following members of the Tribal Council were available to sign the resolution:

Chairman Ronnie Lupe

Council Members Lafe Altaha, Victoria Brewer, Alvin DeClay, Sr., Kirk Massey, Sr. and Wayne Colelay, Jr.

ATTEST:


Cyndy R. Harvey, Council Secretary



Tribal Council Meeting Briefs

Chairman Ronnie Lupe called the meeting to order at 10:22 a.m. The invocation was offered by Council Member Wayne Colelay, Jr. No roll call taken. C.M. DeClay absent and Vice Chairwoman Margaret Baha-Walker was on travel. Others present: Bob Brauchli, Mike Watson, Phil Stago, Paul DeClay, Jr., Cynthia Dale, Richard DiValentino, Jonathan Cody, Wilkie Gregg, Brenda Begay, JoAnn Sedillo, Mary Classay, Mary Stuever, Gerd Von Glinski, Robert McKusick (Water Rights consultant/economist), Laurel Lacher, and Colbert Burnette.

1. **MINER FLAT DAM PROJECT EXTENSION REPORT.** The meeting began in executive session from 10:27 p.m. until 11:39 a.m. at which time Mr. Peterson Zah, Advisor to President of ASU and who is here for the Education Conference, presented information on new initiative-Sun Devil Promise. This initiative provides funding to all Arizona freshmen from families with incomes under \$25K. Mr. Zah stressed that education eliminates many problems and that student retention and GPA numbers are higher. He further provided information on different ways that students can qualify and asked Tribal Council to assist him by referring students to him.
2. The meeting reconvened at 1:52 p.m. with the Tribal Attorney providing information on Flying V resolution and lease. Five (5) year re-evaluation to be included which will assess rental rate-same as Indian Pine lease. TERO requirements included. C.M. Beach advised to include DPS officer in case of emergency, along with ADOT staff to provide snow plowing services. The resolution was tabled until the Tribal Attorney reviews C.M. Beach's suggestion. Tribal Attorney updated that BIA will approve law enforcement contract but they want Criminal Investigation portion taken out; however, they are favorable to allowing Criminal Investigation once requirements of contract are met. The problem will be funding. He advised the tribal leadership to lobby Arizona delegation to support increase funding for our police department.
3. Resumed executive session at 2:00 p.m. until 5:09 p.m. **Resolution No. 01-2007-21 adopted authorizing request for Congressional Funding for Miner Flat Dam Domestic and Municipal Water Storage Facility.** Motion: C.M. Altaha, 2nd-C.M. DeClay. Vote: 9-0.
4. **Resolution No. 01-2007-22 adopted approval of draft Water Budget for Tribe's Water Use Claims and draft Miner Flat Dam Project Extension Report.** Motion: C.M. Altaha, 2nd-C.M. Clay. Vote: 9-0.
5. **Resolution No. 01-2007-23 adopted appointing Council Members Arnold Beach, Sr., Kirk Massey, Sr. and Noland Clay to the Gaming Committee.** Motion: C.M. Johnson, 2nd-C.M. DeClay. Vote: 8-0.
6. The Tribal Attorney requested executive session at 5:30 p.m. Exited executive session at 5:46 p.m. at which time the meeting adjourned.

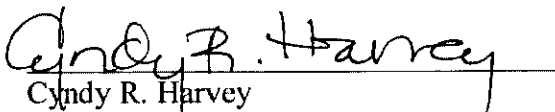
Handwritten signature of Cindy R. Harvey in cursive.
Cindy R. Harvey
Tribal Council Secretary



Tribal Council Meeting Briefs

Chairman Ronnie Lupe called the meeting to order at 9:25 a.m. The invocation was offered by Council Member Arnold Beach, Sr. Vice Chairwoman Margaret Baha-Walker and Council Member Evangeline Gatewood were excused. Council Members Alvin DeClay, Sr. and Noland Clay were late. Others present: Allen Siquah, Marjorie Quade and Deputy Attorney Anthony Lee.

1. Allen Siquah, Tribal Gaming Director, requested executive session at 9:28 am. Motion: C.M. Beach, 2nd-C.M. Colelay.
2. At 11:40 a.m., Chairman Lupe delegated Council Member Johnson to conduct the meeting in his absence and he left.
3. The meeting continued in executive session until 12:01 at which time, **Resolution No. 01-2007-24 adopted approving the Memorandum of Understanding pertaining to records retention with the Arizona Dept. of Gaming.** Motion: C.M. Colelay, 2nd-C.M. DeClay. Vote: 8-0.
4. Marjorie Quade offered thanks to members of the Tribal Council and expressed her concerns about hitchhikers and advised that the Tribal Council review grievances carefully and to abide by established policies.
5. At 12:16 Council Member Lafe Altaha requested executive session.
The meeting adjourned at 12:19 p.m.


Cindy R. Harvey
Tribal Council Secretary

White Mountain Apache Tribe



Fort Apache Indian Reservation

WALK-THROUGH RESOLUTION

January 29, 2007

Resolution No. 01-2007-25 adopted authorizing the approval of burial expenses of the late Peter Nash, former Council Member of the White Mountain Apache Tribe.

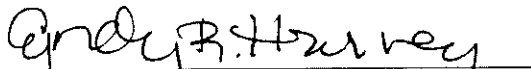
The following members of the Tribal Council were available to sign the resolution:

Chairman Ronnie Lupe

Vice Chairwoman Margaret Baha-Walker

Council Members Victoria Brewer, Alvin DeClay, Sr., Kirk Massey, Sr., Noland Clay and Wayne Colelay, Jr.

ATTEST:



Cyndy R. Harvey, Council Secretary

White Mountain Apache Tribe
January 30, 2007
SRP/Water Rights Team



Fort Apache Indian Reservation
Hon-Dah Casino & Resort

Tribal Council Meeting Briefs

Chairman Ronnie Lupe called the meeting to order at 9:30 a.m. with no quorum and he offered the invocation. Vice Chairwoman Margaret Baha-Walker and Council Members Arnold Beach, Sr., Kirk Massey, Sr., and Wayne Colelay, Jr. were present. Council Members Evangeline Gatewood, Victoria Brewer, Lafe Altaha and Noland Clay were excused. Council Members Alvin DeClay, Sr. and Reno Johnson, Sr. were absent.

Others present:

WATER RIGHTS TEAM: Bob Brauchli, Mike Watson, Mike Kaczmarek, Laurel Lacher

TRIBAL STAFF: Paul DeClay, Sr., Janet Quintero, JoAnn Sedillo, Brenda Begay, Phil Stago, Jr., Cynthia Dale, Cheryl Pailzote, Anthony Lee, Doreen Gatewood

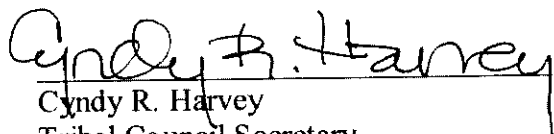
SALT RIVER REPRESENTATIVES: John B. Weldon, Jr., John Sullivan, Dave Roberts, Fritz Beeson, John Hetrick and Craig Sommers

CITY OF TEMPE REPRESENTATIVE: Eric Kamienski

CITY OF MESA: Kathryn Sorensen

CITY OF PHOENIX: Tom Buschatzke

The meeting was held in executive session from 9:30 a.m. until 12:30 p.m.


Cyndy R. Harvey
Tribal Council Secretary