



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 May 9, 2018, 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 May 9, 2018, as prepared and presented by the Tribal Council Secretary.

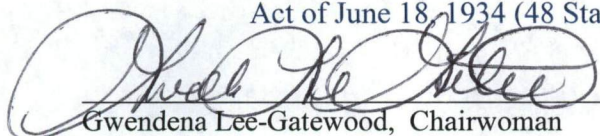
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the meeting minutes from the Tribal Council meetings held on May 9, 2018, as prepared and presented by the Tribal Council Secretary.

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.

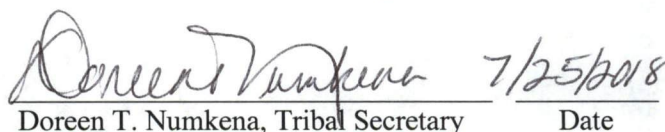
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution 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 **July 11, 2018** 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).


Gwendena Lee-Gatewood, Chairwoman

7/25/18
Date


Doreen T. Numkena, Tribal Secretary

7/25/2018
Date



White Mountain Apache Tribe
Regular Meeting Minutes
May 9, 2018 – 9:00 A.M.
Executive Conference Room

I. CALL TO ORDER:

- A. Call to Order: 9:05 A.M. by Gwendena Lee-Gatewood
- B. Prayer: Offered by invitation by Jerold Altaha
- C. Roll Call: Chairwoman Gwendena Lee-Gatewood, Vice Chairman Jerome Kasey, Arnold Beach, Travis Tessay, Jerold Altaha, Renaldo Dazen, Ralph Thomas, Alvin Declay, Gary Alchesay, Alvena Bush, Everett Massey
Attorney: Jim Palmer
- D. Approval of Minutes: Motioned by Alvena Bush seconded by Vice Chairman Jerome Kasey to approve the April 18, 2018 minutes as written. Vote: 10-0-1 Motion passed.

IV. A. Approval of Resolution for Live Stream T.V.

Chairwoman Gwendena Lee-Gatewood introduced this item first on the Council Agenda so that if approved, it would be activated for this meeting. She stated the system will only be used for public meetings but not for executive sessions. It will be held in the records for history. It is a way to engage tribal members in government. The Chairwoman asked Council for its consideration in approving this initiative and read the resolution aloud. After a brief discussion of Council concerns the following action was taken.

Motioned by Vice Chairman Jerome Kasey, seconded by Jerold Altaha to approve the resolution for Live Stream T.V. Vote: 6-5-0 Motion passed.

II. REPORTS

A. Attorney's Report:

1. Power point – WMAT Constitution.

Attorney Jim Palmer presented the WMAT Tribal Constitution to the Council point by point.

The purpose of the overview in this first meeting is to have a clear understanding of the constitution. He stated the Council is responsible for everything that happens to the WMAT. "The Supreme law of the Land is the Tribal Constitution" with guidelines from Federal Law and certain State laws.

Article IV – Powers of the Council

The Council has the power to decide what will be approved. They are responsible for the Budget and Enterprises of the tribe and have final say on how transactions take place. Fiscal Year is May 1 to April 30.

Contracted Attorneys and Duties of Responsibilities:

Ryan Smith – Lobbyist	Amy Mignella – Energy
Peter Lawson – Carbon Credits	George Hesse – Contract Attorney
Bob Brauchli – Water rights	John Majors- Prosecutor

Legal Aid not a Tribal program.

Attorney Jim Palmer discussed the powers of the Council. That six of the Council have numerated powers, but outside of that they do not have those powers. He stated that in Section 4, Judicial Laws, we have jurisdiction over tribal members but none over non-tribal members. He would like to have a sit-down with the Council to go over the Constitution and policies with the attorneys and tribal council to avoid any violations.

In the course of the discussion Councilman Alvin Declay voiced his concerns about his experience while he was suspended. Former Councilman Justin Williams spoke of his concerns about the Constitution. He spoke of concerns he had about the tribal attorneys. He also talked about his personal struggles after he got off the Council and not being able to find employment. Mr. Williams and Councilman Declay would like the people to

get on the council meeting agendas, without going through the Tribal Council Secretary. The Chairwoman responded that for issues of tribal members concerns, separate meetings will be scheduled to address those issues but they will not be on the regular meeting agendas.

2. Update Board and Commission Members

WMAHA:

Dist 1: Minda Nachu

Dist. II – Roger Zospah

Dist. III – Curtis Suttle, Sr. (Stay for now) Rovene Nosie & Rancher Paxson, Jr. (recommendation by Alvin)

Dist. IV- Vino Burnette, Sr.

Dist IV – Victor Walker (Chair & Vice Recommendation)

TRS: The Schools want Tribal Leader reps. So that is a separate matter.

Remain sustained .

Gwendena Lee-Gatewood

Lorene Billy

Cline Griggs

ABHS

Dist. 1 – Judy Dehose

Dist. II – Jeralyn Brewer

Dist. III – Sandra Goclanney or
Carla Baha Nachu

Dist. IV – Craig Webster (Gary's recommendation) (Kyle Goklish declined recommendation)
Dustinn Craig - ex-officio member (recommended by Chairwoman)

Dist IV - Robert Lupe, Jr. (recommended by Chair and Vice)
Herbert Tate & Evangeline Williams

CDC (keep as is)

Gene Declay

Travis Tessay (need a recommendation)

Ruby Altaha -Director (Need a recommendation)

Roger Leslie

Cheryl Ethelbah

Brenda Begay

Gaming Commission: Very Important Board. It is closely regulated with State of AZ. Need top notch individuals that know gaming. They're a regulatory body.

District I -

District II -Colleen Faden

District III -Dallas Baha

District IV – Roger Leslie

Land Board: (advisory Board)

Nathan Fall – recommendation to replace Raymus Albert (advisory only)

Bowman Beatty – Dist. I.

Elva Lomyaktewa – Dist. II

Curtis Suttle -Dist. III

Steven Reid – Dist. IV

Glenda Haven – (Chair and Vice recommendation)

WMATCO – appointed by resolution

Attorney Jim Palmer recommended they finish out their terms and then reappoint them.

Hayden Anderson

Beldon Beatty

Jim Quinn

Stephen Schriver

Lee Nelms

Tom Beck

TERO

Arnold Beach: Received call from Jacob Henry to be replaced. He is employed off reservation.

Ora Henry – Dist. I

Dennis Faden - District II

Dallas Baha: Dist. III

William Hawkins -Dist. IV

Tara Chief (Chairwoman & Vice recommendation)

Health Advisory Board

Greta Dehose – Dist. I

Carla Kindelay – Dist. II

Rudy Ethelbah- Dis. IV

Loretta Goklish – Dist.

Ann Parker Rustin (Chairwoman and Vice recommendation)

KNNB

District I - Sam Machuse

DistrictIII – Marylita Dazen

Dist. III – Gary Lupe

Dist. IV – Udel Opah

Margaret Quay (Chair & Vice recommendation)

Sunrise: (no changes – Keep as is)

Tara Chief

Jonathan Brooks

Brenda Begay

Keith Johnson

Rica Girardi

Land Restoration:

Come back to this later:

Judy Dehose – Dist I Elder

Mike Henry – Youth Member

School Boards:

Haskell – None

Riverside: Jerold Altaha

Chemawa Indian High School – Alvena Bush (term ends in 2020)

Sherman Indian High School – Jerome Kasey III

Scholarship Review Committee: Kyle Goklish: Indian Ed. Committee also oversees JOM 638 funds. School administrators are exempt from serving on committee. Dr. Goklish is Supt. so creates a conflict. Joyce Bahe is okay and Evangeline Williams is okay.

Replace Dr. Rhea Goklish per CFR Regs.

Recommend: Evangeline Williams (Chair and Vice recommendation)

I.E.C. – recommends parent involvement.

This item was tabled.

Cultural Advisory Board:

Need Elders with traditional knowledge of the tribe. There is a stipend from grant funding to pay mileage for people from CBQ. This group also belonged to the NAGPRA

Dist. I Abner Tessay

Dist. I Wilbert Dale

Dist II Imogene Burnette

Dist III Buster Gordon

Ramon Riley Bernie Santa Maria

District IV:

Yvonna Red Steer

Ann Skidmore (Chair and Vice recommendation)

Anderson Quay

Lincoln Sanchez

Phoebe Nez

AIGA / Gaming Reps

Gwendena Lee

Gatewood Alvena Bush

Jerome Kasey

Arnold Beach

Jerold Altaha

Fort Apache Heritage: - Keep as is.

Fair and Rodeo:

Shy Early Duane

Shannon Farley

Ethan Dazen

Ignatius Lupe or Rubert Lupe

Shannon James and Randall Declay

Leo Nachu and Brianson Goklish and Cheryl Goklish-Lupe

Evelene Tulene and Joe Tohonnie

Budget Finance Committee: (new recommendation by Chairwoman)

Formulate a budget and present to the Council

Five Member Board:

Dist I – Mike Cooley

Dist II – Chrystal Declay

Dist III – Gerald Alsenay

Dist IV - Ermon Colelay

Roger Leslie – (Chair and Vice)

Law and Order Committee:

Chairwoman Gatewood: This deals with laws and strict applications.

This will be tabled and give to legal department to come up with guidelines for expectations of the Law and Order committee. Need to come up with names for the committee. Legal was directed to come up with guidelines by Monday.

3. Tribal Vehicle – Councilman Alvin Declay

- Motioned by Vice Chairman Jerome Kasey III, seconded by Gary Alchesay to rescind resolution 11-2015-222 Revoking Gas Card and Suspending Tribal Vehicle Privileges. Vote: 6-2-1
Motion passed.

4. Johns Hopkins - Appreciation Plaque for Trail
Johns Hopkins Program asked for approval to place a plaque at the fairgrounds trail and for approval on wording on the plaque. The proposed inscription on the plaque was read aloud.
- Motioned by Jerold Altaha, seconded by Vice Chairman Jerome Kasey to approve wording on plaque for award and placement of the plaque at the trail. Vote: 11-0-0 Motion passed.

Radio Moratorium:

By consensus of the Council agreed to lift radio moratorium.

- B. Headstart Monthly Report – Leola Larzelere (not present)
Ms. Larzelere submitted a written report.
- C. Proposal for Sears Report – Mike Cooley, H Market Owner
Mr. Cooley was not present.
- D. Master Plan Update - Colbert Burnette
Mr. Burnette reported there is a lot of involvement in the master plan. He has consulted with those who he has confidence in. Because of lack of money, there has been no activity with the Master Plan. He formed a steering group consisting of:
- | | |
|---------------|------------------|
| Kyle Goklish | Ronnie Peaches |
| Brent | Ralph Thomas |
| Deron Peaches | KeAloha Douma |
| Roger Leslie | Colbert Burnette |
- Highlights of discussions in the report:
- ✓ Economic Development in the Hon Dah area and Salt River area;
 - ✓ Reaching out to companies that have worked with native tribes;
 - ✓ Looking at future development plans for entire tribe for the next 10-20 years;

Colbert Burnette reported they had a selection of nine consulting groups and out of nine companies it was narrowed down to three companies. They interviewed the three and selected a consultant group-- Amaktooliklstudies of out Western Alaska. Representatives from the company were introduced. A handout on the overview of the master plan was given to Council Members. Five different surveys of youth, education, teachers, community, department heads, and tourism will be conducted. There were Council concerns about what information is being requested in the survey? The data needs to be protected. Council questioned Mr. Burnette if this was approved and if so, when? It was also questioned how much is being paid from the carbon credits. No action taken. This was just an informational report.

III. UNFINISHED BUSINESS

- A. Cancelling Canyon Day Frontage Road project – Tara Chief
Tara Chief gave a brief history of the project. The project is not an ADOT project but is a tribally funded project. The intent was to connect all the driveways of main highway. Residents are opposed to the project.
Motioned by Jerold Altaha, seconded by Vice Chairman Jerome Kasey to terminate the Canyon Day Frontage Road project. Vote: 5-0-6. Motion passed.
- Reversal of Land assignment Adjustments: Motioned by Jerold Altaha, seconded by Vice Chairman Jerome Kasey to reverse the land adjustments and give land back to the residents due the termination of the road project and to approve a resolution for the Land Board to restore land assignments back to residents. Vote: 5-0-6 Motion passed.

IV - NEW BUSINESS

- A. *Livestream T.V. Approval* (see first item on the agenda)
- B. Grant proposal to Freeport-McMoran native Am. Partnership Fund – Bernadette Santa Maria Motioned by Jerome, Kasey seconded by Ralph Thomas: to approve resolution. Vote: No Vote. After much discussion, Vice Chairman Kasey withdrew his motion and tabled this item. The Chairwoman asked that the resolution be amended so it reflects clearly what is being requested for approval.

- C. Request Permission to Talk to Tribal Gov't Employees Regarding Study about Land Use and Land Management – Dr. Francois Michel L. Tourneau -

Mr. Tourneau reviewed his handout with the Council. He stated he was working on this project on his own and not for the UofA. He wants to know more about the reservation and activities concerning the land. He is interested in the Carbon Credits project. The Chairwoman asked if this had this been presented to the TTPR? The Vice Chairman directed Mr. Tourneau to sit down with the Legal Dept. and see what information he wants and what kind of data he wants to collect. He further stated that the Council would need a recommendation from legal department before they approved this. The Chairwoman concurred and advised that Mr. Tourneau meet with the legal Department. No action was taken.

- D. Certificate of Incumbency – Deron Peaches

Mr. Peaches is requesting updated documents for Wells Fargo Bank.

Motioned by Jerold Altaha, seconded by Vice Chairman Jerome Kasey to approve Certificate of Incumbency. Vote: 11-0—0

Other: Holiday Pay Clarification:

The Council discussed resolution designating Tribal Holidays and the number of administrative leave given for various events such as basketball games, etc. The number of administrative leave granted should be eliminated or cut back and annual leave be used instead. It was said that should be left to the discretion of the Chairwoman. Grant Programs find it difficult to justify admin leave. First Responders pay was a concern as some get double pay when a holiday is declared. The Chairwoman stated that holiday pay issues are human resource issues and should it provide that guidance. It was consensus of Council that all the departments should be required to work five days a week and work on staggered schedules Monday through Friday. Chairwoman commented that the Council needs to be here no matter what.

- E. TERO Department Concerns: - Jerome Kasey

- Disrespectful Email responses to Council must stop
- Not all Council are included in email correspondence from TERO
- Threats to certain companies have been made by TERO office
- Kenneth Westover sole owner of Business
- Conflict of Interest if daughters are involved in the ownership
- TERO Labor Codes not up to date – TERO not mentioned in Labor Code
- Policies requested in 2017 still not received by Chair's Office
- Who is in charge of projects, DOT or TERO?
- Improve working relationship with TERO Dept. and DOT

There were discussions regarding the above listed concerns. A timeline and synopsis of events report was given. Ms. Westover agreed with the report. One councilmember found that TERO is not mentioned in the Labor Code. It was asked who determines who is an expert and at what level?

Tribal members are overlooked at the job site and non-tribal members are hired instead. Unfair practices of testing tribal members on heavy equipment they are not familiar with and as a result fails the test and the company brings in their own workers. Attorney Fred Soto stated we can't direct someone be fired because they are White or Mexican. You can do that in the hiring process but not in firing.

Vice Chairman Kasey asked to amend Code to the one to one ratio and to get it done in more detail so that it can be followed and to get TERO in the Labor Code Update.

Recessed Meeting: 6:55 P.M.

Reconvene 1:00 tomorrow (Thursday) May 10, 2018

Day Two - Continued May 10, 2018

Meeting was called to order at 1:43 by Chairwoman Gwendena Lee Gatewood

Roll Call: All Council Members were present.

Prayer: Alvena Bush

IV. F. Request to Use Land for a Sunrise Dance Ceremony –Krista Beazley

Krista Beazley was not in attendance. Linda Truax made request on Krista's behalf. Krista's father, Joyner George was in attendance. Ms. Truax informed Council that a letter was written to WMAHA requesting use of the land, however, has not received a response. The Housing Board has not met, thus she is coming before the Council with this request. After careful consideration of the land assignment and fire restrictions, the council voted to allow the use of the land located in the Hon Dah area behind the Smoke Shop for the purpose of a Sunrise Dance Ceremony on June 18-14.

- Motioned by Alvin Declay, seconded by Vice Chairman Jerome Kasey to approve request for use of land for a Sunrise Dance Ceremony at the requested site in the Hon Dah area. Vote: 11-0-0. Motion passed.

Other: Amending Resolution 04-2018-84 for Land Office Applications – Attorney Jim Palmer

At the April 2018 meeting, the Council approved recommendation for 37 land applicants. Tina Cruz' land assignment was also assigned to someone else. Recommend removing land application of Tina Cruz and present to the Land Board.

Motioned by Jerold Altaha, seconded by Arnold Beach to remove land application of Tina Cruz and to amend Resolution 04-2018-84. Vote: 10-0-1 Motion passed.

Other: Soaring Eagle Update:

Attorneys Kim Cromwell and Jim Palmer and Division of Health Director Jessica Ruldolfo gave an update report on Soaring Eagles Health Care. They have 49 caregivers who are mostly tribal members. Soaring Eagle has chosen to be difficult in the negotiation process. They have no respect for Tribal Sovereignty. They have no policies or procedures to protect clients or to make sure that staff is abiding by Federal and State standards. The rules need to be followed and the elders need to be taken care of. They would need to cooperate with CBO for a business license to operate. There would be 52 employees that would no longer be employed under Soaring Eagle. All of the caregivers can transition over to the other two companies. The clients can choose who they want for a caregiver. The Chairwoman's directive was for Legal to issue a cease and desist letter to go out to Soaring Eagle.

V. Adjournment: 3:34 PM

Recorder: Doreen T. Numkena, Tribal Secretary