



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 for approval of the attached meeting minutes prepared from the Tribal Council meetings held on June 12, 2019; 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 June 12, 2019, as prepared and presented by the Tribal Council Secretary.

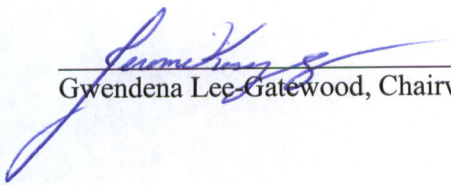
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the meeting minutes from the Tribal Council meetings held on June 12, 2019, as prepared and presented by the Tribal Council Secretary

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.

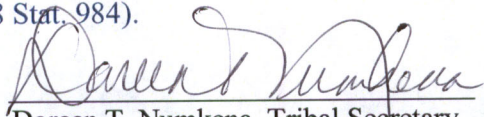
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, or any material facts concerning the issues presented are later found to be false, 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 Chairwoman, or in her 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 3, 2019** duly adopted by a vote of **ELEVEN** for and **ZERO** against with **ZERO** abstaining 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

15 Jul 19
Date


Doreen T. Numkena, Tribal Secretary

7-15-19
Date



White Mountain Apache Tribe

Regular Meeting Minutes

June 12, 2019 – 9:00 A.M.

Executive Conference Room

I. CALL TO ORDER:

- A. The meeting was called to order at 9:10 A.M. by Vice Chairman Jerome Kasey
- B. Prayer was offered by Jerold Altaha
- C. Roll Call: Roll Call: Chairwoman Gwendena Lee-Gatewood (arrived at 9:54) Vice-Chairman Jerome Kasey, Arnold Beach, Travis Tessay, Jerold Altaha, Renaldo Dazen, Alvin Declay, Ralph Thomas, Gary Alchesay, Alvena Bush, Everett Massey
Attorneys: Kealoha Douma, Kim Cromwell, Amy Mignella
- D. Approval of Minutes: Motioned by Jerold Altaha, seconded by Renaldo Dazen to approve minutes of May 1, 2019 as presented. Voted 10-0-0 Motion passed.

II. REPORTS

A. Attorneys Report:

1. Lobbying Update: The Attorney submitted a written report which details the purpose a trip to Washington DC with Chairwoman Lee- Gatewood, Vice Chairman Kasey and Councilmen Arnold Beach and Jerold Alchesay. She reported it was a very productive trip for the tribe. The purpose of the trip was to lobby on behalf of the Tribe's Rural Water System Project and to request for a two-year extension of enforceability date so the tribe can complete the Environmental Impact Statement and also to get the Record of Decision issued as there were problems with the engineering and design. Other lobbying efforts included increased funding for the WMA Police Department and increased funding for new facilities for the Department of Correction. Also, ERISA/PPA Issues, for Department of Labor to consult with the Tribes on the interpretation of the Pension Protection Act. The Attorney reported the tribe is now waiting for the BOR to approve HDR to be the new Engineer of Record which was approved. She also reported Gannet Fleming signed off on the work they have done.

2. DOC Update: It was reported by Attorney Douma that all inmates have been returned to the Whiteriver Facility. It was reported the work on the facility will begin with the inmates there. They are over capacity everyday and have submitted an SIR to the BIA not only for repairs but a need for a bigger facility.

3. Authorizing the Renewal of Special Legal Counsel and Lobbyist Contract – Kealoha Douma
~~Contract Renewal – Attorney Robert Brauchli and 4. Contract with Brownstein, Hyatt, Farber, Schreck~~

These two items were combined into one resolution. The Attorney explained the purpose is for streamlining and that it would be for contracts the Council has already approved by resolution. There is already a budget allocated for these contracts. The Council would still have the authority to terminate a contract.

- Motioned by Renaldo Dazen, seconded by Jerold Altaha to approve resolution for the renewal of Special Legal Counsel and Lobbyist Contracts. Vote: 10-0-0 Motion passed.

Robert Brauchli – Water Rights and other issues

Lewis Roca Rothgerber Christie, LLP -- Carbon Credit matters

Ziontz Chestnut – Litigation

Yoder & Langford – Pension Issues

George Hesse – Conflict and other special matters

Brownstein Hyatt Ferber Shreck – Federal lobbyists

5. Richard Madril – District Manager U.S. forest Service, Buckskin Canyon

Pictures were provided to the Council in the agenda packets of where a gate was removed and a new cattle guard that was installed by USFS near Buck Springs Canyon.

Attorney Douma explained a tour was taken of the north boundary to view the fence line and for encroachment. She stated the tribe has been trying to safe guard the boundary lines and that fences aren't being cut without notice. The tribe expects consultation and collaboration with the tribe. Mr. Madril was asked to explain how this happened. Mr. Madril explained the project came about because of the grazing permitting and the gate was being left open at all times. The planning went forward to correct that problem so they weren't coming over on to Fort Apache. In that process he said they didn't make proper communication amongst themselves and who was responsible for doing that. "Without the understanding of the seriousness of that breach, that communication was our fault." He continued, since then, they have made communication with WMAT and know what people to contact. For the future, he suggested maybe having short meetings from time to time with the tribe would be beneficial for when they are having anything going on close to the boundary and cooperate on any kind action there. The Council expressed some thoughts on the conditions of the fences and gates on the reservation. They thanked the forest service for the new cattle guard and the Vice Chairman advised him a good place for communication would be with the Tribal Forestry or the BIA.

6. Carbon Credits – Encourage Capital

Motioned by Jerold Altaha, seconded by Gary Alchesay to go into executive session -- 9:46 A.M.

Carbon credits and Financial Report were discussed in Executive Session.

Motioned by Jerold Altaha, seconded by Vice Jerome Kasey to get out of executive session. 11:00 A.M.

- Motioned by Jerold Altaha, seconded by Vice Jerome Kasey to retain REDW to meet audit obligations. Vote: 10-0-0 Motion passed.

Other: Payroll Supervisor

There was a discussion about a salary increase for the Payroll Supervisor, Donna Griggs. This was discussed in a prior Council Meeting but she had not yet received her increase. It was left to the Treasurer to take care of this matter. Attorney Douma reminded the Council there is a resolution in place that states the Council will not go below director's level to handle personnel issues.

C. Monthly Head Start Report – Director, Leola Larzelere

Ms. Larzelere reviewed her written report with the Council. Colbert Burnette is the project manager for Head Start. He will oversee the geological testing for the new Head Start site and architectural design plan. She reported bids are being put together to get a new bus with the money they received last year. They completed their health screening in Cibecue, Whiteriver and McNary. They are funded for 252 students. They will be recruiting the rest of this month and next month to meet the 252 student enrollment requirement. She said they have concerns about cars speeding through the Head Start area. She was advised to close off that area was also advised to contact the Tribe's Transportation Department for school zone signs. The attorney advised that emergency vehicles need to have access to the area. The Director reported they don't have a bus driver for McNary. Applicants are having difficulty obtaining their CDLS. It's costly for Head Start to train the Drivers. The only way Head Start can help is if the individual is on payroll.

- Motioned by Vice Chairman Kasey, seconded by Jerold Altaha to approve Resolution American Indian and Alaska Native Head Start Family and Child Experience Survey 2019. Vote: 11-0-0 Motion passed. (Item IV-L)

Michelle Sarche at University of Colorado and Mike Cavanaugh of Mathematica Research provided some information about the study. Ms. Sarche explained in 2019, WMAT will be one of 22 Programs in the study. The findings are not about WMAT Head Start in particular but about all of Region 11. This information is used to make sure the right initiative, the right training, the right technical assistance, is being delivered to address the needs that were identified among families and children in Region 11 for federally recognized tribes. She explained the handouts from the 2015 Survey that was provided to the Council.

D. Navajo County Update and Prop 421 – Supervisor Dawnafe Whitesinger

Ms. Whitesinger thanked the Council for its partnership with the Department of Corrections and said it has been a positive partnership for Navajo County. She spoke of a WM Regional Transportation committee Meeting and had asked tribal DOT director to be on the agenda. The director reported on her successes of the WMAT with the Transportation Program. Ms. Whitesinger spoke of the importance of partnerships and supporting one another. Ms. Whitesinger talked about Prop 421 which will come before the voters in August. She spoke about the organizations it will impact on tribal lands. Navajo County is requesting voters to support a 1/3 % increase in sales taxes due to the loss of \$2.4 from the closure of the Generating Station. This would benefit the libraries in Whiteriver, McNary and Cibecue. All the schools will be impacted but that Whiteriver School District has not been impacted yet. They are looking at the elimination of eight police officer positions at the County which would impact the services they provide in partnerships with the Tribe, such as during the Tribal Fair and Elections. She said they have already asked their organizations to reduce their budgets by 11%. If this passes they will be able to continue services on the base line that they already have. This is not a windfall for Navajo County, it is really just balancing the budget to provide services as is.

E. NPC Update Report – Ricardo Aguilar and Betsy Ann Wilson

Ms. Wilson and Ricardo Aguilar, Mgr. of Whiteriver Center, gave a brief update Report on NPC. It was reported the NPC President wanted to do a new approach for them to come here and give update reports on the college. A brief history was given on when and how NPC was established in 1972. The college is located in nine locations in Navajo and Apache Counties. It is governed by a five-member board who meet on a monthly basis. NPC is an entity governed by Arizona Revised Statutes. The college enrolls about 7,000 students annually across the districts. One of the most important things is financial aid. They participate in those programs for Federal Programs. The college is a fully accredited comprehensive community college. NPC meets or exceeds requirements for secondary education. Students get quality education and their credits will transfer to other institutions. There were discussions about instructors not coming down to Whiteriver and problems with the telecom system and classes being canceled due to equipment break down. Mr. Aguilar responded that the telecoms have been upgraded the systems are up to date. He would like to see the instructors at least once a month and said the college would work on it. The Council was invited to go to the center to see the new telecom center.

III. UNFINISHED BUSINESS

A. TV Production “The Fixers”: Location Release, Materials Release Appearances Release, and Commitment Letter – The People’s Farm – Clayton Harvey

Clayton Harvey reported they were approached by Brentwood Communications about filming the farm and the great things happening there. They are contracted through the LDS church. We have a farmer’s market. We have a store there that offers apache grown produce foods and make those foods accessible to the community. He said they have the permit to do the film, they also needed location release, material release and have been working with legal department to finalize the material release and resolution. They have been working with Brentwood and BYU also worked with Matt McReynolds to help draft the resolution. This will air in September on the BYU Channel.

- Motioned by Vice Chair Kasey seconded by Ralph Thomas to approve the resolution for the TV Production “The Fixers” as presented. Vote: 11-0-0. Motion passed.

IV. NEW BUSINESS

B. Approval of (18) and (11) Land Applications– Land Board

This was tabled for more information. The Council requested maps to show where the land assignments are located as there was no description on the location of the land assignments. No action taken.

C. Appointment of Board of Directors WMATCO LLC - George Hess/Hayden Anderson

Gary Moore, the new Operations Manager was introduced. He lives in Pinetop and gave a little background of his experience in forestry. He reported the mill opened up on May 1 and started up the planer yesterday. There are 91 employees working today. They in the 6th week of operations and have not had any lost time injuries. One of major goals is to get the small log running and said that’s key to the operation. They are working through a lot technical problems. He’s had 18 years experience with an engineering firm in Pheonix and hopes to get the mill running as it’s crucial part in WMATCO operations.

Appointing Robert Lacapa to Board of Directors: - George Hesse

There were discussions and a recommendation to appoint Logan Lawson as a Board Member.

Mr. Robert Lacapa was a board member but he removed himself because of retirement. He’s retired and wants to come back on. Mr. Hayden Anderson spoke in support of Mr. Lacapa coming back on the Board of Directors saying he was valuable with his forest background and that’s what is needed at WMATCO. We have been sharing documents and other information with him we had considered him on from the WMATCO standpoint. Mr. Anderson responded he shared simple information such as monthly sales reports that is done on a monthly basis and things like that, when asked what kinds of information he’s shared with Mr. Lacapa. The Vice and other Council members were concerned that since he was not yet a Board Member he should not be privy to that information. Attorney Hesse stated Mr. Lacapa has done some consulting work. The Council took the following actions after the discussions:

- Motioned by Ralph Thomas, seconded by Alvin Declay, to appoint Robert Lacapa to WMATCO Board of Directors. Vote: 10-1-0. Motioned passed.
- Motioned by Vice Chair Kasey seconded by Jerold Altaha, based on the integrity of what has been discussed on the board to remove Hayden Anderson from the Board and to replace him with Logan Lawson. Vote : 2-8-1 Motion failed.

Mr. Anderson was admonished by Council to be careful of what kind of information he shares and with whom. He was reminded the Council put him in there to protect the tribe and to speak up for the tribe. The Chairwoman stated some tribal workers emphasis has been placed on involving Wayne Alchesay. She would like him to return to the table to be an active participant. He had a movement in management so he could be acquainted with what’s there. So I would request that he be part of the discussions. Mr. Beach supported this recommendation for him to sit at the table.

C. Reappointment of Three Board of Directors – WMATCO LLC. – Hayden Anderson, George Hesse

- Motioned by Vice Chair Kasey, seconded by Jerold Altaha, to approve resolution Reappointing Tom Beck, Lee Nelms and Steve Schriver to the WMATCO, LLC, Board of Directors. Vote: 10-0-1 Motion passed.

The Chairwoman asked that a copy of the WMATCO Plan of Operation be given to all Council members.

D. Authorize RTC to Lease WR Motel-Restaurant: --Jessica Rudolfo and Cline Griggs

Jessica Rudolfo said they are requesting to extend an additional ten years to the original lease approved in 2014 for the Motel to RTC. She reported structural problems to the outer walls. Interior walls have problems and roof leaking problems and foundation problems. Also requesting for transitional living programs. The information provided will explain what will be done with the motel. This will provide transitional living space for the clients. The Vice asked what the time line was. Ms. Rudolfo was uncertain but explained the abatement took a long time and getting results also took a long time. The attorney recommended to have a set deadline from start to complete as a deadline would be beneficial for RTC and the tribe overall so there is progress moving forward. Mr. Griggs reported the transitional services are in operation but the problem they have is space. The offices are small and occupy about five people, but they consider the needs of the clients first.

- Motioned by Vice Chair Kasey, seconded by Jerold Altaha to authorize the Rainbow Treatment Center to Amend the Whiteriver Motel Business Lease to Include the Restaurant and to Extend the Term for an additional Ten Years. Vote: 7—1—3 Motion passed.
The Chairwoman directed that a sit down meeting be done with Jared, Minor, Edmund that employees at the restaurant be assured there will be continuity with their employment. Jessica said yes, that is included in the resolution that there would be continuity in their employment.

E. Authorize RTC to Provide Substance Abuse Treatment Services to Children, Adolescents and their Families. – DOH Director, Jessca Ruldfo

Ms. Rudolfo read the resolution aloud. There were discussions from both Rainbow Treatment Center and ABHS about the provision of Substance Abuse Treatment Services to Adolescents. Mr. Cline Griggs said their services would be twofold which would be to work with kids who are already addicted to drugs or alcohol and also to work them on prevention. He said they also teach them about being Apache and what it means to be Apache. They teach them values of our culture and teach them the language little by little. He said they don't know their identity as they have forgotten who they are. Mr. Kevin McKenzie of ABHS stated it's a direct conflict with us and that they have substance abuse treatment for children. IHS, RTC know we have substance for children. We are starting inpatient services. We can't say it's not going to cross over. If it didn't affect ABHS I wouldn't have a problem with it. The tribe gave us dialysis I have to make sure ABHS is stable enough to be able to fulfill that obligation. If I cannot predict those trends, it puts me in a difficult situation. If they want children services I'm willing to give it up but I want dialysis and everything to go. There is no way to say we can service the same community. When we create programs, we need to know the business side in the community – I can't predict it. But if they want it, they can have it. When asked by the Chairwoman if the scope of work the same, he answered it teeters on the same scope of work.

Other factors were brought up in the discussions such as what are the schools doing for the kids? Third party billing, who gets the billing? Duplication of Services. After much discussions with both department speaking up strongly for the services they provide there was no resolve.

- Both departments were directed to work together by the Chairwoman and to put this on the agenda again -- saying time is of the essence NO ACTION WAS TAKEN.

F. FY 18/19 Competitive Indian Housing Block Grant Application (HUD) -- Dorothy Parker

- Dorothy Parker presented and asked for support for this resolution for the Apache Pine Project. Motioned by Jerold Altaha, seconded by Renaldo Dazen to approve resolution

Authorizing WMAHA to Apply to the U.S. Department of HUD for FY 18/19 Competitive Indian Housing Block Grant on Behalf of the WMAT. Vote: 10-0-1 Motion passed.

G. Approval for Participation in a Pilot Study for EMS Personnel - Dr. Christopher Jentoft

The SBIRT-EMS Project will include a 6-8 month pilot phase involving 6 EMS providers (2 rural, 2 urban and 2 tribal) to provide prehospital SBIRT to eligible substance use-related patients.

- Motioned by Jerold Altaha, seconded by Renaldo Dazen to approve resolution: Approval of Screening, Brief Intervention, and Referral to Treatment for Emergency Medical Services Training Project as presented. Vote: 9-0-2 Motion passed.

H. Authorizing a Request for a 30-Day Public Comment Period be Initiated for the WMAT Watershed Restoration Strategic Plan 2020 – 2024 – Ida Rose Cosay

- Motioned by Jerold Altaha, seconded by Renaldo Dazen to approve resolution as presented. Vote: 9-0-2 Motion passed.

I. Authorizing Approval of the Land Restoration Projects for FY 2019 - 2020 – Ida Rose

- Motioned by Jerold Alatha, seconded by Renaldo Dazen to authorize approval of the Land Restoration Projects for FY 2019 – 2020 as presented. Vote: 9-0-2 Motion passed.
 1. Brenda Begay – Community Clean-up in East Fork/Turkey Creek & Rock Creek Area
 2. Jarvis Davis – North Fork of White River Project
 3. Brando Pusher – Cibecue Wastewater Emergency Discharge and Evaporation Pond Restoration
 4. Eugene Walker – Turkey Creek Cattle Association Fence Restoration
 5. Delbert Altaha – E-Waste
 6. Tara Chief – WMAT DOT Siberian Elm Tree Removal
 7. Terrell Burnett – Community Action and Revitalization Program (CARP)
 8. Harry Lupe – Land Restoration Fund Cleanup Project
 9. Cheryl Pailzote – 2019 WMAT Natural Resource Field Camp

J. Grant Application to Freeport McMoran Foundation - Chairwoman Gwendena Lee-Gatewood Authorizing the Partnership with Native Americans to Submit a Grant Application to the Freeport-McMoran Foundation to Fund an Employee Training Program for Fifty of the Tribe's Employees

- Motion to approve Jerome Kasey, Jerold Altaha to approve resolution as presented. Vote: 10-0-1 Motion passed.

~~K. RTC Youth Intervention - Chairwoman Gwendena Lee-Gatewood~~

~~This was not presented due to the outcome of the Item IV-E regarding Rainbow Treatment Center.~~

L. WMAT Head Start Participation in American Indian/Alaskan Native Head Start Family and Child Experiences Study (AI/AN FACES)

Note: This item was approved in the Reports Section under Monthly Head Start Report.

M. Grant Application to USD Education Rehab Services Admin. – Voc. Ed. Prog. Coord. – Norbert Clarkson

- Motioned by Jerold Altaha, seconded by Renaldo Dazen to approve resolution, Approving Grant Application for a Tribal Vocational Rehabilitation Project. Vote 10-0-1. Motion passed.

N. Update Wage Scale Schedule – Construction Workers – Herbert Tate

- Motioned by Jerome Kasey, seconded by Jerold Altaha to approve resolution, Adopting Revised Wage Scale to Apply to all Contractors Hired by the Tribe. Vote: 10-0-1 Motion passed.

O. Tribal Enrollment Applications / Relinquishments – ~~Phoebe Nez~~ Doreen Numkena

Executive Session: Motioned by Arnold Beach, seconded by Renaldo Dazen to go into Executive Session to review enrollment applications. 3:50 P.M.

Motioned by Jerold Altaha, seconded by Renaldo Dazen to come out of executive session.

Enrollment:

- Motioned by Jerold Altaha, seconded by Renaldo Dazen to approve 27 enrollment applications as presented. Vote: 11-0-0 Motion passed.

Relinquishments:

- Motioned by Jerold Altaha, seconded by Renaldo Dazen to approve relinquishment of head rights for Oliver Drake. Vote: 9-2-0. Motion passed.
- Motioned by Jerold Altaha, seconded by Renaldo Dazen to approve relinquishment of head rights for Martha Rope Logan. Vote: 8-3-0. Motion passed.

Arnold Beach asked the Council Secretary to get relinquishments to Game and Fish. She answered we send them to 4 Departments and Game and Fish is one of them but will make sure to follow up on that.

Other: Issue concerning Tribal Vehicle – Alvin Declay

Attorney Douma reported to the Council of an incident where Mr. Alvin Declay's Tribal vehicle was impounded. The attorney relayed the police reports to the Council that Mr. Declay had failed a sobriety test. Mr. Declay discussed this matter with the Council. He stated he liked the way the Council was handling the matter. The attorney asked Mr. Declay to provide a statement from his doctor, not the nurse practitioner, regarding the prescription medicine that no side effects have been observed. This is for the purposes of validating his prescription medicine for the insurance.

The Council admonished Mr. Declay to be careful at all times as he represents the White Mountain Apache Tribe as a Council Member from his district. Note: The Chairwoman issued a letter to Councilman Declay reiterating the main points of what Council stressed regarding accountability.

V. **ADJOURNMENT**

Chairwoman called for adjournment at 4:49 P.M.

by: Doreen T. Numkena, Tribal Council Secretary