



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving August 15, 2022 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 August 15, 2022, 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 August 15, 2022, 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 briefs with supporting meeting minutes from the Tribal Council meetings held on August 15, 2022, 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 DECEMBER 7, 2022 duly adopted by a vote of NINE 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez
Kasey Velasquez, Tribal Chairman
Acting Chairman

12/13/22
Date

Vaneysa Johnson
Vaneysa Johnson, Tribal Secretary

12/13/2022
Date



TRIBAL COUNCIL MEETING MINUTES

Special Council Meeting

August 15, 2022 – 9:25 A.M.

Hondah Conference Room

I. CALL TO ORDER

A. Call to Order

The meeting was called to order at 9:25 A.M. By Tribal Chairman Velasquez

B. Prayer – was offered by Vice Chairman Jerome Kasey

C. Roll Call

Chairman Kasey Velasquez, Vice Chairman – Jerome Kasey, Arnold Beach, Travis Tessay, Jerold Altaha, Renaldo Dazen, Aubrey Aday, Annette Tenijieth, Gary Alchesay, Mariddie Craig, Verna Westover. Attorney: Anthony Lee.

Before the meeting started Chairman Velasquez addressed the Tribal Council on the trailers that are being removed from the reservation. He said that one was being removed in front of him this morning, so he went and talked with the individuals. They had told him that from the previous administration a resolution was passed for these individuals who had purchased them for removal. Chairman Velasquez said that he requested Michelle from the Legal Department to look into this and these homes were bought by an off reservation entity or individual. He said as they were moving it they also took down an electricity wire and he requested that they contact the electric company and Chairman Velasquez contacted Roberto Property Manager. Chairman Velasquez said that they need to find out who is given the authorization, he asked did the State sell them or was it given to the tribe? Who is giving the authorization from the Tribe to sell these homes? He requested an answer by the end of today from the Legal Department.

II. NEW BUSINESS

A. Approval on Resolution Authorizing Johns Hopkins Center for American Indian Health to Conduct Research Study Entitled: "Family Spirit Longitudinal Study".

This resolution is a randomized controlled trial to evaluate Family Spirit was supported by the National Institute for Drug Abuse prevention between 2006-2011, entitled "Home Outreach to Promote Health for Teen Mothers and Children – Cradling of Future" was approved by Tribal Council (resolution #11-2005-306) demonstrated Family Spirit significantly improved parenting knowledge, and reduce parting stress marijuana and illicit drug use, and depressive symptoms in mothers; and Johns Hopkins University are requesting approval to conduct an 18-year follow-up study of the Randomized Controlled Trial of Family Spirit to understand impacts on participating mother's (who will be ages 32-39) and children's who will be ages 18-20 histories of substance use, suicidal thoughts and behaviors and related consequences.

The study would entail the following:



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1. Aim 1: Identify the long term-impact (17 + years post intervention) of Family Spirit on mother's substance use and suicidal thoughts and behaviors compared to mothers in the control group.
2. Aim 2: Identify the long term impact of Family Spirit on youth substance use and mental health status.
3. Aim 3: To explore individual and intergenerational drug use pathways, including first use, misuse, polydrug use, pre-addiction, abstinence, recovery, ect. From a volunteer sub-sample of children and mothers who participate in the original trial using qualitative methods to learn how personal histories affected these pathways.

Motioned by Gary Alchesay, seconded by Renaldo Dazen to approve resolution, Authorizing Johns Hopkins Center for American Indian Health to Conduct Research Study Entitled: "Family Spirit Longitudinal Study"

Vote: 10-0-0. Motion passed.

B. Requesting to Approve Resolution LiDAR contract/contractor & NAU Study

- Resolution Selecting Northwest Management Inc. for LiDAR & Agreement
- Professional Service LiDAR Contract with NW Management
- Approving Resolution MOU Between Tribe and NAU – White Pine Blister Rust Study
- MOU Between WMAT and NAU

Councilman Gary Alchesay has requested that these resolutions be TABLED because of issues regarding Gary Cantrell. They need to do research before this is passed. Seconded by Renaldo Dazen to TABLE these resolution. Jonathan Brooks said the resolutions with the MOU between the Tribe and NAU – White Pine Blister Rust Study will be on hold until negotiations are completed.

C. Requesting Approving FY 2022 Small Business Credit Initiative

Milford Cosen presented this resolution with the Tribal Economic Development Planning Committee. He said they have completed the State Small Business Credit Initiative application to implement the Apache Entrepreneurship Program to provide training and technical assistance services to the White Mountain Apache entrepreneurs to support small business ownership, start-up, growth and expansion on the White Mountain Apache Reservation. This program is also intended to establish the Ndee' Investment Fund to assist White Mountain Apache entrepreneurs and tribal enterprises to secure debt and equity capital, grants, development assistance, redevelopment assistance, or other financial assistance to support small business development. He said the Apache Entrepreneurship Program objectives are to provide training, education, support and advice to enhance the technical and



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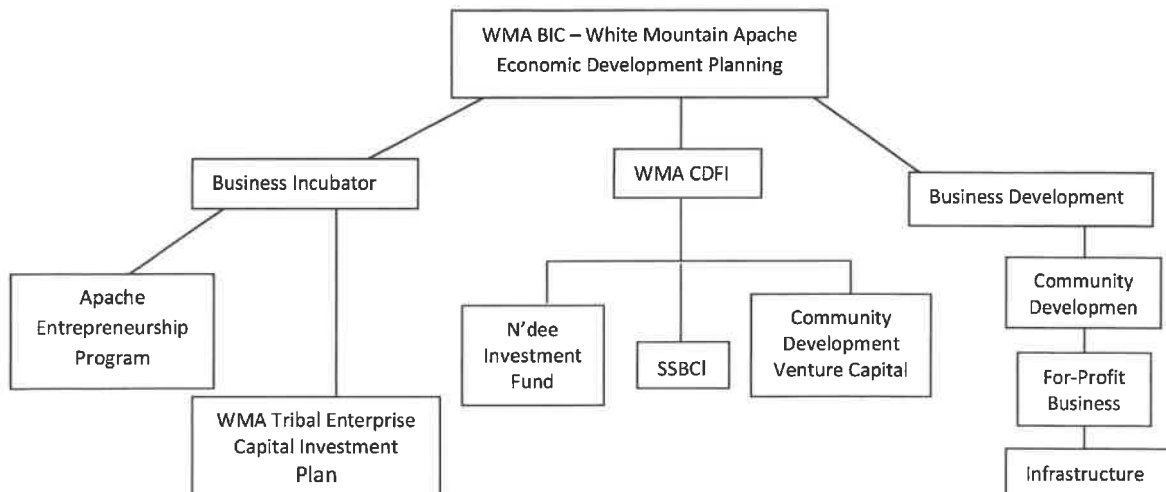
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management capabilities of 200 Apache entrepreneurs within 3 years. The White Mountain Apache Business Innovation Center (WMA BIC) will build the economic infrastructure within the targeted Apache communities to support the business start-up of 24 Apache entrepreneurs within 3 years. Apache entrepreneurs that receive capacity building support will implement business planning and capital investment strategies to create 100 jobs for low income Native Americans in the target area within 3 years. Mr. Cosen said the WMA BIC will establish the Ndee' Investment Fund with seed capital from the US Treasury State Small Business Credit Initiative (SSBCI) to create a flow of private and public capital investment into the Apache small business community, including:

1. Revolving line of credit, working capital loans and capital investment financing.
2. Loans to build business and community facilities.
3. Support services, such as entrepreneurship, business planning, financial planning, marketing and grant writing services to the White Mountain Apache clientele.
4. Development assistance that enable businesses and communities to effectively use credit and capital.
5. Assist White Mountain Apache clientele to access mainstream financing and philanthropic resources.

Milford said the NIF will create a flow of private and public capital investment into the Native American small business community to secure \$20 million in equity capital, long guarantees, credit enhancements and other public, private, and philanthropic financing products for Native American business start-up, growth and expansion. Mr. Cosen provided the White Mountain Apache Business Innovation Center Strategic Business Model: Strategy & Organizational Structure.





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Mr. Cosen said that the White Mountain Apache Economic Development Planning Committee has an Economic Development Project Status as follows:

1. FY 2022 US Treasury State Small Business Credit Initiative Application (\$600,000), White Mountain Apache Business Innovation Center Business Model, incorporating the Apache Entrepreneurship Program and Ndee' Investment Fund.
2. DOL Workforce Training grant (\$10 Million) underway. Planning meetings held with Social Services, TANF, TERO, WMATCO, Public Works, Apache Enterprise and WMA Housing Authority on workforce development needs.
3. HUD Choice Neighborhoods Implementation Grant underway. WMA EDPC and WMA TPO working in collaboration with WMA Housing Authority. \$50 million grant with a total of \$40 million for housing and \$10 million for economic development.
4. BIA/USDA/USFS Native Act the Native American Tourism and Improving Visitor Experience Act. \$250,000: Preliminary meeting with Doreen Ethelbah-Gatewood, USDA Office of Tribal Liaison. Proposed project is A&E support for RV Parks, Campgrounds, and Boat Marinas at reservation lakes.
5. Department of Education, Promise Neighborhoods; Notice of intent to apply: Due July 29; Application Due: September 27; \$6 Million/Year for 5 years @ \$30 Million Total. The purpose is to improve the academic and developmental outcome of children and youth. UA meeting with local schools on August 18, 2022 at Hondah at 1PM
6. USDA Economic Impact: EDPC working to develop WMAT Office Complex, a State of the Art. High-Technology, 3-story, 45,000 square foot administrative building.

There was a discussion on the McNary Store. The pros and cons, how they can improve the store and why it was closed. Councilwoman Verna Westover had requested for a work session to discuss this further. Mr. Cosen said that if they advertise the store in McNary it would benefit the community and the tribe. He also said that he agrees with Councilwoman Westover for a work session to go over all these applications. He said three of these grants require collaborations, partnership and participation from the training network. Chairman Velasquez asked what happened with the new I.H.S. building, why is it still not built. Mr. Cosen said that something was not submitted and that a plan was not submitted by the date they requested. This is why we were moved back and we the tribe dropped the ball by not turning in the plan. Milford Cosen said you can go to I.H.S. and request the planning funding, by 638 laws they have to give you that money. This is what I recommend, go to them and request the planning money. He said again they will request for a plan and budget, there are two things they will request 1) Planning for a feasibility study. 2) Planning for the new hospital. Mr. Cosen said that the Tribe would have to request for that. Someone that is responsible and accountable for the application. Milford had requested the he have access to the portal with Tribal



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Treasure Deron Peaches for the FY2022 US Treasury State Small Business Credit Initiative Application, to prepare the grant. Tribal Council did a consensus vote for Mr. Dallas Massey to access the portal and was approved.

Vice Chairman said that because these funds are being requested from the ARPA funds and because of the actions the Council took last week to help and litigate regarding the issues of the Carrizo water. Vice Chairman has requested that the first two items be TABLED until funds are situated. He said 5 million is being requested 2 times and funds are set aside from Rocker Feller. Tribal Council requested to TABLE letter D and F until they evaluate their finances.

- D. Fort Apache Heritage Foundation requesting approval of two resolutions and the Council Liaison position, Krista Beazley presented the resolutions.
- Authoring Investment of Up to \$5,000,000 from the Tribe's American Recovery Plan Act of 2021 Funds to Implement the Fort Apache Interpretation and Visitor Experience Plan. **TABLED**
 - Authorizing Investment of \$5,000,000 from the Tribe's American Recovery Plan Act of 2021 funds to Implement the *Nzho'o'nihi Benkegohen' a'a'ni Gowa* (Home of Harmony) Project. **TABLED**
Krista Beazley said she contacted Councilwoman Annette Tenijieth to be their Council Liaison and she agreed.
Travis Tessay motioned, seconded by Gary Alchesay.
 - Approving Councilwoman Annette Tenijieth as the White Mountain Apache Tribal Council Liaison for Fort Apache Heritage Foundation
Vote: 11-0-0. Motion passed.
- F. Sunrise Park Resort approval of two resolutions.
- Requesting 3 Million+ from ARPA funding for Hotel Renovation
Dr. Rea Goklish came before the Tribal Council and requested monies for the Hotel renovation and Wastewater facility upgrade. General Manager Todd Clarke said their task determine treatment capacity needs given current development plans underway for Sunrise Park Resort. He said before development plans were provided they did not include study/criteria. Mr. Clarke said that Sunrise provided feedback on projections/assumptions discussion in September. He provided a map indicating the assumptions area which included Sunrise Hotel Park Lodge Cabins are 100% occupied 2 guests in unit with 66 units total. Employee Housing is also 100% occupied, 2 guests per unit with 30 units. He said it also consist of the restaurant and bar with the Lake/Marina Cabins and Boathouse. He said Cyclone is a day lodge with about 500 guests daily; Ski Patrol and Rental Shop have 15 employees and 25 guests. The Peak



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Lodges have 5 employees at the lodge with about 300 guests daily. He said another area for assumptions is the Sunrise Day Lodge it includes the base lodge cafeteria, fun-land, hotel, restaurant, spa, meeting rooms and pool. It is 100% occupied 2 guests per room with 60 rooms. Todd said the treatment facility condition considerations of each of the three WWTFs reviewed in 2016 and again toured in 2021. All three facilities have equipment; piping and electrical nearing end of useful life, Sunrise Day Lodge WWTF structures additionally cracked and deteriorated beyond reasonable repair and lack of ventilation within treatment buildings provided safety and code concerns. Mr. Clarke said effluent disposal considerations NPDES permits compared with water quality and treatment plant capabilities show inability to meet regulations without significant advanced treatment upgrades. This includes alternative approach determined in 2016 was to explore options to discharge in percolation ponds to be constructed on Sunrise property. He said the feasible on tribal lands was not under state jurisdiction. He said initial review of hydro geological conditions showed feasibility for land to properly percolate. Treat water similar to Class B+ approach to protect aquifer and percolation pond solution results in dissolving NPDES permit. Todd said the recommendations for the Sunrise Hotel WWTF are to perform rehab/replacement/upgrade to maintain capacity and provide facility longevity. Construct effluent pump station, pipeline, and percolation ponds for effluent disposal. Mr. Clarke said for the recommendations for the Sunrise Day Lodge are construct new packaged treatment facility that treats Sunrise and Cyclone Day Lodge/Base Village flows. Construct gravity sewer or lift station/force main to divert Cyclone Flows and construct effluent pump station, pipeline, and percolation ponds for effluent disposal. Todd said for the Sunrise Hotel WWTF is to replace influent pumping, aeration system blower, diffusers, piping replacement and return activated sludge pumping. He also said effluent disinfection – tab system and baffle wall improvements and also solids storage improvements (utilizing tank on site). Mr. Clarke said the total project cost, price considerations is this is a level 5 costs – parametric, conceptual (0-5%) design. Equipment and material pricing and installation and construction, contingency (current at conceptual design phase) – currently 30%. He said the engineering fees (typically 10+% for design, and similar for construction administration) showing 20%. Also the taxes at 5.6%, TERO fees at 5% and owner's contingency (5). Todd said the current market volatility is that industry wide seeing labor shortages, supply chain shortage (lead time), material pricing escalation. He said they also have to look for contactor availability, getting the word out with preferred contractors to draw interest. He said consider accounting for additional contingency to prepare for unknowns and timing for flow/expansion with development plans.



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Mr. Clarke said the cost for these projects total will be from 8.5 million to 10 million. Councilman Beach said are we going to continue to hear them even when this was tabled. Councilman Altaha said that this issue was TABLED; we need to reevaluate our finances before anything is approved from ARPA funding. Can we give them a date to revisit this issue? This is a plus for us, are we not going to help them? Councilman Beach said Sunrise is here and they bring revenue for the Tribe. Because of the pandemic we had to pay back, it is our responsibility to pay it all back. This former General Manager took a lot from the tribe and there is nothing left. Sunrise has come a long way and look where they are at today. That lady that did this will not be heard in court for another couple of years. We need to help Sunrise out because they generate funding for the Tribe. He said everyone looks at us the White Mountain Apache Tribe, Sunrise. He said that the Sunrise Board is awesome. Vice Chairman said that we need to find the funding for them. The decision between giving water to a community and/or giving funding to Sunrise for the hotel. He said have you all applied for funding other than with the tribe and if you have what kind of road blocks are you facing. A lot of departments are requesting for the ARPA funding. Councilman Jerold Altaha said Sunrise have given every effort to come before us and recommended that Sunrise and the Tribal Council meet soon to discuss this further. He said he was impressed with the projections that Sunrise has shared with them. He said we need to give them the time to present this to us and to assist to look for other resources. Councilman Gary Alchesay said the sooner we decide this the better it will be for Sunrise. In agreement the Tribal Council has decided to have a discussion on this issue. Chairman Velasquez said that Sunrise may be able to receive some of the funding but not all that they are requesting. Chairman Velasquez asked if they have pursued any other funding, Mr. Clarke said yes they have and awaiting any information on if they are approved. Chairman Velasquez asked if the Tribe can do 3.8 Million today for the Hotel, are they defeating the purpose if they don't approve the Waste Water Facility today also. Mr. Clarke said they are not expanding so it will not put them in a different position with the EPA. Chairman Velasquez asked can Sunrise survive with 2.5 million dollars, what will that give you? Mr. Clarke said it would give us an incomplete job. He said they won't have the funding to make the difference right now. Chairman Velasquez asked if it is possible to make a payment plan, Todd said yes and they could pay back \$25,000 a month. Chairman Velasquez asked Deron if this is possible to give Sunrise a couple of months before they pay it back.

Motioned by Vice Chairman Jerome Kasey to go into executive session, seconded by Renaldo Dazen.

Motioned by Vice Chairman Jerome Kasey to come out of executive session, seconded by Jerold Altaha.



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Motioned by Vice Chairman Jerome Kasey, seconded by Jerold Altaha to approve Allocation \$3,835,000 of American Rescue Plan Act of 2021 Funds for Sunrise Park Resort Hotel Renovations.

Vote: 10-0-0. Motion passed.

- Requesting 10 Million from ARPA funding for Wastewater Facility Upgrade.
TABLED

ABHS – Apache Behavioral Health Services along with Game & Fish and Rainbow Treatment Center are requesting the Boys & Girls Camp for improvements and renovations.

Motioned by Vice Chairman Jerome Kasey, seconded by Jerold Altaha.

Vote: 9-1-0. Motion passed.

- H. Approval of Members and Non Member Hunting Regulations
Approving the 2022-2023 Tribal Member Hunting Regulations
Motion by Vice Chairman Jerome Kasey, seconded by Renaldo Dazen
Vote: 10-0-0. Motion passed.

Approving the 2022-2023 Non-Member Hunting Regulations

Motion by Vice Chairman Jerome Kasey with an increase for Javelina, Spring Gobbler, Black Bear, Mountain Lion, Bobcat, Coyote and Fox, seconded by Renaldo Dazen

Vote: 10-0-0. Motion passed.

- I. Approval of Changing Name from Squaw Creek to Aspen Creek.
Renaming “Squaw Creek” to “Aspen Creek”
Motion by Vice Chairman Jerome Kasey, seconded by Renaldo Dazen
Vote: 10-0-0. Motion passed.

Executive session motion by Vice Chairman, seconded by Renaldo Dazen for Fair & Rodeo Update

Meeting adjourned by Chairman Velasquez at 4:18 PM.