

**MINUTES OF
YAVAPAI-APACHE NATION
Special Business Meeting
December 30, 2020**

1. CALL TO ORDER: Vice Chairwoman Tanya Lewis called the meeting to order at 9:10 a.m., Middle Verde Administration and via Zoom.us.

2. INVOCATION: Darlene Rubio

3. ROLL CALL: Germania Jones, Amanda Honwyteawa, Tanya Lewis, Ricardo Pacheco, Nancy Guzman and Darlene Rubio were present. Apphia Shirley was present via zoom. Jon Huey (ill) and Henry Smith (personal) were absent.

4. APPROVAL OF AGENDA:

Darlene Rubio requested to add under 11. New Business b. YAPD Community Concerns

Darlene Rubio motioned to approve the agenda with the addition seconded by Nancy Guzman; 7 For, 0 Against, 0 Abstained, motion passed.

5. RESOLUTION APPROVING THE NATION'S MODIFIED 2021-2025 TRIBAL TRANSPORTATION IMPROVEMENT PROGRAM (TTIP) AND AUTHORIZING THE ALLOCATION OF BIA ROADS PROGRAM FUNDING FOR THE USES SPECIFIED IN THIS RESOLUTION – Robert Mills

Nancy Guzman motioned to approve the resolution approving the Nation's Modified 2021-2025 Tribal Transportation Improvement Program Shares Report authorizing the Nation's shares to be used for the following projects: 1. The construction fund allocation, in the amount of \$113,439.00 shall be used for road maintenance, transit and construction projects including the purchase of needed equipment as follows:

- a. \$50,000 for the purchase of 1 backhoe
- b. \$43,439 for road maintenance
- c. \$20,000 for public transit including equipment, supplies, salaries and benefits

2. The planning fund allocation, in the amount of \$2,578 to be used for road and transit planning. Per Version 1, (12-30-2020) seconded by Amanda Honwyteawa; 7 For, 0 Against, 0 Abstained, motion passed.

6. RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE YAVAPAI-APACHE NATION AND THE INTER TRIBAL COUNCIL OF ARIZONA INC. FOR THE CDC BUILDING PUBLIC HEALTH INFRASTRUCTURE IN TRIBAL COMMUNITIES GRANT FOR PROGRAM YEAR 2020-2021- Trudy Clark, Brandy Gyce & Robert Mills

Special Business Meeting

December 30, 2020

Page 2

Brandy Gyce explained the Statement of Work and the required deliverables. The following are the deliverables: appoint a Project Implementation Team, lead activities, participate in four calls/webinars throughout the year, attend two workshops provided by ITCA, the travel funds will come out of the grant funds, recruit coalition members, participate in a Public Health Focus Group regarding Public Health Infrastructure, participate in two face-to-face site visits to assess project progress, attend ITCA Public Health Working Group meeting in person and two reports be submitted to ITCA to cover the activities. She is getting ideas from other tribes about providing the information to the community in a safe way. The amount of the grant is \$47,000.

Darlene Rubio requested the Council also receiving a copy of the reports. There was a consensus from the Council to receive the bi-annual report. Darlene Rubio thanked the Council for supporting her request of receiving the reports so she can pass on the information to the community.

Amanda Honwyteawa asked what the impact on our community going into the fourth year. She suggested scheduling virtual cooking and preparing a package for the attendees.

Nancy Guzman suggested looking at all of the buildings to have temperature checks, masks, 6 feet apart and to ensure we are improving and monitoring the CDC guidelines.

Darlene Rubio motioned to approve the resolution per Version 1 (12-30-2020) seconded by Nancy Guzman; 7 For, 0 Against, 0 Abstained, motion passed.

7. RESOLUTION APPROVING AN INDEPENDENT CONTRACTOR AGREEMENT BETWEEN THE NATION AND CHRISTOPHER R. CORLISS, CPA, TO PREPARE THE NATION'S INDIRECT COST AGREEMENT FOR FISCAL YEAR 2021

Nancy Guzman motioned to approve the resolution for the Independent Contractor Agreement with Christopher R. Corliss CPA for a term beginning January 1, 2021 and extending through June 30, 2021 for the purpose of retaining Contractor to prepare the Nation's Indirect Cost Agreement for FY 2021 to be paid out of the Finance Department's FY2021 Budget; and total compensation to be paid Contractor under the Agreement not to exceed \$9,250 per Version 1 (12-30-2020) seconded by Germania Jones; 7 For, 0 Against, 0 Abstained, motion passed.

8. RESOLUTION RENEWING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE NATION AND MINGUS UNION HIGH SCHOOL DISTRICT #4 FOR A COUNSELING/TUTORING/OUTREACH SERVICES PROGRAM FOR THE BENEFIT OF THE NATION'S STUDENTS ATTENDING MINGUS UNION HIGH SCHOOL

Special Business Meeting

December 30, 2020

Page 3

There was a request from the Council to receive a written report from Shelley Kitchen. The School is back in session doing online. There was a discussion on Title VI Funding. A Title VI Funding Budget was provided to the Council. The School receives \$16,559 through Title VI.

Scott Canty added the Council can terminate the agreement at any time with a 30 day notice.

Amanda Honwyteva motioned to approve the resolution appropriating from the General Fund Governmental Operations Budget of the Nation the sum of \$52,187 in satisfaction of the Nation's financial contribution under the IGA for the Term beginning January 1, 2021 and ending December 31, 2021 and said funds shall be contributed by the Nation to the Mingus Union High School District #4 in accordance with the Terms of the IGA per Version 1 (12-30-2020) seconded by Germania Jones; 7 For, 0 Against, 0 Abstained, motion passed.

9. RESOLUTION APPROVING A SETTLEMENT OF THE NATION'S CLAIMS AGAINST A.R. MAYS CONSTRUCTION, INC., ARISING OUT OF CONSTRUCTION OF THE NATION'S CLIFF CASTLE CASINO HOTEL PROJECT – Scott Canty

Amanda Honwyteva motioned to go into Executive Session seconded by Nancy Guzman; 7 For, 0 Against, 0 Abstained, motion passed.

EXECUTIVE SESSION

Nancy Guzman motioned to come out of Executive Session seconded by Amanda Honwyteva; 7 For, 0 Against, 0 Abstained, motion passed.

Vice Chairwoman Lewis summarized while in Executive Session the Council discussed the settlement.

Nancy Guzman motioned to approve the resolution due to the Council is authorized to manage all tribal economic affairs and enterprise of the Nation as provided by Article VI (i) of the Constitution; in January 2016, the Nation entered into a construction contract with A.R. Mays Construction, Inc. to construct the Cliff Castle Casino Hotel and over the course of the Hotel Project disputes arose between the Nation and A.R. Mays regarding, among other things, payments under the contract, change orders, claims for defective work, and back charges assessed by the Nation against A.R. Mays for repair of defective work; and in July 2018 A.R. Mays brought an arbitration action against the Nation, claiming damages arising out of the Hotel Project and for work done in constructing the Casino Hotel access road under a separate contract; and the Nation filed a counterclaim in the arbitration claiming, among the other things, the costs incurred by the Nation in correcting the defective work on the Hotel Project, as alleged by the

Special Business Meeting

December 30, 2020

Page 4

Nation; and throughout the arbitration the Nation has been represented by the Law Firm of Holden Willits, a law firm specializing in the resolution of construction disputes; and the Nation and A.R. Mays have reached a proposed settlement of all disputes and claims included in the arbitration and arising out of the Hotel Project, and the terms of settlement have been presented to the Council by Holden Willits, and the Council has reviewed with Holden Willits the terms of the proposed settlement as outlined in a Settlement Agreement to be filed in the arbitration and under which the Nation and A.R. Mays agree to resolve their disputes and end the pending arbitration, and the Council has determined that approval of the Settlement is in the best interest of the Nation per Version 1 (12-30-2020) seconded by Germanina Jones; 7 For, 0 Against, 0 Abstained, motion passed.

10. OLD BUSINESS – none

11. NEW BUSINESS

a. Council Reports – none

b. YAPD Concerns – Darlene Rubio

Darlene Rubio expressed she would like welfare checks done by YAPD. More information needs to be shared regarding services provided by the departments. It is very crucial to share information and suggested scheduling a community meeting. She thanked Vice Chairwoman Lewis for sharing information.

Germanina Jones motioned to adjourn at 11:28 a.m. seconded by Nancy Guzman; 7 For, 0 Against, 0 Abstained, motion passed.

YAVAPAI-APACHE TRIBAL COUNCIL

Karla Reimer, Secretary