

**MINUTES OF  
YAVAPAI-APACHE NATION  
Regular Council Meeting  
February 11, 2021**

**1. CALL TO ORDER:** Chairman Jon Huey called the meeting to order at 9:06 a.m., Middle Verde Administration Building and Zoom.us.

**2. INVOCATION:** Nancy Guzman

**3. ROLL CALL:** Germania Jones, Nancy Guzman, Amanda Honwytewa, Jon Huey, Ricardo Pacheco, Darlene Rubio and Henry Smith were present. Tanya Lewis was present via Zoom.us. Apphia Shirley arrived late via Zoom.us at 9:10 a.m.

**4. APPROVAL OF AGENDA:**

Ricardo Pacheco motioned to approve the agenda seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motion passed.

Apphia Shirley arrived via Zoom.us.

**5. MINUTES OF 1-28-2021**

Ricardo Pacheco motioned to approve the minutes seconded by Amanda Honwytewa; 9 For, 0 Against, 0 Abstained, motion passed.

**6. APPROVAL OF RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE ASSET MANAGEMENT AGREEMENT BETWEEN YAVAPAI-APACHE NATION TRIBAL HOUSING AND TRAVOIS ASSET MANAGEMENT, LLC – Nadie Beauty**

Nancy Guzman motioned to approve the resolution per Version 1 (2-11-2021) seconded by Darlene Rubio; 9 For, 0 Against, 0 Abstained, motion passed.

**7. APPROVAL OF RESOLUTION AMENDING RESOLUTION NO. 67-2020 SUSPENDING EVICTIONS UNDER HOUSING PROGRAMS MANAGED BY YAVAPAI-APACHE NATION TRIBAL HOUSING – Nadie Beauty**

Nancy Guzman requested the resolution be hand delivered to all the tenants. Nadie Beauty added she will also have it placed on the website.

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Henry Smith motioned to approve the resolution per the Council Resolution No. 67-2020, adopted on March 26, 2020, the Council suspended evictions under housing programs managed by the Yavapai-Apache Nation Tribal Housing until such time as subsequently determined by the Council in consultation with the Executive Director; the Council desires to amend Resolution No. 67-2020 to clarify that the suspension of evictions under housing programs managed by YANTH only applies to evictions based on nonpayment of rent and that the suspension of evictions does not apply to evictions based on violations of YANTH policies or other grounds for eviction besides nonpayment of rent; the Council amends Council Resolution No. 67-2020 to clarify that the suspension of evictions under housing programs managed by YANTH shall only apply to evictions based on nonpayment of rent and that YANTH may pursue evictions based on violations of YANTH policies or other grounds besides nonpayment of rent per Version 1 (2-11-2021) seconded by Nancy Guzman; 9 For, 0 Against, 0 Abstained, motion passed.

**8. APPROVAL OF RESOLUTION APPROVING A QUITCLAIM DEED, ASSIGNMENT AND RELEASE FOR THE RESIDENTIAL DWELLING AND AN ASSIGNMENT AND ASSUMPTION OF RESIDENTIAL LAND LEASE FOR THE UNDERLYING LAND LOCATED AT 2016 N. 16<sup>TH</sup> STREET, CLARKDALE, AZ 86324**

Henry Smith motioned to approve the resolution per Siera T. Russell, as Trustee of the Russell Family Trust, is also requesting the Council approve the Assignment and Assumption of Residential Land Lease under which Siera T. Russell, as Trustee of the Russell Family Trust assigns all of its right, title, and interest in the Residential Land Lease to Siera T. Russell as Trustee of the Siera T. Russell Beneficiary Trust, as Trustee of the Sacheen T. Ponte Beneficiary Trust, and as Trustee of the Giovanna D. Ponte Russell Beneficiary Trust; and the Council finds that it is in the best interest of the Nation to approve the Quitclaim Deed, Assignment and Release and the Assignment and Assumption of Residential Land Lease; the Council approves the Quitclaim Deed, Assignment and Release from Siera T. Russell, as Trustee of the Russell Family Trust, to Siera T. Russell, as Trustee of the Siera T. Russell Beneficiary Trust, as Trustee of the Sacheen T. Ponte Beneficiary Trust, and as Trustee of the Giovanna D. Ponte Russell Beneficiary Trust for the residential dwelling located at 2016 N. 16<sup>th</sup> Street, Clarkdale, AZ 86324 on the Yavapai-Apache Nation Reservation and the Council approves the Assignment and Assumption of Residential Land Lease under which Siera T. Russell, as Trustee of the Russell Family Trust assigns all of its right, title and interest in the Residential Land Lease to Siera T. Russell, as Trustee of the Siera T. Russell Beneficiary Trust, as Trustee of the Sacheen T. Ponte Beneficiary Trust, and as Trustee of the Giovanna D. Ponte Russell Beneficiary Trust per Version 1 (2-11-2021) seconded by Nancy Guzman; 9 For, 0 Against, 0 Abstained, motion passed.

**9. APPROVAL OF RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE YAVAPAI-APACHE NATION AND THE INTER TRIBAL COUNCIL OF ARIZONA PROVIDING FUNDING FOR HIV, STI AND HCV SERVICES FOR THE BENEFIT OF THE NATION'S COMMUNITY MEMBERS – Trudy Clark**

Darlene Rubio motioned to approve the resolution due to the Nation and ITCA wish to enter into a Memorandum of Agreement providing funding for the Nation to provide for local HIV, Sexually Transmitted Infections and Hepatitis C activities and services in accordance with the terms and conditions of the MOA; under the MOA the Nation will receive funds not to exceed \$70,000 to pay for said activities and services for the period between October 1, 2020 and September 29, 2021 and the Council finds it in the best interest of the Nation to approve the MOA between the Nation and ITCA providing for local HIV, Sexually Transmitted Infections and Hepatitis activities and services for the benefit of the Nation's community members per Version 1 (2-11-2021) seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed.

**10. APPROVAL OF RESOLUTION APPROVING THE YAVAPAI-APACHE NATION CONTRACT FOR EXPERT CONSULTING SERVICE WITH ANTHROPOLOGICAL RESEARCH, LLC FOR WATER RIGHTS MATTERS – ETHNOHISTORY PROJECT – Scott Canty**

Darlene Rubio motioned to go into Executive Session seconded by Nancy Guzman; 9 For, 0 Against, 0 Abstained, motion passed.

**EXECUTIVE SESSION**

Darlene Rubio motioned to come out of Executive Session seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed.

Chairman Huey summarized while in Executive Session the Council discussed general revisions for future agendas to include updates from representatives from other towns and cities.

Nancy Guzman motioned to approve the resolution per Version 1 (2-11-2021) seconded by Germania Jones; 9 For, 0 Against, 0 Abstained, motion passed.

**11. REQUEST TO AMEND RESOLUTION NO. 214-2020 TO ALLOW SOCIAL GATHERINGS – Lydia Ibarra & Margaret Campos**

Apphia Shirley recused herself due to the closeness in the family relationship.

Margaret Campos explained they postponed the Sunrise Dance last year for Delilah Ibarra's coming of age ceremony. They would like to schedule it for March 19-21<sup>st</sup>. They have prolonged her dance a year already and they understand the circumstances of the pandemic but feel our tribe needs this prayer for our people and especially our elders. She asked how we can work this out so the medicine man can come from San Carlos and they can move forward with the dance taking all of the precautions of wearing the masks. They will ensure all CDC guidelines and the medicine man has implemented guidelines for the dance too. Signs will be posted upon entering the ceremonial grounds as well as upon entering the camps. The medicine man and his group has been vaccinated as well as her godparents and the family that are coming to support them. There would be no food exchange for both camps. The only food would be to the sweat lodge for medicine man and all food will be individual food box containers. No candy basket dumping on the girl. The fruits/soda will be distributed by two designated men. There would be no gift or food exchange.

Chairman Huey explained there was a resolution put into place because of the health and welfare of our people until the vaccines get in place. Dances could be held off the reservation. We are not ready to lift the resolution. The numbers are still up and there have been no changes yet. The Council chose to keep the resolution in effect until further notice.

Margaret Campos was disappointed but she understood.

**12. APPROVAL OF RESOLUTION APPROVING A SETTLEMENT OF THE NATION'S CLAIMS AGAINST DREAMCATCHER HOTELS, LLC, ARISING OUT OF CONSTRUCTION OF THE NATION'S CLIFF CASTLE CASINO HOTEL PROJECT – Scott Canty**

There was discussion the money received will go back into the RAMAH Fund Account.

Darlene Rubio motioned to go into Executive Session seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed.

**EXECUTIVE SESSION**

Ricardo Pacheco motioned to go into Executive Session seconded by Germania Jones; 9 For, 0 Against, 0 Abstained, motion passed.

Chairman Huey summarized while in Executive Session the Council discussed the settlements.

Nancy Guzman motioned to approve the resolution authorizing the Council to manage all tribal economic affairs and enterprises of the Nation as provided by Article V (i) of the Constitution; In July 2015, as authorized by Tribal Council Resolution No. 100-15, the Nation entered into contracts with DreamCatcher Hotels, LLC as part of the Nation's Cliff Castle Casino Hotel Project; including a License and Purchasing Agreement under which DreamCatcher was to provide all furnishings, fixtures and equipment and Operating supplies and equipment for the Hotel Project and a Service Agreement under which DreamCatcher was to provide development services of the Hotel Project; over the course of the Hotel Project disputes arose between the Nation and the Hotel Project Contractor, A.R. Mays Construction, Inc., concerning the quality of the construction work and alleged deficient performance by ARM which disputes resulted in an arbitration proceeding between the Nation and ARM; although DreamCatcher was not named as a party to the Arbitration, DreamCatcher nevertheless agreed to cooperate with the Nation in its defense against the claims brought by ARM against the Nation in the Arbitration; 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 Holden Willits has advised the Council concerning a proposed settlement of all disputes and claims between the Nation and all parties involved in the Hotel Project, including DreamCatcher; and the Nation and DreamCatcher have reached a proposed settlement of all disputes and claims arising, or which may potentially arise between the Nation and DreamCatcher under the terms of the License and Purchasing Agreement, and the Service Agreement, for work by DreamCatcher on the Hotel Project, and the terms of the 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 outlines in a Settlement Agreement under which the Nation and DreamCatcher agree to resolve their disputes and claims, and the Council has determined that approval of the Settlement is in the best interest of the Nation per Version 1 (2-11-2021) seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed.

**13. APPROVAL OF RESOLUTION APPROVING A SETTLEMENT OF THE NATION'S CLAIMS AGAINST BROWN & ASSOCIATES CERTIFIED INSPECTION SERVICES, INC., ARISING OUT OF CONSTRUCTION OF THE NATION'S CLIFF CASTLE CASINO HOTEL PROJECT – Scott Canty**

Henry Smith motioned to approve the resolution authorizing the Council to manage all tribal economic affairs and enterprises of the Nation as provided by Article V (i) of the Constitution; in August 2015, as authorized by Tribal Council Resolution No. 137-15, the Nation contracted with SICON LLC to provide Owner's Representative Services in connection with the design and construction of the Nation's Cliff Castle Casino Hotel and SICON subsequently entered into a subcontract with Brown & Associates Certified Inspection Services, Inc., to provide building inspection services for the Hotel Project; over the course of the Hotel Project disputes arose

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between the Nation and Brown regarding the building inspection services provided by Brown for the Project; in 2020, the Nation filed a lawsuit against Brown in Maricopa County Superior Court, Case No. CV2020-001990, alleging that Brown was negligent in performing building inspection services on the Hotel Project and Brown responded by denying the allegations; throughout the lawsuit against Brown, the Nation has been represented by the Law Firm of Holden Willits, a law firm specializing in the resolution of construction disputes and Holden Willits has advised the Council concerning a proposed settlement of the disputes, claims and lawsuit between the Nation and Brown; the Nation and Brown have reached a proposed settlement of all disputes and claims arising out of Brown's provision of building inspection services for the Hotel Project, and the terms of the 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 under which the Nation and Brown agree to resolve their disputes and claims, including the lawsuit, and the Council has determined that approval of the Settlement is in the best interest of the Nation per Version 1 (2-11-2021) seconded by Nancy Guzman; 9 For, 0 Against, 0 Abstained, motion passed.

**14. Old Business – None**

**15. New Business – None**

Henry Smith motioned to adjourn at 11:17 a.m. seconded by Amanda Honwytewa; 9 For, 0 Against, 0 Abstained, motion passed.

**YAVAPAI-APACHE TRIBAL COUNCIL**

*Karla Reimer*

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Karla Reimer, Secretary