

**MINUTES OF  
YAVAPAI-APACHE NATION  
Special Business Meeting  
February 18, 2021**

Amended on 2-25-2021

**1. CALL TO ORDER:** Chairman Jon Huey called the meeting to order at 9:11 a.m., Middle Verde Administration Building and Zoom.us.

**2. INVOCATION:** Germania Jones

**3. ROLL CALL:** Germania Jones, Nancy Guzman, Amanda Honwyteawa, Jon Huey, Ricardo Pacheco, Darlene Rubio and Henry Smith were present. Tanya Lewis and Apphia Shirley were present via zoom.us.

**4. APPROVAL OF AGENDA:**

Darlene Rubio will be providing a SDPI Report under Council Reports.

Ricardo Pacheco motioned to approve the agenda seconded by Nancy Guzman; 9 For, 0 Against, 0 Abstained, motion passed.

**5. MINUTES OF 2-11-2021**

Germania Jones motioned to approve the minutes seconded by Nancy Guzman; 9 For, 0 Against, 0 Abstained, motion passed.

**6. RESOLUTION AUTHORIZING THE NATION TO PURCHASE A USED COMBINE FROM HAUSER AND HAUSER FARMS, INC. FOR USE BY THE NATION'S AGRICULTURAL RESOURCE DEPARTMENT IN HARVESTING GRAINS UNDER THE NATION'S FARM AND RANCH OPERATIONS – Yolanda Trujillo**

Darlene Rubio motioned to approve the resolution due to in May 2020, the Council adopted Resolution No. 98-20, approving a grant agreement between the Nation and the Nature Conservancy under which TNC provided funds to the Nation for use, among other things, in providing a functioning combine for use by the Nation's Agricultural Resources Department in harvesting grains under the Nation's farm and ranch operations; after soliciting process from several sources, the Department has identified a used Case 2388 combine, with implements, for sale by Hauser and Hauser Farms, Inc. and the Department seeks the Council's authorization to purchase the combine in accordance with the invoice under which the Nation will purchase the combine from Hauser for a total purchase price of \$80,000; the Council has determined that approval of the purchase of the Combine from Hauser is in the best interest of the Nation; the funds for payment are appropriated and shall be paid from the following: (1) The Balance of funds remaining under the TNC Grant Agreement approved under Council Resolution No. 98-20

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in the amount of \$25,000; (2) Funds made available under a grant from the BIA for use in the Nation's farming operations, BIA Contract/Grant No. A09AV00202, in the amount of \$36,814.57; and (3) Funds from the Agricultural Resources Department's FY2021 Budget, Equipment Line Item in the amount of \$18,185.43 per Version 1 (2-18-2021) seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed.

### **7. RESOLUTION APPROVING THE COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM POLICY IN CONNECTION WITH THE NATION'S RESPONSE TO THE COVID-19 PANDEMIC – Lisa Bluelake, Nadie Beauty & Jason Stuart**

Henry Smith motioned to approve the resolution due to on March 13, 2020, the President of the United States declared a National Emergency concerning the Coronavirus, and declarations of states of emergency have been issued by state, local and tribal governments nationwide; on March 19, 2020, the Council adopted Council Resolution No. 60-20 declaring a State of Emergency due to the COVID-19 outbreak; on March 18, 2020, the Executive Office of the Chairman ordered that all employees of the Nation work from home to the greatest extent possible, with highly critical departments, like law enforcement and health care continuing to provide essential services; and on March 19, 2020, the Executive Office of the Chairman ordered the closing of the Nation's governmental operations (except for critical services) and required all employees working from home to continue to do so, with all other employees being granted administrative leave; the Coronavirus public health emergency continues to pose a serious public health threat to the Nation's members, employees, and visitors, particularly the Nation's elders and those with underlying medical conditions; Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 establishes the Emergency Rental Assistance Program and allocates \$800 million to Tribal governments to be used to provide financial assistance, in the form of rental and utility assistance, and housing stability services to eligible applicants; the Act establishes eligibility criteria and restrictions for the assistance, which are supplemented to guidance from the U.S. Department of Treasury; on January 12, 2021, the Council adopted Resolution No. 07-21 authorizing the Nation to accept funds made available under the Act to provide rental and utility assistance in connection with the Nation's response to the COVID-19 pandemic and identifying the Nation's Department of Social Services to administer the funds; the Nation has been allocated \$1,360,527.39 for the Emergency Rental Assistance Program; the Director of the Department of Social Services recommends approval of the COVID-19 Emergency Rental Assistance Program Policy which is consistent with the eligibility criteria and restriction for rental and utility assistance set forth in the Act and the guidance from the U.S. Department of the Treasury; the Council deems it to be in the best interest of the Nation to approve the COVID-19 Emergency Rental Assistance Program Policy, under which the Department of Social Services will provide rental and utility assistance in

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connection with the Nation's response to the COVID-19 pandemic per Version 1 (2-18-2021) seconded by Germania Jones; 9 For, 0 Against, 0 Abstained, motion passed.

Jason Stuart will create and deliver a flyer to the community. Chairman Huey will place it on the website and Facebook. The form will also be included on the website. Nadie Beauty will create a flyer, deliver it to the tenants and provide it to the Executive to place it on the website.

**8. RESOLUTION APPROVING AMENDMENT NO. TWO TO YANTH'S CONSTRUCTION CONTRACT WITH TOTAL BUILDING SYSTEMS, INC., FOR CONSTRUCTION OF THE COMMUNITY BUILDING/GYMNASIUM AT THE NATION'S KWAIL HEIGHTS TAX CREDIT VII HOUSING PROJECT – Nadie Beauty & David Schreiner**

Henry Smith motioned to approve the resolution due to the YANTH Director recommending an Amendment No. Two to the Agreement to approve Change Order No. 2 as follows: (1) Authorizing changes in the work of the Agreement to increase the Scope of Work to include the purchase and installation of a double door for the main entrance, which was not included in the original proposal for the work. (2) Increasing the Contract Time by extending the time for completion of the Work through March 31, 2021, to accommodate delays associated with backordered siding panels that were shipped the wrong size and because the manufacturing plant was shut down due to COVID-19, together with weather delays. (3) Increasing the amended Contract Amount from \$378,620 to a new total contract amount of \$384,379 (an increase of \$5,759); funds to facilitate the Project, including the Agreement and Amendment No. Two are available from funds made available to YANTH under the Yavapai-Apache Homes Tax Credit VII Project; the Council finds that amending the Agreement with Total Building Systems Inc. is in the best interest of the Nation per Version 1 (2-18-2021) seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed.

**9. RESOLUTION AUTHORIZING THE YAVAPAI-APACHE NATION TRIBAL HOUSING DEPARTMENT TO CONTRACT WITH RAYBURN CONTRACTING, TO PROVIDE FOR INSTALLATION OF ALL ELECTRICAL WORK FOR THE COMMUNITY BUILDING/GYMNASIUM AS PART OF THE NATION'S TAX CREDIT VII HOUSING PROJECT AT CLARKDALE – Nadie Beauty & David Schreiner**

Henry Smith mentioned there is a lack of lighting and was wondering if we have a plan for street lighting. David Schreiner responded it was not included in the project. He can get a cost from Connolly. The cost would have to come from tribal funds. Town of Clarkdale has a dark sky ordinance that would prevent them from placing a lot of lighting but he can get the cost for some lighting.

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Henry Smith motioned to approve the resolution authorizing YANTH to enter into a Construction Contract with Rayburn Contracting, in accordance with the terms and conditions set out in the form of Construction Contract together with the Contract Documents reference in the Contract, with compensation paid to Rayburn Contracting under the Contract not to exceed \$79,255 unless an amendment to the Contract is approved by the Tribal Council; the funds will be available through YANTH under the Yavapai-Apache Homes Tax Credit VII Project to fund compensation paid to Rayburn Contracting under the Contract per Version 1 (2-18-2021) seconded by Nancy Guzman; 9 For, 0 Against, 0 Abstained, motion passed.

**10. RESOLUTION AUTHORIZING THE YAVAPAI-APACHE NATION TRIBAL HOUSING DEPARTMENT TO CONTRACT WITH CONNOLLY ELECTRIC AND MECHANICAL, TO PROVIDE FOR INSTALLATION OF ALL HVAC WORK FOR THE COMMUNITY BUILDING/GYMNASIUM AS PART OF THE NATION'S TAX CREDIT VII HOUSING PROJECT AT CLARKDALE – Nadie Beauty & David Schreiner**

Henry Smith motioned to approve the resolution authorizing YANTH to enter into a Construction Contract with Connolly Electric & Mechanical, in accordance with the terms and conditions set out in the form of Construction Contract together with the Contract Documents referenced in the Contract, with compensation paid to Connolly under the Contract not to Exceed \$118,200 unless an amendment to the Contract is approved by the Tribal Council; the funds are available to YANTH under the Yavapai-Apache Homes Tax Credit VII Project to fund compensation paid to Connolly under the Contract per Version 1 (2-18-2021) seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed.

There was a request to schedule a work session to discuss the lighting in Clarkdale.

**11. RESOLUTION APPROVING THE YAVAPAI-APACHE NATION AND STATE OF ARIZONA AMENDED AND RESTATED GAMING COMPACT – Lisa Bluelake**

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

**EXECUTIVE SESSION**

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

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Chairman Huey summarized while in Executive Session the Council discussed the amendments to the Gaming Compact.

Darlene Rubio motioned to approve the resolution per Version 1 (2-18-2021), due to the confidentiality agreement signed by the Council no attachments will be included with the resolution seconded by Germania Jones; 9 For, 0 Against, 0 Abstained, motion passed.

**12. RESOLUTION APPROVING AMENDMENTS TO THE NATION'S FISCAL YEAR 2021 GENERAL FUND GOVERNMENTAL OPERATIONS BUDGET – Nellie Monroe**

Henry Smith motioned to approve the resolution as the Council is authorized to enact laws, ordinances and resolutions incidental to the exercise of its legislative powers as provided under Article V (v) of the Constitution; the Yavapai-Apache Nation Budget and Appropriations Code, adopted by Resolution No. 55-19 on April 2, 2019, and amended by Resolution No. 195-20 on December 10, 2020, provides that a budget amendment shall be approved by Tribal Council resolution for any transfer of funds that exceeds the authority of the Finance Director or for additional appropriations, as set forth in Section 303 of Code; by Resolution No. 205-20 adopted on December 10, 2020, the Council approved the Nation's Fiscal Year 2021 General Fund Governmental Operations Budget; the Nation's Interim Finance Director recommends that the Council approve budget amendments authorizing a transfer and additional appropriations for various departments for a net addition of \$184,100.90 to the Fiscal Year 2021 General Fund Governmental Operations Budget, all as set forth in the budget amendments and incorporated herein by reference; the Council approves amendments to the Nation's Fiscal Year 2021 General Fund Governmental Operation Budget authorizing a transfer and additional appropriations for various departments for a net addition of \$184,100.90 per Version 1 (2-18-2021) seconded by Darlene Rubio; 9 For, 0 Against, 0 Abstained, motion passed.

**13. RESOLUTION AUTHORIZING YAVAPAI-APACHE SAND AND ROCK TO APPLY FOR AN ALLOCATION OF TRIBAL ECONOMIC DEVELOPMENT BOND VOLUME CAP UNDER SECTION 7871(f) OF THE UNITED STATES INTERNAL REVENUE CODE – Robert Yoder**

Henry Smith motioned to approve the resolution due to Yavapai-Apache Sand and Rock is a wholly-owned Subordinate Economic Organization of the Nation acting as an arm of the Nation to carry out sovereign authorities and essential governmental functions delegated to it by the Tribal Council; YASR was established by the Council under Title 30 of the Code of Laws of the Nation to act as an integral part of the Nation's governmental organization, and YASR has been delegated authority to assist the Nation in performing the essential governmental function of land and natural resources management through reclamation of the Nation's lands; the revenues

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generated by YASR in connection with reclamation activities are considered incidental to the primary land and resource functions of YASR, and are further considered by the Nation as an essential source of governmental funds needed to support land management services and are analogous to land and property tax revenues that are otherwise unavailable to the Nation due to trust and other restrictions on such lands; as a Subordinate Economic Organization of the Nation, all revenues generated by YASR are restricted to their uses to supporting the public purposes and economic for Allocation of Tribal Economic Development Bond Volume Cap in substantially the form of Application approved by the Nation's Tax Counsel and Attorney General; the Nation hereby confirms that use of funding for reclamation activities as proposed in the Application is deemed and considered by the Nation an essential governmental function of the Nation and necessary for the long term self-determination of the Nation and the preservation of the welfare, culture and traditions of its membership per Version 1 (2-18-2021) seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed.

**14. Old Business – None**


**15. New Business**

**a. Council Reports**

Darlene Rubio reported on the Tribal Leaders Diabetes Committee Monthly Call. She provided a report to the Committee on the activity taking place in the Diabetes Program. They are looking at their PP Revisions, legislative amendments with new resolutions and a request to increase funding for the Diabetes Programs. Teresa Clay of Albuquerque reported on information sharing on COVID-19 to the communities. Carmen Harin reported on the SDPI/Division of Diabetes. IHS has received 2021 funds. They have already started the application process for 2022 funding. The next upcoming virtual meeting is scheduled for March 9<sup>th</sup> from 1-5 p.m. and June 15<sup>th</sup> from 1-5 p.m.

Ricardo Pacheco motioned to adjourn at 10:53 a.m. seconded by Germania Jones; 9 For, 0 Against, 0 Abstained, motion passed.

**YAVAPAI-APACHE TRIBAL COUNCIL**

  
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Karla Reimer, Secretary