

**MINUTES OF  
YAVAPAI-APACHE NATION  
Regular Council Meeting  
March 4, 2021**

Amended on 3-11-2021

**1. CALL TO ORDER:** Chairman Jon Huey called the meeting to order at 9:07 a.m., Middle Verde Administration and Zoom.us.

**2. INVOCATION:** Nancy Guzman

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

**4. APPROVAL OF AGENDA:**

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

**5. MINUTES OF 2-25-2021**

Tanya Lewis sent the following corrections via email to Karla Reimer:

Page 4, under 10 a., 1<sup>st</sup> paragraph, remove the last sentence, "Vice Chairwoman Lewis met with the City of Sedona and the Town of Camp Verde to continue the projects."

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

**6. RESOLUTION AUTHORIZING CLIFF CASTLE CASINO TO EXECUTE THE STATEMENT OF WORK AND AGREEMENT FOR EQUIPMENT AND SERVICES WITH SURVEILLANCE SYSTEMS INCORPORATED FOR A SURVEILLANCE SYSTEM UPGRADE –Aaron Moss & Lisa Bluelake**

Nancy Guzman motioned to approve the resolution due to the Council is authorized to "manage all tribal economic affairs and enterprises" and to "appropriate and regulate the use of tribal funds" as provided under Article V (i) and (k), respectively, of the Constitution; The Council is responsible for approving contracts that exceed \$100,000 as provided under Section 302 of the Cliff Castle Casino Business Code, Title 36; The Casino General Manager recommends an upgrade of the Casino's surveillance system and to purchase the upgrade from Surveillance Systems Incorporated for the amount of \$325,827 pursuant to the Statement of Work and Agreement for Equipment and Services; the purchase shall be funded from the Casino's approved 2021 Capital Budget; the Tribal Council authorizes the Cliff Castle Casino to execute the Statement of Work and Agreement for Equipment and Services with Surveillance Systems

Incorporation for a surveillance system upgrade for the amount of \$325,827 per Version 1 (3-4-2021) seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed.

**7. RESOLUTION AUTHORIZING THE YAVAPAI-APACHE NATION TRIBAL HOUSING DEPARTMENT TO ENTER INTO A CONTRACT WITH GOOD EARTH CONTRACTING LLC, FOR ALL WORK NECESSARY TO SUPPLY AND INSTALL PLAYGROUND EQUIPMENT AT THE NATION'S TAX CREDIT VII HOUSING PROJECT AT CLARKDALE – Nadie Beauty & David Schreiner**

Nancy Guzman motioned to approve the resolution due to the Council is responsible for developing quality housing for the benefit of the Nation and its people; the Council, with the assistance of the Yavapai-Apache Nation Tribal Housing Department, as authorized under Tribal Council Resolution No. 150-18, is continuing development of a new tax credit financed housing subdivision located in the Clarkdale community at Kwail Heights, and the Project is now proceeding through its construction phase; The Director of YANTH has recommended to the Council that YANTH be authorized to contract with Good Earth Contracting LLC, for the supply and installation of playground equipment within the Project in accordance with the terms and conditions of the Construction Contract; the Council has determined that execution of the Contract with Good Earth Contracting LLC, is in the best interests of the Nation; the Council authorized YANTH to enter into a Construction Contract with Good Earth Contracting LLC, in accordance with the terms and conditions set out in the form of Construction Contract together with the Contract Documents with compensation paid to Good Earth Contracting LLC under the Contract not to exceed \$27,538, unless an amendment to the Contract is approved by the Tribal Council per Version 1 (3-4-2021) seconded by Apphia Shirley; 9 For, 0 Against, 0 Abstained, motion passed.

**8. REQUEST FOR PLACEMENT OF DOUBLE WIDE – Alexander Wathogoma**

Alexander Wathogoma was not present. David Schreiner and Nadie Beauty joined via Zoom.us. David Schreiner explained there is electric and water available on the lot Alexander Wathogoma is requesting on Curtis Street. There was a trailer set up there and there was installation of a 100 amp. It would need to be upgraded to 200 amp. Housing was going to consider including this lot in a tax credit project.

Chairman Huey requested to contact Alexander Wathogoma to schedule another time for Alexander Wathogoma to present.

**9. RESOLUTION AUTHORIZING THE YAVAPAI-APACHE NATION TO ACCEPT A PAYMENT UNDER THE CARES PROVIDER RELIEF FUND PROGRAM ADMINISTERED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES & SERVICE ADMINISTRATION – Scott Canty**

Henry Smith motioned to approve the resolution per the United States Department of Health and Human Services, Health Resources & Services Administration, administers funds made available to eligible recipients under the Public Health and Social Services Emergency Fund to Provider Relief as appropriated under Public Law 116-139; the HRSA has provided a Relief Fund Payment to the Nation in the amount of \$479,727.32 to be used by the Nation “to prevent, prepare for, and respond to coronavirus” and HRSA requires that the Nation accept the Payment in accordance with the letter from HHS HRSA, including the Acceptance of Terms and Conditions; the Council desires to accept the payment on behalf of the Nation and to authorize the Nation to accept and attest to the Terms and Conditions for use of the Relief Fund Payment; the Tribal Council authorized the Yavapai-Apache Nation to accept the HRSA Relief Fund Payment to the Nation in the amount of \$479,727.32 per Version 1 (3-4-2021) seconded by Nancy Guzman; 9 For, 0 Against, 0 Abstained, motion passed.

**REQUEST FOR PLACEMENT OF DOUBLE WIDE** - Alexander Wathogoma arrived to discuss Item 8 regarding the request for placement of a double wide mobile home on a lot on Curtis Street in Middle Verde. He explained he needs better living conditions because they have 10 people in the place he is staying at on 3565 Shaw Ave. in Middle Verde. He is requesting to place a new double wide mobile home on the lot on Curtis Street. This would be more affordable.

Nancy Guzman suggested Herbert Trujillo with Utilities could contact IHS for residential assistance in the infrastructure of sewer and water connections. Alexander Wathogoma would be responsible for the meter to the home.

Ricardo Pacheco added they would need to find out what the wattage needed for the double wide.

Henry Smith mentioned he is encouraged for a new home for a member and the support for his family for a place to live. He supports the request.

Amanda Honwyteawa added she also supports the idea and to make it happen. You need to keep moving forward.

Nancy Guzman supports a residential lease and hope we can help him.

Chairman Huey will meet with Alexander Wathogoma and Housing to discuss what is needed and then bring the information back to Council. There was support from the Council to move forward on the request.

**10. RESOLUTION AUTHORIZING THE NATION TO SUBMIT A REQUEST TO THE NATIONAL INDIAN GAMING COMMISSION OFFICE OF GENERAL COUNSEL FOR AN OPINION THAT THE NATION'S LOAN DOCUMENTS WITH BOKF, NA DBA BOK FINANCIAL FOR THE AMENDMENT AND RESTATEMENT OF ITS CURRENT LOAN AGREEMENT WITH BOKF, DO NOT REQUIRE APPROVAL OF THE NIGC CHAIRMAN AND DO NOT VIOLATE IGRA'S SOLE PROPRIETARY INTEREST MANDATE – Scott Canty**

Henry Smith motioned to approve the resolution due to the Nation owns and operates the Cliff Caste Casino and Hotel as a Subordinate Economic Organization of the Nation; The Nation has negotiated with BOKF, NA dba BOK Financial (formerly known as BOKF, NA dba Bank of Arizona), hereinafter BOKF loan documents providing for the amendment and restatement of its current Loan Agreement with BOKF, which was originally approved and made effective as of January 15, 2016, the Maturity Date of which will be reached on April 15, 2021, thereby necessitating an Amended and Restated Loan Agreement as provided in the Loan Documents; the Nation's current Loan Agreement was the subject of an NIGC Office of General Counsel Opinion on January 29, 2016, and the Nation's Amended and Restated Loan Agreement with BOKF now requires an opinion of the NIGC Office of General Counsel that the Amended and Restated Loan Agreement does not require approval of NIGC's Chairman and does not violate IGRA's sole proprietary interest mandate; the Council desires to authorize the Nation's Attorney General to submit a written request to the NIGC Office of General Counsel requesting a review of the Nation's Loan Documents with BOKF, as represented in the Amended and Restated Loan Agreement and associated documents comprising the Loan Documents, and requesting an opinion by the NIGC Office of General Counsel that approval of the Loan Documents by the NIGC Chairman is not required by law and that the Loan Documents do not violate IGRA's sole proprietary interest mandate; the Council authorized the Yavapai-Apache Nation, acting through the Nation's Attorney General, to submit a written request to the NIGC Office of General Counsel requesting a review of the Nation's Loan Documents with BOKF, as represented in the Documents and requesting an opinion by the NIGC Office of General Counsel that approval of the Loan Documents by the NIGC Chairman is not required by law and that the Loan Documents do not violate IGRA's sole Proprietary interest mandate per Version 1(3-4-2021) seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed

**11. SELECTION OF ELECTION BOARD MEMBERS FOR THE FOLLOWING TERMS:**

Present until May 2022 (1)  
Present until May 2023 (4)  
Term from May 2021 to May 2024 (2)  
Alternate (1 year term) May 2021 to May 2022

This was done by secret ballot. Nancy Guzman recused herself due to her sister submitted her request to be on the Election Board. Amanda Honwyteva recused herself due to she may be running in the election. Chairman Huey recused himself due to his sister submitted her request to be on the Election Board.

Henry Smith motioned to appoint Naomi Sorensen, Leona Wathogoma, Saleana Garner, Carol Baca, Nadine Jackson, Edwina Hazelwood, Vivian Phelps and Jessica Herrera to the Election Board seconded by Ricardo Pacheco;

Henry Smith amended his motion to include the terms as follows:  
Present to May 2022 – Naomi Sorensen  
Present until May 2023 – Leona Wathogoma, Saleana Garner, Carol Baca and Nadine Jackson  
Term from May 2021 to May 2024 – Edwina Hazelwood and Vivian Phelps  
Alternate – May 2021 to May 2022 – Jessica Herrera  
Chief Judge of the Election Board – Saleana Garner

Ricardo Pacheco amended the second on the motion; 6 For, 0 Against, 3 Abstained, motion passed.

**12. ENROLLMENT – Richie Juan**

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

**EXECUTIVE SESSION**

Nancy Guzman 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 the Relinquishment of Enrollment.

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Nancy Guzman motioned to approve the resolution accepting the Relinquishment of Membership for Rachel Shea Manakaja due to the Council is authorized to implement by Ordinance the membership provisions of the Constitution as provided by Article II, Section 5 of the Constitution; the Council has adopted an Enrollment Code as provided by Article II, Section 5 and Article V (v) of the Nation's Constitution; Section 902 of the Enrollment Code provides that any adult may voluntarily relinquish membership in the Nation, and that such relinquishment shall be complete once a request for relinquishment is accepted by the Tribal Council through resolution; Rachel Shea Manakaja wishes to relinquish her membership and has requested that her name be dropped from the Yavapai-Apache Nation Tribal Roll; the Council accepts the request for relinquishment of membership from Rachel Shea Manakaja per Version 1 (3-4-2021) seconded by Ricardo Pacheco; 8 For, 1 Against, 0 Abstained, motion passed.

Ricardo Pacheco motioned to adjourn at 11:02 a.m. seconded by Nancy Guzman; 9 For, 0 Against, 0 Abstained, motion passed.

**YAVAPAI-APACHE TRIBAL COUNCIL**

*Karla Reimer*

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Karla Reimer, Secretary