

**MINUTES OF
YAVAPAI-APACHE NATION
Regular Council Meeting
November 5, 2020**

Amended on 12-3-2020

1. CALL TO ORDER: Chairman Jon Huey called the meeting to order at 9:08 a.m., Middle Verde Administration and via Zoom.us.

2. INVOCATION: Darlene Rubio

3. ROLL CALL: Henry Smith, Amanda Honwyteawa, Darlene Rubio and Ricardo Pacheco were present. Jon Huey and Tanya Lewis were on Zoom.us. Germania Jones arrived late. Nancy Guzman (Dr. Appointment) and Apphia Shirley (ill) were absent.

4. APPROVAL OF AGENDA:

Chairman Huey requested to remove 13. Old Business a. Discussion on three positions. Nancy Guzman requested yesterday to have it removed from the agenda due to we discussed it yesterday.

Darlene Rubio motioned to approve the agenda with the deletion seconded by Amanda Honwyteawa; 6 For, 0 Against, 0 Abstained, motion passed.

5. MINUTES OF 10-8 & 10-15-2020

Amanda Honwyteawa sent the following corrections via email:

Page 5, 4th paragraph, 1st line, remove "mentioned she has been waiting for the revisions for the financial report" insert "appreciated the update"

Page 5, 4th paragraph, 3rd line, remove "knows" insert "mentioned"; 4th line insert "could" after "Chairman"

Ricardo Pacheco motioned to approve the minutes with the corrections seconded by Amanda Honwyteawa; 6 For, 0 Against, 0 Abstained, motion passed.

MINUTES OF 10-15-2020

Amanda Honwyteawa sent the following corrections via email:

Page 8, under 15. b, 2nd paragraph, first line, after "Honwyteawa" insert "thanked Councilwoman Rubio she supports her request. She"

Amanda Honwyteawa motioned to approve the minutes with the corrections seconded by Ricardo Pacheco; 6 For, 0 Against, 0 Abstained, motion passed.

Regular Council Meeting

November 5, 2020

Page 2

6. RESOLUTION APPROVING A GRANT AGREEMENT BETWEEN THE YAVAPAI-APACHE NATION AND THE NATURE CONSERVANCY TO FUND THE INSTALLATION OF IRRIGATION SYSTEMS AT THE NATION'S CLOVERLEAF FARM AND RANCH – Yolanda Trujillo

Yolanda Trujillo mentioned they have been working on grain projects with TNC. TNC would fund \$30,000 and Agriculture will provide the labor and the materials.

Darlene Rubio motioned to approve the resolution approving the Agricultural Resources Department in working with The Nature Conservancy (TNC), a non-profit environmental organization active in the Verde River watershed with a focus on preserving the flows of the Verde River and the health of the ecosystems and economies that are supported by a continually flowing Verde River, work on new opportunities in the local and regional agricultural markets, including supporting the development of a small grains market in the Verde Valley and diversifying the Nation's annual farming crop rotation, the Nation entered into a Memorandum of Understanding to continue their positive working relationship and to facilitate development of additional opportunities for the Nation's agricultural operations in local and regional agricultural markets, including through development of the Nation's agricultural lands, under the terms of the MOU the Nation and TNC have agreed to identify funding sources to assist the Nation in further developing its agricultural operation including the Small Grains Project and other related projects, under the Grant Agreement TNC will provide grant funding to the Nation in the amount of \$30,000 to be used to fund the installation at the Nation's Cloverleaf Farm and Ranch, of irrigation systems with at least 75% water use efficiency such as sprinkler or center pivot irrigation systems on at least 25-acres of lands at the Cloverleaf Farm-Ranch and the Grant Agreement does not require a matching financial contribution from the Nation, except for such labor and materials as may be provided by the Nation's Agricultural Department in implementing the work under the Grant Agreement per Version 1 (11-5-2020) seconded Ricardo Pacheco; 6 For, 0 Against, 0 Abstained, motion passed.

Germania Jones arrives at 9:26 a.m.

7. RESOLUTION APPROVING AMENDMENT NO. ONE 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

David Schreiner explained the following amendments to approve Change Order 1:

Regular Council Meeting

November 5, 2020

Page 3

- 1) Authorizing changes in the work of the Agreement to increase the Scope of Work to include the purchase and installation of two metal doors with closers and panic hardware, which are needed for the Community Building/Gymnasium, which were not included in the original proposal for the work.
- 2) Increasing the Contract Time by extending the time for completion of the Work through December 31, 2020, to accommodate changes made to the building design and redesign of the building foundation.
- 3) Increasing the original Contract Amount from \$376,025 to a new total contract amount of \$378,620 (an increase of \$2,595.00)

The funds to facilitate the Project including the Agreement and Amendment No. One are available from funds made available to YANTH under the Yavapai-Apache Homes Tax Credit VII Project.

Henry Smith motioned to approve the resolution per Version 1 (11-5-2020) seconded by Ricardo Pacheco; 7 For, 0 Against, 0 Abstained, motion passed.

8. RESOLUTION APPROVING THE INDIAN HOUSING PLAN FOR FISCAL YEAR 2021 AND AUTHORIZING THE YAVAPAI-APACHE NATION TRIBAL HOUSING DEPARTMENT TO ADMINISTER AND IMPLEMENT THE INDIAN HOUSING PLAN – Nadie Beauty

Darlene Rubio asked if a copy of the Indian Housing Plan be provided to the tenants who are living in those homes included in the Plan or post it on the website.

Nadie Beauty responded due to the cost of the postage she would like to provide it to the Chairman to post on the website. They are conducting a tenant drive by to deliver PPE's and a copy can be provided. They will provide a copy to those who request one.

Nadie Beauty explained the budget allocation for the Indian Housing Plan Grant is \$1,227,379.

Henry Smith motioned to approve the resolution per Version 1 (11-5-2020) seconded by Ricardo Pacheco; 7 For, 0 Against, 0 Abstained, motion passed.

9. RESOLUTION AUTHORIZING THE NATION TO SUBMIT A GRANT APPLICATION TO THE NATIVE AMERICAN/NATIVE HAWAIIAN MUSEUM SERVICES INSTITUTE OF MUSEUM AND LIBRARY SERVICES TO EXPAND LIBRARY SERVICES TO TUNLII – Robert Mills

Regular Council Meeting

November 5, 2020

Page 4

Robert Mills explained the funding agency is the Native American/Native Hawaiian Museum Services Institute of Museum and Library Services in the amount of \$7,000 up to 2 years with no matching funds. JOM will be administering the grant. Cindy Eaton has a list of books she would like to purchase. The funds will be used to plan and implement a library in the Nation's Tunlii Community. The libraries are established to promote the culture and heritage of the local Native American Culture being served and to provide lifelong learning opportunities.

Darlene Rubio mentioned in the proposal of how the books by indigenous people and culture will be purchased. There was no detail attached to the resolution. Can we buy books from our tribal members to place in the library?

Robert Mills responded yes it would be allowed.

Henry Smith explained he is interested in the indigenous authors who are documenting about our people. He is in support of the library and in pushing education and culture. Vincent Randall has some authors to be included. One of the books is so expensive. The cost is \$300. He hopes Robert Mills can contact our Culture Department regarding the purchasing of books.

Henry Smith motioned to approve the resolution per Version 1 (11-5-2020) seconded by Amanda Honwytewa; 7 For, 0 Against, 0 Abstained, motion passed.

Darlene Rubio said it slipped her comment is that on some of these resolutions there is much information on what the resolutions contained as to why we are passing them. Can she go back and include the crucial information as to why we are passing them. The resolution that was just passed she would like to include 3-5th whereas in the minutes.

Chairman Huey responded he would not recommend the change due to we would have to go over all of the other resolutions to include other information as to why the resolution was passed. If the tribal member wants a copy of the resolution they would request it from Karla Reimer.

Robert Mills reported the Nation won the Governor's Art Award. The Nation received the OPIOD Grant in the amount of \$125,000, CDC Award and the Adam Walsh Grant.

Darlene Rubio requested a list of all of the grants and their award dates to discuss this during our budget reviews.

10. RESOLUTION AUTHORIZING THE NATION TO ENTER INTO A JOINT FUNDING AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY FOR A VERDE RIVER SYNOPTIC BASE-FLOW SURVEY PROJECT – Scott Canty

Regular Council Meeting

November 5, 2020

Page 5

Scott Canty explained this is part of our water rights project. The Verde River flows through the heart of the Nation's aboriginal territory within the Verde River Watershed and its continuing flows are vital to the Nation's economic, social and cultural well-being. There is unrestrained development and upstream pumping in the Verde River Watershed has severely threatened and depleted the flows of the Verde River, including the flows that should ultimately be reaching the Yavapai-Apache Nation Reservation. The Nation and the United States on behalf of the Nation have water rights claims pending in the Gila River General Stream Adjudication in which the Nation has asserted a federal reserved water right to instream flow to support the Nation in its permanent tribal homeland. In order to assist the Nation's technical experts in collecting critical data regarding the base flow of the Verde River, the Nation and United States Geological Survey have prepared a Joint Funding Agreement for USGS to conduct a Verde River Synoptic Base-Flow Survey. The BIA has provided funding to the Nation in the amount of \$60,000 under Modification No. 1 to BIA Contract No. A20AV00858 to be used by the Nation to contract with USGS to conduct the Verde River Synoptic Base-Flow Survey. The Council has reviewed the Joint Funding Agreement and the Scope of Work. The funds to be paid by the Nation to the USGS under the Joint Funding Agreement shall be paid from funds provided to the Nation by the Bureau of Indian Affairs Water Resources Program – Water Rights Litigation/Negotiation, Grant No. A20AV00858 in the amount of \$60,000. Abe Springer and Laura Lacher will produce the report. A report will be available.

Darlene Rubio noticed in the agreement under Section 2 (b) by the party of the second party October 1, 2020 to September 30, 2021. The information is to be utilized for our water right settlement.

Darlene Rubio motioned to approve the resolution per Version 1 (11-5-2020) seconded by Henry Smith; 7 For, 0 Against, 0 Abstained, motion passed.

11. RESOLUTION AUTHORIZING THE NATION TO ENTER INTO A TEMPORARY RIGHT OF ENTRY PERMIT WITH ARIZONA STATE PARKS AND TRAILS – Scott Canty

Scott Canty explained the Arizona State Parks and Trails has agreed to grant the Nation and its agents, employees, contractors, and subcontractors a Temporary Right of Entry Permit to access the Park Properties for the purposes of conducting the aforementioned Permitted Uses in accordance with the terms and conditions of the Temporary Right of Entry Permit. The Council determined that the gathering of data and information concerning the characteristics of the Park Properties under the Permitted Use provided under the Temporary Right of Entry. It will allow the Nation to evaluate the suitability of the Park Properties for location of potential future

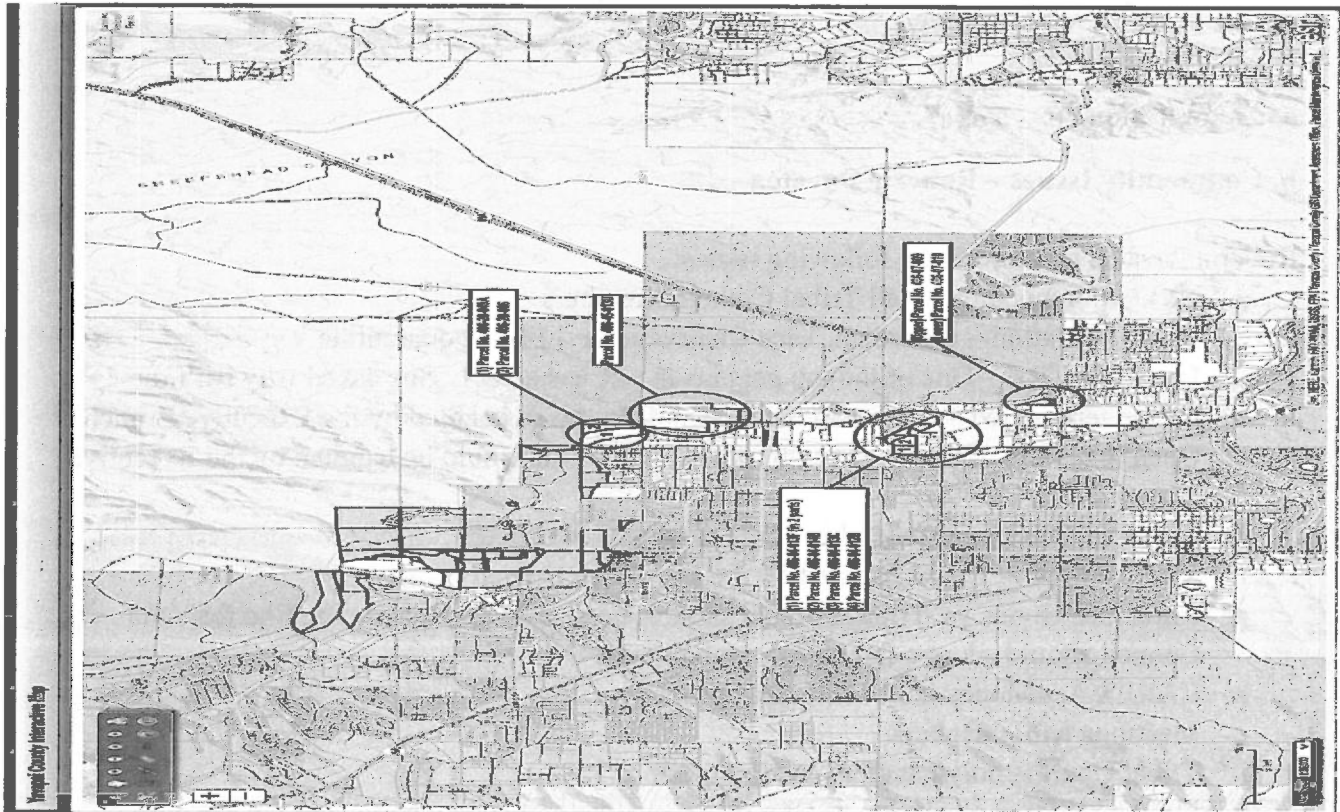
Regular Council Meeting

November 5, 2020

Page 6

reclaimed water recharge/discharge project and is in the Nation's best interests. It is for the purpose to locate the discharge or recharge for the Sedona project. To bring the effluent close to the river in the river or underground. This would be the CAP Project. We would need agree to the permit by having our people go on the property to determine if this would be a good location for the recharge area. Laura Lacher is the contracted hydrologist for the Nation. The contract is up for renewal in December. We will need to extend the contract. He will be including in a list of renewals. We may have a discussion on the contract when it comes up. The contract is funded by BIA. The contract can be terminated early by either parties.

Darlene Rubio motioned to approve the resolution to include the Arizona State Parks & Trails is the fee owner of multiple parcels of real property in Yavapai County, (separately, "Park Property" and collectively, legally described with Yavapai County Assessor Parcel Numbers, the Nation is seeking to identify a location for a potential future water-related project in close proximity to the Verde River, and the Nation has determined that one or more of the Park Properties may be suitable for location of the project in order to evaluate the suitability of the Park Properties for the project, the Nation , its agents, employees, contractors and subcontractors require a right of entry to the Park Properties for the purpose of collecting water samples, flow measurements, and taking photographs and documenting site data. These purposes shall be referred to as the Permitted Uses and the Nation anticipates that the Permitted Uses will substantially enhance the Nations understanding of the Park Properties" suitability for a potential reclaimed water recharge or discharge project that could be developed under a separate agreement with ASPT to enhance the Park Properties and provide for the delivery of highly treated reclaimed water to the Verde River in order to sustain flows in the Verde River and support the downstream water needs of the Yavapai-Apache Nation and ASPT has agreed to grant the Nation and its agents, employees, contractors and subcontractors a Temporary Right of Entry Permit to access the Park Properties for the purposes of conducting the aforementioned Permitted Uses in accordance with the terms and conditions of the Temporary Right of Entry Permit, the Council has determined that the gathering of the data and information concerning the characteristics of the Park Properties under the Permitted Uses provided under the TROE and include the map per Version 1 (11-5-2020) seconded by Henry Smith; 7 For, 0 Against, 0 Abstained, motion passed.



12. UTILITY BILLING DISCOVERIES – Kathleen Leonard via phone

Kathleen Leonard explained Discovery Audits offers a free service of auditing every electric, gas, water/sewer, garbage and telecommunications bill that you receive. They investigate the accounts to see if the utility and telecom companies are overcharging you. If they find errors, the Nation would obtain the maximum refund, the Nation would deserve to receive and correct the accounts going forward. If there is a refund, the Nation would share 50% of those monthly savings with Discovery Audits for a period of twenty-four months, after that all of those savings are yours, instead of overpaying your utility accounts year after year. They request a photocopy of each monthly utility bill and a letter of authorization allowing them to request usage histories from the utility companies. They would need permission to proceed.

Henry Smith asked if they had worked with other tribes. She mentioned she had presented to Hualapai Tribe but they haven't signed on yet. She is also working with Tuba City.

The Council made no decision.

Regular Council Meeting

November 5, 2020

Page 8

13. OLD BUSINESS – None

14. NEW BUSINESS

a. Council Reports – None

b. Community Issues – Roberta Pavatea

Roberta Pavatea mentioned the following issues:

- a. No Communication by all Tribal Council Members
- b. Ethics Violation – Chairman, Vice Chairwoman – 14-day quarantine
- c. Employee DUI – One of the top persons in HR has a DUI. She asked why isn't the person terminated – Chairman Huey explained this is handled by the Executive Branch
- d. Open the doors of the Nation with precaution – This would be handled by the Executive Branch
- e. Safety of Community Member – hire more police officers
- f. Medical Staff – This is handled by the Executive Branch
- g. Christmas Bonus vs. Tribal Council salaries need to be brought down. She feels the Council should adopt a family for the holidays.
- h. CARES Act Money isn't being used properly.
- i. Meetings with members
- j. Tribal Court is only handling arraignments
- k. Fix the Housing resolution to allow your members to have a home and not the non-Indians.

Roberta Pavatea is responsible for Rez Talk. You need a bi-weekly newsletter to include the facts. She would volunteer and help in getting the information out to the people. You need to be more active and inform the members. Public notice should go out. You need to check on your elders.

Henry Smith accepted the complaint on lack of communication. It is a concern. The Council works hard and they are caring. This has been a challenging year. He thanked Roberta for being an advocate. Due to the pandemic there has been risk, chaos and internet security problems. He credited Chairman Huey on getting information. How do you get information out without risking our cyber security? There was a security risk at Yavapai Prescott and they had to shut down. We are hesitant.

Germania Jones responded to each item Roberta Pavatea presented. She asked how we get communication out to the people. She respects the members who state on their door they don't want any contact. We could consider providing information on a TV station like San Carlos.

Regular Council Meeting

November 5, 2020

Page 9

Money is an issue. She would deliver flyers to the doors if they need to be done. She can't speak on the ethics violation and the Employee DUI. She doesn't know how to do the open the doors of the Nation request other than the way it is being handled now. In regards to the safety of the community members and hiring more police officers. We have been lacking officers because we are unable to offer them a retirement.

Roberta Pavatea asked about Housing getting rid of all of the old employees and she feels it is political. Why did you approve of the steel doors at Agriculture? This wouldn't be a priority.

Chairman Huey responded the reason why they purchased steel doors is it is for the roll up doors at the hay barn. Steel is better than wood when we are talking about fires.

Henry Smith explained we received insurance money due to a fire. It is fully enclosed and covered. It needed to be enclosed for the hay. It was requested to purchase steel doors so they wouldn't burn.

Germania Jones explained she doesn't know about the Medical Staff. In regards to the Christmas Bonus vs. Council salary. She can adopt a family. The CARES Act Money has justification for the line items and she was ok with it. You take the good with the bad. She is not sure with the meetings with the members. We can continue paying the utility bills for the elders.

Darlene Rubio agreed there is lack of communication. She understands there were changes daily. It took some time to get the CARES Act Money and the regulations kept changing. The money didn't come in right away. It was uncontrollable. We did our best. It is hard to please everyone. We need to be patient and work together. The community wants to hear about it. She needs help to change policy. She helps people but she doesn't brag about it. She does it within her heart.

Amanda Honwytewa thanked Ms. Pavatea for sharing her concerns. In response to lack of communication. She hopes to bring back communication by providing public access to zoom now and suggested to provide the information on the website. She had asked for this back in May however as mentioned by Councilman Smith there were some security issues. She discussed how Chairman Huey got Facebook established and places information on the website regarding COVID.

Amanda Honwytewa briefly mentioned how she would share placing information on her own Facebook page by providing the agenda. There were a lot of questions on Facebook but she was unable to address them. Now that the Nation has a Facebook page she has deactivated that account. She had also handed out COVID information to Middle Verde homes.

Regular Council Meeting

November 5, 2020

Page 10

She is always looking for solutions on enhancing the communication. She supports the biweekly newsletter. It can be done and would volunteer to hand out as well. She liked the idea of a TV station mentioned by Councilwoman Jones. She also suggested using Facebook live for the Chairman to provide information directly to tribal members. She has heard many concerns on communication including comments that members felt letters were too lengthy and impersonal.

Amanda Honwytewa apologized for the lack of communication and understands how it has caused frustration and miscommunication. Such as purchase of land it was not purchased with the CARES money. The CARES Act Relief Fund was budgeted and money was allocated for different purposes. For example, \$500,000 was allocated for community food and PPE which is the bi-monthly food distributions. She did ask Council to include the budget with the letter but it was not supported at the time. She also mentioned the cuts to tribal assistance like higher education and clothing allowance. Her goal was to revise the general fund budget in June to reflect the cuts but we didn't get it done until September.

Amanda Honwytewa stated she received a concern about a van in the Tunlii Community who was seeking to abduct tribal children. She immediately informed Chairman Huey and he had the patrol officers patrol the area when the kids were getting off the bus the next day. Their parents were out there as well. It is nice to see the community looking out for one another.

In response to the holiday bonus, we suffered a huge loss due to COVID and when the Casino shut down. We had other revenue we received in supplementing budget and we are unable to provide a holiday bonus. The Council took a 10% salary cut and could choose to do more. She didn't agree with that and wanted it to be more and fair across the board. She took a 50% cut. This is her only income for her family. The hourly employees took a 5% cut and salary took a 10% salary cut. We are working on budgets now. We will be discussing the salaries of Council during the budget process and will bring it up.

Roberta Pavatea shared what was done during her term when she was on the Council.

Germania Jones stepped out at 1:00 p.m.

Henry Smith motioned to adjourn at 1:06 p.m. seconded by Ricardo Pacheco; 6 For, 0 Against, 0 Abstained, motion passed.

YAVAPAI-APACHE TRIBAL COUNCIL



Karla Reimer, Secretary