

**MINUTES OF
YAVAPAI-APACHE NATION
Special Business Meeting
December 10, 2020**

1. CALL TO ORDER: Vice Chairwoman Tanya Lewis called the meeting to order at 10:12 a.m., Middle Verde Administration Building and via Zoom.us.

2. INVOCATION: Nancy Guzman

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

4. APPROVAL OF AGENDA:

Vice Chairwoman Lewis requested to add a. Approval of 2021 General Fund Budget under item 20.

Darlene Rubio requested to add the following items:

- Policy regarding furlough moving to hire (Is there a HR Policy that an employee who resigns has to wait so many days before they are eligible to be rehired by the tribe?)
- Hired Security (Duties on contract? Meet and greet owner, collecting driver information, collecting passenger's information, are the security employees armed with weapons? How are they determining medical emergencies? Behavior is rude, once the CARES Act Funding is gone but pandemic continues how do we plan to continue to pay for the service and is it budgeted?)
- Request a Community Meeting
- Council Members should return calls when not able to answer their Council phones
- Is COVID positive results on community members being sent to Jim Simon?
- What are we providing for school students? (computers, etc.)
- Council needs to send out letters regarding Higher Education Students.
- New contract with Strategy 48 ends in December.
- Resolution for Utilities Director

Vice Chairwoman Lewis requested to place these items on the agenda for next week. She will review the list first.

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

5. MINUTES OF 11-12-2020

Amanda Honwyteawa requested a correction on Page 4, 3rd paragraph, 1st line, insert "notification" before "letter"; after "letter" insert "before the gift card is sent out."

**Special Business Meeting
December 10, 2020
Page 2**

Darlene Rubio requested Karla Reimer review the tape regarding Item 9, 5th paragraph.

Darlene Rubio motioned to table the minutes seconded by Amanda Honwyte; 7 For, 0 Against, 1 Abstained, motion passed.

MINUTES OF 11-18-2020

Darlene Rubio motioned to approve the minutes seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

6. RESOLUTION APPROVING THE CLIFF CASTLE CASINO FISCAL YEAR 2021 OPERATING AND CAPITAL BUDGET

Darlene Rubio motioned approve the resolution approving the Operating Net Income Budget in the amount of \$20,599,246 and \$2,000,0000 for the Capital Expenditures Budget per Version 1 (12-10-2020) seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

7. RESOLUTION APPROVING THE FISCAL YEAR 2021 YAVAPAI-APACHE SAND & ROCK BUDGET

Nancy Guzman motioned to approve the resolution approving the YASR FY2021 Operating Net Income Budget of \$892,355 and Capital Expenditures Budget of \$0 per Version 1 (12-10-2020) seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motion passed.

8. RESOLUTION APPROVING THE FISCAL YEAR 2021 DISTANT DRUMS RV RESORT BUDGET

Nancy Guzman motioned to approve the resolution approving the Distant Drums RV Resort FY2021 Operating Net Income Budget of \$41,520 and Capital Expenditures Budget of \$15,000 per Version 1 (12-10-2020) seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

9. RESOLUTION APPROVING THE FISCAL YEAR 2021 YAVAPAI-APACHE WHITEHILLS BUDGET

Darlene Rubio motioned to approve the resolution approving the Yavapai-Apache Whitehills FY2021 Operating Net Income Budget of \$103,157 and Capital Expenditures Budget of \$60,000 per Version 1 (12-10-2020) seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

10. RESOLUTION APPROVING THE FISCAL YEAR 2021 MARKET PLACE BUDGET

Darlene Rubio motioned to approve the resolution approving the Market Place 2021 Operating Net Income Budget of \$412,928 and Capital Expenditures Budget of \$0 per Version 1 (12-10-2020) seconded by Apphia Shirley; 8 For, 0 Against, 0 Abstained, motion passed.

11. RESOLUTION ADOPTING AMENDMENTS TO THE YAVAPAI-APACHE NATION BUDGET AND APPROPRIATIONS CODE

Nancy Guzman motioned to approve the resolution adopting the Yavapai-Apache Nation Budget and Appropriations Code effective immediately upon adoption of the resolution a copy shall be distributed to all Departments and Subordinate Economic Organizations of the Nation per Version 1 (12-10-2020) seconded by Darlene Rubio; 8 For, 0 Against, 0 Abstained, motion passed.

12. APPROVAL OF RESOLUTION ADOPTING THE ORGANIZATIONAL CHART FOR FISCAL YEAR 2021

Germania Jones motioned to approve the resolution per Version 1 (12-10-2020) seconded by Apphia Shirley; 8 For, 0 Against, 0 Abstained, motion passed.

13. RESOLUTION SEPARATING THE DUTIES OF THE TREASURER AND FINANCE DIRECTOR AND AMENDING THE NATION'S LAWS TO REFLECT THIS CHANGE

Nancy Guzman motioned to approve the resolution due to the growth of the Nation and the increasing workload of the Treasurer/Finance Director, as well as the large time commitment required of the Treasurer/Finance Director in attending Council meetings and responding to the Council requests, the Council finds that it is in the best interest of the Nation to separate the duties of the Treasurer and the Finance Director so that the two positions will be held by two individuals instead of one per Version 1 (12-10-2020) seconded by Darlene Rubio; 7 For, 1 Against, 0 Abstained, motion passed.

14. RESOLUTION APPROVING FINANCIAL ASSISTANCE TO THE NATION'S HIGHER EDUCATION STUDENTS ENROLLED FOR THE SPRING 2021 ACADEMIC TERM

Nancy Guzman motioned to approve the resolution that the Nation is not in a financial position to resume financial assistance under the Higher Education Program, the Tribal Council has determined that it will promote the general welfare of the Nation and its higher education students to provide a one-time financial assistance payment of \$2,000 to each of the Nation's higher education students enrolled for the Spring 2021 Academic Term to assist them in meeting their educational expenses per Version 1 (12-10-2020) seconded by Darlene Rubio; 8 For, 0 Against, 0 Abstained, motion passed.

15. RESOLUTION APPROVING A JANUARY 2021 STUDENT CLOTHING ALLOWANCE DISTRIBUTION UNDER THE STUDENT CLOTHING ALLOWANCE PROGRAM

Henry Smith motioned to approve the resolution where the Council reviewed its financial situation for the first part of 2021 and has determined to provide a January distribution under the Student Clothing Allowance Program as follows:

1. Student ages 3 through 9 will receive \$200
2. Students ages 10 through 19 will receive \$300;

Per Version 1 (12-10-2020) seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motion passed.

16. RESOLUTION APPROVING THE PURCHASE OF A PICKUP TRUCK FOR THE NATION'S ENVIRONMENTAL PROTECTION DEPARTMENT

Henry Smith motioned to approve the resolution to purchase a 2016 Ford F-350 Super Duty XL Crew Cab 4WD with a Purchase Price of \$27,000 to be paid as follows:

1. \$15,000 – Proceeds of sale for the GMC pickup, as authorized by Resolution No. 187-20
2. \$5,000 – U.S. Fish & Wildlife Service grant funds, Fund No. 423
3. \$7,000 – U.S. EPA grant funds, Fund No. 380

Per Version 1 (12-10-2020) seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

17. RESOLUTION APPROVING THE PURCHASES OF A QUANTITY OF PVC PIPE NEEDED FOR COMPLETION OF THE MIDDLE VERDE SEWER LAGOON LINE REPAIR PROJECT

Darlene Rubio motioned to approve the resolution as provided in Resolution 185-2020, funds for payment of the costs of the Project are available from the CARES Act funds made available to the Nation because of the following circumstances:

- (1) The world continues to cope with an attack by a highly contagious virus that has reached pandemic proportions and threatens the world and in some cases the lives of its victims; and
- (2) 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 members, employees, and visitors, particularly the Nation's Elders and those with underlying medical conditions; and
- (3) On March 19, 2020, the Council adopted Resolution No. 60-20, declaring a State of Emergency exists within the Yavapai-Apache Nation and authorizing the Executive Offices of the Nation to coordinate emergency and disaster relief and seek assistance from the federal, state, and other tribal governments and local and private agencies to address the serious public health emergency created by the Coronavirus outbreak, and

- (4) On April 4, 2020, the Council adopted Resolution No. 70-2020, imposing a Stay-at-Home Order and other emergency measures intended to preserve the public health and safety of the Nation and its members, employees, and visitors, and to mitigate the risk of COVID-19 infection

Per Version 1 (12-10-2020) seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

18. RESOLUTION APPROVING AMENDMENT NUMBER ONE TO THE CONSTRUCTION AGREEMENT BETWEEN THE YAVAPAI-APACHE NATION AND LONGFELLOW EXCAVATING LLC, FOR THE MIDDLE VERDE SEWER LAGOON LINER REPAIR PROJECT

Henry Smith motioned to approve the resolution due to the Utility Department has been advised by the liner manufacturer that the repair work will require two additional water-free days for drying of the liner repair seams following repairs, thereby necessitating operation of the lagoon pumps by Longfellow for an additional two days beyond the time currently allowed by the Agreement, and the Utility Department recommends that the Nation approve an amendment to the Agreement approving Change Order No. 1 and providing for the additional time and costs needed to complete the repairs as follows:

- 1) Authorizing changes in the work of the Agreement by increasing the scope of work to include additional pumping as needed to keep the liner dry for two additional days to allow the repaired liner seams to dry, and
- 2) Increasing the Contract time by two additional days through December 22, 2020, and
- 3) Increasing the Original Contract Amount from \$24,772.00 to a new Total Contract Amount of \$30,118.00 (an increase of \$5,346.00)

Per Version 1 (12-10-2020) seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

Amanda Honwytewa commented we received a notification from our Utilities Supervisor about the lagoon and the possible odor and smell. She really appreciated the notification to the Middle Verde community.

Robert Mills explained there are some other issues with the sewer lagoon project. As Longfellow started the work they noticed the other soil had been compromised and asked for more work for the erosion problem. It will cost another \$20,000 if we do it now or if you don't want to do it and do it later it could cost \$45-50,000. He wanted to make the Council aware of it.

Henry Smith suggested to move forward on it. It is a pollution issue. We need to come up with a different measure to remove the lagoon. We need to address the issue immediately. The Council needs to schedule a work session to come up with a plan for a treatment plant.

Darlene Rubio gave an update on past information regarding the lagoons. The Council discussed in previous years. There were numerous meetings with Indian Health Service in regards to removing the ponds but were told by Indian Health Service the ponds were not being removed due to there was a certain amount of funding allocated and the Council would need to come up with funding also. At the time the Council had other priorities that IHS had to allocate those funds for. The legislatures need to advocate for additional funds to remove the ponds. Her concern is flooding in the future. If we do it on our own the cost would be in the \$10-20 million dollar range. She agrees the lagoons need to be removed. This issue has been ongoing for many years. We need to re-look at the issue and advocate to our Senators for additional funding.

Amanda Honwyteewa supported scheduling a work session to address the issues.

Vice Chairwoman Lewis requested a work session with Robert Mills will be held after the meeting.

19. RESOLUTION APPROVING AN AGREEMENT FOR CONSULTING SERVICES BETWEEN THE YAVAPAI-APACHE NATION AND DARLENE WAGNER TO PROVIDE INDIVIDUAL, FAMILY AND GROUP COUNSELING FOR VICTIMS OF DOMESTIC VIOLENCE

Henry Smith motioned to approve the resolution for the agreement from January 1, 2021 through December 31, 2021, with total compensation not to exceed \$29,000 to be appropriated and paid from the Nation's Domestic Violence grant funds received from the U.S. Department of Justice Grant Project #2018-TW-AX-0013 per Version 1 (12-10-2020) seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

Amanda Honwyteewa asked if the Procurement Code was followed by Robert Mills in hiring. It was affirmed the code was followed. The Nation receives grant funds from the United States Department of Justice to assist the Nation in providing counseling to victims of domestic violence in the Nation's Communities.

20. RESOLUTION APPROVING AN AGREEMENT FOR CONSULTING SERVICES BETWEEN THE YAVAPAI-APACHE NATION AND RED ROCK FAMILY SERVICES TO PROVIDE PROFESSIONAL COUNSELING SERVICES FOR YOUTH CLIENTS OF THE DEPARTMENT OF SOCIAL SERVICES

Henry Smith motioned to approve the resolution for a term of January 1, 2021 through December 31, 2021 not to exceed \$60,000 for inclusive of all fees and expenses to be paid from the Transforming Victim Service Grant Program grant funds received from the U.S. Department of Justice #2019-V6-GX-0010 per Version 1 (12-10-2020) seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

a. RESOLUTION APPROVING THE YAVAPAI-APACHE NATION'S FISCAL YEAR 2021 GENERAL FUND GOVERNMENTAL OPERATIONS BUDGET

Henry Smith motioned to approve the resolution adopting the FY2021 General Fund Governmental Operations Budget in the amount of \$16,977,373 per Version 1 (12-10-2020) seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

21. SELECTION OF GAMING COMMISSIONER FOR A 5 YEAR TERM

This was done by secret ballot.

Henry Smith motioned to appoint Denise Hood as a Gaming Commissioner for a 5 Year Term seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

22. SELECTION OF 2 ASSOCIATE JUSTICES OF APPELLATE COURT FOR A TWO YEAR TERM

This was done by secret ballot.

Henry Smith motioned to appoint Rodolfo Garcia and John Lamb as Associate Justices for the Appellate Court for a two year term effective immediately seconded by Germana Jones; 8 For, 0 Against, 0 Abstained, motion passed.

23. EXCLUSION REQUEST ON DANIEL ENGEL, JR. AND JONATHAN PIKE – Becky Jackson, Reba Franco, Sylvia Wilson, Roberta Pavatea

Henry Smith motioned to go into Executive Session seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

EXECUTIVE SESSION

Henry Smith motioned to come out of Executive Session seconded by Germana Jones; 8 For, 0 Against, 0 Abstained, motion passed.

Vice Chairwoman Lewis summarized while in Executive Session the Council discussed the Exclusions on Daniel Engel, Jr., Jonathan Pike and Laurie Holmes.

Vice Chairwoman Lewis asked for a consensus from the Council to move forward on the exclusions and then next week a resolution will be presented. All Council Members approved the exclusions.

24. REAPPOINTMENT FOR A 2-YEAR TERM OF ASSOCIATE JUDGE, LILLIAN ROSS

Henry Smith motioned to go into Executive Session seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

EXECUTIVE SESSION

Henry Smith motioned to come out of Executive Session seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

Vice Chairwoman Lewis summarized while in Executive Session the Council discussed a personnel issue.

25. OLD BUSINESS – None

26. NEW BUSINESS

a. Council Reports

Darlene Rubio provided a SDPI Report. A letter was provided to be sent to the representatives and a copy given to the Attorney General and Indian Health Services. The Attorney General will revise the letters and provide a copy to the Council.

There was a consensus by the Council to submit the letters to the Attorney General for revisions.

Nancy Guzman excused herself at 1:35 p.m.

Ricardo Pacheco motioned to adjourn at 1:40 p.m. seconded by Germania Jones; 7 For, 0 Against, 0 Abstained, motion passed.

YAVAPAI-APACHE TRIBAL COUNCIL

Karla Reimer

Karla Reimer, Secretary