

**MINUTES OF
YAVAPAI-APACHE NATION
Special Business Meeting
December 16, 2020**

1. CALL TO ORDER: Vice Chairwoman Tanya Lewis called the meeting to order at 10:31 a.m., Middle Verde Administration and via Zoom.us.

2. INVOCATION: Darlene Rubio

3. ROLL CALL: Germana Jones, Amanda Honwyte, Nancy Guzman, Tanya Lewis, Ricardo Pacheco, Darlene Rubio and Henry Smith were present. Apphia Shirley was present on Zoom.us. Jon Huey was absent (ill).

4. APPROVAL OF AGENDA:

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

5. MINUTES OF 12-3-2020 & 12-3-2020 (2ND set)

Ricardo Pacheco motioned to approve the minutes of 12-3-2020 seconded by Germana Jones; 8 For, 0 Against, 0 Abstained, motion passed.

MINUTES OF 12-3-2020 (2ND set)

Ricardo Pacheco motioned to approve the minutes of 12-3-2020 (2ND set) seconded by Apphia Shirley; 8 For, 0 Against, 0 Abstained, motion passed.

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

Darlene Rubio motioned to approve the resolution due to the Utility Department has been advised by the Contractor and the Liner Company that erosion of the lagoon embankment beneath the liner has caused additional tears in the liner and that the erosion and tears have caused water to pool beneath the liner; necessitating both the removal of the water and the repair of the erosion, and the Utility Department recommends that the Nation approve an amendment to the Agreement approving Change Order No. 2 and providing for the additional time and costs needed to complete the repairs as follows:

- 1) Authorizing changes in the work of the Agreement as set out in the attached Change Order No. 2 by increasing the scope of work to include: (1) additional dirt work on the

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lagoon embankments to repair erosion under the liner, (2) additional pumping to remove water that has pooled beneath the liner where tears have occurred in the liner, and

- 2) Increasing the Contract time by two additional days through December 24, 2020, and
- 3) Increasing the previously revised Contract Amount from \$30,118 to a new Total Contract Amount of \$53,918 (an increase of \$23,800)

per Version 1 (12-16-2020) seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

7. RESOLUTION APPROVING THE RENEWAL OF THE WORKERS' COMPENSATION, EXCESS LIABILITY, AND CYBER LIABILITY INSURANCE POLICIES THROUGH TRIBAL FIRST

Darlene Rubio motioned to approve the resolution approving the renewal of the Workers' Compensation, Excess Liability, and Cyber Liability insurance policies through Tribal First for the FY2021 policy term with the renewal premium of \$346,449 and the coverage described in the Insurance Proposal per Version 1 (12-16-2020) seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

8. RESOLUTION APPROVING AN INDEPENDENT CONTRACTOR AGREEMENT BETWEEN THE YAVAPAI-APACHE NATION AND GRAND CANYON SENIOR CARE LLC FOR ADULT GUARDIANSHIP FIDUCIARY SERVICES

Darlene Rubio motioned to approve the resolution for the Independent Contractor Agreement with Grand Canyon Senior Care LLC to provide fiduciary services to assist the Nation in meeting its financial and legal obligations under the Nation's Adult Guardianship Code in cases where the Nation's Department of Social Services has been appointed the guardian of the estate for an adult ward with the term of January 1, 2021 and continuing through December 31, 2021 in the amount of a flat rate of \$6,500 paid quarterly through the Department of Social Services 2021 General Fund Budget for Professional Services per Version 1 (12-16-2020) seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motion passed.

9. RESOLUTION APPROVING THE 2021 ANNUAL FUNDING AGREEMENT UNDER THE INDIAN SELF-DETERMINATION AGREEMENT WITH THE INDIAN HEALTH SERVICE FOR COMMUNITY HEALTH REPRESENTATIVE SERVICES, ALCOHOL AND SUBSTANCE ABUSE PREVENTION SERVICES, AND CLINICAL SUPPORT SERVICES

Darlene Rubio motioned to approve the resolution approving the 2021 Annual Funding Agreement under the Indian Self-Determination Agreement, Contract Number

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HHS1247201920009C for continued funding to administer the Nation's Community Health Representatives Program, the Alcohol and Substance Abuse Program and the Clinical Support Services Program and provides for (1) funding for 2021 in the amount of \$353,021 and (2) contract support costs for 2021 in the amount of \$205,955 per Version 1 (12-16-2020) seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

10. RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE YAVAPAI-APACHE NATION AND THE INTER TRIBAL COUNCIL OF ARIZONA PROVIDING GRANT FUNDING FOR IMPLEMENTATION OF THE CDC GRANT FOR A GOOD HEALTH AND WELLNESS IN INDIAN COUNTRY

Darlene Rubio motioned to approve the resolution for the Nation and ITCA to enter into a Memorandum of Agreement providing the Nation grant funding for implementation of the Centers for Disease Control and Prevention grant titled Good Health and Wellness in Indian Country, which grant provides strategies and programs to reduce rates of death and disability from tobacco, diabetes, heart disease and stroke through activities and services in accordance with the terms and conditions of the MOA in the amount of \$45,000 to pay for said activities and services for the period of September 30, 2020 through September 29, 2021 per Version 1 (12-16-2020) seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motion passed.

11. RESOLUTION ADOPTING THE YAVAPAI-APACHE HEALTH CENTER COVID-19 SAFETY PROTOCOL PLAN

Darlene Rubio motioned to approve the resolution approving the Yavapai-Apache Health Center COVID-19 Safety Protocol Plan to include (1) screening, temperature checks, and other safety requirements for patients; (2) screening, temperature checks, COVID-19 testing, and other safety requirements for clinic staff; and (3) PPE and other safety requirements for clinical procedures, examination areas, and COVID-19 testing areas; effective immediately per Version 1 (12-16-2020) seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

12. RESOLUTION AUTHORIZING THE TRIBAL GAMING OFFICE TO PURCHASE A KOBETRON DEVICE

Darlene Rubio motioned to approve the resolution due to the Tribal Gaming Office wishes to purchase the Kobetron device at the cost of \$6,300 and to be paid from the Tribal Gaming Office's FY2020 Budget per Version 1 (12-16-2020) seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

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13. RESOLUTION REAPPOINTING LILLIAN RAVEN ROSS AS AN ASSOCIATE JUDGE OF THE YAVAPAI-APACHE NATION TRIBAL COURT

Nancy Guzman motioned to approve the resolution re-appointing Lillian Raven Ross as Associate Judge for another two-year term commencing January 24, 2021 seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

14. RESOLUTION AMENDING TRIBAL COUNCIL RESOLUTION NO. 84-2020 TO EXTEND ITS PERIOD OF ITS APPLICABILITY INTO 2021 AND THEREBY CONTINUE THE CANCELLATION OF ALL SOCIAL EVENTS WITHIN THE NATION'S LANDS DUE TO THE COVID-19 PANDEMIC AND SOCIAL DISTANCING REQUIREMENTS UNTIL SUCH TIME AS THE RESTRICTIONS ARE LIFTED BY THE COUNCIL

Germania Jones motioned to approve the resolution per Version 1 (12-16-2020) seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

15. RESOLUTION APPROVING AN AGREEMENT FOR CONSULTING SERVICES WITH STRATEGY FORTY-EIGHT FOR MANAGEMENT OF THE NATION'S WEBSITE AND SOCIAL MEDIA PRESENCE AND OTHER PURPOSES AS PROVIDED IN THE AGREEMENT

Ricardo Pacheco motioned to table seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

16. RESOLUTION APPROVING A SPECIAL COUNSEL ATTORNEY CONTRACT BETWEEN THE YAVAPAI-APACHE NATION AND THE LAW FIRM OF BROWNE GEORGE ROSS O'BRIEN ANNAGUEY & ELLIS LLP

Darlene Rubio motioned to approve the resolution determining that it is necessary to continue its current contract with the law firm of Browne George Ross O'Brien Annaguey & Ellis LLP in order to provide the Nation with legal representation in certain matters pending in the courts of California including litigation, negotiation, settlement and resolution of related matters arising out of (1) the collection of damages arising out of the lawsuit and related negotiations involving the Nation and the Lipay Nation of Santa Ysabel (formerly known as the Santa Ysabel Band of Diegueno Mission Indians) regarding the Nation's court-ordered Judgments against Santa Ysabel; (2) the lawsuit, including appellate work, negotiations and settlement involving the Nation, the California Gambling Control Commission and the LaPosta Band of Diegueno Mission Indians now pending in the courts of California; and (3) such other work as has

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heretofore been requested or as may be requested in the future by the Nation, acting through the Office of the Attorney General working in coordination with the Tribal Council with the term of the contract shall be for a one year period beginning January 1, 2021 and ending December 31, 2021 and that the fees and expenses of the Contract shall be paid from that part of the FY2020 budget of the Office of the Attorney General designated for payments under the Contract to be capped over the Term of the Contract in an amount not to exceed \$110,000 per Version 1 (12-16-2020) seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

17. RESOLUTION APPROVING A SPECIAL COUNSEL ATTORNEY CONTRACT BETWEEN THE YAVAPAI-APACHE NATION AND THE LAW FIRM OF MONTGOMERY & INTERPRETER, PLC

Darlene Rubio motioned to approve the resolution directing the fees and expenses arising under the Contract with Montgomery & Interpreter, PLC shall be paid as follows from the following sources: (1) part of the budget of the Office of Attorney General set aside by the Council under the Nation's FY2021 General Fund Government Operations Budget for payments under the Water Rights Attorney Contract, said payment to be limited over the Term of the Contract to an amount not to exceed \$330,000 unless an amendment to the Contract is approved by the Tribal Council, and (2) federal grant funds made available to the Nation for legal fees, expenses and related costs expended by the Nation in protecting, advancing and securing the water rights and related interests of the Nation, with said federal grant funds being utilized as appropriate under the federal grant agreements, prior to resorting to the Nation's General Funds for payment under the Contract per Version 1 (12-16-2020) seconded by Apphia Shirley; 8 For, 0 Against, 0 Abstained, motion passed.

18. RESOLUTION APPROVING A SPECIAL COUNSEL ATTORNEY CONTRACT BETWEEN THE YAVAPAI-APACHE NATION AND THE LAW FIRM OF YODER & LANGFORD P.C.

Nancy Guzman motioned to approve the resolution since July 2003, the Nation has contracted with the law firm of Yoder & Langford, P.C. to provide Special Counsel legal services in the following specialized areas of tax law and related projects: 1) IRS audits and assessments; 2) IRS compliance; 3) Tribal General Welfare Doctrine issues; 4) Employee Benefits – Tax and Compliance Issues; 5) Indian Gaming Regulatory Act Revenue Allocation Plan (RAP) and trust issues (adults and minors); 6) Tax Issues affecting the Nation's economic enterprises; 7) contracting or compacting questions arising under the Indian Self Determination and Education Assistance Act (ISDEAA), and 8) such other matters ad directed by the Council; and the Tribal Council directs that the term of the Contract shall be for a one year period beginning January 1, 2021 and ending December 31, 2021 and that the fees and expenses of the Contract shall be paid

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from that part of the FY 2020 Budget of the Office of Attorney General designated for payment of attorney fees under the Contract said payments to be limited over the Term of the Contract to an amount not to exceed \$100,000 unless further authorization of the Tribal Council is provided in an amendment to the Contract per Version 1 (12-16-2020) seconded by Amanda Honwyteawa; 8 For, 0 Against, 0 Abstained, motion passed.

19. RESOLUTION APPROVING AMENDMENT NO. 4 TO THE SPECIAL COUNSEL ATTORNEY CONTRACT BETWEEN THE YAVAPAI-APACHE NATION AND THE LAW FIRM OF HOLDEN WILLITS, PLC

Amanda Honwyteawa motioned to approve the resolution under Tribal Council Resolution No. 53-18, the Council approved a Special Counsel Attorney Contract with the law firm of Holden Willits, PLC, to provide the Nation with legal representation in certain matters arising out of the Nation's Project for Constructing the Cliff Castle Casino Hotel, including medication, arbitration and related dispute resolution matters arising out of (1) the Construction Contract between the Nation and A.R. Mays Construction (2) the A&E Contract between the Nation and Cuningham Group Architecture (3) the Development Contract between the Nation and DreamCatcher Hotels (4) the Owner's Representative Contract between the Nation and SICON, LLC and (5) such other work as may be requested in the future by the Nation, acting through the Office of the Attorney General working in coordination with the Tribal Council and approval of Amendment No. 4 to the Nation's Special Counsel Attorney Contract with Holden Willits, PLC for the term of the Contract shall be renewed and extend for FY2021 beginning January 1, 2021 and ending December 31, 2021 and that the fees and expenses of the Contract shall be paid from that part of the FY2021 Budget of the Office of the Attorney General designated for payments under the Contract said payments to be limited over the FY2021 Term of the Contract not to exceed \$50,000 per Version 1 (12-16-2020) seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

20. RESOLUTION APPROVING AMENDMENT NO. 3 TO THE CONTRACT FOR CONSULTANT SERVICES BETWEEN THE YAVAPAI-APACHE NATION AND HOLMES & ASSOCIATES, LLC TO ASSIST THE NATION WITH LAND ACQUISITIONS THROUGH A PROPOSED FEDERAL LAND EXCHANGE

Amanda Honwyteawa motioned to approve the resolution under Council Resolution No. 83-18 dated July 19, 2018, the Nation contracted with Holmes & Associates, LLC to assist the Nation with acquisition of additional land through the federal land exchange process in accordance with the terms and conditions of the Yavapai-Apache Nation Contract for Consultant Services (Federal Land Exchange) and the Nation desires to continue its contractual relationship with Holmes & Associates, LLC by extending the term of the Contract through December 31, 2021

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and setting the Total Cap Services and Costs under the Contract for FY2021 at an amount not to exceed \$50,000 per Version 1 (12-16-2020) seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

21. RESOLUTION EXTENDING THE TERM OF THE AGREEMENT FOR PROFESSIONAL SERVICES WITH CAROLLO ENGINEERS, INC., FOR DEVELOPMENT OF THE YAVAPAI-APACHE NATION PHASE II RECLAIMED WATER RESOURCES STUDY

Darlene Rubio motioned to approve the resolution in order to determine if Sedona reclaimed water can in fact provide a reliable and cost-effective water supply source as part of a potential water rights settlement, further technical analysis is required to develop the information necessary for the Nation to make an informed decision regarding the potential availability and economics of using reclaimed water as an element in support of a final settlement of the Nation's water rights claims; and due to COVID-19 delays, the term of the Carollo Contract requires extension through June 30, 2021 subject to all terms and conditions required by the Nation's 638 Contract, with a budget cap at \$107,424 for the services to be provided; and the Council approves an extension to the term of the Carollo Contract through June 30, 2021 with all other terms and conditions remain the same, in accordance with Amendment No. 1 to the Agreement for Professional Services per Version 1 (12-16-2020) seconded by Apphia Shirley; 8 For, 0 Against, 0 Abstained, motion passed.

22. RESOLUTION APPROVING AMENDMENT NO. 3 TO THE YAVAPAI-APACHE NATION CONTRACT FOR PROFESSIONAL CONSULTING SERVICES WITH INTEGRATED HYDRO SYSTEMS, LLC FOR THE YAVAPAI-APACHE NATION INTEGRATED HYDROLOGICAL MODEL FOR THE UPPER AND MIDDLE VERDE BASIN

Nancy Guzman motioned to approve the resolution authorized under Tribal Council Resolution 148-19 dated August 22, 2019, the Nation approve the Contract for Professional Consulting Services with Integrated Hydro Systems, LLC to assist in developing a Big Chino area water model along with the review of the ITC Big Chino area water model along with the review of the ITC Big Chino Pumped Storage Facility Report and Model and authorized by Tribal Council Resolution 108-2020 dated June 10, 2020, Amendment No. 2 to the Contract modified the scope of work to prepare an Integrated Hydrological Model for the Upper and Middle Verde Basin and increased the Contract's budget for the modeling work from \$39,192.92 to \$49,272.92, the term of the Consulting Contract shall be extended through December 31, 2021, subject to all terms and conditions required by the Nation's 638 Contract, and the contract amount shall be capped at \$35,980 for the services to be provided; the Council approves Amendment No. 3 to the

Consulting Contract with Integrated Hydro Systems, LLC per Version 1 (12-16-2020) seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

23. RESOLUTION APPROVING AMENDMENT NUMBER 2 TO THE YAVAPAI-APACHE NATION CONTRACT FOR PROFESSIONAL CONSULTING SERVICES WITH LAUREL LACHER DBA LACHER HYDROLOGICAL CONSULTING FOR THE YAVAPAI-APACHE NATION INTEGRATED HYDROLOGICAL MODEL FOR THE UPPER AND MIDDLE VERDE BASIN

Ricardo Pacheco motioned to approve the resolution authorized under Tribal Council Resolution 149-19 dated August 22, 2019, the Nation approved the Contract for Professional Consulting Services with Lacher Hydrological Consulting, LLC to assist Integrated Hydro Systems, LLC, in developing a Big Chino area water model along with the review of the ITC Big Chino Pumped Storage Facility Report and Model and because of the increased level of participation by Lacher Hydrological Consulting in the development of the Integrated Model, the budget under the Contract with LHC requires modification through an amendment to the scope of services and an increase in the original total budget cap, as authorized under Resolution 149-19 from \$10,080 to \$23,292.92 (an increase of \$13, 212.92) with certain of these funds having been reallocated from the Nation's separate contract with LHC per Version 1 (12-16-2020) seconded by Germaine Jones; 8 For, 0 Against, 0 Abstained, motion passed.

24. RESOLUTION APPROVING AN AMENDMENT TO THE YAVAPAI-APACHE NATION CONTRACT FOR EXPERT CONSULTING SERVICES WITH LAUREL LACHER, DBA LACHER HYDROLOGICAL CONSULTING FOR WATER RIGHTS MATTERS

Darlene Rubio motioned to approve the resolution for the Expert Consulting Contract with Lacher Hydrological Consulting currently has a budget cap of \$33,750 and a term that ends December 31, 2020, and as recommended by the Attorney General, the Expert Consulting Contract requires an amendment to (1) increase the Cap on Consultant Services from \$33,750 to a new Cap Amount of \$53,750 (an increase of \$20,000 and extend the Term of the Contract through December 31, 2021 to allow the work of Dr. Lacher to continue during calendar year 2021; and approving Amendment No. 1 to the Expert Consulting Contract with Laurel Lacher dba Lacher Hydrological Consulting per Version 1 (12-16-2020) seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

25. RESOLUTION APPROVING AN INDEPENDENT CONTRACTOR AGREEMENT BETWEEN THE YAVAPAI-APACHE NATION AND CHRIS CODER TO SERVE AS THE NATION'S ARCHEOLOGIST

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Henry Smith motioned to approve the resolution due to many years the Nation has contracted with Chris Coder to provide services as the Nation's Archeologist with the term of the agreement shall be for a one-year term extending from January 1, 2021 through December 31, 2021, with total compensation to be paid to Contract under the Agreement not to exceed \$81,000 for the term; funding to pay compensation under the agreement shall be appropriated from the Nation's General Fund Governmental Operations Budget – Professional Services Line Item; and approving the execution of an Independent Contractor Agreement between the Nation and Chris Coder to provide services as an Archeologist on behalf of the Nation per Version 1 (12-16-2020) seconded by Apphia Shirley; 8 For, 0 Against, 0 Abstained, motion passed.

26. RESOLUTION APPROVING AN INDEPENDENT CONTRACTOR AGREEMENT BETWEEN THE YAVAPAI-APACHE NATION AND CHRIS CODER TO ASSIST THE NATION IN PROTECTING AND ADVANCING ITS WATER RIGHTS

Henry Smith motioned to approve the resolution for the term of the agreement extending from January 1, 2021 through December 31, 2021 with total compensation to be paid to Contractor under the Agreement not to exceed \$15,000 for the term and funding to pay compensation under the Agreement shall be appropriated from the grant funds which have been awarded to the Nation under the BIA Water Rights Litigation/Negotiation (R3120) and Water Management, Planning and Pre-Development (N3420) Program (BIA Contract A17AV00815) for expenses and related costs expended by the Nation in protecting, advancing and securing the water rights and water resources of the Nation per Version 1 (12-16-2020) seconded by Nancy Guzman; 8 For, 0 Against, 0 Abstained, motion passed.

27. RESOLUTION AUTHORIZING CLIFF CASTLE CASINO TO ENTER INTO A LEASE AGREEMENT WITH BDKCC VENTURES, INC FOR OPERATION OF THE JOHNNY ROCKETS RESTAURANT

Henry Smith motioned to approve the resolution authorizing the Cliff Castle Casino to enter into a Lease Agreement with BDKCC Ventures, Inc., for continuing operation of the Johnny Rockets Restaurant within the Nation's Cliff Castle Casino in accordance with the terms and conditions set forth in the Lease Agreement per Version 1(12-16-2020) seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motion passed.

28. RESOLUTION APPROVING AN AGREEMENT BETWEEN THE NATION AND SW KARMA, LLC, ESTABLISHING A TEMPORARY MONTH-TO-MONTH TENANCY FOR THE SONIC RESTAURANT AT THE NATION'S WHITEHILLS CONVENIENCE STORE

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Henry Smith motioned to approve the resolution by the Lease providing options by which SWK may renew the Lease for additional terms upon certain written notice timely provided by SWK to Nation and the Nation has advised SWK that SWK has failed to deliver timely notice of its intent to exercise the Renewal Option and its therefore not in substantial compliance with the requirements for timely exercise of the Renewal Option and that the Lease will therefore expire and terminate on December 20, 2020 in accordance with its terms and conditions; SWK has requested that the Nation enter into discussions and negotiations for renewal of the Lease upon terms and conditions to be negotiated between the parties and the Nation is willing to enter into such discussions and negotiations with SWK per Version 1 (12-16-2020) seconded by Apphia Shirley; 8 For, 0 Against, 0 Abstained, motion passed.

29. RESOLUTION AUTHORIZING THE EXCLUSION OF JONATHAN PIKE, A NON-MEMBER OF THE NATION, UNDER AUTHORITY OF THE YAVAPAI-APACHE NATION EXCLUSION ORDINANCE

Henry Smith motioned to approve the resolution per Resolution No. 159-18, amended the Nation's Exclusion Ordinance; and Section 201 of the Exclusion Ordinance authorizes the Tribal Council to file actions in Tribal Court exclude any non-members of the Nation and further provides that any decision by the Tribal Council to file an action in Tribal Court shall be reflected in a written resolution passed by a majority vote of the Tribal Council; and the Nation's Attorney General and the Yavapai-Apache Police Department have completed such investigation as is necessary under the Exclusion Ordinance to determine that grounds for exclusion exist in the matter of Jonathan Pike, a Non-member of the Nation and the Attorney General and YAPD jointly recommend that the Tribal Council authorize the filing in Tribal Court of an action to exclude Jonathan Pike; and in accordance with Section 201 of the Exclusion Ordinance, hereby authorizes and directs the Nation's Attorney General to file an action in the Nation's Tribal Court for the exclusion of Non-member Jonathan Pike, upon such grounds as are authorized under the Nation's Exclusion Ordinance; and in accordance with Section 402(A)(4) of the Exclusion Ordinance, the Council hereby recommends that the duration of the exclusion of Jonathan Pike should be Permanent; in accordance with Section 401 of the Exclusion Ordinance, YAPD is hereby notified of the Nation's intention to file an exclusion action against Jonathan Pike and YAPD shall attempt to obtain a voluntary consent to exclusion from Jonathan Pike as authorized under Section 401; and the Chairman and Vice Chairwoman are hereby authorized to take such further action as deemed necessary to carry out the interest and purposes of this resolution per Version 1 (12-16-2020) seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motion passed.

30. RESOLUTION AUTHORIZING THE EXCLUSION OF DANIEL ENGEL JR., A NON-MEMBER OF THE NATION, UNDER AUTHORITY OF THE YAVAPAI-APACHE NATION EXCLUSION ORDINANCE

Henry Smith motioned to approve the resolution per Resolution No. 159-18, amended the Nation's Exclusion Ordinance; and Section 201 of the Exclusion Ordinance authorizes the Tribal Council to file actions in Tribal Court exclude any non-members of the Nation and further provides that any decision by the Tribal Council to file an action in Tribal Court shall be reflected in a written resolution passed by a majority vote of the Tribal Council; and the Nation's Attorney General and the Yavapai-Apache Police Department have completed such investigation as is necessary under the Exclusion Ordinance to determine that grounds for exclusion exist in the matter of Daniel Engel Jr., a Non-member of the Nation and the Attorney General and YAPD jointly recommend that the Tribal Council authorize the filing in Tribal Court of an action to exclude Daniel Engel Jr.; and in accordance with Section 201 of the Exclusion Ordinance, hereby authorizes and directs the Nation's Attorney General to file an action in the Nation's Tribal Court for the exclusion of Non-member Daniel Engel Jr., upon such grounds as are authorized under the Nation's Exclusion Ordinance; and in accordance with Section 402(A)(4) of the Exclusion Ordinance, the Council hereby recommends that the duration of the exclusion of Daniel Engel Jr. should be Permanent; in accordance with Section 401 of the Exclusion Ordinance, YAPD is hereby notified of the Nation's intention to file an exclusion action against Daniel Engel Jr., and YAPD shall attempt to obtain a voluntary consent to exclusion from Daniel Engel Jr. as authorized under Section 401; and the Chairman and Vice Chairwoman are hereby authorized to take such further action as deemed necessary to carry out the interest and purposes of this resolution per Version 1 (12-16-2020) seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motion passed.

31. RESOLUTION AUTHORIZING THE EXCLUSION OF LORI HOLMES, A NON-MEMBER OF THE NATION, UNDER AUTHORITY OF THE YAVAPAI-APACHE NATION EXCLUSION ORDINANCE

Henry Smith motioned to approve the resolution per Resolution No. 159-18, amended the Nation's Exclusion Ordinance; and Section 201 of the Exclusion Ordinance authorizes the Tribal Council to file actions in Tribal Court exclude any non-members of the Nation and further provides that any decision by the Tribal Council to file an action in Tribal Court shall be reflected in a written resolution passed by a majority vote of the Tribal Council; and the Nation's Attorney General and the Yavapai-Apache Police Department have completed such investigation as is necessary under the Exclusion Ordinance to determine that grounds for exclusion exist in the matter of Lori Holmes, a Non-member of the Nation and the Attorney General and YAPD jointly recommend that the Tribal Council authorize the filing in Tribal Court of an action to exclude Lori Holmes

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and in accordance with Section 201 of the Exclusion Ordinance, hereby authorizes and directs the Nation's Attorney General to file an action in the Nation's Tribal Court for the exclusion of Non-member Lori Holmes, upon such grounds as are authorized under the Nation's Exclusion Ordinance; and in accordance with Section 402(A)(4) of the Exclusion Ordinance, the Council hereby recommends that the duration of the exclusion of Lori Holmes should be Permanent; in accordance with Section 401 of the Exclusion Ordinance, YAPD is hereby notified of the Nation's intention to file an exclusion action against Lori Holmes, and YAPD shall attempt to obtain a voluntary consent to exclusion from Lori Holmes as authorized under Section 401; and the Chairman and Vice Chairwoman are hereby authorized to take such further action as deemed necessary to carry out the interest and purposes of this resolution per Version 1 (12-16-2020) seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motion passed.

32. RESOLUTION APPROVING ENGAGEMENT LETTERS WITH REDW FOR THE 2020 AUDIT OF THE NATION'S GOVERNMENTAL SERVICES DEPARTMENT, YAVAPAI-APACHE WHITEHILLS, YAVAPAI-APACHE SAND & ROCK, YAVAPAI-APACHE MARKET PLACE AND YAVAPAI-APACHE NATION DISTANT DRUMS

Ricardo Pacheco motioned to approve the resolution per Section 303(A) of each of the Codes for Yavapai-Apache Whitehills, Yavapai-Apache Sand & Rock, Yavapai-Apache Market Place and Yavapai-Apache Nation Distant Drums RV Resort requires the SEO's books of account and financial reports to be audited by an independent and reputable firm of certified public accountants, approved by the Council; and each year, the Nation engages an independent certified public accountant to audit the financial statements of the Nation's Governmental Services Department, Yavapai-Apache Whitehills, Yavapai-Apache Sand & Rock, Yavapai-Apache Market Place, and Yavapai-Apache Nation Distant Drums to determine whether the financial statements are fairly presented in all material respects in conformity with generally accepted accounting principles per Version 1 (12-16-2020) seconded by Germania Jones; 7 For, 0 Against, 1 Abstained, motion passed.

33. RESOLUTION APPROVING AN INDEPENDENT CONTRACTOR AGREEMENT BETWEEN THE YAVAPAI-APACHE NATION AND ANUSKEWICZ CPA, PC TO ASSIST THE FINANCE DIRECTOR IN PREPARING FOR THE FY2020 AUDIT AND RELATED MATTERS

Henry Smith motioned to approve the resolution for an agreement from January 1, 2021 through December 31, 2021 with total compensation to be paid to Contractor under the Agreement not to exceed \$60,000 to assist the Finance Director in carrying out the following work: (1) assistance with the FY 2020 year-end reconciliation and close of the general ledger; (2) FY2020 audit preparation; (3) prepare the FY2020 Schedule of Expenditures of Federal Awards and such other

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Services as are agreed to between the Nation and Contractor per Version 1 (12-16-2020) seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motion passed.

34. CONCURRENCE ON HIRING THE HUMAN RESOURCES DIRECTOR, JACOB BOUIE

Darlene Rubio motioned to concur with Vice Chairwoman Lewis on hiring Jacob Bouie as the Human Resources Director seconded by Henry Smith; 8 For, 0 Against, 0 Abstained, motion passed.

35. CONCURRENCE OF PROMOTION OF UTILITY DIRECTOR- HERBERT TRUJILLO

Darlene Rubio motioned to concur with Vice Chairwoman Lewis on the promotion of Herbert Trujillo as the Utility Director seconded by Germania Jones; 7 For, 0 Against, 1 Abstained, motion passed.

36. ENROLLMENT – Mamie Fox was unavailable


Henry Smith motioned to table enrollment seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

37. OLD BUSINESS – None

38. NEW BUSINESS – None

Henry Smith motioned to adjourn at 11:31 a.m. seconded by Ricardo Pacheco; 8 For, 0 Against, 0 Abstained, motion passed.

YAVAPAI-APACHE TRIBAL COUNCIL



Karla Reimer, Secretary