

**RESOLUTION NO. 118 -21**  
**OF THE GOVERNING BODY OF THE**  
**YAVAPAI-APACHE NATION**

**A Resolution Approving the Renewal of the Property Insurance Policy**  
**with Tribal First/Lexington Insurance**

**WHEREAS:** The Yavapai-Apache Tribal Council ("Council") is authorized to represent the Yavapai-Apache Nation ("Nation") and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation ("Constitution") as provided under Article V (a) of the Constitution; and

**WHEREAS:** The Council is authorized to manage the economic affairs of the Nation and its enterprises, and to appropriate and regulate the use of the Nation's funds, under Article V (i) and (k) respectively of the Constitution; and

**WHEREAS:** The Council has provided for a full range of insurance coverage for the Nation and the Nation's Subordinate Economic Organizations ("SEOs"), including Property, Liability, Crime and Workers Compensation Insurance; and

**WHEREAS:** The Mahoney Group is the Nation's Broker of Record for Property, Liability, Crime and Workers Compensation Insurance; and

**WHEREAS:** Tribal First/Lexington Insurance has been the combined Property Insurance carrier for the Nation, the Cliff Castle Casino Hotel, and the other SEOs since January 2017; and

**WHEREAS:** After seeking competitive quotes, the Nation's Treasurer and the Cliff Castle Casino Hotel General Manager recommend the Nation renew the Property Insurance policy with Tribal First/Lexington Insurance for the FY 2021/2022 policy term with the renewal premium of \$297,593.00; and

**WHEREAS:** The policy renewal is effective July 1, 2021 through July 1, 2022, with the coverage described in the Property Insurance Proposal (*attached hereto as Exhibit A and incorporated herein by reference*).

**NOW THEREFORE BE IT RESOLVED** that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby approves the renewal of the Property Insurance policy with Tribal First/Lexington Insurance for the FY 2021/2022 policy term with the renewal premium of \$297,593.00 and with the coverage described in Exhibit A.

**BE IT FURTHER RESOLVED** that the premium will be paid from the Nation's Finance Department Budget and billed to Cliff Castle Casino Hotel and the other SEOs as appropriate.

**BE IT FINALLY RESOLVED** that the Chairman and Vice-Chairwoman, or either of them, are hereby authorized to take such further action as deemed necessary to carry out the intent and purposes of this Resolution.

**CERTIFICATION**

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, with a quorum in attendance, presented for approval on June 22 2021, by a vote of 9 9 in favor, and 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.

  
\_\_\_\_\_  
Jon Huey, Chairman

**ATTEST:**

Karla Reimer  
Karla Reimer, Council Secretary

Approved as to Form:

Lisa Estenson  
Office of the Attorney General

# EXHIBIT A

Property Insurance Proposal  
Tribal First/Lexington Insurance

# TRIBAL DEPARTMENT

EXPERIENCE

KNOWLEDGE

COMMITMENT

INTEGRITY

SERVICE

INNOVATION

Prepared for:

Yavapai Apache Nation and  
Cliff Castle Casino Hotel

07/01/21-22

Insurance Proposal



## THE MAHONEY GROUP.

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Property

**Named Assured:** **Yavapai Apache Nation and Cliff Castle Casino & Hotel**

**Policy Period:** **07/01/2021 - 07/01/2022**

**Insurance Company:** **Princeton Excess & Surplus Lines Insurance Company and  
Additional A Rated and Non-Admitted Carriers**

**TOTAL INSURED  
VALUES:**

\$	100,380,532	Real Property
\$	48,523,295	Personal Property (Includes TIVs reported for EDP & Software, Contractors Equipment and Scheduled Fine Arts)
\$	52,350,710	Business Interruption
\$	<b>201,254,537</b>	<b>Total Insurable Values</b>

Included in BI Limit Ordinary Payroll  
365 Ordinary Payroll Days  
12 Months Business Income Reported

\$	201,254,537	Earthquake TIV
\$	201,254,537	Flood TIV

**ALL RISKS  
COVERAGES &  
LIMITS:**

\$	1,000,000,000	Per Occurrence: all Perils, Coverages (subject to policy exclusions) and all Named Insured(s) (as defined in the policy) combined, per Declaration, subject to the following per occurrence and/or aggregate sub-limits as noted below.
\$	10,000,000	<b>Dedicated Flood Limit - Per Occurrence &amp; Annual Aggregate</b> excluding flood zones A&V (inclusive of all 100 year exposures). 2021-22 TPIP Policy Form does not apply. This sub-limit is subject to an excess DIC Policy whose terms and conditions will apply. These limits do not include Automatic Acquisition coverage or Miscellaneous Unnamed Locations coverage. New locations require underwriting approval. Coverage is per schedule on file with the insurer.
	Not Covered	Per Occurrence and in the Annual Aggregate for all locations in Flood Zones A & V (inclusive of all 100 year exposures). This Sub-limit does not increase the specific flood limit of liability for those Named Insured(s) that purchase this optional dedicated coverage
\$	10,000,000	<b>Dedicated Earthquake Shock Limit - Per Occurrence &amp; Annual Aggregate.</b> 2021-22 TPIP Policy Form does not apply. This sub-limit is subject to an excess DIC Policy whose terms and conditions will apply. These limits do not include Automatic Acquisition coverage or Miscellaneous Unnamed Locations coverage. New locations require underwriting approval. Coverage is per schedule on file with the insurer.
\$	57,585,781	<b>Combined Business Interruption and Rental Income and Tax Interruption</b> , except \$500,000 per Insured and \$2,500,000 per occurrence if specific values have not been reported as part of the insured schedule of values.
\$	35,000,000	Per Occurrence for <b>Extra Expense</b>
\$	40,000,000	<b>Automatic Acquisition</b> for New locations for Existing Insureds and excluding Earthquake Shock in the states of Alaska, California and Washington. If Flood Coverage is purchased for all locations, Flood is covered subject to Insured's Flood Limits, however Flood Zones A & V are excluded. (If values are not reported within 90 days, a maximum sub-limit of \$25,000,000 will apply) Additionally a sublimit of \$2,500,000 applies for Tier 1 Wind Counties, Parishes and Independent Cities for 60 days for the states of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Texas and/or situated anywhere within the states of Florida and Hawaii.

## Property

- \$ 40,000,000 **Miscellaneous Unnamed Locations** excluding Earthquake Shock in the states of Alaska, California and Washington, and excluding Flood. If Flood Coverage is purchased for all locations, Flood is covered subject to Insured's Flood Limits, however, Flood Zones A & V are Excluded. This coverage extension does not apply to locations situated in Tier I or Tier II Counties.
- \$ 1,000,000 **Unscheduled Landscaping**, tees, sand traps, greens, and athletic fields, subject to 25 gallon maximum container size but not to exceed \$25,000 per item.
- \$5,000,000 or 110% of the scheduled values, whichever is greater, for **Scheduled Landscaping**, tees, sand traps, greens and athletic fields, subject to 25 gallon maximum container size but not to exceed \$25,000 per item.
- \$ 35,000,000 **Errors & Omissions** (errors/omissions in the description, location of property, or valuation of property)
- \$ 25,000,000 **Course of Construction including New and Remodeling Projects:**
- \$ 50,000,000 **Combustible Construction** (not to exceed \$25,000,000 in value)
- \$ 50,000,000 **Non-Combustible Construction** (not to exceed \$50,000,000 in value)\*  
\*Subject to underwriting review and approval
- \$ 250,000 **Prize Giveaways**
- \$ 2,500,000 **Money and Securities as respects perils of Fire, Wind, Hail, Explosion, Smoke, Lightning, Riot, Civil Commotion, Impact by Aircraft or Objects falling there from, Impact by vehicles, Water Damage and Theft** (other than by an employee of the Insured)
- \$ 2,500,000 **Unscheduled Fine Arts**
- \$ 750,000 **Unscheduled Tunnels, bridges, dams, catwalks** (except those not for public use), roadways, highways, streets, sidewalks, culverts, street lights and traffic signals, per occurrence, unless a specific value has been declared (excluding Earthquake Shock and Federal Emergency Management Agency (FEMA) and/or Office of Emergency Services (OES) declared disasters)
- \$ **Increased Cost of Construction** due to the enforcement of buildings codes:
- \$ 50,000,000 Coverage A - Undamaged Portion
- \$ 35,000,000 Coverage B, C, D - Demolition, Compliance with Law, and BI
- \$ 25,000,000 **Transit**
- \$ 2,500,000 **Unscheduled Animals:** not to exceed \$50,000 per Animal
- \$ 2,500,000 **Watercraft** under 27 feet (watercraft over 27 feet must be scheduled with underwriting approval)
- \$ 25,000,000 **Off Premises Services Interruption** including Extra Expense resulting from a covered peril at non-owned/operated locations.
- \$ 3,000,000 Per Occurrence for **Contingent Business Interruption**, Contingent Rental Value, and Contingent Extra Expense separately.

## Property

\$	3,000,000	Tax Revenue Interruption - Per Policy Provisions. However, if specific values for such coverage have not been reported as part of the Named Insured's schedule of values held on file with Alliant Insurance Services, Inc., this sub-limit amount is limited to \$100,000 per Occurrence - Per Policy Provisions.
\$	500,000	Per Occurrence for Furs, Jewelry, Precious Metals and Stones separately.
\$	1,000,000	Per Occurrence for Claim Preparation Expenses
\$	25,000,000	Expediting Expenses
\$	1,000,000	Per Occurrence for Personal Property Outside of the USA
	180 Days	Extended Period of Indemnity
\$	100,000	Per Occurrence while in Storage and In Transit coverage subject to \$10,000 Deductible for Unnamed Aircraft as more fully defined in the Policy. Not Covered while in Flight.
\$	100,000	Per Occurrence with a \$1,000,000 Annual Aggregate per Declaration for Mold/Fungus Resultant Damage as more fully defined in the policy.
\$	57,585,781	Ingress/Egress Per Occurrence, Per Named Insured for the actual loss sustained during the period of time not exceeding 30 days when, as a direct result of physical loss or damage caused by a covered peril(s) specified by this Policy and occurring at property located within a 10 mile radius of covered property, ingress to or egress from the covered property by this Policy is prevented.
\$	57,585,781	Interruption By Civil Authority Per Occurrence, Per Named Insured for the actual loss sustained during the period of time not exceeding 30 days when, as a direct result of physical loss or damage caused by a covered peril(s) specified by this Policy and occurring at property located within a 10 mile radius of covered property, access to the covered property is specifically prohibited by order of a civil authority.
\$	100,000,000	<b>Boiler Explosion and Machinery Breakdown, Combined Property Damage and Business Interruption/Extra Expense (including Bond Revenue Interest Payments for location where the income is reported). Limit includes Loss Adjustment Agreement, and Electronic Computer or Data Processing Equipment with the following sublimits:</b> \$ 1,000,000 Hazardous Substance \$ 10,000,000 Ammonia Contamination \$ 10,000,000 Water Damage \$ 2,000,000 Media Coverage \$ 10,000,000 Consequential Damage \$ 10,000,000 Utility Interruption \$ 25,000,000 Ordinance or Law
<b>NEWLY ACQUIRED LOCATIONS:</b>	\$ 25,000,000	Automatic Acquisition for Boiler & Machinery values at newly acquired locations. Values greater than \$25,000,000 or Power Generating Facilities must be reported within 90 days and must have prior underwriting approval prior to binding

**VALUATION:**

- **Repair or Replacement**
- **Actual Loss Sustained for Time Element Coverages**
- Contractor's/Scheduled Equipment, either Replacement Cost or Actual Cash Value as elected by declaring values in the manner losses are to be adjusted. If not declared, valuation will default to actual cash value.

Property

DEDUCTIBLES:	\$	5,000	Mobile Equipment
	\$5,000 Except \$10,000 for Casino, Hotel and Warehouse		<b>All Risk Deductible Including Boiler &amp; Machinery:</b> Per occurrence each & every loss except as specified below:
	\$	5,000	<b>Habitational Locations less than \$100,000</b> in value, or "Basic" Policy Deductible as set forth above, whichever the greater
	\$	5,000	<b>Habitational Locations greater than \$100,000</b> in value, or "Basic" Policy Deductible as set forth above, whichever the greater
	\$	100,000	All Flood Zones excluding Flood Zones A & V
		5% subject to a \$100,000 minimum	Earthquake Shock Per Unit of Insurance Per Occurrence separately as respects Real Property, Personal Property, Property in the Open and Time Element except 10% with \$100,000 minimum for buildings constructed prior to 1940 where Earthquake Coverage is purchased
	\$	1,000	Unscheduled Animals, per occurrence
	\$	500,000	Unscheduled Tunnels, bridges, dams, catwalks (except those not for public use), roadways, highways, streets, sidewalks, culverts, street lights and traffic signals, per occurrence, unless a specific value has been declared (excluding Earthquake Shock and Federal Emergency Management Agency (FEMA) and/or Office of Emergency Services (OES) declared disasters)
			2.50% of Annual Tax Revenue Value per Location for Tax Interruption
		24 Hour Waiting Period	All Perils: <b>Service Interruption</b> (other than Boiler and Machinery Breakdown)
		24 Hour Waiting Period	All Perils: <b>Business Interruption</b> (solely in respect of Casinos with Total Insurable values in excess of \$50,000,000)
	\$	5,000	Primary Terrorism
SPECIAL TERMS 2:	\$	14,600,000	Coverage extended to the Course of Construction project at 555 W. Middle Verde Rd., Camp Verde, AZ 85142 subject to the site being fenced, lit, maintaining 24 hour security and contractors having hot works permits.
	\$5,000 Except \$10,000 for Casino, Hotel and Warehouse		Special Terms Deductible

The following stand-alone coverages are provided by the Tribal Property Insurance Program but are not covered in the Limit of Liability or the Sub-Limits of Liability above or attached to the Master Policy Form Wording. However, the coverage costs are included in the TPIP Total Costs noted below.

\$	15,000,000	Per Occurrence Primary Terrorism subject to \$80,000,000 Annual Aggregate for all TPIP Declaration 15, 16, 17, 31, 37, 38, 41, 42, 98 and 99 combined
\$	485,000,000	Per Occurrence Terrorism Excess of \$15,000,000 Primary Subject to \$520,000,000 Annual Aggregate for TPIP Declarations 15, 16, 17, 31, 37, 38, 41, 42, 98 and 99 combined
	Included	Information Security & Privacy Insurance with Electronic Media Liability Coverage. See attached Cyber Coverage Summary for applicable limits. (Cyber Liability)
	Included	See Tribal Property Insurance Program (TPIP) Pollution Liability Insurance Document for applicable limits deductibles
	Included	See tribal Property Insurance Program (TPIP) Deadly Weapons Coverage Insurance Document for applicable limits and deductibles.



**Property**

**NOTICE OF  
CANCELLATION:**

90 Days EXCEPT 10 days for non-payment of premium

**TERMS AND  
CONDITIONS:**

25% Minimum Earned Premium  
Premium adjustments will be calculated once the policy limit is exceeded.

**PAYMENT  
TERMS:**

100% in full within 15 days of binding. Financing is available upon request.

Annual Property Insurance Costs Includes: All Risk Premiums, Boiler & Machinery Premiums,  
Underwriting Fees, Commissions, Loss Control Expenses, Program Administration charges  
and Applicable Taxes (does not include Broker Fees, if applicable)

**Premium Summary**

**Named Assured:** Yavapai Apache Nation and  
Cliff Castle Casino & Hotel

**Policy Period:** 07/01/2021 - 07/01/2022

<u>Coverage Type</u>	<u>Tribal First Current</u>	<u>Tribal First Proposed Revised</u>
Property*	\$ 283,095	\$ 297,593
Surplus Lines Tax/Fees	N/A	N/A
<b>Total Premium</b>	<b>\$ 283,095</b>	<b>\$ 297,593</b>

	<u>Expiring</u>	<u>Renewal</u>
Total TIV	\$ 190,847,574	\$ 201,254,537

