

**MINUTES OF
YAVAPAI-APACHE NATION
Special Business Meeting
March 28, 2022**

1. CALL TO ORDER: Chairman Jon Huey called the meeting to order at 1:01 p.m., Middle Verde Administration Building and Zoom.us.

2. INVOCATION: Germania Jones

3. ROLL CALL: Germania Jones, Lorna Juan, Tanya Lewis, Ricardo Pacheco, Darlene Rubio and Henry Smith were present. Amanda Honwyteva, Jon Huey and Apphia Shirley were present on Zoom.us.

4. APPROVAL OF AGENDA:

Darlene Rubio motioned to approve the agenda seconded by Henry Smith; 9 For, 0 Against, 0 Abstained, motion passed.

5. RESOLUTION APPROVING THE DISTRIBUTION OF A PER-CAPITA PAYMENT TO THE NATION'S TRIBAL MEMBERS UNDER THE NATION'S REVENUE ALLOCATION PLAN

Lorna Juan asked how you arrived at \$1,407.30 for each enrolled member. Steven Schepman explained the formula and how he arrived at the number. Lorna Juan requested in the future during the monthly financial presentations to include how much is going into the per capita fund and then at the end of the year you would have the number.

Steven Schepman mentioned it is on an accrual basis. The Council can change the Schedule A.

Lorna Juan requested a second sheet of what was sent over to be presented on a monthly basis. She wants clarity because it is misleading. In the future a work session should be scheduled before per capita is given out. The Finance Director needs to share all the numbers with the Treasurer.

Chairman Huey mentioned the check needs to be broke down on each payment received. He wants it to be consistent.

Darlene Rubio motioned to approve the resolution per the Council is authorized to represent the 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 as provided by Article V (a) of the Constitution; the Council, as the legislative body of the Nation,

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is authorized to enact laws ordinances and resolutions incidental to the exercise of the legislative powers, as provided by Article V(v) of the Constitution; the Council is authorized to manage all tribal economic affairs and enterprises and appropriate and regulate the use of tribal funds as provided by Article V(i) and (k) of the Constitution; the Council has determined to appropriate funds of the Nation under the Nation's Indian Gaming Revenue Allocation Plan under which said funds are to be directly distributed to the adult enrolled members of the Nation as a Per-Capita distribution, or placed into trust for those members who are either minors or incompetents, in accordance with the trust requirements of the RAP; the Council finds that as of the RAP Accrual Date of December 31, 2021, there were a total of 2603 enrolled members of the Nation (1,844 adults and 759 minors) as reported by the Nation's Enrollment Department; as provided under the RAP, the Council has determined that a Per-Capita distribution for the year ended December 31, 2021 in the amount of \$1,407.30 should be distributed to the enrolled members of the Nation in accordance with the requirements of the RAP; the Council approved and directs the Per-Capita distribution from the funds of the Nation as provided under the Revenue Allocation Plan in the amount of \$1,407.30 to each enrolled member of the Yavapai-Apache Nation in accordance with all requirements of the RAP for direct distribution to adult members of the Nation and for payments into trust for members who are either minors or incompetent; the Per-Capita direct distribution to adult members is to be made by individual checks distributed at the Tribal Council Chambers on April 1, 2022, with the payments for the benefit of minors and incompetents being placed into trust as required by the RAP; due to the ongoing COVID-19 public health emergency, the Council has determined that for this 2022 per capita distribution the Nation will not deduct from per capita payments any amounts owed as debts to the Nation, except for court ordered payments, which shall be collected by the Finance Director and remitted to the accounts of the Nation's Tribal Court for disposition per Version 1 (3-28-2022) seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed.

6. RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS FROM THE ARPA CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS TO ALL ADULT MEMBERS OF THE NATION AS AN ECONOMIC IMPACT ASSISTANCE PAYMENT IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY

Darlene Rubio mentioned there are 1,844 tribal members who are 18 years of age and up as of April 1, 2022 who will be receiving the amount on April 1, 2022.

Apphia Shirley asked if there will be deductions taken out of the ARPA money.

Chairman Huey confirmed there would be no deductions taken out on this check. A letter will be drafted to the people regarding the distribution.

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Apphia Shirley asked for clarification on checks being picked up by other people. You should include in the letter the check pickup information.

Chairman Huey explained you may pick up someone else's check but an email needs to be sent to Matilda Cassadore.

Henry Smith motioned to approve the resolution per the Council is authorized to represent the 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 as provided under Article V (a) of the Constitution; the Council is authorized to accept grants and donations from any person, organization, state or the United States as provided under Article V(s) of the Constitution; the Council is authorized to manage all tribal economic affairs and to appropriate and regulate the use of the Nations funds as provided under Article V (i) and (k) of the Constitution; the Council, as the legislative body of the Nation, is authorized to enact laws ordinances, and resolutions incidental to the exercise of its legislative power as provided under Article V(v) of the Constitution; the COVID-19 is a highly contagious virus that reached pandemic proportions and continue to threaten the health and in some cases the lives of its victims,; on March 13, 2020, the President of the United States declared a National Emergency concerning COVID-19, and declarations of states of emergency have been issued by state, local and tribal governments nationwide,; and on March 19, 2020, the Council adopted Council Resolution 60-20 declaring a State of Emergency due to COVID-19 public health emergency; and on March 11, 2021, the ARPA was signed into law by President Biden, Section 9901 of which establishes the Coronavirus State and Local Fiscal Recovery Funds and set aside \$20 billion in aid for Tribal governments to respond to the impact of the COVID-19 public health emergency; ARPA provides that Recovery Funds may be used by recipients to address negative economic impacts caused by the public health emergency; the US Department of the Treasury has issued an Interim Final Rule and a Final Rule to implement the Recovery Fund which provide that recipients may use Recovery Funds to provide assistance to households and individuals, including cash assistance, that respond to the COVID-19 public health emergency; the Interim Final Rule and the Final Rule states that a recipient may presume that households or populations that experienced unemployment or increased food or housing insecurity or is low- or moderate-income experienced are impacted by the public health emergency or its negative economic impacts; as recognized by the US Department of Treasury, the COVID-19 public health emergency has had disproportionate public health and economic impacts in Tribal communities, and the Final Rule states that households and populations receiving services provided by Tribal governments are presumed to be is proportionately impacted by the public health emergency or its negative economic impacts; the Council has determined that the Nation's membership has and continues to experience negative economic impacts as a result of the

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COVID-19 public health emergency, which include but are not limited to unemployment, increased food insecurity, and increased housing insecurity; the Council has determined that the Nation's membership is largely low- or moderate-income; the Nation has received funds from the ARPA Coronavirus State and Local Fiscal Recovery Funds and the Council hereby determines that it is appropriate to provide case assistance to its membership to address negative economic impacts caused by the ongoing public health emergency through the distribution of a portion of the funds for an ongoing public health emergency through the distribution of a portion of the funds for an Economic Impact Assistance Payment in the amount of \$1,092.70 to each adult Tribal Member enrolled in the Yavapai-Apache Nation as determined from the Nation's membership rolls as of April 1, 2022; the Council has determined that the Economic Impact Assistance Payment to adult members of the Nation meets the requirements of the federal Tribal General Welfare Exclusion Act of 2014 at Section 139E of the Internal Revenue Code and is also consistent with IRS Draft FAQs for Payments by Indian Tribal Governments to their Individual Members Under COVID-Relief Legislation and Notice of Tribal Consultation dated May 26, 2021 per Version 1 (3-28-2022) seconded by Ricardo Pacheco; 9 For, 0 Against, 0 Abstained, motion passed.

Ricardo Pacheco motioned to adjourn at 1:38 p.m. seconded by Apphia Shirley; 9 For, 0 Against, 0 Abstained, motion passed.

YAVAPAI-APACHE TRIBAL COUNCIL

Karla Reimer, Secretary