

RESOLUTION NO. 48 -22
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

A 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

- 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 accept grants and donations from any person, organization, state, or the United States as provided under Article V(s) of the Constitution; and
- WHEREAS:** The Council is authorized to manage all tribal economic affairs and to appropriate and regulate the use of the Nation’s funds as provided under Article V (i) and (k), respectively, of the Constitution; and
- WHEREAS:** The Council, as the legislative body of the Nation, is authorized to enact laws, ordinances, and resolutions incidental to the exercise of its legislative powers as provided under Article V(v) of the Constitution; and
- WHEREAS:** The Coronavirus (COVID-19) is a highly contagious virus that reached pandemic proportions and continues to threaten the health and, in some cases, the lives of its victims; and
- WHEREAS:** 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
- WHEREAS:** On March 19, 2020, the Council adopted Council Resolution 60-20 declaring a State of Emergency due to COVID-19 public health emergency; and
- WHEREAS:** On March 11, 2021, the American Rescue Plan Act (“ARPA”) was signed into law by President Biden, Section 9901 of which establishes the Coronavirus State and Local Fiscal Recovery Funds (“Recovery Funds”) and sets aside \$20 billion in aid for Tribal governments to respond to the impact of the COVID-19 public health emergency; and
- WHEREAS:** ARPA provides that Recovery Funds may be used by recipients to address negative economic impacts caused by the public health emergency; and
- WHEREAS:** The U.S. Department of the Treasury has issued an Interim Final Rule and a Final Rule to implement the Recovery Funds which provide that recipients may use Recovery Funds to provide assistance to households and individuals, including cash assistance, that responds to the COVID-19 public health emergency; and

WHEREAS: The Interim Final Rule and the Final Rule state 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; and

WHEREAS: As recognized by the U.S. 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 disproportionately impacted by the public health emergency or its negative economic impacts; and

WHEREAS: The Council has determined that the Nation's membership has and continues to experience negative economic impacts as a result of the COVID-19 public health emergency, which include but are not limited to unemployment, increased food insecurity, and increased housing insecurity; and

WHEREAS: The Council has determined that the Nation's membership is largely low- or moderate-income; and

WHEREAS: 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 cash 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 Economic Impact Assistance Payment in the amount of **One Thousand Ninety-Two and 70/100 Dollars (\$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; and

WHEREAS: 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 (26 U.S.C. 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.

NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby approves the distribution of a portion of the funds the Nation received from the ARPA Coronavirus State and Local Fiscal Recovery Funds for an Economic Impact Assistance Payment in the amount of **One Thousand Ninety-Two and 70/100 Dollars (\$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.

BE IT FURTHER RESOLVED that the Nation's General Welfare Ordinance is hereby amended for consistency with the economic impact assistance payments called for herein, including changes in the IRS interpretation of general welfare under Revenue Procedure 2014-35 and subsequent changes in the law under the Tribal General Welfare Exclusion Act of 2014 and Internal Revenue Code Section 139E.

BE IT FURTHER RESOLVED that the Nation's Finance Director, in coordination with the Nation's Enrollment Department, is hereby authorized to process the economic impact assistance payments authorized by this Resolution.

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 purposes and intent 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 March 28 2022, by a vote of 9 9 in favor, 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, Council Secretary

Approved as to Form:


Office of the Attorney General