

RESOLUTION NO. 42-22
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

**A Resolution Authorizing the Nation's Utility Department to Purchase
Equipment Essential to its Water and Sewer Operations**

- 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 by Article V(a) of the Constitution; and
- WHEREAS:** The Council is authorized to “appropriate and regulate the use of tribal funds” as provided by Article V (k) of the Constitution; and
- WHEREAS:** The Nation’s Utility Department has advised the Council of its need to purchase the equipment described hereinbelow for use in its operations for the provision of water and sewer services for the Nation and its members; and
- WHEREAS:** The Department has solicited price quotes from qualified equipment companies and recommends that the Nation purchase the equipment from P&M Trailer Sales of Flagstaff Arizona (“P&M”), in accordance with the price, and terms and conditions as set forth in the Quote #89653569, dated 3-11-2022, a copy of which is attached to this Resolution as **Exhibit A**; and
- WHEREAS:** The price paid by the Nation to P&M for the equipment shall not exceed a total cash price of **Thirteen Thousand Five Hundred Ninety-Five and 00/100 Dollars (\$13,595.00)**; and
- WHEREAS:** On March 19, 2020, the Council adopted Council Resolution 60-20 declaring a State of Emergency due to the COVID-19 public health emergency; and
- WHEREAS:** On March 11, 2021, the American Rescue Plan Act (“ARPA”) was signed into law, establishing the Coronavirus State and Local Fiscal Recovery Funds (“ARPA Recovery Funds”) and setting aside \$20 billion in aid for Tribal governments to respond to the impact of the COVID-19 public health emergency; and
- WHEREAS:** On May 17, 2021, the U.S. Department of Treasury published an Interim Final Rule under ARPA, along with a set of Frequently Asked Questions (FAQs), updated as of January 2022, providing further descriptions and examples of how ARPA Recovery Funds may be used by recipients in compliance with the Final Interim Rule (which is in effect until April 1, 2022 when the Final Rule published on January 27, 2022 will take effect); and

WHEREAS: The Interim Final Rule provides that ARPA Recovery Funds may be used by recipients for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency, or as the Final Rule provides, to a standard revenue loss allowance of up to \$10 million; and

WHEREAS: The Council finds that purchasing the equipment, as specified in this Resolution, for use by the Nation’s Utility Department in its operations for the provision of water and sewer services for the Nation and its members constitutes the provision of a government service; and

WHEREAS: Funding for payment of the purchase price of the equipment is available to be paid from the ARPA Recovery Funds received by the Nation; and

WHEREAS: The Council has determined that it is in the best interest of the Nation to authorize purchase of the equipment from P&M as described and priced in the P&M Quote #89653569, dated 3-11-2022, attached hereto as **Exhibit A**, which Quote is hereby incorporated into this Resolution by reference.

NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby authorizes the Yavapai-Apache Nation Utility Department to purchase the following equipment, from P&M Trailer Sales and at the specified price for use in the Department’s water and sewer operations:

<u>Description of Equipment</u>	<u>Vendor</u>	<u>Price</u>
1. 2022 Top Hat 7X14 Dump Trailer	P&M Trailer Sales	\$13,595.00
Total Equipment Purchase Price:		\$13,595.00

All as further detailed in the P&M Trailer Sales Quote attached to and incorporated into this Resolution as **Exhibit A**.

BE IT FURTHER RESOLVED that the Nation’s funds shall be used to fund the equipment purchase price and shall be appropriated from the ARPA Recovery Funds received by the Nation.

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.

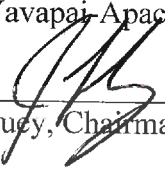
CERTIFICATION

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 March 24

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Utility Department – Authorization to Purchase equipment, Dump Trailer

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

EXHIBIT A

Yavapai-Apache Nation
Utility Department – Equipment Purchase

Price Quote
P&M Trailer Sales

2022 Top Hat 7X14 Dump Trailer

March 24, 2022

#1




7899 N US Hwy 89
Flagstaff, AZ 86004
928-526-2466
Fax 928-526-2487
pmtrailer1@aol.com

Date: 03/11/2022

Quote #89653569

Quotes valid for 20 days on
in-stock trailers

Yavapai Apache Utilities

Description	Qty	Rate	Total
7X14 Dump Trailer with tarp, 2' Sides Low Pro with Spare Tire Year: 2022 2-7000# axle Make: Top Hat Trailers Standard Equipment Coupler: 2 5/16" Forged Adjustable 5/Position, Jack: 10000# Drop Leg, Fenders: HD Diamond Plate Straight, Floor: 7 GA Sheet Metal, Width: 83" Inside Box, Brake: Electric All Wheel Break Away Unit w/Charger, DOT Reflective Tape, Primed & Painted Underside, Ramp Pockets w/6' Ramps, 5/8" D-Rings in Box (4), Spare Rack, Sealed Flush Mount LED Lights, Wiring Harness, Lockable Battery/Pump Box, Deep Cycle 12V Marine Battery w/110V-5 Amp Charger Frame Structure: Frame & Tongue: 8" I-Beam Integrated, Neck & Risers: (GN Model) 10" I-Beam, Sides: 24" Tall 10 GA Sheet Metal w/Top rail, Top rail: Rigid 3x2x7 GA Rectangular Tubing, Uprights: 24" OC, Dump Body Frame: 6" Channel, Crossmembers: 3" Channel 16" OC, Tarp Bracket & Tie Downs Loading Height 4" Lower than DP Model Dump Components: hoist: Scissor Lift, Power Up/Power Down, Control: Pistol Grip w/10' Cord, Safety Prop, Caulked Seams on Dump Body	1	\$ 13,595.00	\$ 13,595.00
			
<i>Thank You for Your Business!</i>		Subtotal	\$ 13,595.00
		Sales Tax	Exempt
		Total	\$ 13,595.00

Request for Taxpayer Identification Number and Certification

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

**Give Form to the
requester. Do not
send to the IRS.**

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. P&M Trailer Sales and Repair LLC	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ <u>P</u> <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ▶	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.) See instructions. 7899 N US Hwy 89	Requester's name and address (optional)
6 City, state, and ZIP code Flagstaff, AZ 86004	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number											
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2	0	-	0	7	9	4	2	9	8		

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶ <u>1/13/2022</u>
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.