

RESOLUTION NO. 54 -22  
OF THE GOVERNING BODY OF THE  
YAVAPAI-APACHE NATION

**A Resolution Approving the Sixth Amendment to the Business Site Lease Agreement between the Nation and Delbert Smith as Provided in the Attached Amendment to the Lease Agreement**

- 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 regulate the use and disposition of all land within the jurisdiction of the Nation and to veto the disposition, lease or encumbrance of tribal lands made without the consent of the Nation; as provided under Article V (e) and (f), respectively, of the Constitution; and
- WHEREAS:** The Council, by Resolution No.147-13, adopted September 5, 2013, authorized a Business Site Lease Agreement between the Nation and Delbert Smith under which Mr. Smith operates a smoke shop and retail store (“Lease Agreement”); and
- WHEREAS:** The Council, by Resolution No. 26-15, adopted February 5, 2015, renewed the term of the Lease Agreement through June 30, 2015; and
- WHEREAS:** The Tribal Council, by Resolutions Nos. 111-15, 194-15, 181-17, and 243-19, adopted July 2, 2015, December 10, 2015, December 14, 2017, and December 19, 2019, respectively, renewed the Term of the Lease by consecutive two-year terms through December 31, 2021, and the current Lease Term has expired.
- WHEREAS:** The Nation and Mr. Smith now wish to renew the Lease Agreement for an additional two-year term, to be effective retroactively from January 1, 2022, and expiring on December 31, 2023; and
- WHEREAS:** The Council has determined that it is in the Nation’s best interests to renew the Business Site Lease Agreement between the Nation and Delbert Smith in accordance with the terms and conditions of the Sixth Amendment to the Business Site Lease Agreement Between the Yavapai-Apache Nation and Delbert Smith, a copy of which is attached to this resolution as **Exhibit A**.

**NOW THEREFORE BE IT RESOLVED** that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby approves the Sixth Amendment to the Business Site Lease Agreement Between the Yavapai-Apache Nation and Delbert Smith, a copy of which

is attached to this resolution as **Exhibit A** and the terms and conditions of which are incorporated into this resolution by this reference.

**BE IT FURTHER RESOLVED** that the renewed Term of the Lease Agreement shall be effective retroactively from January 1, 2022, and shall run for a two-year term through December 31, 2023, subject to additional renewal as provided in the attached Amendment and in the Lease Agreement.


**BE IT FINALLY RESOLVED** that the Chairman, and Vice-Chairwoman, or either of them, are hereby authorized to execute the attached Amendment to the Lease Agreement on behalf of the Nation and to take all 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 31 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  
Sixth Amendment to Business Site Lease Agreement- Delbert Smith  
Extending Lease Term an Additional Two-Years  
January 1, 2022 – December 31, 2023**

**March 31, 2022**

**SIXTH AMENDMENT TO THE BUSINESS SITE LEASE AGREEMENT  
BETWEEN THE YAVAPAI-APACHE NATION AND DELBERT SMITH**

**(Renewal of Term)**

THIS SIXTH AMENDMENT to the above-referenced Lease Agreement (the “Amendment”) is made and entered into on this 31st day of March 2022, by and between the Yavapai-Apache Nation (“Lessor”) and Delbert Smith (“Lessee”).

**RECITALS**

A. By Tribal Council Resolution No. 147-13, adopted on September 5, 2013, the Yavapai-Apache Nation (“Nation”) authorized and entered into that certain Business Site Lease Agreement (“Lease Agreement”) between the Nation as Lessor and tribal member Delbert Smith as Lessee, under which Lessee is leasing a parcel of land situated along Middle Verde Road, Camp Verde, Arizona, as more particularly described in the Lease Agreement, as previously amended.

B. By Tribal Council Resolution 26-15, adopted February 5, 2015, the Council renewed the Term of the lease on a temporary trial basis through June 30, 2015, contingent on lessee fulfilling all obligations under the lease agreement.

C. By Tribal Council Resolutions Nos. 111-15, 194-15, 181-17, and 243-19, adopted July 2, 2015, December 10, 2015, December 14, 2017, and December 19, 2019, respectively, the Council renewed the Term of the Lease by consecutive two-year terms through December 31, 2021, and the most current Lease Term has expired.

D. During the temporary and extended Term renewals as authorized by the above-referenced resolutions, lessee has kept all his obligations under the Lease Agreement.

E. In accordance with the Terms and Conditions of the Lease Agreement, Lessee now wishes to renew the Lease Agreement for an additional Two-Year Term as specified herein, and the Nation, acting through its Tribal Council is willing to renew the Lease Agreement in accordance with the terms and conditions of this Sixth Amendment to the Lease Agreement.

NOW THEREFORE, the Nation and Delbert Smith, in consideration of the terms and conditions of this Amendment, hereby agree to amend the Lease Agreement to provide for renewal of the Term of Lease as follows:

**AGREEMENT**

1. Recitals A, B, C, D, and E above are incorporated herein as part of this Sixth Amendment.
2. Under Section 4 of the Lease Agreement, “TERM OF LEASE AND RENEWAL”, the Term of the Lease Agreement under this Sixth Amendment to the Lease Agreement is hereby


renewed for an additional two-year term effective retroactively from January 1, 2022, through December 31, 2023. Upon the expiration of this two-year renewal term, Lessee shall be eligible for an additional lease renewal as determined by the Tribal Council.

3. Except as expressly set forth in this Sixth Amendment to the Lease Agreement, all provisions of the Lease Agreement as originally approved by Tribal Council Resolution No. 147-13, and as amended under the First, Second, Third, Fourth, and Fifth Amendments to the Lease Agreement, in accordance with Tribal Council Resolutions Nos. 26-15, 111-15, 194-15, 181-17, and 243-19, shall remain unchanged and in full force and effect.
4. The provisions of this Sixth Amendment to the Lease Agreement shall inure to the benefit of and be binding upon the Parties hereto, and their respective successors and assigns.

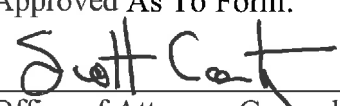
IN WITNESS WHEREOF, the Parties have executed this Sixth Amendment to the Lease Agreement on the day and year first above written.

**LESSOR:**  
Yavapai-Apache Nation

**LESSEE:**  
Delbert Smith

By:  \_\_\_\_\_  
Jon Huey, Chairman

By: \_\_\_\_\_  
Delbert Smith

Approved As To Form:  
 \_\_\_\_\_  
Office of Attorney General