

RESOLUTION NO. 75-22
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

**A Resolution Approving an Invoice for Services Provided to the Nation by KM
Drilling, Inc., for Emergency Repair of the Nation's Upper Cloverleaf
Irrigation Well at the Nation's Cloverleaf Farm and Ranch**

- 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 Agricultural Resources Department (“Department”) is in the process of rehabilitating and modernizing the irrigation systems and farm fields serving the Nation’s Cloverleaf Farm and Ranch (“Cloverleaf”); and
- WHEREAS:** Cloverleaf is an essential part of the Nation’s Governmental operations and plays an important role in developing and maintaining the Nation’s food sovereignty; and
- WHEREAS:** The Department is responsible for maintaining the efficient and reliable operation of the Nation’s irrigation wells at Cloverleaf, including providing for the repair of said wells as necessary to maintain irrigation flows to the Nation’s crops; and
- WHEREAS:** The Department recently encountered an emergency situation requiring the repair of the Nation’s Upper Cloverleaf well, which provides water to the Nation’s irrigation system, and arranged with KM Drilling Inc., (“KM”) to provide the emergency repairs needed to return the Upper Cloverleaf Well to service in accordance with the description of work and cost set out in the KM Invoice No. 2642, dated April 20, 2022 (the “Invoice”), attached to this Resolution as **Exhibit A**; and
- WHEREAS:** The Invoice amount for the emergency well repairs is **Twelve Thousand Two Hundred Thirty-Six and 20/100 Dollars (\$12,236.20)**; 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, 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 January 27, 2022, the U.S. Department of Treasury published a Final Rule under ARPA providing further descriptions and examples of how ARPA Recovery Funds may be used by recipients; and

WHEREAS: The 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 to a standard revenue loss allowance of up to \$10 million; and

WHEREAS: The Council finds that the emergency repair and return to service of the Upper Cloverleaf Well as part of the Nation's Project to rehabilitate the Nation's irrigation systems constitutes the provision of a government service; and

WHEREAS: Funding for payment of compensation under the Agreement 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 approve payment of the KM Invoice for services (Invoice attached as **Exhibit A**) under which KM provided emergency repairs to the Nation's Upper Cloverleaf Well.

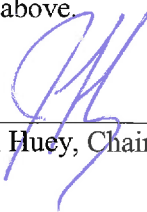
NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby authorizes the Nation to pay the Invoice of KM Drilling Inc., (attached hereto as **Exhibit A**) for emergency repairs to the Nation's Upper Cloverleaf Well at the Cloverleaf Farm and Ranch in an amount not to exceed **Twelve Thousand Two Hundred Thirty-Six and 20/100 Dollars (\$12,236.20)**.

BE IT FURTHER RESOLVED that the Nation's funds shall be used to fund compensation under the Agreement 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 May 5 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

Invoice No. 2642 – KM Drilling, Inc.
4/20/22
\$12,236.20

Repair Upper Cloverleaf Well
Approved
May 5, 2022

Received 4/25/22
JOF
Invoice

KM Drilling, Inc.
 PO BOX 1738
 CAMP VERDE, AZ 86322
 928-567-3633

Date	Invoice #
4/20/2022	2642

Bill To
Yavapai Apache Nation Attn : Yolanda

Qty	U/M	Description	Price	U/M	Price
5	hrs.	Replace Failed 200 Amp Fused Disconnect with New @ 2811 W. Clover Leaf Well			
		Labor to install New 200 AMP Fused Disconnect Panel with New Wire From meter to Panel (ON 4-14 2022)	225.00	per hr.	1,125.00
1	ea.	200 AMP Fused Disconnect Panel	1,850.00	each	1,850.00
		Replace Submersible Pump Cable with New Due to Crooked Well (on 4-20-2022)			
12	hrs.	Labor to Pull pump and re - install with new wire and guards	350.00	per hr.	4,200.00
210	ft.	# 2/4 Submersible Pump Cable	18.22	per ft.	3,826.20
1	ea.	#2 Splice Kit	125.00	each	125.00
1	ea.	6 " Knock Out set	160.00	each	160.00
1	ea.	PVC Shield to protect the wire from rubbing down hole	500.00	each	500.00

Fax #	E-mail	Web Site	Subtotal
(928) 567-8736	info@kmdrillinginc.com	www.kmdrillinginc.com	
			Sales Tax (0.0%)
			Payments/Credits
			Balance Due

Prices are subject to change based off daily market values

KM Drilling, Inc.
 PO BOX 1738
 CAMP VERDE, AZ 86322
 928-567-3633

Invoice

Date	Invoice #
4/20/2022	2642

Bill To
Yavapai Apache Nation Attn : Yolanda

Qty	U/M	Description	Price	U/M	Price
1	ea.	10 Mill Pipe Wrap to secure wire to drop pipe and shield	450.00	each	450.00
Fax #			Subtotal		
E-mail			\$12,236.20		
Web Site			Sales Tax (0.0%)		
(928) 567-8736			\$0.00		
info@kmdrillinginc.com			Payments/Credits		
www.kmdrillinginc.com			\$0.00		
			Balance Due		
			\$12,236.20		

Prices are subject to change based off daily market values

Invoice is Due and Payable at time of Service.