

**RESOLUTION NO. 80 - 22**  
**OF THE GOVERNING BODY OF THE**  
**YAVAPAI-APACHE NATION**

**A Resolution Approving Amendment No. Two to the Agreement for Consulting Services between the Nation and Spirit Mountain Partners, LLC for Updating the Nation's Environmental Protection Plans**

- WHEREAS:** The Yavapai-Apache Nation 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 manage all economic affairs of the Nation and to appropriate and regulate the use of the Nation’s funds as provided by Article V (i) and (k), respectively, of the Constitution; and
- WHEREAS:** By Council Resolution No. 113-21, approved June 22, 2021, the Council authorized an Agreement for Consulting Services (“Agreement”) with Spirit Mountain Partners, LLC to assist the Nation, acting through the Environmental Protection Department (the “Department” or “EPD”), in updating and finalizing the Nation’s EPA-required Environmental Protection Plans; and
- WHEREAS:** By Council Resolution No. 187-21, approved September 30, 2021, the Agreement was extended for an additional six months through March 31, 2022 because the EPD Department Manager and the Consultant determined that insufficient time had been allocated to complete the full scope of work; and
- WHEREAS:** The EPD Department Manager, in consultation with the Consultant, has concluded that additional time is required to complete the Agreement’s Scope of Services and that the Agreement should now be amended to provide additional time through September 30, 2022 for Consultant to complete the Work, as specified in the Amendment No. Two to the Agreement attached to and incorporated into this Resolution as **Exhibit A**; and
- WHEREAS:** Funds for payment of compensation under the amended Agreement, in the amount of \$5,700.00 as originally appropriated under Council Resolution No. 113-21, remain available from the Nation’s FY-2021-22 EPA PPG Grant Funds, and said funds continue to be available to fund the work of

the Project through the Agreement's extended Term of September 30, 2022; and

**WHEREAS:** The Council finds that amending the Nation's Agreement with Spirit Mountain Partners, LLC, is in the best interest of the Nation.

**NOW THEREFORE BE IT RESOLVED** that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby approves an amendment to the Nation's Agreement with Spirit Mountain Partners, LLC in accordance with the Terms and Conditions of the Amendment No. Two attached to this Resolution as **Exhibit A**.

**BE IT FURTHER RESOLVED** that the Tribal Council directs that the fees and expenses payable as compensation under the Agreement shall be paid from the EPA PPG Grant Funds awarded to the Nation for FY-2021-22, which funds shall continue to be available for work under the Agreement through the Agreement's Extended Term of September 30, 2022.


**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 11, 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.

  
\_\_\_\_\_  
Jon Huey, Chairman

**ATTEST:**

  
\_\_\_\_\_  
Karla Reimer, Council Secretary

Approved as to Form:

  
\_\_\_\_\_  
Office of the Attorney General

# **EXHIBIT A**

**Yavapai-Apache Nation  
Environmental Protection Department  
Amendment No. Two to the  
Agreement for Consulting Services  
With  
Spirit Mountain Partners, LLC.  
(Update Environmental Protection Plans)**

**May 11, 2022**

**AMENDMENT NO. TWO**  
**TO THE**  
**YAVAPAI-APACHE NATION**  
**AGREEMENT FOR CONSULTING SERVICES**  
**WITH**  
**SPIRIT MOUNTAIN PARTNERS, LLC**

The Yavapai-Apache Nation's Agreement for Consulting Services with Spirit Mountain Partners, LLC, is amended as follows:

**WHEREAS:** On June 22, 2021, as authorized under authority of Tribal Council Resolution No. 113-21, the Nation entered into an Agreement For Consulting Services with Spirit Mountain Partners, LLC, ("Consultant") to assist the Nation's Environmental Protection Department in updating and finalizing the Nation's EPA-required Environmental Protection Plans; and


**WHEREAS:** The Agreement's Term for completion of the Work was extended through March 31, 2022 under authority of Tribal Council Resolution No. 187-21, approving Amendment No. One to the Agreement, however, the Nation's EPD Manager, in consultation with the Consultant, has concluded that additional time is required for Consultant to complete the Agreement's Scope of Services.

**NOW THEREFORE,** the Nation and Spirit Mountain Partners, LLC, agree to amend the Agreement as follows:

1. Term: The Term under this Agreement shall be extended effective from April 1, 2022 and running through September 30, 2022.
2. All other terms and conditions of the Agreement shall remain unchanged by this Amendment.

**YAVAPAI-APACHE NATION**

**Spirit Mountain Partners, LLC**

  
\_\_\_\_\_  
Jon Huey, Chairman

\_\_\_\_\_  
Ondrea Barber (Principal)

5-11-2022  
Date

\_\_\_\_\_  
Date

**Approved as to Form:**

  
\_\_\_\_\_  
Scott Canty  
Attorney General