

RESOLUTION NO. 120-22
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

A Resolution Approving Amendment No. Three to the Yavapai-Apache Nation
Contract for Expert Consulting Services with Laurel Lacher dba Lacher
Hydrological Consulting for Water-Rights Matters

- 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, as the legislative body of the Nation, is empowered to enact laws, ordinances, and resolutions incidental to the exercise of its legislative powers as provided by Article V(v) of the Constitution; and
- WHEREAS:** The Council is authorized to appropriate and regulate the use of the Nation’s funds, as provided by Article V (k) of the Constitution; and
- WHEREAS:** The water resources of the Nation provide a critical water supply in support of the Nation’s permanent tribal homeland needs; and
- WHEREAS:** The Yavapai-Apache Nation, and the United States on the Nation’s behalf, have claims for water rights pending in the case titled *In Re the General Adjudication of All Rights to Use Water in the Gila River System and Source, W1-4* (“Gila River Adjudication”) in the Maricopa County Superior Court, Arizona; and
- WHEREAS:** The Nation requires the continued assistance of an expert to advise the Nation regarding technical aspects of its water rights settlement negotiations, and to assist the Nation with the technical aspects of its water rights claims, and to potentially complete expert reports that may be submitted as evidence in the Gila River Adjudication; and
- WHEREAS:** The Bureau of Indian Affairs has provided ongoing funding for the Nation to retain technical experts under the Nation’s Public Law 93-638 Section 108 Contracts with the Bureau of Indian Affairs, Contract Nos. A17AV00815 and A20AV000858 (“638 Contract); and
- WHEREAS:** Under Resolution No. 237-19 dated December 12, 2019, the Nation contracted with Laurel Lacher, dba Lacher Hydrological Consulting

(“Lacher”), to perform the expert work required by the Nation under the Yavapai-Apache Nation Contract for Expert Consulting Services, with an original term through December 31, 2020 (Water Rights Matters) with a total contract budget cap of \$33,750 (“Expert Consulting Contract”); and

WHEREAS: Under Resolution No. 223-20, dated December 20, 2020, the Nation amended the Expert Consulting Contract to provide additional funding for Dr. Lacher’s expert work to continue through December 31, 2021, with an amended total budget cap under the Contract of \$53,750 (“Amendment No. 1”); and

WHEREAS: Under Resolution No. 264-21 dated December 16, 2021, the Nation amended the Expert Consulting Contract to provide additional funding for Dr. Lacher’s expert work to continue through December 31, 2022, with an amended total budget cap under the Contract of \$68,750 (“Amendment No. 2”); and

WHEREAS: Due to the increased pace of water rights negotiations over FY2021-2022, and the need for the continuing assistance of Dr. Lacher during ongoing water rights settlement negotiations, including her direct meeting attendance and participation, additional funding in the amount of **\$30,000** is needed for FY2022 for services under the Expert Consulting Contract with Dr. Lacher; and

WHEREAS: The Council has reviewed Amendment No. 3 to the Expert Consulting Contract with Laurel Lacher dba Lacher Hydrological Consulting, attached to this Resolution as **Exhibit “A”**, and deems it to be in the Nation’s best interest to approve the Amendment, as stated therein; and

WHEREAS: The term of the amended Expert Consulting Contract shall continue to be for a period from November 1, 2019, and ending on December 31, 2022, subject to all terms and conditions required by the Nation’s 638 Contract, and the amended budget cap for the term of the Contract (as set out in the original Contract and as amended under Amendments Nos.1, 2, and 3) shall be set at **\$98,750** for the services to be provided; and

NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby approves Amendment No. 3 to the Expert Consulting Contract with Laurel Lacher dba Lacher Hydrological Consulting, in the form attached to this Resolution as **Exhibit A**, and in accordance with the Terms and Conditions provided therein.

BE IT FURTHER RESOLVED that the Tribal Council directs that all fees, expenses, and costs arising under the Expert Consulting Contract shall continue to be paid by the

Nation from funds received (currently and in the future) by the Nation from the United States Bureau of Indian Affairs under the Nation's Public Law 93-638 Section 108 Contracts with the Bureau of Indian Affairs, Water Resources Program, BIA Contract Nos. A17AV00815 and A20AV000858.

BE IT FURTHER RESOLVED that the Tribal Council directs that all services provided by Dr. Lacher under the Expert Consulting Contract shall be reviewed by and coordinated through the Nation's Office of Attorney General.

BE IT FURTHER RESOLVED that the Chairman, Vice-Chairwoman, or either of them, are authorized to execute the attached Amendment No. 3, and all future amendments to the Expert Consulting Contract that provide for no-cost time extensions to the performance period of the Consulting Contract as necessary to accomplish the objectives of Dr. Lacher's services provided thereunder, but with any future amendments to the Contract's budget cap requiring a Council Resolution.

BE IT FINALLY RESOLVED that the Chairman, 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, presented for approval on July 14, 2022, by a vote of 8 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:



Attorney General

EXHIBIT A

Yavapai-Apache Nation
Amendment No. 3

Contract for Professional Consulting Services
(Laurel Lacher dba Lacher Hydrological
Consulting) Water Rights Matters

Approved July 14,
2022

**AMENDMENT NO. 3
TO
YAVAPAI-APACHE NATION
CONTRACT FOR EXPERT CONSULTING SERVICES
(Laurel Lacher dba Lacher Hydrological Consulting – Water Rights Matters)**

The Yavapai-Apache Nation Contract for Expert Consulting Services – Water Rights Matters, with Lacher Hydrological Consulting, as approved by Resolution No. 237-19, dated December 12, 2019, as amended by Resolution No. 223-20, dated December 20, 2020 (Amendment No. 1), and as amended by Resolution No. 264-21 dated December 16, 2021 (Amendment No. 2), is hereby further amended as follows:

1. The Cap on Consultant Services and Costs, as provided in Exhibit A to the Contract – Scope of Services and Budget (as previously amended under Amendments Nos. 1 and 2), is hereby increased by an additional **\$30,000** for a Total Cap on Services and Costs in the amount of **\$98,750.00**.
2. The additional funds are needed to allow Consultant to continue providing technical assistance in water rights settlement negotiations and for technical assistance in the Gila River General Stream Adjudication for issues affecting the water rights and claims of the Nation.
3. All sums due to Consultant shall be charged to BIA Grant Nos. A17AV00815 or A20AV000858 and are payable from the Nation’s existing federal funding for water rights litigation/negotiation.

All other terms and conditions shall remain the same.

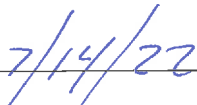
YAVAPAI-APACHE NATION

**LACHER HYDROLOGICAL
CONSULTING**



Jon Huey, Chairman

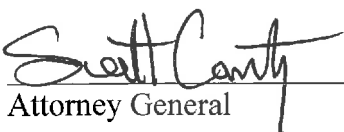
Laurel Lacher



Date

Date

Approved as to Form:



Attorney General