

**MINUTES OF
YAVAPAI-APACHE NATION
Regular Council Meeting
November 3, 2022**

1. CALL TO ORDER: Chairwoman Tanya Lewis called the meeting to order at 9:04 a.m., Middle Verde Administration and Zoom.us.

2. INVOCATION: Tanya Lewis

3. ROLL CALL: Germania Jones, Lorna Juan, Ricardo Pacheco, Tanya Lewis, Charlie Baca, Darlene Rubio and Henry Smith were present. Amanda Honwyteva joined via Zoom.us. Apphia Shirley was absent (bereavement).

4. APPROVAL OF AGENDA:

Chairwoman Lewis requested to remove 6. Amber Alert in Indian Country.

Darlene Rubio requested to move the EPA Conference Report under Item 7.

Germania Jones motioned to approve the Agenda with the deletion and moving of an item seconded by Charlie Baca; 8 For, 0 Against, 0 Abstained, motion passed.

5. MINUTES OF 10-20-2022

Germania Jones motioned to approve the minutes seconded by Henry Smith; 7 For, 0 Against, 1 Abstained, motion passed.

6. RESOLUTION AUTHORIZING THE NATION TO SUBMIT AN APPLICATION FOR GRANT FUNDING TO THE CATENA FOUNDATION TO FUND THE NATION'S VERDE RIVER RIPARIAN RESTORATION PROJECT AND COMPLETION OF A FEASIBILITY STUDY FOR DEVELOPMENT OF A NATIVE PLANT SPECIES NURSERY AND COMPOSTING FACILITY – David Lewis, Nancy Ruiz and Genevieve Bates

Henry Smith motioned to approved the resolution per Version 1 (11-3-2022) seconded by Charlie Baca; 8 For, 0 Against, 0 Abstained, motion passed.

a. EPA Conference Report - Darlene Rubio reported she attended an EPA Conference in Reno. She explained there was one tribe who was able to buy a garbage truck. Hopefully this could be a game plan for us. She was very pleased with the conference. It was well rounded. She attended the Roundtable Leader's Meeting. It was mainly about funding and what the government is doing to help us get rid of the evasive species. When we are applying for grant

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funding we need to include “community and culture”. There is an abundance of funding. She suggested scheduling a work session to go over EPD’s grants.

7. RESOLUTION APPROVING AMENDMENT NO. 1 TO THE MEMORANDUM OF AGREEMENT BETWEEN THE YAVAPAI-APACHE NATION AND THE INTER TRIBAL COUNCIL OF ARIZONA UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT ADULT AND YOUTH PROGRAM FOR PROGRAM YEAR 2021 – April Salas

Lorna Juan motioned to approve the resolution per Version 1 (11-3-2022) seconded by Charlie Baca; 8 For, 0 Against, 0 Abstained, motion passed.

8. RESOLUTION APPROVING AMENDMENT NO. 3 TO THE MEMORANDUM OF AGREEMENT BETWEEN THE YAVAPAI-APACHE NATION AND THE INTER TRIBAL COUNCIL OF ARIZONA UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT ADULT AND YOUTH PROGRAM FOR PROGRAM YEAR 2020 – April Salas

Darlene Rubio motioned to approve the resolution per the Council is authorized to represent the 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 Nation as provided by Article V(a) of the Constitution; the Council, as the legislative body of the Nation, is authorized to enact laws, ordinances and resolutions incidental to the exercise of its legislative powers as provided by Article V(v) of the Constitution; the Council is authorized to negotiate with other governments, manage the economic affairs of the Nation, and appropriate and regulate the use of the Nations funds, all as provided under Article V(b), (i) and (k) of the Constitution; the Nation administers the US Department of Labor’s Workforce Innovation and Opportunity Program under a Memorandum of Agreement with the Inter Tribal Council of Arizona is authorized under the Workforce Investment Act of 1998, Section 166, Native American Programs; ITCA has notified the Nation that the WIOA Program MOA with ITCA for Program Year 2020 is amended to increase the WIOA Section 166 Title I-D Adult Comprehensive Service Plan and the Supplemental Youth Services Plan fund budgets as reflected in Amendment No. 3 to the MOA; the amended term and budget under the MOA is the Adult Program July 1, 2020 to June 30, 2023 Amended Total Budget: \$22,000 and the Youth Program April 1, 2020 to June 30, 2023 Amended Total Budget of \$11,300 the Combined Total PY 2020 Budget of \$33,300 per Version 1 (11-3-2022) seconded by Charlie Baca; 8 For, 0 Against, 0 Abstained, motion passed.

9. RESOLUTION AUTHORIZING THE NATION TO CONTRACT WITH JCH, INC., FOR PARTS AND REPAIRS TO THE NATION’S WASTEWATER LIFT STATION AT THE DISTANT DRUMS RV RESORT – Herbert Trujillo

Henry Smith motioned to approve the resolution per Version 1 (11-3-2022) seconded by Charlie Baca; 8 For, 0 Against, 0 Abstained, motion passed.

10. RESOLUTION TERMINATING LAND SUBLEASE 601-004-08 AND FIRST AMENDMENT TO LAND SUBLEASE 601-008-09

Henry Smith motioned to approve the resolution per Version 1 (11-3-2022) seconded by Lorna Juan; 5 For, 0 Against, 3 Abstained, motion passed.

Darlene Rubio stated for the record, “Due to the discussion yesterday during a work session, she is abstaining.”

Lorna Juan stated for the record, “The discussion for the 184 Homes was done in March 2021. The Tribal Council fully discussed the issues of how they were going to move forward on the issues. She is respecting the decision made by the Tribal Council prior to her being on the Council.”

Chairwoman Lewis abstained due to she is in a 184 Home.

Charlie Baca abstained due to a conflict with his brother who was buying the home.

11. RESOLUTION TERMINATING LAND SUBLEASE 601-008-08 AND FIRST AMENDMENT TO LAND SUBLEASE 601-012-09

Henry Smith motioned to approve the resolution per Version 1 (11-3-2022) seconded by Germania Jones; 6 For, 0 Against, 0 Abstained, motion passed.

12. RESOLUTION TERMINATING LAND SUBLEASE 601-006-08 AND FIRST AMENDMENT TO LAND SUBLEASE 601-010-09

Henry Smith motioned to approve the resolution per Version 1 (11-3-2022) seconded by Lorna Juan; 5 For, 0 Against, 3 Abstained, motion passed.

Darlene Rubio stated for the record, “Due to the discussion yesterday during a work session, she is abstaining.”

13. RESOLUTION TERMINATING LAND SUBLEASE 601-011-08 AND FIRST AMENDMENT TO LAND SUBLEASE 601-015-09

Henry Smith motioned to approve the resolution per Version 1 (11-3-2022) seconded by Germania Jones; 6 For, 0 Against, 2 Abstained, motion passed.

14. RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS FROM THE ARPA CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS TO ALL ADULT MEMBERS OF THE NATION AS AN ECONOMIC IMPACT ASSISTANCE PAYMENT IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY

Henry Smith motioned to approve the resolution per Version 1 (11-3-2022) seconded by Charlie Baca; 8 For, 0 Against, 0 Abstained, motion passed.

15. RESOLUTION ADOPTING THE YAVAPAI-APACHE NATION HOLIDAY ASSISTANCE PROGRAM

Chairwoman Lewis explained the Council has been working on this regarding the SSI and SSA for the adult membership. We explained when our members get this money they catch up on bills, help our families and it isn't all used for Christmas. Our members are on a fixed income. The attorneys are working on having the funds nontaxable.

Lisa Estensen added the holiday money is used for cultural practices associated with members' holiday gatherings.

Ricardo Pacheco stepped out at 10:10 a.m.

Amanda Honwyteawa motioned to go into Executive Session seconded by Darlene Rubio; 7 For, 0 Against, 0 Abstained, motion passed.

EXECUTIVE SESSION

Ricardo Pacheco returned at 10:15 a.m.

Darlene Rubio motioned to come out of Executive Session seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motion passed.

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Chairwoman Lewis summarized while in Executive Session the Council discussed the members affected by the distribution. The letters received from the tribal members will be forwarded to Lisa Estensen. Specific items were discussed regarding SSI.

Lorna Juan motioned to approve the resolution per Version 1, (11-3-2022) seconded by Germania Jones; 8 For, 0 Against, 0 Abstained, motioned passed.

16. RESOLUTION APPROVING THE APPROPRIATION AND DISTRIBUTION OF FUNDS FROM THE NATION'S HOLIDAY ASSISTANCE FUND TO ALL ADULT MEMBERS OF THE NATION AS A HOLIDAY ASSISTANCE PAYMENT

Darlene Rubio motioned to approve the resolution due to the Council is authorized to represent the 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 Nation as provided by Article V(a) of the Constitution; the Council is authorized to manage all tribal economic affairs and enterprises and to appropriate and regulate the use of tribal funds as provided by Articles V(i) and (k) of the Constitution; by Resolution No. 191-21 adopted on September 30, 2022, the Council established the Yavapai-Apache Nation Holiday Assistance Fund and designated non-gaming revenue sources to support and maintain the Fund from which the Council may appropriate future Holiday Assistance payment as determined by the Council; by Resolution No. 205-2022 adopted on November 3, 2022, the Council approved the Yavapai-Apache Nation Holiday Assistance Program which formally memorialized the Nation's prior tribal customs and government practice of recognizing holiday assistance payments to the Nation's Members as a means of promoting the Nation's general welfare, culture and traditions, and as a mean to provide financial assistance for basic household needs; pursuant to the Program, the Council desires to appropriate funds from the Nation's Holiday Assistance Fund to be distributed to all adult members of the Nation as a Holiday Assistance payment to be used for the Program purposes set forth in the Program Description and Guideline; the enrollment records of the Nation show that as of November 18, 2022, the date of distribution, there will be 1,889 adult Tribal Members on the Nation's membership roll; the Council has determined that Holiday Assistance in the total amount of \$1,390,725.04 shall be appropriated from the Nation's Holiday Assistance Fund and said total amount shall be apportioned and distributed on an equal basis to all adult Tribal Members of the Nation; the Council hereby appropriates the sum of \$1,390.725.04, said funds to be taken from the Nation's Holiday Assistance Fund, and directs that said appropriation be apportioned and distributed on an equal basis in the amount of \$736.22 to each adult Tribal Members enrolled in the Nation as determined from the Nation's membership roll as of November 18, 2022, to be used for the Program purposes set forth in the Holiday Assistance Program General Welfare Assistance Program Description and Guideline; the distribution of the Holiday Assistance payment shall be made to each adult Tribal Member

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entitled to a distribution on November 18, 2022, and that such distribution shall be made by hand delivery of individual checks to the eligible Tribal Members at the Nation's Gymnasium in Middle Verde; the interpretation of any prior Resolution authorizing a "Christmas Bonus", "Holiday Bonus" or other "gift", the Council hereby declares that the appropriation of future Holiday Assistance, from the Nation's Holiday Assistance Fund, shall be determined by the Council on a periodic basis depending upon the availability of funds in the Holiday Assistance Fund or in prior resolutions, vests, or is intended to vest, any Yavapai-Apache Nation Tribal Member with an entitlement to any future holiday assistance, bonus, gift or amount thereof; the Holiday Assistance payment shall be subject to deductions payable to the Nation's Tribal Court for all court-ordered payments such as restitution, court fees, child support, or any other court-ordered payments, but shall not be subject to deductions for debts owed to the Nation except as may be agreed to in written agreements between the Nation and an individual Tribal Member; the Holiday Assistance payments shall not affect eligibility under the Nation's Tribal Assistance Program for those Tribal Member receiving assistance payments per Version 1 (11-3-2022) seconded by Germania Jones: 8 For, 0 Against, 0 Abstained, motion passed.

17. RESOLUTION APPOINTING BRIAN UTSEY, AS AN ASSOCIATE JUDGE OF THE YAVAPAI-APACHE NATION TRIBAL COURT

Charlie Baca motioned to approve the resolution per Version 1 (11-3-2022) seconded by Lorna Juan; 8 For, 0 Against, 0 Abstained, motion passed.

18. OLD BUSINESS – None

19. NEW BUSINESS

a. Council Reports

SDPI Report – Darlene Rubio reported she provided a letter to the Council regarding funding for the Diabetes Program. The letter and comments are due by November 10th. She requested the Medical Director could draft the letter.

b. Request for a Community Meeting – Phillip Grass explained he wanted to hold a Community Meeting to discuss Article V and Article VIII. The Constitution needs to be revised under the Tribal Council powers. The Council shouldn't be able to waive sovereignty. The people need to be heard.

Chairwoman Lewis provided him information to contact Ricardo Pacheco to get the form to request the use of the gym for his meeting.

c. Christmas Bonus, Elder Issues – Housing, Protection of Children in Community – Social Services, Police Department – Parents Accountable – Roberta Pavatea & Sylvia Wilson

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Roberta Pavatea mentioned the following items:

- Notification to the Elders for scheduled Culture Meetings – Elders to be included in trips.
- Elders need to be treated with respect at Housing. When things break down in their homes, the Elders shouldn't have to pay the bill. She was informed this was taken care with the Executive Director of Housing.
- Housing needs to hire qualified people or get them certified.
- Protection of our children – Requested YAPD Officers need to be in the communities. They need to check the vehicles entering the communities. Guns need to be registered. Exclude people. Conduct background checks on non-natives. Impose a curfew.
- Departments need to work with the community.
- Requesting a cap on the cost of lodging at the Casino for Elders.
- If there is damage to the rooms they should take them to court.
- More help is needed at Housing to fix the homes.
- Stop labeling children
- Contact the School Board Members
- Hire someone to oversee the use of the Gym and Recreation
- ASA needs part time specialists – She will meet with Jason Stuart

Sylvia Wilson requested the following:

- Schedule a Memorial Services for all of the deaths lost during COVID.
- Nobody goes to Clarkdale
- Dog Catcher needs to be in Clarkdale at different hours.
- Housing needs to re-do her brother's bathroom
- Housing needs to fix her sister's roof
- Elders Luncheon – some lunches are delivered and others are not
- Clinic needs to open – a doctor is needed, she is unable to have an appointment until January
- CHR is only able to haul 2 people.
- A lot of prejudice at Clarkdale School – Cindy Eaton should be attending the meetings.
- The Shuttle should run when the Administration is closed.
- No one can use the Clarkdale Gym.
- Need Mental Health Program

Roberta Pavatea added the following:

- Food not healthy at Elders Program. The money should be spent on healthy food. There is no communication.
- Recommended an Elders Subcommittee

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Germania Jones motioned to adjourn at 12:48 p.m. seconded by Charlie Baca; 8 For, 0 Against, 0 Abstained, motion passed.

YAVAPAI-APACHE TRIBAL COUNCIL

Karla Reimer, Secretary