

RESOLUTION NO. 204 -22  
OF THE GOVERNING BODY OF THE  
YAVAPAI-APACHE NATION

**A 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**

- 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 accept grants and donations from any person, organization, state, or the United States as provided under Article V(s) of the Constitution; and
- WHEREAS:** The Council is authorized to manage all tribal economic affairs and to appropriate and regulate the use of the Nation’s funds as provided under Article V (i) and (k), respectively, of the Constitution; and
- WHEREAS:** 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 under Article V(v) of the Constitution; and
- WHEREAS:** On March 19, 2020, the Council adopted Council Resolution No. 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 by President Biden, Section 9901 of which establishes the Coronavirus State and Local Fiscal Recovery Funds (“Recovery Funds”) and sets 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 to respond to the negative economic impacts of the public health emergency, including the provision of cash assistance to households and individuals impacted by the public health emergency; and
- WHEREAS:** The Final Rule states that a recipient may presume that households or populations that experienced unemployment or increased food or housing insecurity or is low- or moderate-income experienced are impacted by the public health emergency or its negative economic impacts; and

**WHEREAS:** As recognized by the U.S. Department of Treasury, the COVID-19 public health emergency has had disproportionate public health and economic impacts in Tribal communities, and the Final Rule states that households and populations receiving services provided by Tribal governments are presumed to be disproportionately impacted by the public health emergency or its negative economic impacts; and

**WHEREAS:** The Council has determined that the Nation's membership has and continues to experience negative economic impacts as a result of the ongoing COVID-19 public health emergency, which include but are not limited to unemployment, increased food insecurity, and increased housing insecurity; and

**WHEREAS:** The Council has determined that the Nation's membership has and continues to experience negative economic impacts due to high inflation that is at least partially the result of the COVID-19 public health emergency; and

**WHEREAS:** The Council has determined that the Nation's membership is largely low- or moderate-income; and

**WHEREAS:** The Nation has received funds from the ARPA Coronavirus State and Local Fiscal Recovery Funds and the Council hereby determines that it is appropriate to provide cash assistance to its membership to respond to the negative economic impacts of the ongoing public health emergency through the distribution of a portion of the funds for an Economic Impact Assistance Payment in the amount of **Seven Hundred Thirty-Six and 22/100 Dollars (\$736.22)** to each adult Tribal Member enrolled in the Yavapai-Apache Nation as determined from the Nation's membership rolls as of November 18, 2022; and

**WHEREAS:** The Council has determined that the Economic Impact Assistance Payment to adult members of the Nation meets the requirements of the federal Tribal General Welfare Exclusion Act of 2014 at Section 139E (26 U.S.C. 139E) of the Internal Revenue Code and is also consistent with IRS Draft FAQs for Payments by Indian Tribal Governments to their Individual Members Under COVID-Relief Legislation and Notice of Tribal Consultation, dated May 26, 2021.

**NOW THEREFORE BE IT RESOLVED** that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby approves the distribution of a portion of the funds the Nation received from the ARPA Coronavirus State and Local Fiscal Recovery Funds for an Economic Impact Assistance Payment in the amount of **Seven Hundred Thirty-Six and 22/100 Dollars (\$736.22)** to each adult Tribal Member enrolled in the Yavapai-Apache Nation as determined from the Nation's membership rolls as of November 18, 2022.

**BE IT FURTHER RESOLVED** that the Nation's General Welfare Ordinance (see Tribal Council Resolution 118-07) shall be interpreted (and deemed amended as necessary) to incorporate the Nation's sovereign right to provide financial assistance to its Members in accordance with subsequent federal legislation, known as the Tribal General Welfare Exclusion Act of 2014 (Internal Revenue Code Section 139E).

**BE IT FURTHER RESOLVED** that the Nation's Finance Director, in coordination with the Nation's Enrollment Department, is hereby authorized to process the economic impact assistance payments authorized by this Resolution.

**BE IT FINALLY RESOLVED** that the Chairwoman and Vice-Chairman, or either of them, are hereby authorized to take such further action as deemed necessary to carry out the purposes and intent 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 November 7 2022, by a vote of 8 8 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.

  
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Tanya Lewis, Chairwoman

**ATTEST:**

  
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Karla Reimer, Council Secretary

Approved as to Form:

  
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Office of the Attorney General