

RESOLUTION NO. 206 -22
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

A 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

- 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 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), respectively, of the Constitution; and
- WHEREAS:** By Resolution No. 191-21 adopted on September 30, 2021, 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 payments as determined by the Council in its discretion; and
- WHEREAS:** By Resolution No. 205 22 adopted on November 3, 2022, the Council approved the Yavapai-Apache Nation Holiday Assistance Program (the "Program"), which formally memorialized the Nation's prior tribal custom 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 means to provide financial assistance for basic household needs; and
- WHEREAS:** 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; and
- WHEREAS:** 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; and
- WHEREAS:** The Council has determined that Holiday Assistance in the total amount of One Million Three Hundred Ninety Thousand Seven Hundred Twenty-Five and 04/100 Dollars (\$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.

NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Nation Tribal Council, in Council assembled, at which a quorum is present, hereby appropriates the sum of One Million Three Hundred Ninety Thousand Seven Hundred Twenty-Five and 04/100 Dollars (\$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 Seven Hundred Thirty-Six and 22/200 Dollars (\$736.22) to each adult Tribal Member enrolled in the Yavapai-Apache 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.

BE IT FURTHER RESOLVED that the distribution of the Holiday Assistance payment shall be made to each adult Tribal Member 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.

BE IT FURTHER RESOLVED that notwithstanding the interpretation of any prior Resolution authorizing a "Christmas Bonus", "Holiday Bonus" or other "gift", the Tribal Council hereby declares that the appropriation of future Holiday Assistance, if any, from the Nation's Holiday Assistance Fund, shall be determined by the Tribal Council on a periodic basis depending upon the availability of funds in the Holiday Assistance Fund, and nothing herein, 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.

BE IT FURTHER RESOLVED that the Holiday Assistance payments 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.

BE IT FURTHER RESOLVED that Holiday Assistance payments shall not affect eligibility under the Nation's Tribal Assistance Program for those Tribal Members receiving assistance payments.

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 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 November 3 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.



Tanya Lewis, Chairwoman

ATTEST:

Karla Reimer
Karla Reimer, Council Secretary

Approved as to Form:

Lisa Estenson
Office of the Attorney General