

RESOLUTION NO. 131 -23
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

**A Resolution Approving an Amendment to the Independent Contractor Agreement
Between the Yavapai-Apache Nation and Branton L. Grissum, Esq. for Public
Defender Services and an Amendment to the Nation's Fiscal Year 2023 General Fund
Governmental Operations Budget for the Office of the Public Defender**

- 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 manage all tribal economic affairs and to appropriate and regulate the use of tribal funds as provided under Article V (i) and (k), respectively, of the Constitution; and
- WHEREAS:** On January 19, 2023, the Council, through Resolution No. 09-23, approved the Independent Contractor Agreement ("Agreement") with Branton L. Grissum, Esq. to serve as the Nation's Public Defender by providing criminal defense counsel services to Tribal members in the Nation's Tribal Court for a compensation amount not to exceed Twenty-Five Thousand and 00/100 (\$25,000.00) and for a Term of January 23, 2023 through December 31, 2023; and
- WHEREAS:** The Executive Office desires to amend the Agreement to increase the not to exceed compensation amount to Fifty Thousand and 00/100 (\$50,000.00) in order for Mr. Grissum to continue to serve as the Nation's Public Defender through the end of the Term (*Amendment attached to this Resolution as Exhibit A and incorporated herein by reference*); and
- WHEREAS:** Funding to pay compensation under the Agreement is paid from the FY2023 Office of the Public Defender General Fund Budget, however a budget amendment is required to cover the Twenty-Five Thousand and 00/100 (\$25,000.00) increase to the contract amount; and
- WHEREAS:** The Yavapai-Apache Nation Budget and Appropriations Code provides that a budget amendment shall be approved by Tribal Council resolution for additional appropriations, as set forth in Section 303 of Code; and
- WHEREAS:** The Treasurer recommends that the Council approve an amendment to the Nation's Fiscal Year 2023 General Fund Governmental Operations Budget for the Office of the Public Defender authorizing an additional appropriation of Twenty-Five Thousand and 00/100 (\$25,000.00) as set forth in the budget amendment

attached to this Resolution as Exhibit B (*and incorporated herein by reference*);
and

WHEREAS: The Council has determined that it is in the best interest of the Nation to approve the Amendment to the Independent Contractor Agreement with Branton L. Grissum, Esq. under which Mr. Grissum will continue to serve as the Nation's Public Defender through the end of the Term and the corresponding amendment to the Nation's Fiscal Year 2023 General Fund Governmental Operations Budget for the Office of the Public Defender.

NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby approves the Amendment to the Independent Contractor Agreement between the Nation and Branton L. Grissum, Esq. (*attached to this Resolution as Exhibit A*) to increase the not to exceed compensation amount from Twenty-Five Thousand and 00/100 (\$25,000.00) to Fifty Thousand and 00/100 (\$50,000.00) in order for Mr. Grissum to continue to serve as the Nation's Public Defender through the end of the Term.

BE IT FURTHER RESOLVED that the Council hereby approves an amendment to the Nation's Fiscal Year 2023 General Fund Governmental Operations Budget for the Office of the Public Defender authorizing an additional appropriation of Twenty-Five Thousand and 00/100 (\$25,000.00) as set forth in the budget amendment attached to this Resolution as Exhibit B.

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 August 9 2023, 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, Council Secretary

Approved as to Form:


Office of the Attorney General

EXHIBIT A

Amendment to the Independent Contractor Agreement
Between the Yavapai-Apache Nation
and Branton L. Grissum, Esq.

**AMENDMENT TO THE INDEPENDENT CONTRACTOR AGREEMENT BETWEEN THE
YAVAPAI-APACHE NATION
AND
BRANTON L. GRISSUM, ESQ.**

This AMENDMENT ("Amendment") is dated as of the 9th day of August, 2023 (the "Effective Date") by and between the Yavapai-Apache Nation ("Nation") and Branton L. Grissum, Esq. ("Contractor").

RECITALS

WHEREAS, on January 19, 2023, Nation and Contractor entered into an Independent Contractor Agreement ("Agreement") under which Contractor agreed to serve as the Nation's Public Defender by providing criminal defense counsel services to Tribal members in the Nation's Tribal Court; and

WHEREAS, Nation and the Contractor wish to amend the Agreement in order to increase the not to exceed compensation amount from \$25,000.00 to \$50,000.00, all as set forth hereinbelow.

NOW THEREFORE, in consideration of the foregoing, and the mutual covenants herein contained, the parties agree to amend the Agreement as follows:

Section 2, Compensation is replaced with the following:

COMPENSATION: As full compensation for the Services provided by Contractor under this Agreement, the Nation shall pay Contractor compensation in an amount up to but not to exceed **Fifty Thousand and 00/100 Dollars (\$50,000.00)** for the Term of this Agreement payable as follows: (a) Sixty Dollars for each hour of service rendered (\$60.00/hour); and (b) One Hundred Twenty-Fifty Dollars (\$125.00) per trip to the Tribal Court. Compensation shall be paid to Contractor within thirty (30) days of receipt of Contractor's monthly invoice for Services rendered, supported by reasonable documentation. Contractor's invoices for payment under this Agreement shall be submitted to the Chairwoman or her designee for review and processing of payment.

All other terms and conditions of said Independent Contractor Agreement, not expressly amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, this Amendment to the Independent Contractor Agreement is signed below by the duly authorized representatives of the parties.

Yavapai-Apache Nation

Independent Contractor

By: 
Tanya Lewis, Chairwoman

By: _____
Branton L. Grissum, Esq.

Approved as to Form:

Office of the Attorney General:  Date: 8-8-23

EXHIBIT B

Budget Amendment – Additional Appropriation
FY2023 General Fund Governmental Operations Budget
Office of the Public Defender

August 9, 2023

Amendment to 2023 Public Defender General Fund Budget

	2023 Budget	Proposed Amendment	2023 Amended Budget
<u>Public Defender</u>			
7213 Professional Services	25,000.00	25,000.00	50,000.00
Total Operating Expenses	25,000.00	25,000.00	50,000.00