



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Redelegation of Authorization for PL 93-638 Contracting to White Mountain Apache Behavioral Health Services, for Behavioral and Mental Health Annual State and Federal Funding Agreements)

- WHEREAS,** pursuant to Article IV, Section 1(a), and 1(s) of the Constitution of the White Mountain Apache Tribe (“WMAT”), *inter-alia*, the Tribal Council (“Council”), is authorized to represent the general welfare and interests of the White Mountain Apache people, in all matters that concern the welfare of the White Mountain Apache Tribal Nation; and
- WHEREAS,** per *Resolution No. 05-2007-175*, “Approving Charter, Articles of Incorporation, and Bylaws, of the Apache Behavioral Health Service, Inc.,” the Council did authorize and charter the establishment of an independent Tribal Organization, or Apache Behavioral Health Services (“ABHS”). Creating an independent agency was necessary for consideration and State recognition as a T/RBHA, also known as Tribal Regional Behavioral Health Authority (Arizona). T/RBHA is the highest designation of such agencies in the region; and
- WHEREAS,** ABHS is a Tribal organization, as defined under Public Law 93-638 contracting requirements, and therefore, legally established and controlled by a Federally recognized Indian Tribe. Pursuant to agency by-laws, the Board of Directors was established by Council with the intention that it would serve as an advisory and oversight Board for ABHS management, and to create distance between the Tribal government and the independent entity it created therein; and
- WHEREAS,** for seven years, ABHS has worked closely with the Federal government, the Indian Health Services (“IHS”), and other regulatory bodies to annually contract for funding that the WMAT would otherwise be eligible for, were it directly managing mental and behavioral health services today. Among other areas, prior authorizations were granted for “Mental Health, and Adolescent and Family Services Programs.” And, members of the governing body see no reason to discontinue support, or modify any other expectations and responsibilities as defined within the ABHS by-laws.
- WHEREAS,** as the ABHS by-laws already grant ABHS the authority to enter into 3rd party contracts for the benefit of Tribal members, to meet the agency’s objectives, and to further WMAT interests, and further, the by-laws grant an implied and explicit limited waiver of immunity for purposes of enforcing Tribal agreements entered into within the scope of the agency’s authority, this resolution is intended to reiterate the delegation previously granted, and to make such delegation indefinite – as intended by the Tribal Council – until such time that the Council modifies or revokes such contracting authority by resolution or ordinance; and

