



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving MOU between the Tribe and Palliation Collaborative LLC for Conducting of Mass Testing Clinics on the Reservation)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power, “To represent the Tribe and act in all manners that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution,”; and
- WHEREAS,** The Tribe declared an Emergency Declaration due to COVID-19 on March 12, 2020 and established a set of guidelines and restrictions by means of Tribal Resolutions to help mitigate the spread of COVID-19 on the reservation; and
- WHEREAS,** The most effective strategies for containment and mitigations of this pandemic are social distancing, quarantine, and testing; and
- WHEREAS,** Palliation Collaborative LLC, a company that conducts mass testing for COVID-19, has approached the Emergency Operations Center after consulting with the Indian Health Service, proposing to conduct a mass testing clinic on the Fort Apache Indian Reservation (“Reservation”); and
- WHEREAS,** Under current policies, the Tribe would, ordinarily, require review and approval by the Health Advisory Board before permitting such an activity; and
- WHEREAS,** Because of the urgency of the current situation, the EOC proposes that the current policies of the Tribe be waived to help expedite responses to this infection including the circumvention of a review by the Tribe’s Health Advisory Board; and
- WHEREAS,** A Memorandum of Understanding to collaborate on community-based testing for SARS CoV-2 between The Palliation Collaborative LLC and the White Mountain Apache Tribe has been drafted (attached and incorporated herein); and
- WHEREAS,** Council has considered the situation and finds that waiving applicable policies requiring the review and approval of the Health Advisory Board to expedite the availability of mass testing to the Reservation’s residents, and approving the MOU with The Palliation Collaborative LLC is in the best interests of the Tribe and its members.

Resolution No. 05-2020-102

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Memorandum of Understanding between the Tribe and the Palliation Collaborative LLC to conduct mass testing clinics on the Reservation, as monitored by Tribe's EOC.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby waives all Tribal regulations that would require review and approval of the mass testing events by the Tribe's Health Advisory Board.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby mandates that all test results and other data from the mass testing clinics be shared with the Whiteriver Indian Health Service, provided that all applicable provisions of the Health Insurance Portability and Accountability Act of 1996 be followed to control the disclosure of protected health information.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on MAY 15, 2020 duly adopted by a vote of ELEVEN for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 8/24/2020  8/24/2020
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date