



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving IGA 2020-009 between the Tribe and the Arizona Department of Health Services for Renewal of Public Health Emergency Preparedness and Response Program and Approving Limited Waiver of the Tribe's Sovereign Immunity to Consent to Arbitration)

WHEREAS, The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council ("Council") shall exercise the power, "To negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law or this constitution, with any person, association, or corporation, with any municipality or any county, or with the State of Arizona or the United States, including agreements with the State of Arizona for rendition of public services"; and

WHEREAS, The Arizona Department of Health Services ("ADHS"), through the Bureau of Emergency Preparedness and Response, has been working with the Tribe to improve the preparedness of each community on the Fort Apache Indian Reservation ("Reservation") in the event of a public health emergency; and

WHEREAS, Most of these projects were funded by grants from the Center for Disease Control ("CDC"), including a fixed-cost grant which was awarded to the Tribe by the State, which has terms provided to it in an Inter-Governmental Agreement ("IGA") that the Tribe and ADHS executed 5 years ago; and

WHEREAS, ADHS proposes that it and the Tribe renew the IGA ("IGA 2020-009" attached and incorporated herein), which will allow the parties to continue and improve upon their shared projects, and shall be effective from July 1, 2020 to June 30, 2025; and

WHEREAS, IGA 2020-009 requires that the Tribe waive its immunity to consent to mandatory arbitration pursuant to A.R.S. 12-1518, only for disputes related to this IGA; and

WHEREAS, The Council has reviewed IGA 2020-009 and finds that its execution will enable the Tribe to continue to improve its emergency preparedness, specifically for public health crises, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the execution of Intergovernmental Agreement No. 2020-009 between the Tribe and the Arizona Department of Health Services, and authorizes the limited waiver of the Tribe's immunity, only for the purposes of this agreement and to consent to mandatory arbitration pursuant to Arizona Revised Statutes Section 12-1518 for conflicts arising therefrom.

Resolution No. 08-2020-182

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.

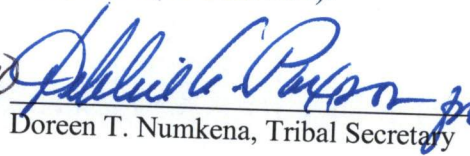
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **AUGUST 05, 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).



Gwendena Lee-Gatewood, Chairwoman

8/12/2020
Date



Doreen T. Numkena, Tribal Secretary

8/12/2020
Date