



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### (Approving Amendment #2 to Intergovernmental Agreement between the White Mountain Apache Tribe and the Arizona Department of Health Services Public Emergency Preparedness Program)

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- 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 the State of Arizona for rendition of public services”; and
- WHEREAS,** On August 5, 2020, via Resolution No. 08-2020-182, the Council approved an Intergovernmental Agreement (the “IGA”) between the Tribe and the Arizona Department of Health Services (“ADHS”) for the rendition of mutual assistance in COVID-19 related tracking and prevention efforts; and
- WHEREAS,** Under the IGA, the ADHS provides the Tribe with a grant with which the Tribe is to develop and implement a Public Health Emergency Preparedness Plan, appoint team members to attend trainings and planning meeting, assist with enforcing nationwide quarantine orders, should they be issued, and conduct COVID-19 tracking activities on the Reservation; and
- WHEREAS,** The IGA provides the Tribe with funding, 10% of which the Tribe is required to match, while not containing any waiver of the Tribe sovereign immunity; and
- WHEREAS,** The Council subsequently approved Amendment 1 to the IGA, via Resolution No. 12-2020-311; and
- WHEREAS,** ADHS has, again, proposed amending the IGA, to revise the Scope of Work, update the Price Sheet, and add a list of deliverables (see Amendment 2, attached and incorporated herein); and
- WHEREAS,** The Tribe’s Public Health Emergency Coordinator has reviewed the proposed amendments and recommends their approval; and
- WHEREAS,** The Council finds that approving Amendment 2 to the IGA will help the Tribe better use the grant funds to prevent and mitigate public health emergencies, and is in the best interests of the Tribe and its members.

**Resolution No. 08-2021-158**

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that Amendment #2 to the Intergovernmental Agreement between the Tribe and the Arizona Department of Health Services Emergency Preparedness Program, as attached, is hereby approved.

**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 AUGUST 16, 2021 duly adopted by a vote of EIGHT for, ZERO against, and ONE 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).

 8/20/2021  8-20-2021  
Gwendena Lee-Gatewood, Chairwoman      Date      Doreen T. Numkena, Tribal Secretary      Date