



**WHITE MOUNTAIN APACHE TRIBE**  
A Sovereign Tribal Nation

**(Approving Intergovernmental Agreement between the White Mountain Apache Tribe Client Business Office and the Arizona Health Care Cost Containment System and Limited Waiver of Sovereign Immunity for the Same)**

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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 all descriptions... with any person, associations, 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 Long Term Care System (“ALTCS”) program provides health insurance for individuals aged 65 or older, or who have a disability, and who require nursing facility level of care either in their own homes or an assisted living facility; and

**WHEREAS,** The Arizona Health Care Cost Containment System (“AHCCCS”), which administers ALTCS has proposed an Agreement with the Tribe’s Client Business Office (“CBO”) for the Tribe to administer Arizona Long Term Care System (“ALTCS”) services on the Fort Apache Indian Reservation (“Reservation”); and

**WHEREAS,** In the draft Agreement (attached and incorporated herein) CBO would agree to use the funding provided from AHCCCS solely for the benefit of individuals and families who: (1) are members of a federally-recognized Indian Tribe or their dependents, (2) reside on or near the Reservation, and (3) have been determined by AHCCCS to be eligible for ALTCS services on a fee-for-service basis; and

**WHEREAS,** The Agreement contains a limited waiver of the Tribe’s sovereign immunity from suit, after completion of all arbitration processes and only up to the amount of the arbitration award, as provided for by A.R.S. Sec. 2903.01(b)(4); and

**WHEREAS,** CBO, this day, requests approval of the attached Agreement between the Tribe and AHCCCS; and

**WHEREAS,** The Council has reviewed and considered the Agreement, with the limited waiver of sovereign immunity, and finds that approving it is in the best interests of the Tribe and its members.

**Resolution No. 07-2022-184**

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the attached Inter-Governmental Agreement between the Tribe's Client Business Office and Arizona Health Care Cost Containment System, with the limited waiver of sovereign immunity, for the purpose of administering Arizona Long Term Care System to Tribal members on and near the Reservation.

**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 JULY 6, 2022 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).

	
Kasey Velasquez, Chairman	Vaheysa Johnson, Tribal Secretary
<u>7/6/22</u>	<u>7/8/22</u>
Date	Date