



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Affiliation Agreement between Rainbow Treatment Center and Northern Arizona University with Limited Waiver of Immunity for the Purposes of 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,** Rainbow Treatment Center (“RTC”) is the White Mountain Apache Tribe’s residential and outpatient alcohol and substance abuse treatment program; and
- WHEREAS,** Northern Arizona University (“NAU”) is one of three of Arizona’s public universities, and offers degree programs that focus on training drug and alcohol abuse treatment counselors; and
- WHEREAS,** RTC and NAU wish, at this time, to enter into an affiliation agreement (attached and incorporated herein by reference), whereby NAU would place qualified student interns at RTC, for training and mentoring, and those students would provide counseling and support services under the supervision of qualified RTC personnel; and
- WHEREAS,** All regulations concerning protection of confidential protected health information provided by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) will apply equally to the student cohort intern as to all other healthcare workers; and
- WHEREAS,** As with other agreements with the State of Arizona, this Affiliation Agreement requires that the Tribe agree to a limited waiver of sovereign immunity, only for the purposes of consenting to arbitration pursuant to Arizona Revised Statutes § 12-1518; and
- WHEREAS,** Council finds that approving the Affiliation Agreement will provide needed personnel to RTC and training and mentoring to NAU students, and improve RTC’s services to the community, and is in the best interests of the Tribe and its members; and
- WHEREAS,** Given the urgency of an approaching deadline, the Council further finds that the annual budget renewal needs to be considered and made outside of its regularly scheduled meeting; and
- WHEREAS,** The Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council

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member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the attached Affiliation Agreement between Rainbow Treatment Center and Northern Arizona University, with the limited waiver of immunity for the purposes of consenting to arbitration only, is hereby approved.

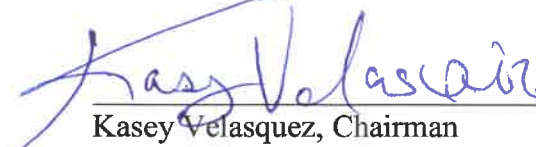
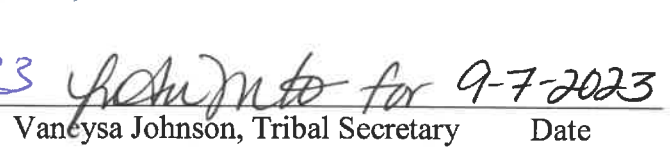
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

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 SEPTEMBER 7, 2023 duly adopted by a vote of 6 for, 0 against, and 0 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

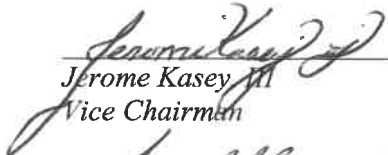

 9-7-2023  for 9-7-2023
Kasey Velasquez, Chairman Date Vanecysa Johnson, Tribal Secretary Date

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Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution initiated the 7th day of September, 2023.

Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials


Kasey Velasquez
Tribal Chairman
9-7-2023
Date Signed
 TCS Initials

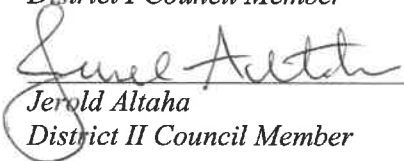


Jerome Kasey III
Vice Chairman
07 Sep 23
Date Signed
 TCS Initials


Arnold Beach, Sr.
District I Council Member
Sept. 7 2023
Date Signed
 TCS Initials

Travis J. Tessay, Sr.
District I Council Member

Date Signed

TCS Initials


Jerold Altaha
District II Council Member
9-07-23
Date Signed
 TCS Initials

Renaldo Dazen
District II Council Member

Date Signed

TCS Initials

Aubrey Aday, Sr.
District III Council Member



Date Signed



TCS Initials

Annette Tenjieth.
District III Council Member

Date Signed

TCS Initials


Gary Althesay
District IV Council Member
09-07-2023
Date Signed
 TCS Initials


Mariddie Craig
District IV Council Member
09.07.2023
Date Signed
 TCS Initials

Verna Westover
District IV Council Member

Date Signed

TCS Initials

ATTEST:


Vaneysa Johnson, Tribal Council Secretary

9-7-2023
Date Signed