

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the White Mountain Apache Tribe has been involved in negotiations for the establishment of a Northern Arizona Health Systems Agency (HSA3) as per PL 93-641, the National Health Planning and Resources Act, and

WHEREAS, the tribe is concerned over the possible adverse affect of this law and subsequent planning agencies on the special trust relationship between the tribe and the Federal Government, and

WHEREAS, it is the judgment of the tribe that it is in the interest of achieving quality health care for the Fort Apache Indian Reservation to participate cautiously, but constructively in HSA3.

BE IT RESOLVED that the White Mountain Apache Tribal Council agrees to limited participation in the establishment and operation of the Northern Arizona Health Systems Agency (HSA3) under the previously negotiated conditions contained in the attached memorandum of agreement, which by this reference is incorporated herein.

BE IT FURTHER RESOLVED that this agreement must be renewed twelve (12) months from this date or upon the expiration of the current PL 93-641 legislation, whichever comes first.

BE IT FURTHER RESOLVED that the White Mountain Apache Tribe seek the active support of the Phoenix Area Indian Health Advisory Board and the Phoenix Area Indian Health Service Office in these efforts to ensure quality health care for the Fort Apache Indian Reservation.

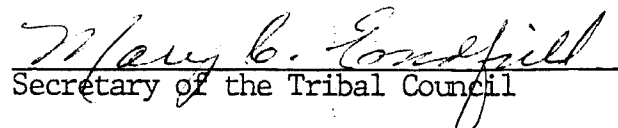
The foregoing resolution was on March 10, 1977 duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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FORT APACHE INDIAN
AGENCY


Chairman of the Tribal Council

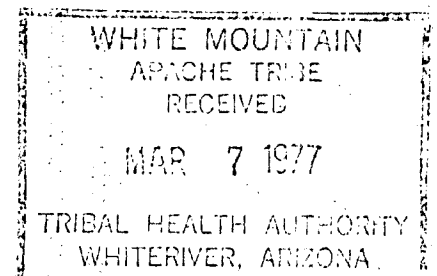

Secretary of the Tribal Council

MEMORANDUM OF AGREEMENT

WHEREAS, the Transition Committee of the Northern Arizona Health Planning Council will agree to recognize the needs and concerns of the White Mountain Apache Tribe in regards to participation of the White Mountain Apache Tribe in the establishment of the Northern Arizona Health Systems Agency for Health Service Area III of Arizona in accordance with Public Law 93-641; and

WHEREAS, the Transition Committee will enter into a memorandum of agreement with the White Mountain Apache Tribe to insure the following:

1. That the composition of the Northern Arizona Health Systems Agency's Governing Body has representation from the Fort Apache Reservation Sub-area Advisory Council as follows: one (1) consumer member and two (2) provider members;
2. That the Fort Apache Reservation Sub-area Advisory Council members be appointed by the White Mountain Apache Tribal Council as long as said membership is in compliance with the requirements of Public Law 93-641;
3. That the monthly meetings of the Northern Arizona Health Systems Agency's Governing Body be rotated each month so as to have Governing Body meetings held in each of the six Sub-areas;
4. That notice of all Governing Board, Governing Body, Sub-area Advisory Councils, and other appropriate meetings being held or conducted by the Northern Arizona Health Systems Agency be advertised at least fourteen (14) days prior to the scheduled meeting date. In addition, written notice of any scheduled meetings will be given to the appropriate members of the above listed parties fourteen (14) days prior to meeting date. Further, an exception to this fourteen (14) days notice will be in effect in the event of the Governing Board, the Governing Body, or the Sub-area Advisory Councils find it necessary to convene in an emergency situation;
5. That the Northern Arizona Health Systems Agency's budget reflect adequate funds for travel expense incurred by Governing Body members and/or Sub-area Advisory Council members for reimbursement in attending and performing the required activities in carrying out the intent of Public Law 93-641;
6. That the impacted Sub-area Advisory Council be entitled to a seat on the hiring committee to make recommendations to the Executive Director of the Northern Arizona Health Systems Agency on individuals applying for the positions of Sub-area Health Planners;



7. That a statement be written and documented, which will illustrate supportive roles of the Department of Health, Education, and Welfare - Region IX office and the Arizona Department of Health Services in the functions and activities of the Northern Arizona Health Systems Agency. In addition, a statement of how the Department of Health, Education, and Welfare - Region IX office and the Arizona Department of Health Services will be dealing with the White Mountain Apache Tribe in regard to the intent of Public Law 93-641;
8. That all correspondence and communications between the Northern Arizona Health Systems Agency, the Governing Board, Governing Body, Sub-area Advisory Councils, the Department of Health, Education, and Welfare, and the Arizona Department of Health Services be copied and distributed between the above listed parties;
9. That there be an understanding that the Fort Apache Reservation Sub-area Advisory Council will be participating in efforts on a National and State basis in order to change or amend the current law, Public Law 93-641, to reflect the Tribal position on Federal/State jurisdiction and Tribal sovereignty;
10. That the White Mountain Apache Tribe be given an equal number of seats on the Northern Arizona Health Systems Agency's Governing Board in accordance with the selection and composition of the Governing Board membership requirements.
11. That the process in which the Governing Board will be selected is as follows: That the Governing Board will be comprised of a majority of the public elected officials from the governmental entities within Health Service Area III of Arizona as designated by the Governor of Arizona. The Governing Board of the Northern Arizona Health Systems Agency will have a total of thirteen (13) members from the following:

Apache County

- 1 City Representative
- 1 County Representative

Coconino County

- 1 City Representative
- 1 County Representative

Navajo County

- 1 City Representative
- 1 County Representative

Yavapai County

- 1 City Representative
- 1 County Representative

Fort Apache Reservation

- 2 Representatives

Hopi Reservation

- 2 Representatives

Havasupai, Kaibab-Paiute, Prescott-Yavapai and Yavapai-Apache Reservations

- 1 Representative

13 Total

These thirteen (13) Governing Board members will be appointed by the public elected officials from their respective areas to perform and conduct the duties as outlined in the HSA Designation Application as the Governing Board.

in order to guarantee the participation and sign-off of the White Mountain Apache Tribe as a member of the Northern Arizona Health Systems Agency, a public health systems agency, representing the Fort Apache Indian Reservation.

WHEREAS, the Transition Committee will recognize that Public Law 93-641 in no way changes the relationship of the Indian Health Service and the Indian community. Also, IHS is not subject to the law, Public Law 93-641. It will, through the area offices, however, continue on a voluntary basis to share information and plans, particularly construction plans, with the respective HSA. Formerly, this kind of cooperation with Regional medical programs and comprehensive health planning agencies resulted in support for IHS from other State and Federal resources that might not otherwise have been available. This same kind of benefit -- services, dollars, and technical assistance -- is being anticipated by IHS from the new health planning and resource development network; and

NOW, THEREFORE, BE IT RESOLVED by the White Mountain Apache Tribal Council that, upon the aforementioned conditions, assurances, plan and guarantees, the White Mountain Apache Tribe agrees to the establishment of the Northern Arizona Health Systems Agency for Health Service Area III of Arizona, provided such agency at all times, recognizes and accepts the sovereign and exclusive authority of the White Mountain Apache Tribe and Council over all of the lands, people and transactions within the exterior boundaries of the Fort Apache Reservation, and authorizes RONNIE LUPE, Chairman of the White Mountain Apache Tribe, or any named alternate, substitute, or successor, to participate in the establishment of such agency.

BE IT FURTHER RESOLVED that this agreement may be cancelled by either party at anytime with or without cause. In the event that either party wishes to terminate this agreement, they may do so by providing the other party thirty (30) days written notice of intent to terminate.

BE IT FURTHER RESOLVED that this agreement must be renewed 12 months from this date or upon the expiration of the current 93-641 legislation, whichever comes first.