



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

**(Identification and Use of Start-Up Funding for  
Tribal Regional Behavioral Health Authority)**

- WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** the White Mountain Apache Tribe views each child, adolescent, adult and family of the Tribe as sacred and indispensable to the future well-being of the Tribe; and
- WHEREAS,** the Tribe desires that each Tribal Member and family be free of painful and debilitating mental health problems; and
- WHEREAS,** the Tribe has created and directed the White Mountain Apache Behavioral Health Services, Inc. ("WMABHS") to provide mental health counseling and other mental health treatment to children, adolescent, and adult members of the Tribe; and
- WHEREAS,** WMABHS has been directed by the Tribal Council to seek out and maintain contracts with the State of Arizona/Division of Behavioral Health Services to increase the amount and quality of mental health services available to Tribal Members; and
- WHEREAS,** ABHS became a tribal corporation, WMABHS Tribal Regional Behavioral Health Authority ("TRBHA") corporation, for the sole purpose of obtaining said contracts with the State of Arizona/Division of Behavioral Health Services and thus created a board of directors duly authorized to oversee the operations of WMABHS, including acquiring fixed assets; and
- WHEREAS,** WMABHS has entered into a contract with the State of Arizona/Division of Behavioral Health Services to promote mental wellness through prevention and counseling services to members of the Tribe; and
- WHEREAS,** WMABHS' contract with the State of Arizona requires that WMABHS undergo an independent financial audit each year to show compliance with the terms of the contract; and
- WHEREAS,** the financial audit requires that each source of funding and agreements for funding be established prior to the audit in order to accurately account for monetary income; and
- WHEREAS,** ABHS provided mental health services to Tribal Members while WMABHS was still a tribal program and received reimbursements from AHCCCS/Medicaid for the services after WMABHS became a TRBHA/Tribal Non-Profit Corporation; and
- WHEREAS,** the monies that were earned by WMABHS staff members were utilized by ABHS as start-up funding to begin its operations as a TRBHA; and
- WHEREAS,** Federal law stipulates that third-party reimbursements earned from federal Medicaid (AHCCCS) programs by tribal 638 providers, such as WMABHS, are to be re-invested into improving and expanding the medical services that earned the monies; and

**WHEREAS,** the Tribal Council finds it in the best interest of the Tribe to allow all funding previously allocated for ABHS, for work performed by ABHS employees while ABHS was a Tribal agency, be awarded to WMABHS to pay start-up costs for TRBHA; and

**WHEREAS,** the Tribal Council further finds that due to the timing, potential for fines and penalties, and the general urgency of this financial matter, this Resolution should be scheduled outside of the Council's regularly scheduled meeting; and

**WHEREAS,** the Tribal 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 members 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 it hereby declares that all funding that was received by ABHS, for work performed by ABHS employees while ABHS was a Tribal agency, be awarded to WMABHS to function as start-up funding for the new TRBHA.

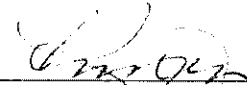
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that due to timing and federal requirements, this decision shall be made outside of the Council's regularly scheduled meeting to prevent fines and the potential delay or decline of health services to eligible Tribal Members residing on the Fort Apache Indian Reservation.

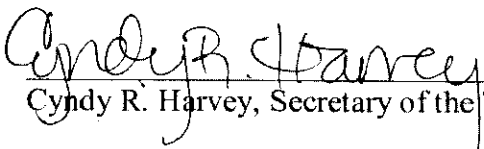
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council members 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 FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

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

The foregoing resolution was on December 4, 09, duly adopted by a vote of 9 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (c), (i), (s), (t) and (u) of the Constitution of the Tribal, ratified by the Tribe September 30, 1993 and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

  
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Ronnie Lupe, Chairman of the Tribal Council

  
\_\_\_\_\_  
Cyndy R. Harvey, Secretary of the Tribal Council

372  
Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 12-2009-373 <sup>erk</sup> initiated the 1st day of December 2009. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

Ronnie Lupe 12-24-09 erk TCS Initials  
Ronnie Lupe  
Tribal Chairman  
Date Signed

Margaret Baha-Walker \_\_\_\_\_ TCS Initials  
Margaret Baha-Walker  
Vice Chairwoman  
Date Signed

Arnold Beach, Sr. \_\_\_\_\_ TCS Initials  
Arnold Beach, Sr.  
District I Council Member  
Date Signed

Evangelina Gatewood 12/3/09 \_\_\_\_\_ TCS Initials  
Evangelina Gatewood  
District I Council Member  
Date Signed

Victoria Brewer 12-1-09 erk TCS Initials  
Victoria Brewer  
District II Council Member  
Date Signed

Rubert Lupe, Sr. 12-1-09 erk TCS Initials  
Rubert Lupe, Sr.  
District II Council Member  
Date Signed

Alvin DeClay, Sr. 12-03-09 erk TCS Initials  
Alvin DeClay, Sr.  
District III Council Member  
Date Signed

Kirk Massey, Sr. 12/3/09 erk TCS Initials  
Kirk Massey, Sr.  
District III Council Member  
Date Signed

Noland Clay 12/3/09 erk TCS Initials  
Noland Clay  
District IV Council Member  
Date Signed

Wayne Colelay, Jr. 12-7-09 erk TCS Initials  
Wayne Colelay, Jr.  
District IV Council Member  
Date Signed

Reno Johnson, Sr. 12-3-09 erk TCS Initials  
Reno Johnson, Sr.  
District IV Council Member  
Date Signed

ATTEST:  
Cyndy R. Harvey 12-4-09  
Cyndy R. Harvey, Tribal Council Secretary  
Date Signed