



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

**(Authorizing P.L. 93-638 Contract of the Federal Mental Health and the Adolescent and Family Services Programs by Apache Behavioral Health Services, Inc.)**

- 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, by and through the Tribe's Division of Health Programs, has contracted with the U.S. Department of Health and Human Services for the federal functions known as the Mental Health and the Adolescent and Family Services Programs, pursuant to P.L. 93-638 (25 U.S.C. 450 et seq.); and
- WHEREAS,** pursuant to Resolution No. 05-2007-175, "Approving Charter, Articles of Incorporation and Bylaws of the Apache Behavioral Health Services, Inc.," the Tribal Council did authorize and charter the establishment of Apache Behavioral Health Services ("ABHS"), Inc., a non-profit corporation; and
- WHEREAS,** ABHS is a "tribal organization" as defined by P.L. 93-638 because it is a legally established organization of Indians which is controlled, sanctioned or chartered by the governing body of the Tribe, the Tribal Council for the benefit of members of the Tribe; and
- WHEREAS,** ABHS, at the request of its Board of Directors, did this day propose to assume full responsibility for the programs, functions, services and activities under the Tribe's existing P.L. 93-638 contract for the Mental Health and the Adolescent and Family Services Programs, by entering into a direct contract with the Department of Health and Human Services; and
- WHEREAS,** ABHS warrants that ABHS will maintain effective operating and fiscal management of this contract in accordance with all applicable laws, rules and regulations; and
- WHEREAS,** ABHS further warrants that, pursuant to its Articles of Incorporation and By-Laws, ABHS shall prepare and submit annual financial statements, budgets, and program reports for review by the Tribe, and will also submit to the Tribal Council and the Tribe's Office of Grants and Contracts the reporting documents required by the P.L. 93-638 contract and such other documentation as the Tribal Council may require pertaining to the P.L. 93-638 contract; and
- WHEREAS,** the Tribal Council concurs with ABHS's request to contract the P.L. 93-638 functions and finds the contract to be in the best interest of behavioral health for members of the Tribe seeking such services; and

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**WHEREAS,** as a condition of its grant of permission to ABHS, and as provided under the P.L. 93-638 laws and regulations, the Tribal Council reserves the right to reassume the direct contract for the programs, functions, services and activities outlined here, at such time as it may determine it to be in the best interest of the Tribe.


**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that, subject to the reporting obligations by ABHS to the Tribe and the other conditions set forth above:


1. It hereby authorizes ABHS to enter into a P.L. 93-638 contract with the U.S. Secretary of Health and Human Services to undertake the programs, functions, services and activities provided under the Tribe's existing P.L. 93-638 contract for the Mental Health and the Adolescent and Family Services Programs.
2. It requests the assistance of the U.S. Secretary of Health and Human Services, in consultation with the Tribe's Office of Grants and Contracts, to reassign the programs, functions, services and activities designated herein of the Tribe's existing P.L. 93-638 contract to ABHS.
3. It requests that the new P.L. 93-638 contract be completed as soon as reasonably possible, with an effective date designated in consultation with ABHS and the Tribe's Office of Grants and Contracts.

**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 Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on AUGUST 18, 2010 duly adopted by a vote of SIX for and ZERO 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 Tribe, 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

  
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Mariddie J. Craig, Secretary of the Tribal Council