



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Allocating Resources, Including CARES Act Funds, to Provide Direct Relief to Tribal Members Impacted by the COVID-19 Pandemic)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power “To represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to [the Tribe’s] constitution”; and
- WHEREAS,** The World Health Organization declared a Public Health Emergency of international concern regarding COVID-19 on January 30, 2020; U.S. Department of Health and Human Services declared a Public Health Emergency related to COVID-19 on January 31, 2020; and the Tribe issued an Emergency Declaration due to COVID-19 on March 12, 2020; and
- WHEREAS,** Worldwide, there is a total of 4,013,728 confirmed cases of COVID-19 and 278,993 fatalities as of May 11, 2020, with no current treatment available; and
- WHEREAS,** In response to the COVID-19 pandemic, the Tribal Council has instituted numerous measures to mitigate the spread of COVID-19 on the Fort Apache Indian Reservation (“FAIR”), by enacting Resolutions Nos. 03-2020-57, -58, -60, -61, -62, -63, -64, -65, -66, -67, -68, -69, -70, -71, -72, -74, -76, -85, -86, -87, -88, -89, -90, -91, -92, -95, -98, -100, which includes a Stay-at-Home Order, nightly curfew, the requirement to wear a mask while in public, and other temporary emergency measures; and
- WHEREAS,** Despite the Tribe’s ongoing mitigation efforts, the number of COVID-19 positive cases continue to increase exponentially on the FAIR, resulting in the continued need to extend the Stay-at-Home Order and other restrictions in order to protect the health and safety of Tribal members; and
- WHEREAS,** The COVID-19 pandemic has impacted all aspects of life on the Fort Apache Indian Reservation (“Reservation”) and across the country, including the availability of jobs, food, transportation, medical care, and other necessities to the Tribe’s members; and
- WHEREAS,** The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) provided funding to tribal governments to combat the COVID-19 pandemic; and

Resolution No. 05-2020-103

WHEREAS, The Tribe has received \$47.5 million pursuant to Section 601(d)(1) of the CARES Act Tribal Relief Fund to cover necessary, unbudgeted expenditures resulting from the COVID-19 pandemic, in accordance with guidance issued by the U.S. Department of the Treasury; and

WHEREAS, The Department of the Treasury, in its “Coronavirus Relief Fund Frequently Asked Questions Updated as of May 4, 2020,” page 5, authorizes payments to individuals who have been impacted by the COVID-19 pandemic if those expenses are determined by the government to be necessary; and

WHEREAS, The Tribe has determined that it is necessary to use funds, in accordance with the Department of the Treasury’s guidance at number 5 “Expenses associated with the provision of economic support . . .” and number 6, “COVID-19-related expenses reasonably necessary to the function of government,” to aid tribal members as a necessary expenditure due to the following circumstances:

1. The geographical location of the Tribe is rural and distant from metropolitan areas, and thus removed from urban labor markets;
2. The Tribe’s unemployment rate is an estimated 75%, even prior to the COVID-19 pandemic;
3. The annual median household income is an estimated \$28,887.00 and an estimated 43% of the Reservation population live below the poverty line;
4. Many tribal members did not receive the stimulus relief payment of \$1,200 due to the fact that most do not file taxes;
5. Housing shortages result in up to 4 generations, with 10 or more people, living in the same home;
6. Those employed tribal members often provide financial support for family members living within their household as well as those who do not, including those who are unemployed, homeless, and those living below the poverty line;
7. The Tribe does not have the financial resources to cover unforeseen and/or emergency needs of its tribal members during the COVID-19 pandemic;
8. The only administratively feasible means of providing emergency relief assistance to tribal members is through direct payments to all those who have been impacted by the pandemic; and

WHEREAS, The Tribal Council finds that it is a necessary expenditure and in the best interest of the Tribe to provide direct emergency relief payments to Tribal members who have been impacted by the COVID-19 pandemic.

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BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby resolves to allocate resources to provide direct relief and aid to all tribal members 18 years of age or older to help individuals harmed by the COVID-19 epidemic, including difficulties in employment, food security, health, and other hardships.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that using funds secured under the CARES Act, and as part of its efforts to provide direct aid to its members, for the reasons set forth herein, that the Tribe will distribute to each tribal member, 18 years of age or older as of the date of May 15, 2020, the amount of \$1,200.00 to support their economic, health, and financial security in light of the COVID-19 crisis and the restrictions and regulations enacted by the Tribe in response.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Treasurer to include the following written notice and an accounting form for each recipient to document the COVID-19 expense paid and the date of payment:


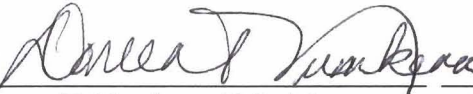
The White Mountain Apache Tribe presents you with this check in the amount of \$1,200.00 as emergency relief during the COVID-19 pandemic. Your acceptance, cashing or deposit of this check forms an agreement between you and the White Mountain Apache Tribe that you will use these funds only for COVID-19 mitigation, such as rental payments, utility payments, transportations costs, and/or to purchase emergency supplies, including food, cleaning supplies, medicine, toiletries, or fuel, and for no other purpose.

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 Chairwoman, or in her 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 MAY 15, 2020 duly adopted by a vote of ELEVEN for, ZERO against, and ZERO 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).


Gwendena Lee-Gatewood, Chairwoman 5/28/2020  5/28/2020
Date Date