



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing and Regulating COVID-19 Testing on the Fort Apache Indian Reservation)

WHEREAS, The Constitution of the White Mountain Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power, “To represent the Tribe and act in all manners that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this constitution”; and

WHEREAS, The World Health Organization declared a Public Health Emergency of International Concern regarding COVID-19 on January 30, 2020; US Department of Health and Human Services makes declares a Public Health Emergency related to COVID-19 on January 31, 2020; and the Tribe made an Emergency Declaration due to COVID-19 on March 12, 2020; and

WHEREAS, Chapter Two of the Tribe’s Health and Safety Code provides the Tribe with authority to institute measures to prevent the spread of infectious disease; and

WHEREAS, Certain Tribal departments have sought-out vendors to provide testing to their employees, who may also have the potential to provide testing to the general public; and

WHEREAS, In light of the continued prevalence of COVID-19 worldwide, the Council has a compelling government interest to take additional measures to protect the health and safety of the public; and

WHEREAS, In order to regulate the COVID-19 testing amongst the community, the Tribe’s Emergency Operations Center proposes the following regulations:

- Allow Tribal Departments, other organizations on the Fort Apache Indian Reservation, and schools to procure outside vendors for the purposes of providing COVID-19 testing to their employees, personnel, and students, with the potential to test the general public, but must first include the Emergency Operations Center (EOC), or designee, in the planning and implementation of the testing on the Reservation by approved vendor.

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- All vendors providing COVID-19 testing on the Reservation must use Food and Drug Administration approved testing devices, samples of which must be provided to the EOC and other Tribally-designated programs so that they may examine and approve them.
- All data and results from COVID-19 tests administered on the Reservation must be directly and promptly shared with the Indian Health Service through an agreed upon method who will put the data into patient files and provide medical care and follow up as needed.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby implements the following measures to regulate the approval and administration of COVID-19 tests on the Fort Apache Indian Reservation:

1. Tribal Departments, other organizations on the Reservation, and schools may procure outside vendors for the purposes of providing COVID-19 testing to their employees, personnel, and students with the potential to test the general public, but must include the Emergency Operations Center (EOC), or designee, in the planning and implementation of the testing on the Fort Apache Indian Reservation by approved vendor.
2. All COVID-19 vendors providing testing on the Reservation must use Food and Drug Administration approved testing devices, samples of which must be provided to the EOC and other Tribally-designated programs for examination and approval; and
3. All data and results from COVID-19 tests administered must be directly and promptly shared with the Indian Health Service through an agreed upon method who will put the data into patient files and provide medical care and follow up as needed.
4. Schools shall be included in the provisions of this Resolution only after necessary legal agreements have been executed for this 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.

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The foregoing resolution was on **SEPTEMBER 3, 2020** duly adopted by a vote of **EIGHT** for, **ZERO** against, and **THREE** 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).

	<u>9/8/2020</u>		<u>9-9-2020</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date