



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### (Approving Posting of Ordinance No. 304, Amending the Health and Safety Code of the White Mountain Apache Tribe)

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**WHEREAS,** pursuant to Article IV, Section 1(q) of the Tribal Constitution, the Tribal Council may enact ordinances that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

**WHEREAS,** the Office of the Attorney General has this day proposed revisions to the Health and Safety Code, in, as set forth in Ordinance No. 304 attached hereto; and

**WHEREAS,** pursuant to Article XV of the Constitution of the White Mountain Apache Tribe, the proposed amendments shall be posted in each district for at least ten (10) days before final action by the Council; and

**WHEREAS,** the Council has reviewed Ordinance No. 304 carefully, and considered the recommendations and the implications thereof in great detail and finds the posting of Ordinance No. 304 to be in the best interest of the Tribe.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 304, which amends the Health and Safety Code, attached hereto, is hereby recommended for posting by the Tribal Council.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe, as follows:

1. The Tribal Council Secretary is hereby authorized and directed to post this resolution and Ordinance No. 304, in each district for at least ten (10) days before final action by the Council. In addition, notices of the proposed ordinance shall be sent in the form of a press release to KNNB-FM and the Apache Scout.
2. Any and all comments concerning Ordinance No. 304 proposed herein may be sent to the attention of the Tribal Council Secretary, White Mountain Apache Tribe, P. O. Box 700, Whiteriver, AZ 85941.
3. Upon completion of the posting period, the Tribal Council Secretary is further directed to submit proof of posting to the Tribal Council and the Attorney General's Office and to report any public comments to the Tribal Council, and schedule a meeting thereof for final action. Proof of posting should include start and end date of posting period, and locations of posting.

**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 **JUNE 2, 2021** duly adopted by a vote of **TEN** for, **ZERO** against, and **ZERO** abstention 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 6-2-2021 Doreen T. Numkena 6-2-2021  
Gwendena Lee-Gatewood, Chairwoman      Date      Doreen T. Numkena, Tribal Secretary      Date

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

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 304, revising Chapter One of the White Mountain Apache Health and Safety Code, as follows:

**SECTION 1.1 WHITE MOUNTAIN APACHE BOARD OF HEALTH ADVISORY BOARD**

**The White Mountain Apache Health Advisory Board (“Health Advisory Board” or “Board”) is hereby created. The Health Advisory Board shall consist of seven (7) members, all of whom shall be appointed by the White Mountain Apache Tribal Council. Of the members, one shall be appointed from each of the Tribe’s four voting districts, while three (3) members shall be appointed at-large from the Fort Apache Indian Reservation. The term of office for each member shall be three (3) years, and members shall serve staggered terms. The Health Advisory Board shall choose from amongst its members a Chairperson and a Vice-Chairperson, and may create and fill other such offices as are determined to be necessary.**

~~The White Mountain Apache Board of Health is hereby created, consisting of the Senior Doctor appointed by the U.S. Public Health Service, and two (2) members to be elected by the Tribal Council, one (1) for one year and one (1) for two years, upon enactment of the following Public Health Laws and thereafter every two years.~~

**SECTION 1.2 MEETINGS**

**The Board shall meet at least monthly, with additional meetings held as requested by the members and called by the Chairperson, pursuant to the Board’s Bylaws. The Board may adopt such rules and regulations in the conduct of its meetings and its management as it deems proper, consistent with applicable law and subject to review and approval by the Tribal Council.**

~~Meetings of the Board shall be at the request of any member of the Board to decide any questions. Compensation for attendance at meetings shall be paid the tribal member according to a schedule set up by the Tribal Council.~~

**SECTION 1.3 DUTIES**

**The duties of the Health Advisory Board shall be those as provided for in the Board’s Bylaws, and as may be assigned by the Tribal Council or requested by the Executive Director of the White Mountain Apache Division of Health Programs (“Division of Health Programs”).**

~~Duties of the Health Officer are those prescribed by the U.S. Public Health Service, Division of Indian Health. The two members of the Board other than the Doctor shall act as Deputy Health Officers at the request of the Health Officer.~~

**SECTION 1.4 POWERS OF THE BOARD OF HEALTH ADVISORY BOARD**

**The Health Advisory Board shall provide high-level advice, support, and recommendations to the Division of Health Programs in the operation and administration of health program, services, and policies by and for the Tribe.**

~~The White Mountain Apache Board of Health shall have general supervision over all matters relating to the preservation of health and life of citizens of the Fort Apache Indian Reservation. The Board of Health may submit to the Tribal Council recommendations for such additional reasonable rules and regulations as it may deem necessary, and such rules and regulations will be effective only upon the approval of the Tribal Council.~~

**SECTION 1.5            ENFORCEMENT**

~~Division of Health Programs, and when appropriate law enforcement officers and other officials appointed to enforce or protect public health, shall enforce this Code and all lawful rules, orders and regulations adopted in pursuance hereof in every particular affecting their respective localities and duties.~~

~~The Health Officer, Sheriffs, Constables, Policemen, Marshals, and all other persons in charge of public buildings and institutions and all other public officers and employees shall respect and enforce this Code and all lawful rules, orders and regulations adopted in pursuance hereof in every particular affecting their respective localities and duties.~~

**SECTION 1.6            PENALTY**

~~Each and every person violating any of the provisions of the Act or refusing or neglecting to obey any lawful order, rule or regulation of the White Mountain Apache Board of Health shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine in any sum up to fifty dollars (\$50.00), or by imprisonment not to exceed 30 days in jail, or by both fine and imprisonment, except for Sections 1.13 and 1.18, which carry their own penalty.~~

**SECTION 1.67            TREATMENT BY INDIAN DOCTORS OR SPIRITUAL MEANS**

~~Nothing contained in this Code shall be construed to prevent or compel any person from seeking healing by traditional or religious means.~~

~~A. — None of the laws of this Reservation regulating the practice of medicine or healing shall be construed to interfere with the treatment by prayer, or with any person who administers to or treats the sick or suffering by mental or spiritual means, nor shall any person who selects such treatment for the cure of disease be compelled to submit to any form of medical treatment, except in the case of a dangerous communicable disease, nor any person be removed to any isolation hospital or camp without their consent, except in the case of a dangerous communicable disease.~~

~~B. — The Healer must report all cases coming to him for treatment to the Board of Health, and instruct the patient to submit to examination only that the nature of the disease may be ascertained and if quarantine or isolation is necessary, that it may be carried out in accordance with the Public Health laws.~~