



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving IGA CTR056529 between the Tribe and the Arizona Department of Health Services to Address COVID-19 Health Disparities Among Populations at High-Risk and Underserved and Approving Limited Waiver of the Tribe’s Sovereign Immunity to Consent to Arbitration)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power, “To negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law or this constitution, with any person, association, or corporation, with any municipality or any county, or with the State of Arizona or the United States, including agreements with the State of Arizona for rendition of public services”; and

WHEREAS, The Arizona Department of Health Services (“ADHS”) was recently awarded a 2-year non-competitive grant titled, “National Initiative to Address COVID-19 Health Disparities Among Populations at High-Risk and Underserved, Including Racial and Ethnic Populations and Rural Communities”, with funding made available through the Consolidated Appropriations Act and the Coronavirus Response and Relief Supplement Appropriations Act, 2021; and

WHEREAS, ADHS will implement the grant’s four overarching strategies: 1) Expand existing and/or develop new mitigation and prevention resources and services to reduce COVID-19 related disparities among populations at higher risk and that are underserved; 2) Increase/improve data collection and reporting for populations experiencing a disproportionate burden of COVID-19 infection, severe illness, and death to guide the response to the COVID-19 pandemic; 3) Build leverage and expand infrastructure support for COVID-19 prevention and control among populations that are at higher risk and underserved; and 4) Mobilize partners and collaborators to advance health equity and address social determinants of health as they relate to COVID-19 health disparities among populations at higher risk and that are underserved; and

WHEREAS, ADHS wishes desires to enter into an Intergovernmental Agreement (“IGA”) with the Tribe to provide CDC COVID-19 Health Disparities Among Populations at High-Risk and Underserved, Including Racial and Ethnic Minority Populations and Rural Communities funding to support the implementation of the four overarching strategies identified; and

Resolution No. 10-2021-208

WHEREAS, ADHS proposes that it and the Tribe enter into the the IGA (“IGA CTR056529” attached and incorporated herein), for funding in the amount of \$278,083.00, which aims to reduce COVID-19 related health disparities, and shall be effective upon signature to May 31, 2023; and

WHEREAS, IGA CTR056529 requires that the Tribe waive its immunity to consent to mandatory arbitration pursuant to A.R.S. 12-1518, only for disputes related to this IGA; and

WHEREAS, The Council has reviewed IGA CTR056529 and finds that its execution will enable the Tribe to continue to improve its response to the COVID-19, and is in the best interests of the Tribe and its members.


BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the execution of Intergovernmental Agreement No. CTR056529 between the Tribe and the Arizona Department of Health Services, and authorizes the limited waiver of the Tribe’s immunity, only for the purposes of this agreement and to consent to mandatory arbitration pursuant to Arizona Revised Statutes Section 12-1518 for conflicts arising therefrom.

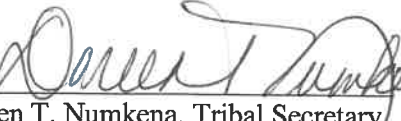
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution 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 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 **OCTOBER 6, 2021** 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).

 10/7/2021
Gwendena Lee-Gatewood, Chairwoman Date

 10-7-2021
Doreen T. Numkena, Tribal Secretary Date