



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Establishing the White Mountain Apache Healing to Wellness Court (“HWC”), Allocating \$2,461,486.56 of the Tribe’s Opioid Abatement Funds for the HWC, and Approving the HWC Policies and Procedures Manual)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(q) that the Tribal Council (“Council”) shall exercise the power, “To enact ordinances establishing and governing Tribal courts and law enforcement on the Reservation...; and

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation also provides, at Article IV, Section 1(k) that the Council shall exercise the power, “To appropriate Tribal funds for Tribal purposes...; and

WHEREAS, The Tribe’s Judicial Code provides, at Section 2.4 that, “The judicial power of the White Mountain Apache Tribe of the Fort Apache Indian Reservation shall be vested in the White Mountain Apache Tribal Court, which shall consist of the Court of Appeals, the Trial Court, the Juvenile Court, and such other courts as the White Mountain Apache Tribal Council may from time to time establish; and

WHEREAS, Since 2017, a group of Tribal departments including Rainbow Treatment Center, the Tribal Court, Prosecution, Probation, White Mountain Apache Police Department, and the Office of the Attorney General (“HWC Leadership Team”) have been meeting regularly to set up the groundwork for the establishment of the White Mountain Apache Healing-to-Wellness Court (“HWC”); and

WHEREAS, The HWC will be an intensive supervised substance abuse criminal justice treatment program that provides services rooted in Apache culture and traditions for our community members who are struggling with substance use disorders and criminal recidivism; and

WHEREAS, HWC is intended to provide an alternative to incarceration-based rehabilitation, and will help to heal and reintegrate our Tribal members into our community, and has, thus far, been funded principally by Rainbow Treatment Center; and

WHEREAS, As a result of the settlement of the national tribal lawsuits against opioid manufacturers, distributors, retailers, and marketers, the Tribe recently received over \$5 million in Tribal Opioid Abatement Funds, and expects to receive several million more in the coming years; and

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WHEREAS, Usage of these funds is restricted to purposes related to the mitigation of the opioid addiction crisis among the Tribe's members, and all funds expended must be reported annually; and

WHEREAS, Establishing a tribal healing to wellness court and constructing a facility for such a court are both permissible uses of the Opioid Abatement Funds, and will contribute to healing the Tribe and its members from the effects of substance use disorders and resultant crimes; and

WHEREAS, The HWC Leadership Team has prepared a budget for initial establishment of the HWC and its operation for the first 5 years, in the amount of \$2,461,486.56 (attached and incorporated herein by reference); and

WHEREAS, The HWC Leadership Team has also, over the last six years, prepared the HWC Policies and Procedures Manual (attached and incorporated herein by reference), which will govern the operations of the HWC, under the administration of the White Mountain Apache Tribal Court, and this day, presents it for approval by Council; and

WHEREAS, The Council has considered the proposal to establish and fund the White Mountain Apache Healing to Wellness Court, and approve of its Policies and Procedures Manual, and finds that doing so will constitute an appropriate and necessary usage of a portion of the Tribe's Opioid Abatement Funds, 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 the White Mountain Apache Tribe Healing to Wellness Court is hereby established, as a program of the White Mountain Apache Tribal Trial Court.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Healing to Wellness Court's Policies and Procedures Manual, as attached, is hereby approved, and may be amended, as necessary, by the HWC Leadership Team from time-to-time without the need for further Council approval.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that \$2,461,486.56 of the Tribe's Opioid Abatement Funds is hereby allocated, in accordance with the attached budget, for the establishment and operation of the WMAT Healing to Wellness Court, and the Tribal Treasurer is hereby instructed to create an account for receipts and expenditures thereof.

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.

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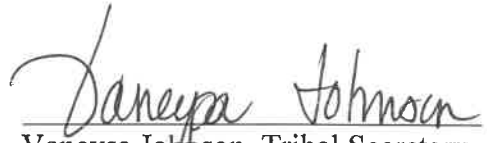
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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 **NOVEMBER 01, 2023** duly adopted by a vote of **TEN** 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).


Kasey Velasquez, Chairman

11/13/23
Date


Vaneysa Johnson, Tribal Secretary

11/14/2023
Date