

# WINNEBAGO TRIBE OF NEBRASKA

P.O. Box 687 • Winnebago, Nebraska 68071 • PH: 402-878-2272 • Fax: 402-878-2963

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## RESOLUTION #18-18

### **PARTICIPATION IN INDIAN HEALTH SERVICE SELF-GOVERNANCE PROGRAM AND INITIATION OF NEGOTIATIONS TO ASSUME OPERATION OF WINNEBAGO HOSPITAL**

**WHEREAS**, the Winnebago Tribe of Nebraska is a federally recognized Indian Tribe organized pursuant to Section 16 of the Act of June 18, 1934 (48 Stat 984), (25 USC 476) as amended by the Act of June 15, 1935, (49 Stat 378); and

**WHEREAS**, pursuant to Article III of the Winnebago Tribal Constitution the Tribal Council is the governing body of the Tribe; and

**WHEREAS**, pursuant to Article IV, Section I of the Winnebago Tribal Constitution, the Tribal Council is vested with and the power, *inter alia*, to safeguard and promote the peace, safety, morals and general welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, to appropriate funds for public purposes, and to adopt resolutions regulating the procedure of the Tribal Council, tribal officials and other tribal agencies; and

**WHEREAS**, the Winnebago Tribe of Nebraska operates Indian Health Service (“IHS”) health care programs at the Omaha Winnebago Hospital under a contract with IHS pursuant to Title I of the Indian Self-Determination Education and Assistance Act, 25 U.S.C. §§ 5301-5332; and

**WHEREAS**, the Tribal Council has been evaluating whether to assume additional programs, services, functions and activities (“PSFAs”) at the Omaha Winnebago Hospital and, in 2015, the Tribe began planning activities to assume those additional PSFAs, which activities included legal and budgetary research and internal tribal government planning and organizational preparation relating to the administration of health care programs, and such activities have continued since then, and the Tribe retained counsel and consultants who worked with tribal staff on such planning activities; and

**WHEREAS**, the Tribe has demonstrated, for three fiscal years, financial stability and financial management capability to qualify for self-governance under 25 U.S.C. § 5383(c)(1)(C) and (c)(2) and 42 C.F.R. §§ 137.21-.23; and

**WHEREAS**, after more than two years of evaluation and planning, the Tribe has determined to participate in the Tribal Self-Governance Program under Title V of the Indian Self-Determination and Education Assistance Act; and

**NOW THEREFORE BE IT RESOLVED**, the Tribal Council finds that the Tribe has completed a planning phase to the satisfaction of the Tribal Council, including legal and budgetary research and internal tribal government planning and organizational preparation relating to the

administration of health care programs, consistent with 25 U.S.C. § 5383(d) and 42 C.F.R. § 137.20; and

**BE IT FURTHER RESOLVED**, the Tribal Council hereby requests under 25 U.S.C. § 5383(c)(1)(B) and 42 C.F.R. § 137.18(b) to participate in self-governance; and

**BE IT FURTHER RESOLVED**, the Tribal Council authorizes the Chairman and the Tribe's legal counsel to develop the documents necessary for the Tribe to assume operation of additional IHS PSFAs, including PSFAs at the Omaha Winnebago Hospital and at the Area Office and Headquarters levels of IHS, together with associated tribal shares; and

**BE IT FURTHER RESOLVED**, the Tribal Council authorizes the Chairman and the Tribe's legal counsel, to negotiate and submit to IHS, a self-governance Compact and Funding Agreement to assume all remaining PSFAs; and

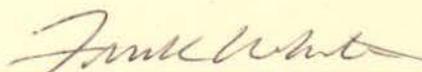
**BE IT FURTHER RESOLVED**, that the Tribal Council intends that such negotiations occur as early and expeditiously as possible and, subject to final approval of the Council, for the Compact and Funding Agreement to provide for assumption of the remaining PSFAs at the Omaha Winnebago Hospital effective July 1, 2018.

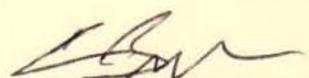
#### CERTIFICATION

We, the undersigned members of the Winnebago Tribal Council, hereby certify that on the 9th day of November, 2017, at a meeting duly convened by the Winnebago Tribal Council, the Tribal Council voted to adopt the above Resolution by a vote of 6 for, 0 against, and 0 abstention(s) with the Tribal Chairperson not voting and 2 members not present.

Dated this 9th day of November, 2017

Attest:

  
\_\_\_\_\_  
Chairperson, Winnebago Tribal Council

  
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Secretary, Winnebago Tribal Council