Terms of Engagement

Establishing a Memorandum of Understanding with the Tuscarora Nation

Purpose

• To share information about developing a partnership and Memorandum of Understanding from the Tuscarora and Niagara County Department of Health
Objective

- Participants will describe the process, considerations and elements critical to establishing an MOU between a local health department and a Sovereign Indian Nation.

GOAL

- Achieve optimal environment for inter-governmental synchrony and coordination for rapid identification, response, mitigation and recovery during an emergency.
History of NCDOH-TN Partnership

- 1978 Tuscarora Chiefs in Council approval for well-water testing
- 1995 Rabies Control
- Cooperative Preparedness Program activities since 2001
- Tuscarora Emergency Preparedness since 2004
- 2010 CERT Preparedness

Tuscarora Indian Nation
March 5, 1978

Mr. Donald J. Mather
Niagara County Health Department
d/c Upper Mountain Road
Lockport, New York 14094

Dear Mr. Mather:

Please be informed that the Tuscarora Chiefs in Council approves your taking of periodic checks (samples) on the well water at the Tuscarora Indian School, till such time there are no longer any signs of odor or pollution of fuel oil or gas in the water, or the Council withdraws the above permission.

The Council also request you keep in contact with them as to your findings on any matters regarding the well water at the Tuscarora Indian School.

Thank you for your cooperation in this matter.

Respectfully,

Chief Leo R. Henry, Clerk
Tuscarora Nation
What is an MOU?

- Agreement that expresses mutual accord on an issue between two or more parties
- Identifies agreeing entities
- Indicates intended common line of action
- Summarizes rights, obligations and terms
- Must be signed by agreeing parties

Why Did We Need an MOU?

[Map of Niagara County, New York with Strategic National Stockpile Points of Dispensing]
Tuscarora Indian boundary signs are posted along the border at major road entrances to remind people they have left the United States and are entering the Tuscarora Nation.

Nation Location
Process

• How did we get there?
• How long did it take?
• Why did it take so long?
• Elements for consideration

Elements for Consideration

• Federal-County intergovernmental
• Cultural preservation
• Historical (History of Dispossession)
• Geopolitical
• Seven Generation Rule
Preparedness Concepts

- International diplomacy
- Recognition of sovereignty and autonomy
- Distinct cultural values and traditions drive decisions of authorities

Overview of Tuscarora History

- "Ska-Ruh-Reh"
  - Shirt-wearing People
- Committed to maintaining their survival as distinct peoples
History

- Historical location: Virginia and North Carolina - villages were located along the Neuse and Roanoke Rivers. Estimated population pre-contact - 25,000
- pushed out of their homeland in the early 1700s
- Tuscaroras become the Sixth Nation of the Haudenosaunee Confederacy in 1722.

An International Community

- Tuscarora migrated North in 1713
- population split during American Revolution (1775-1783)
  - US- 5,700 acres is located about nine miles northeast of Niagara Falls, Niagara County, New York
  - Canada- Southern Ontario near Brantford (named after Chief Joseph Brant)
Dispossession History

- Indian Boarding Schools
- 1955 - lost 550 acres to New York State Power Authority for use as a reservoir through “eminent domain”

Tuscarora Cultural Attributes

- Deep seated beliefs in their traditions; committed to their survival
  - Self-sufficient
- Connected to a living earth and a spiritual universe
  - Respectful to all ages
Tuscarora Cultural Attributes

- Traditional culture is forward thinking (about 250 years), to assure long-term survival
  - Seventh generation philosophy
- Matrilineal

Clans

- Turtle
- Sand Turtle
- Wolf
- Snipe
- Eel
- Black Bear
- White Bear
- Beaver
- Deer

Clan identity impacts the social, political and spiritual organization of the community
Tuscarora Nation Government

• Traditional with Clan Mothers and a Council of Chiefs (lifers)
• Make all decisions for the Nation based on consensus
• Legal council often present at meetings

TUSCARORA SOVEREIGN NATION GOVERNMENT ORGANIZATIONAL CHART

CHIEFS

- Lee Henry
- Stuart Patterson
- Kenneth Patterson

CLAN MOTHERS

- Lena Rickard
- Dorothy Chew
- Linda Hill
- Doreen Rickard
- Susan Schandreau
- Francine Patterson

Environmental Program

- Neil Patterson, Director

Water Quality

- Harvey Rickard

Emergency Preparedness

- Solid Waste Management
- HazMat
- Matthew Patterson

GIS

- Brian Printup

Health Clinic

- Liz Printup, MSN
- Joy Henry, RN
- Sherry Hummel, Clerical
- Brenda Woodbury, Kit
- Susan Lewis, Accl. Clerk

Tuscarora Health Program

Tuscarora School

- Gilbert Ambrosia
- Bart Odbo Fae Mgr
- Dan Bissell

Community Health

- Ann Printup, Supervisor
- Lureen Hess-Printup
- Miranda Bazor
- Tracy Printup
Terms

• Terms of County-Nation planning relationship are determined by the Tuscarora Nation authorities
  - All collaboration under strict purview of the council

Evolution of MOU from County Perspective

• Study Native history, culture, demographics
• Establish trusted liaison
• Meet with liaison and council
• Write MOU
• Request council review and approval - wait
• Implement changes and resubmit - wait
• Repeat process - wait
SNS MOU First Nation/LHD MOU Elements

- Purpose
- Definitions
- Notification
- Equipment
- Terms of Facility Use
- Recognition and Preservation of Sovereign Immunity
- Term of Agreement
- Signature Blocks
- Appendix: POC

MEMORANDUM OF UNDERSTANDING

Between the

Niagara County Department of Health (NCDOH)

And the

Tuscarora Nation

A. PURPOSE
The Memorandum of Understanding (MOU) is entered into with the Tuscarora Nation, a federally recognized sovereign nation. The purpose of this MOU is to dedicate the Tuscarora Health Clinic, located at 2015 Mt. Hope Road, Lewiston, New York, as a Point of Dispensing (POD) of assets from the Strategic National Stockpile (SNS), in the event of a public health emergency. An emergency pharmaceutical dispensing or vaccination clinic, open to Tuscarora Nation citizens only, may be established at this location, and/or at another location chosen by the Tuscarora representatives, to provide prophylaxis or medical supplies to the Tuscarora community.

B. DEFINITIONS
A public health emergency is defined as an event that poses a threat to the health of the community. Such events could include, but are not limited to, naturally occurring large scale disease outbreaks, natural disasters, or intentional or accidental releases of nerve agents, chemical agents, or biological pathogens.

The Strategic National Stockpile is a federal resource that supplies pharmaceuticals, medical supplies, and equipment (national assets) to mitigate the effects of a public health emergency.

A Federally-recognized sovereign nation is an American Indian Nation that has a government-to-government relationship with the United States and is acknowledged by the Federal government to hold inherent powers of self-determination and self-governance over its citizens and tribal lands. No decisions about tribal lands or resources can be made without approval of the tribal government.

C. NOTIFICATION
If a public health emergency were to occur, requiring activation of the Strategic National Stockpile, and the Tuscarora Nation leaders would determine that the facility would need to be activated as a Point of Dispensing for the SNS, a representative would notify the designated contact at NCDOH as soon as possible. The NCDOH will be responsible for asset delivery to the site, and will work closely with the Tuscarora representatives to ensure the most appropriate delivery location is established. The Tuscarora Nation leaders would consult with the NCDOH representative at the site to determine the most appropriate delivery location. The Tuscarora Nation agrees to have a representative present at the site when the NCDOH representative(s) is expected to arrive with the national assets. The Tuscarora Nation agrees to notify the Niagara County Department of Health if the Nation changes the location of the POD, to assure that assets arrive at the correct location, and to prevent delays.

Roman NCDOH/Patterson TN
04.14.2011
MEMORANDUM OF UNDERSTANDING
Between the
Niagara County Department of Health (NCDOH)
And the
Tuscarora Nation

D. EQUIPMENT
The Tuscarora Nation would supply the necessary equipment to operate the POD, unless the Nation requests additional equipment from the Niagara County Department of Health. On-site equipment includes such items as: computers, printers, office supplies, tables, chairs, basic clinic supplies and basic communications equipment.

E. TERMS OF FACILITY USE
The Tuscarora Nation will determine the length of time the facility would need to be utilized to operate a POD(s) for the given incident.

The NCDOH agrees to provide guidance and assistance for decontamination/terminal cleaning of the POD site(s) after deactivation, if requested by the Tuscarora Nation.

F. RECOGNITION AND PRESERVATION OF SOVEREIGN IMMUNITY
The NCDOH agrees nothing herein is intended as a waiver of the Tuscarora Nation’s sovereign immunity or any other aspect of the Nation’s sovereignty or jurisdiction over its territory or its citizens. The NCDOH acknowledges that Tuscarora sovereignty ensures the future of the Nation and the preservation of its culture.

G. TERM OF AGREEMENT
This agreement shall run from June 1, 2009 until May 31, 2014. Either party may terminate this agreement by written notice of such intention with thirty days advance notice.

Daniel J. Stapleton, M.B.A., Public Health Director
Date

APPENDIX 1: Agency Representatives & Contact Information
—All Information Is CONFIDENTIAL—

A. Niagara County Department of Health

Primary Contact
Name: Elaine Roman, B.S.N.
Title: Public Health Planning and Information Officer/Preparedness Director
Office Phone #: 716-439-7436 or 7439
Emergency Phone #: 716-692-7430 (NCDOH after-hours service) Home: 716-692-2145
Cellular Phone #: 716-574-9312
Fax #: 716-439-7440
Mailing Address: Niagara County Department of Health, 5407 Upper Mountain Road, Suite 100, Lockport, NY 14094-1894
Email Address: elaine.roman@niagaracounty.com

Contact
Name: Daniel Stapleton, M.B.A.
Title: Public Health Director
Office Phone #: 716-439-7436 or 7439
Cellular/Emergency Phone #: 716-692-2145
Fax #: 716-692-2145
E-mail Address: daniel.stapleton@niagaracounty.com

Contact
Name: Victoria Pearson MBA
Title: Deputy Public Health Director
Office Phone #: 716-439-7436
Cellular/Emergency Phone #: 716-692-2145
Fax #: 716-692-2145
E-mail Address: victora.pearson@niagaracounty.com
Memoranda of Understanding Between the Niagara County Department of Health and the Tuscarora Sovereign Nation

RECOGNITION AND PRESERVATION OF SOVEREIGN IMMUNITY

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Core Concept of MOU

• Trust agreement that protects the health, well-being and sovereignty of the nation during disasters and emergencies requiring mass dispensing in Niagara County.

Roman NCDOH/Patterson TN
04.14.2011
Thank You

Questions?