



Terms of Engagement

Establishing a Memorandum of Understanding with the Tuscarora Nation

Roman NCDOH/Patterson TN
04.14.2011

1

Purpose

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

Roman NCDOH/Patterson TN
04.14.2011

2

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

Roman NCDOH/Patterson TN
04.14.2011

5

Tuscarora Indian Nation

March 6, 1978

Mr. Donald J. Mosher
Niagara County Health Department
5467 Upper Mountain Road
Lockport, New York 14094

Dear Mr. Mosher:

Please be informed 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 or any matters regarding the well water at the Tuscarora Indian School.

Thank you for your cooperation in this matter.

Respectfully:

Chief Leo R. Henry
Chief Leo R. Henry, Clerk
Tuscarora Nation

Roman NCDOH/Patterson TN
04.14.2011

6

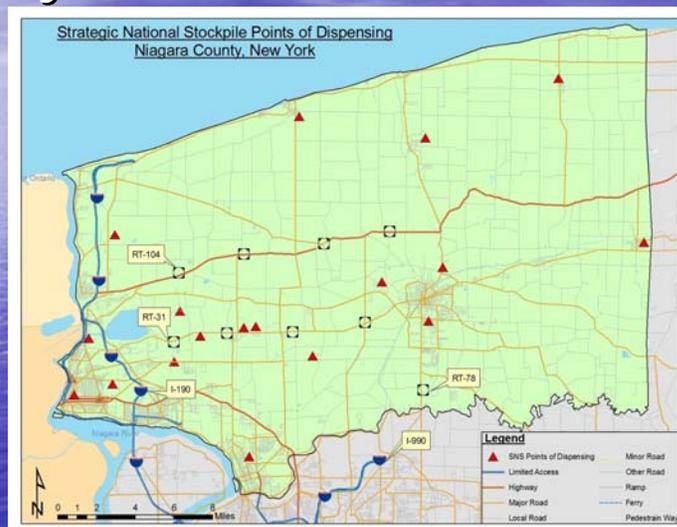
What is an MOU?

- 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

Roman NCDOH/Patterson TN
04.14.2011

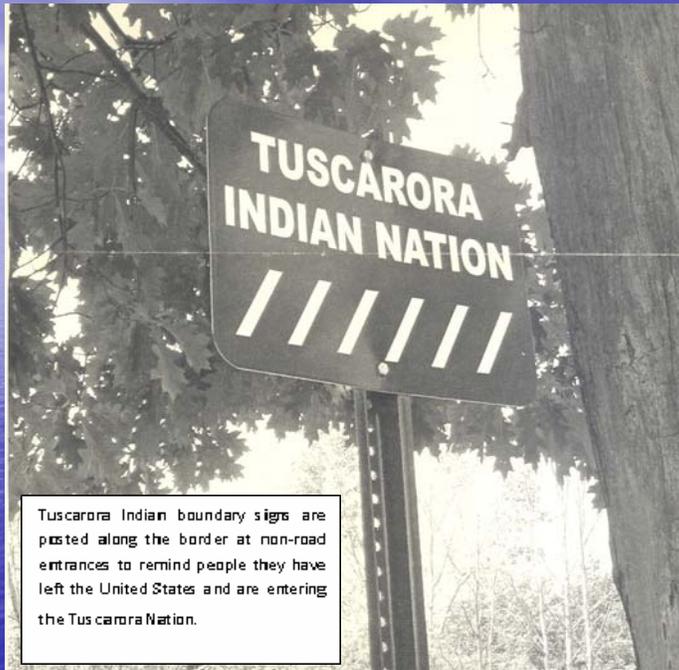
7

Why Did We Need an MOU?



04.14.2011

8



Tuscarora Indian boundary signs are posted along the border at non-road entrances to remind people they have left the United States and are entering the Tuscarora Nation.

Nation Location



Process

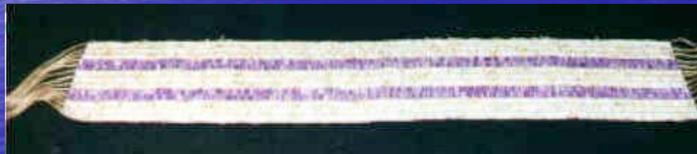
- How did we get there?
- How long did it take?
- Why did it take so long?
- Elements for consideration

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



Roman NCDOH/Patterson TN
04.14.2011

13

Overview of Tuscarora History

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

Roman NCDOH/Patterson TN
04.14.2011

14

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.

History

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

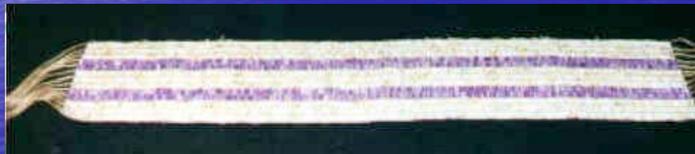
Clans

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

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

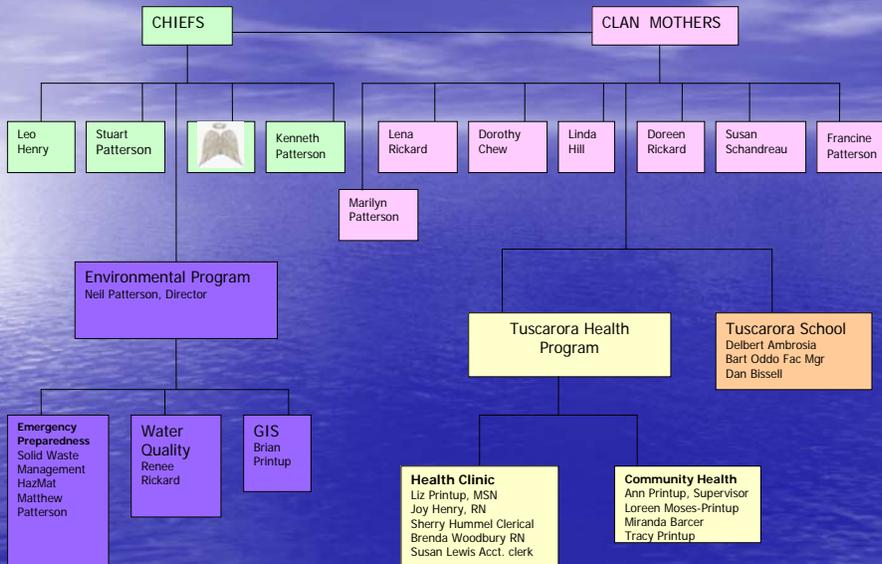
Tuscarora Nation Government

- 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



Roman NCDOH/Patterson TN
04.14.2011

TUSCARORA SOVEREIGN NATION GOVERNMENT ORGANIZATIONAL CHART



Roman NCDOH/Patterson TN
04.14.2011

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

Roman NCDOH/Patterson TN
04.14.2011

25



MEMORANDUM OF UNDERSTANDING

Between the
Niagara County Department of Health (NCDOH)
And the
Tuscarora Nation

A. PURPOSE

This 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 facility, located at 2015 Mt. Hope Road, Lewiston, New York, or comparable facility for use 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 the 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 this nation community.

B. DEFINITIONS

A *public health emergency* is defined as any incident that poses a threat to the health of the community. Such incidents could include, but are not limited to naturally occurring large-scale disease outbreaks, natural disasters and 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 was to occur resulting in 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 (indicated in Appendix 1B) would notify the designated contact at NCDOH as soon as possible. The NCDOH will be responsible for asset delivery to the site, and would consult with the Tuscarora representatives to mutually establish the most agreeable time for delivery to the Nation. 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

26



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 Roman NCDOH/Patterson TN
Date 04.14.2011

27



MEMORANDUM OF UNDERSTANDING

Between the
Niagara County Department of Health (NCDOH)
And the
Tuscarora Nation

APPENDIX I: 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 /Emergency 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, 5467 Upper Mountain Road, Suite 100, Lockport, NY 14094-1894
Email Address: elaine.roman@niagacounty.com

Contact

Name: Daniel Stapleton, MBA.
Title: Public Health Director
Office Phone #: 716-439-7458 or 7435
Cellular/Emergency Phone #: 716-864-5613
Fax #: 716-439-7440
E-mail Address: daniel.stapleton@niagacounty.com

Contact

Name: Victoria Pearson MBA
Title: Deputy Public Health Director
Office Phone #: 716-439-7432
Cellular/Emergency Phone #: 716-439-7439
E-mail Address: victoria.pearson@niagacounty.com

Roman NCDOH/Patterson TN
Date 04.14.2011

28

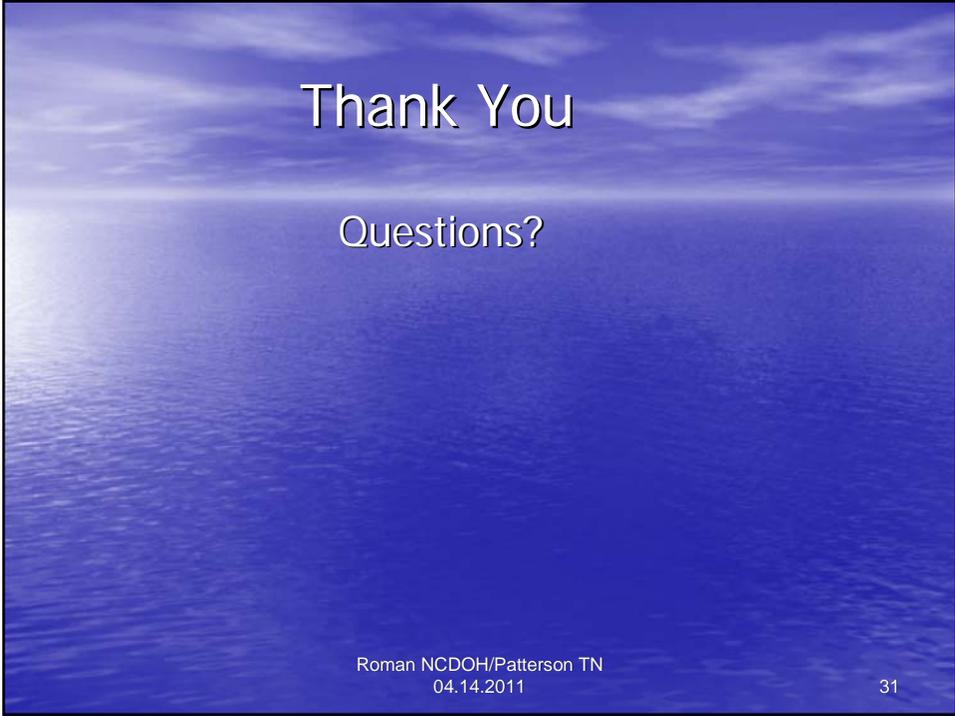
*Memoranda of Understanding Between the
Niagara County Department of Health and the
Tuscarora Sovereign Nation*

**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 Niagara County Department of Health acknowledges that Tuscarora sovereignty ensures the future of the Nation and the preservation of its culture

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



Thank You

Questions?

Roman NCDOH/Patterson TN
04.14.2011

31