

**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

WHEREAS, the Tribal Council established the TERO Code, as part of the Tribal Labor Code to regulate employment in construction activities on the Reservation; and

WHEREAS, the TERO Code grants a preference in the employment of members of the White Mountain Apache Tribe over members of any other Indian tribe; and

WHEREAS, such a preference scheme is recognized by contracting agencies, including the federal government, for purposes of the Indian Self-Determination Act; and

WHEREAS, other federal programs recognize an "Indian preference" in tribal employment preferences, but prohibit use of a "Tribal preference"; and

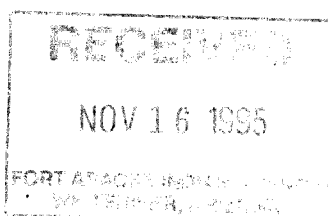
WHEREAS, the conflict over preference priorities in past construction projects has on occasion made it necessary for the Tribe to waive the current employment preference provision in the TERO Code; and

WHEREAS, the Tribal Council will continue to advocate recognition of a tribal preference in all federal grants and funding it receives, the Tribal Council has determined that until all federal agencies agree to the use of tribal preference requirements, the TERO Code should be amended to permit an alternate preference for certain federally-funded programs; and

WHEREAS, the Tribal Council has reviewed the proposed amendment to the TERO Code.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Council Secretary to post the proposed amendment to the TERO Code in each District for ten days as required by the Constitution.

The foregoing resolution was on November 09, 1995, duly adopted by a vote of nine for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (i), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



ACTING

[Signature]
Chairman of the Tribal Council

[Signature]
Secretary of the Tribal Council

PROPOSED
ORDINANCE OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

BE IT ENACTED by the White Mountain Apache Tribal Council in Council Assembled that Chapter One, Section 1.2 D. of the Labor Code of the White Mountain Apache Tribe shall be amended as follows:

D. Indian preference means the following priority order of preference:

- (1) Enrolled member of the White Mountain Apache Tribe.
- (2) Indian spouse of an enrolled member of the White Mountain Apache Tribe.
- (3) Other Indians.

The above preference priority applies to all employment activities, including those undertaken pursuant to the Indian Self Determination and Education Assistance Act, P.L. 93-638, as amended, except for employment funded by federal government programs unrelated to the Indian Self Determination Act, which shall have the following priority order of preference:

- (1) Local Indian.
- (2) Other Indian.