

White Mountain Apache Tribe  
Tribal Affairs  
JUN 22 2000

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

- WHEREAS,** the Tribal Council understands that the TERO & TAP was established to enforce TERO requirements and also to ensure the proper collection of Fees imposed by the Tribe; and
  
- WHEREAS,** the Tribal Council has met with the Director of the TERO & TAP and have been informed that Section 1.2C of the Labor Code defines Employer or Non-Tribal employer as any non-tribal government employer or contractor doing business on the Fort Apache Indian Reservation including Tribal member employers but shall not include White Mountain Apache Tribal Government, its operations, departments or enterprises; and
  
- WHEREAS,** the Tribal Council further understands that Section 1.4A of the Labor Code states all non-tribal employers operating within the exterior boundaries of the Fort Apache Indian Reservation are hereby required to give preference to Indians in hiring, promotion, training, and all other aspects of employment. Said employers shall comply with the rules, regulations, and guidelines of the Labor Relations Department (TERO & TAP) which set forth the specific obligations of the employer in regard to Indian preference; and
  
- WHEREAS,** the Tribal Council further understands that Section 1.6A1 of the Labor Code requires every employer with a construction contract in the sum of Ten Thousand Dollars (\$10,000) or more, shall pay a one time fee of one percent (1%) of the total amount of the contract. Such fees shall be paid by the employer prior to commencing work on the Fort Apache Indian Reservation; and
  
- WHEREAS,** the Tribal Council further understands that Section 1.6A2 of the Labor Code requires that every employer, other than construction contractors, with five (5) or more employees working on the Fort Apache Indian Reservation, or with gross sales on the Fort Apache Indian Reservation of Fifteen Thousand Dollars (\$15,000.00) or more shall pay a quarterly fee of One Percent (1%) of his employees quarterly payroll; and
  
- WHEREAS,** the Tribal Council further understands that Section 1.6A2 of the Labor Code does not allow this fee to apply to education, health, governmental, or non-profit employers, nor to utilities franchises by the White Mountain Apache Tribe; and
  
- WHEREAS,** the Tribal Council further understands that the TERO & TAP also collects the Business Activity Fee from Construction Contractors for the Central Business Office; and
  
- WHEREAS,** the Tribal Council further understands that Section 1.7A of the Labor Code states

that any employer who fails to comply with the laws, rules, regulations, or guidelines on employment rights of the White Mountain Apache Tribe or who fails to obtain the necessary agreements from its signatory unions shall be subject to sanctions which shall include but are not limited to denial of the right to commence business of the Fort Apache Indian Reservation; and

**WHEREAS,** the Tribal Council further understands that Government Agencies & Non-Profit Organizations are exempt from TERO & TAP requirements; and

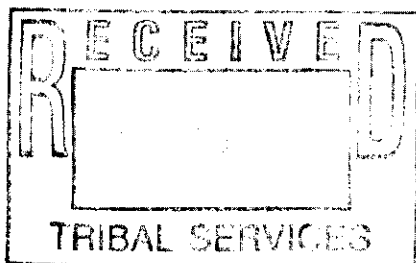
**WHEREAS,** the Tribal Council understands that regardless of this fact the Non-Tribal Employer of these Government Agencies & Non-Profit Organizations award contracts to are not exempt from TERO & TAP requirements.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe it is aware that the TERO & TAP has continually exceeded projected revenues for each Fiscal Year and that monies collected are utilized by the Central Business Office to operate and to allow such exemptions would be detrimental to the Economic Welfare of the White Mountain Apache Tribe.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby informs Directors of all Government Agencies & Non-Profit Organizations that said exemptions to the Tribal Labor Code shall not be allowed by the TERO & TAP Director, and are contrary to the objective of the Tribal Labor Code and any such actions must receive prior approval of the Tribal Council.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that any and all Business Lease Agreements with a Non-tribal Business shall include TERO & TAP, with the understanding that TERO & TAP has jurisdiction over all aspects of employment and the Collection of the TERO Fee.

The foregoing resolution was on November 3, 2000 duly adopted by a vote of FIVE 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), (b), (h), (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