



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

**(Adopting Ordinance No. 244, Amending Section 1.6 of the
White Mountain Apache Labor Code)**

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, pursuant to Article XV, Section 2 of the Constitution, and Section 1.6 of the White Mountain Apache Judicial Code, "All proposed ordinances of the Council shall be posted in each district at least ten days before final action by the Council," and the codes of the Tribe may be "amended by the adoption of ordinances by the Tribal Council"; and

WHEREAS, per Resolution No. 08-2010-216, a proposed amendment to Section 1.6 of the Labor Code was posted for ten days from August 10, 2010 to August 20, 2010; and

WHEREAS, the Office of the Tribal Council Secretary has received no public comments regarding the proposed changes; and


WHEREAS, the Tribal Council finds that it is in the best interest of the Tribe to adopt the amendments to the Labor Code as set forth in Ordinance No. 244.

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that Ordinance Number 244 is hereby adopted as an amendment to the Labor Code, as attached hereto and incorporated herein, because it is in the best interest of the Tribe.

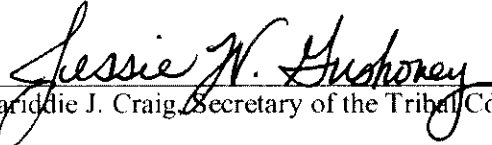
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior resolution or policy, this resolution shall govern.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this resolution.

The foregoing resolution was **SEPTEMBER 1, 2010** duly adopted by a vote of **TEN** for and **ZERO** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (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).



Ronnie Lupp, Chairman of the Tribal Council



Maridie J. Craig, Secretary of the Tribal Council **ACTING**

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

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 244, amending White Mountain Apache Labor Code, Section 1.6, *Employment Rights Fee*, as follows:

SECTION 1.6 EMPLOYMENT RIGHTS FEE

[Note: The following Section 1.6 is derived from Ordinance No. 154, enacted June 18, 1987, rescinding Section 6 of Ordinance No. 151.]

A. An employment rights fee, ~~to generate revenue for the operation of the Labor Relations Department~~ is imposed as follows:

(1) 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%)~~ five percent (5%) of the total amount of the contract. Such fee shall be paid by the employer prior to commencing work on the Fort Apache Indian Reservation. However, where good cause is shown, the Director may authorize a construction contractor to pay said fee in installments over the course of the contract. The fees imposed pursuant to this Section are in lieu of any other tax or permit fees imposed under this Code or the Tribal Tax Code, Chapter 11.

(2) 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, which shall be paid within thirty days after the end of each quarter. This fee shall not apply to education, health, governmental, or non-profit employers, nor to utilities franchises by the White Mountain Apache Tribe.

(3) The Labor Relations Officer shall be responsible for collecting said fees pursuant to any rules and regulations adopted by the Tribal Council of the White Mountain Apache Tribe. Said fees shall be paid to the White Mountain Apache Tribal Treasurer, and shall be credited to the Tribal Labor Relations Department Account of the White Mountain Apache Tribe. The fees collected shall provide funds to operate the Labor Relations Department and governmental operations of the white Mountain Apache Tribe.