



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approval for Waiver of TERO Fees for the Construction of a New Housing Authority Development Building)

WHEREAS, the White Mountain Apache Housing Authority (“Housing Authority”), as the tribally designated housing entity of the Tribe is responsible for carrying out the Tribe’s housing plan and the development and operation of housing pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (“NAHASDA”); and

WHEREAS, in furtherance of its mission and due to the expansion of operations, the Housing Authority needs to construct a new Development Building to expand its office space; and

WHEREAS, the construction of a new Development Building serves an important governmental function of providing governmental infrastructure needed to facilitate government operations that provide decent, safe, affordable housing for tribal members; and

WHEREAS, the Tribal Council finds that the construction of a new Development Building is an important project that serves a governmental purpose and that the waiver of the Employment Rights Fee (“TERO fee”) set forth in Section 1.6(A)(1) of the White Mountain Apache Tribe’s Labor Code serves a vital and essential governmental purpose of the Tribe in ensuring the viability of this project; and

WHEREAS, the Tribal Council has set precedent and waived the application of Section 1.6(A)(1) of White Mountain Apache Tribe’s Labor Code to other projects that serve essential governmental purposes and has determined that such waiver for the current project is in the best interest of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves a waiver of TERO fees on the construction of the Housing Authority Development Building, including its application to any subcontractors on the actual construction project in an amount up to but not to exceed \$80,000.00.

BE IT FURTHER RESOLVED, by the Tribal Council of the White Mountain Apache Tribe that the waiver of TERO fees shall only apply to the fee for the Development Building’s total approved budget.

BE IT FURTHER RESOLVED, by the Tribal Council of the White Mountain Apache Tribe that all companies including but not limited to contractors, subcontractors and vendors involved in this project shall be responsible for all applicable individual tribal licensing fees in accordance with the White Mountain Apache Tribe’s Labor Code.

Resolution No. 03-2018-67

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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 on MARCH 7, 2018 duly adopted by a vote of SIX for, ZERO against, and THREE abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	<u>3/12/18</u>		<u>3/13/2018</u>
Ronnie Lupa, Tribal Chairman	Date	Doreen T. Numkena, Tribal Secretary	Date