



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## (Approval to Waive TERO Fees for Dischii'Bikoh Community School)

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation ("Constitution") provides, at Article IV, Section 1(a) that the Tribal Council ("Council") shall exercise the power "[t]o represents the tribe and act in all matters that concern the welfare of the Tribe, and to make decision not inconsistent with or contrary to this constitution"; and

**WHEREAS,** Dischii'Bikoh Community School is planning to start a project for the design and installation of a solar energy system on the school campus that will include solar panels, backup generators, and battery storage to provide continuous power supply during periods of electric service interruption; and

**WHEREAS,** The system will serve critical needs for the school and for the school's role as a designated emergency shelter for the community of Cibecue during times of severe weather and other power interruptions, and especially to maintain power and communications for emergency and community services; and

**WHEREAS,** Section 1.6 of the Tribe's Labor Code imposes an Employment Rights Fee ("TERO Fee") equal to 5% of the gross amount of a contract; and

**WHEREAS,** The School requests that the TERO Fee be waived due to the Tribal funding provided and the benefit that the solar energy system will provide to the Cibecue community; and

**WHEREAS,** The Tribal Council finds in the best interest of the Tribe to waive the TERO fees for the solar energy system project for the Dischii;Bikoh Community school.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby waives TERO fees for the Dischii'Bikoh Community School for the design and installation of a solar energy system.

**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.

**Resolution No. 09-2022-238**

**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 **SEPTEMBER 14, 2022** duly adopted by a vote of **NINE** for, **ZERO** against, and **ZERO** 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

<u>Kasey Velasquez</u>	<u>9-21-22</u>	<u>Vaneysa Johnson</u>	<u>9/22/22</u>
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, Tribal Secretary	Date