

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

WHEREAS, the Acting Tribal TERO Director Ramon Riley has made a recommendation to the Tribal Council to amend the Tribal Labor Code to adjust the employment rights fee imposed under the Code; and

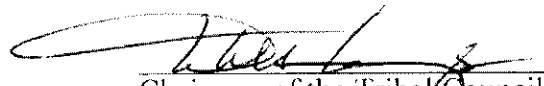
WHEREAS, the Tribal Labor Office currently collects a business activity tax and employment rights fee from each construction employer and Mr. Riley recommends combining the Business Activity Tax with the TERO fee to have a single percentage based fee charged to all construction employers; and

WHEREAS, with the inclusion of the Business Activity Tax and related fees, the TERO fee would be raised from one percent (1%) to five percent (5%) and no other Tribal taxes would be assessed against construction contractors; and


WHEREAS, the Tribal Council agrees that an amendment to the Labor Code would serve the best interests of the Tribe and promote more efficient assessment of taxes and fees for construction contractors.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the proposed amendment to the Labor Code Section 1.6 raising the employment rights fee from one percent (1%) to five percent (5%) for the reasons set forth above shall be posted in each district for a minimum of ten (10) days as required by the Tribal Constitution for the purpose of amending the Labor Code.

The foregoing resolution was on JANUARY 14, 2004 duly adopted by a vote of SEVEN 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), (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).



Chairman of the Tribal Council



ACTING Secretary of the Tribal Council

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 (\$10,000.00) 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.