



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Waiving Employment Rights Fees for White Mountain Apache Housing Authority and its Contractors and Subcontractors for WMAHA Projects)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation provides, at Article IV, Section 1(i) that the Tribal Council ("Council") shall exercise the power, "To manage all economic affairs and enterprises of the Tribe including...any other Tribal activities", and at Article IV, Section 1(s), the power "...to regulate subordinate organizations for economic and other purposes"; and
- WHEREAS,** the White Mountain Apache Housing Authority ("Housing Authority"), a non-profit body organized and existing by virtue of the laws and ordinances of the Council of the Tribe, pursuant to the Constitution of the Tribe and the White Mountain Apache Housing and Construction Code ("the Housing Code"), is the "tribally designated housing entity" for the Tribe under the Native American Housing Assistance and Self-Determination Act of 1996 ("NAHASDA"), as amended, and is authorized to issue obligations, from time to time, in furtherance of an essential public and governmental purpose; and
- WHEREAS,** the Tribe's Labor Code provides for certain requirements for "employers," including payment of a Tribal Employment Rights Fee of five percent (5%) of the total amount a contract; and
- WHEREAS,** Section 11.15(F) of the Tribe's Housing and Construction Code provides as follows: "The property of the Authority is declared to be public property used for essential public and governmental purposes and such property and the Authority are exempt from all taxes and special assessments of the Tribe"; and
- WHEREAS,** the White Mountain Apache Tribal Labor Code (Ordinance 244), Section 1.6(A), sets out a requirement to pay employment rights fees; and
- WHEREAS,** Section 11.10(A) of the Tribe's Housing and Construction Code further provides as follows: the Council "will not levy or impose any real or personal property taxes, gross receipts taxes, or special assessments upon its TDHE under this Ordinance, if any, or any project developed pursuant to the provisions; provided however, to the extent they are imposed on all work undertaken on the Reservation, taxes imposed under a Tribal Employment Rights Ordinance may be assessed"; and
- WHEREAS,** the Housing Authority is in the process of developing the 7-Mile Tank Project (for the construction of 13 new homes), the Apache Pine Phase 1B Project (for the construction of 10 new homes), the Emergency Shelter Project (for the construction of 8 new homes in Whiteriver), and a future Project (for the construction of 4 new homes in Turkey Creek and 10 new homes adjacent to the 7-Mile Tank Project) (collectively referred to as the "Projects");

WHEREAS, the Projects serve an important governmental function of providing decent, safe, affordable housing and related amenities and infrastructure for Tribal members;

WHEREAS, the Council finds that the Projects are important and serve a governmental purpose and that the waiver of any applicable employment rights fee set forth in Section 1.6(A)(1) of Ordinance 244 serves a vital and essential governmental purpose of the Tribe in ensuring the viability of the Projects; and

WHEREAS, the Council also finds that it is in the best interests of the Tribe and its members that it waive any and all employment rights fees that may be applicable to the Housing Authority and its contractors and subcontractors in carrying out development, construction, maintenance, and operation of the Projects.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby waives any employment rights fees that may be applicable to the Housing Authority and its contractors and subcontractors under Section 1.6(A)(1) of Ordinance 244 (also known as the White Mountain Apache Labor Code) in carrying out development, construction, maintenance and operation of the Projects, and that the Housing Authority and its contractors and subcontractors working on the Projects are hereby exempted from payment of any fees that may otherwise be due to the Tribe or its Tribal Employment Rights Office under Section 1.6(A)(1) of Ordinance 244.


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 the Projects shall be responsible for all applicable individual tribal licensing fees, in accordance with the Ordinance.

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.

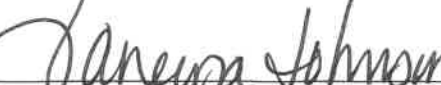
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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 **JULY 10, 2024** duly adopted by a vote of **SEVEN** for, **TWO** against, and **TWO** 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).


Kasey Velasquez, Chairman

Date


Vaneysa Johnson, Tribal Secretary

Date