



Mashpee Wampanoag Tribe

2019-RES-026

RESOLUTION APPROVING THE ESTABLISHMENT OF THE MASHPEE WAMPANOAG TERO FEES SCHEDULE

WHEREAS, the Mashpee Wampanoag Tribe (“Tribe”) is a federally-recognized Indian tribe with a duly-enacted Constitution;

WHEREAS, the Mashpee Wampanoag Tribal Council (“Tribal Council”), the governing body of the Tribe, deems it essential under Article VI, § 2.A. of the Mashpee Wampanoag Tribal Constitution (“Constitution”) to promote and protect the political integrity, economic security and general welfare of the Tribe and members of the Tribe;

WHEREAS, Article V, § 2 of the Constitution provides that the Mashpee Wampanoag Tribal Council (the “Tribal Council”) shall exercise the executive and legislative powers of the Tribe, including the power to make and enforce the law, consistent with the letter and spirit of the Constitution;

WHEREAS, Article VI, § 2.B of the Constitution provides that the Tribal Council shall be authorized to establish a basic structure for the executive branch of the Tribal government with a delegation of appropriate powers to such subdivisions and agencies;

WHEREAS, the Tribal Council exercised its powers provided under the Constitution and established the Mashpee Wampanoag Tribal TERO Office through the passage of *2014-ORD-003, Tribal Employment Rights Ordinance (TERO)*, as amended;

WHEREAS, the Tribal Council also established the position of TERO Office Director with the authority and statutory duty to establish TERO Fees on Covered Employers and Contracting Entities to provide revenue for the general operation of the TERO Office and the TERO Office’s workforce training, education, and counseling programs;

WHEREAS, the Tribal Council is serving as the interim TERO Office Director;



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WHEREAS, TERO Fees have not been established and advertised by the TERO Office as required by the TERO Ordinance;

WHEREAS, the Tribal Council as the Interim TERO Office Director desires to establish a TERO Fee Schedule through the passage of this Resolution, which fees shall provide revenue for the general operation of the TERO Office and the TERO Office's workforce training, education, and counseling programs.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council as the Interim TERO Office Director approves and establishes the TERO Fees Schedule attached hereto as **Attachment A**;

BE IT FURTHER RESOLVED, that the Tribal Council as the Interim TERO Office Director directs that the TERO Fee Schedule be immediately advertised on the Tribe's website and within the Tribal Community & Government Center; and

BE IT FINALLY RESOLVED, the TERO Fees Schedule established herein shall be effective on all construction and non-construction contracts entered into hereafter as required by the TERO Ordinance.

All resolutions or parts of resolutions inconsistent with this resolution are repealed. This resolution is effective immediately and shall continue pursuant to the authority vested in the Tribal Council pursuant to Article VI, §§ 2, 2.A. and 2.B. of the Constitution.



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CERTIFICATION

We, the undersigned Chairperson and Secretary of the Mashpee Wampanoag Tribal Council, do hereby certify that the Tribal Council is composed of 13 members of whom 10, constituting a quorum, were present at a Regular meeting thereof, duly and regularly called, noticed, convened, and held on the 10th day of April, 2019, and that the foregoing resolution was duly adopted by the affirmative vote of 9 members, with 0 opposing, and with 1 not voting.

DATED this 10th day of April, 2019.

A handwritten signature in black ink, reading "Cedric Cromwell".

Cedric Cromwell, CHAIRMAN
Mashpee Wampanoag Tribal Council

ATTEST:

A handwritten signature in black ink, reading "Ann Marie Askew".

Ann Marie Askew, SECRETARY
Mashpee Wampanoag Tribal Council

Project Information

Project Name _____ Project No _____

Location _____

Project Owner _____

Project Architect _____ Phone: _____

Project Funding Agency: _____

Funding Agency Contact: _____ Phone _____

Project Start Date: _____

Project Completion Date: _____

Contractor Information

Check all that apply Prime Contractor Sub Contractor Union Non-Union

Company _____

Complete Address _____

Contact Person _____

Title _____

Phone: _____ Fax: _____ Cell: _____

Email: _____

Insurance Company: _____

Policy: _____

Scope of work performed: _____

Construction Schedule/Business Plan: _____

Work Commencement Date: _____

Work Completion Date: _____

Contract Amount: _____ TERO Fee 0.5% for < or = \$2000 3% for >\$2000 and < or = \$1,000,000 and 4% for > \$1,000,000

This agreement shall be for the life of this specific project, This compliance plan serves as an invoice – payment must be paid prior to commencing work on the reservation.