

**TRIBAL EMPLOYMENT RIGHTS COMMISSION
RESOLUTION NO. _____**

WHEREAS, the Tribal Employment Rights Commission (hereinafter referred to as “TERO”) was established by the Tribal Council in Section 33 of the Tribal Code (hereinafter referred to as the “TERO Ordinance”);

WHEREAS, TERO’s powers and duties include establishing rules, regulations, and policies governing all activities of the Commission and the TERO Office consistent with the TERO Ordinance and tribal law;

WHEREAS, in Tribal Council Ordinance 2011:006, the Tribal Council directed TERO to promulgate regulations governing certification;

WHEREAS, TERO desires to promulgate regulations concerning the certification of businesses as well as the registration of those businesses in categories;

WHEREAS, Section 33-2-3 of the TERO Ordinance requires that TERO issue notice of any proposed rulemaking action by providing thirty (30) days notice; and

WHEREAS, Section 33-2-3 also requires that the TERO receive written comments and hold a public hearing on any regulations promulgated.

NOW THEREFORE BE IT RESOLVED that TERO hereby issues the following Notice of Proposed Rulemaking Action:

**NOTICE OF PROPOSED RULEMAKING ACTION
REGARDING CERTIFICATION AND REGISTRATION OF BUSINESSES**

Purpose: The Tribal Council amended the Tribal Employment Rights Ordinance on August 18, 2011. Per the ordinance enacting the amendments, the Tribal Council directed the Tribal Employment Rights Commission (“TERO Commission”) to promulgate regulations regarding certification. Prior to the enactment of the amendments, tribal entities, tribal members, and tribal businesses had complained to the Tribal Council and the TERO Commission about the certification and registration process. These entities and individuals questioned whether certain business should have been certified or registered in certain areas. To address these concerns, an outside auditor reviewed the certification process and the certification files. Many of the recommendations of the outside auditor have been incorporated into these regulations.

Summary: The proposed regulations, among other things, detail and establish (1) the information that shall be requested of business entities applying for certification; (2) how applications will be evaluated; (3) the information that shall be included on annual reports; (4) the withdrawal of certification process; (5) the registration categories; (6) how the TERO Office will evaluate the request for registration in a

particular category; and (7) the information included on the Certified Business List and the dissemination of the Certified Business List. The exact language of the proposed regulations is below.

Comments: The deadline for written comments shall be 5 p.m. on Thursday, October 13, 2011. Written comments shall be mailed to 5811 Jack Springs Road, Atmore, AL 36502 or emailed to ccole@pci-nsn.gov.

Hearing: A public hearing to address the comments shall be held on Thursday, October 13, 2011 at 5:30 p.m. in the Tribal Council Chambers.

CHAPTER ONE CERTIFICATION OF BUSINESSES

1.1 Generally

1.1.1 The Tribal Employment Rights Office (“TERO Office”) shall determine whether the business entity meets the definition and criteria for a Tribal Business, 100% Tribal Member Business, 51% Tribal Member Business, Indian Business, or Mentorship.

1.1.2 The burden of proof shall be upon the Applicant to establish that it meets the definition and criteria for a Tribal Business, 100% Tribal Member Business, 51% Tribal Member Business, Indian Business, or Mentorship.

1.2 Applications for Tribal Businesses

1.2.1 The following information shall be requested on the applications for certification of Tribal Businesses:

- (a) History of Applicant’s Business
 - (i) Name and type of business.
 - (ii) Date of establishment of business.
 - (iii) Primary business activities of the Applicant.
 - (iv) Existence of Applicant under different ownership, as different type of business, or under a different name.
 - (v) Method of acquisition of the business.
 - (vi) Physical address of Applicant’s business.
- (b) Corporate Governance

- (i) Identification of board of directors and officers
- (c) Registration
 - (i) Identification of the categories in which the applicant desires to be registered.
 - (ii) Identification of all employees who have a license or certification which is required in order for the Applicant to legally perform activities within the requested registration categories.
 - (iii) A list of an continuing education completed by any key employees within the past two years which are applicable to the requested registration categories.
 - (iv) Detailed list of current inventory.
 - (v) For each requested registration category, a list of contracts and/or subcontracts performed within the past two years with contract price.

1.2.2 *Documentation to be Submitted with the Application:*

- (i) The Tribal charter, ordinance, or resolution establishing the Applicant as a business of the Poarch Band of Creek Indians.
- (ii) A current balance sheet.
- (iii) Copy of IRS Entity Identification Number assignment.
- (iv) Resume of all key employees demonstrating experience and/or education to manage a business engaged in the requested registration categories.
- (v) Copies of personal certifications from state, college, technical school or local agencies for any owners and key employees demonstrating experience and/or education to manage a business engaged in the requested registration categories.
- (vi) Copies of all necessary licenses and certifications held by any employee of the Applicant that may be required in order to legally perform activities in the requested registration categories. This may include, but is not limited to, a business license, a sales tax number, state licenses, and bonding letters.

- (vii) At least one (1) recommendation letter from a prior employer and/or client relative to the Applicant's qualifications and skills in each of the requested registration categories.
- (viii) Any other documentation required by the TERO Office to complete the certification process.

1.3 Applications for Applicants other than Tribal Businesses and Mentorships

1.3.1 The following information shall be requested on the applications for certification of all Applicants other than Tribal Businesses:

(a) *History of Applicant's Business*

- (i) Name and type of business.
- (ii) Date of establishment of business.
- (iii) Number of years Indian(s) has been the owner.
- (iv) Duration of Indian(s) owners' ownership interest.
- (v) Primary business activities of the Applicant.
- (vi) Existence of Applicant under different ownership, as different type of business, or under a different name.
- (vii) Method of acquisition of business.
- (viii) Physical address of Applicant's business.

(b) *Corporate Governance*

- (i) Identification of board of directors and officers if the Applicant is a corporation or limited liability company.
- (ii) Date of last shareholder or member meeting if the Applicant is a corporation or limited liability company.
- (iii) A list of all payments made to non-Indian owner(s), including, but not limited to, salaries, wages, contract labor payments, management fees, and rental fees.

(d) *Investments and Contributions*

- (i) Each owner's education, knowledge and/or experience in the same or similar area of business.
 - (ii) The amount of investment by each owner.
 - (iii) A list of total debt owed by the Applicant and the uses of any loan proceeds.
 - (iv) A list of all assets of the Applicant to include date purchased, purchase price, and whether paid for by cash and/or credit.
- (e) *Day-to-Day Activities*
- (i) List the gross receipts for last year and the current year-to-date.
 - (ii) Identify how often employees are paid.
 - (iii) A list of all employees with each employee's job description, designation of the employee as full-time or part-time, salary, and designation of Tribal Member or Indian status.
 - (ii) Identification of management personnel.
 - (iii) Identification of any other business that the Applicant relies on for management functions or employee payroll.
 - (iv) A list of the number and types of clients or customers.
 - (v) Identification of routine uses of business personnel to market and sell products and/or services.
 - (vi) Identification of consistent marketing and/or sales to various consumers other than the Tribe.
- (f) *Outside Interest*
- (i) Identify any management or supervisory functions that an owner, director, or officer performs for any other businesses or immediate family member businesses.
 - (ii) Identify any ownership or management interest of any of the owners, directors or officers in any other business or immediate family member business that has a relationship with the Applicant.
 - (iii) Identify any management personnel who perform management or supervisory functions for any other businesses.

(iv) Identify any ownership or management interest of any management personnel in any other business or immediate family member business that has a relationship with the Applicant.

(g) *Registration*

(i) Identification of the categories in which the Applicant desires to be registered.

(ii) Identification of all owners and/or employees who have a license or certification which is required in order for the Applicant to legally perform activities within the requested registration categories.

(iii) A list of an continuing education completed by any owners and/or key employees within the past two years which are applicable to the requested registration categories.

(iv) Detailed list of current inventory.

(v) For each requested registration category, a list of contracts and/or subcontracts performed within the past two years with contract price.

1.3.2 *Documentation to be Submitted with the Application*

(a) *All Applicants:* All Applicants shall submit:

(i) Complete personal tax returns for past two years for each owner, including the Schedule C, if such Schedule is part of the return. If this is a new business, all available returns shall be submitted.

(ii) Personal financial statements for each owner.

(iii) Copies of bank signature cards for loans and checking accounts for the Applicant.

(iv) Copies of W-2's and 1099's issued by the Applicant.

(v) Copies of all insurance policies for the Applicant, including, but not limited to, general liability policies, professional liability policies, worker's compensation insurance policies, and automobile policies.

- (vi) Copies of documents relative to each owner's method of investment (e.g., capital, equipment, real property, loan, or similar assets). This may include bank statements to show canceled checks or transfers from personal accounts to the Applicant's account; personal loan documents and documentation of contribution to business; and copies of title to equipment, both before the transfer to the Applicant and after transfer.
- (vii) Copies of the Applicant's bank statements for past 12 months, or if the Applicant is a new business, copies of the Applicant's bank statements from the time the bank account was opened to the present.
- (viii) Copies of five cancelled checks from accounts payable.
- (ix) Copies of cancelled checks from the past two pay periods for all employees and bank statements or online printouts proving that payroll taxes have been paid.
- (x) Copies of the Applicant's books, to include a general ledger, check registers, an accounts receivable ledger, and an accounts payable ledger. This may be generated manually or by a computer.
- (xi) A current balance sheet.
- (xii) Any supporting documentation for assets purchased within the past two years.
- (xiii) Any titles and/or tax assessments for assets, if such documentation exists for the assets.
- (xiv) Copies of current equipment leases, if any, and proof of payment of those leases.
- (xv) Copies of all necessary licenses and certifications held by any owner and employee of the Applicant that may be required in order for the Applicant to legally perform activities in the requested registration categories. This may include, but is not limited to, a business license, a sales tax number, state licenses, and bonding letters.
- (xvi) Resume of all owners and all key employees demonstrating experience and/or education to manage a business engaged in the requested registration categories.

- (xvii) Copies of personal certifications from state, college, technical school or local agencies for any owners and key employees demonstrating experience and/or education to manage a business engaged in the requested registration categories.
 - (xviii) At least one (1) recommendation letter from a prior employer and/or client relative to the Applicant's qualifications and skills in each of the requested registration categories. This recommendation may not come from the Tribe or a Tribal entity.
 - (xix) Any other documentation required by the TERO Office to complete the certification process.
- (b) *Partnerships:* In addition to the documentation in subsection (a) above, partnerships shall also submit the following:
- (i) Partnership agreements.
 - (ii) Copy of IRS Entity Identification Number assignment.
 - (iii) Partnership tax return (Form 1065) including the partners' Schedule K-1 for past two years, or if a new business, all returns available from date opened to present.
- (c) *Corporations:* In addition to the documentation in subsection (a) above, corporations shall also submit the following:
- (i) Recorded Articles of Incorporation or other organization document and bylaws.
 - (ii) Minutes for past year, or if a new business, since inception.
 - (iii) Copies of any resolutions affecting ownership.
 - (iv) Copy of all stock certificates issued or voided.
 - (v) Copy of IRS Entity Identification Number assignment.
 - (vi) Corporate tax return (Form 1120/1120S) for past two years, or all returns available from date opened to present. S Corporation tax return to include partners Schedule K-1.
- (d) *Limited Liability Companies:* In addition to the documentation in subsection (a) above, limited liability companies shall also submit the following:

- (i) Recorded Articles of Organization, Certificate of Formation, or other organizational document which shall include list of members.
 - (ii) Copy of the Operating Agreement.
 - (iii) Minutes for past year, or if a new business, since inception.
 - (iv) Copy of IRS Entity Identification Number assignment.
 - (v) Documentation of how LLC is taxed.
- (e) *Indian Business owned by other federally recognized tribes:* In addition to the documentation in subsection (a) above, Indian Business owned by other federally recognized tribes shall also submit the following:
- (i) The Tribal charter, ordinance, or resolution establishing the Applicant as a business of the tribe.
 - (ii) Copy of IRS Entity Identification Number assignment.

1.4 Evaluation of Application for Certification of all Applicants other than Mentorships

1.4.1 The TERO Director shall exercise broad discretion in reviewing the application and supporting documents in order to preserve the integrity of the Indian preference program. If the TERO Director has any question as to the applicant's fulfillment of one of the requirements, the TERO Director may deny the application.

1.4.2 The TERO Director will evaluate the application for certification based on factors, including, but not limited to, ownership, management control, and integrity of the structure.

1.4.3 *Ownership*

- (a) *Formal Ownership:* The business entity shall prove its claim that the Indian(s) owns at least 51% of the business entity. Therefore, according to the organic documents:
- (i) The Indian(s) shall own at least 51% of the assets and equipment of the business entity and shall be entitled to receive at least 51% of the assets upon dissolution.

- (ii) The Indian(s)'s 51% or more ownership of the business entity shall provide him or her with a majority of the voting rights or other decisional authority, and all decisions of the business entity shall be made by a majority vote except where otherwise required by law.
- (b) *Value:* The business entity shall prove that the Indian(s)'s contributions, both financial and experiential, are real and substantial.
 - (i) Contribution of capital, equipment, real property, space, patents, or copyrights shall be evaluated to determine whether a significant financial investment has occurred.
 - (ii) "Real value" will not be found if the Indian(s) purchased his or her ownership share, directly or indirectly, through a promissory note, the ultimate creditor of which is the non-Indian owner of the firm or an immediate relation thereof, or any similar arrangement, unless a convincing showing can be made that the Indian owner(s) brought such special skills, marketing connections, or similar benefits to the business that there is good reason to believe the arrangement would have been entered into even if there were no Indian preference program in existence.
 - (iii) The Indian(s)'s irreplaceable expertise may be credited towards required contribution only if it is of outstanding quality, critical to the business entity's operations, and indispensable to the business entity's potential success. Expertise will be considered in light of the totality of all relevant circumstances and counted only if accompanied by a clearly documented financial contribution.
- (c) *Profit:* The business entity shall prove that the Indian owner(s) will receive 51% or more of all profits. There shall not be any provision in any documentation that gives the non-Indian owner a greater share of the profits, in whatever form and under whatever name, such as through management fees, equipment rental fees, or bonuses tied to profits.

1.4.4 *Management Control:* The business entity must prove that one or more of the Indian owners is substantially involved, as a senior level official, in the day-to-day management of the business entity or that the business entity is the Indian(s) primary employment activity, unless

- (a) *Exception #1*
 - (i) The business is 100% Indian owned;

- (ii) The CEO is the spouse and/or parent of the Indian owner and is substantially involved in the day-to-day management of the business entity;
 - (iii) The CEO's family lives on the reservation or within the Tribe's service area; and
 - (iv) The majority of employees are Indian if it is customary and usual for a business entity of this type and size to employ more than the Indian owner(s) and/or family members of the Indian owner(s).
- (b) *Exception #2:* The business is modeled on a publicly-held corporation such that:
- (i) it is owned by 10 or more persons;
 - (ii) is at least 70% Indian-owned;
 - (iii) the CEO and the highest-salaried employee in the business is/are Indian; and
 - (iv) a majority of the employees are Indian if it is customary and usual for a business entity of this type and size to employ more than four (4) employees, whether full-time or part-time.

1.4.5 *Integrity of the Structure*

- (a) If the TERO Office has good reason to believe that the business entity was established solely or primarily to take advantage of the Indian preference program, then the business entity shall not be certified.
- (b) If the business entity was originally owned by a non-Indian(s) and the non-Indian(s) remains involved in the business entity in any capacity, the Indian(s) must demonstrate that the transfer of ownership and control to the Indian(s) was made for reasons other than obtaining certification.

1.4.6 *Brokers*

- (c) If the business entity is a broker, it must own, operate, or maintain a store, warehouse, or other establishment in which commodities being supplied are bought, kept in stock, and sold to the public in the usual course of business.
- (d) If the business entity is a broker who does not own, operate, or maintain a store, warehouse, or other establishment in which commodities being

supplied are bought, kept in stock, and sold to the public in the usual course of business, then the business entity must demonstrate that it is customary and usual in the requested registration categories for a broker/dealer not to maintain an establishment and to keep the commodities in stock.

1.5 Mentorships:

1.5.1 Any Certified Business may seek certification of a mentorship with a non-Indian business for a particular project.

1.5.2 *Application for Mentorship Certification:* The following information shall be requested on the application for certification of a mentorship:

(a) *Information about the Non-Indian Business*

- (i) Name and type of business.
- (ii) Date of establishment of business.
- (iii) Primary business activities of the Applicant.
- (iv) Physical address of Applicant's business.
- (iv) Identification of board of directors and officers if the non-Indian Business is a corporation or limited liability company.

(b) *Project*

- (i) Identification for which the Mentorship is being formed.
- (ii) Explain the anticipated professional benefit that the Certified Business will obtain from the mentorship.

(c) *Investments and Contributions*

- (i) The Certified Business' and the non-Indian Business' knowledge and/or experience with similar projects.
- (ii) The amount of capital that each party to the mentorship will invest in the project;
- (iv) Identification of all employees that each party to the mentorship will use in the project with each employee's job description, designation of the employee as full-time or part-time, salary, and designation of Tribal Member or Indian status.

- (iii) Identification of management personnel for the project.
 - (iv) Identification of assets that each party to the mentorship will use in the project.
- (d) *Registration*
- (i) Identification of the categories in which the mentorship desires to be registered.
 - (ii) Identification of all owners and/or employees who have a license or certification which is required in order for the mentorship to legally perform activities within the requested registration categories.
 - (iii) A list of an continuing education completed by any owners and/or key employees within the past two years which are applicable to the requested registration categories.
 - (iv) Detailed list of current inventory for both parties to the mentorship.
 - (v) For each requested registration category, a list of contracts and/or subcontracts performed within the past two years with contract price by each party to the mentorship.

1.5.3 *Documentation to be Submitted with the Application*

- (a) The mentorship agreement, detailing the management, operation, and fee arrangements for the mentorship.
- (b) Copies of all necessary licenses and certifications held by any owner and employee of either party that may be required in order for the mentorship to legally perform activities in the requested registration categories. This may include, but is not limited to, a business license, a sales tax number, state licenses, and bonding letters.
- (c) Resume of all owners and/or key employees for either party that demonstrate experience and/or education to manage a business engaged in the requested registration categories.
- (d) Copies of personal certifications from state, college, technical school or local agencies for any owners and/or key employees of either party demonstrating experience and/or education to manage a business engaged in the requested registration categories.

- (e) No less than one (1) recommendation letters from prior employers and/or clients relative each party to the mentorship's qualifications and skills in each requested registration categories. This recommendation letter may not come from the Tribe or a Tribal entity.
- (f) Any other documentation required by the TERO Office to complete the certification process.

1.5.4 *Evaluation of Mentorship Application*

- (a) The mentorship must be customary and usual in the area of trade.
- (b) The TERO Director shall exercise broad discretion in reviewing the application and supporting documents in order to preserve the integrity of the Indian preference program.

1.6 Continuing Duty to Comply with Certification Requirements

1.6.1 Each Certified Business shall maintain compliance with all certification requirements at all times during the solicitation, evaluation, and award of contracts and shall report in writing to the TERO Office any changes in its responses to the certification application and/or supporting documents within thirty (30) days after such changes have occurred.

1.6.2 Failure to update pursuant to this Section shall constitute grounds for TERO Director to move for withdrawal of certification pursuant to Section 33-2-8 of the TERO Ordinance.

1.7 Annual Reports

1.7.1 On October 1 of each year, each Certified Business shall update the information provided in its initial application(s).

1.7.2 The annual report shall include:

- (a) Identification of any changes to the board of directors or officers if the Certified Business is a corporation or limited liability company.
- (b) Date of last shareholder or member meeting if the Certified Business is a corporation or limited liability company.

- (c) List the gross receipts for last year and the current year-to-date.
- (v) A list of all employees that have been hired since the time of the initial application or the Certified Business's last annual report with each employee's job description, designation of the employee as full-time or part-time, salary, and designation of Tribal Member or Indian status.
- (vi) Identify any changes to management personnel time that have occurred since the initial application or last annual report.
- (vii) Identify any other business that the Certified Business relies on for management functions or employee payroll if the Certified Business did not use such a business at the time of the initial application or the last annual report.
- (viii) Identify any management or supervisory functions that an owner, director, or officer performs for any other businesses or immediate family member businesses that did not exist at the time of the initial application or the last annual report.
- (ix) Identify any ownership or management interest of any of the owners, directors or officers in any other business or immediate family member business that has a relationship with the Applicant that did not exist at the time of the initial application or last annual report.
- (x) Identify any management personnel who perform management or supervisory functions for any other businesses that did not exist at the time of the initial application or the last annual report.
- (xi) Identify any ownership or management interest of any management personnel in any other business or immediate family member business that has a relationship with the Applicant that did not exist at the time of the initial application or the last annual report.
- (k) Identification of any new categories in which the Applicant desires to be registered.
- (l) Certification that all owners and/or employees who had a license or certification required to legally perform activities within the requested registration categories still have the license or certification and are still affiliated with the business entity.
- (m) A list of any continuing education completed by any owners and key employees since the time of the initial application or the last annual report.
- (n) Detailed list of current inventory.

- (o) For each requested registration category, a list of contracts or subcontracts performed since the time of initial application or the last annual report.
- (p) *Documentation to be Submitted with the Application*
 - (i) Complete personal tax returns including the Schedule C, if such Schedule is part of the return, filed since the initial application or the last annual report.
 - (ii) Updated personal financial statements for each owner.
 - (iii) If the certified business is a partnership, partnership tax return (Form 1065) including the partners' Schedule K-1, filed since the initial application or the last annual report.
 - (iv) If the certified business is a corporation, corporate tax returns (Form 1120/1120S) filed since the initial application or the last annual report.
 - (v) Copies of W-2's and 1099's since the initial application or the last annual report.
 - (vi) Copies of all current insurance policies, including, but not limited to, general liability policies, professional liability policies, worker's compensation insurance policies, and automobile policies.
 - (vii) Copies of the Certified Business's bank statements for past 12 months, or if the Certified Business has not been in existence for the past 12 months, copies of the bank statements from the time the bank account was opened to the present.
 - (viii) Copies of cancelled checks from the past two pay periods for all employees and bank statements or online printouts proving that payroll taxes have been paid.
 - (ix) Copies of the Applicant's books, to include a general ledger, check registers, an accounts receivable ledger, and an accounts payable ledger. This may be generated manually or by a computer.
 - (x) A current balance sheet.
 - (xi) Any supporting documentation for assets purchased since the initial application or the last annual report.

- (xii) Any titles and/or tax assessments for assets, if such documentation exists for the assets.
- (xiii) Copies of current equipment leases, if any, and proof of payment of those leases.
- (vii) For corporations and limited liability companies, minutes for the past year, or if the business has not been in existence for one year, since inception.
- (viii) For corporations, copies of any resolutions affecting ownership and copies of all stock certificates issued or voided since the initial application or the last annual report.
- (xiv) Copies of all necessary licenses and certifications held by any owner and employee that may be required in order for the Applicant to legally perform activities in the requested registration categories. This may include, but is not limited to, a business license, a sales tax number, state licenses, and bonding letters.
- (xv) Updated resume of all owners and all key employees demonstrating experience and/or education to manage a business engaged in the requested registration categories.
- (xvi) If the business is requesting a new certification category, copies of personal certifications from state, college, technical school or local agencies for any owners and key employees demonstrating experience and/or education to manage a business engaged in the requested registration categories.
- (xvii) If the business is requesting a new certification category, no less than three (3) recommendation letters from prior employers and/or clients relative to the Applicant's qualifications and skills in the requested registration categories.
- (xviii) Any other documentation required by the TERO Office to complete the certification process.

1.7.3 Failure to file an annual report pursuant to this Section shall constitute grounds for TERO Director to move for withdrawal of certification pursuant to Section 33-2-8 of the TERO Ordinance.

1.8 Withdrawal of Certification

1.8.1 The TERO Director shall initiate withdrawal proceedings:

- (a) If, based on (a) any information provided in any required reports, (b) a written grievance filed by any other business or person, (c) any information acquired during an investigation, audit, or other proceeding conducted by the TERO Office, and/or (d) suspension or debarment by the TERO Commission, the TERO Director has any reasonable question as to a Certified Business's fulfillment of one of the requirements for certification.
- (b) if the Certified Business fails to fail a report which is required under these regulations or the Tribal Employment Rights Ordinance or comply with a request for information issued by the TERO Office pursuant to these regulations or the Tribal Employment Rights Ordinance.

1.8.2 The TERO Director shall send the business notice by registered mail that its certification is being examined, along with the grounds therefore. The business shall have seven (7) business days to submit a written response to the notice and the grounds for questioning its certification with any supporting documentation.

1.8.3 The Certified Business shall cooperate in all respects with the TERO Office's examination of the certification and shall provide the TERO Director with any requested information within fourteen (14) days of such request. Failure to provide any requested information shall constitute grounds for the TERO Director issue a finding in favor of withdrawal of the certification.

1.8.4 If the withdrawal for certification is pursuant to Section 1.8.1(a), the TERO Director shall evaluate all information available in accordance with the factors and standards set forth in Section 1.4. Based on the evaluation, the TERO Director shall prepare an analysis regarding whether the business continues to meet the eligibility requirements for certification. If the business no longer meets the eligibility requirements, then the TERO Director shall either withdraw or suspend certification.

1.8.5 If the withdrawal for certification is pursuant to Section 1.8.1(b), the TERO Director shall prepare an analysis detailing whether the business continues to meet the eligibility requirements for certification and whether the business willfully failed to file a report or comply with a request. If the TERO Director finds that the business willfully failed to file a report or comply with a request or

that the business still meets the eligibility requirements, then the TERO Director shall either withdraw or suspend certification.

1.8.6 The TERO Director shall send the business by registered mail a copy of the determination of withdrawal or suspension with supporting documentation.

1.8.7 *Appeal*

- (c) A business has five business days to appeal any determination of withdrawal or suspension of certification to the TERO Commission.
- (d) The hearing shall be held within fourteen (14) business days of the appeal.
- (e) At the hearing, the TERO Director shall have the burden of proof by the preponderance of evidence to explain why the withdrawal or suspension is justified.
- (f) At the hearing, the TERO Director shall present the case for suspension or withdrawal, and the business shall have the opportunity to present evidence in support of its eligibility for certification.
- (g) After the hearing, the Commission may either:
 - (i) Withdraw certification;
 - (ii) Suspend certification for up to one year;
 - (iii) Place the business on probation; and/or
 - (iv) Order corrective action be taken within a fixed period.
- (h) The TERO Commission's decision shall be final and binding and not subject to any further appeal.

1.8.8 Period of Ineligibility

- (a) A business that has had its certification withdrawn may not reapply for certification of that business.
- (b) For a period of one year following withdrawal of certification, any owner of a business that had its certification withdrawn may not apply for certification of any new business unless that new business would not be registered in any of the

same registration categories that the business that had its certification withdrawn was registered.

CHAPTER TWO REGISTRATION

2.1 Generally

- 2.1.1 Once the TERO Office certifies a business, then the TERO Office shall register the Certified Business in categories of business areas for products and/or services in which the Certified Business has established its Fitness.
- 2.1.2 The burden of proof shall be upon the Certified Business to establish its Fitness in particular categories of business areas for products and/or services.
- 2.1.3 Once initially registered, Certified Businesses may only request additional registration categories upon the submission of the annual report unless there has been an amendment to the categories in accordance with Section 2.4.

2.2 Categories of Business Areas

A certified business may be registered in any of the following categories:

- 2.2.1 *Agriculture, Forestry, Fishing and Hunting*: This shall include, but not be limited to, crop production; beef cattle ranching and farming, including feedlots; all other animal production; forestry and logging; support activities for crop production; support activities for animal production; support activities for forestry; and farm management services.
- 2.2.2 *General Residential Construction--\$0 to \$100,000*: This shall include, but not be limited to, new single-family housing construction; new multifamily housing construction; and residential remodelers.
- 2.2.3 *General Residential Construction--\$100,001+*: This shall include, but not be limited to, new single-family housing construction; new multifamily housing construction; and residential remodelers.
- 2.2.4 *Commercial and Institutional Building Construction--\$0 to \$100,000*: This shall include, but not be limited to, new commercial and institutional buildings and additions, alterations and renovations to existing buildings; new hotel and motel construction and additions, alterations and renovations to existing hotels and motels; new public administration building construction and additions, alterations and renovations to existing public administration buildings; new casino construction and additions, alterations and renovations to existing casinos; new fire station construction and additions, alterations and renovations to existing fire

stations; new parking garage construction and additions, alterations and renovations to existing parking garages; and prefabricated commercial and institutional building erection.

2.2.5 *Commercial and Institutional Building Construction--\$100,001+*: This shall include, but not be limited to, new commercial and institutional buildings and additions, alterations and renovations to existing buildings; new hotel and motel construction and additions, alterations and renovations to existing hotels and motels; new public administration building construction and additions, alterations and renovations to existing public administration buildings; new casino construction and additions, alterations and renovations to existing casinos; new fire station construction and additions, alterations and renovations to existing fire stations; new parking garage construction and additions, alterations and renovations to existing parking garages; and prefabricated commercial and institutional building erection.

2.2.6 *Construction Management*

2.2.7 *Water and Sewer Line and Related Structures Construction*: This shall include, but not be limited to, capping of water wells; construction of sewer and water distribution lines; construction of lagoon/sewage treatment construction; construction of water and sewage system pumping stations; sanitary sewer construction; utility line (i.e., sewer, water) construction; water main and line construction; water pumping or lift station construction; water system storage tank and tower construction; water treatment plant construction; water well drilling, digging, boring or sinking; and water well pump and well piping system installation.

2.2.8 *Power and Communication Line and Related Structures Construction*: This shall include, but not be limited to, cable laying (e.g., cable television, electricity, marine, telephone); cellular phone tower construction; communication tower construction; construction management, power and communication transmission line; fiber optic cable transmission line construction; and underground cable (e.g., cable television, electricity, telephone) laying.

2.2.9 *Highway, Street, and Bridge Construction*: This shall include, but not be limited to, asphalt paving (i.e., highway, road, street, public sidewalk); concrete paving (i.e., highway, road, street, public sidewalk); culverts, highway, road and street construction; curbs and street gutters, highway, road and street construction; elevated highway construction; guardrail construction; highway construction; highway line painting; painting lines on highways, streets and bridges; painting traffic lanes or parking lots; parking lot marking and line painting; pothole filling; road and street construction; sidewalk construction; and tarring roads.

- 2.2.10 *Poured Concrete Foundation and Structure Contractors*: This shall include, but not be limited to, chimney and concrete construction; concrete finishing; concrete floor surfacing; concrete pouring; concrete pumping (i.e., placement); concrete repair; concrete resurfacing; footing and foundation concrete contractors; pouring concrete foundations for buildings; grouting (i.e., reinforcing with concrete); constructing poured concrete retaining walls.
- 2.2.11 *Structural Steel and Precast Concrete Contractors*: This shall include, but not be limited to, installing concrete product (e.g., structural precast, structural prestressed); concrete reinforcement placement; installing precast concrete curtain wall; erecting structural steel; structural iron work; placing and tying reinforcing rod at a construction site; installing precast concrete panel, slab, or form; rebar contractors; reinforcing steel contractors; steel reinforcing contractors; and structural steel contractors.
- 2.2.12 *Framing Contractors*: This shall include, but not be limited to, building framing (except structural steel); framing carpentry; installing wood ceiling beams; constructing wood foundations; residential framing; framing contractors; permanent wood foundation installation; prefabricated wood frame component (e.g., trusses) installation; roof truss installation; wood sheathing installation; stud wall (e.g., wood, steel) installation; prefabricated wall component (i.e., exterior, interior) installation; and wood frame component (e.g., truss) fabrication on site.
- 2.2.13 *Masonry Contractors*: This shall include, but not be limited to, bricklaying contractors; cement block laying; chimney, brick, block or stone contractors; cinder block installation; concrete block laying; field stone (i.e., masonry) installation; fireplace installation; brick, block, and stone foundation installation; installing marble, granite and slate exterior; constructing a block, brick, and stone retaining wall; slate (i.e., masonry) contractors; stonework (i.e., masonry) contractors; and stucco contractors.
- 2.2.14 *Glass and Glazing Contractors*: This shall include, but not be limited to, installing glass curtain wall; decorative glass and mirror installation; installing glass cladding (i.e., curtain wall); glass coating and tinting (except automotive) contractors; glass installation (except automotive) contractors; installing glass partitions; glazing contractors; installing commercial hermetically sealed window units; mirror installation; stained glass installation; and window pane or sheet installation.
- 2.2.15 *Roofing Contractors*: This shall include, but not be limited to, asphalt roof shingle installation; corrugated metal roofing installation; low slope roofing installation; painting, spraying, or coating roof; roofing contractors; built-up tar and gravel

roofing installation; shake and shingle roofing installation; and sheet metal roofing installation.

- 2.2.16 *Siding Contractors:* This shall include, but not be limited to, aluminum siding installation; downspout, gutter, and gutter guard installation; eaves trough installation; fascia and soffit installation; flashing contractors; gutter and downspout contractors; seamless roof gutters formed and installed on site; metal siding installation; siding (e.g., vinyl, wood, aluminum) installation; vinyl siding, soffit and fascia installation; and wood siding, installation.
- 2.2.17 *Other Foundation, Structure, and Building Exterior Contractors:* This shall include, but not be limited to, awning installation; metal balcony installation; metal deck and grate (except roof) installation; decorative steel and wrought iron work installation; epoxy application contractors; fire escape installation; fireproofing buildings; metal furring contractors; ornamental metal work installation; shutter installation; metal stairway installation; metal or metal frame store front installation; and on-site welding contractors.
- 2.2.18 *Electrical Contractors:* This shall include, but not be limited to, electric alarm system (e.g., fire, burglar) installation only; audio equipment installation (except automotive); building automation system installation; electrical or fiber optic cable splicing; cable television hookup contractors; communication equipment installation; computer and network cable installation; control system (e.g., environmental, humidity, temperature) installation; electric power control panel and outlet installation; electrical appliance installation; electrical contractors; electrical wiring contractors; electrician; electronic control installation and service; fiber optic cable (except transmission lines) installation; intercommunication (intercom) system installation; lighting system installation; low voltage electrical work; security and fire system installation only; smoke detection system installation only; sound equipment installation; surveillance system installation only; telecommunications equipment and wiring (except transmission line) installation; and telephone equipment and building wiring installation.
- 2.2.19 *Plumbing, Heating, and Air-Conditioning Contractor:* This shall include, but not be limited to, air vent installation; air-conditioning system (except window) installation; bathroom plumbing fixture and sanitary ware installation; central air-conditioning equipment installation; central cooling and heating equipment and piping installation; duct work (e.g., cooling, dust collection, exhaust, heating, ventilation) installation; exhaust system (e.g., kitchens, industrial work areas) installation; fire sprinkler system installation; heating, ventilation and air-

conditioning (HVAC) contractors; lawn sprinkler system installation; plumbing contractors; and building sprinkler system installation.

2.2.20 *Other Building Equipment Contractor:* This shall include, but not be limited to, household antenna installation; ATM (automated teller machine) installation; automated and revolving door installation; commercial kitchen food preparation equipment (e.g., mixers, ovens, stoves) installation; deodorization (i.e., air filtration) system installation; commercial- or industrial-type door installation; millwrights; and vending machine installation.

2.2.21 *Drywall and Insulation Contractors:* This shall include, but not be limited to, acoustical ceiling tile and panel installation; acoustical foam (i.e., sound barrier) installation; attic space insulating; blown-in insulation (e.g., cellulose, vermiculite) installation; building insulation contractors; ceiling tile installation; cellulosic fiber insulation installation; drop ceiling installation; drywall contractors; drywall finishing (e.g., sanding, spackling, stippling, taping, texturing); drywall hanging; drywall installation; exterior insulation finish system installation; noise insulating, fabric wall system installation; finishing drywall contractors; foam insulation installation; fresco (i.e., decorative plaster finishing) contractors; glass fiber insulation installation; gypsum board installation; insulation contractors; lathing contractors; panel or rigid board insulation installation; plastering (i.e., ornamental, plain) contractors; polystyrene board insulation installation; roof insulation contractor; suspended ceiling installation; urethane foam insulation application; and wall cavity and attic space insulation installation.

2.2.22 *Painting and Wall Covering Contractors:* This shall include, but not be limited to, engineering structure (e.g., oil storage tank, water tower) painting; house painting; painting and wallpapering; and whitewashing contractors.

2.2.23 *Flooring Contractors:* This shall include, but not be limited to, access flooring installation; asphalt flooring installation only; carpet installation only; computer flooring installation; fireproof flooring installation; floor laying, scraping, finishing and refinishing; floor tile and sheets installation only; hardwood flooring installation only; linoleum installation only; resilient floor tile or sheet (e.g., linoleum, rubber, vinyl) installation only; resurfacing hardwood flooring; vinyl flooring contractors; wood floor finishing (e.g., coating, sanding); ceramic tile installation; marble or stone mantel installation; interior marble, granite and slate installation; mosaic work; stone flooring installation; terrazzo contractors; tile contractors; and tile laying and setting.

- 2.2.24 *Finish Carpentry Contractors*: This shall include, but not be limited to, residential-type aluminum door and window installation; built-in wood cabinets constructed on site; cabinet and cabinetry work performed at the construction site; carpenters (except framing) and carpentry work (except framing); residential-type counter top installation; residential-type deck construction; door and window frame construction; prefabricated door and window installation; finish carpentry; millwork installation; wood or plastic molding or trim installation; residential-type prefabricated kitchen and bath cabinet installation; trim and finish carpentry contractors; and installation of residential-type, prefabricated window and door of any material.
- 2.2.25 *Other Building Finishing Contractors*: This shall include, but not be limited to, bath tub refinishing on-site; building fixture and fitting (except mechanical equipment) installation; caulking (i.e., waterproofing) contractors; coating concrete structures with plastics; concrete coating, glazing or sealing; metal partition (e.g., office, washroom) installation; moveable and/or demountable partition installation; weather stripping installation; and weatherproofing concrete.
- 2.2.26 *Site Preparation Contractors*: This shall include, but not be limited to, backfilling construction; backhoe rental with operator; boring for building construction; building demolition; concrete breaking and cutting for demolition; demolition contractor; building and structure demolition; digging foundations; dirt moving for construction; excavating, earthmoving, or land clearing contractors; excavation contractors; grading construction sites; house demolishing; land clearing; septic system contractors; test boring for construction; and wrecking buildings or other structures.
- 2.2.27 *All Other Specialty Trade Contractors*: This shall include, but not be limited to, residential and commercial parking lot and driveway asphalt coating and sealing; residential and commercial driveway and parking area blacktop work; chain link fence installation; cleaning building interiors during and immediately after construction; fence installation (except electronic containment fencing for pets); sandblasting building exteriors; scaffold erecting and dismantling; and manufactured (mobile) home set-up and tie down.
- 2.2.28 *Architectural and Structural Metals Manufacturing*: This shall include, but not be limited to, ornamental and architectural metal products manufacturing; ornamental and architectural metal work manufacturing; sheet metal manufacturing; plate work manufacturing; fabricated structural metal manufacturing; prefabricated metal building and component manufacturing; and metal window and door manufacturing.

- 2.2.29 *Machine Shops and Metal Hardware, Tools, and Machine Manufacturing:* This shall include, but not be limited to, machine shops; precision turned product manufacturing; hardware manufacturing; screw, nut, and bolt manufacturing; metalworking machinery manufacturing; machine tool (metal cutting types) manufacturing; machine tool (metal forming types) manufacturing; special die and tool, die set, jig, and fixture manufacturing; cutlery and hand tool manufacturing; hand and edge tool manufacturing; saw blade and handsaw manufacturing; and powder metallurgy part manufacturing.
- 2.2.30 *Other Fabricated Metal Product Manufacturing:* This shall include, but not be limited to, industrial mold manufacturing; forging and stamping; iron and steel forging; metal stamping; metal can, box, and other metal container manufacturing; and any other metal manufacturing not included as part of Section 2.2.28 or 2.2.29.
- 2.2.31 *Gaming Equipment Manufacturing:* This shall include, but not be limited to, Class II or Class III gaming equipment manufacturing; gaming device manufacturing; gaming device component manufacturing; and equipment ancillary to gaming devices manufacturing.
- 2.2.32 *Other Manufacturing:* This shall include, but not be limited to, any other manufacturing not included in Sections 2.2.28 through 2.2.31.
- 2.2.33 *Printing:* This shall include, but not be limited to, commercial lithographic printing; commercial gravure printing; commercial flexographic printing; commercial screen printing; quick printing; digital printing; manifold business forms printing; other commercial printing; and support activities for printing.
- 2.2.34 *Automobile Dealers and Automotive Parts and Accessories Retailers*
- 2.2.35 *Furniture and Home Furnishing Retailers:* This shall include, but not be limited to, furniture stores, floor covering stores, and window treatment stores.
- 2.2.36 *Food and Beverage Retailers:* This shall include, but not be limited to, grocery stores; supermarkets; convenience stores; specialty food stores; meat markets; fish and seafood markets; fruit and vegetable markets; beer, wine, and liquor stores; tobacco stores.
- 2.2.37 *Health and Personal Care Retailers:* This shall include, but not be limited to, pharmacies; drug stores; optical goods stores; cosmetic and beauty supply stores; health food supplement stores.

- 2.2.38 *Gasoline Stations and Fuel Dealers:* This shall include, but not be limited to, gasoline stations with or without convenience stores; heating oil dealers, and liquefied petroleum gas (bottled gas) dealers.
- 2.2.39 *Office Supplies and Stationary Retailers*
- 2.2.40 *Clothing Retailers*
- 2.2.41 *Casino and Gambling Retailers:* This shall include, but not be limited to, suppliers of equipment ancillary to Class II or Class III gaming devices; suppliers of implements of Class II or Class III gaming activities such as playing cards and dice; and other goods, services or concessions which are only used in connection with Class II or Class III gaming activities, which are included by Section 2.2.31.
- 2.2.42 *Other Miscellaneous Retailers:* This shall include, but not be limited to, any other manufacturing not included in Sections 2.2.34 through 2.2.41.
- 2.2.43 *ATM and Vending Machine Operators*
- 2.2.44 *Transportation and Warehousing:* This shall include, but not be limited to, local and long-distance general freight trucking; local and long-distance specialized freight trucking; and motor vehicle towing.
- 2.2.45 *Information:* This shall include, but not be limited to, periodical publishers; directory and mailing list publishers (includes compiling mailing lists in conjunction with providing direct mail advertising services); sound recording industries; record production; sound recording studios; and telephone-based recorded information services.
- 2.2.46 *Finance and Insurance:* This shall include, but not be limited to, portfolio management; investment advice; insurance and employee benefit funds; health and welfare funds; consumer lending; investment banking and securities dealing; securities brokerage; other financial investment activities; insurance agencies and brokerages; claims adjusting; third party administration of insurance and pension funds; cash management services; and money counting machines.
- 2.2.47 *Real Estate and Rental and Leasing:* This shall include, but not be limited to, real estate agents and brokers; real estate property managers; lessors of residential buildings and dwellings; lessors of nonresidential buildings; lessors of miniwarehouses and self-storage units; lessors of RV and mobile home lots; and real estate appraisers.
- 2.2.48 *Equipment Rental and Leasing:* This shall include, but not be limited to, truck, utility trailer and RV rental and leasing; home health equipment rental;

recreational goods rental; and commercial and industrial machinery rental and leasing.

- 2.2.49 *Legal Services:* This shall include, but not be limited to, offices of lawyers; offices of notaries; title abstract and settlement offices; and all other legal services.
- 2.2.50 *Accounting, Tax Preparation, Bookkeeping, and Payroll Services*
- 2.2.51 *Architectural, Engineering, and Related Services:* This shall include, but not be limited to, architectural services; landscape architectural services; engineering services; drafting services; and building inspection services.
- 2.2.52 *Geophysical Surveying and Mapping Services:* This shall include, but not be limited to, surveying and mapping; geophysical surveying and mapping; and testing services.
- 2.2.53 *Specialized Design Services:* This shall include, but not be limited to, interior design services; industrial design services; graphic design services; computer systems design; and computer facilities management services.
- 2.2.54 *Advertising, Public Relations, and Related Services:* This shall include, but not be limited to, direct mail advertising; advertising agencies; public relations agencies; media buying agencies; display advertising; advertising material distribution services; marketing research and public opinion polling.
- 2.2.55 *Other Professional, Scientific, and Technical Services:* This shall include, but not be limited to, any other manufacturing not included in Sections 2.2.49 through 2.2.54.
- 2.2.56 *Administrative and Support Services:* This shall include, but not be limited to, employment services; employment placement agencies; executive search services; temporary help services; document preparation services; telephone call centers; telephone answering services; collection agencies; repossession services; travel agencies; tour operators; investigation and security services; security system services; armored car services; locksmiths; exterminating and pest control services; janitorial services; landscaping services; and carpet and upholstery cleaning services.
- 2.2.57 *Waste Management and Remediation Services:* This shall include, but not be limited to, waste collection; waste treatment and disposal; hazardous waste treatment and disposal; remediation services; and septic tank and related services.

- 2.2.58 *Educational Services*: This shall include, but not be limited to, computer training; exam preparation and tutoring; sports and recreation instruction; and automobile driving instruction.
- 2.2.59 *Health Care and Social Assistance*: This shall include, but not be limited to, offices of physicians; offices of dentists; offices of optometrists; offices of mental health practitioners; offices of other health practitioners; family planning centers; kidney dialysis centers; home health care services; ambulance services; psychiatric and substance abuse hospitals or facilities.
- 2.2.60 *Arts, Entertainment, and Recreation*: This shall include, but not be limited to, musical groups and artists; nature parks and other similar institutions; agents for artists, athletes, entertainers, and other public figures; museums; amusement arcades; casinos; golf courses; fitness and recreational sports centers; and bowling centers.
- 2.2.61 *Accommodation and Food Services*: This shall include, but not be limited to, hotels; motels; casino hotels; RV parks and recreational campgrounds; rooming and boarding houses; full-service restaurants; limited-service eating places and restaurants; cafeterias; grill buffets; buffets; snack and nonalcoholic beverage bars; caterers; mobile food services; and alcoholic drinking places.
- 2.2.61 *Automotive Repair and Maintenance*: This shall include, but not be limited to, general automotive repair; automotive body, paint, and interior repair and maintenance; automotive oil change and lubrication shops; automotive glass replacement shops; and car washes.

2.3 Evaluation of Requested Registration Categories

- 2.3.1 The TERO Office shall evaluate the a Certified Business' request for registration in a category by determining (1) whether the Certified Business has the experience, capability, and equipment needed to perform in that business area ("Fitness") and (2) if the Indian owner(s) upon whom certification is based has the experience and/or education to effectively manage a business engaged in that area of work.
- 2.3.2 In evaluating Fitness, the TERO Office shall evaluate whether the structure, finances equipment arrangements, management and other factors are ones that are consistent with normal and customary business practices in that business area. The TERO Office will reject any business whose factors indicate that the business' structure is so atypical for a business in that area that it is likely the business was created to or is seeking work in a business area in order primarily to take advantage of Indian preference and not as a business that has the potential to

be a successful Indian business over the long term in general or in that business area.

2.4 Amendments the Categories of Business Areas

- 2.4.1 The TERO Commission reserves the right to amend the categories of business areas for products and/or services.
- 2.4.2 Any amendment to the categories of business areas for products and/or services will be through the rulemaking process outlined in Section 33-2-3 of the Tribal Employment Rights Ordinance.
- 2.4.3 If an amendment eliminates the registration category in which a Certified Business is registered, then the Certified Business may request registration in any newly created categories or categories that were revised by the amendment.
- 2.4.4 If an amendment adds a new registration category, then any business that is certified and registered in any category at the time of the issuance of the notice of the proposed rulemaking action that creates the new registration category may request registration in the newly created category.

CHAPTER THREE PUBLICATION OF CERTIFIED BUSINESS LIST AND REGISTRATION CATEGORIES

- 3.1 The TERO Office shall periodically publish a comprehensive list of all Certified Businesses; however, in no event, shall the list be published less than quarterly.
 - 3.1.1 The list shall include the contact information for the Certified Business and all categories in which the Certified Business has been registered.
 - 3.1.2 The comprehensive list of all Certified Businesses shall also include an index listing all of the businesses within each established registered category.
- 3.2 The list shall, at a minimum, be distributed to the Tribal Administrator; Tribal Government Chief Financial Officer; the Tribal Government Procurement Officer; all directors, presidents, and chief executive officers for the tribal authorities and commissions; all general managers and site managers for any tribally-owned business or entity; and all procurement officers or equivalent positions for any tribal authority, commission, and tribally-owned business or entity.
- 3.3. If the TERO Office certifies a new business prior to the publication of a new comprehensive list, the TERO Office shall, at a minimum, notify those individuals listed

in Section 3.2 of the new Certified Business. The notification shall include the name of the Certified Business, the contact information for the Certified Business; and the categories in which the business has been registered.

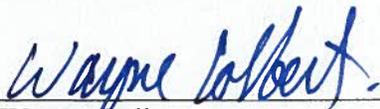
NOW THEREFORE BE IT FURTHER RESOLVED that TERO Director directed to provide this Notice of Proposed Rulemaking Action to the Tribal Council and post this Notice at tribal offices in accordance with Section 33-2-3 of the TERO Ordinance;

NOW THEREFORE BE IT FURTHER RESOLVED that per this Notice of Proposed Rulemaking Action, any written comments shall be submitted to the TERO Commission at 5811 Jack Springs Road, Atmore, AL 36502 or ccole@pci-nsn.gov by 5 p.m. on Thursday, October 13, 2011; and

NOW THEREFORE BE IT FURTHER RESOLVED that per this Notice of Proposed Rulemaking Action, the TERO Commission will hold a hearing on Thursday, October 13, 2011 at 5:30 p.m. in the Tribal Council Chambers to address all comments received.

CERTIFICATION

This Resolution was duly passed by the Tribal Employment Rights Commission on September 16, 2011.



Wayne Colbert
Chairman



Secretary