

OMAHA TRIBE OF NEBRASKA

P. O. Box 368
Macy, Nebraska 68039

EXECUTIVE OFFICERS

Clifford Wolfe, Jr., Chairman
Doran Morris, Jr., Vice-Chairman
Tillie Aldrich, Treasurer
Gwen Porter, Secretary



TRIBAL ADMINISTRATION

(402) 837-5391
FAX (402) 837-5308

MEMBERS

Adriana Saunsoci
Vernon Miller
Jeffrey Miller

ORDINANCE

OMAHA TRIBAL COUNCIL

No. 14-151

Amending Omaha Tribal Code Title 27 [Tribal Employment Rights], § 27-3-12 [Establishment of TERO Tax and Fees] (b) [Other Employers]

WHEREAS: The Omaha Tribe of Nebraska is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of June 18, 1934 (25 U.S. C. 476 as amended); and,

WHEREAS, pursuant to Article IV, section 1 (j) of the Constitution of the Omaha Tribe of Nebraska, the tribal council has the power to safeguard, promote, and enforce the peace, economy, safety, law and order and general welfare of the tribe and the Omaha Indian Reservation; to regulate all manner of trade and commerce; to regulate all manner of criminal and non-criminal conduct, subject to any limitation of federal law; and,

WHEREAS: Title 27 of the Omaha Tribal Code provides the Standards and Procedures for Employment Practices and Application of Native American Preference, enacted via Omaha Tribal Council Resolution No. 03-58, commonly known as the "TERO Ordinance"; and,

WHEREAS: Section 27-3-12 (b) of Title 27, of the Omaha Tribal Code entitled "Other Employers" provides: " Every covered employer, other than construction contractors, with two (2) or more employees working on the Omaha Reservation, or with gross sales on the Omaha Reservation of one hundred thousand dollars (\$100,000) or more, shall pay a quarterly fee of one percent (1%) of his or her employees' quarterly payroll which shall be paid within 30 days after the end of each quarter. This fee shall not apply to education, health, governmental, or nonprofit employers nor to utilities franchised by the Omaha Tribe or any subsidiary thereof."; and,

WHEREAS, the Omaha Tribal Council finds that since the TERO Ordinance was originally enacted in 2003, the TERO Ordinance should be updated to reflect the increased administrative and financial burden upon the Tribe's TERO Commission and Department, and to ensure that the TERO tax and fees are applicable to contractors employed by education, health, governmental, nonprofit and utilities franchised by the Omaha Tribe; and,

WHEREAS: The Omaha Tribal Council finds, after reasonable deliberation of the matter, that Section 27-3-12 (b) of Title 27 should be and is hereby amended to provide for coverage of employers with gross sales on the Omaha Reservation of One Thousand Dollars, rather than One Hundred Thousand Dollars; and, that those Employers shall pay a quarterly fee of Two and one-half percent (2 ½%) of the employees quarterly payroll; and,

NOW, THEREFORE BE IT RESOLVED that Title 27, Section 27-3-12 (b) of the Omaha Tribal Code shall be amended in accordance with this Resolution, to read as follows (changes in bold, deletions in strike-through):

“(b) Other Employers. Every covered employer, other than construction contractors, with two (2) or more employees working on the Omaha Reservation, or with gross sales on the Omaha Reservation of **one thousand dollars (\$1,000)** or more, shall pay a quarterly fee of **two and one half percent (2 ½%)** of his or her employees' quarterly payroll which shall be paid within 30 days after the end of each quarter. This fee shall not apply to education, health, governmental, or nonprofit employers nor to utilities franchised by the Omaha Tribe or any subsidiary thereof. **This provision shall apply to contractors and subcontractors hired by covered employers.**

CERTIFICATION

This will certify that the foregoing ordinance was considered at a meeting of the Tribal Council of the Omaha Tribe of Nebraska, duly called and held on 17th of July 2014, and was adopted by a vote of 4 FOR, 0 AGAINST and 3 NOT VOTING OR ABSENT with the Chairperson not voting. A quorum of 6 was present.

INTRODUCED BY: Gwen Porter
MOTION: Gwen Porter
SECOND: Vernon Miller

Dated: July 17, 2014.

Signed: [Signature]
Chairperson, Omaha Tribal Council

[Signature]
Secretary, Omaha Tribal Council