

Date \_\_\_\_\_

Resolution No. \_\_\_\_\_ (2019)

WHEREAS, Indian preference is a unique legal right that tribal members have that entitles them to first consideration at all employment, training, contracting, subcontracting and business opportunities that exist on and near tribal lands; and

WHEREAS, a tribe's authority to enact and enforce an Indian preference law is grounded in its inherent sovereign powers of self-government. This legal doctrine is the most basic principle of Indian Laws and is supported by a host of Supreme Court decisions; and

WHEREAS, it is the TERO organization's mission to strengthen and enforce the preference laws of the Eastern Band of the Cherokee Indians while creating employment and training opportunities for all members of the EBCI and other federally recognized tribes; and

WHEREAS, TERO recognizes the struggles faced by the enrolled members of the Eastern Band in securing employment and is dedicated to assisting the employment of our people to be self-sustaining; and

WHEREAS, for the Eastern Band of Cherokee Indians, Tribal Business Preference Law is set forth in Chapter 92 of the Cherokee Code of Ordinances, which includes establishing a Tribal Employment Rights Commission, a Tribal Employment Rights Office, outlining the Indian preference laws that apply to the members and the lands of the Eastern Band, and setting forth the authority to enforce those laws; and

WHEREAS, although the laws are well established, the impact of Tribal Employment Rights for members of the Eastern Band have historically tended to fall short of the impacts that other Tribes have seen, in parts of Indian country where TERO Ordinances are considered a central element of the economic success of the Tribe and its members; and

WHEREAS, in March 2019 the TERO Office surveyed 17 employers who provide permanent employment on<sup>1</sup> the Trust lands of the Eastern Band of Cherokee Indians. There is a total of 6,428 permanent positions within these 17 permanent employers, 1,920 EBCI tribal members are employed in these jobs, 24 other Indians are employed, 4,024 non-Indians are employed in these jobs, and 602 positions were vacant; and

WHEREAS, believing that the time has come for members of the Eastern Band to more fully receive the benefits of their employment rights under sovereign Tribal law, the Tribal Employment Rights Commission and the TERO staff developed a strategic plan to outline growth and development plans for the five-year period from 2018 to 2022; and

<sup>1</sup> The employers surveyed include: EBCI HR; TCGE: Paint Town, Cherokee Co, Bingo; TGC; CIHA; CCS; Job Corps; CBC; Museum; CHA; Qualla Co-op; Food Lion; Cherokee Theatre; VOC;

WHEREAS, in order to connect members of the EBCI with jobs and opportunities to develop job skills to build a workforce of qualified Indians for employment, TERO has created an initiative to launch trade-based workforce training programs that, with continued partnerships with our TERO vendors, will develop apprenticeship programs for trade skills development and, broadly, a fully developed workforce; and

WHEREAS, the complimentary goal of providing classes and training on life skills and employment includes developing a professional skills certification opportunity that is accredited nationally; and

WHEREAS, the Trump administration announced that it would be closing of the Job Corps Civilian Conservation Centers in rural areas, to wit, in North Carolina, the Oconaluftee Job Corps on May 27, 2019; and

WHEREAS, the Oconaluftee Job Corps is a training center and campus that has established training facilities and housing that would be ideal for the TERO to build opportunities for hands-on career technical training in high-growth industries for our tribal members.

NOW THEREFORE BE IT RESOLVED, in Tribal Council assembled at which a quorum is present, that the Eastern Band of Cherokee Indians supports the development of a TERO Vocational Training Center.

BE IT FURTHER RESOLVED, that the Tribe approach the federal agencies (including, the National Park Service, USDOL and USFS) with jurisdiction over this property that is the entire campus of the Oconaluftee Job Corp Civilian Conservation Center located in the Great Smoky Mountains National Park, including the buildings once they have completed their inventory of this property.

BE IT FINALLY RESOLVED, that the Principal Chief and Vice Chief are authorized to carry out the intent of this resolution.

*Submitted by: the Tribal Employment Rights Commission and TERO Office*