

**MESCALERO APACHE TRIBE
MESCALERO, NEW MEXICO**

ORDINANCE 22-05

WHEREAS, the Mescalero Apache Tribe, an Indian tribe organized under the Indian Reorganization Act of June 18, 1934 (25 U.S.C. § 5123) and under its Revised Constitution, has full power to act for the Tribe; and

WHEREAS, the Mescalero Apache Tribal Council has the power to regulate the conduct of trade upon the Mescalero Apache Indian Reservation pursuant to Article XI, Section 1(c) of the Revised Constitution; and

WHEREAS, the Mescalero Apache Tribal Council is authorized to represent the Tribe and act in all matters that concern the welfare of the Tribe and to make decisions not inconsistent with, or contrary to, the Revised Constitution, pursuant to Article XI, Section 1(i) of the Revised Constitution; and

WHEREAS, Ordinance 19-05 enacted the "Mescalero Apache Film Code" (the "Film Code") to regulate filming for commercial purposes or for public display; and

WHEREAS, the Mescalero Apache Tribal Council wishes to enact a fee schedule for film permits issued under the Film Code to assist the Mescalero Apache Tribe in covering administrative costs related to filming and to raise revenue for important governmental services; and

WHEREAS, such revisions are in the best interests of the Mescalero Apache people.

NOW, THEREFORE, BE IT ORDAINED that the following Chapter be and hereby is enacted.

CHAPTER 17

LAND USE CODE

[Sections 17-1-1 through 17-19-1 (B) remain unmodified.]

C. **VIDEOGRAPHY.** "Videography" means the process of capturing moving images on film or electronic media (e.g., videotape, direct to disk recording, or solid state storage) and streaming media. Videography includes all methods of video production and post-production. For purposes of this Chapter, videography shall not include moving images captured by guests at the Tribe's resort enterprises provided that the moving images are for personal use.

17-19-3. PERMIT REQUIRED.

A. Each person or business entity, including Tribally-owned enterprises and persons or business entities contracted by a Tribally-owned enterprise, conducting videography upon the Reservation shall possess a duly issued, unexpired permit and shall comply with all the terms and conditions set forth in said permit.

- B. In the case of the filming of traditional ceremonies, sacred sites, and other sensitive matters, the terms and conditions set forth in said permit shall include ethical obligations and rules of conduct developed by the Tribal Council.

17-19-4. AUTHORITY TO ISSUE PERMIT & IMPOSITION OF FEES.

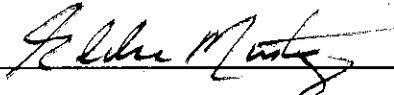
- A. Upon application duly made by an individual, the President shall have the authority to review said application and to issue a Permit upon such terms and conditions as the Mescalero Apache Tribal Council may deem just and proper.
- B. In the case of the filming of traditional ceremonies, sacred sites, and other sensitive matters, upon application duly made by an individual, the Cultural Committee shall have the authority to review said application and to issue a permit upon such terms and conditions as the Mescalero Apache Tribal Council may deem just and proper.
- C. The Tribe shall impose the below fees for any videography that requires a film permit:
 - 1. Staff/Monitoring Fees:
 - a. 1-3 days \$50.00/day on-site; or
 - b. 4+ days \$100.00/day on-site; and
 - 2. Others Fees:
 - a. Processing Fee \$100.00; and
 - b. Land/Building Use Fee \$250.00.

The Mescalero Apache Tribal Council may waive any of the above fees where it determines that the videography will benefit the Mescalero Apache Tribe as a whole.

ORDINANCE 22-05

CERTIFICATION

The foregoing enactment of the Mescalero Apache Tribal Council is duly adopted and approved on the 24th day of March 2022, at a legally called session of the Mescalero Apache Tribal Council, by a vote of 6 in favor, 0 opposed, 1 abstained and 1 absent at which a quorum was present and at which a majority of the members voted in favor thereof. This enactment is approved by the President of the Mescalero Apache Tribe under authority of Article XII, Section 1, of the Revised Constitution.



Eddie Martinez, President



Ardena Orosco, Secretary