

**MESCALERO APACHE TRIBE
MESCALERO, NEW MEXICO**

ORDINANCE 22-06

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, the revenue generated through the Mescalero Apache Tribe's gross receipts tax, enacted in Chapter 19, "Taxation" of the Mescalero Apache Tribal Code ("Chapter 19"), can be used to fund governmental services and, therefore, assessing the gross receipts tax is in the best interests of the Mescalero Apache people; and

WHEREAS, accordingly, the Mescalero Apache Tribal Council wishes to reaffirm and direct the Tribal President to assess the gross receipts tax in accordance with Chapter 19; and

WHEREAS, in addition, Chapter 19 allows for exemptions and waivers for projects that may be unduly and negatively impacted by the assessment of the gross receipts tax, and therefore, the Mescalero Apache Tribal Council believes that Section 2 of Chapter 19, which exempts all home construction projects, is not necessary.

NOW, THEREFORE, BE IT RESOLVED that the Mescalero Apache Tribal Council hereby reaffirms and directs the Tribal President to assess the gross receipts tax enacted in Chapter 19.

BE IT ORDAINED that Chapter 19, Section 2 be and hereby is rescinded and repealed effective immediately.

CHAPTER 19

TAXATION

[Sections 19-1-1 to 19-1-9 remain unmodified.]

SECTION 2. RESERVED.

[Remainder of Chapter 19 remains unmodified.]

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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 7 in favor, 0 opposed, 0 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