

**MESCALERO APACHE TRIBE
MESCALERO, NEW MEXICO**

ORDINANCE 23-02

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 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 Mescalero Apache Tribal Council has the power to enact ordinances establishing and governing tribal courts on the Mescalero Apache Indian Reservation, pursuant to Article XI, Section 1 (p) of the Revised Constitution; and

WHEREAS, the Mescalero Apache Tribal Code at Section 2-1-18 (C) provides that the Mescalero Apache Tribal Council is responsible for creating a jury pool list each year for the Mescalero Apache Tribal Court; and

WHEREAS, the Mescalero Apache Tribal Council believes that the jury pool list should be the responsibility of the Census Clerk, not the Tribal Council, in order to preserve the separation of powers between the Tribal Council and the Tribal Courts; and

WHEREAS, accordingly, the Mescalero Apache Tribal Council believes that the below revisions are in the best interests of the Mescalero Apache Tribe.

NOW THEREFORE BE IT RESOLVED that the Mescalero Apache Tribal Council hereby enacts the below revisions to the Mescalero Apache Tribal Code.

BE IT FINALLY RESOLVED that all contrary provisions are hereby repealed.

CHAPTER 2

TRIBAL COURTS

[Sections 2-1-1 to 2-1-18 (B) remain unmodified.]

C. Procedure.

1. Every year on January 1st and June 30th, the Tribal Census Clerk shall submit to the Court a list of sixty (60) names of members of the Mescalero Apache Tribe above the age of eighteen (18) years who live on or near the Reservation. The names shall be chosen on a random basis. The persons whose names appear on the list shall comprise the total jury pool for that year. Any person whose name is on the jury list one year shall not be included on the jury list for the next three subsequent years.

[The remainder of Chapter 2 remains unmodified.]

“REDLINE”
CHAPTER 2
TRIBAL COURTS

[Sections 2-1-1 to 2-1-18 (B) remain unmodified.]

C. Procedure.


1. Every year on January 1st and June 30th, the Tribal Council-Census Clerk shall submit to the Court a list of sixty (60) names of members of the Mescalero Apache Tribe above the age of eighteen (18) years who live on or near the Reservation. The names shall be chosen on a random basis. The persons whose names appear on the list shall comprise the total jury pool for that year. Any person whose name is on the jury list one year shall not be included on the jury list for the next three subsequent years.

[The remainder of Chapter 2 remains unmodified.]

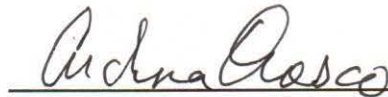
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CERTIFICATION

The foregoing enactment of the Mescalero Apache Tribal Council is duly adopted and approved on the 12th day of January 2023, at a legally called session of the Mescalero Apache Tribal Council, by a vote of 8 in favor, 0 opposed, 0 abstained and 0 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