



PUEBLO OF ISLETA

P. O. BOX 1270, ISLETA, NM 87022

PUEBLO OF ISLETA RESOLUTION NO. 2009-110

PROHIBITING THE SALE AND DISTRIBUTION OF SENECA BRAND TOBACCO PRODUCTS AND OTHER NON-COMPLIANT TOBACCO PRODUCTS ON ISLETA PUEBLO

WHEREAS, the Pueblo of Isleta is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934 pursuant to a Tribal Constitution as amended, exercising all inherent governmental powers and Tribal sovereignty; and

WHEREAS, the Tribal Council is the legislative body of the Pueblo of Isleta with the authority to regulate business activities occurring within the Pueblo lands in the best interest of the Pueblo and its members pursuant to Article 5, Section 2.b., f., k., and l. of the Tribal Constitution of the Pueblo of Isleta; and

WHEREAS, the Tribal Council requires that all persons engaging in business within the Pueblo lands to have a Business Permit issued pursuant to the Pueblo of Isleta Business Permit Policy;

WHEREAS, the Pueblo of Isleta has licensed tribal member owned cigarette businesses as well as tribal owned cigarette outlets which sell cigarettes and tobacco products that are exempt from the New Mexico State Cigarette and Tobacco Products Tax; and

WHEREAS, the New Mexico Attorney General's Office maintains a directory of tobacco product manufacturers that are considered compliant or non-compliant with State laws for the sale of cigarette and tobacco products within the State of New Mexico; and

WHEREAS, the Seneca Brand tobacco products are currently listed as non-compliant on the New Mexico Attorney General's Office Tobacco Product Compliance Directory and are considered as contraband products; and



WHEREAS, the Tribal Council recognizes the positive government-to-government relationship with the State of New Mexico in the areas of taxation and other areas of common interest to the Pueblo and the State; and

WHEREAS, the Tribal Council has determined it is in the best interest of the Pueblo to avoid potential conflicts that may arise over the sale of such contraband products on or from Isleta Pueblo lands when both the Pueblo and State have a common interest in regulation of tobacco products within their respective jurisdictions; and

WHEREAS, the Tribal Council wishes to mitigate any economic hardship that such a prohibition may have on tribal cigarette vendors who have inventory of Seneca Brand tobacco products.

NOW THEREFORE BE IT RESOLVED THAT the Tribal Council hereby prohibits the sale or distribution of Seneca Brand Tobacco Products on or from Pueblo of Isleta lands, subject to the following conditions:

1. The Governor is directed to notify vendors of this prohibition by letter and the prohibition shall become effective upon the signed receipt of such letter by the vendor or their agent;
2. Vendors shall be allowed to sell down any inventory of Seneca Brand tobacco products in their current inventory;
3. Vendors shall have until midnight, July 31, 2009, to sell any remaining Seneca Brand tobacco products in stock;
4. No future purchases of Seneca Brand tobacco products by any vendor on Isleta Pueblo shall be allowed after the date of the receipt of the letter from the Governor;
5. All sales of Seneca Brand tobacco products on or from Isleta Pueblo shall cease by midnight, July 31, 2009;
6. This prohibition also applies to internet sales of Seneca Brand tobacco products on and from Isleta Pueblo;
7. Any violation of this prohibition shall result in the revocation of the vendor's Business Permit and the confiscation of prohibited Seneca Brand tobacco products held by the vendor.

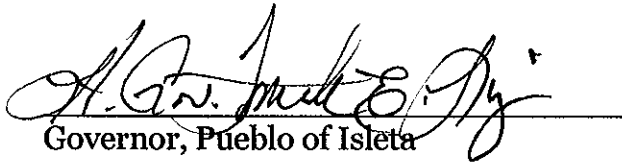
BE IT FURTHER RESOLVED THAT all vendors shall only sell or distribute those cigarettes and tobacco products that are listed as compliant on the Tobacco Product Compliance Directory and that it shall be the responsibility of the vendor to be familiar with the listing of compliant cigarettes and tobacco products on that Directory;



BE IT FURTHER RESOLVED THAT the Tribal Council directs the Governor, or his designee, to take such actions as deemed necessary to carry out the intent of this Resolution.

CERTIFICATION

The foregoing resolution was considered and adopted at a duly called meeting of the Isleta Pueblo Tribal Council on the 9 th day of July, 2009, at which a quorum was present with -8- in favor of, -0- opposed, and -0- abstaining.


Governor, Pueblo of Isleta


President of Tribal Council

ATTEST:

Tribal Council Secretary

