



KIOWA TRIBE

P.O. Box 369 • Carnegie, Oklahoma • 73015
Phone: (580) 654-2300 • Fax: (580) 654-1788
OFFICE OF THE LEGISLATURE

RESOLUTION NO. KL-CY-2017-011

KIOWA HOUSING AUTHORITY REFORM ACT OF 2017

At a duly called Session of the Legislature of the Kiowa Tribe held this 12th day of August 2017, the following Resolution and Law were adopted.

WHEREAS; the Legislature is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of the Constitution of the Kiowa Tribe; and,

WHEREAS; the Legislature has determined that it is in the best interests of the Tribe to reform the Kiowa Housing Authority to bring it into compliance with the Constitution and laws of the Tribe for the benefit of the members of the Tribe and the delivery of housing services.

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "Kiowa Housing Authority Reform Act of 2017".

CERTIFICATION

The foregoing Resolution KL-CY-2017-11 was duly voted upon at a duly called Session IV of the Legislature of the Kiowa Tribe held this 12th day of August 2017, the following Resolution and Law were adopted, with a vote of (7) in favor, and (0) opposed, (0) abstaining, and (0) absent, pursuant to the authority vested in the Kiowa Tribe Legislature by the Constitution of the Kiowa Tribe.

Rhonda J. Ahhaifty, Secretary
of the Kiowa Tribe Legislature



RESOLUTION NO KL-CY-2017-011


SPONSOR: RENEE M. PLATA, SPEAKER OF THE KIOWA TRIBE LEGISLATURE

CO-SPONSOR(S): RHONDA J. AHHAITTY, SECRETARY OF THE KIOWA LEGISLATURE; ANITA ONCO-JOHNSON, LEGISLATOR; DAVE GEIMASADDLE, LEGISLATOR; RONALD C. POOLAW, LEGISLATOR

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Rhonda J. Ahhaitty, Secretary	X			
Renee M. Plata,	X			
Ronald C. Poolaw, Sr.	X			
Dave Geimausaddle	X			
Anita L. Onco-Johnson	X			
Modina M. Waters	X			
Ben Lucero Hovakah-Wolf	X			

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2017-011 was presented to the Chairman of the Kiowa Tribe on the 15th day of August 2017, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.


Rhonda J. Ahhaitty, Secretary
of the Kiowa Tribe Legislature

CHAIRMAN'S ACTION:

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this ____ day of _____, 2017.

**Matthew Komalty, Chairman
of the Kiowa Tribe**

Presented by the Chairman to the Legislature on the ____ day of _____, 2017.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

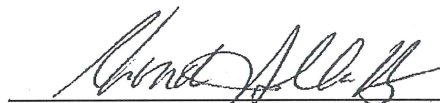
YES

NO

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Rhonda J. Ahhaitty, Secretary				
Renee M. Plata, Speaker				
Ronald C. Poolaw, Sr.				
Dave Geimausaddle				
Anita L. Onco-Johnson				
Modina M. Waters				
Ben Lucero Hovakah-Wolf				

CERTIFICATION

The foregoing Resolution KL-CY-2017-011 was duly voted upon at a duly called Session IV of the Legislature of the Kiowa Tribe held this 12th day of August 2017, the following Resolution and Law were adopted, with a vote of (7) in favor, and (0) opposed, (0) abstaining, and (0) absent, pursuant to the authority vested in the Kiowa Tribe Legislature by the Constitution of the Kiowa Tribe.



**Rhonda J. Ahhaitty, Secretary
of the Kiowa Tribe Legislature**

Section 1.1 Short Title

This enactment shall be known as the "Kiowa Housing Authority Reform Act 2017" ("Act").

Section 1.2 Definitions

- (a). "Chairman" shall mean the Chairman of the Kiowa Tribe.
- (b). "Constitution" means the Constitution approved by the voters of the Tribe and the BIA on May 5, 2017.
- (c). "DARKO" means Darko Affordable Housing Solutions, LLC.
- (d). "HUD" means the U.S. Department of Housing and Urban Development.
- (e). "Kiowa Housing Authority" means the entity which operates out of the Housing Authority offices at 1701 East Central Boulevard, Anadarko, Oklahoma, 73005, and serves as a sub-recipient of certain HUD federal funds authorized by the Tribe and provided to DARKO as Tribe's Tribally-Designated Housing Entity, and which otherwise operates and manages, in whole or in part, the Tribe's housing programs and services, or any other housing programs or services.
- (f). "Legislature" means the Legislature of the Kiowa Tribe.
- (g). "TDHE" means the tribally-designated housing entity.
- (h). "Tribe" means the Kiowa Tribe.

Section 1.3 Purpose

The purpose of this Act is to reform the Tribe's Housing Authority to bring it into compliance with the Constitution and laws of the Tribe, to take full responsibility to assert the Tribe's sovereign authority to address the housing needs of Members of the Tribe, and to abolish the outdated method of subjecting the Tribe's sovereign status to the full or partial control of the State of Oklahoma by operating the Tribe's Housing Authority, in whole or in part, as a State Agency. The purpose of the Act is also to re-establish respect for the Tribe's government, the institutions of government, and the Constitution and laws including the duty of the Tribe and its elected officials, as the People's representatives, to oversee and direct the establishment of a Department of Housing and the delivery of housing-related services.

Section 1.4 Findings

- (a). In 1965, Oklahoma law established housing authorities for Indian tribes located within Oklahoma as State Agencies for the purpose of receiving federal housing funds ("State Agency Housing Authority") at a time when Indian tribes were not eligible to receive direct federal funding for housing programs.
- (b). After federal law changed, tribes in Oklahoma, including the Kiowa Tribe, have applied for and have received federal HUD funds directly from the federal government without the need to administer such funds through Oklahoma's State Agency Housing Authority.
- (c). The Tribe never addressed the confusion over the original State Agency Housing Authority called the Kiowa Housing Authority, and its assets and liabilities, and the Tribe's Housing Authority, which also operates and manages, either directly or as a sub-recipient, the Tribe's HUD funds and housing programs.
- (d). The Kiowa Housing Authority has been the subject of lengthy and expensive disputes, including litigation before the Oklahoma Supreme Court over the selection and authority of the Housing Authority Board of Commissioners.
- (e). The recent instability within the Tribe's government also contributed to the Tribe's and/or Kiowa Housing Authority's inability to properly manage and administer HUD funds, resulting in a sanction against the Tribe requiring the Tribe to repay HUD approximately seven million dollars (\$7,000,000.00) in federal funds.
- (f). As a result of the improper management and administration of HUD funds, the Kiowa Housing Authority no longer receives any direct funding from HUD, rather, the Tribe has designated DARKO as a TDHE to receive the Tribe's HUD funds, and DARKO provides certain funds to the Kiowa Housing Authority as a sub-recipient.
- (g). The Kiowa Housing Authority has few, if any, State Agency Housing Authority assets or liabilities, as the Kiowa Housing Authority programmatic activities and services derive from its status as a sub-recipient of HUD funds.
- (h). The Tribe is *not* an irrelevant party in the provision of housing services to the Members of the Tribe, and in fact, the Tribe, and the Tribe's housing policies and laws are central to the provision of housing services to the Members of the Tribe, especially the Tribe's decision to request and receive HUD funding and to designate DARKO as the a TDHE.

Section 1.5 No Effect on Existing Contract

- (a). Nothing in this Act is intended to alter or amend any existing contract with DARKO.
- (b). DARKO, as the Tribe's TDHE, shall provide the Chairman and Legislature with a written report on October 1st and April 1st of each year detailing to the status of the Tribe's HUD funds, all program and administrative expenditures including all fees and payments made to DARKO, and an overall assessment of the Tribe's housing programs and affairs.

Section 1.6 Establishment of the Department of Housing

- (a). The Department of Housing is hereby established and shall be located with the Executive branch of government in accordance with Article VII, Section 1(c) of the Constitution. The Department of Housing shall include all housing programs, services, and housing entities of the Tribe including the Kiowa Housing Authority. The Kiowa Housing Authority shall be known as the Department of Housing and shall no longer be autonomous or semi-autonomous from the Tribe.
- (b). The Legislature hereby directs the Chairman to take any and all actions necessary to undertake, manage, and control the Kiowa Housing Authority, and to continue to provide housing programs for the benefit of the Members of the Tribe.
- (c). The Department of Housing shall operate and manage any and all Housing and Housing-related programs of the Tribe in compliance with the Constitution, laws, and budgets of the Tribe, and in compliance with all legal requirements that may be imposed as a condition of receiving HUD funds or any other funds.
- (d). The Department of Housing shall take all steps necessary to prepare the Tribe and the Department to apply for and receive HUD funds and other funds directly from the funding sources upon the expiration of the current contract with DARKO so that DARKO will no longer be needed as the Tribe's tribally-designated housing entity; provided, that the Department of Housing may continue to contract with DARKO to provide limited and short-term consulting services as needed and as authorized by the Housing Commission.

Section 1.7 Establishment of Housing Commission

- (a). The Housing Commission is hereby established and shall be located within the Executive branch of government in accordance with Article VI, Section 6(h) of the Constitution. The Housing Commission shall consist of five members selected upon nomination by the Chairman and confirmation by the Legislature.

- (b). The Housing Commission shall have the authority to oversee and regulate the Department of Housing including establishing standards and procedures to operate the Department, and authorizing contracts for the Department including any local cooperative agreements for payments in lieu of taxes as authorized by HUD. The Housing Commission shall have the authority to select or terminate a Director of the Department of Housing, subject to approval of the Chairman; provided that, if the Chairman takes no action to approve the decision of the Housing Commission regarding a Director, then the decision of the Housing Commission shall be deemed approved. The Housing Commission shall have the authority to promulgate regulations governing the operation of the Department of Housing.

Section 1.8 Oklahoma Law Encourages Tribes to Manage Housing Programs

- (a). Oklahoma law states in pertinent part, "In the interest of the sovereign power of federally recognized Indian tribes, economy of efforts, and the maintenance of cooperative relationships between the state and federally recognized Indian tribes, and in light of the above findings, the state hereby authorizes any federally recognized Indian tribe, band or nation for whose benefit a state agency housing authority was or may be created, to assume management and control of the state agency Indian housing authority and all its assets, as provided in this section." See, 63 OS 1057 (2010).
- (b). Oklahoma law establishes a process for tribes to fully assume all management, assets, liabilities, and control of any State Agency Housing Authority designated for an Indian tribe by enacting a Resolution or law to undertake the management and control of the State Agency Housing Authority in accordance with the requirements of such law; and, (2) filing the Resolution or law with the Oklahoma Secretary of State, Oklahoma Attorney General, and with the appropriate County Clerk.
- (c). The Kiowa Housing Authority has not received any direct funding from HUD for some time, and the Kiowa Housing Authority does not currently receive any direct funding from HUD, i.e., any federal funds that the Kiowa Housing Authority receives comes from its status as a sub-recipient of HUD funds provided to DARKO.
- (d). Nothing in this Act authorizes the Chairman or Department of Housing to request any additional lands to be taken into trust with the U.S. Bureau of Indian Affairs or to request any change in any tax status of any real property.
- (e). The Legislature hereby directs the Chairman to take any and all actions necessary to undertake, manage, and control the State Agency Housing Authority as may be required, including assuming both the assets and liabilities of the State

Agency Housing Authority and the Kiowa Housing Authority, to continue to provide housing programs for the benefit of the Members of the Tribe.

Section 1.9 Authorization of Appropriation of Funds

The Legislature hereby authorizes an appropriation of funds to be included in the Annual Budget or Budget Modification for expenditure to implement this Act.



Kiowa Tribe


P.O. Box 369 · Carnegie, Oklahoma · 73015

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KIOWA LEGISLATURE

INTER-OFFICE MEMORANDUM:

TO: Matthew Komalty, Chairman

FROM: Rhonda J. Ahhaitty, Secretary for the Kiowa Legislature 

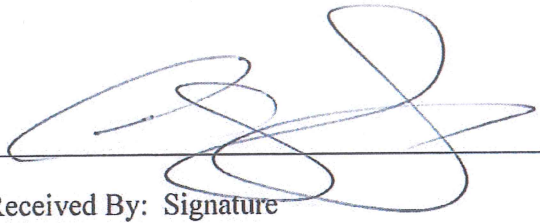
DATE: Tuesday, August 15, 2017

SUBJECT: APPROVAL OF LAWS OF THE KIOWA TRIBE

The Kiowa Legislature held Session IV, monthly meeting on Saturday, August 12, 2017. A vote was called and approved the newly enactment of Kiowa Tribe Laws, by the Kiowa Legislature, as specified in the Kiowa Constitution. We are forwarding you a copy of the approved laws for approval.

1. Resolution – Kiowa Housing Authority Reform Act of 2017 – KL-CY-2017-011
2. Resolution – Kiowa Casino Operations Authority Reporting & Charter Modification Act of 2017 – KL-CY-2017-012
3. Resolution – The Selection of Treasurer Act of 2017 – KL-CY-2017-013
4. Resolution – Employee Benefits Provider Selection Act of 2017 – KL-CY-2017-014
5. Resolution – Emergency Assistance Contingency Fund Regulation & Fairness Amendment Act 2017 – KL-CY-2017-015
6. Resolution – Authorization of Cross-Deputization Agreement Act of 2017 – KL-CY-2017-016
7. Resolution – Public Information and Legislative Publishing Act of 2017 – KL-CY-2017-017
8. Law-Making and the Production of Documents and Testimony Act of 2017 – KL-CY-2017-018
9. Resolution – Support for Lawton Indian Hospital Act – KL-CY-2017-019

Should you have any other questions, please contact the Kiowa Legislature. Thank you


Received By: Signature

AUG 15 2017

8.15 2017
Date

Corey Smith
Print Name

RJA/tdh