

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-2017-014

EMPLOYEE BENEFITS PROVIDER SELECTION ACT OF 2017

At a duly called Session of the Legislature of the Kiowa Tribe held this 10th day of June 2017, the following Resolution and Law were adopted.

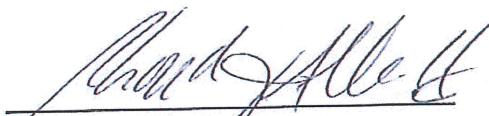
WHEREAS; the Legislature is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of the Constitution of the Kiowa Tribe; and,

WHEREAS; the employees of the Tribe serve a critical role in the operation and overall success of the Tribe and deserve employee benefits such as health insurance, retirement, eye, and dental coverage to the extent financially feasible.

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "Employee Benefits Provider Selection Act of 2017".

CERTIFICATION

The foregoing Resolution KL-CY-2017-014 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



RESOLUTION NO KL-CY-2017-014

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

CO-SPONSOR(S): RHONDA J. AHHAITY, 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-2017-014 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:

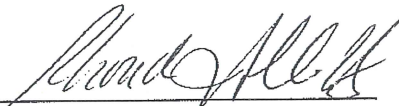
YES

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-2017-014 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 “Employee Benefits Provider Selection Act of 2017” (“Act”).

Section 1.2 Purpose

The purpose of this Act is to establish a fair and orderly process for the Chairman to select an employee benefits company and to authorize the Chairman to enter into a contract with a professional company to provide employee benefits.

Section 1.3 Findings

The Legislature hereby finds and declares that:

(a). The Kiowa Tribe (“Tribe”) provides jobs to hundreds of employees in the Tribe’s government, gaming operations, gaming commission, and elsewhere.

(b). Qualified employees receive benefits as part of their employment with the Tribe including retirement, health insurance, and dental and eye care benefits.

(c). The Tribe’s employee “pool” of hundreds of individuals, including employees of the Kiowa Casino Operating Authority (“KCOA”), allows the Tribe to offer better benefits at a lower cost per employee than might otherwise be available.

(d). In June 2017, the Chairman of the Tribe or an individual who serves under the authority of the Chairman terminated the existing employee benefits provider (“Existing Benefits Provider”) and the Tribe and KCOA are now utilizing a new, replacement benefits provider (“New Benefits Provider”).

(e). The Legislature wishes to establish a fair and orderly process to select a company to provide employee benefits to all employees of the Tribe.

Section 1.4 Selection of Benefits Provider

(a). In recognition of the greater efficiencies, cost savings, economies of scale, and the desire to provide the best benefits to the employees of the Tribe and the KCOA, the Legislature hereby authorizes and directs the Chairman to issue a Request for Proposals (“RFP”) for one professional company to provide employee benefits for all of the Tribe’s qualified employees including employees working for the Tribe’s government, gaming operations, gaming commission, and any other entity of the Tribe.

(b). Upon review of the proposals, the Chairman shall select a company from among the proposals received (“Selected Company”) in order to provide the best employee benefits in the most cost effective manner. The Chairman shall be authorized to negotiate and execute a contract with the Selected Company, and the KCOA shall have the right to negotiate and execute

a separate contract with the Selected Company subject to approval of the Chairman; provided, that any contract or contracts negotiated and executed by the Chairman or KCOA shall not be effective until ratified by the Legislature.

(c) The Tribe shall not utilize an employee benefits provider that utilizes a “self-insurance” plan, or any similar plan that requires the Tribe to serve as an insurer in any manner.

(d) The Constitution requires the Chairman to obtain authorization from the Legislature to enter into any contracts on behalf of the Tribe. Any contract signed or entered into in violation of this Act or in violation of the Constitution, which shall include the arrangement with the New Benefits Provider, shall be null and void *ab initio*, and the Existing Benefits Provider shall continue to serve as the Tribe’s and KCOA’s benefits provider, and the services of the Existing Benefits Provider shall not be cancelled until a benefits provider is selected and ratified in accordance with the requirements of this Act.

(e) Nothing in this Act is intended to select or otherwise direct the Chairman to select any particular company or entity to provide employee benefits. This Act is not a private law.

(f) Nothing in the Act is intended to violate any existing loan agreement or contract between the KCOA and any lender.