



# KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

## KIOWA TRIBE RESOLUTION NO. KL-CY-2018-004

### THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCH CONTRACTING AUTHORITY ACT OF 2018

At a duly called Session of the Legislature of the Kiowa Tribe held this 13<sup>th</sup> day of January, 2018, 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 three branches of government, including the Kiowa Casino Operations Authority located within the Executive branch, find it necessary to enter into contracts for services and supplies for their respective branches of government in order to fulfill duties and responsibilities; and,

**WHEREAS;** the Legislature finds the need to authorize officials from each branch of government to enter into contracts that are authorized by law in accordance with funds appropriated for such purposes within an approved budget.

**NOW THEREFORE IT BE IT RESOLVED;** that the Legislature hereby enacts the attached law entitled, "THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCH CONTRACTING AUTHORITY ACT OF 2018".

### CERTIFICATION

The foregoing resolution KL-CY-2018-004 was duly voted upon by the Legislature on January 13<sup>th</sup>, 2018, at a Session with a vote of ( 6 ) in favor and ( 0 ) opposed, ( 1 ) abstaining, and ( 0 ) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Rhonda J. Ahhaitty  
Secretary of the Legislature



**LEGISLATURE - RESOLUTION NO. KL-CY-2018-004:**

**SPONSOR:** Renee M. Plata, Speaker of the Legislature  
**CO-SPONSOR(S):** Anita Onco-Johnson, Legislator

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

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**DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN**

Resolution No. KL-CY-2018-004 was presented to the Chairman of the Kiowa Tribe on the 18<sup>th</sup> day of January 2018, 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.

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Matthew Komalty  
Chairman of the Kiowa Tribe

**CHAIRMAN'S ACTION:**

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

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On this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Matthew M. Komalty  
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the \_\_\_\_ day of \_\_\_\_\_, 2018.

**LEGISLATURE'S ACTION:**

**Override of Chairman's veto:**

YES

NO

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Rhonda J. Ahhaitty				
Renee M. Plata				
Ronald C. Poolaw, Sr.				
Dave Geimausaddle				
Antia Onco Johnson				
Modina Waters				
Ben Wolf				

## CERTIFICATION

The foregoing resolution KL-CY-2018-004 was duly voted upon by the Legislature on \_\_\_\_\_, 2018, at a meeting with a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, and \_\_\_\_\_ abstaining pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

\_\_\_\_\_  
Rhonda J. Ahhaitty  
Secretary of the Legislature

**Section 1.1 Short Title**

This enactment shall be known as, the "THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCH CONTRACTING AUTHORITY ACT OF 2018 ("Act").

**Section 1.2 Purpose.**

The purpose of the Act is to authorize each branch of government to contract for services and supplies in accordance with funds appropriated for such purposes in an approved budget.

**Section 1.3 Findings.**

- (a) The Constitution establishes three branches of government: The Legislative, comprised of seven Legislators; The Judicial, comprised of Trial Court and a Supreme Court; and, The Executive, comprised of a Chairman, Vice Chairman, departments, and programs, including the Kiowa Casino Operations Authority ("KCOA") and Kiowa Gaming Commission ("KGC").
- (b) Each branch of government is vested with specific powers, duties, and responsibilities, and no official of one branch may exercise the authority granted to another branch of government.
- (c) The three branches of government, including the KCOA and KGC both located within the Executive branch, find it necessary to enter into contracts for services and supplies for their respective branches of government in order to fulfill their duties and responsibilities including the hiring of professional advisors, consultants, and others to assist the branches of government; and,
- (d) The Legislature finds the need to clarify the authorization and approval process for all contracts entered into on behalf of the Tribe or by any branch of the Tribe's government including its subdivisions, and to authorize officials from each branch of government to enter into contracts within the limits of funds appropriated for such purposes in an approved budget.

**Section 1.4 Executive Branch, KCOA, and KGC Authorization to Contract.**

- (a) The Chairman and executive branch personnel shall not have the power to enter into contracts on behalf of the Tribe unless authorized to do so by law enacted by the Legislature or as otherwise authorized by this Act.
- (b) The contracting process for the Tribe to enter into any contract shall include the following steps in the following order: (1) authorization to contract in a law enacted by the Legislature or by decision of the Council; (2) selection of the vendor or contracting party, and negotiation and execution of the contract by the Chairman; (3) ratification of the contract by the Legislature, but only when the

authorizing law expressly reserves the power to ratify the contract to the Legislature.

- (c) Upon authorization in a law, the Chairman and executive branch personnel and subdivisions shall have the power to select the vendor or contracting party in accordance with applicable procurement laws and policies, negotiate the contract terms with the vendor or contracting party, and enter into a contract with the vendor or contracting party on behalf of the Tribe subject to any limitations or conditions placed on the executive branch in the authorizing law including but not limited to the power of the Legislature to require ratification of the contract by the Legislature.
- (d) The Chairman and executive branch personnel are hereby authorized to enter into routine contracts that are necessary for the Office of Chairman, a Department, or a program to carry out its duties and responsibilities.
- (e) The KCOA, an instrumentality of the Tribe and located within the Executive branch of government, is hereby authorized to enter into routine contracts that are necessary to fulfill their duties and responsibilities and required in the normal course of their business.
- (f) The KGC, a regulatory arm of the Tribe and located within the Executive branch of government, is hereby authorized to enter into routine contracts that are necessary to fulfill their duties and responsibilities and required in the normal course of their business.
- (g) Any expenditure of funds by the Executive branch of government including the KCOA and KGC shall be done in accordance with the available funds appropriated in an approved budget in accordance with the requirements of the Constitution.

**Section 1.5 Legislative Branch Authorization to Contract.**

- (a) The Legislature hereby authorizes the Speaker of the Legislature, on behalf of the Legislature, to enter into contracts, as previously and specifically authorized by the Legislature by Legislative Order, to hire employees, professional advisors, consultants, and others to assist the Legislature and individual Legislators with fulfilling their duties to write laws and prepare budgets for the benefit of the People of the Tribe.
- (b) The Speaker of the Legislature shall have the authority to enter into contracts for supplies or services for the Legislature as specifically authorized by Legislative Order passed by the Legislature, subject to an appropriation of funds in an approved budget for such purposes.

- (c) The services provided under any services contract entered into by the Legislature shall be limited to the exclusive benefit and use of the Legislature.
- (d) Any contract entered into on behalf of the Legislature shall include a provision stating that such contract may be canceled at any time and for any reason by the Legislature.

**Section 1.6 Judicial Branch Authorization to Contract.**

- (a) The Legislature hereby authorizes the Chief Justice of the Supreme Court, on behalf of the Judicial branch of government, to enter into contracts to hire professional advisors, consultants, and others to assist the courts with fulfilling their duties to Tribe and the People.
- (b) The Chief Justice shall have the authority to enter into contracts for supplies or services for the courts, subject to an appropriation of funds in an approved budget for such purposes.
- (c) The services provided under any services contract entered into by the Chief Justice shall be limited to the exclusive benefit and use of the courts.
- (d) Any contract entered into on behalf of the Judicial branch shall include a provision stating that such contract may be canceled at any time and for any reason by the Chief Justice.