

KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

KIOWA TRIBE RESOLUTION NO. KL-CY-2018-008

FIRST MODIFICATION TO THE ANNUAL BUDGET APPROPRIATION FOR FISCAL YEAR 2017-2018

At a duly called Session of the Legislature of the Kiowa Tribe held this 10th day of February 2018, the following Resolution and Law were adopted.

WHEREAS; the Legislature is vested with the authority to pass an Annual Budget, and budget modifications, for the Tribe pursuant to the Legislative Process, and subject to approval by the voters; and,

WHEREAS; the voters of the Tribe recently approved a new Constitution for the Tribe (“Constitution”), which requires an Annual Budget, and any budget modifications, to be approved by the Legislature and Chairman, with final approval by the voters; and,

WHEREAS; the First Legislature elected under the new Constitution recently approved, by veto override, the first Annual Budget for the Tribe (“First Annual Budget”) after many years of governmental gridlock, and the voters granted final approval of the First Annual Budget by a vote of 706 “YES” and 238 “NO” (74% APPROVAL); and,

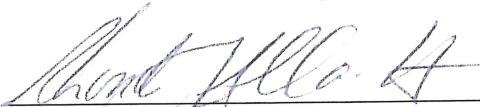
WHEREAS; the Legislature has identified the need to enact a modification to the First Annual Budget to include previously unidentified revenue and expenditures, including newly received grant funds, and to address funding shortfalls.

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached “FIRST MODIFICATION TO THE ANNUAL BUDGET FOR FISCAL YEAR 2017-2018”, subject to final approval by the voters.

CERTIFICATION

The foregoing Resolution No. KL-CY-2018-008 was duly voted upon by the Legislature on February 10, 2018, at a Session with a vote of (7) in favor and (0) opposed, (0) abstaining, and (0) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.




Rhonda J. Abhaitty
Secretary of the Legislature

LEGISLATURE - RESOLUTION NO. KL-CY-2018-008:

SPONSOR: Renee M. Plata, Secretary of the Legislature.

CO-SPONSOR(S): Rhonda Ahhaitty, Secretary of the Legislature; Ronald Poolaw, Sr., Legislator; Anita Onco-Johnson, Legislator; Dave Geimausaddle, Legislator; Modina Waters, Legislator; Ben Wolf, Legislator

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

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2018-008 was presented to the Chairman of the Kiowa Tribe on the 12 day of February 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.

Matthew M. Komalty
Secretary of the Legislature

CHAIRMAN'S ACTION:

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this ____ day of February, 2018.

Matthew M. Komalty
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the ____ day of February, 2018.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

YES

NO

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

CERTIFICATION

The foregoing Resolution No. KL-CY-2018-007 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 “FIRST MODIFICATION TO THE ANNUAL BUDGET FOR FISCAL YEAR 2017-2018” (“Budget Modification #1”).

Section 1.2 **Purpose**

The purpose of this Act is to approve the first modification to the Annual Budget for Fiscal Year 2017-2018, subject to final approval by the voters.

Section 1.3 **Findings**

The Legislature hereby finds and declares that:

- (a) The Legislature is vested with the authority to pass an Annual Budget, and budget modifications, for the Tribe, subject to approval by the voters;
- (b) The voters of the Tribe recently approved a new Constitution for the Tribe (“Constitution”), which requires an Annual Budget, and any budget modifications, to be approved by the Legislature and Chairman, with final approval by the voters;
- (c) The First Legislature elected under the new Constitution recently approved, by veto override, the first Annual Budget for the Tribe (“First Annual Budget”) after many years of governmental gridlock, and the voters granted final approval of the First Annual Budget by a vote of 706 “YES” and 238 “NO” (74% APPROVAL), Exhibit A – First Annual Budget, attached hereto; and,
- (d) The Legislature has identified the need to enact a modification to the First Annual Budget to include previously unidentified revenue and expenditures, including newly received grant funds, and to address additional funding needs.

Section 1.4 **Approval of First Modification to the Annual Budget for Fiscal Year 2017-2018**

The Legislature hereby approves the First Modification to the Annual Budget for Fiscal Year 2017-2018, subject to final approval by the voters, as listed below under Revenue in subsection (a), and Expenses in subsections (b), (c), (d), and (e):

- (a) **Revenue:** Under Revenue in the Annual Budget, the following modifications shall be approved: (1) revenue generated from Federal grant funds shall be increased by **\$851,706** for use by the Head Start Program; (2) revenue generated from Land leases and related matters shall be increased by **\$100,000** for use by the Education Department; (3) revenue generated from the Gaming Commission shall be increased by **\$200,000**; (4) revenue generated from the Kiowa Casino Gaming Authority (“KCOA”) shall be increased by **\$500,000**; and, (5) revenue

from the Transportation Program for 2016, 2017, and 2018 shall be increased by **\$300,000**, for a total increase in Revenue of **\$1,951,706**, and the Gaming Commission shall immediately transfer such funds to the Treasury of the Tribe, and the KCOA shall immediately transfer such funds to the Treasury of the Tribe in two equal monthly installments.

- (b) **Executive Branch:** Under the General Budget, the Indian Self-Determination Contracts – P.L. 93-638, and/or Other Government Programs as listed in the Annual Budget, an appropriation of funds shall be increased and/or approved in the total amount of **\$1,597,706**, as follows:
- (i) **Head Start: \$851,706**, for the purchase of modular units for the Head Start program and **\$90,000**, waterline, and other permitted uses, or the full amount of the grant funds received for such purposes, whichever is higher;
 - (ii) **Education Department: \$100,000**, for higher education scholarships for post-undergraduate studies for eligible Members of the Tribe;
 - (iii) **Election Commission: \$90,000**, for the Election Commission to pay for additional Special Elections and for other election and Election Commission-related expenses;
 - (iv) **Social Services Department: \$100,000**, for distribution to eligible Members of the Tribe in accordance with the Emergency Assistance Fund Regulation and Fairness Act, as amended;
 - (v) **Alcohol and Drug Treatment Program: \$10,000**, for the Alcohol and Drug Treatment Program to provide additional services to eligible members of the Tribe;
 - (vi) **Transportation Department: \$300,000**, for the Transportation Department to continue and/or complete ongoing projects;
 - (vii) **Finance: \$36,000**, for staff training;
 - (viii) **AOA: \$20,000**, for the operation of elder activities, including elder trips, respite, and lawn services.
- (c) **Judicial Branch:** Under the General Budget in the Annual Budget, the Judicial Branch shall include an increased appropriation of **\$150,000** to be used for salaries, office space, equipment, supplies, consultants, legal counsel, and employees and/or contract services for clerks, bailiffs, prosecutors, public defenders, jail bed spaces, pro tempore judges, and related expenditures necessary for the operation of the courts and the Judicial Branch of government.

- (d) **Legislative Branch:** Under the General Budget in the Annual Budget, the Legislative Branch shall include an increased appropriation of **\$194,000**, to be used for salaries, office space, equipment, supplies, employees, consultants, legal counsel, and other related expenditures necessary for the operation of the Legislature and Legislative Branch of government.
- (e) **Kiowa Indian Council:** Under the General Budget in the Annual Budget, the Kiowa Indian Council shall include an increased appropriation of **\$10,000**, to be used for salaries, office space, equipment, supplies, consultants, and other related expenditures necessary for the operation of the Kiowa Indian Council.

Section 1.5 Final Approval by the Voters

Within thirty days of approval of this Budget Modification #1 by the Legislature and Chairman pursuant to the Legislative Process in Article VI, Section 8 of the Constitution, the Election Commission shall call and conduct a Special Election for the voters to decide whether to approve Budget Modification #1.