



KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

KIOWA TRIBE - RESOLUTION NUMBER: KL-CY-2020-0008

THE KIOWA TRIBE FORENSIC AUDIT ACT OF 2020

At a duly called Regular Monthly Session of the Kiowa Tribe Legislature, held this 12th day of September, 2020, 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,

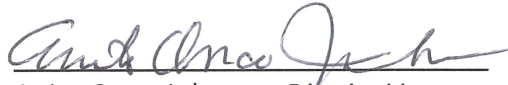
WHEREAS; The Kiowa Tribe shall conduct a forensic audit for the past 10-years and a forensic audit every 3-years thereafter; and,

WHEREAS; This shall be the process as soon as this Legislation is passed by the Kiowa Tribe Legislature and signed by the Chairman or should the Chairman VETO this action the Legislature may override the Chairman's VETO as per the Kiowa Tribe Constitution; and,

NOW THEREFORE BE IT RESOLVED; that the Legislature hereby approves and enacts the attached resolution "*THE KIOWA TRIBE FORENSIC AUDIT ACT OF 2020*", to start immediately upon enactment as specified in the Kiowa Tribe Constitution, Article VII. Executive Branch, Section 4. Powers (f) The Chairman shall have the power to sign any enactment passed by the Legislature into law or to veto with written explanations any enactment passed by the Legislature within ten days of passage and presentment of a certified enactment from the Legislature to the Chairman; provided, that if the Chairman takes no action within ten days, the enactment shall become law in accordance with this Constitution.

CERTIFICATION

The foregoing *Resolution No. KL-CY-2020-0008* was duly voted upon by the Legislature on *September 12th, 2020*, at a *Regular Session* with a vote of *(5) in favor and (1) opposed, (0) abstaining, and (1) absent*, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.


Anita Onco Johnson, District V
Legislative Secretary

Section 1.1 Short Title

This enactment shall be known as the "KIOWA TRIBE FORENSIC AUDIT ACT OF 2020".

Section 1.2 Purpose

The purpose of the Act is to conduct a Kiowa Tribe forensic audit for the past 10-years and a forensic audit for every 3-years thereafter.

Section 1.3 Findings

The Legislature Hereby finds and declares that:

- (a) Within 30-days after this act is approved the Procurement Officer shall develop and solicit a request for proposal (RFP) from three qualified forensic auditing firms not to exceed \$150,000.00 annually.
- (b) The bid process shall be reviewed and approved by the Kiowa Tribe Legislature with approval by simple majority vote.
- (c) The bid proposals shall include normal forensic audit requirements plus the following specific items.
- (d) The forensic audit shall include any and all contracts of all entities of the Kiowa Tribe as well as employment contracts of the Legislative branch.
- (e) Review any and all operating policies and identify the weaknesses and suggest policy changes to address the weakness.
- (f) The auditor shall act and interact directly with the United States Attorney on any and all irregularities found, to include recovery and prosecution where warranted, no plea bargains.
- (g) The resolution passed identifying where auditing funds were to come from and when they were approved.
- (h) Once the bids are awarded, a budget amendment may be required by special election and every entity shall contribute to the cost of the forensic audit.
- (i) The Chief Financial Officer (CFO) will have the responsibility of carrying out the forensic audit.
- (j) The Legislature and the Procurement Officer will develop realistic time frames to carry out this Legislation.
- (k) Any person who hinders or stops this process shall be subject to removal as per the Kiowa Tribe Constitutional process or tribal employee termination policies.
- (l) This policy and process and any improvements shall be repeated every 3-years.
- (m) This Legislation shall be enforced by the Kiowa Tribal Court.
- (n) In the event any Kiowa Indian Council is required to file an action for enforcement of this Kiowa Tribe Law, all attorney fees and court cost, process service, and any other required cost shall be paid by the Kiowa Tribe.
- (o) Any Attorney fees for any elected, appointed or employee of the Kiowa Tribe that the court action is required to enforce, this action shall not be paid by the Kiowa Tribe.

LEGISLATURE – RESOLUTION NUMBER: KL-CY-2020-0008


SPONSOR: Anita Johnson, District #V/Legislative Secretary

CO-SPONSOR(S): Ben Wolf, District #VI of the Kiowa Tribe Legislature

LEGISLATORS		YES	NO	ABSTAIN	ABSENT
District I	Angela McCarthy				X
District II	Michael Primus	X			
District III	Marilyn Bread	X			
District IV	Jessie Svitak		X		
District V	Anita Onco Johnson	X			
District VI	Ben Wolf	X			
District VII	Jacob Tsotigh	X			

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2020-0008, was presented to the Chairman of the Kiowa Tribe on the 29 day of September 2020, 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.


Anita Johnson, District #V
Legislative Secretary

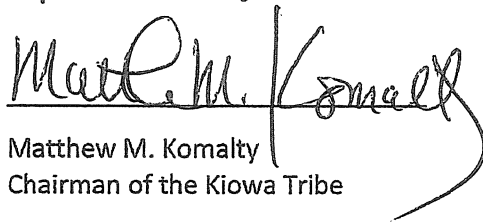
CHAIRMAN'S ACTION:

[] APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:
Violation of Separation of Powers - The Executive Branch execute and administer RFP for tribe NOT legislative Branch (Article VII, Section 4 Powers)
The BID process is reviewed and approved by Executive Branch NOT legislative Branch.
The Executive Branch and Procurement office will develop realistic time frames NOT legislative Branch.

b.
j

On this 7 day of October, 2020. M. There is no Kiowa Tribal Court,


 Matthew M. Komalty
 Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the _____ day of _____, 2020.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

[] YES
[] NO

LEGISLATORS		YES	NO	ABSTAIN	ABSENT
District I	Angela McCarthy				
District II	Michael Primus				
District III	Marilyn Bread				
District IV	Jessie Svitak				
District V	Anita Onco Johnson				
District VI	Ben Wolf				
District VII	Jacob Tsotigh				

CERTIFICATION

The foregoing **Resolution KL-CY-2020-0008**, was duly voted upon by the **Kiowa Tribe Legislature** at a duly called **Override Session _____, 2020**, with a vote of () in favor and () opposed, () abstaining, and () absent, pursuant Tribe Legislature at a to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Anita Johnson, District #V Legislator
Legislative Secretary