



KIOWA TRIBE
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OFFICE OF THE LEGISLATURE

KIOWA TRIBE
RESOLUTION NO. KL-CY-2021-0001

THE EMERGENCY VIDEO CONFERENCING ACT OF 2021

At a duly called Session of the Legislature of the Kiowa Tribe held this 13th day of February, 2021, 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 Constitution requires the Kiowa Legislature convene at the Tribal Headquarters for twelve Regular Sessions each year; and,

WHEREAS; although the Kiowa Tribal headquarters has been recognized to be located in Carnegie for many years it is not described as such in the Kiowa Constitution; and,

WHEREAS; the COVID-19 virus and pandemic has caused serious harm to many tribal members and their families. The continuous spread of the COVID-19 virus among employees and others working at the Tribe's Headquarters has caused recent temporary closures of the Kiowa Tribe's Headquarters and,

WHEREAS; the Kiowa Legislature has determined that it must continue the performance of its constitutional duties even during the COVID-19 Pandemic or other extreme emergency conditions but desires to do so in the safest possible manner; and,

WHEREAS; the Legislature shall be authorized to **temporarily** waive the Constitutional mandate of convening at the Tribal Headquarters only for extreme emergency conditions such as a state of emergency, a public health emergency, or a state of local disaster emergency; and,

WHEREAS; to protect the health and safety of the Legislators, staff, and the public during a extreme emergency conditions, the Legislature may hold Regular Sessions, Special Sessions, and other sessions of the Legislature by Live Video Conferencing, Web Conferencing, or other similar methods; and,

NOW THEREFORE BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "THE EMERGENCY VIDEO CONFERENCING ACT OF 2021".

CERTIFICATION

The foregoing **Resolution No. KL-CY-2021-0001** was duly voted at a duly called Regular Session by the Legislature on **February, 13th, 2021**, with a vote of **(5) in favor and (1) opposed, (0) abstaining, and (0) absent**, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.



Anita Onco Johnson, District V
Legislative Secretary

LEGISLATURE – RESOLUTION NUMBER: KL-CY-2021-0001

SPONSOR: Jessie Svitak, District IV Kiowa Legislator

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

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2021-0001, was presented to the Chairman of the Kiowa Tribe on the _____ day of _____ 2021, 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

SECTION 1.1 SHORT TITLE

This enactment shall be known as the "THE EMERGENCY VIDEO CONFERENCING ACT OF 2021"

SECTION 1.2 PURPOSE

The purpose of this Act is to ensure that the Legislative Branch of the Kiowa Tribe, who serve as the Peoples' representatives, have alternative methods to conduct official Legislative duties and responsibilities during emergency conditions.

SECTION 1.3 FINDINGS

The Legislature Hereby finds and declares that:

- (a) The Legislature is vested with the authority to create laws and resolutions toward a better government to address the needs of the people.
- (b) The Kiowa Legislature has determined that it must continue the performance of its constitutional duties even during the COVID-19 Pandemic or other emergency conditions but desires to do so in the safest possible manner.
- (c) During the pandemic and National emergency crisis, the Executive Branch closed the Carnegie Campus for a period of time due to the COVID-19 Pandemic. In an attempt to slow the spread of the virus, this necessary closure has hindered the Legislature's responsibility to fulfill constitutional mandates of conducting the business of the Kiowa people without a meeting place.

SECTION 1.4 VIDEO CONFERENCING

- (a) For the purpose of conducting all official Legislative Sessions, Legislators may conduct Sessions remotely by use of online video conferencing in order to take appropriate health and safety precautions and not unduly subject the Legislators and their families to exposure to the virus.
- (b) The Legislature shall be authorized to conduct official sessions, vote, and receive public comment by means of the use of video conferencing, web conferencing, or other similar methods.
- (c) Each Legislator shall be required to maintain a live visual presence throughout the duration of each session but may stop the live video for very short intervals if necessary.
- (d) The Legislative Speaker shall conduct Legislative Sessions by applying standard meeting procedures that provide for the fair and orderly conduct of the sessions.

- (e) When the Legislative branch convenes through electronic means, Kiowa Tribal members will be permitted to attend but only allowed to comment when recognized by the Legislative Speaker.
- (f) When the Constitutional mandated Regular Session must be conducted through electronic means, the notice and agenda shall be posted on the Kiowa Tribal Website in a timely manner prior to the session and shall include information how the Tribal membership can gain access to the session.
- (g) All attendees of all sessions shall clearly identify themselves with correct names and be visible to the other participants.

SECTION 1.5 LIMITATIONS

- (a) The use of video conferencing or similar methods for Regular Sessions may only be used during periods of a state of emergency, a public health emergency, or a state of local disaster emergency.
- (b) This bill does not modify any current authorization under law to do anything permitted under the bill during periods when such declarations of emergency are not in effect.
- (c) All attendees other than the Legislators and Legislative staff shall remain muted but visual unless called upon to comment by the Legislative Speaker.
- (d) The Legislative Speaker shall have the right to exclude, remove, or mute any individual who fails to respect the rules, procedures, and proceedings of the Legislature.

CHAIRMAN'S ACTION:

APPROVED

VETO – RETURNED TO LEGISLATURE WITH EXPLANATION:

Article VI, Legislative Branch
Section 7, Sessions (a)
The Legislature shall convene at the Tribal Headquarters for twelve
regular sessions of up to four consecutive days beginning on the
second Saturday of each month beginning at 9:00 a.m.

On this 3 day of Mar, 2021

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

LEGISLATURE'S ACTION:

Override of Chairman's veto:

YES

NO

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