

# KIOWA TRIBE

P.O. Box 2053, Lawton, Oklahoma · 73501  
Phone: (580) 699-2407 · Fax: (580) 699-2408  
OFFICE OF THE LEGISLATURE

---

KIOWA TRIBE - RESOLUTION NUMBER: KL-CY-2021-0007

KIOWA TRIBE ANNUAL BUDGET FISCAL YEAR 2021-2022

At a duly called Regular Session of the Legislature of the Kiowa Tribe held this 12th day of June, 2021, 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 Legislature elected under the Kiowa Constitution approved the Kiowa Tribe Annual Budget for 2021-2022 Fiscal Year, by majority vote; and,

**WHEREAS;** the Legislature will forward to the Kiowa Tribe Election Commission, subject to approval by voters.; and,

**NOW THEREFORE BE IT RESOLVED;** that the Kiowa Tribe Legislature hereby enacts the Kiowa Tribe Annual Budget Fiscal Year 2021-2022, subject to approval of voters.

## CERTIFICATION

The foregoing **Resolution No. KL-CY-2021-0007** was duly voted upon by the Legislature on **June 12, 2021**, at a **Regular Monthly Session** with a vote of **( 6 ) 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 5  
Secretary of the Legislature

**Section 1.1 Short Title**

This enactment shall be known as the "KIOWA TRIBE ANNUAL BUDGET FOR FISCAL YEAR 2021-2022".

**Section 1.2 Purpose**

The purpose of the Act is to approve a Kiowa Tribe Annual Budget for operations.

**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.

LEGISLATURE – RESOLUTION NUMBER: KL-CY-2021-0007

SPONSOR: Anita Johnson, District #5 of the Kiowa Tribe Legislature.

CO-SPONSOR(S):

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Kyle Ataddlety District #1				
Michael Primus District #2				
Marilyn Bread District #3				
Jessie Svitak District #4				
Anita Johnson District #5				
Ben Wolf District #6				
Jacob Tsotigh District #7				

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

*Resolution No. KL-CY-2021-0007*, 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.

CHAIRMAN'S ACTION:

APPROVED

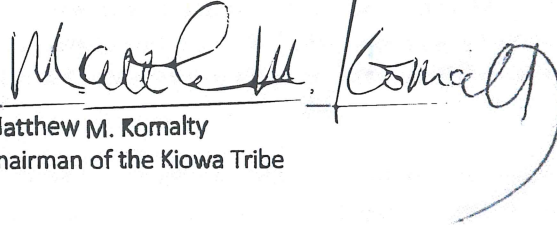
VETO – RETURNED TO LEGISLATURE WITH EXPLANATION:

Upon review of the Legislative budget for 2021-2022 and Resolution KL-CY-2021-0007. I am vetoing it due to the violations of the Kiowa Constitution and internal policies of the Kiowa Tribe.

1. The Treasurer submitted the 2022 budget on January 27, 2021 to Anita Johnson, Legislative Secretary it states in the Kiowa Constitution in Article VI, Section 6 Powers (b) (vi)

On this 23 day of June, 2021.

Continued on back page



Matthew M. Komalty  
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

YES

NO

Continued attachment sheet:

If the Legislature fails to approve an annual budget within 60 days of the presentment of a proposed annual budget by the Chairman to the Legislature by February 1, then the annual budget presented by the Chairman shall be deemed approved for the purposes of placing such budget before the voters for approval and disapproval. In addition, any further budget actions on the Legislative budget are void since you missed the 60-day timeline for composition of the Legislative budget (March 29, 2021).

2. The Legislative branch did not approve or disapprove the budget I submitted in a meeting before constructing its own budget as it states in the Constitution. Article VI, Section 6 Powers (b) (i) the Legislature shall have the power to accept the budget proposed by the Chairman or develop its own budget proposals, and the Legislature shall have the power to pass an annual budget and budget modifications pursuant to Legislative process.
3. The budget submitted on June 16, 2021 by the Legislative branch does not follow the Legislative process two budgets were read into record the first one on April 10, 2021, second was on May 4, 2021. Changes were made that the Constitution does not allow once it's read into record and has been publicize for comment. Both budgets read into record were after the 60-day deadline of March 29, 2021. Section 8 Legislative Process (a) (vi) Any action by the legislature which does not follow the Legislative process shall be deemed void and shall not be implemented or enforced by the government, Chairman, or any official or employee.
4. The Kiowa Constitution states that every funding item in the Annual budget must be authorized by law. The allocation of the American Rescue Act Plan funding is not mentioned in his resolution nor has it been previously authorized by any existing law. These factors violate the Kiowa Constitution.
5. The American Rescue Act Plan funding is emergency assistance awarded to the Kiowa Tribe from the Federal Government through the U.S. Treasury Department. Upon review of the Legislative proposed FY 2022 budget it includes Rescue Act Plan funds that mix with Tribal budgeted programs. The mixing of funds is called commingling of funds which is prohibited by the Office of Management and Budget (OMB). The Tribe must ensure the funds are accounted for separately and not commingled with tribal programs budgets or Federal Agencies. Under existing rules, a Single Audit must be performed following the requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administration Requirements, Cost Principles, and Audit requirements for Federal Awards (Uniform Guidance).
6. The revenue amount of \$14,103,650.00 on the Legislative budget is incorrect.
  - (a). It includes the Indirect Direct Cost amount of \$2,749,041.00 which is not a revenue it is monies received by the federal government to support tribal programs. Incorrect usage and allocation of Indirect Direct Cost monies could risk all 638 contracts and Federal programs held by Kiowa Tribe.
  - (b). The amount listed as revenue of \$1,500,000.00 from the Kiowa Gaming Commission is the operational budget for the Gaming Commission and is not revenue to be added to the Tribal budget. Without the oversight of the Gaming Commission we would jeopardize our casinos which is where a majority of our revenue comes from for the Tribal operations.
  - (c). The Tribe did not collect any allocations in 2021 budget for Historical Preservation so this revenue source needs to be removed from budget.
7. Tribal salaries submitted in the Legislative budget have reduced some salaries which would ause adverse actions to be done on employees without justification. Those employees could file in CFR court if these salary changes are implemented.

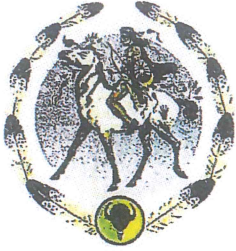
LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Kyle Ataddlety District #1				
Michael Primus District #2				
Marilyn Bread District #3				
Jessie Stivak District #4				
Anita Johnson District #5				
Ben Wolf District #6				
Jacob Tsothigh District #7				

**CERTIFICATION**

The foregoing *Resolution KL-CY-2020-0007*, was duly voted upon by the *Kiowa Tribe Legislature* at a duly called *Working Session* \_\_\_\_\_, 2021, 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 #5 Legislator**  
**Secretary of the Legislature**





# KIOWA TRIBE

P.O. Box 369 · Carnegie, Oklahoma · 73015  
Phone: (580) 654-2300 · Fax: (580) 654-1788  
OFFICE OF THE LEGISLATURE

## MEMORANDUM

TO: Matthew M. Komalty, Chairman of the Kiowa Tribe  
FROM: Marilyn Bread, Legislative Speaker , District III *mb*  
DATE: Monday, June 14, 2021  
SUBJECT: Approval of Resolutions/Bills of The Kiowa Tribe, Legislative Regular Session L

The Kiowa Legislature held Regular Session L on June 12<sup>th</sup>, 2021 as specified in the Constitution of the Kiowa Tribe. The Legislature approved Resolution/Bill KL-CY-2021-0007, please see attachment for the Chairman’s approval or veto.

- Resolution KL-CY-2021-0007; Kiowa Tribe Annual Budget Fiscal Year 2021-2022

The Kiowa Tribe Legislature is required to request and received back the resolution/laws within ten (10) days of presentment in accordance with the Constitution of the Kiowa Tribe, **ARTICLE VII – EXECUTIVE BRANCH: (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.***

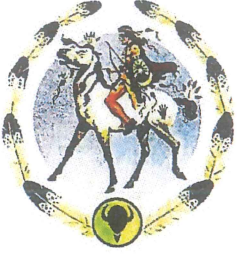
Should you have any other questions, please contact me at [mkbread@kiowatribe.org](mailto:mkbread@kiowatribe.org). Thank you.

.....

*Civa Hill*  
\_\_\_\_\_  
Received by: Signature

*6/15/2021*  
\_\_\_\_\_  
Date

*Civa Hill*  
\_\_\_\_\_  
Print Name



# Kiowa Tribe

P.O. Box 157 · Carnegie, Oklahoma · 73015  
Phone: (580) 654-6343 · Fax: (580) 654-8712  
**EXECUTIVE BRANCH**

---

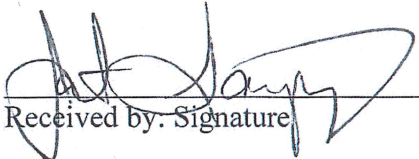
## MEMORANDUM

**DATE:** June 23, 2021  
**TO:** Marilyn Bread, Kiowa Legislature Speaker  
**FROM:** Matthew M. Komalty, Chairman  
**RE:** Review/Response of Resolution KL-CY-2021-0007

Below is Resolutions KL-CY-2021-0007 that I have reviewed and signed.

1. Resolution KL-CY-2021-0007; Kiowa Tribe Annual Budget Fiscal Year 2021-2022 – **VETO**

  
\_\_\_\_\_  
Matthew Komalty, Chairman

.....  
  
\_\_\_\_\_  
Received by: Signature

6-23-2021  
Date

Janet Saupitty  
\_\_\_\_\_  
Print Name