



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-2020-KL-CY-2021-0008

KIOWA TRIBE FIRST MODIFCATION BUDGET FOR FISCAL YEAR 2021-2022

At a duly called Regular Session of the Legislature of the Kiowa Tribe held this 14th day of August, 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 is providing the Kiowa Tribe First Budget Modification for Fiscal Year 2021-2022, for approval of the Kiowa Tribe Legislature; and,

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

WHEREAS: the Kiowa Tribe Legislature presented a complaint to the Court of Indian Offenses for the Southern Plains Region, Anadarko, Oklahoma. Case No. 20-42, on August 25, 2020 the Court dissolved in part its Preliminary Injunction, allowing the Defendants to withdraw and payout funds received from the U.S. Treasury designated "Cares Act" Funds contained in the budget that the Kiowa Indian Council had approved. The Court ordered: "The funds included in the approved budget may be expended from this time forward in accordance with the approved budget." The injunction remained as to those funds provided to the Kiowa Tribe from the U.S. Treasury Department which have not been included in a budget or modification and voted on affirmatively by the Kiowa Indian Council; and,

WHEREAS: Congress passed the American Rescue Plan (ARP) Act and was signed by President Joe Biden on March 11, 2021; and,

WHEREAS: the ARP Act provides additional funding to Tribes under Subtitle M of the Act in helping Tribal governments to negate the fiscal effects stemming from the public health emergency with respect emergency with respect to the Coronavirus Disease (COVID-19); and,

WHEREAS: The Kiowa Tribe received confirmation as its pro rata enrollment allocation for the first stage is calculated \$50,966,838.27 million dollars from the ARP Act under Subtitle M of the Act, to help the Tribes to mitigate the fiscal effects stemming from the public health emergency with respect to the Corona Disease (COVID-19); and,

WHEREAS: The ARP Act must be used specifically to help the Tribes to mitigate the fiscal effects stemming from the public health emergency with respect to Coronavirus Disease (COVID-19) and cannot be issued as a Per Capita payment to tribal members; and,

WHEREAS: The Kiowa Tribe Legislature finds that it is necessary and proper to appropriate the ARP Act funding to allow the Tribes to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19) and cannot be issued as a Per Capita payment to tribal members; and,

WHEREAS: The Kiowa Tribe Legislature finds that it is necessary and proper to appropriate the ARP Act funding to allow the Tribes to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19); and,

WHEREAS: Article VI, Section .6 (b) The Legislature shall have the power to pass an annual budget or budget modification subject to the following conditions (i) (ii) (iii) (iv) (v)

WHEREAS: The Kiowa Tribes Legislature has determined that significant hardships are being experienced by the Tribes and its members as result of the COVID-19 pandemic, resulting from, among other things, (1) the necessity of the Tribe to suspend certain tribal government operations, programs, services, and revenue raising enterprises and to furlough employees who are members of the Tribes and members of their families; and,

WHEREAS: The Tribes have received funds through the ARP Act and determines that it is necessary and appropriate to allocate a portion of those finds for this disaster assistance distribution; and,

WHEREAS: The Kiowa Tribe Legislature has determined to provide the emergency disaster assistance distribution to or for the benefit of tribal members on a non-taxable basis in accordance with the requirements of the federal Tribal General Welfare Exclusion Act of 2014, thereby preserving the availability of tribal funds for use in addressing the many anticipated and unanticipated needs of the Tribes and its members during the COVID-19 pandemic; and,

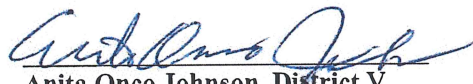
WHEREAS: \$31,782,000.00 will be made available to ARP-Covid19 General Welfare Assistance-Minimum of \$3000.00 per enrolled Kiowa Tribal members-based on application and needs assessment; and,

WHEREAS: The Legislative and Executive Branch will work over the next several weeks and months to plan on how to spend the remaining ARP funds \$19,184,838.27 in accordance with the Act; and,

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

CERTIFICATION

The foregoing *Resolution No. KL-CY-2021-0008* was duly voted upon by the Legislature on *August 14th, 2021* at a *Regular Monthly Session* with a vote of (5) *in favor* and (2) *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
Secretary of the Legislature

Section 1.1 Short Title

This enactment shall be known as the “KIOWA TRIBE FIRST BUDGET MODIFICATION FOR FISCAL YEAR 2021-2022”.

Section 1.2 Purpose

The purpose of the Act is to approve a Kiowa Tribe First Budget Modification for Fiscal Year 2021-2022 for operations and ARP Funding.

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-2021-0008

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

CO-SPONSOR(S): Marilyn Bread, District III; Michael Primus, District II, Ben Wolf, District VI; Jacob Tsoitigh, District VII.

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

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2021-0008, 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
Secretary of the Legislature

CHAIRMAN'S ACTION:

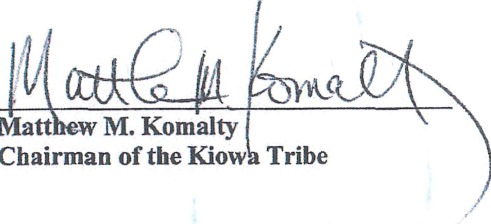
APPROVED

VETO – RETURNED TO LEGISLATURE WITH EXPLANATION:

1. The budget presented does not contain All expected revenues and expenditures in the correct amounts.
2. The proposed budget violates the United States Treasury guidelines for use of the ARP Act funds.
3. Programs that are allowed under the ARP guidelines have been set up by the Chairman for the benefit of all Tribal members as allowed and required under the Grants Authorization Act passed into law by the Legislature.

Continue on attached sheet...

On this 2nd day of September, 2021.


 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

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

CERTIFICATION

The foregoing *Resolution KL-CY-2021-0008* was duly voted upon by the *Kiowa Tribe Legislature* at a duly called *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 V Legislator
Secretary of the Legislature



Kiowa Tribe

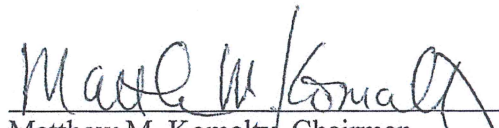
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EXECUTIVE BRANCH

Cont.' Veto: Resolution KL-CY-2021-0008 titled Kiowa Tribe First Modification Budget for Fiscal Year 2021-2022

4. Funds have already been distributed under the Grants Act and are continuing to be distributed to Tribal members.
5. The budget as proposed fails to recognize that ARP funds are grant funds with strict guidelines on the use of the funds and should be placed under the FOR INFORMATION PURPOSES ONLY portion of any budget submitted just as 93-638 funds are.


Matthew M. Komalty, Chairman
Kiowa Tribe



KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

MEMORANDUM

TO: Matthew M. Komalty, Chairman of the Kiowa Tribe

FROM: Marilyn Bread, Legislative Speaker, District III *MKBread*

DATE: Wednesday, August 17, 2021

SUBJECT: Approval of Resolutions/Bills of The Kiowa Tribe, Legislative Regular Session LII

The Kiowa Legislature held Regular Session LII on August 14, 2021 as specified in the Constitution of the Kiowa Tribe. The Legislature approved Resolution/Bill KL-CY-2021-0008, please see attachment for the Chairman's approval or veto.

- Resolution KL-CY-2021-0008; Kiowa Tribe First Modification Budget for 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 the Legislative Clerk at isaupitty@kiowatribe.org. Thank you.

Civa Hill

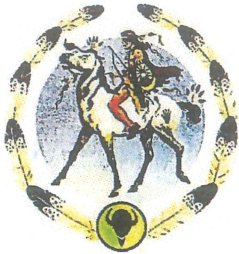
Received by: Signature

8/24/2021

Date

Civa Hill

Print Name



Kiowa Tribe

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EXECUTIVE BRANCH

MEMORANDUM

DATE: August 2, 2021
TO: Marilyn Bread, Kiowa Legislature Speaker
FROM: Matthew M. Komalty, Chairman
RE: Review & Response of Resolutions

Below is the response and signature of Resolutions submitted on August 24, 2021. Each one has been reviewed and signed.

1. Resolution KL-CY-2021-0008; Kiowa Tribe First Modification Budget for Fiscal Year 2021-2022 – **VETO**
2. Resolution KL-CY-2021-009; Revised Election Commission Ordinance – **VETO**

Matthew Komalty, Chairman

.....

Received by: Signature

Date

Print Name



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Should you have any other questions, please contact the Legislative Clerk at jsaupitty@kiowatribe.org. Thank you.

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Civa Hill

Received by: Signature

8/24/2021

Date

Civa Hill

Print Name