



KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

KIOWA TRIBE Resolution No. KL-CY-2022-001

ANNUAL BUDGET APPROPRIATION FOR FISCAL YEAR 2021-2022

At a duly called session of the Legislature of the Kiowa Tribe held this 8th day of January 2022, the following resolution and law were adopted.

WHEREAS, The Legislature is vested with the authority to pass an annual budget and budget modification for the Tribe pursuant to the Legislative process, and subject to approval by the voters, and

WHEREAS, The Legislature shall have the power to consider any budget proposals presented to the Legislature by the Chairman. The Legislature shall have the power to accept the budget proposal presented by the Chairman or developed its own budget proposals, and

WHEREAS, The Legislature shall have the power to pass an annual budget and budget modifications pursuant to the Legislative process.

NOW THEREFORE BE IT RESOLVED, that the Legislature hereby enacts the attached “Annual Budget Appropriation for Fiscal Year 2021-2022”, subject to final approval by the voters.

CERTIFICATION

The foregoing resolution KL-CY-2022-001 was duly voted upon by the Legislature on January 08, 2022, at a Legislative Regular Session LVII (57) with a vote of (4) in favor and (2) opposed, (1) abstaining, and (0) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.


Anita Onco-Johnson
Secretary of the Legislature

LEGISLATURE - RESOLUTION NO. KL-CY-2022-001:

SPONSOR: Michael Primus, District #2 Legislator

CO-SPONSOR(S): Anita Onco-Johnson, Secretary/District #5 Legislator

LEGISLATORS	YES Hàu	NO Hàu:né	ABSTAIN Háun á	ABSENT Héñgyádàu
Kyle Ataddlety District #1		X		
Michael Primus District #2	X			
Marilyn Bread District #3	X			
Jessie Svitak District #4		X		
Anita Johnson District #5	X			
Ben Wolf District #6	X			
Jacob Tsoitigh District #7			X	

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2022-001 was presented to the Chairman of the Kiowa Tribe on the _____ day of January, 2022, 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 Onco-Johnson
Secretary of the Legislature

CHAIRMAN'S ACTION:

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

Upon review of the Legislative budget for 2021-2022 and Resolution KL-CY-2022-001. I am vetoing it due to the violations of the Kiowa Constitution and internal policies of the Kiowa Tribe.

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

Continued next page...

On this 11th day of March, 2022.



Matthew M. Komalty
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the ____ day of _____, 2022.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

YES

NO

KL-CY-2022-001

Continued from front page....

1. 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. On March 29th I submitted my budget to the Election Commission on April 8, 2021 I received notification that the Annual Budget Election would be held on May 15, 2021 the budget failed as it was not passed by the KIC.
2. On June 12, 2021 Resolution KL-CY-2021-0007 was passed by the Legislature in regular monthly session. On June 14, 2021, a resolution was sent for my approval or veto and it was vetoed on June 23, 2021. Upon receipt of my veto a special meeting of the Legislature was held to override my veto the Legislative vote was not obtained so the Legislative process ended with this action.
3. As stated in the Constitution Article VI Legislative Branch Section 6 Powers (b) (i) The Legislature shall have the power to consider any budget proposals presented to the Legislature by the Chairman. The Legislature shall have the power to accept the budget proposal presented 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 the Legislative Process; provided, that the Election Commission shall promptly place any budget or budget modification approved by the Legislature, or deemed approved by the Legislature, before the voters for approval or disapproval. The submitted budget did not meet the requirements as stated in the Constitution therefore, this budget submission is not in accordance with Legislative process it has been exhausted as stated above.
4. The Legislative Branch is continuing to violate the Constitution. To date I have received three (3) budget resolutions KL-CY-2021-008 submitted on August 21, 2021 and a veto submitted on September 2, 2021; KL-CY-2021-0011 was submitted on November 15, 2021 and a veto was submitted on November 23, 2021 and the most recent resolution KL-CY-2022-001. All three resolutions submitted to date have not been submitted in accordance to the Legislative process. It states in Article VI Legislative Branch 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 employees.

CERTIFICATION

The foregoing resolution KL-CY-2022-xxx was duly voted upon by the Legislature on _____, 2022, at a Legislative Order Session with a vote of _____ in favor and _____ opposed, and _____ abstaining, _____ Absent. Pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Anita Onco-Johnson
Secretary of the Legislature

LEGISLATORS	YES Hàu	NO Hàu:né	ABSTAIN Háun á	ABSENT Héñgyádàu
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 Tsoitigh District #7				

Section 1.1 Short Title

This enactment shall be known as the “Annual Budget Appropriation for Fiscal Year 2021-2022”.

Section 1.2 Purpose

The purpose of the Act is to approve an Annual Budget for the Tribe, 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 Kiowa 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 Legislature has identified the need to enact to the annual budget to include previously un identified revenue and expenditures, including newly received funds and to address additional funding needs.
- (d) The Tribe shall operate on a fiscal year beginning July 1st and ending June 30th, Article 6, Section 6(v) The Legislature shall have the power to raise revenue and appropriate funds for expenditure. Every funding item in an annual budget must have been previously authorized by law. No monies shall be drawn from the Treasury except by signature of the Chairman and except upon authorization and appropriation by law, (vi) if the Legislature fails to approve an annual budget within sixty days of presentment of a proposed annual budget by the Chairman to the Legislature by February 1st, then the annual budget presented by the Chairman shall be deemed approved for the purpose of placing such budget before the voters for approval or disapproval. If a new annual budget is not approved by the beginning of the fiscal year, then the most recently approved budget shall remain in effect until a new budget is approved. (2021-2022)

Section 1.4 Approval of the Annual Budget for Fiscal Year 2021-2022

The Legislature hereby approves the “Annual Budget for the Fiscal Year 2021-2022”, subject to final approval by the voters as listed below under Revenue in Subsection (a), and Expenses in subsection (b), (c), (d), (e), and (f).

(a) Revenue of the annual budget, the following shall be approved: (1) revenue granted from the Kiowa Tribe Casino Operations of \$ 6,160,000.00 for disbursement for Tribal Operations and to supplement Tribal Programs.

(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 as follows:

1)	Executive Branch	\$ 638,740.00
2)	Kiowa Election Commission	\$ 310,000.00
3)	Kiowa Enrollment	\$ 118,360.00
4)	Kiowa Gift Shop	\$ 68,740.00
5)	Museum	\$ 211,335.00
6)	Kiowa Tax Commission	\$ 252,842.00
7)	Administration	\$ 584,870.00
8)	Finance (Elder Payment \$1000)	\$3,377,980.00
9)	Human Resources	\$ 312,220.00
10)	Procurement/Contracts	\$ 628,120.00
11)	Kiowa Security	\$ 371,100.00
12)	Communications	\$ 141,560.00
13)	Maintenance	\$1,001,140.00
14)	Social Services	\$1,289,051.00
15)	Contract and Grants	\$ 345,160.00
16)	Re-Entry Program	\$ 126,520.00
17)	Veterans Assistance Program	\$ 127,700.00
19)	Information Technology	\$ 125,700.00
20)	Higher Education	\$ 150,000.00
21)	Administration on Aging (AOA)	\$ 55,000.00
22)	Fire Management Program	\$ 54,000.00
23)	Emergency Housing Assistance-Elders	\$ 200,000.00

(c) Judicial Branch: under the general budget in the annual budget, the Judicial Branch shall include appropriation of \$329,892.00, to be used for salaries, office space/construction, equipment, supplies, consultants, legal counsel, and employees and/or contract services for clerks, bailiffs,

prosecutor, public defenders, jail bed spaces, pro tempore judges, and related expenditure as necessary for the operation of the courts and Judicial Branch of government.

(d) Legislative Branch: under the general budget in the annual budget, the Legislative Branch shall include an increased appropriation of \$1,767,086.00, for additional staff, salaries, additional equipment, for each district to maintain a physical presence for each district due to the increase of Legislative duties to new roles of each Legislator within the Tribal operations to assist with day to day operations and to assist each constituent needs for Tribal affairs processing.

(e) Kiowa Indian Council: shall include an increase appropriation of \$173,750.00, for part-time salaries, additional equipment, assist each constituent needs for Tribal affairs constitutional process.

(f) Including ARPA – American Rescue Plan Act, overall funding \$58,115,404.27.

Section 1.5 Final Approval by the Voters

Within thirty-days of approval of this budget 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 an election for the voters to decide whether to approve the Annual Budget Appropriation for Fiscal Year 2021-2022.