



KIOWA TRIBE

P.O. Box 369 • Carnegie, Oklahoma • 73015
Phone: (580) 654-6338 • Fax: (580) 654-1788
OFFICE OF THE LEGISLATURE

KIOWA TRIBE Resolution No. KL-CY-2022-002

KIOWA CASINO – HOBART, BUILDING CONSTRUCTION AND GRAND OPENING AUTHORIZATION ACT OF 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 laws and resolutions pursuant to Article VI, Section 6 (a) of the Constitution of the Kiowa Tribe, and

WHEREAS, The Legislature has determined that it is in the best interest of the Tribe to commence construction of the Kiowa Casino in Hobart, Oklahoma, and

NOW THEREFORE BE IT RESOLVED, that the Legislature hereby enacts the attached law entitled, “KIOWA CASINO – HOBART, BUILDING CONSTRUCTION AND GRAND OPENING AUTHORIZATION ACT OF 2022”.

CERTIFICATION

The foregoing resolution KL-CY-2022-002 was duly voted upon by the Legislature on January 08, 2022, at a Legislative Regular Session LVII (57) with a vote of (6) in favor and (0) 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

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Posted and read into record sponsored by: Ben Wolf, District #6 Legislator and co-sponsored by Anita Johnson, District #5, on Saturday, December 11, 2021. Presented at the Public Legislative Hearing on Wednesday, January 05, 2022. Presented on Saturday, Legislative Regular Session LVII (57), January 08, 2022,

LEGISLATURE - RESOLUTION NO. KL-CY-2022-002:

SPONSOR: Ben Wolf, District #6 Legislator

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

LEGISLATORS	YES Hàu	NO Hàu:né	ABSTAIN Háun á	ABSENT Héígyádàu
Kyle Ataddlety District #1	X			
Michael Primus District #2	X			
Marilyn Bread District #3	X			
Jesse 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-xxx 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

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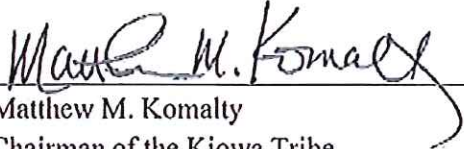
Posted and read into record sponsored by: Ben Wolf, District #6 Legislator and co-sponsored by Anita Johnson, District #5, on Saturday, December 11, 2021. Presented at the Public Legislative Hearing on Wednesday, January 05, 2022. Presented on Saturday, Legislative Regular Session LVII (57), January 08, 2022.

CHAIRMAN'S ACTION:

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

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

CERTIFICATION

The foregoing resolution KL-CY-2022-xxx was overridden with Order KLO-CY-2022-XXX and 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 Héígyádàu
Kyle Ataddlety District #1				
Michael Primus District #2				
Marilyn Bread District #3				
Jesse Svitak District #4				
Anita Johnson District #5				
Ben Wolf District #6				
Jacob Tsotigh District #7				

Section 1.1 Short Title

This enactment shall be known as the “Kiowa Casino – Hobart, Building Construction and Grand Opening Authorization Act of 2022 (Act)”.

Section 1.2 Purpose

The purpose of this “Act” is to authorize the Kiowa Casino Operation Authority (KCOA) to commence construction of the planned gaming facility in Hobart, Oklahoma.

Section 1.3 Findings

(a) The Hobart Casino Project has been planned and pending for many years and has been recently placed into trust with the United States for the purpose of tribal gaming in accordance with tribal and federal law, including the Indian Gaming Regulatory Act of 1988.

(b) The Tribe currently operates successful casinos in three (3) locations and the Kiowa Tribe Legislature has determined that the construction of the proposed casino facility in Hobart, Oklahoma, will benefit the community and members of the Tribe.

Section 1.4 Authorization

(a) The Legislature hereby authorizes the Chairman and Kiowa Casino Operation Authority (KCOA), to commence construction of the Kiowa Casino Hobart, Oklahoma.

(b) The Legislature hereby authorizes and directs the Chairman and KCOA to negotiate and execute all necessary agreements, documents and reports for the construction of the Kiowa Casino Hobart, Oklahoma and to provide all of the same to the Legislature.

(c) The Chairman and KCOA shall manage and oversee the Kiowa Casino Hobart, Oklahoma, in accordance with all applicable laws, including the Indian Gaming Regulatory Act and its implementing regulations and in accordance with the Class III Tribal Gaming Compact with the State of Oklahoma.

Section 1.5 Approval of Resolution KIC-CY-0053-2019 Kiowa Indian Council Authorize the Chairman of Kiowa Tribe to Negotiate and Sign New Loan Agreement for Construction of Casino in Hobart, Oklahoma

(a) WHEREAS; Shall the Kiowa Indian Council (KIC) authorize the Chairman of the Kiowa Tribe to negotiate and sign a new loan agreement to finance the construction of a casino in or near Hobart, Oklahoma, in total amount not to exceed Nine Million Dollars (\$9,000,000.00) and which loan agreement may include (1) limited waiver of sovereign immunity to permit enforcement of the loan obligations of the Kiowa Casino Operations Authority (KCOA) against only the asset (including but not limited to the personal property and accounts) of the Kiowa Casino Operating Authority (KCOA), and that will not permit any enforcement against assets owned in the name of the Kiowa Tribe, (2) an authorization for the Chairman of the Tribe and the Chairman of the KCOA to execute loan documents the terms of which are in accordance with the language of this ballot questions. (3) an authorization for the KCOA to sue and be sued in the KCOA's name; (4) an authorization for the KCOA to consent to the exercise of jurisdiction over any suit or action arising under the loan agreements to be approved hereunder by the courts of the Kiowa Tribe or any court to which appeals from the foregoing courts may be taken; and (5) a consent to binding arbitration or litigation or any other form of dispute resolution as a means for resolving any disputes arising under any loan agreements approved in accordance with this ballot question.

(b) NOW THEREFORE BE IT RESOLVED; that the Kiowa Indian Council hereby; "Shall the Kiowa Indian Council (KIC) authorize the Chairman of the Kiowa Tribe to negotiate and sign a new loan agreement to finance the construction of a casino in or near Hobart, Oklahoma, in total amount not to exceed Nine Million Dollars (\$9,000,000.00) and which loan agreement may include: (1) a limited waiver of sovereign immunity to permit enforcement of the loan obligations of the Kiowa Casino Operating Authority (KCOA) against only the assets owned in the name of

the Kiowa Tribe, (2) an authorization for the Chairman of the Tribe and the Chairman of the KCOA to execute loan documents the terms of which are in accordance with the language of this ballot questions, (3) an authorization for the KCOA to sue and be sued in the KCOA's name, (4) an authorization for the KCOA to consent to the exercise of the jurisdiction over any suit or action arising under the loan agreements to be approved hereunder by the courts of the Kiowa tribe or any court of the United States or any state court and also to any appellate court to which appeals from the foregoing courts may be taken and (5) a consent to binding arbitration or litigation or any other form of dispute resolution as a means for resolving any disputes arising under any loan agreements approved in accordance with this ballot question.

(c) BE IT FURTHER RESOLVED; that this resolution shall be the policy of the Kiowa Tribe until it is withdrawn or modified by subsequent resolution.

(d) Kiowa Tribe Election, August 24, 2019 with a vote of 701-yes and 409-No

On October of 2014, a federal memorandum, known as the Wilkinson Memorandum, (*rescinded, January 4, 2018*) ; see Sessions memo above) was issued regarding the legalization of marijuana by Indian Tribes. The memo indicated that federal authorities would not interfere with tribal legalization efforts provided the tribe implements strong and effective regulatory and enforcement systems consistent with federal law enforcement priorities. The Wilkinson Memorandum also acknowledged that the tribes are sovereign nations and directs to the Department of Justice to consult with affected tribes on a government to government basis on matters relating to the regulation of legalized marijuana. *RCW 43.06.490 – Marijuana agreements – Federally recognized Indian Tribes, an example of a tribal marijuana compact (for the Suquamish Tribe)*

NOW THEREFORE BE IT RESOLVED: that the Kiowa Indian Council hereby; legalizes the recreational, medicinal, and industrial use of all things Marijuana, for the betterment of the Kiowa Tribe and to assist in the means to keep up with the world and bettering the Kiowa Tribe and its enrolled members morally and financially.

BE IT FURTHER RESOLVED: that this resolution shall be the policy of the Kiowa Tribe until it is withdrawn or modified by subsequent resolution.

KIC-CY-0053-2019 – KIOWA INDIAN COUNCIL AUTHORIZE THE CHAIRMAN OF KIOWA TRIBE TO NEGOTIATE AND SIGN NEW LOAN AGREEMENT FOR CONSTRUCTION OF CASINO IN HOBART, OKLAHOMA

WHEREAS: Shall the Kiowa Indian Council (KIC) authorize the Chairman of the Kiowa Tribe to negotiate and sign a new loan agreement to finance the construction of a casino in or near Hobart, Oklahoma, in total amount not to exceed Nine Million Dollars (\$9,000,000,00) and which loan agreement may include (1) limited waiver of sovereign immunity to permit enforcement of the loan obligations of the Kiowa Casino Operations Authority (KCOA) against only the asset (including but not limited to the personal property and accounts) of the Kiowa Casino Operating Authority (KCOA), and that will not permit any enforcement against assets owned in the name of the Kiowa Tribe, (2) an authorization for the Chairman of the Tribe and the Chairman of the KCOA to execute loan documents the terms of which are in accordance with the language of this ballot question. (3) an authorization for the KCOA to sue and be sued in the KCOA's name; (4) an authorization for the KCOA to consent to the exercise of jurisdiction over any suit or action arising under the loan agreements to be approved hereunder by the courts of the Kiowa Tribe or any court to which appeals from the foregoing courts may be taken; and (5) a consent to binding arbitration or litigation or any other form of dispute resolution as a means for resolving any disputes arising under any loan agreements approved in accordance with this ballot question.

NOW THEREFORE BE IT RESOLVED; that the Kiowa Indian Council hereby; "Shall the Kiowa Indian Council (KIC) authorize the Chairman of the Kiowa Tribe to negotiate and sign a new loan agreement to finance the construction of a casino in or near

Hobart, Oklahoma, in total amount not to exceed Nine Million Dollars (\$9,000,000.00) and which loan agreement may include: (1) a limited waiver of sovereign immunity to permit enforcement of the loan obligations of the Kiowa Casino Operating Authority (KCOA) against only the assets (including but not limited to the personal property and accounts of the Kiowa Casino Operating Authority (KCOA), and that will not permit any enforcement against assets owned in the name of the Kiowa Tribe, (2) an authorization for the Chairman of the Tribe and the Chairman of the KCOA to execute loan documents the terms of which are in accordance with the language of this ballot question. (3) an authorization for the KCOA to sue and be sued in the KCOA's name; (4) an authorization for the KCOA to consent to the exercise of jurisdiction over any suit or action arising under the loan agreements to be approved hereunder by the courts of the Kiowa Tribe or any court of the United States or any state court, and also to any appellate court to which appeals from the foregoing courts may be taken; and (5) a consent to binding arbitration or litigation or any other form of dispute resolution as a means for resolving any disputes arising under any loan agreements approved in accordance with this ballot question.

BE IT FURTHER RESOLVED: that this resolution shall be the policy of the Kiowa Tribe until it is withdrawn or modified by subsequent resolution.