



KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

KIOWA TRIBE
Resolution No. KL-CY-2022-003

ANNUAL BUDGET APPROPRIATION FOR FISCAL YEAR 2022-2023

At a duly called session of the Legislature of the Kiowa Tribe held this day of March 12, 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 develop 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: The Legislature hereby enacts the attached “Annual Budget Appropriation for Fiscal Year 2022-2023”, subject to final approval by the voters.

CERTIFICATION

The foregoing resolution KL-CY-2022-003 was duly voted upon by the Legislature on March 12, 2022, at a Legislative Regular Session LIX (59) with a vote of (5) in favor and (1) 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



Posted and read into record by: Michael Primus, District #2 Legislator, on Saturday, January 15, 2022.
Tabled during Legislative Regular Session LVIII (58), Saturday, February 12, 2022. Presented
Legislative Hearing on March 11, 2022. Placed and Approved on Agenda for Legislative Regular Session LIX (59) March 12, 2022.

LEGISLATURE - RESOLUTION NO. KL-CY-2022-003:


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 Héńgyádàu
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 Tsothigh 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 16th day of March, 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:

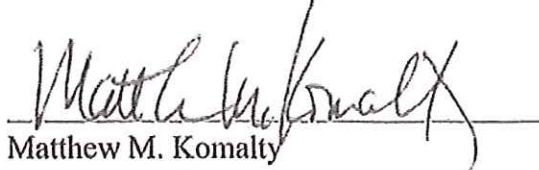
APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

Upon review of the Legislative budget for 2022-2023 and Resolution KL-CY-2022-003. I am vetoing it due to the violations of the Kiowa Constitution.

1. The Fiscal Year 2022-2023 budget was submitted on January 28, 2022 to Jesse Svitak, District 4 Legislature. It states in the Kiowa Constitution in Article VI, Legislative Branch Section 6 Powers (b) The Legislature shall have the power to pass an annual budget or budget modification subject to the following conditions: Continued on next page...

On this 24th 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

- (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. The Legislative branch did not approve or disapprove the budget submitted in a meeting before constructing its own budget as it states in the Constitution.
2. The annual budget submitted to Executive Branch on March 16, 2022 by the Legislature did not follow the Legislative process the proposed budget was read into record and posted on January 8, 2022 by Michael Primus, District 2 Legislature twenty-three days before the budget process began as stated in the Kiowa Constitution in Article VII, Executive Branch Section 6 Powers (a) The Chairman shall make projections of revenues for a two-year period and shall develop and present an annual budget to the Legislature no later than February 1st. The Legislative process cannot begin until the submission of Chairman's proposed budget therefore, as stated 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 employee.

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 Tsotigh District #7				

Section 1.1 Short Title

This enactment shall be known as the “Annual Budget Appropriation for Fiscal Year 2022-2023”.

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 the annual budget to include unidentified 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. (2022-2023)

Section 1.4 Approval of the Annual Budget for Fiscal Year 2022-2023

The Legislature hereby approves the “Annual Budget for the Fiscal Year 2022-2023”, 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. (2) All other revenue as listed in the annual budget and including any additional revenue which may be received during the fiscal year which may not have been previously identified due to unforeseen revenue budget projections. (Limited to revenue received during actual fiscal year 2022-2023.)

(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	\$ 849,520.00
2)	Kiowa Election Commission	\$ 344,600.00
3)	Kiowa Enrollment	\$ 136,010.00
4)	Kiowa Gift Shop	\$ 86,934.00
5)	Law Enforcement	\$ 271,156.00
6)	Kiowa Museum	\$ 195,875.00
7)	Kiowa Tax Commission	\$ 322,880.00
8)	Administration	\$ 421,938.00
9)	Finance (Elder Payment \$500)	\$2,195,972.00
10)	Human Resources	\$ 395,089.00
11)	Procurement/Property	\$ 425,320.00
12)	Kiowa Security	\$ 303,071.00
13)	Communication	\$ 189,857.00
14)	Maintenance	\$ 824,924.00
15)	Social Services	\$ 426,051.00
16)	Contracts and Grants	\$ 239,874.00
17)	Re-Entry Program	\$ 122,500.00
18)	Veterans Assistance Program	\$ 106,225.00
19)	Information Technology	\$ 303,554.00
20)	Administration on Aging (AOA)	\$ 75,000.00
21)	E.P.A.	\$ 65,000.00
22)	Kiowa Youth Activity Program	\$ 173,291.00
23)	Kiowa Culture/Language Emersion	\$ 286,220.00

(c) Judicial Branch: under the general budget in the annual budget, the Judicial Branch shall include appropriation of \$258,362.00, 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 \$1,593,827.00, 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 \$109,950.00, for part-time salaries, additional equipment, assist each constituent needs for Tribal affairs constitutional process.

(f) Including ARPA (information only) – 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 2022-2023.