



# KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

## KIOWA TRIBE RESOLUTION NO. KL-CY-2019-002

### ECONOMIC DEVELOPMENT BOARD ESTABLISHMENT ACT OF 2019

At a duly called Session of the Legislature of the Kiowa Tribe held this 9<sup>th</sup> day of March, 2019, 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; Article VI, Section 6(i) of the Constitution vests the power in the Legislature to establish Executive Boards, and Members of all Boards shall be nominated by the Chairman, subject to confirmation of the Legislature; and,

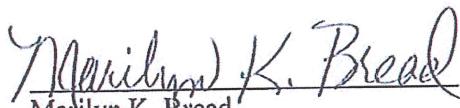
WHEREAS; The Legislature has established a Planning Department to assist the Tribe with creating plans for the future, identifying grant opportunities, and evaluating potential economic development proposals, projects, and activities; and,

WHEREAS; The Legislature has identified the need to establish an Economic Development Board to assist and advise the Planning Department with identifying and evaluating potential economic development proposals, projects, and activities.

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "Economic Development Board Establishment Act of 2019".

### CERTIFICATION

The foregoing resolution KL-CY-2019-002, was duly voted upon by the Legislature on March 9<sup>th</sup>, 2019, at a Regular Session XXIII with a vote of ( 7 ) in favor and ( 0 ) opposed, ( 0 ) abstaining, and ( 0 ) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

  
  
Marilyn K. Bread  
Speaker of the Legislature

The Kiowa Legislature on August 9, 2018 for the September 8<sup>th</sup>, 2018, XVII Legislative Session, or lack of 6 unanimous votes to override Chairman Komalty's veto. Re-introduced and posted on January 28, 2019 for the March 9, 2019, XXIII Legislative Session.

**LEGISLATURE - RESOLUTION NO. KL-CY-2019-002:**

**SPONSOR:** Ben Wolf, District #6 Legislator

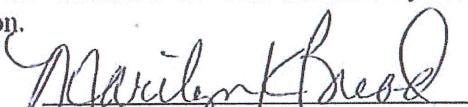
**CO-SPONSOR(S):** Modina Waters, District #7 Legislator

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Angela McCarthy District #1	X			
Michael Primus District #2	X			
Marilyn K. Bread District #3	X			
Jessie Svitak District #4	X			
Anita Johnson District #5	X			
Ben Wolf District #6	X			
Modina Waters District #7	X			

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

Resolution No. KL-CY-2019-002 was presented to the Chairman of the Kiowa Tribe on the \_\_\_\_\_ day of March, 2019, 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.



Marilyn K. Bread  
Speaker of the Legislature

Posted by the Kiowa Legislature on August 9, 2018 for the September 8<sup>th</sup>, 2018, XVII Legislative Session, failed for lack of 6 unanimous votes to override Chairman Komalty's veto. Re-Introduced and posted on January 28, 2019 for the March 9, 2019, XXIII Legislative Session

**CHAIRMAN'S ACTION:**

[ ] APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

Sec. 1.3 (d) include Executive Branch ; Board not on Budget Fy 2019

- increase budget from 100,850 to 234,850

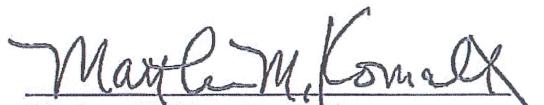
- Must have quorum to receive stipend.

- Meet 2 times per Month with a quorum.

- Provide monthly reports and minutes.

cc. 1.5

On this 4th day of April, 2019.

  
Matthew M. Komalty  
Kiowa tribe

Presented by the Chairman to the Legislature on the \_\_\_\_ day of March, 2019.

**LEGISLATURE'S ACTION:**

Override of Chairman's veto:

[ ] YES

[ ] NO

Posted by the Kiowa Legislature on August 9, 2018 for the September 8<sup>th</sup>, 2018, XVII Legislative Session, failed for lack of 6 unanimous votes to override Chairman Komalty's veto. Re-Introduced and posted on January 28, 2019 for the March 9, 2019, XXIII Legislative Session

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Angela McCarthy District #1				
Michael Primus District #2				
Marilyn K. Bread District #3				
Jessie Svitak District #4				
Anita Johnson District #5				
Ben Wolf District #6				
Modina Waters District #7				

#### CERTIFICATION

The foregoing resolution KL-CY-2019-002 was duly voted and overridden upon by the Legislature on \_\_\_\_\_, 2019, at a meeting with a vote of ( ) in favor and ( ) opposed, and ( ) abstaining pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

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Marilyn K. Bread  
Speaker of the Legislature

Posted by the Kiowa Legislature on August 9, 2018 for the September 8<sup>th</sup>, 2018, XVII Legislative Session, failed for lack of 6 unanimous votes to override Chairman Komalty's veto. Re-introduced and posted on January 28, 2019 for the March 9, 2019, XXIII Legislative Session

### **Section 1.1 Short Title**

This enactment shall be known as the, “Economic Development Board Establishment Act of 2019” (“Act”).

### **Section 1.2 Purpose.**

The purpose of the Act is to establish an Economic Development Board to assist and advise the Planning Department in identifying and evaluating proposed economic development projects and activities for the Tribe.

### **Section 1.3 Findings.**

- (a) The Legislature finds that promoting economic development for the Tribe will benefit the Members of the Tribe, and will provide the Tribe’s government with additional funds to deliver improved services to the People; and,
- (b) The Legislature has established a Planning Department to assist the Tribe with creating short-range and long-range strategic plans for the future, identifying grant opportunities, and evaluating potential economic development projects and activities; and,
- (c) The Legislature has identified the need to establish a professional Economic Development Board to assist and advise the Planning Department with identifying and evaluating potential economic development proposals, activities, and projects; and,
- (d) Legislature representation by committee may attend all economic development committee meetings if they choose to do so; and,
- (e) Article VI, Section 6(i) of the Constitution vests the power in the Legislature to establish Executive Boards, and all Members of all Boards shall be nominated by the Chairman, subject to confirmation by the Legislature.

### **Section 1.4 Establishment of the Economic Development Board.**

- (a) The Legislature hereby establishes the Economic Development Board (“Board”) comprised of five Board Members selected upon nomination by the Chairman and confirmation by the Legislature.
- (b) The Board shall consist of five (5) Members. A majority of the Board Members shall be enrolled Members of the Tribe.
- (c) Each Board Member shall serve a four year term of office or until a successor has been sworn into office. Initially, the terms of office for Board Members shall be

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staggered with three Members' seats designated for four years, and two Members' seats designated for two years, and, thereafter, all Board Members' seats designated for four year terms. No person shall be eligible to serve as a Board Member who: (a) has been convicted of a felony or any crime of moral turpitude by federal, state or tribal authorities; (b) holds any elected office of the Tribe; (c) is otherwise an employee of the Tribe; (d) has been convicted of any crime involving a financial transaction or business transaction; (e) has had a professional license suspended or revoked based on a disciplinary proceeding; (f) has failed to pay applicable federal or state taxes in a timely manner within the last twenty years; or (g) has a poor credit history including any default on credit obligations, foreclosures, or bankruptcies within the last ten years.

- (d) Each Board Member shall have at least five years of experience in business development, administration, and/or management. At least one Board Member shall possess a college degree in finance, accounting, business administration, or a similar field. At least one Board Member shall possess a post-undergraduate college degree or professional degree such as a Masters' degree, doctorate, or law degree.
- (e) Each Board Member shall be subject to removal for good cause by the Chairman; provided, that the Chairman shall provide a Board Member subject to removal with a written list of the charges, at least thirty days to prepare a defense, and a public hearing to present witnesses and other evidence. A decision by the Chairman to remove a Board Member from office shall be final for purposes of judicial review.

#### **Section 1.5 Duties and Responsibilities of the Economic Development Board.**

- (a) The Board shall assist the Planning Department with the identification and evaluation of all economic development proposals, projects, and activities of the Tribe, which shall include all business entities owned in whole or in part by the Tribe.
- (b) The Board shall conduct due diligence on all economic development proposals, projects, and activities involving the Tribe or businesses owned in whole or in part by the Tribe, and shall prepare and present a written evaluation and report regarding such matters to the Chairman of the Tribe and the Legislature before economic development proposals and business plan are due for approval in a timely manner. No economic development project or activity, including an expansion of an existing business owned by the Tribe, shall be permitted unless and until the Board completes a due diligence analysis and/or feasibility study of such matter and presents its written evaluation and recommendations to the Chairman and the Legislature for authorization.

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- (c) By-laws and ordinance is to be developed jointly by the Planning Department Director and Economic Development Board
- (d) The Legislature hereby authorizes a planning department budget amount \$109,850.00 for the Economic Development Board, subject to approval of such funds by the voters in an Annual Budget or Budget Modification. Board Members shall be paid no more than \$300 stipend per meeting, and shall hold no more than four paid meetings per month.

#### **Section 1.6 Prohibitions on Spending Funds Without the Approval of the Voters**

- (a) Anyone who directs, authorizes, or approves, in whole or in part, the expenditure of funds for an Economic Development Board or similar entity when such Board or entity has not been established and staffed in accordance with this Act, or when funds for such purposes have not been approved by the voters in an Annual Budget, shall be guilty of an offense and shall be subject to prosecution and/or civil action including injunction, mandamus, and/or restitution. Upon conviction of a violation of this Act, the Trial Court judge may impose a penalty of incarceration of up to six months and/or a fine of up to five thousand dollars, or both.
- (b) Any Member of the Tribe may bring a civil action in the Tribe's courts to enforce the provisions of this Act without the need to establish standing or any particularized harm, and Sovereign Immunity shall not bar such action.

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