

**KIOWA TRIBE
KIOWA INDIAN COUNCIL MEETING
APRIL 7, 2018
RED BUFFALO HALL, CARNEGIE, OK
RESOLUTION NUMBER: _____**

DATE POSTED: _____

DATE APPROVED: _____

SUBJECT: Refinance of Kiowa Casino Red River indebtedness.

WHEREAS: The Kiowa Tribe is a sovereign nation since time immemorial and is federally recognized as a Tribal Government by the United States; and

WHEREAS: The Kiowa Tribe is organized under a Constitution approved by tribal membership on April 17, 2017, and approved by the Secretary of the Interior, U.S. Bureau of Indian Affairs on May 5, 2017; and

WHEREAS: Article V, Section 3(b) of the Constitution grants the Kiowa Indian Council the power to set policy for the Tribe, and shall have all other powers and duties specifically provided by the Constitution; and

WHEREAS: The Kiowa Casino Red River has outstanding indebtedness going back to the original opening at interest rates up to fourteen percent (14%) per annum; and

WHEREAS: The current financial condition of the casino would allow the casino to qualify for bank financing at significantly lower rates which would allow the casino to reduce its debt service and increase distributions to the Tribe; and

WHEREAS: Pursuant to the Constitution approved by tribal membership on April 17, 2007, the Kiowa Indian Council has the power to authorize the Chairman of the Tribe to enter into treaties, compacts, or contracts, and said authorization may include the power to waive Sovereign Immunity.

NOW THEREFORE BE IT RESOLVED that the Kiowa Indian Council (KIC) hereby authorizes the Chairman of the Tribe to negotiate and sign a new one-time loan agreement for the refinance of the Kiowa Casino Red River indebtedness in a total amount not to exceed nineteen million dollars (\$19,000,000.00), that will include provisions for the granting of a limited waiver of sovereign immunity to allow enforcement against the Kiowa Casino Operations Authority (KCOA) for any personal property of the KCOA including revenues but not against any other asset of the Kiowa Tribe; to consent to sue and be sued in the Authority's name; to consent to the exercise of jurisdiction over any suit by the Tribal Court, an appropriate court of the United States or any state court

or appellate court to which appeals may be taken; to consent to the resolution of any dispute by binding arbitration or any other form of dispute resolution, that further the Chairman of the KCOA shall, in addition to the Chairman of the Tribe, have the authority to sign said loan agreement agreeing to the above provisions as negotiated by the Chairman of the Tribe including all documents necessary to secure the loan, and all in compliance with the Annual Budget as previously approved by the KIC.

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**2018 KIOWA INDIAN COUNCIL OF THE
KIOWA TRIBE**

Chairperson

ATTEST:

Secretary, Kiowa Indian Council
KIOWA INDIAN COUNCIL RESOLUTION NO.:_____.

CERTIFICATION

The foregoing resolution was duly voted upon by the 2018 Annual Kiowa Indian Council of the Kiowa Tribe; was present at the duly called Annual Kiowa Indian Council Meeting held on the 7th day of April, 2018; and that the foregoing resolution was adopted by the affirmative vote.

For:_____ Opposed:_____ Abstention:_____

Secretary, Kiowa Indian Council