KIOWA TRIBE
KIOWA INDIAN COUNCIL MEETING
APRIL 6, 2019
RED BUFFALO HALL, CARNEGIE, OK
RESOLUTION NUMBER: KIC-CY-0053-2019

DATE POSTED:       DATE APPROVED:

SUBJECT: KIOWA INDIAN COUNCIL AUTHORIZE THE CHAIRMAN OF
KIOWA TRIBE TO NEGOTIATE AND SIGN NEW LOAN
AGREEMENT FOR CONSTRUCTION OF CASINO IN HOBART,
OKLAHOMA.

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.

WHEREAS: We, the members of the Kiowa Indian Council of the Kiowa Tribe, under the
authority granted to the Kiowa Indian Council by the Constitution of the
Kiowa Tribe, in order to preserve for ourselves and our children the inherent
sovereign rights of our Indian nations, governed under the laws of the Kiowa
Constitution, to preserve Kiowa cultural values, and promote the health, safety
and welfare of the Kiowa people, do hereby establish and submit the following
resolution; and

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) a limited waiver of sovereign immunity to
permit enforcement of the loan obligations of the Kiowa Casino
Operations 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 is 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 Operations 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 court 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 is 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.

2019 KIOWA INDIAN COUNCIL OF THE KIOWA TRIBE

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Chairperson

ATTEST:

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Secretary, Kiowa Indian Council

KIOWA INDIAN COUNCIL, RESOLUTION NO.______:

CERTIFICATION

The foregoing resolution was duly voted upon by the 2019 Annual Kiowa Indian Council of the Kiowa Tribe; was present at the duly called Annual Kiowa Indian Council Meeting held on the 6th day of April 2019, and that the foregoing resolution was adopted by the affirmative vote:

For:_______ Opposed:_______ Abstention:_______

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Secretary, Kiowa Indian Council