



# Kiowa Tribe

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**OFFICE OF THE CHAIRMAN**

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SENT VIA EMAIL: [shopkins@kiowatribe.org](mailto:shopkins@kiowatribe.org)

May 20, 2024

Steven Hopkins, Coordinator KIC  
911 NW 47<sup>th</sup> Street  
Lawton, OK 73505

**Re: Part-time Coordinator of the Council**

Dear Mr. Hopkins:

We received your email dated May 9, 2024, discussing our meeting the previous day where you raised several issues regarding your new position as the part-time Coordinator of the Kiowa Indian Council (“Council”) including your request for more than \$11,872 for leasing a portion of your home for an office, for payment of a home utility bill, for a riding lawn mower, and for a trailer. This letter responds to your requests including your demands to the Tribe’s Finance Director for the expenditure of the Tribe’s government funds.

In your email, you make several assertions regarding the Council and your role as part-time Coordinator that need to be addressed and clarified. As you mentioned, the Constitution of the Kiowa Tribe (“Constitution”) establishes branches within the Tribe’s government and vests each branch with certain powers. The Constitution grants the following powers to the branches as follows:

| <b>Branches of Government</b> | <b>Powers</b>                                                                                                                                                        | <b>Authority</b> |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Legislature                   | <ul style="list-style-type: none"> <li>- make laws</li> <li>- pass budgets</li> <li>- veto override</li> <li>- confirm nominees</li> </ul>                           | (Art. VI, §6)    |
| Executive                     | <ul style="list-style-type: none"> <li>- carry-out laws</li> <li>- administer budgets</li> <li>- sign/veto laws &amp; budgets</li> <li>- make nominations</li> </ul> | (Art. VII, §4)   |
| Judicial                      | <ul style="list-style-type: none"> <li>- resolve disputes</li> <li>- find facts, conclusions of law</li> <li>- issue orders and opinions</li> </ul>                  | (Art. VII, §6)   |

Council

- set policy
- authorize contracts
- initiate the process to amend Constitution

(Art. V, §3)

### Separation of Powers

In addition, the Constitution establishes a clear separation of powers between the branches and prohibits one branch of government from exercising the powers of another branch of government. Article III, Section 3 of the Constitution states:

Section 3. Separation of Powers. *No official of any branch of Government shall exercise any power granted in this Constitution or properly delegated by law to any other branch of Government except as expressly directed or permitted by this Constitution. (Emphasis added).*

Therefore, based on a plain reading of Constitution, the Council has three listed powers, and can exercise those powers when it follows the procedural requirements for calling and holding a Council meeting, and for presenting and passing written resolutions at the Council meeting, to be subsequently voted on by the voters using Tribe-wide ballots and polling locations. Similarly, the Legislature and Chairman have listed powers including, importantly, developing budgets for all branches of government including the Council, and to administer those approved budgets to ensure proper spending of the Tribe's money in compliance with the voter-approved budgets. Therefore, according to the Constitution, the Chairman, Legislature, and the voters of the Tribe approve the budgets that allow the expenditure of the Tribe's money, *i.e.*, neither the part-time Coordinator nor the Council have the authority to unilaterally decide how to spend the Tribe's money without the prior approval of a budget by the Chairman, Legislature, and the voters of the Tribe.

### Improper Assertion of Authority

In your recent email communications with the Tribe, you have asserted powers that the position of part-time Coordinator does not possess. For example, you have claimed the following:

- "...I will be who directs the Kiowa Indian Council branch of Government..."
- (the KIC is) "...my branch of Government..."
- (I am) "...the Speaker for the Governing body of the Kiowa Tribe..."
- "...the CEO of the Kiowa Tribes Finance Office feels that he has the Authority to dictate to me how I can run the Governing body of the Kiowa Tribe...", \*\*\* "...as if he was the top of the Chain of Command of this Tribes Government and not me."
- "Let it be known, I will have an office with whatever sq footage I feel necessary as long as it is within my budget!"
- (asserting that the Tribe's Finance Director) "...should be focused on...audits"

Under the Constitution and contrary to your pronouncements, the part-time Coordinator of the Council is not a one-person branch of government, does not direct the Council branch of government, does not act as Speaker for the Council, and does not have the authority to unilaterally decide how the Tribe's money will be spent. Rather, the Council, not the part-time Coordinator, has the authority to exercise the Council's powers when the Council is convened with a quorum present at a properly called and noticed meeting, to vote on Resolutions that were properly submitted and posted. Indeed, the duties of the part-time Coordinator listed in the Constitution include only three items: (1) to accept proposed Resolutions; and (2) to publish



proposed resolutions; and, (3) to submit all approved Resolutions to the Election Commission. Const., Art. V, §5(c). Your demand that the Tribe to spend more than \$3,600 for a lawn mower for the Office of Part-time Coordinator is wholly improper and has nothing to do with the role or authority of the part-time Coordinator under the Constitution, nor is such an expenditure included in a budget approved by the Chairman, Legislature, and voters of the Tribe.

In your email, you complain that other branches of government are allegedly engaging in acts that “overstep their boundaries” and violating the separations of powers of government; however, in your critiques, you assert far more authority than the Constitution grants to the part-time Coordinator, and in so doing, you have overstepped your boundaries. For example, you assert that you are the “Speaker” of the Council as the “Governing body of the Tribe”; however, the Constitution expressly grants that authority to speak for the Tribe the Chairman of the Tribe. Const., Art. VII, Sec. 4. The powers of the Council do not include a “Speaker” for the Council, nor does the Council have the authority to exercise any other powers then those powers listed in Article V, Section 3 of the Constitution, and having a “Speaker” for the Council is not one of the listed powers. Neither the part-time Coordinator nor the Council can exercise powers granted by the Constitution to other branches of government.

In addition, the Constitution places the responsibility on the Chairman, not the part-time Coordinator, to ensure that all expenditures of the Tribe’s money are done properly and in accordance with voter-approved budgets. Despite your claims, the part-time Coordinator does not have the authority to “run” the “Governing body” of the Tribe (the Council), nor does the part-time Coordinator have the authority to spend the Tribe’s money outside of an approved budget on items such as paying themselves rent for a home office or purchasing a lawn mower. In fact, no Officials of the Tribe, including the Chairman, Vice Chairman, Legislators, and Judges, are paid by the Tribe to lease office space in their home. Your request for payment of a home office is not authorized and not included in any approved budget.

The Tribe will provide you with an office space to utilize for your duties as part-time Coordinator of the Council in a building owned by the Tribe. The Tribe will also provide you with access to necessary office equipment and supplies to assist you with your duties. The Tribe cannot, however, pay you for expenses incurred that fall outside the scope of an approved budget and outside the scope of your authority as part-time Coordinator.

Please feel free to contact me if you have any questions or concerns. Thank you.

Sincerely,



Lawrence SpottedBird, Chairman

c: William Weaver, CFO  
File.