

OFFICE OF THE ATTORNEY GENERAL

July 2012 Report to Rules Committee

Attorneys:

Nason Morton-attended tribal dockets on criminal and juvenile matters in tribal court as well as Indian Child Welfare cases within the State of Oklahoma. Assisted with the drafting and interpretation of legislation as well as attending committee and subcommittee meetings regarding the legislation. Attended the July Gaming Commission meeting

Chrissi Nimmo-

2 Cherokee Nation District Court Dockets

3 Sequoyah County Juvenile Dockets

1 Pittsburg County Juvenile Docket

1 Washington County Juvenile Docket

1 Oklahoma County Juvenile Docket

Received Decision from South Carolina Supreme Court in Adoptive Couple v. Cherokee Nation affirming lower court decision to deny adoption and grant custody to biological father. Presented at the Oklahoma Supreme Court, Court Improvement Project Seminar on ICWA in Midwest City and Lone Wolf, OK.

Elizabeth Odell- Represented the Cherokee Nation as the plaintiff in a Cherokee County civil lawsuit for collection on a Commerce small business loan. The Cherokee Nation was awarded a full judgment in the amount of \$171,399.30 after a full trial on the matter. Attended a Tribal Juvenile Docket, a Tribal Criminal Docket, and the Tribal Child Support Docket.

Susan Work- attended court hearings in Oklahoma and Delaware Counties; participated in National Zinc Trustee Council teleconferences; provided input on a tribal amicus brief in a Tenth Circuit criminal appeal regarding the Indian country status of a tract of Seminole land claimed to have lost restricted status; and continued working on water rights issues.

COUNCIL OF THE CHEROKEE NATION
RULES COMMITTEE REPORT

Group: Election Commission

Month/Year of Report: July 2012

Group Leader:

Phone: 458-5899

E-mail: election-commission@cherokee.org

I. Budget Highlights

- a.) One major expense on budget for Mr. Chaffin's contract
- b.)
- c.)

II. Program Highlights

a.) Balanced Scorecard Measures

- 1. n/a
- 2.
- 3.

b.) Accomplishments

- 1. Precincts selected for 15 districts
- 2. Review voter list bad addresses
- 3. Relinquished current through 7/31/2012

c.) Future Plans/New Initiatives

- 1. Meeting with Unisyn election company
- 2. Revise Election Commission rules and regulations.
- 3. Locate precinct facilities in new districts



CHEROKEE NATION TRIBAL COUNCIL RULES COMMITTEE REPORT

Group: Tax Commission

Month/Year of Report: August, 2012

Group Leader: Sharon Swepston

Phone:

E-mail: Sharon-swepston@cherokee.org

I. Budget Highlights

- a.) Please refer to the monthly financial report from Finance.

II. Program Highlights

a.) Motor Vehicle

1. Year to Date Motor Vehicle revenue for FY12 compared to FY11 as of June 30th, had an overall increase of 7.94%.
2. The month to month revenue comparison for June 2011 (FY11) compared to June 2012 (FY12) shows a decrease of 2.42%.
3. The detail for all areas of revenue for motor vehicle is shown on the attached graphs.
- 4.

b.) Revenue and Taxation Division

1. Year to Date Revenue and Taxation (Tobacco) for FY12 compared to FY11 as of June 30th, had an overall increase of 5.50%.
3. A month to month revenue comparison June 2011 (FY11) compared to June 2012 (FY12) shows a decrease of 0.68%.
3. The detail for all areas of tax is shown on the attached graphs.
- 4.
- 5.

c.) Future Plans/New Initiatives

1. The next Tax Commission meeting is scheduled for September 12, 2012 at 4:30 pm in the CNTC Conference room.
- 2.
- 3.
- 4.
- 5.

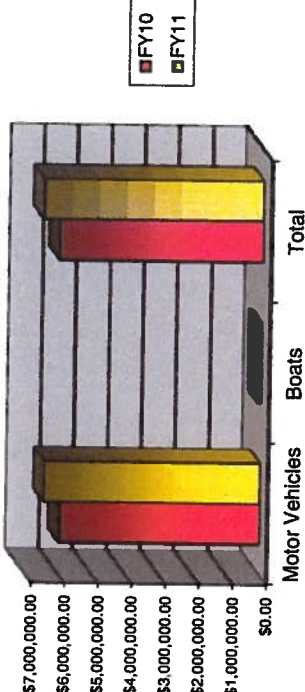


CHEROKEE NATION TAX COMMISSION

JUNE 2012

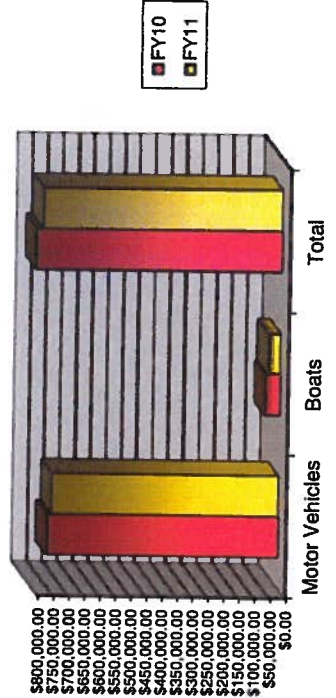
	Motor Vehicles	Boats	Total
FY10	\$5,942,574.41	\$94,185.19	\$6,036,759.60
FY11	\$6,413,039.90	\$102,966.94	\$6,516,006.84
% of Change	7.92%	9.32%	7.94%

MV Gross Revenue Comparison - Year to Date



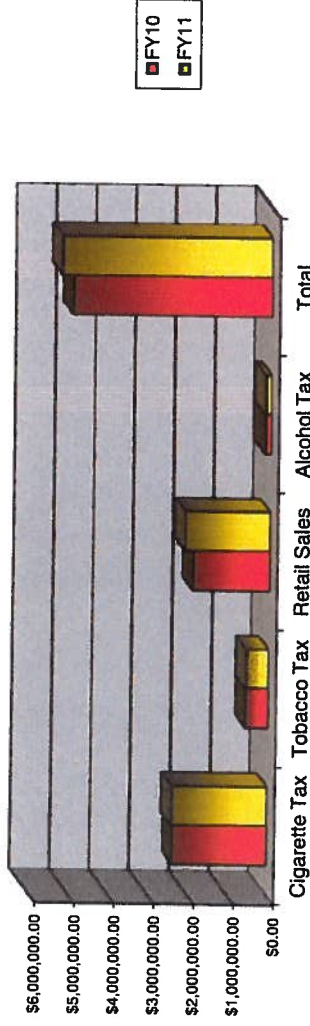
	Motor Vehicles	Boats	Total
FY10	\$746,182.77	\$45,942.93	\$792,125.70
FY11	\$733,836.75	\$39,134.68	\$772,971.43
% of Change	-1.65%	-14.82%	-2.42%

MV Gross Revenue Comparison - Month to Month



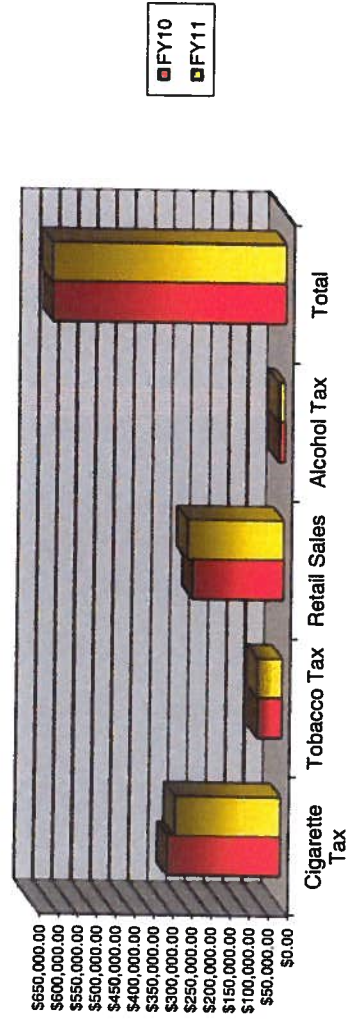
	Cigarette Tax	Tobacco Tax	Retail Sales	Alcohol Tax	Total
FY10	\$2,356,364.52	\$562,825.82	\$1,929,053.46	\$149,677.45	\$4,997,921.25
FY11	\$2,404,537.45	\$576,473.04	\$2,131,753.04	\$159,920.27	\$5,272,683.80
% of Change	2.04%	2.42%	10.51%	6.84%	5.50%

R & T Gross Revenue Comparison Year to Date



	Cigarette Tax	Tobacco Tax	Retail Sales	Alcohol Tax	Total
FY10	\$295,823.95	\$63,139.14	\$236,971.00	\$15,074.04	\$611,008.13
FY11	\$278,769.63	\$66,027.75	\$253,171.81	\$17,180.98	\$615,150.17
% of Change	-5.77%	4.57%	6.84%	13.98%	0.68%

R & T Gross Revenue Comparison Month to Month



Group: Government Resources Month/Year of Report: July/August 2012 8/10/2012

Group Reporter: Vickie Hanvey Phone: 918-453-5391 Email: vhanvey@cherokee.org

I. Budget Highlights – please refer to Monthly Financial Report

Description of Budget exceptions: No budget exceptions to report. SG Analyst position remains vacant. A panel has been prepared for interviews.

II. Program Highlights

a. In brief:

1. **Contract Disputes Act Claims- IHS CSC:** See attached spreadsheet outlining CSC Claims filed totaling **\$49,834,352**.
2. **Contract Disputes Act Claims- DOI CSC:** Claim previously submitted to DOI for unpaid CSC for the fiscal year 2005 in the estimated amount of \$381,248. Claims will be drafted for years 2006 through 2011 as soon as possible.
3. **OST Trust Review and Audit:** On-site review was conducted in late March. Continued to provide information as requested to complete the review. A report was issued on July 13, 2012 stating in part;

We concluded the Nation's performance in the administration of the Secretary's trust responsibilities is satisfactory and there is no indication of imminent jeopardy to any trust resources or programs assumed by the Nation through an annual funding agreement. Since there were no findings identified that need to be addressed, no formal response is required from the Nation.

4. **Maori Consortium in Auckland, New Zealand:** Eric Wilson, International Affairs Coordinator in the Office of the Assistant Secretary – Indian Affairs, DOI has been communicating with Stephen Keung, Financial Officer for a Maori Consortium in Auckland, New Zealand about visiting with Tribal governments to learn more about the hands-on of Self-Governance and data systems for possible replication in New Zealand. OSG and Mr. Wilson recommended the Cherokee and Chickasaw Nations as Self-Governance Tribes for site visits during the U.S. tour the last of October.
5. **SHS Construction:** Submitted request for contingency funds as well as an extension to close the contract to September 30, 2012. Extension approved and contingency funds awarded in the amount of \$298,821. **UPDATE:** Program request for extension of contract to October 31, 2012 submission of request in process.
6. **Veterans Affairs:** July 25-27 attended the Southwest Region Training Summit for Tribal Leaders to interact with and hear updates from VA leadership and subject matter experts regarding serving Veterans in Indian Country.
7. **DOI Negotiations:** Scheduled for August 15, 2012.

b. ARRA:

Reporting/Training:

1. Hosted training "Navigating the ARRA Reconciliation Process: What you need to know."
2. Reporting to FederalReporting.gov.
 - Responded to various emails and comments from agencies regarding reports submitted.
 - 2012 Qtr 2 ARRA Section 1512 reports completed. See 06/30/2012 ARRA Summary for details.

Program Updates:

3. Met with various programs and administration regarding status of various ARRA projects.

c. Brief on future plans/any new initiatives**IHS:**

1. Submission of DCSC for Vinita Clinic.
2. Update of IHS Carryover analysis.
3. Analysis and review of Area and Headquarters funding tables.
4. Review of the IHS CSC Shortfall report data.

DOI:

5. Submit CDA claims for unpaid CSC on fiscal years 2006-2011.
6. Working with EORO to close grants/contacts out of P638 system.
7. Real Estate Services to be incorporated into TDE project.
8. Update of DOI Carryover analysis.
9. PL102-477: A meeting was held in conjunction with NCAI regarding the issuance of a letter from officials from DOI, HHS and DOL regarding the 477 program. Tribes are addressing these issues both administratively and legislatively. A National workgroup has been assembled to address the reporting and auditing issues.
10. DOI CSC: A workgroup meeting was held on March 23, 2012. Further discussions will be conducted during the SG Conference in May.

Other SG Participation:

11. National DOI Tribal Data Management pilot project.
12. National Title VI workgroup to further SG within HHS.
13. National Title IV workgroup with DOI SGAC.
14. National DOI CSC workgroup.
15. National DOI Funding Formula Matrix workgroup for SGAC.
16. Oklahoma SG Coalition representation of SG issues specific to Oklahoma.

d. Announcements**e. Other**

1. Attend meetings as a Member of the Policy Council serving the Early Childhood Unit HeadStart Program.
2. Participate in regular meetings of the Strategic Budget Committee and assist in the review of budget proposals in an advisory capacity.

Eric Wilson, International Affairs Coordinator in the Office of the Assistant Secretary – Indian Affairs, DOI has been communicating with Stephen Keung, Financial Officer for a Maori Consortium in Auckland, New Zealand about visiting with Tribal governments to learn more about the hands-on of Self-Governance and data systems for possible replication in New Zealand. OSG and Mr. Wilson recommended the Cherokee and Chickasaw Nations as Self-Governance Tribes for site visits during the U.S. tour the last of October.

Indian Health Service

Cherokee Nation CSC History

Shortfall Report	Actual Data Year	IDC Rate	IDC Need (Non-Recurring) Based on IDC Rate	Indirect Type Costs Negotiated (Non-Recurring)	IDC funding Paid	IDC Deficiency	Total CSC Need	TOTAL Funding Available for CSC in FY	Total FY CSC Deficiency	% of CSC Need Funded
2005	2004	18.85%	7,702,631	0	4,364,508	3,338	8,947,596	6,290,706	2,656,890	70.31%
2006	2005	17.64%	7,997,373	0	4,354,464	3,042,909	8,667,237	6,307,917	2,359,320	72.78%
2007	2006	16.97%	8,357,373	0	4,416,966	3,940,407	9,652,634	6,370,549	3,282,085	66.00%
2008	2007	16.10%	9,252,949	0	4,632,967	4,619,982	10,576,706	6,895,399	3,681,307	63.30%
2009	2008	15.71%	9,753,394	0	4,475,091	5,278,303	12,626,703	6,490,173	6,136,530	51.40%
2010	2009	15.27%	16,915,615	0	4,586,058	12,329,557	21,516,155	10,605,105	10,911,050	49.29%
2011	2010	14.26%	14,732,987	0	12,381,147	2,351,840	19,383,936	18,889,180	494,756	97.45%
2012	2011	13.73%	14,291,421	0	12,356,385	1,935,036	19,012,134	18,829,440	182,694	98.04%
2013	2012	14.15%								
									29,904,632	

NOTE: Claim filed as SFR amount. However, CHS requests review of the change in passthrough calculations.

The Cherokee Nation has included CHS as part of their passthrough, the 30% gap between the IDC rate agreement base and the shortfall report base was due to \$79,267,209 being an estimate only according to the tribe."

Claims History

Original CDA Claim	Filing Date	Supplemental CDA Claim	Filing Date	Total Fiscal Year Claim
2,656,890	2/15/2011	1,554,564	9/19/2011	4,211,454 2005
2,359,320	2/15/2011	1,554,564	8/3/2012	3,913,884 2006
3,282,085	2/15/2011	2,172,477	8/3/2012	5,454,562 2007
3,881,307	2/15/2011	2,491,215	8/3/2012	6,372,522 2008
6,136,530	2/15/2011	4,045,779	8/3/2012	10,182,309 2009
10,911,050	2/15/2011	6,855,732	8/3/2012	17,766,782 2010
494,756	8/3/2012	936,651	8/3/2012	1,431,407 2011
182,694	8/3/2012	318,738	8/3/2012	501,432 2012
				0 2013
29,904,632		19,929,720		49,834,352

Previously filed
Current filing

Total

29,227,182
677,450
29,904,632

1,554,564
18,375,156
19,929,720

30,781,746
19,052,606
49,834,352