

An Act

LEGISLATIVE ACT 11-23

AN ACT AMENDING LEGISLATIVE ACT #30-22 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2023 – Mod. 7 AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. TITLE AND CODIFICATION

This legislative act shall be titled and codified as “**An Act Amending Legislative Act #30-22 Authorizing the Comprehensive Operating Budget for FY 2023 – Mod. 7**”.

SECTION 2. PURPOSE

The purpose of this amendment is to authorize and approve the use of funds, subject to the availability of such funds, in accordance with Section 4, changing the amounts of certain cost centers approved in the “Comprehensive Budget Act for Fiscal Year 2023” or subsequent amendment. The cumulative total of the budget is increased by **\$ 46,854,712** for a total budget authority of **\$ 3,178,266,476**. The following items are identified as components of such change:

Grants Received & Authorized per LA 30-22 (detail attached)	\$ 9,160,325
Modification Request (see Section 4 below)	<u>37,694,387</u>
Cumulative change in budget authority	<u>\$ 46,854,712</u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #30-22 are applicable to this amendment.

SECTION 4. FUNDING AUTHORIZATIONS

The changes reflect increases to cost centers set forth in the program budget justifications incorporated herein. This modification request changes the total amount of the comprehensive budget authorization by an increase of **\$ 37,694,387** to wit:

- A. An increase in the **Tribally Funded** budget authority of **\$ 11,805,859**.
- B. An increase in the **DOI - Self Governance** budget authority of **\$ 10,005,486**.
- C. An increase in the **IHS Self Governance Health** budget authority of **\$ 14,551,805**.
- D. An increase in the **NAHASDA** budget authority of **\$1,331,237**.

SECTION 5. PROVISIONS AS CUMULATIVE

The provisions of this Act shall be cumulative to existing law.

SECTION 6. SEVERABILITY

The provisions of this Act are severable and if any part or provision hereof shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

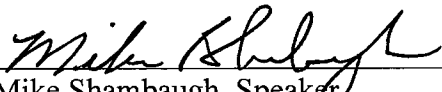
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect immediately upon its approval and signatures.

SECTION 8. SELF-HELP CONTRIBUTIONS

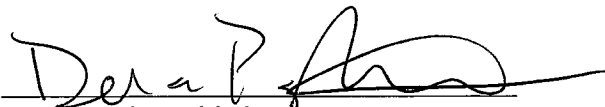
To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the 15th day of May, 2023



Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:



Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 17th day of May, 2023



Chuck Hoskin Jr., Principal Chief
Cherokee Nation

ATTEST:



Tina Glory Jordan, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Yea</u>	Dora Patzkowski	<u>Yea</u>
Dr. Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E.O. "Jr." Smith	<u>Absent</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Josh Sam	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Julia Coates	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

CHEROKEE NATION
PROPOSED FY 2023 AMENDMENT
Sorted by Funding Source

Funding Source	Ref # by FS	Program/Purpose	FY 2023- Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
40-DHHS-General	1	3401680 FVPSA COVID Testing Human Svcs	NEW	3,509,360	3,509,360	\$ -
	2	3401681 FVPSA COVID Testing Health Svc	NEW	538,133	538,133	\$ -
	3	3401682 FVPSA COVID Testing Public Hth	NEW	1,052,178	1,052,178	\$ -
	4	3401690 FVPSA Sexual Assault Human Svc	NEW	503,929	503,929	\$ -
	5	3401691 FVPSA Sexual Assault Health Sv	NEW	182,135	182,135	\$ -
	6	3401692 FVPSA Sexual Asslt Public Hlth	NEW	353,484	353,484	\$ -
	7	3402600 Diabetes Grant	LA 30-22	651,992	651,992	\$ -
	8	3402605 Diabetes Special Grant	LA 30-22	58,398	58,398	\$ -
	9	3402610 Diabetes Grant Health Ed	LA 30-22	62,415	62,415	\$ -
	10	3402630 Diabetes Grant Stilwell	LA 30-22	48,143	48,143	\$ -
	11	3402640 Diabetes Grant Sallisaw	LA 30-22	16,234	16,234	\$ -
	12	3402650 Diabetes Grant Jay	LA 30-22	78,287	78,287	\$ -
	13	3402660 Diabetes Grant Salina	LA 30-22	69,661	69,661	\$ -
	14	3402670 Diabetes Grant Nowata	LA 30-22	8,092	8,092	\$ -
	15	3402675 Diabetes Progr Contract Health	LA 30-22	45,148	45,148	\$ -
	16	3402680 Diabetes Grant Muskogee	LA 30-22	19,885	19,885	\$ -
	17	3402685 Diabetes Grant Vinita	LA 30-22	5,249	5,249	\$ -
	18	3402695 Diabetes Grant Ochelata	LA 30-22	5,433	5,433	\$ -
	19	3409740 P 20 Tobacco Cessation	LA 35-22	3,574	3,574	\$ -
	20	3409760 P 20 Ecig Use in Pregnancy	LA 35-22	(3,574)	(3,574)	\$ -
40-DHHS-General Total				\$ 7,208,156	\$ 7,208,156	\$ -
50-US Department of Education	21	3509100 Children in School NAM Project	LA 30-22	303,039	303,039	\$ -
	22	3509110 ARP IDEA Special Ed Preschool	NEW	335	335	\$ -
	23	3509120 ARP IDEA Special Ed	NEW	5,910	5,910	\$ -
50-US Department of Education Total				\$ 309,284	\$ 309,284	\$ -
70-US Department of Labor	24	3702500 TLJC Operations	LA 30-22	1,543,214	1,543,214	\$ -
	25	3702510 TLJC Capital Projects	LA 30-22	212,713	212,713	\$ -
	26	3702520 TLJC OACTS	LA 30-22	239,101	239,101	\$ -
70-US Department of Labor Total				\$ 1,995,028	\$ 1,995,028	\$ -
75-Federal Other	27	3759910 DOT HAF	LA 30-22	(593,801)	(593,801)	\$ -
75-Federal Other Total				\$ (593,801)	\$ (593,801)	\$ -
85-Private	28	3857100 Gilead FOCUS	NEW	241,658	241,658	\$ -
85-Private Total				\$ 241,658	\$ 241,658	\$ -
Grand Total				\$ 9,160,325	\$ 9,160,325	\$ -

April Grants - Reporting Only

CHEROKEE NATION
PROPOSED FY 2023 AMENDMENT
Sorted by Funding Source

Funding Source	Ref # by FS	Program/Purpose	FY 2023- Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010025 Cherokee Sports Teams	LA 30-22	-	50,000	\$ (50,000)
	3	1010296 Unappropriated Reserve	LA 06-23	-	(142,757)	\$ 142,757
	4	1010563 Economic Development	LA30-22	3,093,885	3,093,885	\$ -
	5	1010585 Speaker Services	LA 04-23	-	92,757	\$ (92,757)
	6	1010940 Career Readiness	LA30-22	1,857,596	1,857,596	\$ -
	7	1015000 TERO Job Training Programs	LA30-22	854,378	854,378	\$ -
	8	1017000 Public Health and Wellness	LA 04-23	5,000,000	5,000,000	\$ -
	9	1017010 CS Recovery Employment	New	1,000,000	1,000,000	\$ -
	01-Cherokee Nation Total				\$ 11,805,859	\$ 11,805,859
22-DOI - Self Governance	10	3221071 Feral Swine Project 2020	LA30-22	5,486	5,486	\$ -
	11	3221810 Tribal Courts McGirt	New	10,000,000	10,000,000	\$ -
22-DOI - Self Governance Total				\$ 10,005,486	\$ 10,005,486	\$ -
23-DOI-PL 102-477	12	3230000 PL 102 477 Child Care	LA 04-23	-	-	\$ -
23-DOI-PL 102-477 Total				\$ -	\$ -	\$ -
32-IHS - Self Governance Health	13	3322105 Stilwell Revenue	LA 06-23	979,521	979,521	\$ -
	14	3322205 Sallisaw Revenue	LA 30-22	-	-	\$ -
	15	3322305 Jay Revenue	LA 06-23	806,299	806,299	\$ -
	16	3322405 Salina Revenue	LA 06-23	-	-	\$ -
	17	3322505 Nowata Revenue	LA 06-23	332,845	332,845	\$ -
	18	3322605 Muskogee Revenue	LA 06-23	-	-	\$ -
	19	3322705 Ochelata Revenue	LA 06-23	441,071	441,071	\$ -
	20	3322805 Vinita Revenue	LA 30-22	474,697	474,697	\$ -
	21	3323005 Hastings Revenue	LA 06-23	8,927,226	8,927,226	\$ -
	22	3324700 Clinical Support	LA 06-23	90,146	90,146	\$ -
23	3329020 Health IT System	LA 30-22	2,500,000	2,500,000	\$ -	
32-IHS - Self Governance Health Total				\$ 14,551,805	\$ 14,551,805	\$ -
56-NAHASDA	24	3566007 Birdtail Rental Construction	LA 30-22	1,331,237	1,331,237	\$ -
56-NAHASDA Total				\$ 1,331,237	\$ 1,331,237	\$ -
Grand Total				\$ 37,694,387	\$ 37,694,387	\$ -

Operating Mod #7 Request

**COMPREHENSIVE BUDGET
FOR FISCAL YEAR 2023**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	321,263,544	19,430,519	340,694,063	290,586,873	7,261,161	42,846,029	340,694,063	-
Motor Fuels Tax Funding Srce	10,985,384	19,348,346	30,333,730	20,756,283	72,447	9,505,000	30,333,730	-
Motor Vehicle Tax Funding Srce	41,891,623	1,610,440	43,502,063	42,069,006	916,786	516,271	43,502,063	-
Permanent Fund Funding Source	9,100	0	9,100	9,100	0	0	9,100	-
DOI General Funding Source	21,042,777	0	21,042,777	19,382,931	1,659,846	0	21,042,777	-
DOI Self Gov Funding Source	45,800,323	79,600	45,879,923	43,470,009	2,399,914	10,000	45,879,923	-
DOI Self Gov Roads Funding Src	0	0	0	0	0	0	0	-
Dept of Transportation Fnd Src	91,416,925	0	91,416,925	91,028,325	288,600	100,000	91,416,925	-
DOI PL102-477 Funding Source	411,877,377	0	411,877,377	354,206,582	2,757,696	54,913,099	411,877,377	-
IHS Self Gov Health Funding Sr	838,542,962	0	838,542,962	771,066,783	48,735,028	18,741,151	838,542,962	-
IHS Self Gov TEH Funding Src	26,090,941	0	26,090,941	25,746,586	344,355	0	26,090,941	-
IHS Self Gov Office Funding Src	386,587	0	386,587	351,067	35,520	0	386,587	-
IHS Discretionary Funding Srce	150,000	0	150,000	100,000	0	50,000	150,000	-
DHHS General Funding Source	103,061,758	678,560	103,740,318	96,799,317	6,941,001	0	103,740,318	-
USDA Funding Source	28,199,236	1,025,691	29,224,927	28,391,450	833,477	0	29,224,927	-
Dept of Education Funding Srce	1,557,710	87,222	1,644,932	1,504,198	120,734	20,000	1,644,932	-
HUD Funding Source	69,731,388	1,877,501	71,608,889	68,230,820	300,568	3,077,501	71,608,889	-
Housing Proceeds Funding Src	0	0	0	0	0	0	0	-
EPA Funding Source	2,863,932	0	2,863,932	2,623,369	240,563	0	2,863,932	-
Dept of Labor Funding Source	29,393,729	0	29,393,729	27,903,048	1,490,681	0	29,393,729	-
Dept of Treasury Funding Source	1,026,700,191	0	1,026,700,191	1,023,303,346	3,146,845	250,000	1,026,700,191	-
Federal Other Funding Source	55,639,898	234,754	55,874,652	54,929,543	940,902	4,207	55,874,652	-
State of Oklahoma Funding Srce	1,046,367	0	1,046,367	987,274	59,093	0	1,046,367	-
Private Funding Source	5,424,914	0	5,424,914	5,381,131	43,783	0	5,424,914	-
Indirect Cost Pool Funding Src	82,574,764	11,250	82,586,014	82,586,014	0	0	82,586,014	-
Fringe Pool Funding Source	0	0	0	0	0	0	0	-
Internal Lease Pool Funding Sr	5,478,811	0	5,478,811	5,478,811	0	0	5,478,811	-
Enterprise Funding Source	1,794,891	1,699,807	3,494,698	3,361,675	133,023	0	3,494,698	-
Other Funding Source	268,000	17,000	285,000	280,066	4,934	0	285,000	-
Debt Service Funding Source	0	0	0	0	0	0	0	-
Capital Projects Funding Sourc	406,825,804	83,932,568	490,758,372	490,603,347	155,025	0	490,758,372	-
Total	\$ 3,630,018,936	\$ 130,033,258	\$ 3,760,052,194	\$ 3,551,136,954	\$ 78,881,982	\$ 130,033,258	\$ 3,760,052,194	\$ -

Non Grant Requests

CAPITAL RECONCILIATION	
LA 29-22	\$ 569,345,306
Cap Mod #1	13,754,571
Cap Mod #2	1,036,000
Cap Mod #3	18,451,776
Cap Mod #4	8,484,614
Cap Mod #5	8,407,838
Cap Mod #6	11,458,951
Total Capital	\$ 630,939,056

Oper Mod #7	37,694,387	04/27 E&F
Cap Mod #6	11,458,951	04/27 E&F

Total after pending Mod's

\$ 3,809,205,532

Operating - cumulative total \$ 3,178,266,476
Capital - cumulative total 630,939,056
Grand Total \$ 3,809,205,532

CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight



M e m o

To: Keith Austin, Chairman, Executive & Finance Committee
From: Jody S. Reece
CC: Executive & Finance Committee
Date: 04/13/2023
Re: Review of Operating Budget Mod #7 – Total \$ 46,854,712

Per your request, I have reviewed the administration's budget modification request for this month's Executive & Finance Committee Meeting. Below is a summary of my review:

A. Grant Reporting:

<u>Funding Source</u>	<u># of Budgets</u>	<u>Amount</u>
DHHS General	20	\$ 7,208,156
Dept of Education	3	309,284
US Dept of Labor	3	1,995,028
Federal Other	1	(593,801)
Private	1	241,658
Total Grant Reporting		<u>\$ 9,160,325</u>

Cash Match for Grants (1010315) – Start of Year

Cash Out: Grant Required	\$ 829,939	
Appropriated for Cash Match (future grants)	<u>1,886,576</u>	
Original Total Budget	<u>\$ 2,716,515</u>	
Original Appropriated for Cash Match – for future grants	\$ 829,939	
Used: 37559790 – BRIC Tsa La Gi (storm shelters)	(87,167)	Mod #6
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Balance Available for Future Grant Matching	<u>\$ 742,772</u>	

B. MOD #7 Request - Increase in budget authority - \$ 37,694,387

1. Cherokee Sports Teams – 1010025 – Tribally Funded: Modification requesting an increase in expenditure authorization of \$50,000 to fund the program for the remainder of the year. More has been spent year to date than for all of last year. The new budgeted expenditure total is \$150,000.
2. Budget removed and list not renumbered – no budget numbered 2.

3. Unappropriated Reserve – 1010296 – Tribally Funded: Modification requesting a decrease in expenditure authorization of \$142,757 to provide funding for budgets 1 and 5. The new budgeted reserve by appropriation total is \$5,132,571.
4. Economic Development – 1010563 – Tribally Funded: Modification requesting expenditure authorization of \$3,093,885 and carryover funds from MOU funding received from CNB in past years. The new budgeted expenditure total is \$4,092,938.
5. Speaker Services – 1010585 – Tribally Funded: Modification requesting expenditure authorization of \$92,757 to fund a trip in June for twenty-five Cherokee Speakers to go to North Carolina for a Speaker meeting and Gaduwa Celebration. The new budgeted expenditure total is \$646,743.
6. Career Readiness – 1010940 – Tribally Funded: Modification requesting expenditure authorization of \$1,857,596 for carryover funds per LA 18-19. The new budgeted expenditure total is \$2,857,596.
7. TERO Job Training Programs – 1015000 – Tribally Funded: Modification requesting an increase in expenditure authorization of \$854,378 for carryover funds of TERO revenue. The new budgeted expenditure total is \$1,754,378.
8. Public Health and Wellness – 1017000 – Tribally Funded: Modification requesting an increase in expenditure authorization of \$5,000,000 from the fiscal year 2022 Opioid Settlement to provide to the Cherokee Nation Foundation (CNF) to fund the Behavioral Health Scholarship Endowment per LA 02-23. The new budgeted expenditure total is \$24,794,353.
9. CS Recovery Employment – 1017010 – Tribally Funded: New budget requesting expenditure authorization of \$1,000,000 per the Public Health and Wellness Fund Ac 02-23. The purpose is to provide resources for individuals seeking or completing a substance abuse/misuse recovery program.
10. Feral Swine Project 2020 – 3221071 – DOI Self Governance: Modification requesting an increase in expenditure authorization of \$5,486 per actual carryover. The new budgeted expenditure total is \$123,708.
11. Tribal Courts McGirt – 3221810 – DOI Self Governance: New budget requesting expenditure authorization of \$10,000,000 for special funding provided to tribes affected by the McGirt Decision. Funding provided by Authority To Obligate (ATO) number 16.
12. PL 102 477 Child Care – 3230000 – PL 102-477: Modification requesting an increase in transfer authorization of \$10,277,174 for the Pryor CDC as reported in the capital budget mod this month. Expenditures within this budget are reduced to cover the additional transfer out. The total expenditure and transfer budget total remains at \$368,636,292.
13. Stilwell Revenue – 3322105 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$979,521 for increased pharmaceutical budget due to rising costs and a small amount added for food line item. The food is for new employee orientation that is transitioning from Tahlequah to each respective health facility. The new budgeted expenditure total is \$18,584,358.

14. Sallisaw Revenue – 3322205 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$1,512,948 for two new Nursing Assistants, updated payroll worksheets for reclassified positions, increased pharmaceutical budget due to rising costs and a small amount added for food line item. The food is for new employee orientation that is transitioning from Tahlequah to each respective health facility. The new budgeted expenditure total is \$18,815,275.
15. Jay Revenue – 3322305 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$806,299 for increased pharmaceutical budget due to rising costs and a small amount added for food line item. The food is for new employee orientation that is transitioning from Tahlequah to each respective health facility. The new budgeted expenditure total is \$14,811,342.
16. Salina Revenue – 3322405 – IHS Self Governance Health: Modification requesting a reallocation of expenditures for increased pharmaceutical budget due to rising costs and a small amount added for food line item. The food is for new employee orientation that is transitioning from Tahlequah to each respective health facility. The reserved by appropriation account is reduced by \$515,847 to cover the reallocation. The new budgeted expenditure total remains at \$13,845,278.
17. Nowata Revenue – 3322505 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$332,845 for increased pharmaceutical budget due to rising costs and a small amount added for food line item. The food is for new employee orientation that is transitioning from Tahlequah to each respective health facility. The new budgeted expenditure total is \$10,440,487.
18. Muskogee Revenue – 3322605 – IHS Self Governance Health: Modification requesting a reallocation of expenditures for increased pharmaceutical budget due to rising costs and a small amount added for food line item. The food is for new employee orientation that is transitioning from Tahlequah to each respective health facility. The reserved by appropriation account is reduced by \$641,002 to cover the reallocation. The budgeted expenditure total remains at \$25,547,838.
19. Ochelata Revenue – 3322705 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$441,071 increased pharmaceutical budget due to rising costs and a small amount added for food line item. The food is for new employee orientation that is transitioning from Tahlequah to each respective health facility. The new budgeted expenditure total is \$9,785,492.
20. Vinita Revenue – 3322805 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$474,697 for one new Nursing Assistant, updated payroll worksheets for reclassified positions, increased pharmaceutical budget due to rising costs and a small amount added for food line item. The food is for new employee orientation that is transitioning from Tahlequah to each respective health facility. The new budgeted expenditure total is \$17,752,078.
21. Hastings Revenue – 3323005 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$8,927,226 for adjustment of multiple line items (see budget) to cover current spending needs. The new budgeted expenditure total is \$100,075,832.

22. Clinical Support – 3324700 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$90,146 for contract line item. This is for annual Up To Date subscriptions, which is a reference tool for providers that is accessible within the electronic health record. The new budgeted expenditure total is \$4,298,331.
23. Health IT System – 3329020 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$2,500,000 to replace the current Pharmacy package that will no longer be supported at the end of 2024. We are in the RFP process currently and are not sure of the total cost. This is an estimated cost to include the software and implementation/migration costs. The new budgeted expenditure total is \$11,500,000.
24. Birdtail Rental Construction – 3566007 – NAHASDA: Modification requesting an increase in expenditure authorization of \$1,331,237 for adjustment to actual carryover funds. The new budgeted expenditure total is \$2,831,237.

Summary:

After reviewing the submission of the operating modification by administration, I find no technical issues surrounding these requests, nor do I have any unmentioned concerns related to their respective carryover estimates. If I can provide any additional information, please do not hesitate to contact me.

Respectfully,



Jody S. Reece CPA, CIA, CMA
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