

An Act

LEGISLATIVE ACT 01-13

AN ACT AMENDING LEGISLATIVE ACT #37-12 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2013 – Mod. 4; 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 #37-12 Authorizing the Comprehensive Operating Budget for FY 2013 – Mod. 4**”.

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 2013” or subsequent amendment. The cumulative total of the budget is increased by **\$3,073,701** for a total budget authority of **\$535,266,881**. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

	<u>Previous Balance</u>	<u>Estimated Sources</u>	<u>Estimated <Uses></u>	<u>Adjusted Balance</u>
A. Tribally Funded	\$0	\$0	\$0	\$0
B. Motor Fuels Tax	\$0	\$0	\$0	\$0

Grants Received & Authorized per LA-37-12 (detail attached)	\$ (135,911)
Modification Request #2 (see Section 4 below)	<u>3,209,612</u>
Cumulative change in budget authority	<u>\$3,073,701</u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #37-12 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 **\$3,209,612** to wit:

A. An increase in the **Motor Vehicle Tax** budget authority of **\$ 3,586,364**.

B. An increase in the **DHHS – General** budget authority of **\$ 765,626.**

C. A decrease in the **IHS-Self Governance Health** budget authority of **\$(1,142,378).**

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.

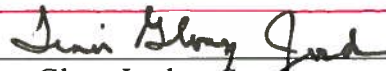
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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.

Passed by the Cherokee Council on the 14th day of January, 2013.



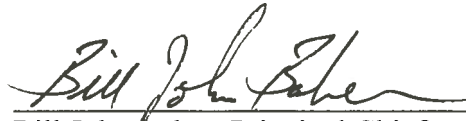
Tina Glory Jordan, Speaker
Council of the Cherokee Nation

ATTEST:



Jodie Fishinghawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 10th day of Jan., 2013.



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



Charles Head, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Lee Keener	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Dick Lay	<u>Yea</u>
Curtis Snell	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Meredith Frailey	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Jack Baker	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Julia Coates	<u>Yea</u>
Don Garvin	<u>Yea</u>		



CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director, Financial Oversight

Mem o

To: Jodie Fishinghawk, Chair, Executive & Finance Committee &
Chuck Hoskin Jr., Co-Chair, Executive & Finance Committee

From: Jody S. Reece

CC: Executive & Finance Committee

Date: 11/28/2012

Re: Review of Operating Budget Modification #4

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. November Grants Received (REPORTING ONLY):

<u>Funding Source</u>	<u>Reason</u>	<u>Amount</u>
DHHS - General	Carryover reconciliation - Breast/Cervical Cancer	\$ (185,374)
DHHS - General	New award - LIHEAP Leveraging	55,942
EPA	Carryover reconciliation - ITEC UST Systems	9,807
EPA	Carryover reconciliation - Clean Air Monitoring	(16,286)
TOTAL GRANTS		\$ (135,911)

B. MOD – 4 (12 budgets) Increase in budget authority - \$3,209,612:

1. Cash Match For Grants - 1010315: Modification requesting a reduction in expenditure authorization for the Reserved by Appropriation account by \$479,632 to make funds available for Tribal Election Fund - 1010360.
2. Tribal Election Fund - 1010360: Modification requesting an increase in expenditure authorization of \$479,632 to be funded by a reduction in the budget for Cash Match for Grants - 1010315.
3. MVT Public Schools - 1051000: Requesting expenditure authorization of the FY 2012 allocation from Motor Vehicle Tax of \$3,325,454. Excludes Sequoyah HS, Head Start, and Immersion that have their own budgets.
4. MVT Sequoyah High School - 1051010: Requesting expenditure authorization of the FY 2012 allocation from Motor Vehicle Tax of \$86,662.
5. MVT Head Start - 1051011: Requesting expenditure authorization of the FY 2012 allocation from Motor Vehicle Tax of \$116,067.
6. MVT Immersion - 1051012: Requesting expenditure authorization of the FY 2012 allocation from Motor Vehicle Tax of \$12,966.
7. MVT Local Law Enforcement - 1054100: Requesting expenditure of the FY 2012 allocation from Motor Vehicle Tax of \$284,389.

8. SG Forest Development - 3221080: Modification requesting a decrease in expenditure authorization of \$180,000 to be budgeted in a new budget SG Forestry 3221085.
9. SG Forestry - 3221085: New budget requesting expenditure authorization of \$180,000 being funded from a decrease in SG Forest Development.
10. Health IT System - 3329020: Modification requesting a decrease in expenditure authorization of \$1,142,378 by reducing carryover per carryover reconciliation.
11. Health Equipment Replacement - 3329030: Modification requesting a Transfer Out of \$1,546,509 to Capital Budget – Jack Brown Center Construction – 7964500.
12. Jack Brown Center Revenue - 3402510: Modification requesting an increase in expenditure authorization of \$765,626 from an increase in Carryover to be Transferred Out to Capital Budget – Jack Brown Center Construction – 7964500.

Summary:

After reviewing the submission of Mod-4 by administration, I find no technical issues surrounding these requests, nor do I have any concerns related to their respective carryover estimates. If I can provide any further information, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "Jody S. Free". The signature is written in a cursive style and is positioned above a horizontal line.

Attachments

CHEROKEE NATION
 PROPOSED FY 2013 AMENDMENT
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2013 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
40-DHHS-General	1	3402100 CDC Breast and Cervical Cancer	LA 37-12	(185,374)	(185,374)	\$ -
	2	3404700 LIHEAP Leveraging Funds	New	55,942	55,942	\$ -
40-DHHS-General Total				\$ (129,432)	\$ (129,432)	\$ -
62-EPA	3	3622170 ITEC UST Systems	LA 37-12	9,807	9,807	\$ -
	4	3622195 Clean Air Monitoring	LA 37-12	(16,286)	(16,286)	\$ -
62-EPA Total				\$ (6,479)	\$ (6,479)	\$ -
Grand Total				\$ (135,911)	\$ (135,911)	\$ -

GRANTS REPORTING ONLY

CHEROKEE NATION
PROPOSED FY 2013 AMENDMENT
Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2013 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010315 Cash Match for Grants	LA 37-12	-	(479,632)	\$ 479,632
	2	1010360 Tribal Election Fund	LA 37-12	-	479,632	\$ (479,632)
01-Cherokee Nation Total				\$ -	\$ -	\$ -
05-Vehicle Tax	3	1051000 MVT Public Schools & Seq. H.S.	New	3,325,454	3,325,454	\$ -
	4	1051010 MVT SHS	LA 37-12	(3,129)	(3,129)	\$ -
	5	1051011 MVT Head Start	LA 37-12	(1,893)	(1,893)	\$ -
	6	1051012 MVT Immersion	LA 37-12	(18,457)	(18,457)	\$ -
05-Vehicle Tax Total				\$ 3,586,364	\$ 3,586,364	\$ -
22-DOI - Self Governance	8	3221080 SG Forest Development	LA 37-12	(180,000)	(180,000)	\$ -
	9	3221085 SG Forestry	New	180,000	180,000	\$ -
22-DOI - Self Governance Total				\$ -	\$ -	\$ -
32-IHS - Self Governance Health	10	3329020 Health IT System	LA 37-12	(1,142,378)	(1,142,378)	\$ -
	11	3329030 - Health Equipment Replacement	LA 37-12	-	-	\$ -
32-IHS - Self Governance Health Total				\$ (1,142,378)	\$ (1,142,378)	\$ -
40-DHHS-General	12	3402510 Jack Brown Center Revenue	LA 37-12	765,626	765,626	\$ -
40-DHHS-General Total				\$ 765,626	\$ 765,626	\$ -
Grand Total				\$ 3,209,612	\$ 3,209,612	\$ -

OPERATING MOD-4 REQUEST

**COMPREHENSIVE BUDGET
FOR FISCAL YEAR 2013
Including Mod-3 Operating**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	76,750,072	1,836,981	78,587,063	66,658,394	4,327,588	7,601,081	78,587,063	0
Motor Fuels Tax Funding Srce	8,801,819	12,895,819	21,697,638	13,927,490	141,110	7,629,038	21,697,638	0
Motor Vehicle Tax Funding Srce	10,939,664	225,000	11,164,664	9,918,284	374,841	871,539	11,164,664	0
Permanent Fund Funding Source	10,000	0	10,000	10,000	0	0	10,000	0
DOI General Funding Source	11,234,026	0	11,234,026	10,376,349	857,677	0	11,234,026	0
DOI Self Gov Funding Source	13,801,610	79,600	13,881,210	12,697,433	1,168,777	15,000	13,881,210	0
DOI Self Gov Roads Funding Srce	29,555,077	0	29,555,077	29,319,213	177,056	58,808	29,555,077	0
Dept of Transportation Fnd Srce	39,109,995	0	39,109,995	38,895,421	114,731	99,843	39,109,995	0
DOI PL102-477 Funding Source	15,838,167	0	15,838,167	15,182,353	655,814	0	15,838,167	0
IHS Self Gov Health Funding Sr	260,665,937	0	260,665,937	240,511,347	17,504,590	2,650,000	260,665,937	0
IHS Self Gov TEH Funding Srce	5,803,801	0	5,803,801	5,394,953	408,848	0	5,803,801	0
IHS Self Gov Offic Funding Srce	322,788	0	322,788	291,397	31,391	0	322,788	0
IHS Discretionary Funding Srce	800,000	0	800,000	30,000	0	770,000	800,000	0
DHHS General Funding Source	34,426,638	528,696	34,955,334	32,038,544	2,916,790	0	34,955,334	0
USDA Funding Source	18,320,308	743,192	19,063,500	18,351,980	711,520	0	19,063,500	0
Dept of Education Funding Srce	1,251,231	65,875	1,317,106	1,201,961	115,145	0	1,317,106	0
HUD Funding Source	47,537,798	85,061	47,622,859	45,968,008	1,654,851	0	47,622,859	0
Housing Proceeds Funding Srce	0	0	0	0	0	0	0	0
EPA Funding Source	2,132,491	0	2,132,491	1,891,909	240,582	0	2,132,491	0
Dept of Labor Funding Source	7,204,624	0	7,204,624	6,470,135	734,489	0	7,204,624	0
Federal Other Funding Source	3,721,240	500	3,721,740	3,581,842	139,898	0	3,721,740	0
State of Oklahoma Funding Srce	1,420,558	0	1,420,558	1,256,172	164,386	0	1,420,558	0
Private Funding Source	201,700	172,575	374,275	328,126	46,149	0	374,275	0
Indirect Cost Pool Funding Srce	149,226	0	149,226	34,994,949	(32,404,009)	0	2,590,940	(2,441,714)
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	86,000	0	86,000	86,000	0	0	86,000	0
Enterprise Funding Source	1,261,199	0	1,261,199	1,255,754	0	0	1,255,754	5,445
Other Funding Source	180,099	12,000	192,099	181,373	10,726	0	192,099	0
Debt Service Funding Source	0	2,650,000	2,650,000	2,650,000	0	0	2,650,000	0
Capital Projects Funding Sourc	21,387,856	400,000	21,787,856	21,731,369	56,487	0	21,787,856	0
Total	\$ 612,913,924	\$ 19,695,309	\$ 632,609,233	\$ 615,200,756	\$ 149,437	\$ 19,695,309	\$ 635,045,502	\$ (2,436,269)

CAPITAL RECONCILIATION

LA-38-12 CAB	\$ 103,547,975	11/29 - E&F	Mod-3 Oper Req	\$ 559,742	11/29 - E&F
Mod-1 Capital	-	12/11 - E&F	Mod-4 Oper Req	3,209,612	12/11 - E&F
Mod-2 Capital	2,246,329	12/11 - E&F	Mod-2 Cap Req	2,246,329	12/11 - E&F
Total Capital	\$ 105,794,304		Total after pending Mod's	\$ 641,061,185	
			Operating (LA37-12)	\$ 535,266,881	(thru Mod-4 op)
			Capital (LA-38-12)	105,794,304	(thru Mod-2 cao)
			Recap	\$ 641,061,185	