

An Act

LEGISLATIVE ACT 08-09

AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 – Mod. 5; 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 #19-08 Authorizing the Comprehensive Budget for Fiscal Year 2009 – Mod. 5**”.

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 2009” or subsequent amendment. The cumulative total of the budget is increased by **\$1,529,990** for a total budget authority of **\$505,685,080**. The following items are identified as estimated 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. General Fund	\$4,936,280	\$0	<\$276,863>	\$4,659,417
B. Motor Fuels Tax	\$0	\$0	<\$0>	\$0

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #19-08 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 amendment changes the total amount of the comprehensive budget authorization by a net increase of **\$1,529,990** to wit:

- A. An increase in the **General Fund** budget authority of **\$276,863** primarily related to an increase in the Cash Match for Gants budget.

- B. An increase in the **Housing Proceeds** budget authority of \$616,000 in the Proceeds of Sale budget for prior year unexpended funds.
- C. A decrease in the **D.O.I. – Self Governance Fund** budget authority of <\$1,596> to adjust the prior year carryover balance.
- D. A decrease in the **D.H.H.S. - General Fund** in the amount of <\$134,788> related to the Child Support Enforcement program prior year carryover balance.
- E. A net increase in the **NAHASDA Fund** budget authority of \$773,511 primarily related to carryover funds from the 2004, 2005, 2006, 2007 and 2008 Indian Housing Plans.

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.

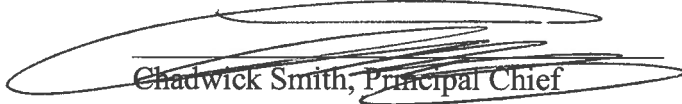
Passed by the Cherokee Council on the 16th day of March, 2009


Meredith Frailey, Speaker
Council of the Cherokee Nation

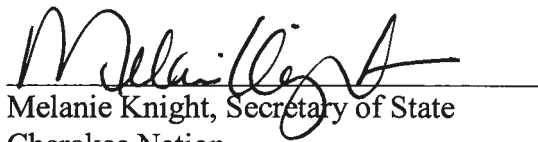
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23rd day of March, 2009


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley Buzzard	<u>Yea</u>	Jack Baker	<u>Yea</u>
Curtis Snell	<u>Yea</u>		



CHEROKEE NATION TRIBAL COUNCIL

**Doug Evans, C.P. A.,
Executive Director, Financial Oversight**

Memo

To: Jack Baker, Chair, Executive & Finance Committee &
Cara Cowan Watts, Co-Chair, Executive & Finance Committee

From: Doug Evans

CC: Executive & Finance Committee

Date: 02/19/2009

Re: Review of Budget Modification - 5

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. FEBRUARY - GRANTS RECEIVED (REPORTING ONLY):

<u>Funding Source</u>	<u>Program</u>	<u>Amount</u>
USDA	Cover reconciliation on WIC AND Self Help Tech Assist.	\$3,216
TOTAL NET GRANTS RECEIVED		<u>\$3,216</u>

B. MOD – 5 (27 budgets) Net Increase in budget authority - \$1,554,990:

Tabled Item #1 <25,000>
**1,529,990*

General Fund: (Increase - \$301,863)

TABLED

- (1): Charitable Contributions: Requesting **\$25,000** for a donation to the "Oklahoma Academy". No documentation was provided indicating who this organization is where it is located or the services provided.
- (2): Cash Match for Grants: Requesting an increase of **\$213,320** with the bulk of these funds (\$154,696) requested to be transferred to the Child Support Enforcement program (see item #7 below). This funding request is due to a shortfall of in-kind matching funds by the program due to unclear guidance from the funding agency pertaining to allowable types of in-kind matches (see item #7 below).
- (3): Emergency Management – Disaster Fund: Requesting an increase of **\$25,000** to replenish disaster related expenditures caused by the recent ice storm. This will enable the budget to maintain a balance of available funds in the event of another disaster of \$25,000.
- (4): Land Development: Requesting a spending authority increase of **\$34,713** for Day Labor Staff that helped with the January ice storm and the related indirect costs.

Housing Proceeds: (Increase - \$616,000)

(5): Proceeds of Sale: This budget is requesting carryover spending authority of **\$616,000** related to the prior year's unexpended balances for computer software and Community Shield insurance.

D.O.I. - Self Governance: (Decrease - <\$1,596>)

(6): Competitive Projects: Requesting a decrease of **<\$1,596>** for a carryover adjustment on the Tar Creek Damage Assessment project.

D.H.H.S. - General Fund: (Decrease - <134,788>)

(7): Child Support Enforcement: Requesting a decrease of **<\$134,788>** due to a reduction of Grant Revenue of **<\$264,162>** and In-Kind Revenue of an additional **<\$25,322>** for a total reduction in program funds of **<\$289,484>**. **The program is requesting the Nation supplement this reduction with a discretionary transfer of \$154,696 due to a shortfall requirement of in-kind matching in FY2008 (see item 2 above).**

NAHASDA Fund: (Net Increase - \$773,511)

(8): '04 IHP Comm Svc - New Construction: Requesting an increase of **\$24,148** to adjust to the actual carryover amount of \$196,658.

(9): '05 IHP Homeownership Bldg Pkgs: Requesting an increase of **\$475,111**, also to adjust to the actual carryover amount of \$1,995,624.

Items 10 thru 12 are from the 2006 Indian Housing Plan:

(10): HADT Subsidy: Requesting spending authority of **\$104,595** to provide the sub-grant to the Delaware Tribe for operating expenses.

(11): Homeownership Bldg Pkg: Requesting a decrease of **<\$98,796>** to adjust to the actual carryover amount of \$1,478,710.

(12): HADT Regulatory Compliance: Requesting spending authority for **\$20,906** from prior year unexpended balances for the Housing Service department to administer HADT funds.

Items 13 thru 23 are from the 2007 Indian Housing Plan: (All the following budgets are carryover adjustments or carryover requests)

(13): <u>Modernization:</u>	\$311,739	Carryover adjustment to a new total of \$627,839.
(14): <u>HADT - Modernization:</u>	\$100,000	New Carryover request.
(15): <u>HADT - Operating Subsidy:</u>	<\$178,620>	Carryover adjustment to a new total of \$229,183.
(16): <u>Homeownership Bldg Pkgs:</u>	\$91,367	Carryover adjustment to a new total of \$1,728,471.
(17): <u>Mortgage Assistance:</u>	\$108,258	New Carryover request
(18): <u>Mortgage Assistance-Admin:</u>	\$222,494	New Carryover request
(19): <u>HADT - Housing Management:</u>	\$15,900	New Carryover request
(20): <u>Rental Assistance:</u>	\$28,858	New Carryover request
(21): <u>HADT - Regulatory Compliance:</u>	\$8,419	New Carryover request
(22): <u>HADT - Administration:</u>	\$62,720	Carryover adjustment to a new total of \$77,720
(23): <u>Self Help Research/Development:</u>	<\$419,249>	Carryover adjustment to a new total of \$587,472
Sub-total	<u>\$351,886</u>	

Items 24 thru 27 are from the 2008 Indian Housing Plan: (The following budgets are carryover adjustments or program close-outs)

(24): <u>Self Help Constr. (Res & Developmt):</u>	<\$1,053>	Carryover adjustment to a new total of \$1,032,417
(25): <u>Cultural Resource:</u>	<\$34,830>	To close out the program.
(26): <u>Community Planning:</u>	<\$92,880>	To close out the program.
(27): <u>Coordination Community Svc:</u>	\$24,424	Carryover adjustment to a new total of \$419,164
Sub-total	<u><\$104,339></u>	

C. COMMUNITY ASSISTANCE, LAW ENFORCEMENT & CEMETERIES FUNDS:


The attached lists of projects have been approved, or are being requested to be approved in this Executive/Finance Committee. These projects have already been appropriated; therefore, there is no need to appropriate the funds again. This list is for informational purposes and is included within this mod package review for inclusion purposes.

Summary:

After reviewing the submission of Mod-5 by administration, I find no technical issues surrounding these requests and 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,



Attachments

CHEROKEE NATION
 FY 2009 REPORTING
 Sorted by Funding Source

Funding Source	Ref # by FS	Program/Purpose	FY 2009 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
45-USDA	1	3453060 - Self Help Technical Assistance	LA 19-08	3,216	3,216	\$ -
	2	3453500 - WIC Administration	LA 19-08	77,930	77,930	\$ -
	3	3453502 - WIC Nutrition	LA 19-08	(44,705)	(44,705)	\$ -
	4	3453503 - WIC Breastfeeding	LA 19-08	(33,225)	(33,225)	\$ -
45-USDA Total				\$ 3,216	\$ 3,216	\$ -
Grand Total				\$ 3,216	\$ 3,216	\$ -

*February Grants
 (Reporting Only)*

CHEROKEE NATION
PROPOSED FY 2009 AMENDMENT
Sorted by Funding Source

Mod 5
Amended

Funding Source	Ref # by FS	Program/Purpose	FY 2009 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	* 1	1010042 - Charitable Contributions	Mod 4	-	-	\$ -
	2	1010315 - Cash Match For Grants	Mod 4	-	213,320	\$ (213,320)
	3	1010522 - Emer Mgmt - Disaster Fund	LA 19-08	-	28,830	\$ (28,830)
	4	1012350 - Land Development	Mod 4	-	34,713	\$ (34,713)
01-Cherokee Nation Total				\$ -	\$ 276,863	\$ (276,863)
08-Housing Proceeds	5	1082400 - Proceeds of Sale	LA 19-08	616,000	616,000	\$ -
08-Housing Proceeds Total				\$ 616,000	\$ 616,000	\$ -
22-DOI - Self Governance	6	3221900 - Competetive Projects	LA 19-08	(1,596)	(1,596)	\$ -
22-DOI - Self Governance Total				\$ (1,596)	\$ (1,596)	\$ -
40-DHHS-General	7	3405100 - Child Support Enforcement	LA 19-08	(134,788)	(134,788)	\$ -
40-DHHS-General Total				\$ (134,788)	\$ (134,788)	\$ -
56-NAHASDA	8	3560425 - 04 IHP Comm Srv New Constr	LA 26-08	24,148	24,148	\$ -
	9	3560523 - Homeownership Bldg Pkgs	LA 19-08	475,111	475,111	\$ -
	10	3560604 - Operating Subsidy - HADT	New	104,595	104,595	\$ -
	11	3560623 - Homeownership Bldg Pkgs	LA 19-08	(98,796)	(98,796)	\$ -
	12	3560691 - HADT Regulatory Compliance	New	20,906	20,906	\$ -
	13	3560700 - Modernization	LA 19-08	311,739	311,739	\$ -
	14	3560702 - HADT Modernization	New	100,000	100,000	\$ -
	15	3560704 - Operating Subsidy - HADT	LA 19-08	(178,620)	(178,620)	\$ -
	16	3560723 - Homeownership Bldg Pkgs	LA 19-08	91,367	91,367	\$ -
	17	3560729 - Mortgage Assistance	New	108,258	108,258	\$ -
	18	3560772 - MAP	New	222,494	222,494	\$ -
	19	3560774 -HADT Housing Management	New	15,900	15,900	\$ -
	20	3560776 - Rental Assistance	New	28,858	28,858	\$ -
	21	3560791 - HADT Regulatory Compliance	New	8,419	8,419	\$ -
	22	3560792 - HADT Administration	LA 19-08	62,720	62,720	\$ -
	23	3560796 - Self Help Housing R & D	LA 19-08	(419,249)	(419,249)	\$ -
	24	3560823 - Homeownership Bldg Pkgs	LA 19-08	(1,053)	(1,053)	\$ -
	25	3560854 - Education Cultural Resources	LA 19-08	(34,830)	(34,830)	\$ -
	26	3560883 - Community Planning	LA 19-08	(92,880)	(92,880)	\$ -
	27	3560887 - Community Svc Coordination	LA 19-08	24,424	24,424	\$ -
56-NAHASDA Total				\$ 773,511	\$ 773,511	\$ -
Grand Total				\$ 1,253,127	\$ 1,529,990	\$ (276,863)

* - Item #1 was tabled in the 02/26/2009 Executive & Finance Committee (\$25k)

**COMPREHENSIVE BUDGET
FOR FISCAL YEAR 2009
Including Mod 5 - As Amended**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	84,277,923	3,606,322	87,884,245	75,021,519	5,672,425	2,254,021	82,947,965	4,936,280
Motor Fuels Tax Funding Srce	11,600,755	11,758,882	23,359,637	11,958,391	317,031	11,084,215	23,359,637	0
Motor Vehicle Tax Funding Srce	15,286,651	0	15,286,651	13,434,693	375,440	1,476,518	15,286,651	0
Permanent Fund Funding Source	10,000	0	10,000	10,000	0	0	10,000	0
DOI General Funding Source	19,536,259	0	19,536,259	18,182,499	1,353,760	0	19,536,259	0
DOI Self Gov Funding Source	12,052,892	79,600	12,132,492	10,917,471	1,175,021	40,000	12,132,492	0
DOI Self Gov Roads Funding Srce	41,636,155	0	41,636,155	40,202,647	353,508	1,080,000	41,636,155	0
DOI PL102-477 Funding Source	21,839,335	0	21,839,335	20,899,706	939,629	0	21,839,335	0
IHS Self Gov Health Funding Sr	156,845,854	0	156,845,854	143,423,631	10,565,893	2,856,330	156,845,854	0
IHS Self Gov TEH Funding Srce	5,137,110	0	5,137,110	4,683,924	453,186	0	5,137,110	0
IHS Self Gov Offic Funding Srce	474,089	0	474,089	412,051	62,038	0	474,089	0
IHS Discretionary Funding Srce	600,000	0	600,000	30,000	0	570,000	600,000	0
DHHS General Funding Source	37,834,029	135,000	37,969,029	34,935,264	2,938,245	95,520	37,969,029	0
USDA Funding Source	15,459,456	845,818	16,305,274	15,628,376	676,898	0	16,305,274	0
Dept of Education Funding Srce	1,202,592	84,280	1,286,872	1,173,745	113,127	0	1,286,872	0
HUD Funding Source	44,037,135	0	44,037,135	39,231,168	2,640,668	2,165,299	44,037,135	0
Housing Proceeds Funding Srce	3,681,620	0	3,681,620	3,284,234	397,386	0	3,681,620	0
EPA Funding Source	3,259,341	20,800	3,280,141	2,966,643	313,498	0	3,280,141	0
Dept of Labor Funding Source	7,148,752	0	7,148,752	6,422,710	726,042	0	7,148,752	0
Federal Other Funding Source	2,175,414	517,700	2,693,114	1,630,397	45,017	1,017,700	2,693,114	0
State of Oklahoma Funding Srce	846,013	0	846,013	750,207	95,806	0	846,013	0
Private Funding Source	966,013	222,572	1,188,585	763,841	108,649	0	872,490	316,095
Indirect Cost Pool Funding Srce	206,294	0	206,294	28,704,627	(28,517,370)	0	187,257	19,037
Tribal Force Acct Funding Srce	0	35,000	35,000	32,667	2,333	0	35,000	0
Internal Lease Pool Funding Sr	65,000	0	65,000	315,000	0	0	315,000	(250,000)
Enterprise Funding Source	2,950,382	3,082,999	6,033,381	2,265,011	0	517,700	2,782,711	3,250,670
Other Funding Source	225,109	12,000	237,109	144,744	8,061	0	152,805	84,304
Debt Service Funding Source	0	2,756,330	2,756,330	2,756,330	0	0	2,756,330	0
Total	\$ 489,354,173	\$ 23,157,303	\$ 512,511,476	\$ 480,181,496	\$ 816,291	\$ 23,157,303	\$ 504,155,090	\$ 8,356,386

Mod-5 Amended \$ 1,529,990
Total w/Mod-5 Amended \$ 505,685,080

CHEROKEE NATION TRIBAL COUNCIL
FY 2009 DETAIL OF COMMUNITY ASSISTANCE (GLA - 6810.10)

Vendor / Recipient	Date	Assistance Amount	Bill John Baker	Tina Jordan	S. Joe Crittenden	Jodie Fighbhawk	David Thornton	Janelle Fulbright	Don Garvin	Curtis Snell	Harley Buzzard	Meredith Frailey	Chris Soap	Cara Cowan	Buel Anglen	Brad Cobb	Chuck Hoskin, Jr.	Jack Baker	Julia Coates	Description of Request	Requeste	Received	Submitted	PAID
Beginning Balance	10/01/08	\$425,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000					
Fairland School	02/26/09	\$500									\$500									Cultural Activities/School Pantry				
Afton School	02/26/09	\$500									\$500									Cultural Activities/School Pantry				
Oak Grove Baptist Church	02/26/09	\$500							\$500											Native American Men's Conference				
Cherokee Co. Jr. Livestock Show	02/26/09	\$5,000	\$2,500	\$2,500																Up to \$100 Add On/Cherokee Citizen				
Siltwell High School	02/26/09	\$1,000			\$500	\$500														Cherokee Student Scholarships				
Cave Springs High School	02/26/09	\$1,000			\$500	\$500														Cherokee Student Scholarships				
Westville High School	02/26/09	\$1,000			\$500	\$500														Cherokee Student Scholarships				
Watts High School	02/26/09	\$1,000			\$500	\$500														Cherokee Student Scholarships				
Vinita Public Schools	02/26/09	\$2,000															\$2,000			BSIBF Project				
Cherokee Nation Tribal Youth Council	02/26/09	\$850	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	2nd Annual Youth Contest PowWow				
Year-to-Date Assistance		\$114,196	\$7,100	\$7,100	\$6,650	\$6,650	\$15,350	\$4,400	\$1,450	\$9,350	\$12,500	\$5,446	\$4,550	\$5,300	\$4,700	\$8,700	\$12,250	\$1,350	\$1,350					
Ending Balance		\$310,804	\$17,900	\$17,900	\$18,350	\$18,350	\$9,650	\$20,600	\$23,550	\$15,650	\$12,500	\$19,554	\$20,450	\$19,700	\$20,300	\$16,300	\$12,750	\$23,650	\$23,650					

CHEROKEE NATION TRIBAL COUNCIL
FY09 CEMETERY PRESERVATION ASSISTANCE
(AU:1023065 / Acct:680000)

①
3 of 3

Recipient	Approved Date	Cherokee Nation District	Assistance Amount
FY08 Ending Balance	09/30/08		\$ 84,685.11
FY09 Current Year Funding	10/01/08		\$ 69,479.00
IDC Allocation and PY Adjustment	10/01/08		\$ (6,529.11)
FY09 Available Balance	10/01/08		\$ 147,635.00
Welch Cemetery - William Whitener	10/30/08	1 - Cherokee	\$ 500.00
Littledear Cemetery - Gary Littledeer	10/30/08	2 - Trail of Tears	\$ 500.00
Keener Cemetery - Amy Mathis	10/30/08	1 - Cherokee	\$ 500.00
Sycamore Springs - Isaac Beaver	10/30/08	5 - Delaware	\$ 500.00
Native Am. Fellowship - Hickory Creek	10/30/08	9 - Craig	\$ 500.00
Native Am. Fellowship - Timber Hill	10/30/08	9 - Craig	\$ 500.00
Agent Cemetery - Robert Mouse, Jr.	10/30/08	1 - Cherokee	\$ 500.00
Jack Ribbon Indian Cemetery	11/20/08	6 - Mayes	\$ 500.00
Lowrey Cemetery - Gina Griffith	11/20/08	1 - Cherokee	\$ 500.00
Elm Grove Cemetery - Bill Ross	12/16/08	2-Trail of Tears	\$ 500.00
Matoaka Cemetery - Ed Trottingwolf	12/16/08	8 - Keeler	\$ 500.00
Fodder Cemetery-Herbert Downing	12/16/08	2-Trail of Tears	\$ 500.00
Lynch Prairie Cemetery-Ernestine Allen	02/05/09	6- Mayes	\$ 500.00
Tyler Spring Cemetery - Jeff Simpson	02/05/09	2-Trail of Tears	\$ 500.00
William Johnson Cemetery	02/05/09	1 - Cherokee	\$ 500.00
Old Green Cemetery - George Richard	02/05/09	2 - Trail of Tears	\$ 500.00
Piney Cemetery - Piney Baptist Church	02/05/09	5-Delaware	\$ 500.00
McCoy Cemetery Assoc. - Mary Adair	02/05/09	3 - Sequoyah	\$ 500.00
Scott Cemetery - Laverne Walker	02/05/09	9 - Craig	\$ 500.00
O'Field Cemetery - Piney Baptist Church	02/26/09	5-Delaware	\$ 500.00
Thompson Cemetery - Brian Jones	02/26/09	5-Delaware	\$ 500.00
Neugin Cemetery - Maxine Neugin	02/26/09	1 - Cherokee	\$ 500.00
Garvin Cemetery - Herbert Garvin	02/26/09	3 - Sequoyah	\$ 500.00
Bradshaw Cemetery - Helen Jackson	02/26/09	3 - Sequoyah	\$ 500.00
Cherokee McCoy Cemetery-Evening Sh.	02/26/09	3-Sequoyah	\$ 500.00
Raven Cemetery - Needful Provision, Inc.	02/26/09	1-Cherokee	\$ 500.00
Downing Cemetery - Sue Fine	02/26/09	1-Cherokee	\$ 500.00
Barber Cemetery - Barber Community	02/26/09	1-Cherokee	\$ 500.00
			\$ 14,000.00
Ending Balance			\$ 133,635.00

ok