

An Act

LEGISLATIVE ACT 12-24

AN ACT AMENDING LEGISLATIVE ACT #22-23 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2024 – 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 #22-23 Authorizing the Comprehensive Operating Budget for FY 2024 – 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 2024” or subsequent amendment. The cumulative total of the budget is increased by \$ 14,526,822 for a total budget authority of \$ 3,080,252,135. The following items are identified as components of such change:

Grants Received & Authorized per LA 22-23 (detail attached)	\$ 4,088,465
Modification Request (see Section 4 below)	<u>10,438,357</u>
Cumulative change in budget authority	<u>\$ 14,526,822</u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #22-23 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 a decrease of \$ 10,438,357 to wit:

- A. An increase in the **Tribally Funded** budget authority of \$ 8,022,791.
- B. An increase in the **Motor Vehicle Tax** budget authority of \$ 8,672.
- C. An increase in the **Internal Leases** budget authority of \$ 15,072.
- D. An increase in the **DOI Self Governance** budget authority of \$ 2,391,822.

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

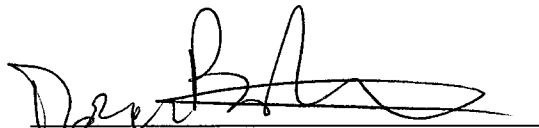
To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the 11th day of March, 2024



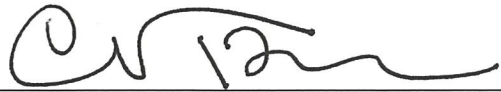
Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:



Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19 day of March, 2024



Chuck Hoskin Jr., Principal Chief
Cherokee Nation

ATTEST:



Shella Bowlm, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Sasha Blackfox-Qualls	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Lisa Hall	<u>Yea</u>	Dora Patzkowski	<u>Yea</u>
Dr. Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Absent</u>
E.O. "Jr" Smith	<u>Yea</u>	Kevin Easley, Jr.	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Josh Sam	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Codey Poindexter	<u>Yea</u>	Julia Coates	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

CHEROKEE NATION
 PROPOSED FY 2024 AMENDMENT
 Sorted by Funding Source

Funding Source	Ref # by FS	Program/Purpose	FY 2024- Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
20-DOI GENERAL	1	32001200 Title VIB Rural Schools	LA 22-23	16,360	16,360	\$ -
	2	32002100 SHS CARES Act	New	168,217	168,217	\$ -
	3	32002200 CARES Act Sequoyah HS Amend 19	New	76,797	76,797	\$ -
20-DOI GENERAL Total				\$ 261,374	\$ 261,374	\$ -
40-DHHS GENERAL	4	34011700 Native Connections	LA 22-23	33,241	33,241	\$ -
	5	34013200 CN Zero Suicide Project	Dec Grants	26,605	26,605	\$ -
	6	34013330 ACEs Surveillance Capacity	Dec Grants	(42,639)	(42,639)	\$ -
	7	34014500 CN Project Sunale	LA 22-23	136,925	136,925	\$ -
	8	34016700 SAMHSA Suicide Prevention	LA 22-23	(1)	(1)	\$ -
	9	34026000 Diabetes Grant	LA 22-23	250,000	250,000	\$ -
10	34055200 Tribal Opioid Response 2	Dec Grants	1,810,382	1,810,382	\$ -	
40-DHHS GENERAL Total				\$ 2,214,513	\$ 2,214,513	\$ -
78-Dept of Justice	11	37899100 Tribal Victim Svcs Set Aside VI	New	196,912	196,912	\$ -
78-Dept of Justice Total				\$ 196,912	\$ 196,912	\$ -
85-PRIVATE	12	38563000 Volkswagen Settlement	LA 22-23	1,447,360	1,447,360	\$ -
	13	38571000 Gilead FOCUS	LA 22-23	(31,694)	(31,694)	\$ -
85-PRIVATE Total				\$ 1,415,666	\$ 1,415,666	\$ -
Grand Total				\$ 4,088,465	\$ 4,088,465	\$ -

February Operating Grants - Reporting Only

CHEROKEE NATION
PROPOSED FY 2024 AMENDMENT
Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2024-Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-TRIBE FUNDED	1	10102800 General Fund Operations	LA 22-23	8,000,000	8,000,000	\$ -
	2	10102960 Unappropriated Reserve	LA 07-24	-	-	\$ -
	3	10109260 HJSCA Lang Svc Spkr Hsng Rehab	LA 22-23	22,326	22,326	\$ -
	4	10110630 NRD Ethnobiology	LA 22-23	465	465	\$ -
01-TRIBE FUNDED Total				\$ 8,022,791	\$ 8,022,791	\$ -
05-MOTOR VEHICLE	5	10510000 MVT Public Schools	LA 22-23	(141,273)	(141,273)	\$ -
	6	10510100 MVT SHS	LA 22-23	9,971	9,971	\$ -
	7	10510110 MVT Head Start	LA 22-23	20,596	20,596	\$ -
	8	10510120 MVT Immersion	LA 22-23	(3,844)	(3,844)	\$ -
	9	10510200 MVT Public School Coop	LA 22-23	159,693	159,693	\$ -
	10	10520100 MVT Highways Admin	LA 22-23	(95,578)	(95,578)	\$ -
	11	10541000 MVT Local Law Enforcement	LA 22-23	59,107	59,107	\$ -
05-MOTOR VEHICLE Total				\$ 8,672	\$ 8,672	\$ -
13-INTERNAL LEASE	12	21310000 Internal Lease Buildings	LA 22-23	15,072	15,072	\$ -
13-INTERNAL LEASE Total				\$ 15,072	\$ 15,072	\$ -
22-DOI SELF GOV	13	32210920 SG DOI ARPA COVID 19	LA 22-23	(150,000)	(150,000)	\$ -
	14	32210923 SG Tribal Court Services	New	150,000	150,000	\$ -
	15	32219100 Administrative Svcs Potable Water	New	2,391,822	2,391,822	\$ -
22-DOI SELF GOV Total				\$ 2,391,822	\$ 2,391,822	\$ -
23-DOI PL 102-477	16	32300000 PL 102 477 Child Care	LA 07-24	-	-	\$ -
23-DOI PL 102-477 Total				\$ -	\$ -	\$ -
Grand Total				\$ 10,438,357	\$ 10,438,357	\$ -

Operating Mod #5 Request

COMPREHENSIVE BUDGET FOR FISCAL YEAR 2024

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Capital Projects	408,269,531	142,045,473	550,315,004	550,195,129	119,875	0	550,315,004	-
Department of Education	2,107,517	87,222	2,194,739	2,046,011	128,728	20,000	2,194,739	-
Department of Labor	18,662,936	0	18,662,936	17,777,504	885,432	0	18,662,936	-
Dept of Transportation Compact	104,572,358	0	104,572,358	104,180,239	292,119	100,000	104,572,358	-
DHHS General	94,774,476	692,099	95,466,575	88,863,358	6,603,217	0	95,466,575	-
DOI General	22,119,195	0	22,119,195	20,472,297	1,646,898	0	22,119,195	-
DOI PL 102-477	454,343,046	0	454,343,046	391,361,712	3,861,854	59,119,480	454,343,046	-
DOI Self Governance	58,160,482	79,600	58,240,082	54,780,838	3,434,244	25,000	58,240,082	-
Enterprise	1,813,061	6,840,071	8,653,132	8,522,381	130,751	0	8,653,132	-
EPA	3,243,927	0	3,243,927	3,012,186	231,741	0	3,243,927	-
Federal Other	883,550,989	0	883,550,989	878,767,792	2,138,726	2,644,471	883,550,989	-
HUD	67,537,996	1,877,501	69,415,497	66,014,976	323,020	3,077,501	69,415,497	-
Indirect Cost	87,568,049	11,250	87,579,299	87,579,299	0	0	87,579,299	-
IHS Discretionary	2,500,000	0	2,500,000	150,000	0	2,350,000	2,500,000	-
IHS Self Governance Health	917,067,233	0	917,067,233	778,082,586	49,282,701	89,701,946	917,067,233	-
IHS Self Governance Office	386,587	0	386,587	349,472	37,115	0	386,587	-
IHS Self Governance TEH	30,009,029	0	30,009,029	29,606,920	402,109	0	30,009,029	-
Internal Lease Pool	7,400,156	0	7,400,156	7,400,156	0	0	7,400,156	-
Motor Fuel Tax	11,605,384	23,516,884	35,122,268	24,898,770	98,498	10,125,000	35,122,268	-
Motor Vehicle Tax	42,406,756	289,960	42,696,716	41,258,309	915,276	523,131	42,696,716	-
Other	268,000	17,000	285,000	279,945	5,055	0	285,000	-
Permanent Funds	9,100	0	9,100	9,100	0	0	9,100	-
Private	3,466,684	0	3,466,684	3,426,916	39,768	0	3,466,684	-
State of Oklahoma	1,062,082	0	1,062,082	980,224	81,858	0	1,062,082	-
Tribe Funded	352,871,974	31,718,104	384,590,078	336,970,020	7,155,467	40,464,591	384,590,078	-
USDA	47,871,237	975,956	48,847,193	46,212,035	2,635,158	0	48,847,193	-
Total	\$ 3,623,647,785	\$ 208,151,120	\$ 3,831,798,905	\$ 3,543,198,175	\$ 80,449,610	\$ 208,151,120	\$ 3,831,798,905	\$ -

Non Grant Requests

CAPITAL RECONCILIATION	
LA 21-23	\$ 753,582,109
Cap Mod #1	120,038
Cap Mod #2	8,282,980
Cap Mod #3	55,720,744

Cap Mod #3	55,720,744	02/29 E&F
Oper Mod #5	10,438,357	02/29 E&F

Total Capital	\$ 817,705,871
Total after pending Mod's	\$ 3,897,958,006
Operating - cumulative total	\$ 3,080,252,135
Capital - cumulative total	817,705,871
Grand Total	\$ 3,897,958,006

CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight



M e m o

To: Josh Sam, Chairman - Executive & Finance Committee
From: Jody S. Reece
CC: Executive & Finance Committee
Date: 02/15/2024
Re: Review of Operating Budget Mod #5 – Total \$ 14,526,822

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>
DOI General	3	\$ 261,374
DHHS General	7	2,214,513
Dept of Justice	1	196,912
Private	1	<u>1,415,666</u>

Total Grant Reporting \$ 4,088,465

Cash Match for Grants (10103150) – Start of Year

Cash Out: Grant Required	\$ 1,667,007
Appropriated for Cash Match (future grants)	<u>1,832,993</u>
Original Total Budget	<u>\$ 3,500,000</u>

Original Appropriated for Cash Match – for future grants	\$1,832,993	
Used: WIC FMNP Admin	<u>(35,786)</u>	Mod 2
Balance Available for Future Grant Matching	<u>\$1,797,207</u>	

B. MOD #5 Request - Increase in budget authority - \$ 10,438,357

- General Fund Operations – 10102800 – Tribally Funded: Modification requesting an increase in transfer authorization of \$8,000,000 going to the Behavioral Health Resident Treatment Center construction budget in the Capital modification. Funding provided by unappropriated carryover opioid settlement funds as approved by LA 02-23.
- Unappropriated Reserve – 10102960 – Tribally Funded: Modification requesting an increase in transfer authorization of \$489,382 to MVT public schools in item 5. This will the allow payment of \$240.55 per public school student versus \$225.31 that would be paid based on

the standard 38% calculation. This supplement last year was a flat \$470,000 to bring it up to \$240.55 per student, which was slightly more than the 2022 per student payment. The new reserved by appropriation amount is \$7,035,015.

3. HJSCA Language Services Speaker Housing Rehab – 10109260 – Tribally Funded: Modification requesting an increase in expenditure authorization of \$22,326 to account for actual carryover funding. The new budgeted expenditure total is \$622,326.
4. NRD Ethnobiology – 10110630 – Tribally Funded: Modification requesting an increase in expenditure authorization of \$465 to account for actual carryover funding and a small amount of other income. The new budgeted expenditure total is \$900,000.

Motor Vehicle Tax (MVT) Allocation Formulas (budgets 5-11):

- a. 38% of “gross” MVT revenue is allocated to eligible public schools.
 - 95% of this total is allocated on a per student basis to expanded jurisdiction Public Schools and the three Cherokee Nation schools. Note: The three Cherokee Nation school students are counted twice for calculation the allocations; however, they receive the actual calculated per student payment.
 - 5% of the total goes to the Public School Coop Program (A-F). An additional matching amount equal to the 5% goes to the coop program from general net MVT revenues.
 - b. 20% of “gross” MVT revenue is allocated to Roads of which 90% is for construction and 10% is for administration budgeted in this operating mod. See the Capital Modification Act for construction. The construction money is allocated equally to the fifteen in-jurisdiction Council Members.
 - c. 20% of “net” MVT revenue is allocated to Law Enforcement and is distributed equally to the fifteen in-jurisdiction Council Members.
 - d. The fiscal year 2023 residual transfer to the General Fund is \$4,075,074. \$516,271 was budgeted in 2023 for the Get Out The Vote and Wildlife Management budgets. This leaves a net residual for the General Fund of \$3,558,803. Note: In 2024, the Get out the Vote budget is funded from sales tax instead of MVT.
5. MVT Public Schools – 10510000 – Vehicle Tax: Modification requesting a decrease in expenditure authorization of \$(141,273) for the allocation of the 2023 Motor Vehicle Taxes carryover as supplemented from the General Fund. The budget is reduced due to the student count dropping from 32,699 to 32,112 (587 drop x \$240.55 = \$141K+). The standard per student-calculated amount is \$225.31; therefore, a transfer in from General Fund carryover of \$489,382 is needed to maintain the same \$240.55 per student payment as last year. The collections were down \$630,655 and the need down \$141,273 = \$489,382 required from General Fund. The new budget total is \$7,724,542.
 6. MVT Sequoyah High School – 10510100 – Vehicle Tax: Modification requesting an increase in expenditure authorization of \$9,971 for the allocation of the 2023 Motor Vehicle Taxes and carryover. The budget total includes \$197,964 carryover and \$146,452 current allocation for a total budget of \$344,416. The current allocation is an increase of \$793 from last year’s allocation. The adjusted student count is up from 644 to 650.
 7. MVT Head Start – 10510110 – Vehicle Tax: Modification requesting an increase in expenditure authorization of \$20,596 for the allocation of the 2023 Motor Vehicle Taxes and

carryover. The budget total includes \$30,606 carryover and \$14,420 current allocation for a total budget of \$45,026. The current allocation is a decrease of \$(1,412) from last year's allocation. The adjusted student count is down from 70 to 64.

8. MVT Immersion – 10510120 – Vehicle Tax: Modification requesting a decrease in expenditure authorization of \$(3,844) for the allocation of the 2023 Motor Vehicle Taxes and carryover. The new budget total includes \$146,279 carryover and \$34,247 current allocation for a total budget of \$180,526. The current allocation is a decrease of \$(5,108) from last year's allocation. The adjusted student count is down from 174 to 152.
9. MVT Public School Coop – 10510200 – Vehicle Tax: Modification requesting an increase in expenditure authorization of \$159,693 for the allocation of the 2023 Motor Vehicle Taxes and carryover. The budget total includes \$1,629,470 carryover and \$782,135 current allocation for a total budget of \$2,251,912. The current allocation is a decrease of \$17,513 from last year's allocation.
10. MVT Highways Admin – 10520100 – Vehicle Tax: Modification requesting a decrease in expenditure authorization of \$(95,578) for the allocation of the 2023 Motor Vehicle Taxes and carryover. The budget total includes \$74,184 carryover and \$411,650 current allocation for a total of \$485,834. The current allocation is a decrease of \$(9,218) from last year's allocation. The highway construction budget is in the capital modification this month.
11. MVT Local Law Enforcement – 10541000 – Vehicle Tax: Modification requesting a decrease in expenditure authorization of \$(95,732) for the allocation of the 2023 Motor Vehicle Taxes and carryover. The new budget total includes \$277,347 carryover and \$681,760 current allocation for a total of \$959,107. The current allocation is a decrease of \$(54,580) from last year's allocation. The law enforcement budget is based on net revenue instead of gross revenue like the education and roads budgets.
12. Internal Lease Buildings – 21310000 – Leases Internal: Modification requesting an increase in expenditure authorization of \$15,072 with Space Recovery and expenditures reallocated to reconcile with the new 2024 space rate allocation. The new budgeted expenditure total is \$2,999,449.
13. SG DOI ARPA COVID 19 – 32210920 – DOI Self Governance: Modification requesting a decrease in expenditure authorization \$(150,000) to reallocate the funds to the new SG Tribal Courts Services budget in item 14. The new budgeted expenditure total is \$7,850,000.
14. SG Tribal Court Services – 32210923 – DOI Self Governance: New budget requesting expenditure authorization of \$150,000 to cover costs for court-ordered competency evaluations/assessments.
15. Administrative Services Potable Water – 32219100 – DOI Self Governance: New budget requesting expenditure authorization of \$2,391,822 for one-time non-recurring funding provided through authority to obligate (ATO) number 20. See budget narrative for expenditure plans. That is a lot of water! ☺

16. PL 102 477 Child Care – 32300000 – DOI PL-102-477: Modification requesting a decrease in transfer authorization of \$(2,176,181). The reductions are for budgets reported in this month's Capital modification: Pryor CDC Construction \$(861,302), Tahlequah CDC Expansion \$(409,454) and Stilwell CD Expansion \$(905,425). The new budgeted transfer/ expenditure total is \$407,630,780.

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,



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