

An Act

LEGISLATIVE ACT 17-13

AN ACT AMENDING LEGISLATIVE ACT #37-12 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2013 – Mod. 10b; 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. 10b**”.

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 **\$1,491,307** for a total budget authority of **\$574,177,093**. 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)	\$ 1,036,449
Modification Request #10b (see Section 4 below)	<u>454,858</u>
Cumulative change in budget authority	<u>\$ 1,491,307</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 **\$454,858** to wit:

- A. An increase in the **General Fund** budget authority of **\$ 50,224**.

- B. An increase in **Motor Fuel Tax** budget authority of \$ 57,076.
- C. An increase in the **DOI-Self Governance** budget authority of \$ 160,000.
- D. An increase in the **IHS-Self Governance Health** budget authority of \$ 119,796.
- E. An increase in the **Special Revenue Other** budget authority of \$ 67,762.

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.

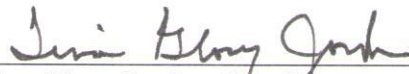
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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 July, 2013.




Tina Glory Jordan, Speaker
Council of the Cherokee Nation

ATTEST:




Jodie Fishinhawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of July, 2013


Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:


S. Joe Crittenden, Deputy Principal Chief
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>Absent</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
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	3402600 Diabetes Grant	LA 37-12	604,186	604,186	\$ -
	2	3402630 Diabetes Grant Stilwell	LA 37-12	62,992	62,992	\$ -
	3	3402640 Diabetes Grant Sallisaw	LA 37-12	52,393	52,393	\$ -
	4	3402650 Diabetes Grant Jay	LA 37-12	71,929	71,929	\$ -
	5	3402660 Diabetes Grant Salina	LA 37-12	82,489	82,489	\$ -
	6	3402670 Diabetes Grant Nowata	LA 37-12	58,895	58,895	\$ -
	7	3402680 Diabetes Grant Muskogee	LA 37-12	88,191	88,191	\$ -
	8	3402685 Diabetes Grant Vinita	New	21,793	21,793	\$ -
	9	3406900 NARCH6 Admin	LA 37-12	101,201	101,201	\$ -
	10	3406910 NARCH6 James	LA 37-12	133,678	133,678	\$ -
	11	3406930 NARCH6 Hays Grudo	LA 37-12	132,318	132,318	\$ -
	12	3408300 CTG for Small Communities	LA 37-12	179,573	179,573	\$ -
40-DHHS-General Total				\$ 1,589,638	\$ 1,589,638	\$ -
62-EPA	13	3622425 Brownfields Tribal Response Program	LA 37-12	(41,180)	(41,180)	\$ -
62-EPA Total				\$ (41,180)	\$ (41,180)	\$ -
70-US Department of Labor	14	3701400 TLJC Operating	LA 37-12	(605,166)	(605,166)	\$ -
	15	3701500 TLJC Capital Projects	Feb Grants	37,282	37,282	\$ -
	16	3701600 TLJC OACTS	LA 37-12	55,875	55,875	\$ -
70-US Department of Labor Total				\$ (512,009)	\$ (512,009)	\$ -
Grand Total				\$ 1,036,449	\$ 1,036,449	\$ -

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	1010042 Charitable Contributions	LA 13-13	-	(20,000)	\$ 20,000
	2	1010270 - Treasurer	LA 37-12	-	20,000	\$ (20,000)
	3	1010460 Emergency Assistance Program	LA 47-12	224	30,224	\$ (30,000)
	4	1010573 Coming Home Reentry	New	-	20,000	\$ (20,000)
01-Cherokee Nation Total				\$ 224	\$ 50,224	\$ (50,000)
02-Motor Fuel Tax	4a	1021000 Motor Fuels Tax	LA 13-13	-	28,538	\$ (28,538)
	4b	1023065 - CN Cemeteries Preservation	LA 37-12	28,538	28,538	\$ -
02-Motor Fuel Tax Total				\$ 28,538	\$ 57,076	\$ (28,538)
22-DOI - Self Governance	5	3222220 SG General Assistance	LA 37-12	160,000	160,000	\$ -
22-DOI - Self Governance Total				\$ 160,000	\$ 160,000	\$ -
32-IHS - Self Governance Health	6	3324040 Meth and Suicide Prevention	LA 37-12	119,796	119,796	\$ -
32-IHS - Self Governance Health Total				\$ 119,796	\$ 119,796	\$ -
90-Special Revenue-Other	7	3901810 JOM Conf Special Registr	LA 37-12	67,762	67,762	\$ -
90-Special Revenue-Other Total				\$ 67,762	\$ 67,762	\$ -
Grand Total				\$ 376,320	\$ 454,858	\$ (78,538)

Operating Mod #10b Request

COMPREHENSIVE BUDGET FOR FISCAL YEAR 2013

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	101,530,011	1,838,091	103,368,102	86,801,311	4,625,257	7,748,544	99,175,112	4,192,990
Motor Fuels Tax Funding Srce	10,804,173	13,647,001	24,451,174	14,300,957	144,016	8,380,220	22,825,193	1,625,981
Motor Vehicle Tax Funding Srce	15,988,418	225,000	16,213,418	14,946,895	394,984	871,539	16,213,418	0
Permanent Fund Funding Source	11,749	0	11,749	11,749	0	0	11,749	0
DOI General Funding Source	11,437,479	0	11,437,479	10,579,802	857,677	0	11,437,479	0
DOI Self Gov Funding Source	14,481,189	229,600	14,710,789	13,476,124	1,219,665	15,000	14,710,789	0
DOI Self Gov Roads Funding Src	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	18,369,926	0	18,369,926	17,691,575	678,351	0	18,369,926	0
IHS Self Gov Health Funding Sr	259,773,282	0	259,773,282	238,015,583	17,561,190	4,196,509	259,773,282	0
IHS Self Gov TEH Funding Src	5,803,801	0	5,803,801	5,394,953	408,848	0	5,803,801	0
IHS Self Gov Offic Funding Src	322,788	0	322,788	286,930	35,858	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	37,947,983	524,159	38,472,142	34,656,142	3,050,374	765,626	38,472,142	0
USDA Funding Source	18,978,219	743,192	19,721,411	18,978,619	742,792	0	19,721,411	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	49,128,742	85,061	49,213,803	47,541,373	1,672,430	0	49,213,803	0
Housing Proceeds Funding Src	1,542,662	0	1,542,662	1,542,662	0	0	1,542,662	0
EPA Funding Source	2,340,183	0	2,340,183	2,120,354	219,829	0	2,340,183	0
Dept of Labor Funding Source	6,722,816	0	6,722,816	6,050,316	672,500	0	6,722,816	0
Federal Other Funding Source	4,041,903	500	4,042,403	3,707,239	139,862	195,302	4,042,403	0
State of Oklahoma Funding Srce	1,445,015	0	1,445,015	1,318,780	126,235	0	1,445,015	0
Private Funding Source	688,593	172,575	861,168	802,649	58,519	0	861,168	0
Indirect Cost Pool Funding Src	175,658	900	176,558	35,575,964	(32,404,009)	0	3,171,955	(2,995,397)
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	89,000	0	89,000	89,000	0	0	89,000	0
Enterprise Funding Source	1,602,453	536,556	2,139,009	1,792,310	0	341,254	2,133,564	5,445
Other Funding Source	190,099	12,000	202,099	191,373	10,726	0	202,099	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	21,322,050	2,712,135	24,034,185	24,026,918	7,267	0	24,034,185	0
Total	\$ 655,454,495	\$ 23,442,645	\$ 678,897,140	\$ 651,996,173	\$ 629,303	\$ 23,442,645	\$ 676,068,121	\$ 2,829,019

Non Grant Requests

Mod-9 Oper Reg	4,788,064	06/10 Council
Mod-9 Oper Reg	454,858	06/27 E&F

CAPITAL RECONCILIATION

LA-38-12 CAB	\$ 103,547,975
Mod-2 Capital	2,246,329
Mod-3 Capital	1,339,646
	01/14 Council
	02/11 Council

Total after pending Mod's \$ 681,311,043

Total Capital \$ 107,133,950

Operating (LA37-12)	\$ 574,177,093	(thru Mod-10b oper)
Capital (LA-38-12)	107,133,950	(thru Mod-3 cap)
Recap	\$ 681,311,043	



CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight

M e m 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: 06/28/2013

Re: Review of Operating Budget Modification #10b – **Total \$1,491,307**

Per your request, I have reviewed the administration's budget modification request for this month's Executive & Finance Committee Meeting and the change made in the E&F Committee. Below is a summary of my review with the addition of items 5. and 6. related to funds added to Cemetery Preservation:

A. March Grants Received (REPORTING ONLY):

<u>Funding Source</u>	<u>Reason</u>	<u>Amount</u>
DHHS - General	12 – Mostly Diabetes carryover reconciliation and awards	\$ 1,589,638
EPA	1 – carryover reconciliation	(41,180)
DOL	3 – TLJC carryover reconciliation	(512,009)
	TOTAL GRANTS	\$ 1,036,449

B. MOD – 10 (7 budgets) Increase in budget authority - \$397,782:

1. Charitable Contributions – 1010042 - General Fund: Modification requesting a decrease in expenditure authorization of \$20,000 by removing the line item for Incarcerated Homeless and creating a new budget outlined in item 4. below.
2. Treasurer – 1010270 – General Fund: Modification requesting an increase in expenditure authorization of \$20,000 for Native American Finance Officers Association (NAFOA) for advisory services. Treasurer Horn will be explaining this in more detail.
3. Emergency Assistance Program – 1010460 – General Fund: Modification requesting an increase in expenditure authorization of \$30,224 to fulfill client services for the remainder of the fiscal year. \$30,000 from General Fund carryover and \$224 from scrap sales from old refrigerators.
4. Coming Home Reentry – 1010573 – General Fund: New budget requesting expenditure authorization of \$20,000 for offenders released from prison that need housing, transportation, clothing, and training assistance to be provided by Career Services.

5. Motor Fuels Tax – 1021000 – GF Motor Fuel Tax: Modification requesting an increase in expenditure authorization of \$28,538 for Transfer Out to Cemetery Preservation account in item 6. Remaining Motor Fuel Tax Carryover balance is now \$1,597,443.
6. CN Cemeteries Preservation – GF Motor Fuel Tax: Modification requesting an increase in expenditure authorization of \$28,538 with an increase of \$25,000 in Client Services and IDC of \$3,538. Transfer In of \$28,538 from main AU in item 5. nets this AU out.
7. SG General Assistance – 3222220 – DOI Self Governance: Modification requesting an increase in expenditure authorization of \$160,000 for increase in client services.
8. Meth & Suicide Prevention – 3324040 – IHS SG Health: Modification requesting an increase in expenditure authorization of \$119,796 to balance the budget to the unexpended balance of the grant.
9. JOM Conference Special Registrar – 3901810 – Special Revenue Other: Modification requesting an increase in expenditure authorization of \$67,762. \$64,863 is carryover from Fund Balance Reserved and \$2,899 is additional current year registration fees.

Summary:

After reviewing the submission of Mod-10 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,



Attachments