

# An Act

## LEGISLATIVE ACT 33-17

### AN ACT AMENDING LEGISLATIVE ACT #26-17 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2018 – Mod. 3; 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 #26-17 Authorizing the Comprehensive Operating Budget for FY 2018 – Mod. 3**”.

#### 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 2018” or subsequent amendment. The cumulative total of the budget is increased by **\$ 6,629,524** for a total budget authority of **\$ 658,424,757**. The following items are identified as components of such change:

Grants Received & Authorized per LA-26-17 (detail attached)	\$ 4,336,550
Modification Request (see Section 4 below)	<u>2,292,974</u>
<b>Cumulative change in budget authority</b>	<b><u>\$ 6,629,524</u></b>

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #26-17 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 **\$ 2,292,974** to wit:

- A. A decrease in the **General Fund** budget authority of **\$ ( 94,650)**.
- B. An increase in the **DOI Self Governance** budget authority of **\$ 15,850**.
- C. An increase in the **HUD** budget authority of **\$ 1,066,667**.
- D. An increase in the **NAHASDA** budget authority of **\$ 266,667**.

E. An increase in the **Federal Other** budget authority of **\$ 1,038,440.**

**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.

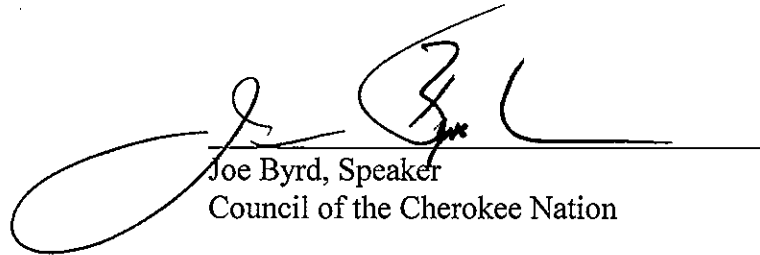
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

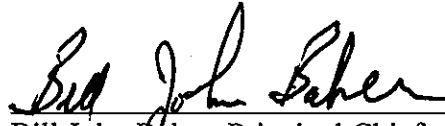
Enacted by the Council of the Cherokee Nation on the 11<sup>th</sup> day of December, 2017

  
\_\_\_\_\_  
Joe Byrd, Speaker  
Council of the Cherokee Nation

ATTEST:

  
\_\_\_\_\_  
Frankie Hargis, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 14 day of December, 2017



Bill John Baker, Principal Chief  
Cherokee Nation

ATTEST:



Chuck Hoskin, Jr., Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Buel Anglen	<u>Yea</u>
E.O. "Junior" Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Bryan Warner	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Mary Baker Shaw	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Wanda Hatfield	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

CHEROKEE NATION  
PROPOSED FY 2018 AMENDMENT  
Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2018 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010315 Cash Match for Grants	LA 26-17	-	-	\$ -
<b>01-Cherokee Nation Total</b>				<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
40-DHHS-General	2	3401220 Restoring Life Network	New	250,000	250,000	\$ -
	3	3401230 NARCH 9 - Program Director	New	31,042	31,042	\$ -
	4	3401231 NARCH 9 - Cherokee Admin	New	38,161	38,161	\$ -
	5	3401232 NARCH 9 - Policy and Protocols	New	549,913	549,913	\$ -
	6	3401233 NARCH 9 - Breast Cancer Project	New	98,641	98,641	\$ -
<b>40-DHHS-General Total</b>				<b>\$ 967,757</b>	<b>\$ 967,757</b>	<b>\$ -</b>
45-USDA	7	3453458 Nutrition Education Grant	New	64,370	64,370	\$ -
	8	3454900 Cooperative Technical Assistance	New	137,143	137,143	\$ -
	9	3455000 Health Innovation Center	New	150,806	150,806	\$ -
<b>45-USDA Total</b>				<b>\$ 352,319</b>	<b>\$ 352,319</b>	<b>\$ -</b>
62-EPA	10	3622435 Lead Based Paint Program	LA 26-17	5,000	5,000	\$ -
<b>62-EPA Total</b>				<b>\$ 5,000</b>	<b>\$ 5,000</b>	<b>\$ -</b>
70-US Department of Labor	11	3702200 DOL Disability Employment Initiative	New	2,249,978	2,249,978	\$ -
<b>70-US Department of Labor Total</b>				<b>\$ 2,249,978</b>	<b>\$ 2,249,978</b>	<b>\$ -</b>
75-Federal Other	12	3756300 Executive Coaching (NAMEBS)	New	116,500	116,500	\$ -
	13	3757300 FEMA THSG 2016	New	378,439	378,439	\$ -
	14	3757400 Tribal Youth Program	New	98,656	98,656	\$ -
	15	3757500 Tribal Victim Assistance	New	167,901	167,901	\$ -
<b>75-Federal Other Total</b>				<b>\$ 761,496</b>	<b>\$ 761,496</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 4,336,550</b>	<b>\$ 4,336,550</b>	<b>\$ -</b>

## Operating Grants - Reporting Only

CHEROKEE NATION  
 PROPOSED FY 2018 AMENDMENT  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2018 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010042 Charitable Contributions	LA 26-17	-	37,500	\$(37,500)
	2	1010296 Unappropriated Reserves	LA 26-17	37,500	85,253	\$(47,753)
	3	1010423 Kawi Café	LA 26-17	-	(85,253)	\$ 85,253
	4	1011064 Tribal Historic Preservation Office	LA 26-17	(132,150)	(132,150)	\$ -
<b>01-Cherokee Nation Total</b>				<b>\$ (94,650)</b>	<b>\$ (94,650)</b>	<b>\$ -</b>
22-DOI - Self Governance	5	3221190 DOI Climate Change	LA 26-17	15,850	15,850	\$ -
	6	3222020 SG Small Bus Assistance Center	LA 26-17	-	-	\$ -
<b>22-DOI - Self Governance Total</b>				<b>\$ 15,850</b>	<b>\$ 15,850</b>	<b>\$ -</b>
55-HUD	7	3552900 ICDGB Storm Safe Shelters	New	1,066,667	1,066,667	\$ -
<b>55-HUD Total</b>				<b>\$ 1,066,667</b>	<b>\$ 1,066,667</b>	<b>\$ -</b>
56-NAHASDA	8	3566099 NAHASDA Revenue 60	New	266,667	266,667	\$ -
<b>56-NAHASDA Total</b>				<b>\$ 266,667</b>	<b>\$ 266,667</b>	<b>\$ -</b>
75-Federal Other	9	3755800 SBA Prime	New	226,828	226,828	\$ -
	10	3756100 Tribal Historic Preservation Office	LA 26-17	811,612	811,612	\$ -
<b>75-Federal Other Total</b>				<b>\$ 1,038,440</b>	<b>\$ 1,038,440</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 2,292,974</b>	<b>\$ 2,292,974</b>	<b>\$ -</b>

## Operating Mod #3 Request

# COMPREHENSIVE BUDGET FOR FISCAL YEAR 2018

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	97,000,563	661,398	97,661,961	80,306,551	4,930,111	12,425,299	97,661,961	0
Motor Fuels Tax Funding Srce	9,288,770	17,324,706	26,613,476	18,538,315	104,469	7,970,692	26,613,476	0
Motor Vehicle Tax Funding Srce	25,351,689	1,126,604	26,478,293	24,673,484	514,451	1,290,358	26,478,293	0
Permanent Fund Funding Source	10,100	0	10,100	10,100	0	0	10,100	0
DOI General Funding Source	10,526,657	0	10,526,657	9,603,640	923,017	0	10,526,657	0
DOI Self Gov Funding Source	13,363,665	79,600	13,443,265	12,301,800	1,133,965	7,500	13,443,265	0
DOI Self Gov Roads Funding Srce	8,312,217	0	8,312,217	8,162,149	129,867	20,201	8,312,217	0
Dept of Transportation Fnd Srce	72,048,214	0	72,048,214	71,786,009	162,362	99,843	72,048,214	0
DOI PL102-477 Funding Source	26,756,697	0	26,756,697	25,711,458	1,045,239	0	26,756,697	0
IHS Self Gov Health Funding Sr	289,658,411	206,647	289,865,058	269,115,612	20,749,446	0	289,865,058	0
IHS Self Gov TEH Funding Srce	8,972,850	0	8,972,850	8,677,485	295,365	0	8,972,850	0
IHS Self Gov Offic Funding Srce	322,788	0	322,788	288,476	34,312	0	322,788	0
IHS Discretionary Funding Srce	75,000	0	75,000	35,000	0	40,000	75,000	0
DHHS General Funding Source	38,413,749	557,804	38,971,553	35,815,249	3,156,304	0	38,971,553	0
USDA Funding Source	19,580,754	867,521	20,448,275	19,689,917	758,358	0	20,448,275	0
Dept of Education Funding Srce	1,130,919	67,222	1,198,141	1,140,593	57,548	0	1,198,141	0
HUD Funding Source	32,078,682	312,422	32,391,104	31,847,310	507,794	36,000	32,391,104	0
Housing Proceeds Funding Srce	0	0	0	0	0	0	0	0
EPA Funding Source	1,758,607	0	1,758,607	1,565,731	192,876	0	1,758,607	0
Dept of Labor Funding Source	12,670,002	0	12,670,002	11,604,396	1,065,606	0	12,670,002	0
Federal Other Funding Source	5,764,655	35,729	5,800,384	5,430,170	170,214	200,000	5,800,384	0
State of Oklahoma Funding Srce	1,274,965	0	1,274,965	1,176,942	98,023	0	1,274,965	0
Private Funding Source	303,285	152,987	456,272	410,951	45,321	0	456,272	0
Indirect Cost Pool Funding Srce	47,229,321	900	47,230,221	47,230,221	0	0	47,230,221	0
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	5,427,293	0	5,427,293	5,427,293	0	0	5,427,293	0
Enterprise Funding Source	3,376,189	886,000	4,262,189	4,060,725	201,464	0	4,262,189	0
Other Funding Source	225,000	17,000	242,000	234,124	7,876	0	242,000	0
Debt Service Funding Source	0	0	0	0	0	0	0	0
Capital Projects Funding Sourc	149,627,298	0	149,627,298	149,420,651	0	206,647	149,627,298	0
<b>Total</b>	<b>\$ 880,548,340</b>	<b>\$ 22,296,540</b>	<b>\$ 902,844,880</b>	<b>\$ 844,264,352</b>	<b>\$ 36,283,988</b>	<b>\$ 22,296,540</b>	<b>\$ 902,844,880</b>	<b>\$ -</b>

CAPITAL RECONCILIATION	
LA 25-17	\$ 246,713,097
Cap Mod #1	2,000,000

Non Grant Requests	
Capital Mod #1 Req	2,000,000
Oper Mod #3 Req	2,292,974
<b>Total after pending Mod's</b>	<b>\$ 907,137,854</b>

Operating (LA 26-17)	658,424,757	Cumulative Oper
Capital (LA 25-17)	248,713,097	Cumulative Cap
<b>Grand Total</b>	<b>\$ 907,137,854</b>	



# CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight

## Mem o

**To:** Janees Taylor, Chairman, Executive & Finance Committee  
**From:** Jody S. Reece  
**CC:** Executive & Finance Committee  
**Date:** 10/26/2017  
**Re:** Review of Operating Budget Modification #3 – Total \$ 6,629,524

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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:

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### A. Grant Reporting:

<u>Funding Source</u>	<u># of Budgets - Reason</u>	<u>Amount</u>
40 – DHHS General	5 – New awards	\$ 967,757
45 – USDA	3 – New awards and carryover reconciliation	352,319
62 – EPA	1 – Carryover reconciliation	5,000
70 – US Dept of Labor	1 – New award (Disability Employment Initiative)	2,249,978
75 – Federal Other	4 – Carryover reconciliation and new awards	761,496
<b>TOTAL GRANTS</b>		<b><u>\$ 4,336,550</u></b>

#### General Fund Cash Match for Grants (1010315)

Cash Out: Grant Required	\$ 1,977,583
Appropriated for Cash Match (future grants)	708,489
Original Total Budget	<u>\$ 2,686,072</u>

Original Appropriated for Cash Match (future grants)	\$ 708,489	
Used: 3453458 – Nutrition Education Grant	( 16,102)	November reporting
Balance Available For Future Grant Matching	<u>\$ 692,387</u>	

### B. MOD #3 Request - (10 budgets) Increase in budget authority - \$ 2,292,974

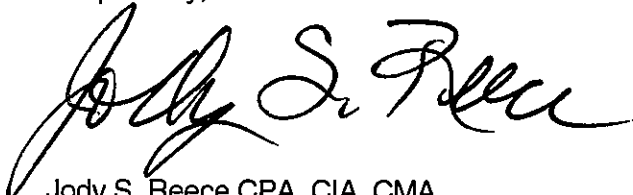
1. Charitable Contributions – 1010042 – General Fund: Modification requesting an increase in expenditure authorization of \$37,500 for carryover of special (community) project funds. The new expenditure total is \$1,607,450.
2. Unappropriated Reserve – 1010296 – General Fund: Modification requesting an increase in reserved by appropriation of \$85,253 provided by reduced Kawi Café expenditures in item 3. The new reserve balance is \$2,033,712. There is also \$37,500 carryover revenue brought forward to cover the special projects in item 1.

3. Kawi Cafe – 1010423 – General Fund: Modification requesting a decrease in expenditure authorization of \$85,253 that is possible with SBA Prime Grant funding that is providing their space and salary costs. The new expenditure total is \$40,800 that is offset by sales income for a net breakeven.
4. Tribal Historic Preservation Office – 1011064 – General Fund: Modification requesting a decrease in expenditure authorization of \$132,150 and decrease in other income to zero out this budget. Grant funding has been received and the budget is now fully funded in item 10.
5. DOI Climate Change – 3221190 – DOI Self Governance: Modification requesting an increase in expenditure authorization of \$15,850 funded by additional DOI SG carryover. The new expenditure total is \$48,350.
6. SG Small Business Assistance Center – 3222020 – DOI Self Governance: Modification requesting a change in expenditure authorization to transfer \$38,414 to SBA Prime in item 9. The total expenditure and transfer total remains at \$546,982.
7. ICDGB Storm Safe Shelters – 3552900 – HUD: New budget requesting expenditure authorization of \$1,066,667. This is funded by \$800,000 HUD grant revenue (75%) and a transfer in of \$266,667 from NAHASDA Revenue (25%) in item 8 per the IHP. This budget provides shelters at seven Head Start locations, updating sewer and water lines at the Tahlequah location and purchasing an alert system.
8. NAHASDA Revenue 60 – 3566099 – NAHASDA: New budget requesting expenditure authorization of \$266,667 as a transfer out to the Storm Shelter budget as a cash match.
9. SBA Prime – 3755800 – Federal Other: New budget requesting expenditure authorization of \$226,828 for the Kawi Café. Funding is provided by \$150,000 grant funds, \$38,414 in-kind contributions, and \$38,414 transfer in from the SG Small Business Assistance Center in item 6.
10. Tribal Historic Preservation Office – 3756100 – Federal Other: Modification requesting an increase in expenditure authorization of \$811,612. Note that operating expenditures are added due to the close out of the General Fund budget in item 4. Changes from this original budget include: adding \$61,612 grant revenue, adding \$750,000 other income from tower system revenue, adding \$126,150 regular operating expenditures, adding \$110,000 in contract services for a preliminary archeological site survey, adding a \$2,000,000 transfer out for the Heritage Center Archives budget (see capital mod), and reducing the reserved by appropriation for a remaining reserve of \$905,103.

**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  
Executive Director of Financial Oversight  
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