

# An Act

## LEGISLATIVE ACT 26-08

### AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 – Mod. 1; 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. 1”.

#### 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 **\$5,534,221** for a total budget authority of **\$485,579,150**. 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 &lt;Uses&gt;</u>	<u>Adjusted Balance</u>
A. General Fund	\$23,147	<\$9,000>	<\$12,000>	\$2,147
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 **\$5,534,221** to wit:

- A. A net increase in the **General Fund** budget authority of **\$12,000** primarily related to the Cherokee Historical Society, Immersion Projects, Land Operations and grant cash matches.
- B. A net increase in the **IDC Fund** budget authority of **\$68,395** for an increase in the TERO budget as well as a reallocation of resources related to the Hastings Resource Team.

- C. An increase in the **Enterprise Fund** budget authority of \$538,700 related to the Intermediary Relending Program.
- D. An increase in the **DOI Self Governance Fund** budget authority of \$85,000 related to a new Energy and Mineral Development Grant.
- E. An increase in the **IHS Self Governance – Health Fund** budget authority of \$3,515,116 to authorize the prior year funding for Health Equipment Replacement fund.
- F. An increase in the **NAHASDA Fund** budget authority of \$172,510 related to the '04 Indian Housing Plan for new construction projects.
- G. An increase in the **E.P.A. Fund** budget authority of \$124,800 related to a Brownsfield grant for the Saline Courthouse.
- H. An increase in the **Federal Other** budget authority of \$1,017,700 pursuant to a transfer to the Intermediary Loan Fund.

#### **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.

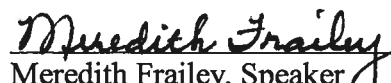
#### **SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

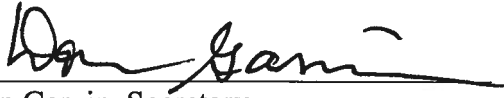
#### **SECTION 8. SELF-HELP CONTRIBUTIONS**

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 10<sup>th</sup> day of November, 2008

  
Meredith Frailey, Speaker  
Council of the Cherokee Nation

ATTEST:



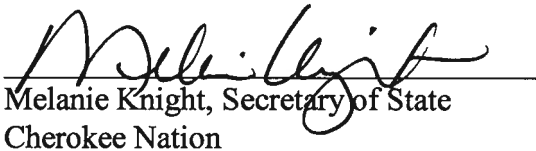
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 14th day of November 2008



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**

**M e m o**

**To:** Jack Baker, Chair, Executive & Finance Committee &  
Cara Cowan Watts, Co-Chair, Executive & Finance Committee  
**From:** Doug Evans  
**CC:** Executive & Finance Committee  
**Date:** 10/22/2008  
**Re:** Review of Budget Modification - 1

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. OCTOBER - GRANTS RECEIVED (REPORTING ONLY):**

<u>Funding Source</u>	<u>Program</u>	<u>\$Amount</u>
D.O.I. – General	SHS Education Carryover (\$4mm unexpended '08 funds)	\$1,181,692
D.H.H.S. - General	New ANA Grant (\$458k) & LTC planning grant (\$36k)	\$494,244
E.P.A.	Brownsfield Grant (\$50k bgt error) & (\$15k) Pesticide Grant	(\$35,000)
Federal – Other	Saline Courthouse (\$60k bgt error) & 2 new awards (\$169k)	\$108,827
Oklahoma	New OSDH grant award	\$25,000
<b>TOTAL NET GRANTS RECEIVED</b>		<b><u>\$1,774,763</u></b>

*Natural Resources*  
*+\$10,000*  
*Go-Du-Gi Projects*  
*(Fuel Costs)*

**B. MOD – 1 (24 budgets) Net Increase in budget authority - \$5,524,221: + \$10,000**

**General Fund: (Net Increase - \$2,000)**

- (1): Human Service – Deputy Group Leader: Requesting a shift of **\$137,812** of this group's succession planning funds to be moved into this budget out of the Succession Planning budget below (see item #4).
- (2): Cherokee Immersion Projects: Requesting to remove the revenue of **<\$9,000>** along with the transfer of 1 employee to another budget; partially offset by an increase in space cost, resulting in a net decrease of **<\$18,000>**.
- (3): CN Historical Society: Requesting additional funding **\$20,000** funding for a beadwork exhibit.
- (4): Succession Planning: Reducing this budget by the **<\$137,812>** amount shifted to item #1 above.
- (5): Cash Match for Grants: Requesting a reallocation of funds to provide a cash match for the Brownsfield funded grant for the Saline Courthouse (see item #24 below).

**Indirect Cost Pool: (Net Increase - \$68,395)**

(12): T.E.R.O. Procurement: Requesting a \$68,395 increase in salary/fringe to this budget.

**Note: This staffing increase is related to an employee # that is already budgeted elsewhere in the FY09 budget; however, the other budget this employee # appears on is not requesting a corresponding decrease. I would recommend this budget be allowed to proceed and the Committee request the Financial Resource Group solicit the appropriate budget adjustments for next month's budget mod for the 1010530 and 1010531 budgets.**

(Items 6,7,9,10,11,14): The following items are reallocating the Hastings Resource Team budget and a portion of the HR Recruiting budget to various budgets. This reallocation is pursuant to further identifying specific disciplines associated with the support functions surrounding the assumption of Hastings.

(6): <u>Office of Attorney General</u> :	\$79,178	Increase (1 FTE + associated costs)
(7): <u>Human Resources</u> :	\$288,583	Increase (5 FTE/MOA/IPA's + associated costs)
(9): <u>Financial Resources</u> :	\$76,290	Increase (1 FTE + associated costs)
(10): <u>Information Systems - IDC</u> :	\$1,268,009	Increase (10 FTE/MOA/IPA's + associated costs)
(11): <u>Acquisition Management</u> :	\$193,393	Increase (3 FTE/MOA/IPA's + associated costs)
(14): <u>Resource Team Hastings</u> :	<\$1,905,453>	Decrease (20 FTE/MOA/IPA's & associated costs)
Net Reallocation	\$0	

(8 and13): Reallocating \$211,691 from the HR Recruitment budget into the Health Executive Director IDC's budget. These costs represent the costs associated with 1 health recruiter and associated costs plus \$100,000 line item for "recruitment". This funding shift to Health represents approximately 1/2 of the total Recruiting budget for the Nation.

**Enterprise Fund: (Increase - \$538,700)**

(15): Intermediary Relending Program: Requesting authorization to transfer **\$517,700** of prior year unobligated funds to the Community Development Financial Institution (CDFI) grant (see item #24 below). These funds will be matched with a grant on that budget and collectively be transferred into the CDFI Loan Fund below.

(16): 2008 CDFI Loan Pool: Requesting to receive \$1,017,000 of transferred funds from item #24, as previously mentioned, to administer the loan program as **\$21,000** of expenditure authority related to bad debts and other costs.

**D.O.I. – Self Governance: (Increase - \$85,000)**

(17): Energy and Mineral Development: Requesting spending authority on an \$85,000 DOI grant awarded in May of 2008 pursuant to the self-governance compact.

**I.H.S. – Self Governance Health: (Net Increase - \$3,515,116)**

(18 thru 20): Contract Health and Health Facilities: Are requesting increased spending authority of **\$28,078** and **\$63,940** respectively related to a funding shift those amounts in aggregate of **<\$92,018>** from the Health Group Leader's budget. These shifts of funds are related to 2-FTE and their associated costs.

(21): Health Equipment Replacement: Requesting authority to spend FY07 funding that was still unspent during FY08 in the amount of **\$3,515,116**.

**NAHASDA Fund: (Increase - \$172,510)**

(22): 2004 IHP C/S New Construction: Requesting spending authority of **\$172,510** of funds from the FY04 IHP for New Construction to close out these funds.

**E.P.A. Fund: (Increase - \$124,800)**

(23): BF Saline Courthouse: Requesting \$124,800 of spending authority from a Brownsfield grant of **\$104,000** and **\$20,800** of matching funds (see item #5 above) for the Saline Courthouse.

**Federal –Other Funding: (Increase - \$1,017,700)**

(24): 2008 Comm. Dev. Financial Institution Fund: Receiving \$517,700 from the Intermediary Relending Program (item #15) and matching that with an additional \$500,000 of CDFI grant funds and then transfer that **\$1,017,700** to the accounting unit administering the loans; the CDFI Loan Pool (item #16 above).

**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-1, 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,

  
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Attachments

**Cherokee Nation  
FY 2009 Comprehensive Budget  
Payroll Analysis  
(Totals by Group)**

AU/Purpose	Job Title	Position Status	Emp.#	Hourly Rate	Regular Pay	Overtime	Expected Hours to Pay		Expected Wages (Gross)	Series-Status	Fringe Rate%	Expected Wages (Gross)	Expected Fringe Benefits
							Hours to Pay	Hours to Pay					
1010530 Community Work and Bldg Proj	Director of Comm Development	E	101745	29.55	2,080	0	0	61,464	10-R-FT	34.8%	18,439.00	6,417.00	
1010531 Comm Org Training Tech Asst	Director-Community Devel	E	101745	29.55	0	0	0	61,464	10-R-FT	34.8%	6,146.00	2,139.00	

Attachment  
to  
Memo

CHEROKEE NATION  
 FY 2009 REPORTING  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2009 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
20-DOI-General	1	3200200 - SHS Education Carryover	LA 19-08	1,181,692	1,181,692	\$ -
<b>20-DOI-General Total</b>				<b>\$ 1,181,692</b>	<b>\$ 1,181,692</b>	<b>\$ -</b>
40-DHHS-General	2	3405700 - IHS LTC Planning	New	35,913	35,913	\$ -
	3	3406300 - New ANA Grant	New	458,331	458,331	\$ -
<b>40-DHHS-General Total</b>				<b>\$ 494,244</b>	<b>\$ 494,244</b>	<b>\$ -</b>
62-EPA	4	3622235 - Brownfields Meth Grant	LA 19-08	(50,000)	(50,000)	\$ -
	5	3622255 - Pesticides	LA 19-08	15,000	15,000	\$ -
<b>62-EPA Total</b>				<b>\$ (35,000)</b>	<b>\$ (35,000)</b>	<b>\$ -</b>
75-Federal Other	6	3753200 - NPS Saline Courthouse	LA 19-08	(60,000)	(60,000)	\$ -
	7	3753205 - 2008 CDFI	New	143,827	143,827	\$ -
	8	3753300 - Federal Transit Program	New	25,000	25,000	\$ -
<b>75-Federal Other Total</b>				<b>\$ 108,827</b>	<b>\$ 108,827</b>	<b>\$ -</b>
80-Oklahoma	9	3801900 - OSDH Contract	New	25,000	25,000	\$ -
<b>80-Oklahoma Total</b>				<b>\$ 25,000</b>	<b>\$ 25,000</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 1,774,763</b>	<b>\$ 1,774,763</b>	<b>\$ -</b>

*October Grants  
Reporting Only*



CHEROKEE NATION  
PROPOSED FY 2009 AMENDMENT  
Sorted by Funding Source

Mod-1  
Amended

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2009 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010012 - Human Serv - Deputy GL	New	137,812	137,812	\$ -
	2	1010211 - Cherokee Immersion Projects	LA 19-08	(9,000)	(18,000)	\$ 9,000
	3	1010220 - CN Historical Society	LA 19-08	-	20,000	\$ (20,000)
	4	1010276 - Succession Planning	LA 19-08	(137,812)	(137,812)	\$ -
	5	1010315 - Cash Match for Grants	LA 19-08	-	-	\$ -
	* 5a	1012350 - Land Development	LA 19-08	-	10,000	\$ (10,000)
<b>01-Cherokee Nation Total</b>				<b>\$ (9,000)</b>	<b>\$ 12,000</b>	<b>\$ (21,000)</b>
04-Indirect Cost Pool	6	2041025 - Office of the Attorney General	LA 19-08	-	79,178	\$ (79,178)
	7	2041070 - Human Resources	LA 19-08	-	288,583	\$ (288,583)
	8	2041071 - HR Recruitment	LA 19-08	-	(211,691)	\$ 211,691
	9	2041095 - Financial Resources	LA 19-08	-	76,290	\$ (76,290)
	10	2041110 - Information Systems IDC	LA 19-08	-	1,268,009	\$ (1,268,009)
	11	2041140 - Acquisition Management	LA 19-08	-	193,393	\$ (193,393)
	12	2041190 - TERO Procurement	LA 19-08	-	68,395	\$ (68,395)
	13	2041210 - Health Ex Dir IDC	LA 19-08	-	211,691	\$ (211,691)
	14	2041215 - Resource Team Hastings	LA 19-08	-	(1,905,453)	\$ 1,905,453
<b>04-Indirect Cost Pool Total</b>				<b>\$ -</b>	<b>\$ 68,395</b>	<b>\$ (68,395)</b>
10-Enterprise	15	4109050 - Intermediary Relending Program	LA 19-08	517,700	517,700	\$ -
	16	4109160 - 2008 CDFI Loan Pool	New	1,021,888	21,000	\$ 1,000,888
<b>10-Enterprise Total</b>				<b>\$ 1,539,588</b>	<b>\$ 538,700</b>	<b>\$ 1,000,888</b>
22-DOI - Self Governance	17	3221140 - Energy and Mineral Development	New	85,000	85,000	\$ -
<b>22-DOI - Self Governance Total</b>				<b>\$ 85,000</b>	<b>\$ 85,000</b>	<b>\$ -</b>
32-IHS - Self Governance Health	18	3324200 - Contract Health	LA 19-08	28,078	28,078	\$ -
	19	3324900 - Health Facilities	LA 19-08	63,940	63,940	\$ -
	20	3325400 - Health Group Leader	LA 19-08	(92,018)	(92,018)	\$ -
	21	3329030 - Health Equipment Replacement	New	3,515,116	3,515,116	\$ -
<b>32-IHS - Self Governance Health Total</b>				<b>\$ 3,515,116</b>	<b>\$ 3,515,116</b>	<b>\$ -</b>
56-NAHASDA	22	3560425 - 04 IHP Comm Srv New Constr	New	172,510	172,510	\$ -
<b>56-NAHASDA Total</b>				<b>\$ 172,510</b>	<b>\$ 172,510</b>	<b>\$ -</b>
62-EPA	23	3622260 - BF Saline Courthouse	New	124,800	124,800	\$ -
<b>62-EPA Total</b>				<b>\$ 124,800</b>	<b>\$ 124,800</b>	<b>\$ -</b>
75-Federal Other	24	3753205 - 2008 CDFI	October Reporting	1,017,700	1,017,700	\$ -
<b>75-Federal Other Total</b>				<b>\$ 1,017,700</b>	<b>\$ 1,017,700</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 6,445,714</b>	<b>\$ 5,534,221</b>	<b>\$ 911,493</b>

\* - Item "5a" added in E&F Committee on 10/30/2008.

**COMPREHENSIVE BUDGET  
FOR FISCAL YEAR 2009  
Including Mod 1 - As Amended**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	75032098	3072382	78104480	70327292	5676944	2077097	78081333	23147
Motor Fuels Tax Funding Srce	11499927	9758882	21258809	11870180	304414	9084215	21258809	0
Motor Vehicle Tax Funding Srce	11950109	0	11950109	10552418	355113	1042578	11950109	0
Permanent Fund Funding Source	10000	0	10000	10000	0	0	10000	0
Title VI Loan Funding Source	0	0	0	0	0	0	0	0
DOI General Funding Source	14972422	0	14972422	13803785	1168637	0	14972422	0
DOI Self Gov Funding Source	11967892	79600	12047492	10832471	1175021	40000	12047492	0
DOI Self Gov Roads Funding Src	41636155	0	41636155	40202647	353508	1080000	41636155	0
DOI PL102-477 Funding Source	21839335	0	21839335	20899706	939629	0	21839335	0
IHS Self Gov Health Funding Sr	153330738	0	153330738	140234157	10340251	2756330	153330738	0
IHS Self Gov TEH Funding Src	5036506	0	5036506	4571754	464752	0	5036506	0
IHS Self Gov Office Funding Src	474089	0	474089	412051	62038	0	474089	0
IHS Discretionary Funding Srce	600000	0	600000	30000	0	570000	600000	0
DHHS General Funding Source	36353150	135000	36488150	33496060	2896570	95520	36488150	0
DHHS TEH Funding Source	0	0	0	0	0	0	0	0
USDA Funding Source	15322616	787194	16109810	15432643	677167	0	16109810	0
Dept of Education Funding Srce	1209067	84280	1293347	1179157	114190	0	1293347	0
HUD Funding Source	40949808	0	40949808	36539187	2245322	2165299	40949808	0
Housing Proceeds Funding Src	5807599	0	5807599	5121503	686096	0	5807599	0
EPA Funding Source	3076585	0	3076585	2777575	299010	0	3076585	0
Dept of Labor Funding Source	7148752	0	7148752	6422710	726042	0	7148752	0
Federal Other Funding Source	1675414	0	1675414	1630397	45017	0	1675414	0
State of Oklahoma Funding Srce	598993	0	598993	528341	70652	0	598993	0
Private Funding Source	966013	222572	1188585	763841	108649	0	872490	316095
Indirect Cost Pool Funding Src	206294	0	206294	27972757	-28517370	0	-544613	750907
Tribal Force Acct Funding Srce	62900	80000	142900	128353	14547	0	142900	0
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	65000	0	65000	65000	0	0	65000	0
Construction Mgmt Funding Srce	0	0	0	0	0	0	0	0
Enterprise Funding Source	2427794	2065299	4493093	2244011	0	0	2244011	2249082
Other Funding Source	195669	12000	207669	119301	4064	0	123365	84304
Debt Service Funding Source	0	2756330	2756330	2756330	0	0	2756330	0
Capital Projects Funding Sourc	0	0	0	0	0	0	0	0
<b>Total</b>	<b>\$ 464,414,925</b>	<b>\$ 19,053,539</b>	<b>\$ 483,468,464</b>	<b>\$ 460,923,627</b>	<b>\$ 210,263</b>	<b>\$ 18,911,039</b>	<b>\$ 480,044,929</b>	<b>\$ 3,423,535</b>

Mod-1 Amended \$ 5,534,221  
**Total w/Mod-1 As Amended \$ 485,579,150**





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

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)
<b>FY09 Available Balance</b>	10/01/08		<b>\$ 147,635.00</b>
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
			\$ 3,500.00
<b>Ending Balance</b>			<b>\$ 144,135.00</b>

*Amended*

ok