

An Act

LEGISLATIVE ACT 06-13

AN ACT AMENDING LEGISLATIVE ACT #37-12 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2013 – 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 #37-12 Authorizing the Comprehensive Operating Budget for FY 2013 – 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 2013” or subsequent amendment. The cumulative total of the budget is increased by **\$1,695,951** for a total budget authority of **\$536,962,832**. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

	Previous Balance	Estimated Sources	Estimated <Uses>	Adjusted Balance
A. Tribally Funded	\$0	\$0	\$0	\$0
B. Motor Fuels Tax	\$0	\$0	\$0	\$0
Grants Received & Authorized per LA-37-12 (detail attached)				\$ 56,067
Modification Request #5 (see Section 4 below)				<u>1,639,884</u>
Cumulative change in budget authority				<u>\$1,695,951</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 **\$1,639,884** to wit:

- A. An increase in the **General Fund** budget authority of **\$ 946,105**.

- B. An increase in the **Indirect Cost Pool** budget authority of **\$ 411,134.**
- C. An increase in the **Motor Vehicle Tax** budget authority of **\$ 150,582.**
- D. A decrease in the **DHHS – General** budget authority of **\$ (22,686).**
- E. An increase in the **NAHASDA** budget authority of **\$ 154,749.**

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.

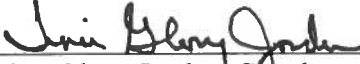
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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

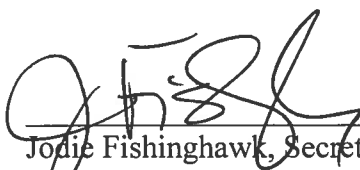
To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the 11th day of February, 2013



Tina Glory Jordan, Speaker
Council of the Cherokee Nation

ATTEST:



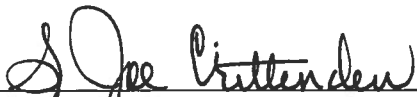
Jodie Fishinghawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15 day of February, 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>Yea</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 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: 01/16/2013

Re: Review of Operating 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. December Grants Received (REPORTING ONLY):

<u>Funding Source</u>	<u>Reason</u>	<u>Amount</u>
Federal Other	Carryover reconciliation – TERO EEOC	\$ 29,610
Oklahoma	Carryover reconciliation – Charter School	24,457
Private	OKC Area Inter-Tribal Health – WWH Dental	2,000
TOTAL GRANTS		\$ 56,067

B. MOD – 5 (13 budgets) Increase in budget authority - \$1,639,884:

1. Cash Match For Grants - 1010315: Modification requesting an increase in the Reserved by Appropriation account of \$4,537 by reducing the Transfer Out to 3405100 - Child Support Enforcement due to decreased funding.
2. Cherokee Day Training Program - 1010555: Modification requesting an increase in expenditure authorization of \$725,000 to be offset with reimbursement from CNB for placements at casinos and other locations.
3. Land Development Land Ops - 1012350: Requesting expenditure authorization of \$99,606 for the funds received from the sale of surplus equipment and scrap metal. The increase is for the Capital Acquisitions account with the majority used for hay equipment.
4. Horton Scholarships for Women - 1014010: New budget requesting expenditure authorization of \$121,499 from the estate of Kathryn Barber Horton. A special committee will be established to review applications separate from the regular scholarships.
5. MVT Public Schools - 1051000: Modification requesting a decrease in expenditure authorization of \$350,966. \$334,744 of this decrease is for reallocation to a new budget related to LA07-10 to assist public schools with A-F grading system for core subjects. The remaining \$16,222 decrease is related to an overall increased allocation to Cherokee Nation schools based on revised head counts.

6. MVT SHS - 1051010: Modification requesting an increase in expenditure authorization of \$19,588 for a new total of \$106,250 based on revised head counts.
7. MVT Head Start - 1051011: Modification requesting a decrease in expenditure authorization of \$2,572 for a new total of \$113,495 based on revised head counts.
8. MVT Immersion - 1051012: Modification requesting a decrease in expenditure authorization of \$794 for a new total of \$12,172 based on revised head counts.
9. MVT Public School Coop - 1051020: New budget requesting expenditure authorization of \$334,744 related to LA07-10 to assist public schools with A-F grading system for core subjects.
10. MVT Highway Administration - 1051020: Modification requesting a \$150,582 increased expenditure authorization to account for the FY 2012 allocation from the Motor Vehicle Tax and reconciliation of carryover for a revised total of \$376,769. This is the 10% allocation and the 90% allocation for construction is in the capital budget.
11. Registration IDC - 2041090: Modification requesting an increase in expenditure authorization of \$411,134 for additional staffing and related expenditures. A detail sheet is attached with the budget.
12. Child Support Enforcement - 3405100: Modification requesting a decrease in the expenditure authorization of \$22,686 for changes made in accordance with a decrease in funding of \$18,149 and a decrease in the cash match requirement of \$4,537.
13. Self Help Homeownership Construction - 3566025: Modification requesting an increase in expenditure authorization of \$154,749 from FY 2012 carryover reconciliation.

Summary:

After reviewing the submission of Mod-5 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,

A handwritten signature in blue ink, appearing to read "Andy S. Price". The signature is fluid and cursive, with a long horizontal stroke at the end.

Attachments

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
75-Federal Other	1	3751100 TERO SUM	LA 37-12	29,610	29,610	\$ -
75-Federal Other Total				\$ 29,610	\$ 29,610	\$ -
80-Oklahoma	2	3802400 Cherokee Charter School	LA 37-12	24,457	24,457	\$ -
80-Oklahoma Total				\$ 24,457	\$ 24,457	\$ -
85-Private	3	3853200 WWH Dental Early HS Prevention	New	2,000	2,000	\$ -
85-Private Total				\$ 2,000	\$ 2,000	\$ -
Grand Total				\$ 56,067	\$ 56,067	\$ -

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	1010315 - Cash Match for Grants	Dec. Mod	-	-	\$ -
	2	1010555 Cherokee Day Training Program	LA 37-12	725,000	725,000	\$ -
	3	1012350 Land Development Land Ops	LA 37-12	99,606	99,606	\$ -
	4	1014010 Horton Scholarship for Women	New	121,499	121,499	\$ -
01-Cherokee Nation Total				\$ 946,105	\$ 946,105	\$ -
04-Indirect Cost Pool	5	2041090 Registration IDC	LA 47-12	-	411,134	\$ (411,134)
04-Indirect Cost Pool Total				\$ -	\$ 411,134	\$ (411,134)
05-Vehicle Tax	6	1051000 MVT Public Schools	Dec. Mod	(350,966)	(350,966)	\$ -
	7	1051010 MVT SHS	Dec. Mod	19,588	19,588	\$ -
	8	1051011 MVT Head Start	Dec. Mod	(2,572)	(2,572)	\$ -
	9	1051012 MVT Immersion	Dec. Mod	(794)	(794)	\$ -
	10	1051020 MVT Public School Coop	New	334,744	334,744	\$ -
	11	1052010 MVT Highway Administration	LA 37-12	150,582	150,582	\$ -
05-Vehicle Tax Total				\$ 150,582	\$ 150,582	\$ -
40-DHHS-General	12	3405100 Child Support Enforcement	LA 37-12	(22,686)	(22,686)	\$ -
40-DHHS-General Total				\$ (22,686)	\$ (22,686)	\$ -
56-NAHASDA	13	3566025 Self Help Homeownership Const	LA 37-12	154,749	154,749	\$ -
56-NAHASDA Total				\$ 154,749	\$ 154,749	\$ -
Grand Total				\$ 1,228,750	\$ 1,639,884	\$ (411,134)

OPERATING MOD-5 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	76,789,683	1,838,091	78,627,774	66,693,312	4,331,381	7,603,081	78,627,774	0
Motor Fuels Tax Funding Srce	8,801,819	12,895,819	21,697,638	13,927,490	141,110	7,629,038	21,697,638	0
Motor Vehicle Tax Funding Srce	10,939,664	225,000	11,164,664	9,918,284	374,841	871,539	11,164,664	0
Permanent Fund Funding Source	10,000	0	10,000	10,000	0	0	10,000	0
DOI General Funding Source	11,234,026	0	11,234,026	10,376,349	857,677	0	11,234,026	0
DOI Self Gov Funding Source	13,801,610	79,600	13,881,210	12,697,433	1,168,777	15,000	13,881,210	0
DOI Self Gov Roads Funding Srce	29,555,077	0	29,555,077	29,319,213	177,056	58,808	29,555,077	0
Dept of Transportation Fnd Src	39,109,995	0	39,109,995	38,895,421	114,731	99,843	39,109,995	0
DOI PL102-477 Funding Source	15,828,906	0	15,828,906	15,173,092	655,814	0	15,828,906	0
IHS Self Gov Health Funding Sr	260,665,937	0	260,665,937	240,511,347	17,504,590	2,650,000	260,665,937	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	291,397	31,391	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	34,426,638	528,696	34,955,334	32,038,544	2,916,790	0	34,955,334	0
USDA Funding Source	18,320,308	743,192	19,063,500	18,351,980	711,520	0	19,063,500	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	47,537,798	85,061	47,622,859	45,968,008	1,654,851	0	47,622,859	0
Housing Proceeds Funding Src	0	0	0	0	0	0	0	0
EPA Funding Source	2,132,491	0	2,132,491	1,891,909	240,582	0	2,132,491	0
Dept of Labor Funding Source	7,204,624	0	7,204,624	6,470,135	734,489	0	7,204,624	0
Federal Other Funding Source	3,973,990	500	3,974,490	3,639,290	139,898	195,302	3,974,490	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	203,700	172,575	376,275	330,126	46,149	0	376,275	0
Indirect Cost Pool Funding Src	165,065	900	165,965	35,132,637	(32,404,009)	0	2,728,628	(2,562,663)
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	86,000	0	86,000	86,000	0	0	86,000	0
Enterprise Funding Source	1,261,199	195,302	1,456,501	1,451,056	0	0	1,451,056	5,445
Other Funding Source	180,099	12,000	192,099	181,373	10,726	0	192,099	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	21,387,856	400,000	21,787,856	21,731,369	56,487	0	21,787,856	0
Total	\$ 613,239,320	\$ 19,892,611	\$ 633,131,931	\$ 615,681,459	\$ 115,079	\$ 19,892,611	\$ 635,689,149	\$ (2,557,218)

Non Grant Requests

Mod-4 Oper Req	3,209,612	1/14 Council
Mod-2 Cap Req	2,246,329	1/14 Council
Mod-5 Oper Reg	1,639,884	1/29 E&F
Mod-3 Cap Reg	1,311,808	1/29 E&F

CAPITAL RECONCILIATION

LA-38-12 CAB	\$ 103,547,975
Mod-2 Capital	2,246,329
Mod-3 Capital	1,339,646
Total Capital	\$ 107,133,950

Total after pending Mod's \$ **644,096,782**

Operating (LA37-12) \$ 536,962,832 (thru Mod-5 oper)
 Capital (LA-38-12) 107,133,950 (thru Mod-3 cap)
Recap \$ **644,096,782**