

An Act

LEGISLATIVE ACT 12-10

AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 – 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 #21-09 Authorizing the Comprehensive Budget for Fiscal Year 2010 – 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 2010” or subsequent amendment. The cumulative total of the budget is increased by **\$7,668,636** for a total budget authority of **\$600,876,436**. 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	<\$9,000>	\$9,000	\$0
B. Motor Fuels Tax	\$0	\$0	<\$0>	\$0

Grants Received & Authorized per LA-21-09 (detail attached)	\$5,787,773
Modification Request #5 (see Section 4 below)	<u>\$1,880,863</u>
Cumulative change in budget authority	<u>\$7,668,636</u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #21-09 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 **\$1,880,863** to wit:

- A. A net decrease in the **General Fund** budget authority of **<\$9,000>** related to a transfer of the Youth and Children’s Choir to a standalone budget within the Leadership Group.

- B. A reallocation in the **Indirect Cost Pool** budget authority resulting in **\$0** net impact pursuant to a transfer of the Employee Development functions and related personnel from the Human Resources Group into the Leadership Group.
- C. An increase in the **DOI Self Governance Fund** budget authority of **\$15,000** related to a Realty Service grant.
- D. A net increase in the **NAHASDA Fund** budget authority of **\$1,733,196** primarily related to the economic stimulus funding on Modernization activities as well as Housing Rehabilitation program income.
- E. An increase in the **Federal - Other Fund** budget authority of **\$141,667** related to a new Juvenile Drug Court grant.

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.

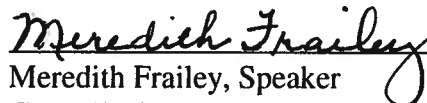
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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.

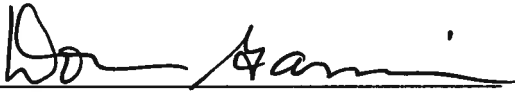
SECTION 8. SELF-HELP CONTRIBUTIONS

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 15th day of March, 2010


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 22 day of March 2010


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 D. Baker, Chair, Executive & Finance Committee &
Cara Cowan Watts, Co-Chair, Executive & Finance Committee
From: Doug Evans
CC: Executive & Finance Committee
Date: 2/12/2010
Re: Review of 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. FEBRUARY - GRANTS RECEIVED (REPORTING ONLY):

<u>Funding Source</u>	<u>Program</u>	<u>Amount</u>
DOI – General	ES Sequoyah High School new award	\$155,800
DHHS – General	LIHEAP Program – \$1.06mm award adj. & \$180k c/o adj.	\$1,238,877
" "	Diabetes Grant c/o adj. - \$4mm & Steps c/o adj. - \$206k	\$4,237,453
HUD	ES NAHBG TERO Monitoring	\$25,878
EPA	C/o adj's on Clean Water, GAP & Superfund projects	\$129,765
TOTAL FEBRUARY GRANTS RECEIVED		<u>\$5,787,773</u>

B. MOD – 5 (12 budgets) Net Increase in budget authority - \$1,954,103:

*Item 12
Tabled
<73,240> =
\$1,880,863*

General Fund: (Decrease - <\$9,000>)

(Items 1 & 2): Comprehensive Culture Center/Choir Projects: Requesting a decrease of <\$9,000> budget authority to remove some minor program income related to the Cultural Center as well as transfer the Youth and Children's Choir expenditures to its own budget under the Leadership Group. This transfer results in a \$0 net budgetary impact on the General Fund.

(3): Juvenile Healing Wellness Program: Requesting a reallocation within line items to fund a \$4,611 transfer out to item #11 below. These funds will be used for a cash match on a Juvenile Drug Court grant.

Indirect Cost Pool: (Reallocation - \$0 net impact)

(Items 4 & 5): Requesting authority to transfer the "Employee Development" related expenditures out of the Human Resources Group budget into a new Leadership Group budget. The transfer is in the amount of \$406,891 and applies to 7 full-time employees.

DOI Self Governance: (Increase - \$15,000)

(6): Real Estate Services: Requesting an increase of \$15,000 in spending authority related to an earmarked funding increase to assist in the processing of Secretarial Trust Reform priorities.

NAHASDA Fund: (Net Increase - \$1,733,196)

(7): '09 IHP Modernization: This <\$1,228,822> budget is being removed and the modernization activities previously funded by this budget will be funded by the following Economic Stimulus Modernization budget below.

(8): ES Modernization: This budget is increasing by \$2,890,214, from \$2,903,979 up to \$5,794,193. The increase is primarily prior year carryover funds as well as a transfer from item #10 below of \$95,905. Total expenditures for the prior year were only \$39,176.

(9): ES Housing Rehabilitation: This budget is increasing from \$4,968,111 up to \$5,135,820 to bring forward prior year; as well as projected program income of \$167,709. Total expenditures for the prior year were \$339,466.

(10): ES Environmental Reviews: This budget is requesting to be transferred into the Modernization budget above, in the amount of <\$95,905>.

Federal Other Fund: (Increase - \$141,667)

(11): Juvenile Drug Courts: Requesting spending authority of \$141,667 for the first year of a four year grant. This program is partially funded by in-kind matching of \$30,806, as well as \$4,611 of cash matching from the tribal funded Juvenile Healing Wellness Program (see item #3 above).

Permanent Fund: (Increase - \$73,240) (TABLED in 2/25/10 E&F Committee)

(12): Gammon Education Trust: Requesting authority to transfer the interest income on the Gammon Trust Fund to the Cherokee Nation Education Corporation in the amount of \$73,240. This represents the income earned on the original trust principal (\$290,625) received on February 7th, 2001. The documentation indicates the CNEC will administer the scholarships payments and the principal would continue to be held by the Nation. I believe each of you received an earlier email from your attorney, Mr. Hembree regarding this matter. I would recommend the committee obtain a clear understanding of what the trust document calls for before considering this item.

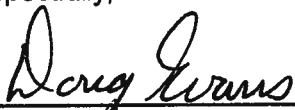
C. LAW ENFORCEMENT & CEMETERIES FUNDS:

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-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,



Attachments

CHEROKEE NATION
 FY 2010 REPORTING
 Sorted by Funding Source

(A)

Funding Source	Ref # by FS	Program/Purpose	FY 2010 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
20-DOI-General	1	3201500 - ES Sequoyah High School	New	155,800	155,800	\$ -
20-DOI-General Total				\$ 155,800	\$ 155,800	\$ -
40-DHHS-General	2	3401700 - LIHEAP	LA 21-09	1,139,486	1,139,486	\$ -
	3	3401710 - LIHEAP Administration	LA 21-09	99,391	99,391	\$ -
	4	3402600 - Diabetes Grant	LA 21-09	2,306,299	2,306,299	\$ -
	5	3402610 - Diabetes Grant: Health Ed.	LA 21-09	97,901	97,901	\$ -
	6	3402630 - Diabetes Grant: Stilwell	LA 21-09	496,699	496,699	\$ -
	7	3402640 - Diabetes Grant: Sallisaw	LA 21-09	305,951	305,951	\$ -
	8	3402650 - Diabetes Grant: Jay	LA 21-09	237,697	237,697	\$ -
	9	3402660 - Diabetes Grant: Salina	LA 21-09	208,352	208,352	\$ -
	10	3402670 - Diabetes Grant: Nowata	LA 21-09	180,445	180,445	\$ -
	11	3402680 - Diabetes Grant: Muskogee	LA 21-09	179,776	179,776	\$ -
	12	3404400 - Steps to a Healthier US	New	206,005	206,005	\$ -
	13	3406400 - Healthy Nation Foods Project	LA 21-09	18,328	18,328	\$ -
	40-DHHS-General Total				\$ 5,476,330	\$ 5,476,330
55-HUD	14	3551930 - ES NAHBG Monitoring TERO	October Rep	25,878	25,878	\$ -
55-HUD Total				\$ 25,878	\$ 25,878	\$ -
62-EPA	15	3622200 - Clean Water 106	LA 21-09	30,790	30,790	\$ -
	16	3622220 - GAP Open Dump	LA 21-09	37,264	37,264	\$ -
	17	3622245 - GAP Solid Waste	LA 21-09	37,242	37,242	\$ -
	18	3622370 - Superfund	LA 21-09	24,469	24,469	\$ -
62-EPA Total				\$ 129,765	\$ 129,765	\$ -
Grand Total				\$ 5,787,773	\$ 5,787,773	\$ -

February Grants
 (Reporting Only)

CHEROKEE NATION
PROPOSED FY 2010 AMENDMENT
Sorted by Funding Source

Mod-5 [ⓑ]
Amended

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2010 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010210 - Comprehensive Cultural Center	LA 21-09	(9,000)	(203,767)	\$ 194,767
	2	1010217 - CN Choir Projects	New	-	194,767	\$ (194,767)
	3	1010801 - Juvenile Healing Wellness Program	LA 21-09	-	-	\$ -
01-Cherokee Nation Total				\$ (9,000)	\$ (9,000)	\$ -
04-Indirect Cost Pool	4	2041070 - Human Resources	LA 21-09	-	(406,891)	\$ 406,891
	5	2041290 - Employee Development	New	-	406,891	\$ (406,891)
04-Indirect Cost Pool Total				\$ -	\$ -	\$ -
22-DOI - Self Governance	6	3221000 - Real Estate Services	LA 21-09	15,000	15,000	\$ -
22-DOI - Self Governance Total				\$ 15,000	\$ 15,000	\$ -
56-NAHASDA	7	3560900 - Modernization	LA 21-09	(1,228,822)	(1,228,822)	\$ -
	8	3568800 - ES Modernization	LA 21-09	2,890,214	2,890,214	\$ -
	9	3568844 - ES Housing Rehabilitation	Mod 4	167,709	167,709	\$ -
	10	3568895 - ES Environmental Reviews	LA 21-09	(95,905)	(95,905)	\$ -
56-NAHASDA Total				\$ 1,733,196	\$ 1,733,196	\$ -
75-Federal Other	11	3752720 - Juvenile Drug Courts	New	141,667	141,667	\$ -
75-Federal Other Total				\$ 141,667	\$ 141,667	\$ -
95-Permanent Funds	12	5951110 - Gammon Education Trust *	New	-	-	\$ -
95-Permanent Funds Total				\$ -	\$ -	\$ -
Grand Total				\$ 1,880,863	\$ 1,880,863	\$ -

* Item #12 was tabled in the 2/25/2010 E&F Committee.