

An Act

LEGISLATIVE ACT 19-02

AN ACT AMENDING LEGISLATIVE ACT #37-01 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2002 – Mod. 6; 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 #37-01 Authorizing the Comprehensive Budget for Fiscal Year 2002 – Mod. 6”.

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 2002” or subsequent amendment. The cumulative total of the budget is increased by \$3,344,971 for a total budget authority of \$267,804,134. The following items are identified as estimated funding sources in excess of appropriated uses to wit:

A. Motor Fuels Tax	\$1,247,535	(\$441,421 Appropriated)	Balance: \$806,114
B. G/F special div.	\$250,000	(\$0 Appropriated)	Balance: \$250,000
C. Gammon Trust	\$290,625	(\$290,625 Restricted)	Balance: \$0
D. G/F settlement	\$253,685	(\$253,685 Restricted)	Balance: \$0

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act 37-01 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 an increase of \$3,344,971, to wit:

- A. An increase in the **General Fund** budget authority of \$3,635 for the Court House sidewalk project.
- B. A net increase in the **Motor Fuels Tax Fund** budget authority of \$6,421 for a Vocational Rehabilitation Program cash match.
- C. An increase in the **Enterprise Fund** budget authority of \$625,854 for the Landfill Operation.
- D. An increase in the **DHHS-General** budget authority of \$2,644,847 for the Diabetes Initiative Grant 2002/2003 grant period.
- E. An increase in the **Department of Education** budget authority of \$64,214 for the Vocational Rehabilitation Program prior year carryover.

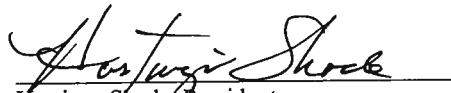
SECTION 5. SEVERABILITY

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 6. EFFECTIVE DATE: EMERGENCY DECLARED

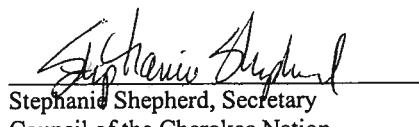
It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect immediately upon its approval and signatures.

Passed by the Cherokee Council on the 15th day of JULY, 2002.

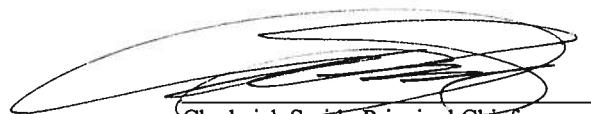


Hastings Shade, President
Council of the Cherokee Nation

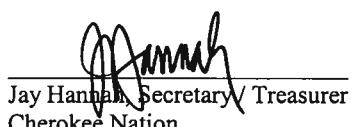
ATTEST:


Stephanie Shepherd, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 22nd day of JULY, 2002.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Jay Hannan, Secretary/Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

John A. Ketcher	<u>YEA</u>	Melvina Shotpouch	<u>YEA</u>
Don Crittenden	<u>YEA</u>	Stephanie Shepherd	<u>YEA</u>
Harold "Jiggs" Phillips	<u>ABSENT</u>	John F. Keener	<u>YEA</u>
Jackie Bob Martin	<u>YEA</u>	Harold DeMoss	<u>ABSENT</u>
Mary Flute-Cooksey	<u>YEA</u>	Buel Anglen	<u>YEA</u>
David W. Thornton, Sr.	<u>YEA</u>	Nick Lay	<u>ABSENT</u>
Don Garvin	<u>YEA</u>	Charles "Chuck" Hoskin	<u>YEA</u>
Barbara Starr-Scott	<u>ABSENT</u>		



CHEROKEE NATION TRIBAL COUNCIL

Doug Evans, C.P. A.,
Executive Director, Financial Oversight

Memorandum

To: Harold DeMoss, Chairman, Executive & Finance Committee &
Barbara Starr-Scott, Co-Chair, Executive & Finance Committee
From: Doug Evans
CC: Executive & Finance Committee
Gina Blackfox, Legislative Aide
Date: 05/21/2002
Re: Budget Mod. #6 for May Executive & Finance Committee

Per your request, I have reviewed the budget modification package for May 2002. Below is a summary of my review:

GENERAL FUND: (Increase - \$3,635)

(1): Court House: Requesting an increase of \$3,635 for additional sidewalk expenses. This expense increase is funded by an increase in the revenue estimate to \$58,796. As of 05/20/2002 the total sales including the prior year carryover supports the budget request.

MOTOR FUELS TAX: (Increase - \$6,421)

(2 & 3): Sallisaw Center: Requesting authority to transfer the \$1MM appropriation for the Dialysis Center originally budgeted in a capital building line item over into an operational costcenter with \$500k going into Contract Services and the other \$500k for Capital Acquisitions. **I would recommend clarification on what these two categories will actually be expended for!**

(4 & 5): Bartlesville Nurse Clinic: Requesting authority to transfer the \$1MM appropriation for the Bartlesville Nurse Practitioner Clinic originally budgeted in a building line item over into an operational costcenter with the entire \$1M budgeted for expenditures in the current fiscal year.

(6 & 7): Vinita Nurse Clinic: Requesting authority to transfer the \$1MM appropriation for the Vinita Nurse Practitioner Clinic originally budgeted in a building line item over into an operational costcenter with the entire \$1M budgeted for expenditures in the current fiscal year.

(8): Vocational Rehab – Cash Match: Requesting authority to meet the Voc-Rehad programs additional grant funding (see item #42) cash match requirement of \$6,421, or 10% from the Motor Fuels Tax fund. **I removed the prior year interest income from this budget request, to eliminate duplication of unappropriated carryover.**

ENTERPRISES - Tribal (Increase - 633,377)

(9): Landfill Operations: Represents an increase in budget authority of \$625,854 for necessary capital equipment and maintenance at the landfill. This increase is funded partially by the capital replacement & post-closure reserves (\$450,000) and an increase in operational revenues (\$300,000). The year-to-date operational results support this budget increase and the new projection of net profit for the fiscal year is budgeted at \$450k.

(10): Complex Beautification: This budget is requesting authority to spend the proceeds from the Circus in FY2000 of \$7,523 for "Other Operational Expenses". Per L.A. #5-02 - **THESE FUNDS ARE NO LONGER AVAILABLE FOR EXPENDITURE – I RECOMMEND THIS BUDGET NOT BE CONSIDERED IN MOD-6.**

IHS-SELF GOVERNANCE: (Increase - \$855,030)

(11 – 32): Health Self-Governance: Requesting an additional \$855,030 of spending authority. After the Health Administration was removed from the Indirect Cost Pool, the compact was required to make room for these costs (\$1,720,775) within its self-governance operational funding. The operational budgets are reflecting an approximate \$850,000 budget reduction and the remaining \$850,000 is being funded by simply an increase to the self-governance compact revenue. No justification or documentation is included in this mod package to support an increase to the self-governance funds of \$850,000. **UNTIL JUSTIFICATION IS PRESENTED SUPPORTING THE SOURCE OF THE ADDITIONAL COMPACT REVENUE, I RECOMMEND EXCLUDING THESE BUDGETS FROM MOD-6.**

DHHS - General: (Increase - \$2,644,847)

(33 - 41): Diabetes Initiative Grant: Primarily represents the funding for the portion of the current grant year that falls within the current fiscal year ending 9/30/2002. Significant increases are as follows: 1) Contract Services up \$837,320; 2) Contract Health up \$530,000; 3) Prescription Drug Supplies up \$862,000 and 4) Medical Supplies up \$207,000. *Please Note: The Diabetes Initiative Program, with this increase, has a current year spending authority of approximately \$7 Million, with actual expenditures thru May 20th of approximately \$2 Million. It is reasonable for a program that experiences a 300% increase in funding over a 2-year period to experience a lag time of ramping up the program to that higher level of funding. I expect a significant amount of these funds to carryover into the upcoming FY2003 budget.*

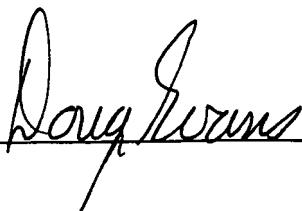
Dept. of Education: (Increase - \$64,214)

(42): Vocational Rehab Service: Requesting spending authority for carryover funds from the prior fiscal year.

Summary:

I recommend further explanation of the Sallisaw Dialysis Program (2 & 3) as well as supporting documentation for the IHS Self-Governance funding increase (11 – 32). Also, the Complex Beautification costcenter does not have any funds available for appropriation (10).

If I can provide any further information, please do not hesitate to contact me.



Memo

To: Harold DeMoss & Barbara Starr-Scott, Co-Chairs-Executive & Finance Committee
From: Callie Catcher, Controller *Callie Catcher*
CC: Doug Evans
Date: June 24, 2002
Re: May Budget Modification (Mod 8)

The above referenced budget modification was tabled at the May Executive & Finance due to questions surrounding the Health Group portion of the modification. After discussions with Rick Kelly, I am requesting that the budget modification be revised to remove the Health portion of the package. Attached is a revised listing of the modification with these changes. If you have any questions, please contact me at extension 2902.

CHEROKEE **ATION**
FY2002 Comprehensive Budget Summary of Sources and Uses
Legislation passed thru - 05/13/2002

Item Description	L.A. #	Funding Source(s)	ESTIMATED REVENUES			APPROPRIATED USES			TOTAL		
			Prior Yr	Current Yr	Transfers In	Dir. Exp.	Indirect Transfers Out	Reserves			
1. Comprehensive Budget Act - Original	37-01	All	20,715,833	198,633,857	16,609,880	235,959,570	223,171,580	(3,244,396)	12,538,359	2,491,538	234,957,581
a. Direct/Indirect Reallocs & Transfer Corrections		IDC & G/F			-	13,653	(13,653)	(23,100)		(23,100)	1,001,989
2. Court Appointed Special Advocate (CASA)	38-01	MFT			-	20,000					23,100
3. Comprehensive Budget Amend. (Mod-1)	39-01	various	30,000	2,780,357	1,135,493	3,945,850	2,144,086	666,271	1,135,493		20,000
4. Reprogram Higher Ed. PY-Fund Balance	40-01	MFT	676,408		676,408	-					3,945,850
5. Motor Fuels Tax - Road Program Projects	41-01	MFT		112,018		112,018					676,408
6. Comprehensive Budget Amend. (Mod-2)	42-01	various		2,833,985	24,925	2,858,910	2,530,471	280,414	48,025		-
7. LIHEAP Subsidy - MFT	43-01	MFT			-	15,000					15,000
8. Capital Expansion - Balance Sheet Only	44-01	GF			-						(15,000)
9. MFT Prior Yr Reconciliation Adjustment	n/a	MFT	(935,144)	191,192		(743,952)					(732,104)
10. MFT - Graduate Scholarship Program	1-02	MFT			-	400,000					(400,000)
11. Motor Fuels Tax - Road Program Projects	2-02	MFT			337,533		337,533				400,000
12. Comprehensive Budget Amend. (Mod-3)	3-02	various		92,134		92,134					-
13. MFT-Est. Interest Income Adjustment	n/a	MFT	(24,641)	(173,450)		(198,091)					(198,091)
14. MFT Roads Program Carryover Correction	n/a	MFT	1,855,028		1,855,028						1,855,028
15. PY Diser. Closeout/Odds & Cash Reserve	5-02	various	1,882,931	34,020	20,210,584	22,127,535	(3,110,326)	139,969	20,210,584		4,887,308
16. Motor Fuels Tax - Road Program Projects	6-02	MFT			208,027	208,027		208,027			208,027
17. Comprehensive Budget Amend. (Mod-4)	11-02	various	1,438,424	(5,437,262)	11,231	(3,987,607)	(4,038,444)	46,713	11,231		(3,980,500)
18. Additional Ramaah Settlement Distribution	15-02	GF		253,684	253,684						(7,107)
19. Motor Fuels Tax - Road Program Projects	E/F-3/28	MFT			255,915	255,915					253,684
20. Motor Fuels Tax - Road Program Projects	E/F-4/25	MFT			220,583	220,583					255,915
21. Comprehensive Budget Amend. (Mod-5)	14-02	various	(188,134)	1,034,115	125,000	970,981		663,538	307,443		-
22. Motor Fuels Tax - Road Program Projects	E/F-5/30	MFT			97,666	97,666					97,666
Reconciled Totals			25,450,705	200,242,632	39,348,855	265,042,192	223,127,645	(1,811,600)	35,152,834	7,990,284	264,459,163
Totals per AFW System Difference			25,450,705	200,242,632	39,348,855	265,042,192	223,127,645	(1,811,600)	35,152,834	7,990,284	264,459,163
Reconciled Totals from above			25,450,705	200,242,632	39,348,855	265,042,192	223,127,645	(1,811,600)	35,152,834	7,990,284	264,459,163
23. Comprehensive Budget Amend. (Mod-6)	pending	various			3,140,185	198,365	6,421				583,039
Totals after Proposed Amendments			25,450,705	203,698,907	39,55,276	268,504,888	226,267,830	(1,613,235)	35,159,255	7,990,284	267,804,134
											117,725
											700,754

CHEROKEE NATION
FY200 Comprehensive Budget
Legislation dated line - 05/17/2002

ary of Sources and Uses

Item Description	Lm #	REVENUE ESTIMATES - BY FUNDING SOURCES						APPROPRIATED USES - BY FUNDING SOURCES						REVENUES AVAILABLE - BY FUNDING SOURCES								
		Gen Fund	MFT	Edu. Trust	INC	Fees & Exp.	Net Cap.	Trans.	Enterp.	Spec. Serv.	TOTAL	Gen Fund	MFT	Edu. Trust	INC	Fees & Exp.	Net Cap.	Trans.	Enterp.	Spec. Serv.	TOTAL	
1. Comprehensive Budget Act - Original	37-01	\$64,126	12,061,969	4,247,133	40,000	161,157	1,115,187	1,750,214	204,962,674	21,559,5270	\$77,715	10,560,647	4,247,133	40,000	161,157	1,061,679	3,478,654	203,615,156	214,957,581	1,001,769	21,100	
a. Direct/Indirect Method & Transfer Comptns											(21,100)										(131,479)	
2. Court Appointed Special Advocate (CASA)	18-01																				(20,000)	
3. Comprehensive Budget Amend. (Mod-1)	39-01	705,080										705,080										(10,000)
4. Program Higher Ed. P/F Fund Balance	40-01																					
5. Motor Fuel Tax - Road Program Projects	41-01																				676,408	
6. Comprehensive Budget Amend. (Mod-1)	42-01																				112,018	
7. LIEAP/Scholarship - MFT	43-01																				112,018	
8. Capital Expansion - Balance Sheet Only	44-01																				112,018	
9. MFT Prior Yr Reconciliation Adjustment	m/a																				112,018	
10. MFT - Graduate Scholarship Program	1-02																				(743,952)	
11. Motor Fuel Tax - Road Program Projects	2-02																				2,858,910	
12. Comprehensive Budget Amend. (Mod-1)	3-02																				15,000	
13. MFT Ex. Interest Income Adjustment	m/a																				(11,848)	
14. MFT Roads/Rail/Canal/Power Corridor	4-02																				400,000	
15. P/F Dist. Classroom/Fees & Cash Reserve	5-02	21,716,389		(28,083)	(4,203,761)																(2,201,761)	
16. Motor Fuel Tax - Road Program Projects	6-02																				208,027	
17. Comprehensive Budget Amend. (Mod-4)	11-02	(7,161)		1,371,040	51,499																(5,381,307)	
18. Additional Budget Settlement Disbursement	15-02	253,884																			24,268	
19. Motor Fuel Tax - Road Program Projects	EF-5218																				57,499	
20. Motor Fuel Tax - Road Program Projects	EF-4215																				220,583	
21. Comprehensive Budget Amend. (Mod-5)	14-02	116,442																			116,442	
22. Motor Fuel Tax - Road Program Projects	EF-5210	97,666																			97,666	
Reconciled Totals		24,233,559	16,391,920	109,864	1,203,761	4,247,133	40,000	161,157	1,115,187	2,858,910	24,215,521	15,79,568	203,212,669	21,559,5270	1,001,769	1,061,679	3,478,654	203,615,156	214,957,581	1,001,769	21,100	
Total per AFW System Difference		24,233,559	16,391,920	109,864	40,000	161,157	1,115,187	1,750,214	204,962,674	21,559,5270	34,215,521	15,79,568	203,212,669	203,615,156	1,001,769	1,061,679	3,478,654	203,615,156	214,957,581	1,001,769	21,100	
Reconciled Totals from above		24,233,559	16,391,920	109,864	40,000	161,157	1,115,187	1,299,855	3,089,594	203,212,669	24,215,521	15,79,568	203,212,669	203,615,156	1,001,769	1,061,679	3,478,654	203,615,156	214,957,581	1,001,769	21,100	
23. Comprehensive Budget Amend. (Mod-6)	pending	3,635																		1,635		
Total after Proposed Amendments		34,257,185	16,372,203	109,864	40,000	161,157	1,115,187	1,299,855	4,247,133	204,962,674	34,215,521	15,79,568	203,212,669	203,615,156	1,001,769	1,061,679	3,478,654	203,615,156	214,957,581	1,001,769	21,100	

Cherokee Nation
PROPOSED BUDGET SUMMARY
BY FUNDING SOURCES
CN Fiscal Year Ending 09/30/2002

SYSTEM MASK	FUNDING SOURCES	FUNDING SOURCES			FUNDING USES			NET
		Revenue	Tfrs In	Total	Dir. Exp.	Indir. Exp.	Tfrs Out	
AX01XXX XXXXXX	Cherokee Nation - Tribal	12,816,599	21,536,951	34,353,550	11,486,798	2,752,135	19,976,419	34,215,352
AX02XXX XXXXXX	Motor Fuels Tax	15,060,761	1,231,742	16,292,503	14,063,322	125,146	1,291,500	15,479,968
AX03XXX XXXXXX	Expendable Trusts	100,864	0	100,864	100,864	0	0	100,864
AX04XXX XXXXXX	Indirect Cost Pool	40,000	0	40,000	19,101,563	(19,061,563)	0	40,000
AX05XXX XXXXXX	Vehicle Tax	0	0	0	0	0	0	0
AX06XXX XXXXXX	Tribal Force Account	(743,755)	904,922	161,157	135,883	25,274	0	161,157
AX07XXX XXXXXX	Non-Expendable Trusts	1,883,255	87,600	1,970,855	596,449	0	1,320,898	1,917,347
AX10XXX XXXXXX	Tribal Enterprises	965,030	2,915,564	3,880,594	3,031,615	439,516	157,903	3,629,034
AX11XXX XXXXXX	HOME HEALTH	(385,452)	385,452	0	0	0	0	0
AX12XXX XXXXXX	Fringe Pool	0	0	0	0	0	0	0
AX13XXX XXXXXX	Leases - Internal	(885,708)	4,188,703	3,302,995	955,560	0	0	0
AX15XXX XXXXXX	Construction	0	2,860,238	2,860,238	2,947,406	58,119	0	3,830,480
AX20XXX XXXXXX	DOI - General	9,346,625	0	9,346,625	8,885,209	461,416	0	9,346,625
AX21XXX XXXXXX	DOI - Self Governance (Roads)	19,855,512	0	19,855,512	19,694,950	160,562	0	19,855,512
AX22XXX XXXXXX	DOI - Self Governance	14,905,581	175,810	15,081,391	11,724,758	1,510,631	1,846,002	15,081,391
AX23XXX XXXXXX	DOI - Self Governance (PL102)	7,264,244	40,000	7,304,244	5,078,048	1,446,489	1,779,707	7,304,244
AX30XXX XXXXXX	IHS - Self Governance	52,832,512	4,425,249	57,257,761	49,292,025	5,309,504	2,656,232	57,257,761
AX31XXX XXXXXX	IHS - Self Governance (TEH)	4,498,295	0	4,498,295	3,916,788	581,507	0	4,498,295
AX32XXX XXXXXX	IHS - Self Governance Office	592,162	0	592,162	515,823	76,339	0	592,162
AX35XXX XXXXXX	IHS - Self Gov. Discretionary	1,909,320	0	1,909,320	1,173,615	27,180	708,525	1,909,320
AX40XXX XXXXXX	DHHS - General	25,598,411	7,500	25,605,911	21,244,366	2,037,137	2,324,408	25,605,911
AX41XXX XXXXXX	DHHS - TEH	8,473	0	8,473	7,594	879	0	8,473
AX45XXX XXXXXX	Dept of Agriculture	5,444,821	360,843	5,805,664	5,152,983	476,871	175,810	5,805,664
AX50XXX XXXXXX	Dept of Education	993,898	44,025	1,037,923	908,358	129,565	0	1,037,923
AX55XXX XXXXXX	Housing & Urban Dev (HUD)	43,195,576	173,025	43,368,601	41,946,622	1,421,979	0	43,368,601
AX60XXX XXXXXX	Environmental Protection (EPA)	3,902,796	0	3,902,796	3,355,373	547,423	0	3,902,796
AX70XXX XXXXXX	Dept of Labor	5,077,071	0	5,077,071	4,496,929	539,632	40,510	5,077,071
AX75XXX XXXXXX	Other Federal Funding	801,646	11,231	812,877	780,061	32,816	0	812,877
AX80XXX XXXXXX	State of Oklahoma	529,611	0	529,611	446,552	83,059	529,611	0
AX85XXX XXXXXX	Private Fundings	85,199	0	85,199	78,415	6,784	0	85,199
AX90XXX XXXXXX	Other	0	0	0	0	0	0	0
TOTAL OF ALL FUNDING SOURCES		225,693,337	39,348,855	265,042,192	(1,811,600)	35,152,834	264,459,163	583,029

CHEROKEE NATION
PROPOSED FY 2002 AMENDMENT
Sorted by Funding Source

Funding Source	Ref # by FS	Program/Purpose	FY 2002 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total	Net Change
01 Cherokee Nation	1	101300 001026-Court House	LA 11-02	3,635	3,635	-
01 Cherokee Nation Total				\$ 3,635	\$ 3,635	\$ -
02 Motor Fuel Tax	2	102002 220000-Sallisaw Center	New	1,000,000	1,000,000	-
	3	102002 220999-Sallisaw Dialysis Cent - Const	LA 37-01	(1,000,000)	(1,000,000)	-
	4	102002 270000-Bartlesville Nurse Clinic	New	1,000,000	1,000,000	-
	5	102002 270999-Bartlesville-Nurse Clinic Cnst	LA 37-01	(1,000,000)	(1,000,000)	-
	6	102002 280000-Vinita Nursing Clinic	New	1,000,000	1,000,000	-
	7	102002 280999-Vinita-Nurse Pract Clinic Cnst	LA 37-01	(1,000,000)	(1,000,000)	-
	8	102003 035003-MFT/Voc Rehab Cash Match	New	6,421	6,421	<i><6421></i>
02 Motor Fuel Tax Total				\$ 6,421	\$ 6,421	\$ " "
10 Enterprise	9	210020 000000-CN Landfill Operations	LA 37-01	750,000	625,854	124,146
10 Enterprise Total				\$ 750,000	\$ 625,854	\$ 124,146
40 DHHS - General	10	340044 000000-Diabetes Initiative Grant	LA 42-01	1,407,667	1,407,667	-
	11	340044 000630-Diabetes Grant: Health Ed	New	132,594	132,594	-
	12	340044 200170-Diabetes Grant: Manage Care	LA 37-01	529,740	529,740	-
	13	340044 210000-Diabetes Grant: Stillwell	LA 42-01	154,797	154,797	-
	14	340044 220000-Diabetes Grant: Sallisaw	LA 42-01	123,837	123,837	-
	15	340044 230000-Diabetes Grant: Jay	LA 42-01	123,837	123,837	-
	16	340044 240000-Diabetes Grant: Salina	LA 42-01	92,880	92,880	-
	17	340044 250000-Diabetes Grant: Nowata	LA 42-01	49,535	49,535	-
	18	340044 260000-Diabetes Grant: Muskogee	LA 42-01	29,960	29,960	-
40 DHHS - General Total				\$ 2,644,847	\$ 2,644,847	\$ -
50 Department of Education	19	350007 000000-Vocational Rehab Service	LA 37-01	64,214	64,214	-
50 Department of Education Total				\$ 64,214	\$ 64,214	\$ -
Grand Total				\$ 3,469,117	\$ 3,344,971	\$ 124,146

see memo

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117,725

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