

An Act

LEGISLATIVE ACT 10-16

AN ACT AMENDING LEGISLATIVE ACT #16-15 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2016 – Mod. 2; 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 #16-15 Authorizing the Comprehensive Capital Budget for FY 2016 – Mod. 2**”.

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 Capital Budget Act for Fiscal Year 2016” or subsequent amendment. The cumulative total of the capital budget is increased by **\$ 170,000,000** for a total capital budget authority of **\$ 291,692,342**. The following items are identified as the components of such change:

Grants Received & Authorized per L.A. 16-15 (detail attached)	\$ 0
Modification Request (per Section 4 below)	<u>170,000,000</u>
Cumulative change in budget authority	<u>\$ 170,000,000</u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #16-15 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 capital budget authorization by an increase of **\$ 170,000,000** to wit:

A. An increase in the **Capital Projects** budget authority of **\$ 170,000,000**.

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.

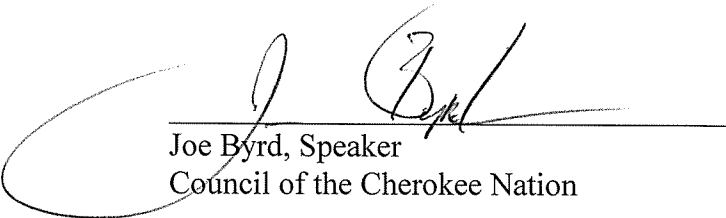
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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

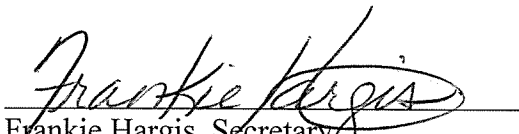
To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Passed by the Cherokee Council on the 11th day of April, 2016



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 15 day of April, 2016



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>
Don Garvin	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Keith Austin	<u>Yea</u>
Bryan Warner	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Jack Baker	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Wanda Hatfield	<u>Yea</u>
Curtis Snell	<u>Yea</u>		

CHEROKEE NATION
 PROPOSED FY 2016 AMENDMENT
 Sorted by Funding Source

					Data	
Funding Source	Ref # by FS	Program/Purpose	FY 2016 Prior LA	Ref # by Dept.	Amend. Change to Sources	Amend. Expenses Total Change
96-Capital Projects	1	7969000 Hastings New Facility Construction	New	1	170,000,000	170,000,000
96-Capital Projects Total					\$ 170,000,000	\$ 170,000,000
Grand Total					\$ 170,000,000	\$ 170,000,000

Capital Mod #2 Request

**COMPREHENSIVE BUDGET
FOR FISCAL YEAR 2016**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	99,100,989	1,859,378	100,960,367	78,120,434	4,761,996	18,074,163	100,956,593	3,774
Motor Fuels Tax Funding Srce	8,905,998	17,299,025	26,205,023	18,143,971	119,541	7,941,511	26,205,023	0
Motor Vehicle Tax Funding Srce	24,502,408	975,182	25,477,590	23,042,304	550,531	1,884,755	25,477,590	0
Permanent Fund Funding Source	10,300	0	10,300	10,300	0	0	10,300	0
DOI General Funding Source	12,360,225	850,000	13,210,225	12,488,086	722,139	0	13,210,225	0
DOI Self Gov Funding Source	14,575,104	79,600	14,654,704	13,336,376	1,276,739	41,589	14,654,704	0
DOI Self Gov Roads Funding Src	10,259,512	0	10,259,512	10,107,519	131,792	20,201	10,259,512	0
Dept of Transportation Fnd Src	65,259,966	0	65,259,966	64,952,094	208,029	99,843	65,259,966	0
DOI PL102-477 Funding Source	19,313,281	0	19,313,281	18,493,424	819,857	0	19,313,281	0
IHS Self Gov Health Funding Sr	299,027,159	0	299,027,159	274,583,534	21,793,625	2,650,000	299,027,159	0
IHS Self Gov TEH Funding Src	4,515,860	0	4,515,860	4,217,433	298,427	0	4,515,860	0
IHS Self Gov Offic Funding Src	322,788	0	322,788	285,490	37,298	0	322,788	0
IHS Discretionary Funding Src	40,000	0	40,000	35,000	0	5,000	40,000	0
DHHS General Funding Source	37,043,826	510,739	37,554,565	34,413,954	3,140,611	0	37,554,565	0
USDA Funding Source	18,892,682	781,824	19,674,506	18,897,076	777,430	0	19,674,506	0
Dept of Education Funding Src	1,046,036	63,957	1,109,993	1,018,785	91,208	0	1,109,993	0
HUD Funding Source	42,173,370	962,757	43,136,127	40,810,580	1,149,393	1,176,154	43,136,127	0
Housing Proceeds Funding Src	0	0	0	0	0	0	0	0
EPA Funding Source	2,044,823	0	2,044,823	1,812,856	231,967	0	2,044,823	0
Dept of Labor Funding Source	12,522,959	0	12,522,959	11,593,294	929,665	0	12,522,959	0
Federal Other Funding Source	5,379,592	38,089	5,417,681	3,628,637	155,732	1,633,312	5,417,681	0
State of Oklahoma Funding Src	1,309,932	0	1,309,932	1,201,088	108,844	0	1,309,932	0
Private Funding Source	604,845	206,111	810,956	749,981	60,975	0	810,956	0
Indirect Cost Pool Funding Src	46,061,784	338,400	46,400,184	46,400,184	0	0	46,400,184	0
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	4,552,390	0	4,552,390	4,552,390	0	0	4,552,390	0
Enterprise Funding Source	1,280,086	2,044,466	3,324,552	3,288,716	35,836	0	3,324,552	0
Other Funding Source	276,592	17,000	293,592	274,101	19,491	0	293,592	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	10,751,536	8,742,062	19,493,598	15,601,536	0	3,892,062	19,493,598	0
Total	\$ 742,134,043	\$ 37,418,590	\$ 779,552,633	\$ 704,709,143	\$ 37,421,126	\$ 37,418,590	\$ 779,548,859	\$ 3,774

Non Grant Requests

CAPITAL RECONCILIATION	
LA-16-15	\$ 119,446,919
Capital Mod #1	2,245,423.00 02/16 Council
Capital Mod #2	170,000,000 03/31 E&F
Total Capital	\$ 291,692,342

Oper Mod #5 Req	56,200.00 03/14 Council
Cap Mod #1 Req	170,000,000 03/31 E&F
Oper Mod #5 Req	5,159,755 03/31 E&F
Total after pending Mod's	\$ 954,764,814

Operating (LA17-15)	\$ 663,072,472	Cumulative Oper
Capital (LA-16-15)	291,692,342	Cumulative Cap
Grand Total	\$ 954,764,814	



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: 03/17/2016
Re: Review of Capital Budget Modification #2 – **Total \$ 170,000,000**

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. Grant Reporting:

<u>Funding Source</u>	<u># of Budgets - Reason</u>	<u>Amount</u>
None	None	\$ 0
TOTAL GRANTS		\$ 0

B. MOD #2 Request - (1 budget) Increase in budget authority - \$ 170,000,000

1. Hastings New Facility Construction – 7969000 – Capital Projects: New budget requesting an increase in expenditure authorization of \$170,000,000 for construction and related expenditures. The funding is provided by issuance of long-term debt as presented in a Resolution this month for your approval. Reserved by Appropriation is budgeted to call outstanding 2006 Bonds of \$12.1M in FY 2017 and to fund Non-Use Fees for FY 2017 through FY 2019 of \$424, 617.

Summary:

After reviewing the submission of Capital Mod #2 by administration, I find no technical issues surrounding these requests, nor do I have any unmentioned concerns related to their respective carryover or other estimates. If I can provide any further information, please do not hesitate to contact me.

Respectfully,

Jody S. Reece CPA, CIA, CMA
 Executive Director of Financial Oversight
 Office: 918-453-5573
 Cell: 918-525-2017
 Email: jody-reece@cherokee.org

CHEROKEE NATION - FY2016 BUDGET REQUEST FORM

PART-1

Budget Period:	10/01/2015 - 09/30/2016	Budget Preparer	Phone: 918-453-5613
Contract Period:		Name:	Gaylon Thompson
Contract Number:		Accounting Unit Director/Manager	Phone: 918-207-4137
Accounting Fund:	7-Capital Projects Fund	Name:	David Moore
Funding Source:	96-Capital Projects	Executive Director	Phone: 918-453-5340
AU Description:	Hastings New Facility Construction	Name:	Bruce Davis
Accounting Unit:	7969000	1st Person Responsible	Employee # 105979
Date/Time Printed:	09-Mar-16 09:04 AM		

PART-2

Staffing Summary:	FY 2016 ORIG REQUEST	FY 2015 BUDGET	Incr \ (Decr)
# of Regular Full-Time Employee Equivalents:			-
# of Regular Part-Time Employee Equivalents:			-
# of Temp. Full-Time Employee Equivalents:			-
# of Temp. Part-Time Employee Equivalents:			-
# of Other Employee Equivalents:			-
TOTAL NUMBER OF EMPLOYEE-EQUIVALENTS			-

PART-3

Revenues:	Account #	Incr \ (Decr)
Please enter a valid account number ->>>		\$ -
Please enter a valid account number ->>>		\$ -
DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE!		\$ -
Total Revenues		\$ -

PART-4

Expenditures:	Account #	Subject to IDC ?		Subject to IDC ?		Incr \ (Decr)
		YES	NO	YES	NO	
DO NOT COPY TO, COPY ABOVE, OR REMOVE THIS LINE!						
Salaries & wages	600000	\$0				\$ -
Fringe benefits	610000	\$0				\$ -
Legal services >= \$5K	650010		\$100,000			\$ 100,000
Bank service charge	760020		\$1,214,984			\$ 1,214,984
Reserved by appropriation	760060		\$12,584,617			\$ 12,584,617
Building construction projects	770040		\$154,359,391			\$ 154,359,391
Artwork: CWY citizens >=\$5K	770065		\$1,700,000			\$ 1,700,000
Debt service pmt-S/T interest	790030		\$41,008			\$ 41,008
Please enter a valid account number ->>>						\$ -
Please enter a valid account number ->>>						\$ -
Please enter a valid account number ->>>						\$ -
Please enter a valid account number ->>>						\$ -
DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE!						\$ -
Expenditures NOT Subject to IDC			\$ 170,000,000			\$ 170,000,000
Expenditures SUBJECT to IDC		\$ -		\$ -		\$ -
Indirect Cost Rate (If blank or zero, must explain in Notes above)		13.86%		15.14%		\$ -
Indirect Cost Allocation	970000	\$ -		\$ -		\$ -
Total Expenditures			\$ 170,000,000			\$ 170,000,000
Revenues OVER \ (UNDER) Expenditures			\$ (170,000,000)			\$ (170,000,000)

Transfers In\Out - (Show ALL as Positive Numbers)

Operating Transfers IN					
Other financing sources	900000				\$ -
Cash in: tribally required	900010				\$ -
Cash in: grant required	900020				\$ -
Cash in: motor fuel tax	900040				\$ -
Cash in: vehicle tax	900050				\$ -
Cash in: interprogram contract	900060				\$ -
Proceeds from loans	910000		\$170,000,000		\$ 170,000,000
Operating Transfers OUT					
Other financing uses	900001				\$ -
Cash out: tribally required	900011				\$ -
Cash out: grant required	900021				\$ -
Cash out: motor fuel tax	900041				\$ -
Cash out: vehicle tax	900051				\$ -
Cash out: interprogram contract	900061				\$ -
Cash out: debt service	900071				\$ -
Transfers In\Out - Net			\$ 170,000,000		\$ 170,000,000
Take to Narrative ==>			\$ 170,000,000		\$ -
Excess\ (Deficit) of Revenues, Expenditures and Net Transfers			\$ -		\$ -

Cherokee Nation FY 2016 Comprehensive Budget Narrative
For Internal Purposes Only - Not For Distribution

Department/Program	Executive Director		ED Phone #
11 - Management Resources	Bruce Davis		918-453-5340
Accounting Unit	Accounting Unit Name		
7969000	Hastings New Facility Construction		
Program Director/Manager		Pgm Dir/Mgr Phone #	Period Budget Covers
David Moore		918-207-4137	10/01/2015 - 09/30/2016
FY2015 Budget Approved	FY2016 Budget Request	\$ Increase/(Decrease) Requested – Approved	% Increase/(Decrease) (Request – Approved) / Approved
\$ -	\$ 170,000,000	\$ 170,000,000	100.00%
Staffing Plan (FTE)	FY2016	FY2015	Net Change in Staffing
Regular Full-Time	-	-	-
Regular Part-Time	-	-	-
Temporary Full-Time	-	-	-
Temporary Part-Time	-	-	-
IPA/MOA/Other	-	-	-
Total	-	-	-

PROGRAM NARRATIVE:

This budget is for the construction of the new Hastings Health Facility funded from the issuance of long-term debt. Reserved by Appropriations is budgeted to call outstanding 2006 Bonds of \$12.16M in FY 2017 and fund the Non-Use Fee for 2017 thru 2019 of \$424,617.

SIGNIFICANT CHANGES:

This is a new budget

Cherokee Nation Act/Resolution Proposal Form

ADMINISTRATIVE CLEARANCE

Dept/Program:

Signature/Initial _____ Date _____

Executive Director:

Signature/Initial _____ Date _____

Treasurer: (Required: Grants/Contracts/Budgets)

ATC 3/10/16

Signature/Initial _____ Date _____

Government Resources:

Signature/Initial _____ Date _____

Administration Approval:

Bill J. Baker 3-10-16

Signature/Initial _____ Date _____

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

W. Rollan 3/10/16

Signature/Initial _____ Date _____

Standing Committee & Date:

Executive Finance 3/31/16

Chairperson:

Taylor

Signature/Initial _____ Date _____

Returned to Presenter: _____

Date _____

Act Resolution

TITLE: AN ACT AMENDING LEGISLATIVE ACT #16-15 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2016 CAPITAL - MOD 2 ; AND DECLARING AN EMERGENCY

DEPARTMENT CONTACT: Gaylon Thompson

RESOLUTION PRESENTER: _____

COUNCIL SPONSOR: _____

NARRATIVE:

03-16-16P02:57 RCVD