

An Act

LEGISLATIVE ACT 09-10

AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 – Mod. 4; 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. 4”.

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 \$45,480,911 for a total budget authority of \$593,207,800. 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 <Uses></u>	<u>Adjusted Balance</u>
A. General Fund	\$0	\$2,326	<\$2,626>	\$0
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 #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 amendment changes the total amount of the comprehensive budget authorization by an increase of \$45,480,911 to wit:

- A. An increase in the **General Fund** budget authority of \$2,326 related to prior year royalty income to be transferred to the Cherokee Nation Education Corporation.
- B. A net increase in the **Motor Vehicle Tax Fund** budget authority of \$3,302,485 pursuant to revenue apportionments outlined in LA#01-01 and subsequent amendments.

- C. An increase in the **Housing Proceeds Fund** budget authority of \$1,387,388 provided to the Proceeds of Sale account through prior year carryover and other income received to date.
- D. An increase in the **Department of Transportation Fund** budget authority of \$3,027,641 related to additional funding received pursuant to the 2010 IRR Program's funding agreement.
- E. A decrease in the **DOI Self Governance Fund** budget authority of <\$170,091> related to a prior year carryover adjustment on the Housing Improvement Program.
- F. An increase in the **IHS Self Governance - Health Fund** budget authority of \$15,044,770 of prior year carryover funds. The use of these funds are related to the Health Information Systems, Muskogee Clinic maintenance, general equipment replacement as well as the construction and equipment costs of the Salina Dental Clinic.
- G. A decrease in the **IHS Self Governance – Environmental Health (TEH) Fund** budget authority of <\$6,698,937> related to adjusting the budget to the actual economic stimulus award level for Water and Sewer Program.
- H. A decrease in the **NAHASDA Fund** budget authority of <\$449,208> primarily related to the economic stimulus funding carryover on the Housing Rehabilitation budget as well as minor adjustments to carryover estimates on Modernization and Land Acquisition budgets from prior year Indian Housing Plans.
- I. An increase in the **Special Revenue - Other Fund** budget authority of \$34,537 of prior year carryover funds on the JOM Conference budget.
- J. An increase in the **Capital Projects Fund** budget authority of \$30,000,000 related to an IHS joint venture for a new health care clinic in Vinita.

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.

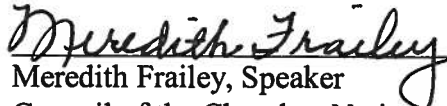
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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.

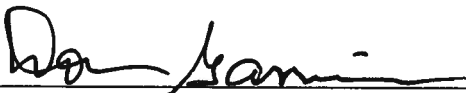
SECTION 8. SELF-HELP CONTRIBUTIONS

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 16th day of February, 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 _____ day of _____, 2010

(UNSIGNED)
Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:

(UNSIGNED)
Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

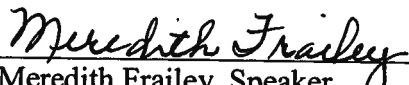
Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Nay</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
Janelle Lattimore Fullbright	<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>		



Memorandum

To: Cherokee Nation Tribal Council Members
From: Meredith Frailey, Speaker of the Council
Date: February 23, 2010
Re: LA-09-10 "An Act Amending Legislative Act #21-09 Authorizing the Comprehensive Budget for Fiscal Year 2010 – Mod 4: and Declaring an Emergency"

In accordance with Article VI Section 10 of the Cherokee Nation Constitution, this Act having been returned, unsigned, becomes law after the fifth (5th) day of which it was presented to the Principal Chief (Sundays and holidays excepted). Therefore, this Act is valid and enforceable.


Meredith Frailey, Speaker
Council of the Cherokee Nation



CHEROKEE NATION TRIBAL COUNCIL

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

Mem 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: 1/14/2010

Re: Review of Budget Modification - 4

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. JANUARY - GRANTS RECEIVED (REPORTING ONLY):

<u>Funding Source</u>	<u>Program</u>	<u>Amount</u>
Dept. of Transportation	ES FHWA Roads Construction- Technical Amendment	\$8,383,230
DHHS – General	1 New Children Grant and 1 New Elderly Grant	\$222,450
HUD	ES NAHBG Redbird/Fairfield Waterline	\$11,590
EPA	2 New awards and 4 Carryover adjustments	\$260,631
Dept. of Labor	1 New ES TLJC Award	\$51,800
Federal Other	Technical Amendment (DOT-above) and c/o adjustments	<\$4,724,102>
TOTAL JANUARY GRANTS RECEIVED		<u>\$4,205,599</u>

B. MOD – 4 (23 budgets) Net Increase in budget authority - \$45,480,911:

General Fund: (Increase - \$2,326)

(1): General Fund Operations: Requesting an increase of \$2,326 budget authority to make a transfer of the same amount to the CNEC. The source of funds identified is prior year royalties generated from a specific book authored by Robert Conley.

Vehicle Tax Fund: (Net Increase - \$3,302,485)

(Items 2 thru 8): These budget modifications are pursuant to revenue apportionments outlined in LA 01-01 and subsequent amendments. The budgets that transfer the remaining balance of discretionary funds to the General Fund were not included in this mod package. The amount that will be available for appropriation is approximately \$356,000. Following is a summary of the budget impacts of the apportionments of the FY2009 MVT Revenues:

Purpose	Revised Budget	Original Budget	Incr/<Decr>	FY09 Apportionment
(2) Public Schools	\$2,564,880	\$0	\$2,564,880	\$2,564,880
(3) Sequoyah High School	\$212,930	\$109,688	\$103,242	\$100,588
(4) Head Start	\$110,925	\$102,752	\$8,173	\$83,738
(5) Immersion	\$26,452	\$8,683	\$17,769	\$12,509
(6) Roads-Construction	\$2,538,510	\$1,979,337	\$559,173	\$1,308,180
(7) Roads-Admin	\$487,287	\$356,602	\$130,685	\$145,353
(8) Local Law Enforcement	\$261,348	\$342,785	<\$81,437>	\$243,819
Budget Modification amount			\$3,302,485	

Housing Proceeds Fund: (Increase - \$1,387,388)

(9): Proceeds of Sale: Requesting an increase in spending authority of \$1,387,388 related to prior year carryover in the amount of \$997,388 and an increase in other income (insurance payments) of \$390,000.

Department of Transportation: (Increase - \$3,027,641)

(10): FHWA Roads: Requesting an increase of \$3,027,641 related to the 2010 Funding Agreement for the IRR Program.

DOI Self Governance: (Decrease - <\$170,091>

(11): Housing Improvement Program: Requesting a decrease of <\$170,091> to adjust the prior year carryover estimate to the actual level of prior year available funds.

IHS Self Governance - Health: (Increase - \$15,044,770)

(12): Health – MIS: Requesting an increase of \$2,349,422 of prior year carryover. The increase is budgeted to be used for Contract Services (add'l \$1mm), Supplies (add'l \$360k) and Capital Expenditures (add'l \$935k). No other documentation was provided to explain or justify these significant increases.

(13): Hastings Facilities Improvements: Requesting to bring forward \$4,000,000 of prior year carryover, entirely budgeted on a building maintenance line item. No additional documentation or justification was provided.

(14): Health Equipment Replacement: Requesting to bring forward an additional \$6,145,348 of funding for a total carryover budget of \$10,000,000. Again, no documentation or justification of for this \$10mm was provided.

(15): Salina Dental Const/Equip: Requesting authority to increase carryover funding from \$450,000 to \$3,000,000 for capital expenditures and building improvements for the new Dental Clinic at Salina.

IHS Self Governance – T.E.H.: (Decrease - <6,698,937>)

(16): ES Water & Sewer Projects: Decreasing the budget down to the actual level of funding by the Economic Stimulus Act. This budget is reduced from \$10,000,000 down to \$3,301,063.

NAHASDA Fund: (Decrease - <449,208>)

(Items 17 thru 21): Are all decreases related to adjusting the following budgets down to their actual carryover amounts from prior years:

(17) '06 IHP Land Acquisition	<\$46,294>
(18) '08 IHP Modernization	<\$32,710>
(19) '08 IHP Modernization-Road Impr.	<\$64,051>
(20) ES Housing Rehabilitation	<\$301,932>
(21) ES Monitoring TERO	<\$4,221>

Special Revenue - Other Fund: (Increase - \$34,537)

(22): JOM Conference Special Registration: Requesting this increase in spending authority based on actual carryover level from the prior year.

Capital Projects Fund: (Increase - \$30,000,000)

(23): Vinita Clinic Construction: Administration is requesting spending authority of \$30mm pursuant to the recently awarded joint venture clinic in Vinita. This budget includes expenditures for architectural & engineering costs; as well as capital equipment purchases and the construction costs of the facility itself. This budget is funded by "Proceeds from Long Term Debt"; therefore, will not be available for expenditure until the long term financing instrument is approved by the Nation and in place.

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-4 by administration, I find no technical issues surrounding these requests, nor do I have any concerns related to their respective carryover estimates; however, I would recommend obtaining additional documentation related to items 12 thru 15's use of funds.

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

Respectfully,

A handwritten signature in cursive script that reads "Doug Evans". The signature is written in black ink and is positioned above a solid horizontal line.

Attachments

CHEROKEE NATION
FY 2010 REPORTING
Sorted by Funding Source

Funding Source	Ref # by FS	Program/Purpose	FY 2010 Pri	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
19-Department of Transportation	1	3191000 - ES FHWA Roads Construction	New	8,383,230	8,383,230	\$ -
19-Department of Transportation Total				\$ 8,383,230	\$ 8,383,230	\$ -
40-DHHS-General	2	3407100 - We Care Deeply For The Children	New	200,000	200,000	\$ -
	3	3407200 - ES Elderly Nutrition	New	22,450	22,450	\$ -
40-DHHS-General Total				\$ 222,450	\$ 222,450	\$ -
55-HUD	4	3551910 - ES NAHBG Redb/Fairf Waterline	October Rep	11,590	11,590	\$ -
55-HUD Total				\$ 11,590	\$ 11,590	\$ -
62-EPA	5	3612035 - Lead Testing Program II	LA 21-09	128,292	128,292	\$ -
	6	3622160 - GAP (General Assistance)	LA 21-09	51,953	51,953	\$ -
	7	3622175 - GAP Training	LA 21-09	(5,695)	(5,695)	\$ -
	8	3622241 - Warner Lift Station	LA 21-09	14,058	14,058	\$ -
	9	3622250 - Household Hazardous Waste Manag	LA 21-09	7,021	7,021	\$ -
62-EPA Total				\$ 260,631	\$ 260,631	\$ -
70-US Department of Labor	11	3701700 - ES TLJC	New	51,800	51,800	\$ -
70-US Department of Labor Total				\$ 51,800	\$ 51,800	\$ -
75-Federal Other	12	3751010 - SHS Learn & Serve Project	October Rep	679,830	679,830	\$ -
	13	3753500 - ES FHWA Roads Construction	October Rep	(5,241,898)	(5,241,898)	\$ -
	14	3753600 - ES DOE Refueling Station #2	October Rep	(583,243)	(583,243)	\$ -
	15	3753603 - ES DOE Refueling Station #1	October Rep	(504,191)	(504,191)	\$ -
	16	3753605 - ES DOE Retrofits	New	844,304	844,304	\$ -
75-Federal Other Total				\$ (4,724,102)	\$ (4,724,102)	\$ -
Grand Total				\$ 4,205,599	\$ 4,205,599	\$ -

January Grants
(Reporting Only)

CHEROKEE NATION
PROPOSED FY 2010 AMENDMENT
Sorted by Funding Source

Mod-4
Request

				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	1010280 - General Fund Operations	LA 26-09	2,326	2,326	\$ -
01-Cherokee Nation Total				\$ 2,326	\$ 2,326	\$ -
05-Vehicle Tax	2	1051000 - MVT: Public Schools & Seq. HS	New	2,564,880	2,564,880	\$ -
	3	1051010 - MVT: SHS	LA 21-09	103,242	103,242	\$ -
	4	1051011 - MVT: Head Start	LA 21-09	8,173	8,173	\$ -
	5	1051012 - MVT: Immersion	LA 21-09	17,769	17,769	\$ -
	6	1052000 - MVT: Highways-Const	LA 21-09	559,173	559,173	\$ -
	7	1052010 - MVT: Highways-Admin	LA 21-09	130,685	130,685	\$ -
	8	1054100 - MVT: Local Law Enforcement	LA 21-09	(81,437)	(81,437)	\$ -
05-Vehicle Tax Total				\$ 3,302,485	\$ 3,302,485	\$ -
08-Housing Proceeds	9	1082400 - Proceeds of Sale	LA 21-09	1,387,388	1,387,388	\$ -
08-Housing Proceeds Total				\$ 1,387,388	\$ 1,387,388	\$ -
19-Department of Transportati	10	3190000 - FHWA Roads	New	3,027,641	3,027,641	\$ -
19-Department of Transportation Total				\$ 3,027,641	\$ 3,027,641	\$ -
22-DOI - Self Governance	11	3222470 - SG H.I.P.	LA 21-09	(170,091)	(170,091)	\$ -
22-DOI - Self Governance Total				\$ (170,091)	\$ (170,091)	\$ -
32-IHS - Self Governance Hea	12	3325000 - MIS	LA 21-09	2,349,422	2,349,422	\$ -
	13	3329010 - Hastings Facilities Improvements	New	4,000,000	4,000,000	\$ -
	14	3329030 - Health Equipment Replacement	LA 23-09	6,145,348	6,145,348	\$ -
	15	3329080 - Salina Dental Equipment	LA 23-09	2,550,000	2,550,000	\$ -
32-IHS - Self Governance Health Total				\$ 15,044,770	\$ 15,044,770	\$ -
33-IHS-Self Governance-T E H	16	3336000 - ES Water Sewer	LA 21-09	(6,698,937)	(6,698,937)	\$ -
33-IHS-Self Governance-T E H Total				\$ (6,698,937)	\$ (6,698,937)	\$ -
56-NAHASDA	17	3560636 - 06 IHP Land Acquisition	LA 21-09	(46,294)	(46,294)	\$ -
	18	3560800 - Modernization	LA 21-09	(32,710)	(32,710)	\$ -
	19	3560801 - Modernization-Road Improvement	LA 21-09	(64,051)	(64,051)	\$ -
	20	3568844 - ES Housing Rehabilitation	LA 21-09	(301,932)	(301,932)	\$ -
	21	3568882 - ES Monitoring TERO	LA 21-09	(4,221)	(4,221)	\$ -
56-NAHASDA Total				\$ (449,208)	\$ (449,208)	\$ -
90-Special Revenue-Other	22	3901810 - JOM Conf Special Registr	LA 21-09	34,537	34,537	\$ -
90-Special Revenue-Other Total				\$ 34,537	\$ 34,537	\$ -
96-Capital Projects	23	7966000 - Vinita Clinic Construction	New	30,000,000	30,000,000	\$ -
96-Capital Projects Total				\$ 30,000,000	\$ 30,000,000	\$ -
Grand Total				\$ 45,480,911	\$ 45,480,911	\$ -

**COMPREHENSIVE BUDGET
FOR FISCAL YEAR 2010
Including Mod 4 Request**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	73,622,479	2,167,697	75,790,176	63,792,008	5,310,584	6,687,584	75,790,176	0
Motor Fuels Tax Funding Src	10,326,676	15,721,986	26,048,662	14,555,037	329,173	11,164,452	26,048,662	0
Motor Vehicle Tax Funding Src	12,346,565	0	12,346,565	11,160,712	405,750	780,103	12,346,565	0
Permanent Fund Funding Source	10,000	0	10,000	10,000	0	0	10,000	0
DOI General Funding Source	18,578,929	0	18,578,929	17,469,721	1,109,208	0	18,578,929	0
DOI Self Gov Funding Source	12,606,390	79,600	12,685,990	11,518,710	1,127,280	40,000	12,685,990	0
DOI Self Gov Roads Funding Src	43,324,003	0	43,324,003	42,501,823	322,316	499,864	43,324,003	0
Dept of Transportation Fnd Src	8,383,230	0	8,383,230	8,383,230	0	0	8,383,230	0
DOI PL102-477 Funding Source	23,047,608	0	23,047,608	21,937,965	1,109,643	0	23,047,608	0
IHS Self Gov Health Funding Sr	171,906,665	0	171,906,665	156,753,457	11,885,770	3,267,438	171,906,665	0
IHS Self Gov TEH Funding Src	14,693,743	0	14,693,743	14,272,645	421,098	0	14,693,743	0
IHS Self Gov Offic Funding Src	475,585	0	475,585	415,153	60,432	0	475,585	0
IHS Discretionary Funding Src	400,000	0	400,000	30,000	0	370,000	400,000	0
DHHS General Funding Source	35,464,080	728,720	36,192,800	33,248,577	2,864,223	80,000	36,192,800	0
USDA Funding Source	15,583,983	839,096	16,423,079	15,832,876	590,203	0	16,423,079	0
Dept of Education Funding Src	1,237,796	62,094	1,299,890	1,176,685	123,205	0	1,299,890	0
HUD Funding Source	61,715,097	505,805	62,220,902	56,431,161	3,743,726	2,046,015	62,220,902	0
Housing Proceeds Funding Src	3,215,000	0	3,215,000	2,807,090	407,910	0	3,215,000	0
EPA Funding Source	3,293,856	0	3,293,856	2,964,156	329,700	0	3,293,856	0
Dept of Labor Funding Source	7,318,419	0	7,318,419	6,573,965	744,454	0	7,318,419	0
Federal Other Funding Source	4,241,076	0	4,241,076	3,711,243	104,833	425,000	4,241,076	0
State of Oklahoma Funding Src	760,925	0	760,925	678,710	82,215	0	760,925	0
Private Funding Source	781,697	158,310	940,007	603,255	82,293	0	685,548	254,459
Indirect Cost Pool Funding Src	206,293	0	206,293	30,156,824	(30,745,482)	0	(588,658)	794,951
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	86,000	0	86,000	10,123	0	0	10,123	75,877
Enterprise Funding Source	1,549,570	2,471,015	4,020,585	1,886,053	0	0	1,886,053	2,134,532
Other Funding Source	395,865	24,015	419,880	159,227	8,653	0	167,880	252,000
Debt Service Funding Source	0	3,167,438	3,167,438	2,602,118	0	565,320	3,167,438	0
Capital Projects Funding Sourc	0	0	0	0	0	0	0	0
Total	\$ 525,571,530	\$ 25,925,776	\$ 551,497,306	\$ 521,642,524	\$ 417,187	\$ 25,925,776	\$ 547,985,487	\$ 3,511,819

Mod-3 Amended \$ (258,598) App'd in Jan TCM
Mod-4 Request \$ 45,480,911

Total after Mod-4 Request \$ 593,207,800