

# An Act

LEGISLATIVE ACT 11-02

## AN ACT AMENDING LEGISLATIVE ACT #37-01 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2002 – 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 #37-01 Authorizing the Comprehensive Budget for Fiscal Year 2002 – 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 2002” or subsequent amendment. The cumulative total of the budget is decreased by <\$3,980,500> for a total budget authority of \$263,198,033. The following items are identified as estimated funding sources in excess of appropriated uses to wit:

A. Motor Fuels Tax	\$1,247,535	( \$435,000 Appropriated)	Balance:	\$812,535
B. G/F special div.	\$250,000	( \$0 Appropriated)	Balance:	\$250,000
C. Gammon Trust	\$290,625	( \$290,625 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 a decrease of <\$3,980,500>, to wit:

- A. An increase in the **General Fund** budget authority of \$24,268 for the Donated Foods Warehouse and the Court House.
- B. An increase in the **Motor Fuels Tax** budget authority of \$1,321,040 for the Dentures, Rx Drugs, Contract Health and Eyeglass programs.
- C. An increase in the **Expendable Trust** budget authority of \$57,499 for the JOM Conference registration.
- D. An increase in the **DOI-Self Governance Roads** budget authority of \$419,094 for the Candy Mink, Eucha Bridge II and the Fairview/Eucha II projects.
- E. An increase in the **IHS-Self Governance** budget authority of \$117,384 for two new Health Education and Prevention programs.
- F. A decrease in the **DHHS-General** budget authority of <\$159,863> in the LIHEAP program current year funding.
- G. A decrease in the **H.U.D.** budget authority of <\$5,856,165> primarily for the NAHASDA 2000 Indian Housing Plan carryover estimate.
- H. An increase in the **E.P.A.** budget authority of \$40,086 for the Municipal Solid Waste Landfill prior year funding.

- I. An increase in the **Other-Federal (D.O.J.)** budget authority of **\$56,157** for the Marshal Service prior year funding.

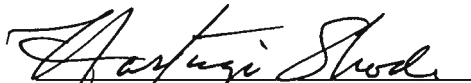
**SECTION 5. SEVERABILITY**

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 APRIL, 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 19th day of April, 2002.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Jay Hannah, Secretary / Treasurer  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

John A. Ketcher	<u>YEA</u>
Don Crittenden	<u>YEA</u>
Harold "Jiggs" Phillips	<u>YEA</u>
Jackie Bob Martin	<u>YEA</u>
Mary Flute-Cooksey	<u>YEA</u>
David W. Thornton, Sr.	<u>YEA</u>
Don Garvin	<u>YEA</u>
Barbara Starr-Scott	<u>ABSENT</u>

Melvina Shotpouch	<u>YEA</u>
Stephanie Shepherd	<u>YEA</u>
John F. Keener	<u>YEA</u>
Harold DeMoss	<u>YEA</u>
Dorothy Jean McIntosh	<u>---</u>
Nick Lay	<u>YEA</u>
Charles "Chuck" Hoskin	<u>YEA</u>



## CHEROKEE NATION TRIBAL COUNCIL

Doug Evans, C.P. A.,

Executive Director, Financial Oversight

# Memo

**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:** 03/21/2002

**Re:** Budget modification's for March Executive & Finance Committee

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

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### General Fund: (Increase - \$24,268)

(1): Donated Foods Warehouse: Requesting an increase of \$7,107 for fencing around new air conditioning units. No source of funds was identified to provide for these expenditures. This facility is not billed out through internal space costs. **This request has not identified a source of funds for the expenditures.**

(2): Court House: Requesting an increase of \$17,161 for additional sidewalk expenses. This expense increase is funded by an increase in the revenue estimate to \$55,161. As of 03/20/2002 the total sales including the prior year carryover supports the \$55,161 budget request.

### Motor Fuels Tax: (Increase - \$491,696)

(3): MFT - Dentures: Requesting authority of \$336,043 to spend the prior-year carryover funds from FY2001; however, the actual carryover balance is **\$343,275**. Current year obligations so far equal \$237,967.

(4): MFT - Rx Drugs: Requesting authority of \$2,487 to spend the prior-year carryover funds from FY2001; however, the actual carryover balance is **\$6,358**. Current year obligations so far equal \$0.

(5): MFT - Eyeglasses: Requesting authority of \$153,166 to spend the prior-year carryover funds from FY2001, which **equals** the carryover balance. Current year obligations so far equal \$68,403.

**Recommendation:** Modify the budget request to equal the actual carryover balances for MFT-Dentures and MFT-Rx Drugs, as well as include the MFT-Cancer carryover authorization for its balance of **\$19,221**, which was not included in this package. Also, the MFT-Contract Health costcenter has a carryover balance from the prior year of **\$799,020**; which also needs to be authorized for expenditure or reallocated. In addition to this \$799,020 carryover balance, the MFT-Contract Health has a current year appropriation of \$1,550,000. Current year expenditures thru 03/22/2002 (almost 6 months ended) total only **\$122,990**.

(6): Marshal Service Subsidy: Merely a budget reallocation to provide the necessary continuing cash match to the DOJ grant (item #19) with no \$ impact.

**Expendable Trust (Increase - \$57,499)**

(7): JOM Conference: Represents the administrative and coordinative costs associated with the Special Registration of the Conference, which is funded from anticipated registration fees to be collected.

**DOI-Self Governance Roads: (Increase - \$419,094)**

(8 – 11): IRR Roads Funding: Requesting spending authority on the Candy Mink Road Construction (\$35,000), Eucha Bridge Phase II (\$138,306) and Fairview/Eucha Road Phase II (Const-\$209,000 & Admin-\$36,788).

**IHS-Self Governance: (Increase - \$117,384)**

(12): Executive Director – Health Education: Requesting \$76,007 spending authority to create a new program for schools and communities for support and encouragement to overcome challenges in life. Utilizing unappropriated carryover from the Self Governance Compact.

(13): Executive Director – Health Preventive Service: Requesting \$41,377 spending authority to create a new program for schools and communities to provide teens with information that will help them avoid pregnancy and/or transmitted diseases. Utilizing unappropriated carryover from the Self Governance Compact.

**Note:** With the FY2001 Audit winding down, the total IHS – Health carryover is currently reflecting approximately \$7,578,321, of which \$7,212,137 is included in the FY2002 budget, leaving an additional approximate \$366,184 unbudgeted in FY2002 before consideration of items 12 & 13 above. In addition to the above compact carryover, the IHS-Discretionary (interest) carryover balance is reflecting \$1,786,208; however, L.A. #5-02 utilized <\$708,525> to cover the over-expended IDC Pool, Force Accounts and Leases, also the original budget utilized another <\$180,445>, leaving an additional \$897,238 unbudgeted carryover. This leaves a total of \$1,146,038 after considering items 12 & 13.

**DHHS - General: (Decrease - <\$159,863>)**

(14 - 15): LIHEAP & LIHEAP ESUP: A decrease of <\$159,863> in the current year grant award.

**Housing & Urban Development: (Increase - \$189,828)**

(16): NAHASDA 2001 IHP Emergency Housing Assistance: A decrease of <\$50,581> primarily due to the reclassification of "Emergency Services" to a non-subject to IDC status.

(17): NAHASDA 2001 IHP Resident Services: An increase of \$240,409 for a new program under the 2001 IHP for resident services that supposedly is coming out of the Housing Authorities IHP funds. **I recommend the Administration submit a reduction of the Housing Authorities budget allocation to shift these funds over.**

**Recommendation:** The 2000 NAHASDA IHP budgeted in the FY2002 budget is \$16,834,174 however the remaining funds on this block grant is only \$11,028,590. The spending authority on the 2000 IHP needs to be reduced by the over-estimate of <\$5,805,584>. Also, the Marshal service needs to submit a request authorizing their program to expend their 2000 funds, which they are currently spending without current budget authority.

**Environmental Protection Agency: (Increase - \$40,086)**

(18): Municipal Solid Waste Landfill: This budget is for authority to spend the program carryover funds from FY2001.

**Other Federal (DOJ): (Increase - \$56,157)**

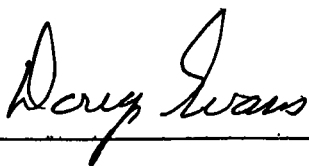
(19): Marshal Service - DOJ: This budget is for authority to spend the program carryover funds from FY2001.

**Summary:**

In considering this budget modification package, I recommend the following additional considerations:

- 1.> Increase the budget amounts on MFT-Dentures and MFT-Rx Drugs to their actual prior-year carryover balances of \$343,275 & \$6,358 respectively.
- 2.> Increase the budget authorization of \$19,221 for the MFT-Cancer program's actual prior-year carryover balance.
- 3.> Consider one of the following for the MFT-Contract Health carryover situation:
  - a. Grant spending authority for the MFT-Contract Health actual prior-year carryover balance of \$799,020 for a FY2002 total budget of \$2,350,000 and request a justification for this amount of funds when only \$123,000 has been expended in nearly 6 months of this fiscal year.
  - b. Reprogram the \$799,020 unexpended prior-year funds for another purpose or un-appropriate the funds.
- 4.> **Reduce** the NAHASDA 2001 – HACN (355020 300000) budget by the \$240,409 that was shifted to the Community Services Division for Resident Services (item # 17).
- 5.> **Reduce** the NAHASDA 2000 – HACN (355017 300000) carryover budget by <\$5,805,584> to agree with the actual carryover amount for FY2002.

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



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# CHEROKEE NATION

## FY2002 Comprehensive Budget Summary of Sources and Uses

Legislation passed thru - 03/11/2002

System Mask	Funding Source(s)	FUNDING SOURCES			APPROPRIATED USES					Net Rev. Available
		Revenue	Tfrs In	Total	Dir. Exp.	Indir. Exp.	Tfrs Out	Reserves	Total	
Ax01xxx xxxxxx	Cherokee Nation - Tribal	\$ 12,545,754	\$ 21,541,951	\$ 34,087,705	\$ 7,444,410	\$ 2,766,084	\$ 20,004,519	\$ 4,004,171	\$ 34,219,184	\$ (131,479)
Ax02xxx xxxxxx	Motor Fuels Tax	13,623,279	657,578	14,280,857	9,722,955	118,038	706,105	2,921,224	13,468,322	812,535
Ax03xxx xxxxxx	Expendable Trusts	43,365	-	43,365	43,365	-	-	-	43,365	-
Ax04xxx xxxxxx	Indirect Cost Pool	40,000	-	40,000	17,450,993	(19,050,046)	-	1,639,053	40,000	-
Ax06xxx xxxxxx	Tribal Force Accounts	(743,765)	904,922	161,157	135,883	25,274	-	-	161,157	-
Ax07xxx xxxxxx	Non-Expendable Trusts	1,883,255	87,600	1,970,855	596,449	-	1,320,898	-	1,917,347	53,508
Ax10xxx xxxxxx	Tribal Enterprises	965,030	2,915,564	3,880,594	3,031,615	439,516	157,903	-	3,629,034	251,560
Ax11xxx xxxxxx	Home Health	(385,452)	385,452	-	-	-	-	-	-	-
Ax13xxx xxxxxx	Leases - Internal	(885,708)	4,188,703	3,302,995	955,560	-	2,874,920	-	3,830,480	(527,485)
Ax15xxx xxxxxx	Construction	-	2,860,238	2,860,238	2,947,406	58,119	-	-	3,005,525	(145,287)
Ax20xxx xxxxxx	DOI - General	10,500,608	-	10,500,608	10,032,761	467,847	-	-	10,500,608	-
Ax21xxx xxxxxx	DOI - Self Governance (Roads)	19,127,556	-	19,127,556	18,988,259	139,297	-	-	19,127,556	-
Ax22xxx xxxxxx	DOI - Self Governance	14,905,581	175,810	15,081,391	11,739,204	1,496,185	1,846,002	-	15,081,391	-
Ax23xxx xxxxxx	DOI - Self Governance (PL-102)	7,264,244	40,000	7,304,244	5,078,048	446,489	1,779,707	-	7,304,244	-
Ax30xxx xxxxxx	IHS - Self Governance	52,715,128	4,425,249	57,140,377	49,219,791	5,264,354	2,656,232	-	57,140,377	-
Ax31xxx xxxxxx	IHS - Self Governance (TEH)	4,498,295	-	4,498,295	3,916,788	581,507	-	-	4,498,295	-
Ax32xxx xxxxxx	IHS - Self Governance Office	592,162	-	592,162	518,176	73,986	-	-	592,162	-
Ax35xxx xxxxxx	IHS - Self Governance Discr.	1,909,320	-	1,909,320	1,174,017	26,778	708,525	-	1,909,320	-
Ax40xxx xxxxxx	DHHS - General	24,551,922	7,500	24,559,422	20,191,981	2,043,033	2,324,408	-	24,559,422	-
Ax41xxx xxxxxx	DHHS - TEH	8,473	-	8,473	7,594	879	-	-	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	-	-	1,037,923	-
Ax55xxx xxxxxx	Housing & Urban Dev (HUD)	48,683,433	48,025	48,731,458	47,598,399	1,133,059	-	-	48,731,458	-
Ax60xxx xxxxxx	Environmental Protection (EPA)	3,862,710	-	3,862,710	3,315,287	547,423	-	-	3,862,710	-
Ax70xxx xxxxxx	Dept. of Labor	5,077,071	-	5,077,071	4,496,929	539,632	40,510	-	5,077,071	-
Ax75xxx xxxxxx	Other Federal Funding	756,720	-	756,720	724,499	32,221	-	-	756,720	-
Ax80xxx xxxxxx	State of Oklahoma	529,611	-	529,611	446,552	83,059	-	-	529,611	-
Ax85xxx xxxxxx	Private Fundings	85,199	-	85,199	78,415	6,784	-	-	85,199	-
Totals of Legislation thru - 03/11/2002		\$ 228,592,510	\$ 38,643,460	\$ 267,235,970	\$ 225,916,677	\$ (2,154,046)	\$ 34,595,539	\$ 8,564,448	\$ 266,922,618	\$ 313,352

Comprehensive Budget Amend. (Mod-4)

(3,998,838) 11,231 (3,987,607) (3,991,731) - 11,231 - (3,980,500) (7,107)

Motor Fuels Tax - Road Program Projects

- 255,915 255,915 255,915 (255,915) 255,915 -

TOTALS AFTER PROPOSED AMENDMENTS

\$ 224,593,672 \$ 38,910,606 \$ 263,504,278 \$ 222,180,861 \$ (2,154,046) \$ 34,862,685 \$ 8,308,533 \$ 263,198,033 \$ 306,245

# CHEROKEE COUNTY

## FY2002 Comprehensive Budget Summary of Sources and Uses

Legislation passed thru - 03/11/2002

Item Description	L.A. #	Funding Source(s)	Prior Yr	ESTIMATED REVENUES Current Yr	Transfers In	TOTAL	Dir. Exp.	Indirect	APPROPRIATED USES Transfers Out	Reserves	TOTAL	REVENUES AVAILABLE
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)	12,538,859	2,491,538	234,957,581	1,001,989
a. Direct/Indirect Reallocation		IDC				-	1,943	(1,943)			-	-
2. Court Appointed Special Advocate (CASA)	38-01	MFT				-	20,000				20,000	(20,000)
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		3,945,850	-
4. Reprogram Higher Ed. PY-Fund Balance	40-01	MFT	676,408			676,408	-				-	676,408
5. Motor Fuels Tax - Road Program Projects	41-01	MFT			112,018	112,018	112,018		112,018	(112,018)	112,018	-
6. Comprehensive Budget Amend. (Mod-2)	42-01	various		2,833,985	24,925	2,858,910	2,530,471	280,414	48,025	-	2,858,910	-
7. LIHEAP Subsidy - MFT	43-01	MFT				-	15,000				15,000	(15,000)
8. Capital Expansion - Balance Sheet Only	44-01	GF				-					-	-
9. MFT Prior Yr Reconciliation Adjustment	n/a	MFT	(935,144)	191,192		(743,952)				(11,848)	(11,848)	(732,104)
10. MFT - Graduate Scholarship Program	1-02	MFT				-	400,000				400,000	(400,000)
11. Motor Fuels Tax - Road Program Projects	2-02	MFT			337,533	337,533	337,533		337,533	(337,533)	-	-
12. Comprehensive Budget Amend. (Mod-3)	3-02	various		92,134		92,134	86,345	5,639			91,984	150
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 Discr. Closeout/Tfrs & Cash Reserve	5-02	various	1,882,931	34,020	20,215,584	22,132,535	(3,110,326)	139,969	20,215,584	4,887,308	22,132,535	-
16. Motor Fuels Tax - Road Program Projects	6-02	MFT			208,027	208,027	208,027		208,027	(208,027)	-	-
<b>Reconciled Totals</b>			24,200,415	204,392,095	38,643,460	267,235,970	225,916,677	(2,154,046)	34,595,539	8,564,448	266,922,618	313,352
Totals per AFW System Difference			24,200,415	204,392,095	38,643,460	267,235,970	225,916,677	(2,154,046)	34,595,539	8,564,448	266,922,618	313,352
<b>Reconciled Totals from above</b>			24,200,415	204,392,095	38,643,460	267,235,970	225,916,677	(2,154,046)	34,595,539	8,564,448	266,922,618	313,352
17. Comprehensive Budget Amend. (Mod-4)	##-##	various		(3,998,838)	11,231	(3,987,607)	(3,991,731)		11,231	-	(3,980,500)	(7,107)
18. Motor Fuels Tax - Road Program Projects	E/F-3/28	MFT			255,915	255,915	255,915		255,915	(255,915)	-	-
<b>Totals after Proposed Amendment</b>			24,200,415	200,393,257	38,910,606	263,504,278	222,180,861	(2,154,046)	34,862,685	8,308,533	263,198,033	306,245

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 Change	Net Change
01 Cherokee Nation	1	101300 001010-Donated Foods Warehouse	LA 37-01	-	7,107	(7,107)
	2	101300 001026-Court House	LA 37-01	17,161	17,161	-
<b>01 Cherokee Nation Total</b>				<b>\$ 17,161</b>	<b>\$ 24,268</b>	<b>\$ (7,107)</b>
02 Motor Fuel Tax	3	102002 200170-Contract Health Services	LA 37-01	789,020	789,020	-
	4	102002 200171-Cancer Treatment	New	19,221	19,221	-
	5	102002 200172-Dental	New	343,275	343,275	-
	6	102002 200173-Prescription Drugs	New	6,358	6,358	-
	7	102002 200174-Eyewear	New	153,166	153,166	-
	8	102005 003001-Marshall Service Subsidy	LA 42-01	-	-	-
<b>02 Motor Fuel Tax Total</b>				<b>\$ 1,321,040</b>	<b>\$ 1,321,040</b>	<b>\$ -</b>
03 Expendable Trust	9	503006 000000-JOM Conference - Oklahoma 1998	New	57,499	57,499	-
<b>03 Expendable Trust Total</b>				<b>\$ 57,499</b>	<b>\$ 57,499</b>	<b>\$ -</b>
21 DOI-Self Governance-Roads	10	321114 000000-Candy Mink Construction	LA 37-01	35,000	35,000	-
	11	321127 000000-Eucha Bridge II (IRRB)	LA 37-01	138,306	138,306	-
	12	321129 000000-Fairview/Eucha II Const.	New	209,000	209,000	-
	13	321129 001102-Fairview/Eucha II Admin.	New	36,788	36,788	-
<b>21 DOI-Self Governance-Roads Total</b>				<b>\$ 419,094</b>	<b>\$ 419,094</b>	<b>\$ -</b>
30 IHS - Self Governance	14	330100 100630-Exec Dir - Health Education	New	76,007	76,007	-
	15	330100 100640-Exec Dir-Health Preventive Serv	New	41,377	41,377	-
<b>30 IHS - Self Governance Total</b>				<b>\$ 117,384</b>	<b>\$ 117,384</b>	<b>\$ -</b>
40 DHHS - General	16	340021 000000-LIHEAP	LA 37-01	(141,415)	(141,415)	-
	17	340021 001000-LIHEAP - ESUP	LA 37-01	(18,448)	(18,448)	-
<b>40 DHHS - General Total</b>				<b>\$ (159,863)</b>	<b>\$ (159,863)</b>	<b>\$ -</b>
55 HUD	18	355017 300000-NAHASDA 2000 IHP HACN	LA 39-01	(5,805,584)	(5,805,584)	-
	19	355020 224000-NAHASDA 2001 IHP Emer Hsg Asst	LA 39-01	(50,581)	(50,581)	-
	20	355020 229000-NAHASDA 2001 IHP Resident Services	New	240,409	240,409	-
	21	355020 300000-NAHASDA 2001 IHP HACN	LA 39-01	(240,409)	(240,409)	-
<b>55 HUD Total</b>				<b>\$ (5,856,165)</b>	<b>\$ (5,856,165)</b>	<b>\$ -</b>
60 EPA	22	360043 000000-Municipal Solid Waste Landfill	New	40,086	40,086	-
<b>60 EPA Total</b>				<b>\$ 40,086</b>	<b>\$ 40,086</b>	<b>\$ -</b>
75 Federal Other	23	375007 000000-DOJ-Marshall Service	New	56,157	56,157	-
<b>75 Federal Other Total</b>				<b>\$ 56,157</b>	<b>\$ 56,157</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ (3,987,607)</b>	<b>\$ (3,980,500)</b>	<b>\$ (7,107)</b>