

# An Act

## LEGISLATIVE ACT 08-23

### AN ACT AMENDING LEGISLATIVE ACT #29-22 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2023 – 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 #29-22 Authorizing the Comprehensive Capital Budget for FY 2023 – 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 Capital Budget Act for Fiscal Year 2023” or subsequent amendment. The cumulative total of the capital budget is increased by **\$ 8,407,838** for a total capital budget authority of **\$ 619,480,105**. The following items are identified as the components of such change:

Grants Received & Authorized per L.A. 29-22 (detail attached)	\$ 0
Modification Request (per Section 4 below)	<u>8,407,838</u>
<b>Cumulative change in budget authority</b>	<b><u>\$ 8,407,838</u></b>

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #29-22 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 **\$ 8,407,838** to wit:

- A. An increase in the **SG Department of Transportation** budget authority of **\$ 8,407,838**.

**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.

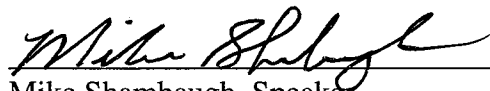
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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 13<sup>th</sup> day of March, 2023

  
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Mike Shambaugh, Speaker  
Council of the Cherokee Nation

ATTEST:

  
\_\_\_\_\_  
Dora Patzkowski, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 22<sup>nd</sup> day of March, 2023



Chuck Hoskin, Jr., Principal Chief  
Cherokee Nation

ATTEST:



Tina Glory Jordan, Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E. O. "Jr." Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

CHEROKEE NATION  
 PROPOSED FY 2023 AMENDMENT  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2023- Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
19-Department of Transportation	1	3190000 SG DOT Roads	LA 29-22	8,407,838	8,407,838	\$ -
<b>19-Department of Transportation Total</b>				<b>\$ 8,407,838</b>	<b>\$ 8,407,838</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 8,407,838</b>	<b>\$ 8,407,838</b>	<b>\$ -</b>

## Capital Mod #5 Request

# COMPREHENSIVE BUDGET FOR FISCAL YEAR 2023

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	294,026,579	19,425,019	313,451,598	286,649,973	7,255,065	19,546,560	313,451,598	-
Motor Fuels Tax Funding Srce	10,985,384	19,348,346	30,333,730	20,756,283	72,447	9,505,000	30,333,730	-
Motor Vehicle Tax Funding Srce	37,825,564	1,140,440	38,966,004	37,568,018	881,715	516,271	38,966,004	-
Permanent Fund Funding Source	9,100	0	9,100	9,100	0	0	9,100	-
DOI General Funding Source	21,042,777	0	21,042,777	19,382,931	1,659,846	0	21,042,777	-
DOI Self Gov Funding Source	35,038,443	79,600	35,118,043	33,082,602	2,025,441	10,000	35,118,043	-
DOI Self Gov Roads Funding Src	0	0	0	0	0	0	0	-
Dept of Transportation Fnd Src	83,009,087	0	83,009,087	82,653,716	255,371	100,000	83,009,087	-
DOI PL102-477 Funding Source	411,877,377	0	411,877,377	354,587,678	2,828,376	54,461,323	411,877,377	-
IHS Self Gov Health Funding Sr	824,154,082	0	824,154,082	758,252,620	47,160,311	18,741,151	824,154,082	-
IHS Self Gov TEH Funding Src	26,090,941	0	26,090,941	25,746,586	344,355	0	26,090,941	-
IHS Self Gov Offic Funding Src	386,587	0	386,587	351,067	35,520	0	386,587	-
IHS Discretionary Funding Srce	150,000	0	150,000	100,000	0	50,000	150,000	-
DHHS General Funding Source	95,853,602	678,560	96,532,162	90,004,254	6,527,908	0	96,532,162	-
USDA Funding Source	28,199,236	1,025,691	29,224,927	28,391,450	833,477	0	29,224,927	-
Dept of Education Funding Srce	1,248,426	87,222	1,335,648	1,227,226	88,422	20,000	1,335,648	-
HUD Funding Source	68,459,142	1,602,501	70,061,643	67,012,799	246,343	2,802,501	70,061,643	-
Housing Proceeds Funding Src	0	0	0	0	0	0	0	-
EPA Funding Source	2,863,932	0	2,863,932	2,623,369	240,563	0	2,863,932	-
Dept of Labor Funding Source	27,398,701	0	27,398,701	26,040,264	1,358,437	0	27,398,701	-
Dept of Treasury Funding Source	1,027,293,992	0	1,027,293,992	1,023,897,147	3,146,845	250,000	1,027,293,992	-
Federal Other Funding Source	55,639,898	234,754	55,874,652	54,929,543	940,902	4,207	55,874,652	-
State of Oklahoma Funding Srce	1,046,367	0	1,046,367	987,274	59,093	0	1,046,367	-
Private Funding Source	5,183,256	0	5,183,256	5,161,442	21,814	0	5,183,256	-
Indirect Cost Pool Funding Src	82,454,629	6,750	82,461,379	82,461,379	0	0	82,461,379	-
Fringe Pool Funding Source	0	0	0	0	0	0	0	-
Internal Lease Pool Funding Sr	5,478,811	0	5,478,811	5,478,811	0	0	5,478,811	-
Enterprise Funding Source	1,794,891	1,699,807	3,494,698	3,361,675	133,023	0	3,494,698	-
Other Funding Source	288,000	17,000	285,000	280,066	4,934	0	285,000	-
Debt Service Funding Source	0	0	0	0	0	0	0	-
Capital Projects Funding Sourc	406,825,804	60,661,323	467,487,127	467,332,102	155,025	0	467,487,127	-
<b>Total</b>	<b>\$ 3,554,604,608</b>	<b>\$ 106,007,013</b>	<b>\$ 3,660,611,621</b>	<b>\$ 3,478,329,375</b>	<b>\$ 76,275,233</b>	<b>\$ 106,007,013</b>	<b>\$ 3,660,611,621</b>	<b>\$ -</b>

### Non Grant Requests

Oper Mod #4	10,306,430	02/13 Council
Cap Mod #3	18,451,776	02/13 Council
Oper Mod #5A	34,007,160	03/13 Council
Cap Mod #4	8,484,614	03/13 Council
Oper Mod #6	10,622,430	03/13 E&F
Cap Mod #5	8,407,838	03/13 E&F

Total after pending Mod's

**\$ 3,750,891,869**

### CAPITAL RECONCILIATION

LA 29-22	\$ 569,345,306
Cap Mod #1	13,754,571
Cap Mod #2	1,036,000
Cap Mod #3	18,451,776
Cap Mod #4	8,484,614
Cap Mod #5	8,407,838

**Total Capital \$ 619,480,105**

Operating (LA 44-21) \$ 3,131,411,764 Cumulative Oper  
Capital (LA 43-21) 619,480,105 Cumulative Cap

**Grand Total \$ 3,750,891,869**



# CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight

## Mem o

**To:** Keith Austin, Chairman, Executive & Finance Committee  
**From:** Jody S. Reece  
**CC:** Executive & Finance Committee  
**Date:** 03/01/2023  
**Re:** Review of Capital Budget Modification #5 – **Total \$ 8,407,838**

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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:

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### A. Grant Reporting:

<u>Funding Source</u>	<u>Reason(s)</u>	<u>Amount</u>
None	-	\$ 0
<b>TOTAL GRANTS</b>		<b>\$ 0</b>

### B. MOD #5 Request - Increase in budget authority - \$ 8,407,838

1. SG DOT Roads – 3190000 – SG Department of Transportation: Modification requesting an increase in expenditure authorization of \$8,407,838 to adjust to actual carryover. Over \$8 million is added for contract services. There are no new FTEs or Reclassifications; however, there is over \$200 thousand added to salaries for market analysis adjustments. The new budgeted expenditure total is \$91,240,925.

#### Summary:

After reviewing the submission of the Capital Mod 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  
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