

An Act

LEGISLATIVE ACT 15-13

AN ACT AMENDING LEGISLATIVE ACT #37-12 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2013 – Mod. 9; 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 #37-12 Authorizing the Comprehensive Operating Budget for FY 2013 – Mod. 9**”.

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 2013” or subsequent amendment. The cumulative total of the budget is increased by **\$5,801,857** for a total budget authority of **\$572,685,786**. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

	Previous Balance	Estimated Sources	Estimated <Uses>	Adjusted Balance
A. Tribally Funded	\$0	\$0	\$0	\$0
B. Motor Fuels Tax	\$0	\$0	\$0	\$0

Grants Received & Authorized per LA-37-12 (detail attached)	\$ 1,013,793
Modification Request #9 (see Section 4 below)	<u>4,788,064</u>
Cumulative change in budget authority	<u>\$ 5,801,857</u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #37-12 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 budget authorization by an increase of **\$4,788,064** to wit:

- A. An increase in the **General Fund** budget authority of **\$ 0. (one consent item)**

B. An increase in the **IHS-Self Governance Health** budget authority of \$ 2,313,372.

C. An increase in the **NAHASDA** budget authority of \$ 2,474,692.

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.

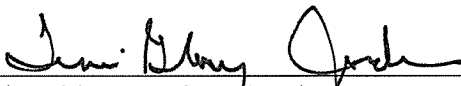
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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

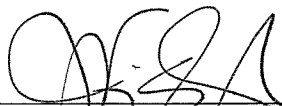
To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the 10th day of June, 2013



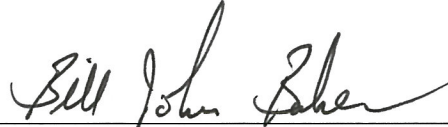
Tina Glory Jordan, Speaker
Council of the Cherokee Nation

ATTEST:



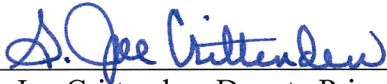
Jodie Fishinghawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of June, 2013



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



S. Joe Crittenden, Deputy Principal Chief
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Lee Keener	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Dick Lay	<u>Yea</u>
Curtis Snell	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Meredith Frailey	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Jack Baker	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Julia Coates	<u>Yea</u>
Don Garvin	<u>Yea</u>		



CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight

Mem o

To: Jodie Fishinghawk, Chair, Executive & Finance Committee &
Chuck Hoskin Jr., Co-Chair, Executive & Finance Committee

From: Jody S. Reece

CC: Executive & Finance Committee

Date: 05/15/2013

Re: Review of Operating Budget Modification #9

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. March Grants Received (REPORTING ONLY):

<u>Funding Source</u>	<u>Reason</u>	<u>Amount</u>
DHHS - General	1 - Child & Family Services – carryover reconc. and award	\$ 266,667
USDA	1 – WHIP revised award	83
HUD	2 – Public Srv Yourth & Leach waterline carryover reconc.	681,195
Federal Other	4 – Carryover reconc. & Federal Disaster reimbursements	65,848
Private	4 – CITGO reallocation within the grant	0
	TOTAL GRANTS	<u>\$ 1,013,793</u>

B. MOD – 9 (3 budgets) Increase in budget authority - \$4,788,064:

1. General Fund Operations – 1010315 - General Fund: Modification requesting a change in revenue account to a new account titled Appropriated for Cash Match. \$0 effect to expenditure authorization. The related budgets for those grants, as received, will continue to be included with the monthly grant reporting and resolutions as required by funding agencies will continue to be brought forward.
2. EHS Projects – 3332000 – IHS Self Governance TEH: Modification requesting an increase in expenditure authorization of \$2,313,372 from an increase in grant funds of \$762,775 and prior year carryover of \$1,550,597.
3. Housing Rehabilitation – 3566044 – NAHASDA: Modification requesting an increase in expenditure authorization of \$2,474,692 from FY 2012 carryover for rehabilitation and replacement homes.

Summary:

After reviewing the submission of Mod-9 by administration, I find no technical issues surrounding these requests, nor do I have any concerns related to their respective carryover estimates. If I can provide any further information, please do not hesitate to contact me.

Respectfully,

Jody S. Fleece

Attachments

CHEROKEE NATION
 PROPOSED FY 2013 AMENDMENT
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2013 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
40-DHHS-General	1	3401400 Child & Family Services	LA 37-12	266,667	266,667	\$ -
40-DHHS-General Total				\$ 266,667	\$ 266,667	\$ -
45-USDA	2	3454100 WHIP	LA 37-12	83	83	\$ -
45-USDA Total				\$ 83	\$ 83	\$ -
55-HUD	3	3551650 ICDBG Public Service Youth	New	132,404	132,404	\$ -
	4	3551655 ICDBG Leach Waterline	New	548,791	548,791	\$ -
55-HUD Total				\$ 681,195	\$ 681,195	\$ -
75-Federal Other	5	3751040 Tsa La Gi Heritage Service	New	45,479	45,479	\$ -
	6	3753400 FEMA Disaster Relief	LA 37-12	98,023	98,023	\$ -
	7	3753602 Home Energy Audits	Oct. Grant	(2,362)	(2,362)	\$ -
	8	3753604 ES DOE Recycle Facility	Oct. Grant	(75,292)	(75,292)	\$ -
75-Federal Other Total				\$ 65,848	\$ 65,848	\$ -
85-Private	9	3852900 Citizens Citgo Asst. Program	March Gran	4,000	4,000	\$ -
	10	3852900 Citizens Citgo Asst. Program	May Grant	6,001	6,001	\$ -
	11	3852910 Citizens Citgo Asst. - Admin	March Gran	(4,000)	(4,000)	\$ -
	12	3852910 Citizens Citgo Asst. - Admin	May Grant	(6,001)	(6,001)	\$ -
85-Private Total				\$ -	\$ -	\$ -
Grand Total				\$ 1,013,793	\$ 1,013,793	\$ -

Grants Reporting Only

CHEROKEE NATION
 PROPOSED FY 2013 AMENDMENT
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2013 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010315 Cash Match for Grants	LA-12-13	-	-	\$ -
01-Cherokee Nation Total				\$ -	\$ -	\$ -
33-IHS-Self Governance-TEH	2	3332000 EHS Projects	LA 37-12	2,313,372	2,313,372	\$ -
33-IHS-Self Governance-TEH Total				\$ 2,313,372	\$ 2,313,372	\$ -
56-NAHASDA	3	3566044 Housing Rehabilitation	LA 37-12	2,474,692	2,474,692	\$ -
56-NAHASDA Total				\$ 2,474,692	\$ 2,474,692	\$ -
Grand Total				\$ 4,788,064	\$ 4,788,064	\$ -

Operating Mod #9 Request

COMPREHENSIVE BUDGET FOR FISCAL YEAR 2013

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	98,660,612	1,838,091	100,498,703	85,722,137	4,608,216	7,748,544	98,078,897	2,419,806
Motor Fuels Tax Funding Srce	8,801,819	12,895,819	21,697,638	13,927,490	141,110	7,629,038	21,697,638	0
Motor Vehicle Tax Funding Srce	15,988,418	225,000	16,213,418	14,946,895	394,984	871,539	16,213,418	0
Permanent Fund Funding Source	11,749	0	11,749	11,749	0	0	11,749	0
DOI General Funding Source	11,437,479	0	11,437,479	10,579,802	857,677	0	11,437,479	0
DOI Self Gov Funding Source	14,410,041	229,600	14,639,641	13,409,443	1,215,198	15,000	14,639,641	0
DOI Self Gov Roads Funding Src	29,555,077	0	29,555,077	29,319,213	177,056	58,808	29,555,077	0
Dept of Transportation Fnd Src	39,109,995	0	39,109,995	38,895,421	114,731	99,843	39,109,995	0
DOI PL102-477 Funding Source	18,369,926	0	18,369,926	17,691,575	678,351	0	18,369,926	0
IHS Self Gov Health Funding Sr	259,523,559	0	259,523,559	237,765,860	17,561,190	4,196,509	259,523,559	0
IHS Self Gov TEH Funding Src	5,803,801	0	5,803,801	5,394,953	408,848	0	5,803,801	0
IHS Self Gov Offic Funding Src	322,788	0	322,788	286,930	35,858	0	322,788	0
IHS Discretionary Funding Srce	800,000	0	800,000	30,000	0	770,000	800,000	0
DHHS General Funding Source	36,358,345	524,159	36,882,504	33,098,524	3,018,354	765,626	36,882,504	0
USDA Funding Source	18,978,219	743,192	19,721,411	18,978,619	742,792	0	19,721,411	0
Dept of Education Funding Srce	1,251,231	65,875	1,317,106	1,201,961	115,145	0	1,317,106	0
HUD Funding Source	49,128,742	85,061	49,213,803	47,541,373	1,672,430	0	49,213,803	0
Housing Proceeds Funding Src	0	0	0	0	0	0	0	0
EPA Funding Source	2,381,363	0	2,381,363	2,160,953	220,410	0	2,381,363	0
Dept of Labor Funding Source	7,234,825	0	7,234,825	6,500,336	734,489	0	7,234,825	0
Federal Other Funding Source	4,041,903	500	4,042,403	3,707,239	139,862	195,302	4,042,403	0
State of Oklahoma Funding Srce	1,445,015	0	1,445,015	1,318,780	126,235	0	1,445,015	0
Private Funding Source	688,593	172,575	861,168	802,649	58,519	0	861,168	0
Indirect Cost Pool Funding Src	165,065	900	165,965	35,565,371	(32,404,009)	0	3,161,362	(2,995,397)
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	89,000	0	89,000	89,000	0	0	89,000	0
Enterprise Funding Source	1,602,453	536,556	2,139,009	1,792,310	0	341,254	2,133,564	5,445
Other Funding Source	190,099	12,000	202,099	191,373	10,726	0	202,099	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	21,322,050	2,712,135	24,034,185	24,026,918	7,267	0	24,034,185	0
Total	\$ 647,672,167	\$ 22,691,463	\$ 670,363,630	\$ 647,606,874	\$ 635,439	\$ 22,691,463	\$ 670,933,776	\$ (570,146)

CAPITAL RECONCILIATION

LA-38-12 CAB	\$ 103,547,975
Mod-2 Capital	2,246,329
Mod-3 Capital	1,339,646
Total Capital	\$ 107,133,950

Non Grant Requests

Mod-8b Oper Req	4,097,896	5/13 Council
Mod-9 Oper Reg	4,788,064	05/30 E&F

Total after pending Mod's

\$ 679,819,736

Operating (LA37-12)	\$ 572,685,786	(thru Mod-9 oper)
Capital (LA-38-12)	107,133,950	(thru Mod-3 cap)
Recap	\$ 679,819,736	