

# An Act

## LEGISLATIVE ACT 28-07

### **AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 – Mod. 8; 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 #26-06 Authorizing the Comprehensive Budget for Fiscal Year 2007 – Mod. 8.**”

#### **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 2007” or subsequent amendment. The cumulative total of the budget is increased by \$23,906,239 for a total budget authority of \$437,273,145. 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	\$12,600,558	\$13,174,011	<\$11,327,514>	\$14,447,055
B. Motor Fuels Tax	\$326,631	\$135,285	<\$160,570>	\$301,346

#### **SECTION 3. LEGISLATIVE HISTORY**

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #26-06 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 \$23,906,239, to wit:

- A. An increase in the **General Fund** budget authority of \$11,327,514 primarily due to a significant increase in the Land Acquisition budget as well as several other programs.
- B. An increase in the **Motor Fuels Tax Fund** budget authority of \$160,570 related to an increase in investment income and an increase in the Food Program cash match requirement.
- C. An increase in the **Tribal Force Account** budget authority of \$34,482 related to regulatory activities on the Landfill conducted by the Environmental Protection Commission.
- D. An increase in the **Enterprise Fund** budget authority of \$34,482 to authorize the Landfill transfer of inter-program contract funds to the Environmental Protection Commission.
- E. An increase in the **Internal Lease Fund** budget authority of \$385,303 related to capital expenditures of remaining proceeds of debt issued in 2003.
- F. An increase in the **DOI Self Governance-Roads Fund** budget authority of \$700,000 related to an increase in the investment income projection and related transfer to the General Fund.

- G. An increase in the **DOI-Self Governance Fund** budget authority of **\$170,000** related to a wind energy grant as well as a slight increase in investment income for the current year.
- H. An increase in the **IHS-Discretionary Fund** budget authority of **\$260,000** related to an increase in the investment income projection and related transfer to the General Fund.
- I. An increase in the **IHS Self Governance-Health Fund** budget authority of **\$26,903** related to a new Chronic Care Pilot Project.
- J. An increase in the **USDA Fund** budget authority of **\$101,140** related to the Food Distribution Program.
- K. An increase in the **NAHASDA Fund** budget authority of **\$4,049,119** related to the FY2006 and FY2007 Indian Housing Plans.
- L. An increase in the **Private Funding** budget authority of **\$15,147** related to the Individual Development Account program.
- M. An increase in the **Other-Funding** budget authority of **\$6,641,579** primarily related to the Tribal Judgment Funds as it relates to the Arkansas Riverbed Settlement.

#### **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 11<sup>th</sup> day of June, 2007

*Meredith Frailey*  
Meredith Frailey, Speaker  
Council of the Cherokee Nation

ATTEST:

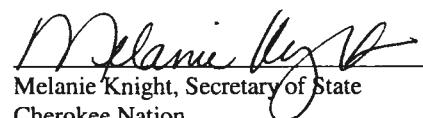
*Don Garvin*  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15th day of June, 2007



Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:



Melanie Knight, Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Audra Smoke-Conner	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	John F. Keener	<u>Yea</u>
Jackie Bob Martin	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Phyllis Yargee	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	William G. Johnson	<u>Yea</u>
Don Garvin	<u>Yea</u>	Charles "Chuck" Hoskin	<u>Yea</u>
Linda Hughes-O'Leary	<u>Yea</u>	Taylor Keen	<u>Yea</u>
Jack Baker	<u>Yea</u>		



## CHEROKEE NATION TRIBAL COUNCIL

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

# M e m o

**To:** Linda O'Leary, Chair, Executive & Finance Committee &  
Bill John Baker, Co-Chair, Executive & Finance Committee  
**From:** Doug Evans  
**CC:** Executive & Finance Committee  
**Date:** 05/30/2007  
**Re:** Budget Mod. #8

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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. MAY - GRANTS RECEIVED (REPORTING ONLY):

Funding Source	Program	\$Amount
D.O.I.-General	Sequoyah High School – Education (carryover)	\$700,199
D.H.H.S.-General	LIHEAP (3 carryover budgets)	\$91,362
E.P.A.	2 Carryover adjustments & 1 new grant	\$40,285
Federal-Other	COP Methamphetamine grant (carryover decrease)	<\$106,744>
Oklahoma	Carryover adjustment on 1 grant	\$7,548
Private Funding	New grant award for a community network project	\$67,397
<b>TOTAL MAY GRANTS RECEIVED</b>		<b><u>\$800,047</u></b>

### B. MOD – 8 (52 budgets) Net Increase in spending authority - \$21,858,427:

#### GENERAL FUND: (Increase - \$9,310,551)

- (1): Office of the Principal Chief: Requesting **\$35,000** of discretionary funds for legal representation and consultation.
- (2): Charitable Contributions: Requesting **\$25,000** of discretionary funds to purchase a van for the Tulsa Shriners.
- (3): Meth Reduction – Family Initiative Marshals: Requesting **\$210,076** of additional tribal funds and item #30 below is also requesting another \$375,000 of NAHASDA funds for the Marshal program. I have prepared a budget analysis for your review, on the next page.



(8): Management Resources Planning: - \*\*\***New Recurring Program**\*\*\* Requesting this new budget to fund a planning manager to work on a capital plan in the amount of **\$148,274**. This budget will increase significantly next year due to the fact the budgeted full-time position only has 4 months of the \$70,000 salary in this current budget. The budget contains a \$100,000 line item to contract out a design consultant as well. Indirect Cost funds may be allowable, or at least in part, to fund a portion of this type of expenditures related to "analysis of employees" identified on the budget. If the accounting department has already identified the A-87 language prohibiting such activities, I would appreciate the reference. If not, I recommend the alternative IDC funding option be looked into.

(9): Community Investment Project: - Requesting current year SYEP funding in the amount of **\$222,961** which is the same as the FY06 funding level.

(10): District Court: - Requesting a **\$24,220** increase for the attorney appointed to represent the Freedmen.

(11): Saline Courthouse: - Requesting an increase of **\$200,000** for reconstruction of the spring house at the courthouse. (see also note on item #6)

(12): Cort Mall Building: - Requesting funding of **\$34,763**, largely for utilities and maintenance costs. This newly acquired property has very low rental income and is expecting occupancy increases later in the year.

(13): Heritage Center Annex 1: - Requesting funding in the amount of **\$3,790** primarily for utilities and insurance. Rental income of \$1,600 is budgeted to partially offset some of this request.

(14): SHS Ball Fields: - Requesting **\$37,196** for utilities (\$4,800), maintenance (\$25,000), insurance (\$2,000) and applicable indirect costs for the ball fields.

(15): Conley Property: - Requesting **\$10,934** for operating costs for this property, \$5k of which is a new roof.

(16): Land Acquisition: - Requesting an increase of **\$7,268,009** to bring the total transfers and carryover of the Arkansas Riverbed Settlement net proceeds for this year to \$13,185,009. I have requested the Treasurer's Office keep the Council informed of the status and timing of this drawdown request from the Department of Interior's Office of Trust Fund Management.

#### **MOTOR FUELS TAX: (Increase - \$160,570 "All transfer outs")**

(17 & 19): Motor Fuels Tax Cash Match (Food Distribution): Requesting authority to transfer an additional **\$25,285** to the USDA Food Distribution program for the required cash match. This amount is being transferred twice before it reaches the Food Program's budget (MFT-rollup to the MFT- Food Cash Match then to the Food Dist. Program)

(18): Motor Fuels Tax – Interest: Requesting authority to recognize an additional **\$110,000** of interest income this year and transfer these funds to the General Fund Operations budget.

#### **TRIBAL FORCE ACCOUNT: (Increase - \$34,482)**

(20): Environmental Protection Commission - Projects: Requesting authority to expend the transfer in of **\$34,482** from the Landfill for a total of \$84,482 of contracted Regulatory Activities (see item #21 below).

#### **ENTERPRISE FUND: (Increase - \$34,482)**

(21): CN Landfill Operations: Requesting authority to transfer **\$34,482** to the EPC Projects budget explained above in item #20. The landfill operation has numerous issues related to the recapture of a multi-million dollar tribal investment that still remains uncertain. In addition, this tribal operation is being outsourced to a contracted third party, which if so chooses to terminate the relationship, may or may not have any on-going liabilities related to post-closure environmental issues. I'm also unclear why more than half of the funded payroll positions appear to be vacant (12 out of 23). The vacant positions also include 4 truck drivers. I was unaware the landfill actually owns a

fleet of trucks. This raises another question, who do these employees work for and who is paying their payroll taxes, insurances and benefits. My understanding from previous discussions is the Nation is paying all these expenses and being reimbursed by the contractor. I would yield to the council's attorney regarding the appropriateness of any arrangement perceived by the public that allows a third party contractor to get the benefit of tribal employees group medical rates, workers compensation rates or any other employment related costs, in addition to contracting with customers under the name of the Cherokee Nation. If this is appropriate, do we or would we offer these types of arrangements with other contractors we do business with?

#### INTERNAL LEASE FUND: (Increase - \$354,454)

(22): Internal Leases: Requesting authority to recognize **\$303,151** of remaining loan proceeds related to the capital improvement debt of 2003. A requested transfer out to the PACE building has already been addressed in item #6 above. I would recommend the loan proceeds be removed from this budget and either paid down on the principal portion of the debt; which is what it is, or identify a group of priority capital projects such as the Saline Courthouse, Cort Mall, Heritage Center, Ball Fields and Conley Property. All of these are in this mod package (items 11 thru 15) and could be totally funded by the loan proceeds without requiring any additional tribal discretionary funds.

#### DOI SELF GOVERNANCE - ROADS FUND: (Net Increase - \$700,000)

(23 & 24): IRR – Roads (Admin. & Construction): Requesting authority to increase the investment income projection for the current year by **\$700,000** and change the accounting unit that is recognizing the income. The investment income is increasing from \$500,000 to \$1,200,000 for the current fiscal year.

#### DOI - SELF GOVERNANCE: (Increase - \$170,000)

(25): 2007 Energy and Mineral Development: Requesting authority to expend the **\$160,000** grant related to the wind farm project applied for in December of 2006.

(26): DOI-S/G Interest Income: Increasing the interest income projection by **\$10,000** on the compact funds for a FY2007 total of \$80,000 and transferring these funds to the General Fund Operations budget.

#### IHS - DISCRETIONARY: (Increase - \$260,000)

(27): IHS-Self Gov. Interest: Increasing the interest income projection by **\$260,000** on the compact funds for a FY2007 total of \$800,000 and transferring these funds to the General Fund Operations budget.

#### IHS SELF GOVERNANCE - HEALTH: (Increase - \$26,903)

(28): Chronic Care Pilot Project: Requesting **\$26,903** in spending authority for a newly funded activity under the recent amendment #5 of the FY07 compact for hospitals and clinics.

#### USDA: (Increase - \$101,140)

(29): Food Warehouse: Requesting an increase in grant spending authority of **\$101,140** including the tribal cash matching portion identified in items # 17 & 19 above.

#### NAHASDA: (Increase - \$4,049,119)

(30): Marshal Service: Requesting an increase of **\$374,999** in spending authority of FY06 IHP funds, including \$502k for a community statistics system and 2 new vehicles. See the funding analysis on page 2 related to the Marshal funding.

(31): Environmental Review & Lead Based Paint Abatement: Requesting an increase of **\$118,129** in spending authority of remaining FY06 IHP funds.

(32 thru 42): FY2007 Indian Housing Plan Activities: Requesting spending authority of \$3,555,991 related to the recently approved '07 IHP (please refer to pivot table for breakdown of housing plan activities).

**Private Fund: (Increase - \$15,147)**

(43): IDA IHP Program: Requesting spending authority of an additional \$15,147 related to the transfer from the recently approved '07 IHP (item #38 on pivot table).

**Other Funds: (Increase - \$6,641,579)**

(44 thru 51): Various miscellaneous fund balance transfers: Requesting authority to cleanup residual fund balances on several accounting units totaling \$13,570.

(52): Tribal Judgment Funds: Requesting authority to transfer the \$6,878,009 of additional riverbed settlement funds to the Land Acquisition account (see item #16 above) partially offset by a <\$250,000> reduction in the contract service line item on this budget.

**C. COMMUNITY ASSISTANCE & LAW ENFORCEMENT 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-8, I find no technical issues surrounding these requests; however, realizing I've made several comments and recommendations, I'll attempt to summarize below only those budgets I've made a suggestion or recommendation:

Item #	Program	Recommendation
#3 & #30	Marshal Service	Table - Pending an explanation to the current budget analysis by program
#5	Cash Reserve	Remove - Pending review of LA #5-02 reserve policy
#6	Pace Building	Remove - Allow CNB to maintain 100% of construction financing
#7	Election Fund	Table - Pending an explanation to the current budget comparison
#22	Internal Lease Bldg	Redirect proceeds of debt from Pace building to Items #11 thru #15
#21	CN Landfill	Leave in - Request legal opinion regarding contract arrangement

This is the largest budget modification package I've had the opportunity to review for the council. It is the largest both in dollars and quantity of budgets and with the exception of the few items noted above, the remaining 45 budgets appear to be technically sound. I apologize for the delay in getting you this report. This package obviously took longer to review than normal and I took the extra time to ensure this \$22 million legislative act received an adequate review. If I can provide any further information, please do not hesitate to contact me.

\* EIF Committee Approved MOD-8 (subject to above recommendations) plus :

- ① \$575,000 Poll Scholarships
- ② \$2,500,000 Contract Health

Respectfully,

*Doug Evans* *W/11/07*  
Attachments

*Tribal Council added Back Items # 3 & #30  
and increased #2 by \$25,000 - Webbers Falls  
Water District.*

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Respectfully,

*Doug Evans*

Attachments

(A)

CHEROKEE NATION  
FY 2007 REPORTING  
Sorted by Funding Source

			Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2007 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change Net Change
20-DOI-General	1	3200000 - SHS Education	LA 26-06	700,199	700,199 \$ -
<b>20-DOI-General Total</b>				<b>\$ 700,199</b>	<b>\$ 700,199</b> \$ -
40-DHHS-General	2	3401700 - LIHEAP	LA 26-06	82,730	82,730 \$ -
	3	3401710 - LIHEAP Administration	LA 26-06	2,403	2,403 \$ -
	4	3403300 - Cash In Lieu	LA 26-06	6,229	6,229 \$ -
<b>40-DHHS-General Total</b>				<b>\$ 91,362</b>	<b>\$ 91,362</b> \$ -
62-EPA	5	3622030 Brownfields	LA 26-06	(17,602)	(17,602) \$ -
	6	3622080 - ITEC Solid Waste	LA 26-06	8,009	8,009 \$ -
	7	3622190 - CARE Grant	New	49,878	49,878 \$ -
<b>62-EPA Total</b>				<b>\$ 40,285</b>	<b>\$ 40,285</b> \$ -
75-Federal Other	8	3752410 - COP Methamphetamine	LA 26-06	(106,744)	(106,744) \$ -
<b>75-Federal Other Total</b>				<b>\$ (106,744)</b>	<b>\$ (106,744)</b> \$ -
80-Oklahoma	9	3801310 - Resource & Referral / DHS	LA 26-06	7,548	7,548 \$ -
<b>80-Oklahoma Total</b>				<b>\$ 7,548</b>	<b>\$ 7,548</b> \$ -
85-Private	10	3852400 - OU Community Networks Proj	New	67,397	67,397 \$ -
<b>85-Private Total</b>				<b>\$ 67,397</b>	<b>\$ 67,397</b> \$ -
<b>Grand Total</b>				<b>\$ 800,047</b>	<b>\$ 800,047</b> \$ -

MAY 6 2007

TENNESSEE





**C'OKROKEE NATION**  
**Executive & Finance Committee - 06/01/07**  
**Amendments to MOD-8 Request**

Item	Program	Funding Source	Acct Unit	SOURCE	USES	NET
	<b>As submitted:</b>			\$ 25,579,968	\$ 21,858,427	\$ 3,721,541
#3	Marshal Service	Gen Fund	1010145	-	(210,076)	210,076
#30	Marshal Service	NAHASDA	3560681	(374,999)	(374,999)	-
#5	Cash Reserve	Gen Fund	1010300	-	(712,892)	712,892
#6	PACE-Infrastructure	Gen Fund	1010306	(169,151)	(169,151)	-
#7	Tribal Election Fund	Gen Fund	1010360	-	(207,717)	207,717
#11	Saline Courthouse	Gen Fund	1012120	200,000	-	200,000
#22	Internal Lease Buildings	Leases-Internal	2131000	-	30,849	(30,849)
#2	Charitable Contributions	Gen Fund	1010042	-	6,723	(6,723)
New	Higher Ed:Pell Scholarships	Gen Fund	1010178	-	575,000	(575,000)
New	Contract Health - GF	Gen Fund	1010264	-	2,500,000	(2,500,000)
	Total adjustments			(344,150)	1,437,737	(1,781,887)
	<b>As approved in committee</b>			<b>25,235,818</b>	<b>23,296,164</b>	<b>1,939,654</b>
	Items added in Full Council Meeting - 6/11/07					-
	Marshal Service	Gen Fund	1010145		210,076	(210,076)
	Marshal Service	NAHASDA	3560681	374,999	374,999	-
#2	Charitable Contributions	Gen Fund	1010042		25,000	(25,000)
	<b>As approved in Full Council</b>			<b>25,610,817</b>	<b>23,906,239</b>	<b>1,704,578</b>









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## CHEROKEE NATIVE AMERICAN TRIBAL COUNCIL

## FY 2007 DETAIL OF LAW ENFORCEMENT FUNDS (GLA - 650000 / AU1054100)

Vendor / Recipient	Date	Assistance Amount	Buel	Bill John Baker	Audra Conner	Cara Cowan	S. Joe Crittenden	Meredith Fraley	Don Garvin	Chuck Hoekin	William Johnson	Jackie Bob Keener	John Martin	Marlina O'Leary	Linda Thornton	Phyllis Yagge	Description of Equipment
Town of Slaton	06/7/5/07	\$ 1,102.76															Taser Gun and Cartridges
Slaton Police Department	05/7/6/07	\$ 3,679.00															Equipment
Year-to-Date Assistance		\$ 308,237.11	\$ 21,347.74	\$ 21,347.73	\$ 21,342.73	\$ 21,342.73	\$ 20,602.76	\$ 20,602.73	\$ 21,388.25	\$ 19,245.42	\$ 21,342.73	\$ 38,670.00	\$ 38,670.00	\$ 21,342.73	\$ 21,000.00	\$ 16,971.78	\$ 18,971.28
Ending Balance		\$ 57,870.27	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,338.94	\$ -	\$ 6,315.35	\$ 40,456.24	\$ -	\$ 1,114.84
																	2,371.45

