

## An Act

### LEGISLATIVE ACT 05 - 10

#### AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 – Mod. 3; 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. 3”.

#### 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 decreased by <\$258,598> for a total budget authority of \$543,521,290. 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 &lt;Uses&gt;</u>	<u>Adjusted Balance</u>
A. General Fund	\$12,015	\$0	<\$0>	\$12,015
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 a decrease of <\$258,598> to wit:

- A. A reallocation in the **General Fund** budget authority resulting in **\$0** net impact related to additional funding for the Day Work Program as well as lifting the reserve on the County Livestock Auctions and Cherokee Sports Teams budgets.

- B. A reallocation in the **Indirect Cost Pool** budget authority resulting in **\$0** net impact related to a new Planning and Development function within the Management Resource Group.
- C. A reallocation in the **Internal Leases Fund** budget authority resulting in **\$0** net impact between the Grounds and Building Maintenance departments.
- D. An increase in the **DOI – Self Governance Fund** budget authority of **\$149,500** related to a hydroelectric project sub-grant to Cherokee Nation Businesses as well as a special grant for forestry projects.
- E. A reallocation in the **IHS Self Governance - Health Fund** budget authority resulting in **\$0** net impact related to a reorganization of the Contracts, Clinical Support and Quality Improvement functions of the Health Services Group.
- F. A decrease in the **NAHASDA Fund** budget authority of **<\$408,098>** primarily related to the Mortgage Assistance Program as well as a slight reduction in the sub-grant to the Delaware Tribe for administrative activities.

**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.

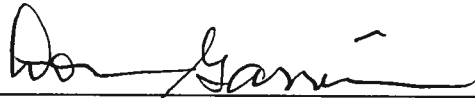
**SECTION 8. SELF-HELP CONTRIBUTIONS**

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 January, 2010

  
Meredith Frailey, Speaker  
Council of the Cherokee Nation

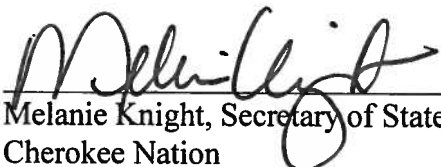
ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15<sup>th</sup> day of JANUARY, 2010

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
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>Yea</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>		



# 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:** 12/3/2009

**Re:** Review of Budget Modification - 3

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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. DECEMBER - GRANTS RECEIVED (REPORTING ONLY):

<u>Funding Source</u>	<u>Program</u>	<u>Amount</u>
DHHS – General	Cancer Programs (2) - Carryover estimate adjustment	<\$357,727>
Dept. of Education	SHS Cultural Enrichment – Revised award amount	\$22,106
Federal - Other	COPS Tribal Resource Grant – New award	\$397,000
"	In Our Own Words Grant – New Award	\$61,162
Oklahoma	Youth Services (3) – Revised awards	<\$10,358>
Private	OU Community Network Project – Revised award	<\$4,270>
	<b>TOTAL DECEMBER GRANTS RECEIVED</b>	<b><u>\$107,913</u></b>

### B. MOD – 3 (13 budgets) Net Decrease in budget authority - <\$258,598>:

#### Indirect Cost Pool Fund: (Reallocation - \$0 Net Impact)

(Items 1 thru 3): A new Indirect Cost budget titled "MRG Planning and Development" (#2) is being requested with a budget of \$405,594. This new item is being funded by a reallocation from Tribal Operations (#1) in the amount of <\$326,951> and Asset Management (#3) of an additional <\$78,643>. Five existing positions will also follow these funds to staff this new separate budget.

#### Internal Leases Fund: (Reallocation - \$0 Net Impact)

(Items 4 & 5): Requesting a reallocation of \$45,383 into the Grounds Maintenance budget (#4) from the Building Maintenance budget (#5) to provide for the transfer of two employees between the departments.

**DOI Self Governance: (Increase - \$149,500)**

(6): Forestry Operations: Requesting an increase in spending authority of \$19,500 related to one-time earmarked funding for tribal forest development projects. It's unclear why the program waited over six months from the receipt of the funding notification to request spending authority.

(7): Energy & Mineral Development: Requesting authority to sub-grant \$130,000 of compact funding to Cherokee Nation Businesses related to the planning and development of a hydroelectric power facility. These funds were awarded in late September and are being timely requested.

**IHS Self Governance - Health: (Reallocation - \$0 Net Impact)**

(Items 8 thru 10): Requesting budget authority to reorganize the Contracts Department (#10) by reallocating \$46,843 to the Clinical Support department (#8) and \$132,216 to the Quality Improvement department (#9). The Contracts Department budget previously consisted of primarily staffing related items.

**NAHASDA Fund: (Net Decrease - <408,098>)**

(11): Mortgage Assistance Program (2007 IHP): Requesting spending authority of \$16,902 carryover dollars from the 2007 Indian Housing Plan.

(12): HADT Administration: Requesting to reduce the amount to send to the Delaware Tribe by <\$20,000> to cover expenditures used by the Housing Services department related to oversight activities.

(13): Mortgage Assistance Program (2009 IHP): Requesting a decrease of <\$405,000> funds available for expenditure in FY10 based upon program expenditures occurring in the previous fiscal year FY09.

**C. LAW ENFORCEMENT & CEMETERIES FUNDS:**

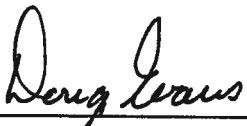
The attached lists of projects have been approved, or are being requested to be approved in this Executive/Finance Committee. These projects have already been appropriated; therefore, there is no need to appropriate the funds again. This list is for informational purposes and is included within this mod package review for inclusion purposes.

**Summary:**

After reviewing the submission of Mod-3 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,



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Attachments

CHEROKEE NATION  
 FY 2010 REPORTING  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2010 Pr	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
40-DHHS-General	1	3402100 - CDC Breast&Cervical Cancer	LA 21-09	(337,918)	(337,918)	\$ -
	2	3402110 - Comprehensive Cancer Control	LA 21-09	(19,809)	(19,809)	\$ -
<b>40-DHHS-General Total</b>				<b>\$ (357,727)</b>	<b>\$ (357,727)</b>	<b>\$ -</b>
50-US Department of Educatic	3	3504000 - SHS Cultural Enrichment	LA 21-09	22,106	22,106	\$ -
<b>50-US Department of Education Total</b>				<b>\$ 22,106</b>	<b>\$ 22,106</b>	<b>\$ -</b>
75-Federal Other	4	3753700 - COPS Tribal Resources Grant	New	397,000	397,000	\$ -
	5	3753800 - In Our Own Words	New	61,162	61,162	\$ -
<b>75-Federal Other Total</b>				<b>\$ 458,162</b>	<b>\$ 458,162</b>	<b>\$ -</b>
80-Oklahoma	6	3801010 - Youth Services Shelter Program	LA 21-09	(2,589)	(2,589)	\$ -
	7	3801020 - Youth Services Comm Based Prog	LA 21-09	(2,590)	(2,590)	\$ -
	8	3801030 - Youth Srv 1st Time Offender	LA 21-09	(5,179)	(5,179)	\$ -
<b>80-Oklahoma Total</b>				<b>\$ (10,358)</b>	<b>\$ (10,358)</b>	<b>\$ -</b>
85-Private	9	3852400 - OU Community Networks Proj	LA 21-09	(4,270)	(4,270)	\$ -
<b>85-Private Total</b>				<b>\$ (4,270)</b>	<b>\$ (4,270)</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 107,913</b>	<b>\$ 107,913</b>	<b>\$ -</b>

*December Grants  
 (Reporting Only)*

CHEROKEE NATION  
PROPOSED FY 2010 AMENDMENT  
Sorted by Funding Source

MOO-3  
Amended

Funding Source	Ref # by FS	Program/Purpose	FY 2010 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	a	1010025 - Cherokee Sports Teams	LA 21-09	-	-	\$ -
	b	1010026 - County Livestock Auctions	LA 21-09	-	-	\$ -
	c	1010290 - Contingencies Reserves	LA 21-09	(750,000)	(750,000)	\$ -
	d	1010555 - Cherokee Day Work Program	LA 23-09	750,000	750,000	\$ -
<b>01-Cherokee Nation Total</b>				\$	\$	\$ -
04-Indirect Cost Pool	1	2041040 - Tribal Operations	LA 21-09	-	(326,951)	\$ 326,951
	2	2041041 - MRG Planning and Development	New	-	405,594	\$ (405,594)
	3	2041130 - Asset Management	LA 21-09	-	(78,643)	\$ 78,643
<b>04-Indirect Cost Pool Total</b>				\$	\$	\$ -
13-Leases-Internal	4	2132030 - Grounds Maintenance	LA 21-09	-	45,383	\$ (45,383)
	5	2132040 - Building Maintenance	LA 21-09	-	(45,383)	\$ 45,383
<b>13-Leases-Internal Total</b>				\$	\$	\$ -
22-DOI - Self Governance	6	3221080 - SG-Forestry Operations	LA 21-09	19,500	19,500	\$ -
	7	3221140 - Energy and Mineral Development	LA 21-09	130,000	130,000	\$ -
<b>22-DOI - Self Governance Total</b>				\$	\$	\$ -
32-IHS - Self Governance Health	8	3324700 - Clinical Support	LA 21-09	46,843	46,843	\$ -
	9	3324800 - Quality Improvement	LA 21-09	132,216	132,216	\$ -
	10	3325200 - Contracts	LA 21-09	(179,059)	(179,059)	\$ -
<b>32-IHS - Self Governance Health Total</b>				\$	\$	\$ -
56-NAHASDA	11	3560772 - MAP	New	16,902	16,902	\$ -
	12	3560892 - HADT Administration	LA 21-09	(20,000)	(20,000)	\$ -
	13	3560929 - Mortgage Assistance	LA 21-09	(405,000)	(405,000)	\$ -
<b>56-NAHASDA Total</b>				\$	\$	\$ -
<b>Grand Total</b>				\$	\$	\$ -

*Items a, b, c & d were amended during the Tribal Council Meeting on 01/11/2010.*

**CHEROKEE NATION TRIBAL COUNCIL  
FY 2010 DETAIL OF LAW ENFORCEMENT FUNDS (GLA - 6500000 / AU1054100)**

Vendor / Recipient FY2009 Carryover FY2010 MVT Apportionment FY2010 Available Balance	Assistance		Tina Jordan	S. Joe Crittenden	Jodie Fishinghawk	David Thornton	Janelle Fulbright	Don Garvin	Curtis Snell	Harvey Bizzard	Meredith Friley	Chris Soop	Cara Cowan	Buel Anglen	Brad Cobb	Chuck Hostin, Jr.	Description of Request	Requested	Received	Submitted	PAID
	Date	Amount																			
	10/01/09	\$ 17,528.82	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
	01/28/09	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
		\$ 17,528.82	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
	mm/dd/year	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
	mm/dd/year	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
	mm/dd/year	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
	mm/dd/year	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Year-to-Date Assistance		\$ 17,528.82	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Remaining Balance		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				

\*NO PENDING LAW ENFORCEMENT REQUESTS FROM AVAILABLE BALANCES THIS MONTH.\*

**NOTE:** FY2010 Motor Vehicle Apportionments will be made in January, 2010 and will be included in this report and made available for obligations.



**CHEROKEE NATION TRIBAL COUNCIL**  
**FY2010 CEMETERY PRESERVATION ASSISTANCE**  
(AU:1023065 / Acct:680000)

Recipient	Approved Date	Cherokee Nation District	Assistance Amount
<b>FY10 Available Balance (Direct)</b>	10/01/09	.	<b>\$ 147,184.00</b>
Fisher Cemetery - Bert Nelson	10/29/09	4 - Three Rivers	\$ 500.00
Chunestudy Family Cemetery-T. Chunestudy	10/29/09	5-Delaware	\$ 500.00
Elm Cemetery - Jim Martin	10/29/09	5-Delaware	\$ 500.00
Squa-da-lee-chee Cemetery-P. Pettit	10/29/09	2-Trail of Tears	\$ 500.00
Blackwood Cemetery-J. Hummingbird	10/29/09	2-Trail of Tears	\$ 500.00
Feathers Cemetery - Gary Littledeer	10/29/09	2-Trail of Tears	\$ 500.00
Littledeer Cemetery - Gary Littledeer	10/29/09	2-Trail of Tears	\$ 500.00
Hickory Creek Cemetery-Bill Davis	10/29/09	9-Craig	\$ 500.00
Timber Hill Cemetery-Bill Davis	10/29/09	9-Craig	\$ 500.00
GooseNeck Cemetery-Bill Davis	10/29/09	9-Craig	\$ 500.00
Duncan Cemetery-Earl Strebeck	10/29/09	3-Sequoyah	\$ 500.00
Phillips Cemetery-Polly Tyler	11/17/09	4-Three Rivers	\$ 500.00
Snake Girty Cemetery-Doris Girty Prichard	11/17/09	4-Three Rivers	\$ 500.00
Tyler Springs Cemetery-Jeffrey Simpson	11/17/09	2-Trail of Tears	\$ 500.00
Keener Cemetery - Amy Mathis	12/15/09	1-Cherokee	\$ 500.00
McKey Indian Cemetery-Jackie Pop	12/15/09	3-Sequoyah	\$ 500.00
Long Prairie Cemetery-Matthew Fields	12/15/09	5-Delaware	\$ 500.00
Garvin Cemetery - Herbert Garvin	12/15/09	3-Sequoyah	\$ 500.00
Piney Cemetery - Piney Baptist Church	12/15/09	5-Delaware	\$ 500.00
O'Field Cemetery - Piney Baptist Church	12/15/09	5-Delaware	\$ 500.00
			\$ 10,000.00
<b>Ending Balance</b>			<b>\$ 137,184.00</b>

ok

**COMPREHENSIVE BUDGET  
FOR FISCAL YEAR 2010  
Including Mod 3 Request**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	72,736,273	2,167,697	74,903,970	62,925,704	5,290,682	6,675,569	74,891,955	12,015
Motor Fuels Tax Funding Srce	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 Srce	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	12,531,459	79,600	12,611,059	11,441,543	1,129,516	40,000	12,611,059	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
DOI PL102-477 Funding Source	18,934,216	0	18,934,216	18,050,087	884,129	0	18,934,216	0
IHS Self Gov Health Funding Sr	170,335,375	0	170,335,375	155,182,167	11,885,770	3,267,438	170,335,375	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 Srce	400,000	0	400,000	30,000	0	370,000	400,000	0
DHHS General Funding Source	35,241,630	728,720	35,970,350	33,045,215	2,845,135	80,000	35,970,350	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 Srce	1,237,796	62,094	1,299,890	1,176,685	123,205	0	1,299,890	0
HUD Funding Source	61,703,507	505,805	62,209,312	56,421,106	3,742,191	2,046,015	62,209,312	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	3,033,225	0	3,033,225	2,731,774	301,451	0	3,033,225	0
Dept of Labor Funding Source	7,266,619	0	7,266,619	6,522,165	744,454	0	7,266,619	0
Federal Other Funding Source	8,965,178	0	8,965,178	8,444,525	95,653	425,000	8,965,178	0
State of Oklahoma Funding Srce	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
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	12,000	407,865	147,212	8,653	0	155,865	252,000
Debt Service Funding Source	0	3,167,438	3,167,438	2,602,118	0	565,320	3,167,438	0
<b>Total</b>	<b>\$ 514,720,112</b>	<b>\$ 25,913,761</b>	<b>\$ 540,633,873</b>	<b>\$ 511,080,323</b>	<b>\$ 115,955</b>	<b>\$ 25,913,761</b>	<b>\$ 537,110,039</b>	<b>\$ 3,523,834</b>

Mod-2 Amended \$ 6,669,849 Apprd'd in Dec TCM  
Mod-3 Request \$ (258,598)

**Total after Mod-3 Request \$ 543,521,290**