

An Act

LEGISLATIVE ACT 11-24

AN ACT AMENDING LEGISLATIVE ACT #21-23 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2024 – 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 #21-23 Authorizing the Comprehensive Capital Budget for fiscal year 2024 – 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 Capital Budget Act for Fiscal Year 2024” or subsequent amendment. The cumulative total of the capital budget is increased by \$ 55,720,744 for a total capital budget authority of \$ 817,705,871. The following items are identified as the components of such change:

Grants Received & Authorized per L.A. 21-23 (detail attached)	\$	0
Modification Request (per Section 4 below)		<u>55,720,744</u>
Cumulative change in budget authority	\$	<u>55,720,744</u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #21-23 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 \$ 55,720,744 to wit:

- A. A decrease in the **Motor Vehicle Tax** budget authority of \$ (366,052).
- B. An increase in the **IHS Self Governance Health** budget authority of 40,000,000.
- C. An increase in the **Capital Projects** budget authority of \$ 16,086,796.

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 11th day of March, 2024



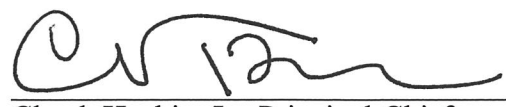
Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:



Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19 day of March, 2024



Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:



Shella Bowlin, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Sasha Blackfox-Qualls	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Lisa Hall	<u>Yea</u>	Dora Patzkowski	<u>Yea</u>
Dr. Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Absent</u>
E.O. "Jr." Smith	<u>Yea</u>	Kevin Easley, Jr.	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Josh Sam	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Codey Poindexter	<u>Yea</u>	Julia Coates	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

CHEROKEE NATION
 PROPOSED FY 2024 AMENDMENT
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2024- Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
05-MOTOR VEHICLE	1	10520000 MVT Highways Const	LA 21-23	(366,052)	(366,052)	\$ -
05-MOTOR VEHICLE Total				\$ (366,052)	\$ (366,052)	\$ -
32-IHS HEALTH	2	33290300 Health Equipment Replacement	LA 21-23	40,000,000	40,000,000	\$ -
32-IHS HEALTH Total				\$ 40,000,000	\$ 40,000,000	\$ -
96-CAPITAL PROJ	3	79646000 Pryor CDC Construction	LA 21-23	(861,302)	(861,302)	\$ -
	4	79647000 Tahlequah CDC Expansion	LA 21-23	(409,454)	(409,454)	\$ -
	5	79649000 Stilwell CDC Expansion	LA 21-23	(905,425)	(905,425)	\$ -
	6	79655000 Tribal Complex Construction	LA 21-23	(2,767)	(2,767)	\$ -
	7	79655100 Storm Shelter Vault Realty Dpt	LA 21-23	(30,000)	(30,000)	\$ -
	8	79657000 Registration Dept Vault Expans	LA 21-23	10,000	10,000	\$ -
	9	79671000 Salina Clinic Construction	LA 21-23	(3,058,813)	(3,058,813)	\$ -
	10	79685000 Stilwell Clinic Const	LA 21-23	3,016,157	3,016,157	\$ -
	11	79686000 Stilwell Wellness Center	LA 21-23	(1,140,057)	(1,140,057)	\$ -
	12	79690100 WW Hastings Hospital Const	LA 21-23	(38,539,043)	(38,539,043)	\$ -
	13	79690110 New Hospital Equipment	New	50,000,000	50,000,000	\$ -
	14	79690200 Behavioral Hlth Resid Tx Ctr	LA 21-23	8,007,500	8,007,500	\$ -
96-CAPITAL PROJ Total				\$ 16,086,796	\$ 16,086,796	\$ -
Grand Total				\$ 55,720,744	\$ 55,720,744	\$ -

Capital Mod #3 Request

COMPREHENSIVE BUDGET FOR FISCAL YEAR 2024

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Capital Projects	408,269,531	142,045,473	550,315,004	550,195,129	119,875	0	550,315,004	-
Department of Education	2,107,517	87,222	2,194,739	2,046,011	128,728	20,000	2,194,739	-
Department of Labor	18,662,936	0	18,662,936	17,777,504	885,432	0	18,662,936	-
Dept of Transportation Compact	104,572,358	0	104,572,358	104,180,239	292,119	100,000	104,572,358	-
DHHS General	94,774,476	692,099	95,466,575	88,863,358	6,603,217	0	95,466,575	-
DOI General	22,119,195	0	22,119,195	20,472,297	1,646,898	0	22,119,195	-
DOI PL 102-477	454,343,046	0	454,343,046	391,361,712	3,861,854	59,119,480	454,343,046	-
DOI Self Governance	58,160,482	79,600	58,240,082	54,780,838	3,434,244	25,000	58,240,082	-
Enterprise	1,813,061	6,840,071	8,653,132	8,522,381	130,751	0	8,653,132	-
EPA	3,243,927	0	3,243,927	3,012,186	231,741	0	3,243,927	-
Federal Other	883,550,989	0	883,550,989	878,767,792	2,138,726	2,644,471	883,550,989	-
HUD	67,537,996	1,877,501	69,415,497	66,014,976	323,020	3,077,501	69,415,497	-
Indirect Cost	87,568,049	11,250	87,579,299	87,579,299	0	0	87,579,299	-
IHS Discretionary	2,500,000	0	2,500,000	150,000	0	2,350,000	2,500,000	-
IHS Self Governance Health	917,067,233	0	917,067,233	778,082,586	49,282,701	89,701,946	917,067,233	-
IHS Self Governance Office	386,587	0	386,587	349,472	37,115	0	386,587	-
IHS Self Governance TEH	30,009,029	0	30,009,029	29,606,920	402,109	0	30,009,029	-
Internal Lease Pool	7,400,156	0	7,400,156	7,400,156	0	0	7,400,156	-
Motor Fuel Tax	11,605,384	23,516,884	35,122,268	24,898,770	98,498	10,125,000	35,122,268	-
Motor Vehicle Tax	42,406,756	289,960	42,696,716	41,258,309	915,276	523,131	42,696,716	-
Other	268,000	17,000	285,000	279,945	5,055	0	285,000	-
Permanent Funds	9,100	0	9,100	9,100	0	0	9,100	-
Private	3,466,684	0	3,466,684	3,426,916	39,768	0	3,466,684	-
State of Oklahoma	1,062,082	0	1,062,082	980,224	81,858	0	1,062,082	-
Tribe Funded	352,871,974	31,718,104	384,590,078	336,970,020	7,155,467	40,464,591	384,590,078	-
USDA	47,871,237	975,956	48,847,193	46,212,035	2,635,158	0	48,847,193	-
Total	\$ 3,623,647,785	\$ 208,151,120	\$ 3,831,798,905	\$ 3,543,198,175	\$ 80,449,610	\$ 208,151,120	\$ 3,831,798,905	\$ -

Non Grant Requests

CAPITAL RECONCILIATION

LA 21-23	\$ 753,582,109
Cap Mod #1	120,038
Cap Mod #2	8,282,980
Cap Mod #3	55,720,744

Total Capital \$ 817,705,871

Total after pending Mod's \$ 3,897,958,006

Operating - cumulative total
Capital - cumulative total

Grand Total \$ 3,897,958,006

Cap Mod #3	55,720,744	02/29 E&F
Oper Mod #5	10,438,357	02/29 E&F



CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight

Mem o

To: Josh Sam, Chairman, Executive & Finance Committee
From: Jody S. Reece
CC: Executive & Finance Committee
Date: 02/16/2024
Re: Review of Capital Budget Modification #3 – **Total \$ 55,720,744**

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. Grant Reporting:

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

B. MOD #3 Request - Decrease in budget authority - \$ 55,720,744

1. MVT Highway Construction – 1052000 – Motor Vehicle Tax: Modification requesting a decrease in expenditure authorization of \$ (366,052) for the allocation of the 2023 Motor Vehicle Taxes and adjustment for actual carryover. The new budget total is \$10,329,820 (\$6,624,972 carryover and \$3,704,848 current allocation). The current allocation is a decrease of \$82,961 from last year’s allocation. The MVT allocation to highways/roads is 20% of the total motor vehicle tax revenues. Of this total, 90% is allocated to this construction budget and 10% is allocated to the roads administration budget presented in the operating budget modification. You can see below the growth the last few years and the downturn this last year:

	<u>Total Allocation</u>	<u>Per Council Member</u>
2024 (2023 revenues)	\$3,704,848	\$246,990
2023 (2022 revenues)	\$3,787,809	\$252,521
2022 (2021 revenues)	\$3,721,792	\$248,119
2021 (2020 revenues)	\$3,144,458	\$209,631
2020 (2019 revenues)	\$3,017,931	\$201,195

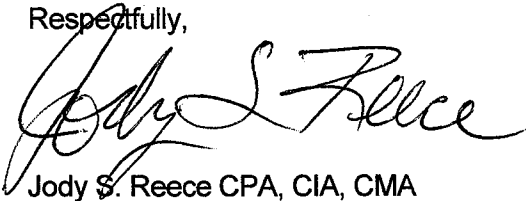
2. Health Equipment Replacement – 33290300 – IHS Self Governance Health: Modification requesting an increase in transfer authorization of \$40,000,000. Funding provided by Health carryover. The increase in transfer out has three components: \$11,000,000 decrease in transfer to WW Hasting Hospital Construction, \$1,000,000 increase in transfer out to the Salina Clinic Construction, and \$50,000,000 transfer out to New Hospital Equipment. The new budgeted expenditure and transfer out total is \$117,525,993.

3. Pryor CDC Construction – 79646000 – Capital Projects: Modification requesting a decrease in expenditure authorization of \$(861,302). Offsetting reduction of funding to transfer in of PL 102-477 funding from the operating budget mod. The new budgeted expenditure total is \$23,781,016.
4. Tahlequah CDC Expansion – 79647000 – Capital Projects: Modification requesting decrease in expenditure authorization of \$(409,454). Offsetting reduction of funding to transfer in of PL 102-477 funding from the operating budget mod. The new budgeted expenditure total is \$687,878.
5. Stilwell CDC Expansion – 79649000 – Capital Projects: Modification requesting a decrease in expenditure authorization of \$(905,425). Offsetting reduction of funding to transfer in of PL 102-477 funding from the operating budget mod. The new budgeted expenditure total is \$883,742.
6. Tribal Complex Construction – 79655000 – Capital Projects: Modification requesting a decrease in expenditure authorization of \$(2,767) for adjustment to actual carryover. The new budgeted expenditure total is \$16,233.
7. Storm Shelter Vault Realty Department – 79655100 – Capital Projects: Modification requesting a decrease in expenditure authorization of \$(30,000) for adjustment to actual carryover. The new budgeted expenditure total is \$123,452.
8. Registration Department Vault Expansion – 79657000 – Capital Projects: Modification requesting an increase in expenditure authorization of \$10,000 for adjustment to actual carryover. The new budgeted expenditure total is \$981,500.
9. Salina Clinic Construction – 79671000 – Capital Projects: Modification requesting a decrease in expenditure authorization of \$(3,058,813). Actual carryover funding is reduced by \$(4,058,813) and transfer in from the Health Equipment Replacement budget is increased by \$1,000,000. The new budgeted expenditure total is \$59,370,696.
10. Stilwell Clinic Construction – 79685000 – Capital Projects: Modification requesting an increase in expenditure authorization of \$3,016,157 for adjustment to actual carryover. The new budgeted expenditure total is \$3,826,245. Construction is complete so the carryover funding will be transferred in a later modification to the Salina Clinic Construction and/or the WW Hasting Hospital Construction.
11. Stilwell Wellness Center – 79686000 – Capital Projects: Modification requesting a decrease in expenditure authorization of \$(1,140,057) for adjustment to actual carryover. The new budgeted expenditure total is \$20,059,943.
12. WW Hasting Hospital Construction – 79690100 – Capital Projects: Modification requesting a decrease in expenditure authorization of \$(38,539,043). Actual carryover funding is reduced by \$(15,856,129), Proceeds from Long Term Debt is reduced by \$(11,682,914) and transfer in from the Health Equipment Replacement budget is reduced by \$(11,000,000). The new budgeted expenditure total is \$339,989,432.
13. New Hospital Equipment – 79690110 – Capital Projects: New budget requesting expenditure authorization of \$50,000,000 provided by a transfer in from the Health Equipment Replacement budget.
14. Behavioral Health Resident Treatment Center – 79690200 – Capital Projects: Modification requesting an increase in expenditure authorization of \$8,007,500. Actual carryover funding is increased by \$7,500 and transfer in from General Fund Operations (opioid settlement funds allowed per LA 02-23) is increased by \$8,000,000. The new budgeted expenditure total is \$17,937,500.

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,

A handwritten signature in black ink, reading "Jody S. Reece". The signature is written in a cursive style with a large, stylized initial "J".

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