

An Act

Legislative Act: 29-10

AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2011 BUDGET; AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE COUNCIL OF THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be titled and codified as "The Comprehensive Budget for Fiscal Year 2011."

Section 2. Purpose: To comply with the Constitution and laws of the Cherokee Nation, to authorize funding for governmental operations and to provide full disclosure of finances, expenditures and revenues.

- A. The purpose of this enactment is intended to review, authorize, approve and ratify appropriations and planned expenditures from all sources in compliance with the specific laws governing appropriations (62 CNCA 31 & 32).
- B. The use of such funds shall be subject to public disclosure.
- C. The funding sources are to provide budget authority for expenditures of the Cherokee Nation's Executive, Judicial and Legislative Departments (Branches), including any authorized Commissions, Boards, Authorities and Enterprises operated by the Nation.
- D. The funding sources include funds from compacts, grants, contracts, miscellaneous sources and contributions, dividends, revenues of enterprises, taxes, special and general fund sources, indirect costs or trust funds.
- E. This enactment shall govern the proper use of all funds during the course of business for Fiscal Year 2011. No other expenditure or use is authorized except as provided herein or as provided by subsequent amendments to this authorization.

Section 3. Policy of Accountability:

- A. All funds under the care of the Cherokee Nation shall only be expended as authorized by this enactment unless amended.
- B. Any official who intentionally and willfully misuses, misapplies, diverts or embezzles the application or use of any public funds entrusted to the care of the Cherokee Nation from any sources may be prosecuted according to applicable criminal statutes.

- C. The enactment of this Act or any part thereof, does not ratify, condone or legalize any prior expenditure which may be incurred contrary to Cherokee law. Any unauthorized expenditures, misappropriations, or other illegal acts involving the finances of the Cherokee Nation or any of its subsidiaries may be prosecuted under applicable law or other appropriate administrative or legal remedies.

Section 4. Legislative History

- A. The Constitution and laws (Title 62 of the Cherokee Nation Code) provides the requirements for appropriations, review and authorization for the use of all funds.
- B. The budget estimates of revenues and expenditures for Fiscal Year 2011 to document funding availability and provide justifications for expenditures are incorporated herein.
- C. All previous resolutions, statutes and relevant Court Decisions as may be applicable are acknowledged.

Section 5. Legal Authorities Governing the Use of Funds.

- A. The Constitution of the Cherokee Nation.
- B. Applicable Cherokee Nation Statutes and the Cherokee Nation Code Annotated (CNCA).
- C. Applicable Federal law and regulations regarding contracts, compacts, grants and use of trust funds.

Section 6. Funding Allocations and Justifications

- A. The allocations from all sources of revenues have been proposed as estimates and justified by the Principal Chief for the Executive, the Chief Justice of the Supreme Court for the Judiciary and by the Speaker of the Council for the Legislative Branch.
- B. These proposed allocations for funding are hereby approved and incorporated herein as set forth in the justifications contained in the "Comprehensive Budget Estimates for Fiscal Year 2011" submitted by the Treasurer as revised and approved by the Council of the Cherokee Nation after hearings before the Executive and Finance Committee. The approved allocations from all sources are subject to the availability of funds as projected and estimated.

Section 7. Amounts Authorized and Required Reports to the Council.

- A. The budget authority for the Fiscal Year 2011 budget is \$580,448,091. The Executive, Judicial and Legislative Branches are authorized to expend such funds as set forth in the justifications subject to the continued availability of revenues.

- B. The Executive Branch shall provide monthly and annual financial reports in compliance with the Cherokee Constitution and laws and as the Tribal Council directs.
- C. Budget authority is also provided for financial obligations associated with debt service that are not shown as expenses in the Budget Justifications. Total budget authority is set forth and documented in the Principal Chief's budget estimates—incorporated herein, as revised by the Tribal Council through budget hearings and attached as Exhibit - A incorporated herein. Authority to expend grant funds as a result of future awards during FY2011 is authorized, provided that budget amendments adding new accounting units or adjustments to existing accounting units incorporated in the Comprehensive Budget for FY2011 are submitted to the Council within thirty days of the receipts of any such award or notice of funding adjustment.
- D. Indirect cost pool expenditures are limited to a rate approved by the Inspector General for use in Fiscal Year 2011.

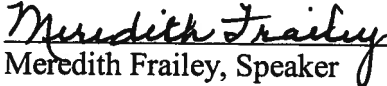
Section 8 Severability

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 (code section) 8. 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 and be in full force after its passage and approval.

Enacted by the Council of the Cherokee Nation on the 13th day of September, 2010.


Meredith Frailey, Speaker
Council of the Cherokee Nation

ATTEST:

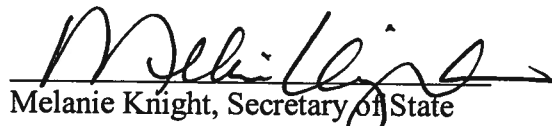

Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 17th day of September, 2010.



Chad Smith, Principal Chief
Cherokee Nation

ATTEST:



Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Bill John Baker	<u>Nay</u>	Chris Soap	<u>Yea</u>
Tina Glory Jordan	<u>Nay</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Nay</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Nay</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Absent</u>	Chuck Hoskin, Jr.	<u>Nay</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley Buzzard	<u>Yea</u>	Jack Baker	<u>Yea</u>
Curtis Snell	<u>Nay</u>		

FY2011 BUDGET ADJUSTMENTS TO PROPOSAL

Adjustments derived from Legislative Review Hearings:

#	Program	Group	Funding Src	AU	Impact of adjustments to:		
					Sources	Uses	Net
Proposed Budget - From Administration					\$ 583,413,936	\$ 580,101,615	\$ 3,312,321
1.a	EHS - Admin (set-aside)	Community Services	S/G-T.E.H.	3331000		(500,000)	500,000
1.b	EHS - Admin (S/H Waterlines)	Community Services	S/G-T.E.H.	"		250,000	(250,000)
1.c	EHS - Admin (reserve by approp.)	Community Services	S/G-T.E.H.	"		250,000	(250,000)
2.	MVT Highways - Admin	Community Services	MVT	1052010		-	-
3.	MVT Highways - Construction	Community Services	MVT	1052000	300,000	300,000	-
4.	MFT Reserves - Roads	Community Services	MFT	1022020	(300,000)	(300,000)	-
5.	County Livestock Auctions	Community Services	Gen Fund	1010026	25,000	25,000	-
6.	Cherokee Sports Teams	Community Services	Gen Fund	1010025	25,000	25,000	-
7.	Self Help Community Waterlines	Community Services	Gen Fund	1010432	100,000	100,000	-
8.	Individual Water and Sewer	Community Services	Gen Fund	1010431	150,000	150,000	-
9.	Self Help Community Waterlines	Community Services	Gen Fund	1010432		(200,000)	200,000
10.	Rural Fire Stations	Community Services	Gen Fund	1010465		150,000	(150,000)
11.	Community Adult Assistance	Community Services	Gen Fund	1010439		50,000	(50,000)
12.	Tribal Council (community mailing)	Tribal Council	Gen Fund	1010700		46,476	(46,476)
Total Adjustments to Proposed Budget					\$ 300,000	\$ 346,476	\$ (46,476)
Total FY2011 Budget After Adjustments					\$ 583,713,936	\$ 580,448,091	\$ 3,265,845

Itemized Adjustments by Funding Sources

General Fund - Proposed	54,020,780	53,974,304	46,476
Adjustments	300,000	346,476	(46,476)
General Fund - Adjusted	54,320,780	54,320,780	-
Motor Fuel Tax - Proposed	32,329,196	32,329,196	-
Adjustments	(300,000)	(300,000)	-
Motor Fuel Tax - Adjusted	32,029,196	32,029,196	-
Motor Vehicle Tax - Proposed	9,717,383	9,717,383	-
Adjustments	300,000	300,000	-
HUD - Adjusted	10,017,383	10,017,383	-
IHS Self Gov - T.E.H. - Proposed	6,575,576	6,575,576	-
Adjustments	-	-	-
IHS Self Gov = T.E.H. - Adjusted	6,575,576	6,575,576	-
Total of Adjustments	\$ 300,000	\$ 346,476	\$ (46,476)