

# An Act

## LEGISLATIVE ACT 34-10

### AN ACT AMENDING LEGISLATIVE ACT #29-10 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2011 – Mod. 1; 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 #29-10 Authorizing the Comprehensive Budget for Fiscal Year 2011 – Mod. 1**”.

#### 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 2011” or subsequent amendment. The cumulative total of the budget is increased by **\$3,525,612** for a total budget authority of **\$583,973,703**. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

|                    | Previous<br>Balance | Estimated<br>Sources | Estimated<br><Uses> | Adjusted<br>Balance |
|--------------------|---------------------|----------------------|---------------------|---------------------|
| A. Tribally Funded | \$0                 | \$192,307            | \$115,360           | \$0                 |
| B. Motor Fuels Tax | \$0                 | <\$69,738>           | <\$69,738>          | \$0                 |

|   |                           |
|---|---------------------------|
| Grants Received & Authorized per LA-29-10 (detail attached) | \$2,284,128               |
| Modification Request #1 (see Section 4 below)               | <u>\$1,241,484</u>        |
| <b>Cumulative change in budget authority</b>                | <b><u>\$3,525,612</u></b> |

#### 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 modification request changes the total amount of the comprehensive budget authorization by an increase of **\$1,241,484** to wit:

- A. An increase in the **General Fund** budget authority of **\$192,307** related to the Contingency Fund, Legistar System, Cherokee Publications and the Veterans Center project.

- B. A decrease in the **Motor Fuels Tax Fund** budget authority of <\$69,738> related to the Cemetery Preservation Fund.
- C. An increase in the **Indirect Cost Pool Fund** budget authority of \$18,000 related to the Cherokee Publications budget.
- D. An increase in the **IHS Self Governance - Health Fund** budget authority of \$521,438 related to prior year funding for Contract Health and Facility Improvements.
- E. A net decrease in the **NAHASDA Fund** budget authority of <\$106,323> related to Housing Development and TERO Monitoring programs.
- F. An increase in the **Capital Projects Fund** budget authority of \$685,800 related to the Hastings Warehouse and Physical Therapy Building Expansion projects.

**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.

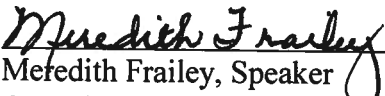
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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 22<sup>nd</sup> day of November, 2010

  
Meredith Frailey, Speaker  
Council of the Cherokee Nation

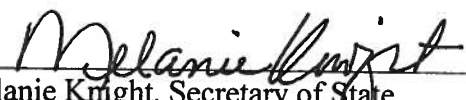
ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 24 day of November, 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>Absent</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:** 10/13/2010

**Re:** Review of Budget Modification - 1

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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. OCTOBER - GRANTS RECEIVED (REPORTING ONLY):

| <u>Funding Source</u>                | <u>Program</u>                              | <u>Amount</u>             |
|--------------------------------------|---|---------------------------|
| DHHS - General                       | HIV Prevention grant (carryover adj.)       | \$54,159                  |
| " "                                  | CHIPRA grant (carryover adj.)               | \$293,616                 |
| E.P.A.                               | Clean Air Monitoring grant (carryover adj.) | <\$117,899>               |
| "                                    | 3 GAP grants (revised/new awards)           | \$446,633                 |
| "                                    | ITEC Tribal Pesticides grant (new award)    | \$50,000                  |
| Federal - Other                      | ES DOE Refueling Station #2 (award adj.)    | \$583,243                 |
| "                                    | DOE Refueling Station #1 (award adj.)       | \$504,191                 |
| "                                    | DOE Recycle Facility (award adj.)           | \$470,185                 |
| <b>TOTAL OCTOBER GRANTS RECEIVED</b> |   | <b><u>\$2,284,128</u></b> |

### B. MOD – 1 (14 budgets) Net Increase in budget authority - \$1,241,484:

#### General (Tribal) Fund: (Net Increase - \$192,307)

(1): Legistar Software: Requesting operating budget for current fiscal year. Although the Tribal Council's budget was retained at the prior year's level, this budget was intended to be as well, but was inadvertently omitted. This budget for \$50,000, along with item #2, are being funded by a correction in the cemetery preservation budget (item #6) resulting in \$0 net impact to the General Fund.

(2): Contingencies Reserves: Requesting the balance of funds freed up by the correction of item #6 below, in the amount of \$120,307.

(3): Capital Improvement Reserve: Requesting a reclass of <\$500,000> earmarked for the Veterans Center into its own budget (see item #5 below).

(4): Cherokee Publications – GF: Requesting a **\$22,000** increase in spending authority funded by an increase to the anticipated advertising revenue.

(5): Veterans Center: Requesting to create a stand-alone capital budget of **\$500,000** for the new center from funding previously contained in item #3 above.

**Motor Fuels Tax Fund: (Decrease - <\$69,738>)**

(6): Cemeteries Preservation: Requesting to bring forward the actual carryover from FY10 and remove the previously funded transfer in from the Motor Fuel Tax fund. This results in a net reduction of <\$69,738> and provides for the funding requests in items # 1 & 2 above.

**Indirect Cost Pool: (Increase - \$18,000)**

(7): Cherokee Publications – IDC Fund: Requesting an **\$18,000** increase in spending authority funded by an increase to the anticipated advertising revenue.

**IHS – Self Governance Health: (Increase - \$521,438)**

(8): Contract Health: Requesting an increase of **\$337,488** to a total of \$18.1mm. The increase is related to Catastrophic Health Emergency Funds received late in the prior year.

(9): Health Group Leader: Requesting an increase of **\$183,950** related to a Delaware sub-grant on the IHS Compact.

(10): Hastings Facility Improvement: Requesting a reclass of \$600,000 to provide for a transfer to the WWH Physical Therapy Bldg capital project budget (see item #14 below).

**NAHASDA Fund: (Net Decrease - <\$106,323>)**

(11): Housing Development: Requesting a decrease in spending authority of <**\$202,020**> by the Housing Policy Office from the 2010 Indian Housing Plan.

(12): ES Monitoring TERO NAHASDA: Requesting an increase in spending authority of **\$95,697** related to prior year stimulus funding.

**Capital Projects Fund: (Increase - \$685,800)**

(13): Hastings Warehouse: Requesting to reallocate and transfer \$85,800 into the following capital budget for the Physical Therapy Expansion project.

(14): WWH Physical Therapy Bldg Expansion: Requesting to receive and expend an additional **\$685,800** for a total capital budget of \$2,428,300.

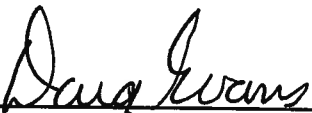
### **C. CEMETERIES & LAW ENFORCEMENT FUNDS:**

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-1 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