

An Act

Legislative Act: 22-16

**AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2017 CAPITAL
APPROPRIATIONS 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 Capital Appropriations Bill for Fiscal Year 2017”.

Section 2. Purpose: To comply with the Constitution and laws of the Cherokee Nation, to authorize funding for governmental Capital-Type Expenditures 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 for Capital Expenditures in compliance with the specific laws governing appropriations (62 CNCA 31 & 32).
- B. The use of such funds shall be subject to public disclosure.

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 2017 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 Capital Appropriations 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. For purposes of this authorization, Capital Expenditures are defined by inclusion on the attached list of project accounting units.
- C. These proposed allocations for funding are hereby approved and incorporated herein.
- D. Funding for the listed projects shall remain in effect until the project is completed or the project is amended by action of the Council.

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

- A. The budget authority for the Fiscal Year 2017 Capital Appropriations budget is \$277,754,636. 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.

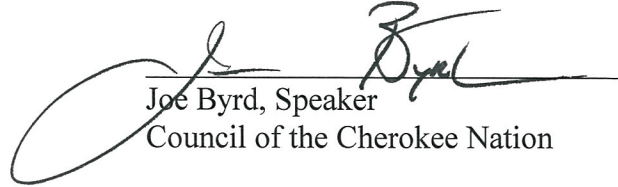
Section 8 Severability

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.

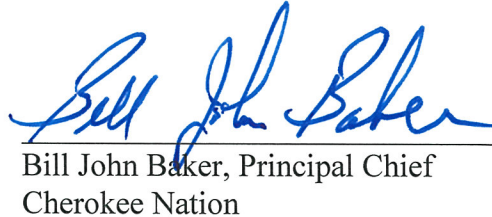
Enacted by the Council of the Cherokee Nation on the 12th day of September, 2016.


Joe Byrd, Speaker
Council of the Cherokee Nation

ATTEST:


Frankie Hargis, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 14 day of September, 2016.


Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:


Chuck Hoskin, Jr., Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

| | | | |
|------------------------|---------------|------------------|---------------|
| Rex Jordan | <u>Absent</u> | Harley Buzzard | <u>Absent</u> |
| Joe Byrd | <u>Yea</u> | Victoria Vazquez | <u>Yea</u> |
| David Walkingstick | <u>Yea</u> | Dick Lay | <u>Yea</u> |
| Don Garvin | <u>Yea</u> | Buel Anglen | <u>Yea</u> |
| David W. Thornton, Sr. | <u>Yea</u> | Keith Austin | <u>Yea</u> |
| Bryan Warner | <u>Yea</u> | Janees Taylor | <u>Yea</u> |
| Frankie Hargis | <u>Yea</u> | Jack Baker | <u>Yea</u> |
| Shawn Crittenden | <u>Yea</u> | Wanda Hatfield | <u>Yea</u> |
| Curtis Snell | <u>Yea</u> | | |

**CHEROKEE NATION
FY2017 BUDGET
ADJUSTMENTS TO PROPOSAL**

Exhibit - A

Adjustments derived from Legislative Review Hearings:

| # | Program | Group | Funding Src | AU | Impact of adjustments to: | | Net |
|----------------------------------------------|-----------------------------|-------------------------------|------------------|---------|---------------------------|-------------------|-------------|
| | | | | | Sources | Uses | |
| Proposed Budget - From Administration | | | | | | | |
| 1. | General Fund Ops | Financial Resources | General Fund | 1010280 | 157,713 | - | 157,713 |
| 2. | General Fund Ops | Financial Resources | General Fund | 1010280 | (2,713) | - | (2,713) |
| 3. | Contributions & Donations | Office of the Principal Chief | General Fund | 1010042 | - | 30,000 | (30,000) |
| 4. | Contributions & Donations | Office of the Principal Chief | General Fund | 1010042 | - | (10,000) | 10,000 |
| 5. | Contributions & Donations | Office of the Principal Chief | General Fund | 1010042 | - | 10,000 | (10,000) |
| 6. | Tribal Complex Construction | Management Resources | Capital Projects | 7965500 | - | 157,713 | (157,713) |
| 7. | Tribal Complex Construction | Management Resources | Capital Projects | 7965500 | - | (157,713) | 157,713 |
| 8. | Cash Reserve | Financial Resources | General Fund | 1010300 | 2,713 | - | - |
| 9. | Housing Accessibility | Human Services | General Fund | 1010440 | - | (200,000) | 200,000 |
| 10. | Housing Accessibility | Office of the Principal Chief | General Fund | 1010440 | - | 325,000 | (325,000) |
| Total Adjustments to Proposed Budget | | | | | \$ 157,713 | \$ 157,713 | \$ - |

| | | | |
|----------------------------------------------|-----------------------|-----------------------|-------------|
| Total FY2017 Budget After Adjustments | \$ 934,219,244 | \$ 934,219,244 | \$ - |
|----------------------------------------------|-----------------------|-----------------------|-------------|

Itemized Adjustments by Funding Sources

| | | | |
|----------------------------------|-------------|-------------|---|
| General Fund - Proposed | 93,551,311 | 93,551,311 | - |
| Adjustments | 157,713 | 157,713 | - |
| General Fund - Adjusted | 93,709,024 | 93,709,024 | - |
| Capital Projects Fund - Proposed | 180,223,678 | 180,223,678 | - |
| Adjustments | - | - | - |
| Capital Projects Fund - Adjusted | 180,223,678 | 180,223,678 | - |

Total of Adjustments

| | | |
|-------------------|-------------------|-------------|
| \$ 157,713 | \$ 157,713 | \$ - |
|-------------------|-------------------|-------------|

APPROPRIATION RECONCILIATION:

| | | | |
|-----------------------------|-------------|-------------|---|
| Capital Budget - Proposed | 277,754,636 | 277,754,636 | - |
| Adjustments | - | - | - |
| Capital Budget - Adjusted | 277,754,636 | 277,754,636 | - |
| Operating Budget - Proposed | 656,306,895 | 656,306,895 | - |
| Adjustments | 157,713 | 157,713 | - |
| Operating Budget - Adjusted | 656,464,608 | 656,464,608 | - |

| | | |
|-----------------------|-----------------------|-------------|
| \$ 934,219,244 | \$ 934,219,244 | \$ - |
|-----------------------|-----------------------|-------------|

Explanation
 transfer in from Capital Projects Fund for increases
 Reduction in carryover for Cash Reserve adjustment
 donation to CNF for at large scholarships
 remove funding for Will Rogers Park Restoration
 add funding for J.M Davis Gun Museum
 transfer out to General Fund for program changes
 reduction in expenses due to transfer out to GF
 adjustment of cash reserve to 1.75% of operating budget
 moving program from Human Services to Administration
 reprogramming of funds for pilot project and changing Department responsible

Cherokee Nation
FY 2017 Comprehensive Budget
Capital Budget

| | |
|-------------|---------|
| BUDGET TYPE | CAPITAL |
| SOURCE/USE | USE |

| Row Labels | 2017 BUDGET | 2016 BUDGET | Increase / Decrease |
|----------------------------------------|--------------------|--------------------|------------------------|
| 01-TRIBALLY FUNDED | 5,611,183 | 6,292,140 | (680,957) |
| 09-COMMUNITY SERVICES | 300,421 | 300,421 | - |
| 1010464 Tribal Bridge Program | 300,421 | 300,421 | - |
| 11-MANAGEMENT RESOURCES | 5,181,262 | 5,862,219 | (680,957) |
| 1010306 Facilities Improvement | 400,000 | 400,000 | - |
| 1012500 Land Acquisitions | 4,781,262 | 5,462,219 | (680,957) |
| 13-HUMAN SERVICES | 129,500 | 129,500 | - |
| 1012010 Ketcher Youth Shelter Repair | 129,500 | 129,500 | - |
| 02-MOTOR FUELS TAX | 2,052,831 | 1,864,577 | 188,254 |
| 09-COMMUNITY SERVICES | 2,052,831 | 1,864,577 | 188,254 |
| 1022020 MFT Reserves Roads | 2,052,831 | 1,864,577 | 188,254 |
| 05-MOTOR VEHICLE TAX | 4,764,758 | 5,293,494 | (528,736) |
| 09-COMMUNITY SERVICES | 4,764,758 | 5,293,494 | (528,736) |
| 1052000 MVT Highways Const | 4,764,758 | 5,293,494 | (528,736) |
| 19-DEPT OF TRANSPORTATION | 71,971,377 | 65,259,966 | 6,711,411 |
| 09-COMMUNITY SERVICES | 71,971,377 | 65,259,966 | 6,711,411 |
| 3190000 DOT FHWA Roads | 71,971,377 | 65,259,966 | 6,711,411 |
| 21-DOI SELF GOVERNANCE ROADS | 9,386,614 | 10,259,512 | (872,898) |
| 09-COMMUNITY SERVICES | 9,386,614 | 10,259,512 | (872,898) |
| 3211000 DOI IRR Roads Construction | 9,386,614 | 10,259,512 | (872,898) |
| 32-IHS SELF GOVERNANCE HEALTH | 2,500,000 | 12,500,000 | (10,000,000) |
| 07-HEALTH SERVICES | 2,500,000 | 12,500,000 | (10,000,000) |
| 3329030 Health Equipment Replacement | 2,500,000 | 9,000,000 | (6,500,000) |
| 3329050 Health Land Building Purch | | 1,500,000 | (1,500,000) |
| 3329070 Emergency Equipment Reserve | | 2,000,000 | (2,000,000) |
| 75-FEDERAL OTHER | 1,244,195 | 1,254,473 | (10,278) |
| 09-COMMUNITY SERVICES | 1,244,195 | 1,254,473 | (10,278) |
| 3753300 Federal Transit Program | 1,244,195 | 1,254,473 | (10,278) |
| 96-CAPITAL PROJECTS | 180,223,678 | 189,493,598 | (9,269,920) |
| 07-HEALTH SERVICES | 2,251,199 | 1,978,164 | 273,035 |
| 7963000 Muskogee Clinic | 1,271,199 | 988,164 | 283,035 |
| 7964500 Jack Brown Center Construction | 320,000 | 330,000 | (10,000) |
| 7968300 Health Facilities Equipment | 660,000 | 660,000 | - |
| 11-MANAGEMENT RESOURCES | 177,972,479 | 187,515,434 | (9,542,955) |
| 7965200 Veterans Center | 228,471 | 390,000 | (161,529) |
| 7965300 Tribal Council House | 150,000 | 200,000 | (50,000) |
| 7965400 Tribal Complex Roof Replacemen | | 3,742,062 | (3,742,062) |
| 7965500 Tribal Complex Construction | 8,950,000 | 13,183,372 | (4,233,372) |
| 7969000 Hastings New Facility Constrct | 168,644,008 | 170,000,000 | (1,355,992) |
| Grand Total | 277,754,636 | 292,217,760 | (14,463,124) |