Committee: Executive & Finance Assigned:

11/10/2010 Committee: 11/23/2010

Sponsor: Baker/Watts Author: D. Evans

An Act

LEGISLATIVE ACT 35-10

AN ACT AMENDING LEGISLATIVE ACT #29-10 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2011 - Mod. 2; 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. 2".

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 \$15,332,239 for a total budget authority of \$599,305,942. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

(5)	Previous	Estimated	Estimated	Adjusted
	<u>Balance</u>	Sources	<uses></uses>	Balance
A. Tribally Funded	\$0	\$0	\$0	\$0
B. Motor Fuels Tax	\$0	\$0	\$0	\$0
Grants Received &	Authorized per L	A-29-10 (detail	attached)	\$13,889,643
Modification Reque	st #2 (see Section	a 4 below)		\$1,442,596
Cumulative	change in budg	et authority		\$15,332,239

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 \$1,442,596 to wit:

A. A reallocation in the General Fund budget authority resulting in §0 net impact to provide for cash matching funds for a Community Planning Grant and an IDA Project.

- B. An increase in the **Indirect Cost Pool Fund** budget authority of <u>\$73,737</u> related to the Office Services operating budget.
- C. A consolidation of budgets within the Internal Lease Fund resulting in §0 net impact.
- D. An increase in the **DOI Self Governance Fund** budget authority of <u>\$44,549</u> related to the Housing Improvement Program.
- E. An increase in the IHS Self Governance T.E.H. Fund budget authority of \$872,858 related to prior year economic stimulus funding for water and sewer projects.
- F. An increase in the **DHHS General Fund** budget authority of \$130,000 related to a Sequoyah High School IDA Project.
- G. An increase in the USDA Fund budget authority of \$136,502 related to a Housing Preservation Grant and a Community Planning Grant.
- H. A net increase in the **NAHASDA Fund** budget authority of <u>\$133,958</u> primarily related to the Delaware Tribe Operating Subsidy, slightly offset by a slight decrease in the Resident Services program administered by Career Services.
- I. An increase in the **Private Funding** budget authority of \$50,992 related to the transfer of prior year funds to provide matching requirements for the SHS IDA project.

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 13th day of December, 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 21st day of December, 2010

Chadwick Smith, Principal Chief Cherokee Nation

ATTEST:

Melanie Knight, Secretary of State

Cherokee Nation

YEAS AND NAYS AS RECORDED:

Bill John Baker	Yea	Chris Soap	Yea
Tina Glory Jordan	Yea	Meredith A. Frailey	Yea
Joe Crittenden	Yea	Cara Cowan Watts	Yea
Jodie Fishinghawk	Yea	Buel Anglen	Yea
David W. Thornton, Sr.	Yea	Bradley Cobb	Yea
Janelle Lattimore Fullbright	Yea	Chuck Hoskin, Jr.	Yea
Don Garvin	Yea	Julia Coates	Yea
Harley Buzzard	Yea	Jack Baker	Yea
Curtis Snell	Yea		<u> 100</u>

CHEROKEE NATION TRIBAL COUNCIL



Doug Evans, C.P. A., Executive Director, Financial Oversight

Memo

To:

Jack D. Baker, Chair, Executive & Finance Committee &

Cara Cowan Watts, Co-Chair, Executive & Finance Committee

From:

Doug Evans

CC:

Executive & Finance Committee

Date:

11/12/2010

Re:

Review of Budget Modification - 2

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. NOVEMBER - GRANTS RECEIVED (REPORTING ONLY):

Funding Source	<u>Program</u>	Amount
DOT	ES FHWA Road Construction (c/o adj.)	\$6,913,341
DOI - General	SHS c/o adj.'s for Education (\$514k), Special Ed (\$824k) & 3 others	\$1,371,711
DHHS - General	Increases on Community Anti Drug Network & ES Cat-B Tobacco	\$3,458,928
и	1 new Tribal Tobacco Control Grant (\$200k) & 2 misc c/o adj.'s	\$192,176
HUD	4 c/o adj.'s for the Redbird/Fairfield road, waterline & housing projects	\$833,988
EPA	1 new Pesticide Management award	\$41,000
Dept. of Labor	ES OJT NEG - Career Services (c/o adj.)	\$833,867
Federal – Other	3 grants – Basic Ed, Virtual Library & Violence against Women	\$307,236
Private	OU Community Network Project (c/o adj.)	(\$62,604)
TOTA	L NOVEMBER GRANTS RECEIVED	\$13,889,643

B. MOD - 2 (17 budgets) Net Increase in budget authority - \$1,442,596:

General (Tribal) Fund: (\$0 Net Increase)

(1): <u>Cash Match for Grants:</u> Requesting to reallocate a transfer of \$41,622 for Cash Match requirements on a new USDA Community Planning Grant (item #14 below) and a SHS IDA Project from DHHS (item 12 below).

Indirect Cost Pool Fund: (Increase - \$73,737)

(2): Office Services: Requesting a slight increase of \$73,737 for operating expenditures unbudgeted in the Comprehensive Budget.

(3): Office Services Reimbursement: Requesting this cost capturing budget for communication and reproduction services that are allocated out to the programs utilizing these services. This budget was not included in the Comprehensive Budget and is not increasing from the FY10 level. This budget has a \$0 net budget due to its recapture of costs by charging out the costs of services provided.

Internal Lease Fund: (Consolidation of Budgets - \$0 net Impact)

(4 - 9): The request is to consolidate the Housekeeping Operations all into one budget. This will require reallocating a portion of the Internal Lease Building budget, as well as remove the Signs Operations, Facilities Maintenance, Grounds Maintenance and Building Maintenance budgets.

DOI Self Governance: (Increase - \$44,549)

(10): <u>Housing Improvement Program (HIP):</u> Requesting the utilization of **\$44,549** of prior year funds to transfer out to item #13 below to be used for the cash match required for the USDA Housing Preservation Grant.

IHS - Self Governance - T.E.H.: (Increase - \$872,858)

(11): <u>Economic Stimulus – Water and Sewer:</u> Requesting an increase of actual carryover from the prior year of **\$872,858** up to a total of \$2,523,390 of Economic Stimulus funds for water and sewer projects.

DHHS - General: (Increase - \$130,000)

(12): SHS IDA Project: Requesting spending authority on this grant which has a 50% cash match requirement. The match is being provided partially by a private SEED grant carryover (\$50,992) and the remaining by the Tribal Cash Match Fund (\$14,008). The primary purpose of this program is to provide matching deposits to the eligible program participants.

USDA Fund (Increase - \$136,502)

- (13): <u>Housing Preservation Grant:</u> Requesting spending authority of **\$81,274** of which half is grant funds and the other half is provided by matching funds in item #10 above.
- (14): <u>USDA Community Planning Grant:</u> Requesting spending authority of **\$55,228** of which half is grant funds and the other half, of \$27,614 is provided by tribal matching funds in item #1 above.

NAHASDA Fund: (Net Increase - \$133,958)

- (15): <u>HADT Operating Subsidy:</u> Requesting spending authority of **\$138,251** of prior year carryover funds of the Modernization and Operating Subsidy funding. These two activities are combined in this FY11 carryover budget
- (16): <u>Career Services:</u> Requesting a slight decrease of **<\$4,293>** due to a reduction in the approved IDC rate.

Private Funding: (Increase - \$50,992)

(17): <u>SEED Admin Funds:</u> Requesting the carryover and transfer out of **\$50,992** to the IDA project in item #12 above.

C. CEMETERIES & LAW ENFORCEMENT FUNDS:

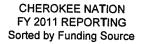
The attached lists of projects have been approved, or are being requested to be approved in this Executive/Finance Committee. These projects have already been appropriated; therefore, there is no need to appropriate the funds again. This list is for informational purposes and is included within this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

Summary:

After reviewing the submission of Mod-2 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,

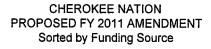
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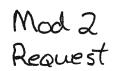




				Data		
					Amend.	
Funding Course	Ref # by			Amend. Change	Expenses Total	Net
Funding Source	FS	Program/Purpose	FY 2011 P		Change	Change
19-Department of Transportation		3191000 - ES DOT FHWA Road Construction	LA 29-10	6,913,341	6,913,341	\$
19-Department of Transporta		Y		\$ 6,913,341	\$ 6,913,341	\$
20-DOI-General	2	3200000 - SHS Education Administration	LA 29-10	514,059	514,059	\$
	3	3200110 - SHS Special Ed	New	823,792	823,792	\$
	4	3201500 - ES Sequoyah High School	LA 29-10	(31,438)	(31,438)	\$
		3201600 - ES SHS Title IID	New	19,405	19,405	\$
	6	3202000 - Sequoyah High School Interest	LA 29-10	45,893	45,893	\$
20-DOI-General Total				\$ 1,371,711	\$ 1,371,711	\$
40-DHHS-General	7	3402100 - CDC Breast & Cervical Cancer	LA 29-10	(7,101)	(7,101)	\$
	8	3402110 - Comprehensive Cancer Control	LA 29-10	(723)	(723)	\$
	9	3406001 - Community Anti-Drug Network	LA 29-10	2,458,928	2,458,928	\$
	10	3406700 - Tribal Tobacco Control Program	New	200,000	200,000	\$
	11	3407400 - ES Category B Tobacco	LA 29-10	1,000,000	1,000,000	\$.
40-DHHS-General Total	·			\$ 3,651,104		\$
55-HUD		3551900 - ES NAHBG Rb/Ff Roads	LA 29-10	256,189	256,189	\$.
		3551910 - ES Rb/Ff Waterline	LA 29-10	36,265	36,265	\$.
	14	3551920 - ES NAHBG Redbird Housing Cons	LA 29-10	541,647	541,647	\$.
· · · · · · · · · · · · · · · · · · ·	15	3551950 - ES NAHBG Rb/Ff CS Admin.	LA 29-10	(113)	(113)	
55-HUD Total				\$ 833,988	\$ 833,988	\$.
62-EPA	16	3622030 - Brownfields Tribal Response	LA 29-10	(190,000)	(190,000)	
	17	3622425 - Brownfields Tribal Response	New	190,000	190,000	\$.
	18	3622430 - CN Pesticides Management	New	41,000		\$ -
62-EPA Total				\$ 41,000		\$ -
70-US Department of Labor	19	3701800 - ES OJT NEG Career Services	New	833,867		\$ -
70-US Department of Labor To			·	\$ 833,867		\$.
5-Federal Other	20	3751040 - Serve America Prgm. Ga Du Gi	LA 29-10	6	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	\$ -
	21	3754200 - IMLS Basic Grant Education	New	7,000		\$ -
	22	3754300 - Virtual Library	New	150,000		\$ -
	23	3754400 - Violence Against Women	New	150,230		\$ -
75-Federal Other Total				\$ 307,236		\$ -
5-Private	24	3852400 - OU Community Network Project	LA 29-10	(62,604)	(62,604)	
85-Private Total				\$ (62,604)		\$ -

November Grants (Reporting Only)







						Dat	a				
							Amend.		Amend.		
	Ref#				FY 2011	l c	hange to	E	Expenses		
Funding Source	by FS	Program/I	Purpose		Prior LA		Sources		tal Change	N	let Change
01-Cherokee Nation			- Cash Match for Grants		LA 29-10		-			\$	
01-Cherokee Nation Total						\$		\$	-	\$	-
04-Indirect Cost Pool	2	2041155 -	Office Services		LA 29-10		-		73,737	\$	(73,737
	3	2041160 -	Offices Services Reimburse	ment	New		-		-	\$	-
04-Indirect Cost Pool Total						\$	-	\$	73,737	\$	(73,737
13-Leases-Internal			Internal Lease Buildings		LA 29-10		-		(622,578)	\$	622,578
	5	2132000 -	Housekeeping Operations		LA 29-10		68,000		1,994,674	\$	(1,926,674
	6	2132010 -	Signs Operations		LA 29-10		-		(38,079)	\$	38,079
			TFM Operations		LA 29-10				(225,022)	\$	225,022
	8	2132030 -	Grounds Maintenance Oper	ations	LA 29-10		(68,000)		(540,722)	\$	472,722
	9	2132040 -	 Building Maintenance Opera 	tions	LA 29-10		-		(568,273)	\$	568,273
13-Leases-Internal Total						\$	•	\$	-	\$	
22-DOI - Self Governance	10	3222470 -	Housing Improvement Prgm		New		44,549		44,549	\$	-
22-DOI - Self Governance Tot						\$	44,549	\$	44,549	\$	-
33-IHS-Self Governance-T E H		3336000 -	ES Water Sewer		LA 29-10		872,858		872,858	\$	-
33-IHS-Self Governance-T E I	i Total					\$	872,858	\$	872,858	\$	-
40-DHHS-General	12	3406800 -	SHS IDA Project		New		130,000		130,000	\$	-
40-DHHS-General Total						\$	130,000	\$	130,000	\$	
45-USDA	13	3453800 -	Housing Prevention Grant		New		81,274		81,274	\$	-
	14	3453900 -	USDA Community Planning		New		55,228		55,228	\$	-
45-USDA Total						\$	136,502	\$	136,502	\$	•
56-NAHASDA	15	3560804 -	HADT Operating Subsidy		New		138,251		138,251	\$	-
	16	3561051 -	Career Services Resident S	ervice	LA 29-10		(4,293)		(4,293)	\$	_
56-NAHASDA Total						\$	133,958	\$	133,958	\$	-
85-Private	17	3852015 -	SEED Admin. Funds		New		50,992		50,992	\$	-
85-Private Total						\$	50,992	\$	50,992	\$	-
Grand Total						\$ '	1,368,859	\$	1,442,596	\$	(73,737)

CHEROKEE NATION TRIBAL COUNCIL FY2011 CEMETERY PRESERVATION ASSISTANCE

(AU:1023065 / Acct:680000)

	Approved	Cherokee Nation	Assistance
Recipient	Date	District	Amount
FY10 Ending Balance	09/30/10		\$ 86,684.00
FY11 Current Year Funding	10/01/10		\$ -
IDC Allocation and PY Adjustment	10/01/10	2384400	\$ 1,334.00
FY11 Available Balance (Direct)	10/01/10		\$ 88,018.00
Hickory Creek Cemetery-NA Fellowship Inc	10/01/10	9-Craig	\$ 500.00
Timber Hill Cemetery-NA Fellowship Inc	10/28/10	9-Craig	\$ 500.00
Gooseneck Cemetery-NA Fellowship Inc	10/28/10	9-Craig	\$ 500.00
Mount Washington Cemetery-Harry Howard	10/28/10	9-Craig	\$ 500.00
Fisher Cemetery-Bert Nelson	10/28/10	4-Three Rivers	\$ 500.00
Phillips Family Cemetery-Polly Tyler	10/28/10	4- ThreeRivers	\$ 500.00
S-Qua-De-Li-Tsi Cemetery - Phyllis Pettit	10/28/10	3-Sequoyah	\$ 500.00
Holt Cemetery - C.D. Mosier	10/28/10	3-Sequoyah	\$ 500.00
Duncan Cemetery - Earl Strebeck	10/28/10	3-Sequoyah	\$ 500.00
Feathers Cemetery-Gary Littledeer	10/28/10	2-Trail of Tears	\$ 500.00
Littledeer Cemetery-Gary Littledeer	10/28/10	2-Trail of Tears	\$ 500.00
Spade Mountain Cemetery-Randy Duncan	10/28/10	2-Trail of Tears	\$ 500.00
Quinton Family Cemetery-Arethia Stann	10/28/10	2-Trail of Tears	\$ 500.00
Creek Sam Cemetery-French Wildcat	10/28/10	3-Sequoyah	\$ 500.00
Corntassel Cemetery - Herbert Downing	11/23/10	2-Trail of Tears	\$ 500.00
		A 44400	\$ 7,500.00
Ending Balance			\$ 80,518.00

ok

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Page 1 of 1

CHEROKEE NATION TRIBAL COUNCIL FY 2011 DETAIL OF LAW ENFORCEMENT FUNDS (GLA - 650000 / AU1054100)

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Vendor / Recipient	Date 40ms 40ms	L 220 24	Baker	Jordan	Crittenden	hinghawk	Phormton	ullbright	Garvin	Snell	Buzzard	Frailey	Soap	Cowan	Anglen	Copp	Hoskin, Jr.		_	
Y2011 MVT Apportionment 1/77/2010 \$	\$ 01/02/22/1																\$ 6,220.31	Description	omi ecei	
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COMPREHENSIVE BUDGET FOR FISCAL YEAR 2011 Including Mod-2 Request

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	F H
Tribally Funded Funding Source	52,013,682	2,307,098	54,320,780	44.892.371	4.298.698	5 129 711	54 320 780	
Motor Fuels Tax Funding Srce	12,742,753	19,286,443	32,029,196	15 286 326	027 730	16 445 440	32,020,106	o c
Motor Vehicle Tax Funding Srce	9,717,383	300,000	10 017 383	8 925 340	372,734	740.240	40,047,383	> 0
Permanent Fund Funding Source	10.000		10,000	40,010	44.00	6 6 6	10,017,303	> (
DOI General Funding Source	15 149 547	o c	15 440 547	14,076,040	0 07 020 7	5 (000'01	0
DOI Self Gov Funding Source	12,51,51	70.800	10,148,047	14,070,549	1,073,198	0	15,149,547	0
DOI Self Gov Roads Eunding Sec	20,027,083	000'87	12,737,285	11,541,065	1,158,449	37,771	12,737,285	0
Don't of Transmitter of the Paris of C	39,039,448	0	39,039,448	38,464,349	306,195	268,904	39,039,448	0
Dept of Transportation Fnd Src	8,166,377	0	8,166,377	8,097,820	46,480	22.077	8,166,377	
DOI PL102-477 Funding Source	22,594,729	0	22,594,729	21,660,463	934,266	0	22 594 729	· c
IHS Self Gov Health Funding Sr	210,533,211	0	210,533,211	190,649,128	14.774,471	5.109.612	210,533,211	o C
IHS Self Gov TEH Funding Src	6,575,576	0	6,575,576	6,182,166	393,410	0	6.575.576	o C
IHS Self Gov Offic Funding Src	410,894	0	410,894	359,245	51,649	0	410.894	
IHS Discretionary Funding Srce	812,478	0	812,478	30,000	0	782.478	812.478	
DHHS General Funding Source	35,525,476	539,075	36,064,551	32,848,219	3,136,332	80,000	36.064.551	· C
USDA Funding Source	16,405,293	743,192	17,148,485	16,366,794	781,691	0	17,148,485	o C
Dept of Education Funding Srce	1,254,823	63,956	1,318,779	1,202,473	116,306	0	1318779	o
HUD Funding Source	51,315,104	193,500	51,508,604	46,846,914	2,992,532	1.669.158	51,508,604	o C
Housing Proceeds Funding Src	4,150,000	0	4,150,000	3,834,415	188,348	0	4.022.763	127 237
EPA Funding Source	2,321,413	0	2,321,413	2,094,148	227,265	0	2.321.413	!
Dept of Labor Funding Source	7,268,944	0	7,268,944	6,535,916	733,028		7 268 944	o C
Federal Other Funding Source	2,760,509	0	2,760,509	2,649,532	110.977) C	2 760 509	o c
State of Oklahoma Funding Srce	641,111	0	641,111	567,943	73,168	o C	641 111	o c
Private Funding Source	560,751	159,536	720,287	646,396	73 891	o C	720,287	o c
Indirect Cost Pool Funding Src	206,293	0	206,293	31,238,167	(32, 123, 962)	o c	(885 795)	1 092 088
Fringe Pool Funding Source	0	0	0		0		(00)	000,100,
Internal Lease Pool Funding Sr	86,000	0	86,000	0	· c	o c	o c	000 98
Enterprise Funding Source	1,410,081	1,669,158	3,079,239	1.118.719	· c	o c	1 118 719	1 960 520
Other Funding Source	179,705	12,000	191,705	180,484	11.221	o c	191 705	070,000,
Debt Service Funding Source	0	4,909,612	4,909,612	4,909,612		0	4.909.612	o c
Capital Projects Funding Sourc	38,941,500	0	38,941,500	38,941,500	0	0	38,941,500	0
Total	\$ 553.450.766 \$	30 263 170 \$	582 742 036 ¢	5E0 4EF 0F4 6		00000	ļ	
		11		Ш	¢ /90'67	30,263,170 \$	580,448,091	3,265,845

	295,505,542	9	iotal altei mou-z nequest
	0,0000		Total after hand of Daniel
1,442,596 11/23 - E&F Cmte	1,442,596	69	Mod-2 Request
11/22 - TCM	1,241,484 11/22 - TCM	69	Mod-1 Request
reporting only	13,889,643 reporting only	es S	November Grants
reporting only	2,284,128 reporting only	69	October Grants