

# An Act

## LEGISLATIVE ACT 08-15

### AN ACT AMENDING LEGISLATIVE ACT #25-14 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2015 – Mod. 8a; 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 #25-14 Authorizing the Comprehensive Operating Budget for FY 2015 – Mod. 8a”.

#### 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 2015” or subsequent amendment. The cumulative total of the budget is increased by **\$ 5,888,284** for a total budget authority of **\$ 645,116,154**. The following items are identified as components of such change:

Grants Received & Authorized per LA-25-14 (detail attached)	\$ 2,174,030
Modification Request (see Section 4 below)	<u>3,714,254</u>
<b>Cumulative change in budget authority</b>	<b><u>\$ 5,888,284</u></b>

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #25-14 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 **\$ 3,714,254** to wit:

- A. An increase in the **General Fund** budget authority of **\$ 16,779**.
- B. An increase in the **Enterprise** budget authority of **\$ 1,933,550**.
- C. An increase in the **DOI – Self Governance** budget authority of **\$ 175,901**.
- D. An increase in the **IHS – Self Governance** budget authority of **\$ 87,000**.

E. A decrease in the **IHS – Self Governance TEH** budget authority of \$ ( 494,945).

F. An increase in the **NAHASDA** budget authority of \$ 84,617.

G. An increase in the **Federal – Other** budget authority of \$ 1,911,352.

**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.

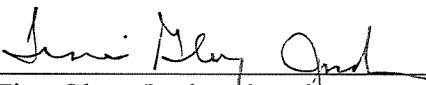
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

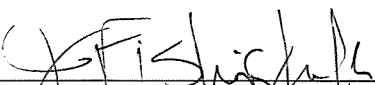
**SECTION 8. SELF-HELP CONTRIBUTIONS**

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.

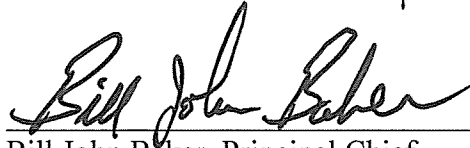
Enacted by the Council of the Cherokee Nation on the 11<sup>th</sup> day of May, 2015.

  
\_\_\_\_\_  
Tina Glory Jordan, Speaker  
Council of the Cherokee Nation

ATTEST:

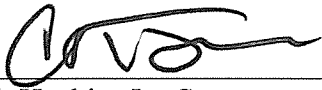
  
\_\_\_\_\_  
Jodie Fishinhawk, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 14 day of May, 2015



Bill John Baker, Principal Chief  
Cherokee Nation

ATTEST:



Chuck Hoskin, Jr., Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory-Jordan	<u>Yea</u>	Harley Buzzard	<u>Yea</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>	Cara Cowan Watts	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Lee Keener	<u>Yea</u>
Janelle Fullbright	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Jack Baker	<u>Yea</u>
Jodie Fishinghawk	<u>Absent</u>	Julia Coates	<u>Yea</u>
Curtis Snell	<u>Yea</u>		

CHEROKEE NATION  
 PROPOSED FY 2015 AMENDMENT  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2015 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010315 Cash Match For Grants	LA 06-15	-	-	\$ -
<b>01-Cherokee Nation Total</b>				\$ -	\$ -	\$ -
40-DHHS-General	2	3404900 AIDS Education Training Center	NEW	35,000	35,000	\$ -
<b>40-DHHS-General Total</b>				\$ 35,000	\$ 35,000	\$ -
45-USDA	3	3453454 Food Distribution Other	LA 25-14	25,537	25,537	\$ -
	4	3453540 Summer EBT For Children	LA 25-14	276,693	276,693	\$ -
	5	3453550 Summer EBT Program	NEW	1,846,800	1,846,800	\$ -
<b>45-USDA Total</b>				\$ 2,149,030	\$ 2,149,030	\$ -
61-EPA	6	3612110 Leaking Underground Storage Tanks	LA 25-14	(10,000)	(10,000)	\$ -
<b>61-EPA Total</b>				\$ (10,000)	\$ (10,000)	\$ -
<b>Grand Total</b>				\$ 2,174,030	\$ 2,174,030	\$ -

## Operating Grants - Reporting Only

CHEROKEE NATION  
PROPOSED FY 2015 AMENDMENT  
Sorted by Funding Source

Funding Source	Ref # by FS	Program/Purpose	FY 2015 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010042 Charitable Contributions	LA 06-15	-	80,000	\$ (80,000)
	2	1010296 Unappropriated Reserves	LA 25-14	16,779	(193,221)	\$ 210,000
	3	1010452 Elders in Need	LA 25-14	-	130,000	\$ (130,000)
<b>01-Cherokee Nation Total</b>				<b>\$ 16,779</b>	<b>\$ 16,779</b>	<b>\$ -</b>
10-Enterprise	4	4109000 Consumer Loan Fund	LA 25-14	1,520,000	1,520,000	\$ -
	5	4109030 Commercial Loan Fund	LA 25-14	413,550	413,550	\$ -
<b>10-Enterprise Total</b>				<b>\$ 1,933,550</b>	<b>\$ 1,933,550</b>	<b>\$ -</b>
22-DOI - Self Governance	6	3221200 CDIB Backlog Project	NEW	104,543	104,543	\$ -
	7	3222470 SG HIP	NEW	71,358	71,358	\$ -
<b>22-DOI - Self Governance Total</b>				<b>\$ 175,901</b>	<b>\$ 175,901</b>	<b>\$ -</b>
32-IHS - Self Governance Health	8	3324050 SANE	LA 25-14	229,656	229,656	\$ -
	9	3325600 Chronic Care Pilot Project	LA 25-14	87,000	87,000	\$ -
<b>32-IHS - Self Governance Health Total</b>				<b>\$ 316,656</b>	<b>\$ 316,656</b>	<b>\$ -</b>
33-IHS-Self Governance-T E H	10	3331000 EHS Administration	LA 06-15	94,304	94,304	\$ -
	11	3332000 EHS Projects	LA 06-15	(818,905)	(818,905)	\$ -
<b>33-IHS-Self Governance-T E H Total</b>				<b>\$ (724,601)</b>	<b>\$ (724,601)</b>	<b>\$ -</b>
56-NAHASDA	12	3566002 Modernization HADT	LA 25-14	(337,731)	(337,731)	\$ -
	13	3566004 Operating Subsidy HADT	NEW	196,738	196,738	\$ -
	14	3566067 Resident Services HADT	NEW	46,842	46,842	\$ -
	15	3566074 Housing Management HADT	NEW	90,168	90,168	\$ -
	16	3566092 Planning Administration HADT	NEW	88,600	88,600	\$ -
<b>56-NAHASDA Total</b>				<b>\$ 84,617</b>	<b>\$ 84,617</b>	<b>\$ -</b>
75-Federal Other	17	3753207 CDFI Fund	NEW	1,911,352	1,911,352	\$ -
<b>75-Federal Other Total</b>				<b>\$ 1,911,352</b>	<b>\$ 1,911,352</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 3,714,254</b>	<b>\$ 3,714,254</b>	<b>\$ -</b>

## Operating Mod #8a Request

**COMPREHENSIVE BUDGET  
FOR FISCAL YEAR 2015**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	108,910,016	1,793,051	110,703,067	92,281,752	5,246,290	13,175,025	110,703,067	0
Motor Fuels Tax Funding Srce	8,565,704	15,731,843	24,297,547	16,212,364	143,672	7,941,511	24,297,547	0
Motor Vehicle Tax Funding Srce	21,267,071	350,000	21,617,071	19,746,740	521,906	1,348,425	21,617,071	0
Permanent Fund Funding Source	10,300	0	10,300	10,300	0	0	10,300	0
DOI General Funding Source	12,886,986	0	12,886,986	12,064,371	822,615	0	12,886,986	0
DOI Self Gov Funding Source	14,368,110	79,600	14,447,710	13,066,905	1,377,305	3,500	14,447,710	0
DOI Self Gov Roads Funding Srce	14,608,615	0	14,608,615	14,388,311	182,498	37,806	14,608,615	0
Dept of Transportation Fnd Srce	64,604,642	0	64,604,642	64,349,416	155,383	99,843	64,604,642	0
DOI PL102-477 Funding Source	19,489,760	0	19,489,760	18,630,213	859,547	0	19,489,760	0
IHS Self Gov Health Funding Sr	281,846,543	0	281,846,543	257,771,129	21,425,414	2,650,000	281,846,543	0
IHS Self Gov TEH Funding Srce	5,338,093	65,000	5,403,093	5,081,840	321,253	0	5,403,093	0
IHS Self Gov Offic Funding Srce	322,788	0	322,788	282,355	40,433	0	322,788	0
IHS Discretionary Funding Srce	40,000	0	40,000	35,000	0	5,000	40,000	0
DHHS General Funding Source	37,527,575	519,647	38,047,222	34,603,015	3,444,207	0	38,047,222	0
USDA Funding Source	19,499,267	781,824	20,281,091	19,067,383	813,708	400,000	20,281,091	0
Dept of Education Funding Srce	1,139,817	67,154	1,206,971	1,097,358	109,613	0	1,206,971	0
HUD Funding Source	43,552,212	1,005,997	44,558,209	41,497,217	1,845,992	1,215,000	44,558,209	0
Housing Proceeds Funding Srce	0	0	0	0	0	0	0	0
EPA Funding Source	1,929,879	0	1,929,879	1,689,496	240,383	0	1,929,879	0
Dept of Labor Funding Source	7,752,835	0	7,752,835	6,999,512	753,323	0	7,752,835	0
Federal Other Funding Source	2,500,469	5,000	2,505,469	2,296,624	208,845	0	2,505,469	0
State of Oklahoma Funding Srce	1,464,215	2,125	1,466,340	1,334,092	132,248	0	1,466,340	0
Private Funding Source	438,327	196,969	635,296	571,668	63,628	0	635,296	0
Indirect Cost Pool Funding Srce	44,854,978	360,900	45,215,878	44,999,090	0	0	44,999,090	216,788
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	4,552,592	0	4,552,592	4,552,592	0	0	4,552,592	0
Enterprise Funding Source	1,369,960	850,000	2,219,960	2,181,272	38,688	0	2,219,960	0
Other Funding Source	288,928	17,000	305,928	285,898	20,030	0	305,928	0
Debt Service Funding Source	0	2,650,000	2,650,000	2,650,000	0	0	2,650,000	0
Capital Projects Funding Sourc	12,391,029	2,400,000	14,791,029	14,791,029	0	0	14,791,029	0
<b>Total</b>	<b>\$ 731,520,711</b>	<b>\$ 26,876,110</b>	<b>\$ 758,396,821</b>	<b>\$ 692,536,942</b>	<b>\$ 38,766,981</b>	<b>\$ 26,876,110</b>	<b>\$ 758,180,033</b>	<b>\$ 216,788</b>

**Non Grant Requests**

LA-24-14	\$ 119,689,431	
Capital Mod #1	4,789,600	12/15 Council
Capital Mod #2	747,879	02/26 E&F
<b>Oper Mod #7 Req</b>	<b>8,448,777</b>	<b>04/13 Council</b>
<b>Oper Mod #8a Req</b>	<b>3,714,254</b>	<b>04/30 E&amp;F</b>

**Total Capital \$ 125,226,910**

**Total after pending Mod's \$ 770,343,064**

Operating (LA25-14)	\$ 645,116,154	Cumulative Oper
Capital (LA-24-14)	125,226,910	Cumulative Cap
<b>Grand Total</b>	<b>\$ 770,343,064</b>	



# CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight

## Mem o

**To:** Jodie Fishinghawk, Chair, Executive & Finance Committee &  
Janees Taylor, Co-Chair, Executive & Finance Committee

**From:** Jody S. Reece

**CC:** Executive & Finance Committee

**Date:** 04/29/2015

**Re:** Review of Operating Budget Modification #8a – **Total \$ 5,888,284**

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># of Budgets - Reason</u>	<u>Amount</u>
40-DHHS General	1-New award	\$ 35,000
45-U.S.D.A.	3-Carryover reconciliation and new awards	2,149,030
61-EPA	1-Funding returned	( 10,000)
<b>TOTAL GRANTS</b>		<b>\$ 2,174,030</b>

General Fund Cash Match for Grants (1010315) – The original budget of \$2,700,072 included \$1,851,460 in Cash Out: Grant Required and \$848,612 in Appropriated for Cash Match for future grants.

Original Appropriated for Cash Match (future grants)	\$ 848,612
Used: 3852500 - Community Action Project	( 13,747)
Reduced to provide funding for community building donations	( 14,000)
3453454 – Food Distribution Other	( 6,384) **added**
<b>Balance Available</b>	<b>\$ 814,481</b>

### B. MOD #8a Request - (17 budgets) Increase in budget authority - \$ 3,714,254

- \*\*Added after original mailing\*\*** Charitable Contributions – 1010042 – General Fund: Modification requesting an increase in expenditure authorization of \$80,000 for Special Projects for District 5. The funding is provided by a decrease in unappropriated reserves in item 2. The new total budget is \$2,119,950.
- \*\*Revised after original mailing\*\*** Unappropriated Reserves – 1010296 – General Fund: Modification requesting a decrease in expenditure authorization of \$193,221 from the Reserved by Appropriation account and an increase in prior year revenue carryover of \$16,779. The combination of these two changes provides \$210,000 that is used to fund the \$80,000 increase in Charitable Contributions in item 1

and the \$130,000 increase in Elders In Need in item 3. The balance in the Reserved by Appropriation account is now \$4,755,850.

3. Elders In Need – 1010452 – General Fund: Modification requesting an increase in expenditure authorization of \$130,000 that is funded by changes in item 2. The new total budget is \$750,000.
4. CDIB Backlog Project – 3221200 – DOI Self Governance: New budget requesting expenditure authorization of \$104,543 to provide two temporary full time positions and 2,034 overtime hours for current staff. The funding is provided by one-time funding from DOI compact authority to obligate (ATO) 25.
5. SG HIP – 3222470 – DOI Self Governance: New budget requesting expenditure authorization of \$71,358 for the housing improvement program. The funding is provided by one-time funding from DOI compact ATO 15 and ATO 23.
6. SANE – 3324050 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$229,656 from prior year carryover reconciliation for the sexual assault nurse examiner (SANE) program. The new total budget is \$408,191.
7. Chronic Care Pilot Project – 3325600 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$87,000 funded from fund balance carryover. The new total budget is \$110,186.
8. EHS Administration – 3331000 – IHS Self Governance TEH: Modification requesting an increase in expenditure authorization of \$94,304 with an offsetting increase in the estimated contract support cost budgeted in grants revenue. The new total budget is \$1,914,595.
9. EHS Projects – 3332000 – IHS Self Governance TEH: Modification requesting a decrease in expenditure authorization \$818,905 based on the offsetting decrease in grants revenue per the 2015 IHS project award letter. The new total budget is \$2,660,470.
10. Modernization HADT – 3566002 – NAHASDA: Modification requesting a decrease in expenditure authorization of \$337,731 related to the sub-grant to the Delaware Tribe. The new total budget is \$62,269 based on the final invoice for the period ended February 28, 2015. The Delaware Tribe now has their own IHP and will receive the funds direct in the future.
11. Operating Subsidy HADT – 3566004 – NAHASDA: New budget for FY 2015 requesting expenditure authorization of \$196,738 related to the sub-grant to the Delaware Tribe. This new total budget is based on the final invoice for the period ended February 28, 2015. The Delaware Tribe now has their own IHP and will receive the funds direct in the future.
12. Resident Services HADT – 3566067 – NAHASDA: New budget for FY 2015 requesting expenditure authorization of \$46,842 related to the sub-grant to the Delaware Tribe. This new total budget is based on the final invoice for the period ended February 28, 2015. The Delaware Tribe now has their own IHP and will receive the funds direct in the future.
13. Housing Management HADT – 3566074 – NAHASDA: New budget for FY 2015 requesting expenditure authorization of \$90,168 related to the sub-grant to the Delaware Tribe. This new budget is based on the final invoice for the period ended February 28, 2015. The Delaware Tribe now has their own IHP and will receive the funds direct in the future.
14. Planning Administration HADT – 3566092 – NAHASDA: New budget for FY 2015 requesting expenditure authorization of \$88,600 related to the sub-grant to the Delaware Tribe. This new budget is based on the final invoice for the period ended February 28, 2015. The Delaware Tribe now has their own IHP and will receive the funds direct in the future.

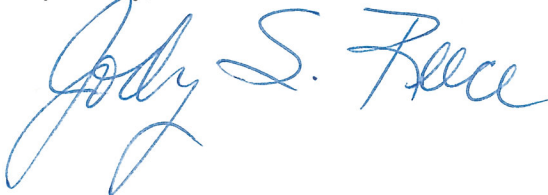


15. CDFI Fund – 3753207 – Federal Other: New budget for FY 2015 requesting expenditure authorization of \$1,911,352 to transfer \$1,500,000 out to the Consumer Loan Fund in item 16 and \$411,352 to the Commercial Loan fund in item 17. The funding is from \$411,352 carryover, \$750,000 new award for Community Development Financial Institution (CDFI), \$650,000 matching from CNB, and \$100,000 matching from CNEDTA retained earnings transferred from the two loan funds.
16. Consumer Loan Fund – 4109000 – Enterprise: Budget modification requesting an increase in expenditure authorization of \$1,520,000 for \$1,500,000 in client services loan funds and for matching requirement of \$20,000 transfer out from CNEDTA retained earnings carryover.
17. Commercial Loan Fund – 4109030 – Enterprise: Budget modification requesting an increase in expenditure authorization of \$413,550 for \$333,550 in client services loan funds and for matching requirement of \$80,000 transfer out from CNEDTA retained earnings carryover.

**Summary:**

After reviewing the submission of Mod #8a by administration, I find no technical issues surrounding these requests, nor do I have any unmentioned concerns related to their respective carryover estimates. If I can provide any further information, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "Jody S. Fleece". The signature is written in a cursive style with a large, looped initial "J".