

An Act

LEGISLATIVE ACT 05-23

AN ACT AMENDING LEGISLATIVE ACT #29-22 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2023 – Mod. 4; 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 #29-22 Authorizing the Comprehensive Capital Budget for FY 2023 – Mod. 4**”.

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 Capital Budget Act for Fiscal Year 2023” or subsequent amendment. The cumulative total of the capital budget is increased by \$ 8,484,614 for a total capital budget authority of \$ 611,072,267. The following items are identified as the components of such change:

Grants Received & Authorized per L.A. 29-22 (detail attached)	\$	0
Modification Request (per Section 4 below)		<u>8,484,614</u>
Cumulative change in budget authority		<u><u>\$ 8,484,614</u></u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #29-22 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 capital budget authorization by an increase of \$ 8,484,614 to wit:

- A. An increase in the **Motor Vehicle Tax** budget authority of \$ 3,665,145.
- B. An increase in the **Capital Projects** budget authority of \$ 4,819,469.

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.

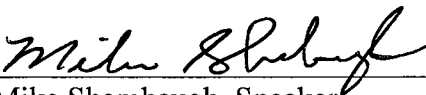
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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 March, 2023



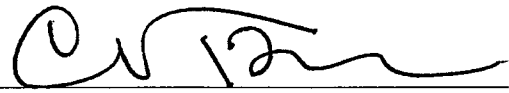
Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:



Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 22nd day of March, 2023



Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:



Tina Glory Jordan, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Yea</u>	Dora Patzkowski	<u>Yea</u>
Dr. Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E.O. "Jr." Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Josh Sam	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Julia Coates	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

CHEROKEE NATION
 PROPOSED FY 2023 AMENDMENT
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2023- Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
05-Vehicle Tax	1	1052000 MVT Highways Const	LA29-22	3,665,145	3,665,145	\$ -
05-Vehicle Tax Total				\$ 3,665,145	\$ 3,665,145	\$ -
96-Capital Projects	2	7961510 Nowata Early Childhood Center	New	4,819,469	4,819,469	\$ -
96-Capital Projects Total				\$ 4,819,469	\$ 4,819,469	\$ -
Grand Total				\$ 8,484,614	\$ 8,484,614	\$ -

Capital Mod #4 Request

COMPREHENSIVE BUDGET FOR FISCAL YEAR 2023

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	294,026,579	19,425,019	313,451,598	286,753,824	7,238,381	19,459,393	313,451,598	-
Motor Fuels Tax Funding Src	10,985,384	19,348,346	30,333,730	20,756,283	72,447	9,505,000	30,333,730	-
Motor Vehicle Tax Funding Src	37,825,564	1,140,440	38,966,004	37,568,018	881,715	516,271	38,966,004	-
Permanent Fund Funding Source	9,100	0	9,100	9,100	0	0	9,100	-
DOI General Funding Source	20,260,834	0	20,260,834	18,600,988	1,659,846	0	20,260,834	-
DOI Self Gov Funding Source	36,673,095	79,600	36,752,695	34,717,254	2,025,441	10,000	36,752,695	-
DOI Self Gov Roads Funding Src	0	0	0	0	0	0	0	-
Dept of Transportation Fnd Src	83,009,087	0	83,009,087	82,653,716	255,371	100,000	83,009,087	-
DOI PL102-477 Funding Source	409,165,453	0	409,165,453	352,157,060	2,547,070	54,461,323	409,165,453	-
IHS Self Gov Health Funding Sr	824,154,082	0	824,154,082	758,241,847	47,171,084	18,741,151	824,154,082	-
IHS Self Gov TEH Funding Src	26,090,941	0	26,090,941	25,746,586	344,355	0	26,090,941	-
IHS Self Gov Office Funding Src	386,587	0	386,587	351,067	35,520	0	386,587	-
IHS Discretionary Funding Src	150,000	0	150,000	100,000	0	50,000	150,000	-
DHHS General Funding Source	93,957,866	678,560	94,636,426	88,206,067	6,430,359	0	94,636,426	-
USDA Funding Source	28,199,236	1,025,691	29,224,927	28,391,450	833,477	0	29,224,927	-
Dept of Education Funding Src	1,248,426	87,222	1,335,648	1,227,226	88,422	20,000	1,335,648	-
HUD Funding Source	69,150,066	1,602,501	70,752,567	67,703,723	246,343	2,802,501	70,752,567	-
Housing Proceeds Funding Src	0	0	0	0	0	0	0	-
EPA Funding Source	2,495,799	0	2,495,799	2,273,014	222,785	0	2,495,799	-
Dept of Labor Funding Source	27,398,701	0	27,398,701	26,040,264	1,358,437	0	27,398,701	-
Dept of Treasury Funding Source	1,027,293,992	0	1,027,293,992	1,023,897,147	3,146,845	250,000	1,027,293,992	-
Federal Other Funding Source	55,378,395	147,587	55,525,982	54,580,873	940,902	4,207	55,525,982	-
State of Oklahoma Funding Src	1,046,367	0	1,046,367	987,274	59,093	0	1,046,367	-
Private Funding Source	5,183,256	0	5,183,256	5,161,442	21,814	0	5,183,256	-
Indirect Cost Pool Funding Src	82,454,629	6,750	82,461,379	82,461,379	0	0	82,461,379	-
Fringe Pool Funding Source	0	0	0	0	0	0	0	-
Internal Lease Pool Funding Sr	5,478,811	0	5,478,811	5,478,811	0	0	5,478,811	-
Enterprise Funding Source	1,166,891	1,699,807	2,866,698	2,733,675	133,023	0	2,866,698	-
Other Funding Source	268,000	17,000	285,000	280,066	4,934	0	285,000	-
Debt Service Funding Source	0	0	0	0	0	0	0	-
Capital Projects Funding Source	406,825,804	60,661,323	467,487,127	467,332,102	155,025	0	467,487,127	-
Total	\$ 3,550,282,945	\$ 105,919,846	\$ 3,656,202,791	\$ 3,474,410,256	\$ 75,872,689	\$ 105,919,846	\$ 3,656,202,791	\$ -

Non Grant Requests

Oper Mod #3	1,014,348	01/17 Council
Oper Mod #4	10,306,430	02/13 Council
Cap Mod #3	18,451,776	02/13 Council
Oper Mod #5A	34,007,160	02/23 E&F
Cap Mod #4	8,484,614	02/23 E&F
Total after pending Mod's	\$ 3,728,467,119	

CAPITAL RECONCILIATION

LA 29-22	\$ 569,345,306
Cap Mod #1	13,754,571
Cap Mod #2	1,036,000
Cap Mod #3	18,451,776
Cap Mod #4	8,484,614

Total Capital \$ 611,072,267

Operating (LA 44-21) \$ 3,117,394,852 Cumulative Oper
Capital (LA 43-21) 611,072,267 Cumulative Cap

Operating Mod-5A and Cap Mod-4 request Feb-Mar

Jody Reece: 2/21/2023

Grand Total \$ 3,728,467,119



CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight

Mem o

To: Keith Austin, Chairman, Executive & Finance Committee

From: Jody S. Reece

CC: Executive & Finance Committee

Date: 02/07/2023

Re: Review of Capital Budget Modification #4 – **Total \$ 8,484,614**

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>Reason(s)</u>	<u>Amount</u>
None	-	\$ 0
TOTAL GRANTS		\$ 0

B. MOD #4 Request - Increase in budget authority - \$ 8,484,614

1. MVT Highway Const – 1052000 – Motor Vehicle Tax: Modification requesting an increase in expenditure authorization of \$3,665,145 for the allocation of the 2022 Motor Vehicle Taxes. The new budget total is \$10,695,872 (\$6,908,063 carryover and \$3,787,809 current allocation). The current allocation is an increase of \$66,017 over last year’s allocation. The MVT allocation to highways/roads is 20% of the total motor vehicle tax revenues. Of this total, 90% is allocated to this construction budget and 10% is allocated to the roads administration budget presented in the operating budget modification. You can see below the continued growth in the Motor Vehicle Tax allocation to roads:

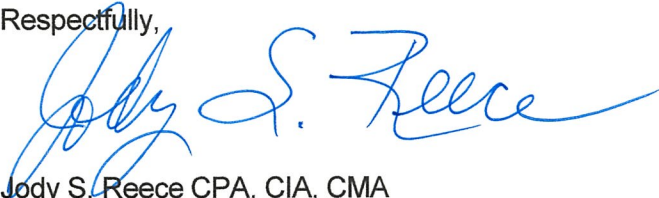
	<u>Total Allocation</u>	<u>Per Council Member</u>
2023 (2022 revenues)	\$3,787,809	\$252,521
2022 (2021 revenues)	\$3,721,792	\$248,119
2021 (2020 revenues)	\$3,144,458	\$209,631
2020 (2019 revenues)	\$3,017,931	\$201,195
2019 (2018 revenues)	\$2,856,140	\$190,409

2. Nowata Early Childhood Center – 7961510 – Capital Projects: New budget requesting expenditure authorization of \$4,819,469 for construction of a new center. Funding provided by Transfer In from the Verna Thompson Early Childhood Education operating budget. The funding for that budget is special dividends per LA 46-21.

Summary:

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

Respectfully,



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