

An Act

LEGISLATIVE ACT 12-15

AN ACT AMENDING LEGISLATIVE ACT #24-14 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2015 – Mod. 3; 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 #24-14 Authorizing the Comprehensive Capital Budget for FY 2015 – Mod. 3**”.

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 2015” or subsequent amendment. The cumulative total of the capital budget is increased by \$ 3,742,062 for a total capital budget authority of \$ 128,968,972. The following items are identified as the components of such change:

Grants Received & Authorized per L.A. 24-14 (detail attached)	\$ 0
Modification Request (per Section 4 below)	<u>3,742,062</u>
Cumulative change in budget authority	<u>\$ 3,742,062</u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #24-14 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 capital budget authorization by an increase of \$ 3,742,062 to wit:

A. An increase in the **Capital Projects** budget authority of \$ 3,742,062.

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.

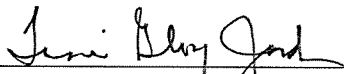
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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

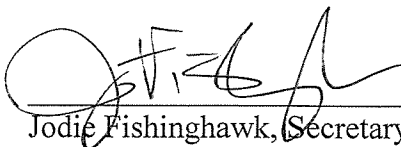
To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Passed by the Cherokee Council on the 30th day of July, 2015



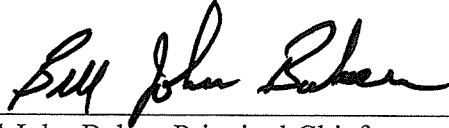
Tina Glory Jordan, Speaker
Council of the Cherokee Nation

ATTEST:



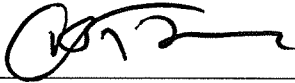
Jodie Fishinghawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 31 day of July, 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
96-Capital Projects	1	7965500 Tribal Complex Construction	LA 24-14	3,742,062	3,742,062	\$ -
	2	7965400 Tribal Complex Roof Replace	LA 24-14	-	-	\$ -
96-Capital Projects Total				\$ 3,742,062	\$ 3,742,062	\$ -
Grand Total				\$ 3,742,062	\$ 3,742,062	\$ -

Capital Mod #3 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	115,813,989	1,793,051	117,607,040	97,636,389	5,229,126	14,741,525	117,607,040	0
Motor Fuels Tax Funding Srce	8,565,704	17,298,343	25,864,047	17,778,864	143,672	7,941,511	25,864,047	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	12,948,396	0	12,948,396	12,125,781	822,615	0	12,948,396	0
DOI Self Gov Funding Source	14,515,660	79,600	14,595,260	13,207,907	1,383,853	3,500	14,595,260	0
DOI Self Gov Roads Funding Src	14,608,615	0	14,608,615	14,388,311	182,498	37,806	14,608,615	0
Dept of Transportation Fnd Src	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	282,163,199	0	282,163,199	258,091,748	21,421,451	2,650,000	282,163,199	0
IHS Self Gov TEH Funding Src	4,608,575	65,000	4,673,575	4,353,067	320,508	0	4,673,575	0
IHS Self Gov Offic Funding Src	322,788	0	322,788	283,152	39,636	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	42,033,519	519,647	42,553,166	39,025,725	3,527,441	0	42,553,166	0
USDA Funding Source	19,662,715	781,824	20,444,539	19,212,636	831,903	400,000	20,444,539	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	43,636,829	1,005,997	44,642,826	41,581,876	1,845,950	1,215,000	44,642,826	0
Housing Proceeds Funding Src	0	0	0	0	0	0	0	0
EPA Funding Source	1,929,879	0	1,929,879	1,689,710	240,169	0	1,929,879	0
Dept of Labor Funding Source	11,020,066	0	11,020,066	10,128,762	891,304	0	11,020,066	0
Federal Other Funding Source	4,404,050	105,000	4,509,050	2,386,120	211,578	1,911,352	4,509,050	0
State of Oklahoma Funding Srce	1,459,872	2,125	1,461,997	1,329,111	132,886	0	1,461,997	0
Private Funding Source	618,473	196,969	815,442	751,595	63,847	0	815,442	0
Indirect Cost Pool Funding Src	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	1,392,158	2,761,352	4,153,510	4,014,822	38,688	100,000	4,153,510	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
Total	\$ 748,343,604	\$ 30,453,962	\$ 778,797,566	\$ 709,133,212	\$ 38,993,604	\$ 30,453,962	\$ 778,580,778	\$ 216,788

Non Grant Requests

CAPITAL RECONCILIATION		Non Grant Requests	
LA-24-14	\$ 119,689,431	Oper Mod #10	1,072,399
Capital Mod #1	4,789,600		06/25 E&F
Capital Mod #2	747,879	Oper Mod #11 Req	9,556,111
Capital Mod #3	3,742,062	Cap Mod #3 Req	3,742,062
			07/30 E&F
Total Capital	\$ 128,968,972	Total after pending Mod's	\$ 792,951,350
		Operating (LA25-14)	\$ 663,982,378
		Capital (LA-24-14)	128,968,972
		Grand Total	\$ 792,951,350

CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece CPA, CIA, CMA

Executive Director of Financial Oversight



M e m o

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

From: Jody S. Reece

CC: Executive & Finance Committee

Date: 07/15/2015

Re: Review of Capital Budget Modification #3 – Total \$3,742,062

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. Capital Grants Received (Reporting Only):

<u>Funding Source</u>	<u>Reason</u>	<u>Amount</u>
No changes	No changes	\$ 0
TOTAL GRANTS		\$ 0

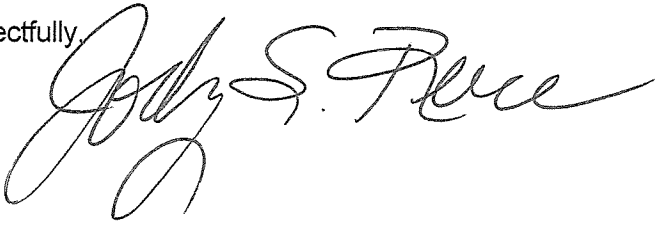
B. Capital Mod #3 (2 budgets) Increase in budget authority - \$ 3,742,062:

1. Tribal Complex Roof Replacement – 7965400 – Capital Projects: Modification requesting a change in expenditure authorization by eliminating the budgeted expenditures and transferring the full budget amount of \$3,742,062 to the budget in item 2. These projects are basically one project with the same construction manager and one A&E Service to oversee the completion and this will allow for the budget to reflect that.
2. Tribal Complex Construction – 7965500 – Capital Projects: Modification requesting an increase in expenditure authorization of \$3,742,062 funded by the transfer in from item 1. The new total budget is now \$8,742,062.

Summary:

After reviewing the submission by administration of Mod #3 to the Capital Budget, 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,


Attachments

CHEROKEE NATION - FY2015 BUDGET REQUEST FORM

PART-1

Budget Period:	10/01/2014 - 09/30/2015	Budget Preparer	Phone: 5296
Contract Period:	10/01/2014 - 09/30/2015	Name:	Alan Turner
Contract Number:		Accounting Unit Director/Manager	Phone: 4137
Accounting Fund:	7-Capital Projects Fund	Name:	David Moore
Funding Source:	96-Capital Projects	Executive Director	Phone: 5340
AU Description:	Tribal Complex Roof Replace	Name:	Bruce Davis
Accounting Unit:	7965400	1st Person Responsible	
	Place IDC Rate in Part 4 Below	Employee #	105979
Date/Time Printed:	23-Jun-15 04:02 PM		

Notes: Transfer funds to AU 7965500 Tribal Complex Construction

PART-2

Staffing Summary:

	FY 2015 REVISION 1	FY 2015 ORIG REQUEST	Incr \ (Decr)
# of Regular Full-Time Employee Equivalents:			-
# of Regular Part-Time Employee Equivalents:			-
# of Temp. Full-Time Employee Equivalents:			-
# of Temp. Part-Time Employee Equivalents:			-
# of Other Employee Equivalents:			-
TOTAL NUMBER OF EMPLOYEE-EQUIVALENTS			-

PART-3

Revenues: (Show as positive #)

Account #	Incr \ (Decr)
Carryover: "appropriated" PY	\$ 1,342,062
Please enter a valid account number - >>>	\$ -
Please enter a valid account number - >>>	\$ -
DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE!	
Total Revenues	\$ 1,342,062

PART-4

Expenditures:

Account #	Subject to IDC ?		Subject to IDC ?		Incr \ (Decr)
	YES	NO	YES	NO	
DO NOT COPY TO, COPY ABOVE, OR REMOVE THIS LINE!					
Salaries & wages	\$ 0				\$ -
Fringe benefits	\$ 0				\$ -
Building improvements >= \$5K				\$ 3,742,062	\$ (3,742,062)
Please enter a valid account number - >>>					\$ -
Please enter a valid account number - >>>					\$ -
DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE!					
Expenditures NOT Subject to IDC		\$ -		\$ 3,742,062	\$ (3,742,062)
Expenditures SUBJECT to IDC	\$ -		\$ -		\$ -
Indirect Cost Rate (If blank or zero, must explain in Notes above)	15.13%		15.13%		
Indirect Cost Allocation	970000	\$ -	\$ -		\$ -
Total Expenditures		\$ -		\$ 3,742,062	\$ (3,742,062)

Revenues OVER \ (UNDER) Expenditures

	\$ 1,342,062	\$ (2,400,000)	\$ 3,742,062
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Transfers In\Out - (Show ALL as Positive Numbers)

Operating Transfers IN				
Other financing sources	900000			\$ -
Cash in: tribally required	900010	\$ 2,400,000	\$ 2,400,000	\$ -
Cash in: grant required	900020			\$ -
Cash in: motor fuel tax	900040			\$ -
Cash in: vehicle tax	900050			\$ -
Cash in: interprogram contract	900060			\$ -
Cash in: debt service	900070			\$ -
Operating Transfers OUT				
Other financing uses	900001			\$ -
Cash out: tribally required	900011	\$ 3,742,062		\$ 3,742,062
Cash out: grant required	900021			\$ -
Cash out: motor fuel tax	900041			\$ -
Cash out: vehicle tax	900051			\$ -
Cash out: interprogram contract	900061			\$ -
Cash out: debt service	900071			\$ -
Transfers In\Out - Net		\$ (1,342,062)	\$ 2,400,000	\$ (3,742,062)
Take to Narrative ==>		\$ 3,742,062	\$ 3,742,062	
Excess\ (Deficit) of Revenues, Expenditures and Net Transfers		\$ -	\$ -	\$ -

Cherokee Nation FY 2015 Comprehensive Budget Narrative

Group/Department	Executive Director		ED Phone #
11 - Management Resources	Bruce Davis		5340
Accounting Unit	Accounting Unit Name		
7965400	Tribal Complex Roof Replace		
Program Director/Manager	Pgm Dir/Mgr Phone #	Period Budget Covers	
David Moore	4137	10/01/2014 - 09/30/2015	
FY2015 Budget Request	FY2015 Budget Revision	\$ Increase/(Decrease) Requested - Approved	% Increase/(Decrease) (Request - Approved) / Approved
\$ 3,742,062	\$ 3,742,062	\$ -	0.00%
Staffing Plan (FTE)	FY2015	FY2014	Net Change in Staffing
Regular Full-Time	-	-	-
Regular Part-Time	-	-	-
Temporary Full-Time	-	-	-
Temporary Part-Time	-	-	-
IPA/MOA/Other	-	-	-
Total	-	-	-

PROGRAM NARRATIVE:

The funds were appropriated from reserved funds to replace the Tribal Complex roof.

SIGNIFICANT CHANGES:

Request the funds be transferred to AU 7965500, Tribal Complex Construction. Since these projects are connected, this will allow for better tracking the expenditures. These projects will use the same contractor as the Construction Manager and one A&E Service to oversee the projects' completion.

CHEROKEE NATION - FY2015 BUDGET REQUEST FORM

PART-1

Budget Period:	10/01/2014 - 09/30/2015	Budget Preparer	Phone: 5296
Contract Period:	10/01/2014 - 09/30/2015	Name:	Alan Turner
Contract Number:		Accounting Unit Director/Manager	Phone: 4137
Accounting Fund:	7-Capital Projects Fund	Name:	David Moore
Funding Source:	96-Capital Projects	Executive Director	Phone: 5340
AU Description:	Tribal Complex Construction	Name:	Bruce Davis
Accounting Unit:	7965500	1st Person Responsible	
Place IDC Rate in Part 4 Below		Employee #	105979
Date/Time Printed:	23-Jun-15 04:09 PM		

Notes: Increase budget by transferring in funds from AU 7965400 Tribal Complex Roof Replacement

PART-2

Staffing Summary:

	FY 2015 REVISION 1	FY 2015 ORIG REQUEST	Incr \ (Decr)
# of Regular Full-Time Employee Equivalents:			-
# of Regular Part-Time Employee Equivalents:			-
# of Temp. Full-Time Employee Equivalents:			-
# of Temp. Part-Time Employee Equivalents:			-
# of Other Employee Equivalents:			-
TOTAL NUMBER OF EMPLOYEE-EQUIVALENTS			-

PART-3

Revenues: (Show as positive #)

Account #	Incr \ (Decr)
Carryover: "appropriated" FY	\$ 5,000,000
Please enter a valid account number - >>>	\$ -
Please enter a valid account number - >>>	\$ -
Total Revenues	\$ 5,000,000

PART-4

Expenditures:

Account #	Subject to IDC ?		Subject to IDC ?		Incr \ (Decr)
	YES	NO	YES	NO	
Salaries & wages		\$0			\$ -
Fringe benefits		\$0			\$ -
Building construction projects		\$8,742,062		\$5,000,000	\$ 3,742,062
Expenditures NOT Subject to IDC		\$ 8,742,062		\$ 5,000,000	\$ 3,742,062
Expenditures SUBJECT to IDC		\$ -		\$ -	\$ -
Indirect Cost Rate (If blank or zero, must explain in Notes above)	15.13%		15.13%		
Indirect Cost Allocation	970000	\$ -		\$ -	\$ -
Total Expenditures		\$ 8,742,062		\$ 5,000,000	\$ 3,742,062

Revenues OVER \ (UNDER) Expenditures

	\$ (3,742,062)	\$ -	\$ (3,742,062)
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Transfers In\Out - (Show ALL as Positive Numbers)

Operating Transfers IN				
Other financing sources	900000			\$ -
Cash in: tribally required	900010	\$3,742,062		\$ 3,742,062
Cash in: grant required	900020			\$ -
Cash in: motor fuel tax	900040			\$ -
Cash in: vehicle tax	900050			\$ -
Cash in: interprogram contract	900060			\$ -
Cash in: debt service	900070			\$ -
Operating Transfers OUT				
Other financing uses	900001			\$ -
Cash out: tribally required	900011			\$ -
Cash out: grant required	900021			\$ -
Cash out: motor fuel tax	900041			\$ -
Cash out: vehicle tax	900051			\$ -
Cash out: interprogram contract	900061			\$ -
Cash out: debt service	900071			\$ -
Transfers In\Out - Net		\$ 3,742,062	\$ -	\$ 3,742,062

Take to Narrative ==>

	\$ 8,742,062	\$ 5,000,000
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Excess\ (Deficit) of Revenues, Expenditures and Net Transfers

	\$ -	\$ -	\$ -
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Cherokee Nation FY 2015 Comprehensive Budget Narrative

Group/Department		Executive Director		ED Phone #
11 - Management Resources		Bruce Davis		5340
Accounting Unit		Accounting Unit Name		
7965500		Tribal Complex Construction		
Program Director/Manager		Pgm Dir/Mgr Phone #	Period Budget Covers	
David Moore		4137	10/01/2014 - 09/30/2015	
FY2015 Budget Request	FY2015 Budget Revision	\$ Increase/(Decrease) Requested – Approved	% Increase/(Decrease) (Request – Approved) / Approved	
\$ 5,000,000	\$ 8,742,062	\$ 3,742,062	74.84%	
Staffing Plan (FTE)	FY2015	FY2014	Net Change in Staffing	
Regular Full-Time	-	-	-	
Regular Part-Time	-	-	-	
Temporary Full-Time	-	-	-	
Temporary Part-Time	-	-	-	
IPA/MOA/Other	-	-	-	
Total	-	-	-	

PROGRAM NARRATIVE:

These funds were appropriated from reserved funds to Tribal Complex addition of second floor and remodel of existing open area.

SIGNIFICANT CHANGES:

Request the funds be transferred in from AU 7965400, Tribal Complex Roof Replacement. Since these projects are connected, this will allow for better tracking of the expenditures. These projects will use the same contractor as the Construction Manager and one A&E Service to oversee the projects' completion. This budget will be used for the second floor addition, the remodel of existing open area, and the Roof Replacement on the Tribal Complex.

3024

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

AN ACT AMENDING LEGISLATIVE ACT #24-14 AUTHORIZING
THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2015
CAPITAL - MOD 3 ; AND DECLARING AN EMERGENCY

TITLE:

DEPARTMENT CONTACT: Gaylon Thompson

RESOLUTION PRESENTER: _____

COUNCIL SPONSOR: _____

NARRATIVE:

<u>ADMINISTRATIVE CLEARANCE</u>	
Dept/Program:	
Signature/Initial	Date
Executive Director:	
Signature/Initial	Date
Treasurer: (Required: Grants/Contracts/Budgets)	
	Date
Government Resources:	
Signature/Initial	Date
Administration Approval:	
	Date

<u>LEGISLATIVE CLEARANCE:</u>	
Legal & Legislative Coordinator:	
	Date
Standing Committee & Date:	
<u>Executive + Finance</u>	
<u>7/30/15</u>	
Chairperson:	
<u>Fishinhawk</u>	Date
Returned to Presenter:	
Date	

07-14-15P03:31 RCVD