

An Act

Legislative Act: 19-08

AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2009 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 Budget for Fiscal Year 2009.”

Section 2. Purpose: To comply with the Constitution and laws of the Cherokee Nation, to authorize funding for governmental operations 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 and planned expenditures from all sources in compliance with the specific laws governing appropriations (62 CNCA 31 & 32).
- B. The use of such funds shall be subject to public disclosure.
- C. The funding sources are to provide budget authority for expenditures of the Cherokee Nation’s Executive, Judicial and Legislative Departments (Branches), including any authorized Commissions, Boards, Authorities and Enterprises operated by the Nation.
- D. The funding sources include funds from compacts, grants, contracts, miscellaneous sources and contributions, dividends, revenues of enterprises, taxes, special and general fund sources, indirect costs or trust funds.
- E. This enactment shall govern the proper use of all funds during the course of business for Fiscal Year 2009. No other expenditure or use is authorized except as provided herein or as provided by subsequent amendments to this authorization.

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 2009 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 allocations 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. These proposed allocations for funding are hereby approved and incorporated herein as set forth in the justifications contained in the "Comprehensive Budget Estimates for Fiscal Year 2009" submitted by the Treasurer as revised and approved by the Council of the Cherokee Nation after hearings before the Executive and Finance Committee. The approved allocations from all sources are subject to the availability of funds as projected and estimated.

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

- A. The budget authority for the Fiscal Year 2009 budget is \$478,270,166. 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.
- C. Budget authority is also provided for financial obligations associated with debt service that are not shown as expenses in the Budget Justifications. Total budget authority is set forth and documented in the Principal Chief's budget estimates—incorporated herein, as revised by the Tribal Council through budget hearings and attached as Exhibit - A incorporated herein. Authority to expend grant funds as a result of future awards during FY2009 is authorized, provided that budget amendments adding new accounting units or adjustments to existing accounting units incorporated in the Comprehensive Budget for FY2009 are submitted to the Council within thirty days of the receipts of any such award or notice of funding adjustment.
- D. Indirect cost pool expenditures are limited to a rate approved by the Inspector General for use in Fiscal Year 2009.

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 15th day of September, 2008.

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 19th day of September, 2008.



Chad Smith, Principal Chief
Cherokee Nation

ATTEST:



Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

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

**CHEROKEE NATION
FY2009 BUDGET
ADJUSTMENTS TO PROPOSAL**

Exhibit - A

Adjustments derived from Legislative Review Hearings:

#	Program	Division	Funding Src	AU	Impact of adjustments to:		
					Sources	Uses	Net
Proposed Budget - From Administration					\$ 477,136,201	\$ 473,735,813	\$ 3,400,388
1.	Headstart Match	Education Services	DHHS	3401000	128,000	128,000	-
2.	Charitable Donation - Indian Rodeo	Office of the Chief	Gen Fund	1010042		1,200	(1,200)
3.	Charitable Donation - CNEC	Office of the Chief	Gen Fund	1010042		25,000	(25,000)
4.	Charitable Donation - Adult Choirs	Office of the Chief	Gen Fund	1010042		5,000	(5,000)
5.	Charitable Donation - Dom. Abuse Shelters	Office of the Chief	Gen Fund	1010042		13,500	(13,500)
6.	Charitable Donation - ODAPCA	Office of the Chief	Gen Fund	1010042		2,000	(2,000)
7.	Charitable Donation - Zoe Institute	Office of the Chief	Gen Fund	1010042		38,000	(38,000)
8.	Charitable Donation - Jay Federal Bldg	Office of the Chief	Gen Fund	1010042		10,000	(10,000)
9.	Advocacy Initiative	Attorney General	Gen Fund	1010115		(1,000,000)	1,000,000
10.	SHS Summer Activities	Education Services	Gen Fund	1010172		(302,901)	302,901
11.	Connors Nursing Cohort	Education Services	Gen Fund	1010219		78,000	(78,000)
12.	Contract Health	Health Services	Gen Fund	1010264		1,500,000	(1,500,000)
13.	General Fund - Ops (Transfer to Headstart)	Financial Resources	Gen Fund	1010280		128,000	(128,000)
14.	General Fund - Ops (Tobacco Tax c/o)	Financial Resources	Gen Fund	1010280	817,000	645,000	172,000
15.	Unappropriated Reserve	Financial Resources	Gen Fund	1010296		(1,345,126)	1,345,126
16.	Individual Water & Sanitation	Community Services	Gen Fund	1010431		500,000	(500,000)
17.	Self Help Community Waterlines	Community Services	Gen Fund	1010432	200,000	200,000	-
18.	Stoves Heating and AC Assistance	Human Services	Gen Fund	1010453	100,000	100,000	-
19.	Clothing for Kids	Human Services	Gen Fund	1010458		200,000	(200,000)
20.	Tribal Bridge Program	Community Services	Gen Fund	1010464	(225,000)		(225,000)
21.	Boys and Girls Club	Career Services	Gen Fund	1010529		45,000	(45,000)
22.	Community Investment (Summer Youth)	Career Services	Gen Fund	1010533		186,180	(186,180)
23.	Tribal Council - Gen Fund (CommAsst)	Tribal Council	Gen Fund	1010700		425,000	(425,000)
24.	Tribal Council - Joint Council (Red Clay)	Tribal Council	Gen Fund	1010700		35,000	(35,000)
25.	Tax Commission (Incr Tobacco Revenue)	Tax Commission	Gen Fund	1011010	750,000		750,000
26.	ICW Extracurricular Activites	Human Services	Gen Fund	tbd		10,000	(10,000)
27.	Cherokee Scholars Program	Education Services	Gen Fund	tbd		70,000	(70,000)
28.	Economic Development	Career Services	Gen Fund	tbd		50,000	(50,000)
29.	MFT Carryover	Financial Resources	MFT	1020000	2,000,000		2,000,000
30.	Minor Emergency Repair	Housing Servicesw	MFT	1023030		200,000	(200,000)
31.	Community Youth Grant Program	Community Services	MFT	1023055	142,500	142,500	-
32.	Higher Education Scholarships	Education Services	MFT	1024001	645,000	2,400,000	(1,755,000)
33.	Higher Ed Graduate Scholarships	Education Services	MFT	1024060		45,000	(45,000)
Total Adjustments to Proposed Budget					\$ 4,557,500	\$ 4,534,353	\$ 23,147
Total FY2009 Budget After Adjustments					\$ 481,693,701	\$ 478,270,166	\$ 3,423,535

Itemized Adjustments by Funding Sources

General Fund - Proposed	76,462,480	76,462,480	-
Adjustments (# 2 thru 28)	1,642,000	1,618,853	23,147
General Fund - Adjusted	78,104,480	78,081,333	23,147
Motor Fuel Tax - Proposed	18,471,309	18,471,309	-
Adjustments (# 29 thru 33)	2,787,500	2,787,500	-
Motor Fuel Tax - Adjusted	21,258,809	21,258,809	-
DHHS - Proposed	35,865,906	35,865,906	-
Adjustment (# 1)	128,000	128,000	-
DHHS - Adjusted	35,993,906	35,993,906	-

Total of Adjustments

\$ 4,557,500	\$ 4,534,353	\$ 23,147
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