

## An Act

### LEGISLATIVE ACT 02-13

#### AN ACT AMENDING LEGISLATIVE ACT #38-12 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2013 – 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 #38-12 Authorizing the Comprehensive Capital Budget for FY 2013 – 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 Capital Budget Act for Fiscal Year 2013” or subsequent amendment. The cumulative total of the capital budget is increased by \$2,246,329 for a total capital budget authority of \$105,794,304.

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #38-12 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 \$0.00 to wit:

- A. An increase in the **Capital Projects Fund for Jack Brown Construction** of \$2,246,329.

**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 14<sup>th</sup> day of January, 2013.

  
\_\_\_\_\_  
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 16<sup>th</sup> day of Jan., 2013.



Bill John Baker, Principal Chief  
Cherokee Nation

ATTEST:



Charles Head, Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Lee Keener	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Curtis Snell	<u>Yea</u>	Dick Lay	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Meredith Frailey	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Jack Baker	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Joe Byrd	<u>Yea</u>		



## 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 &  
Chuck Hoskin, Jr., Co-Chair, Executive & Finance Committee

**From:** Jody S. Reece

**CC:** Executive & Finance Committee

**Date:** 11/28/2012

**Re:** Review of Capital Budget Modification #2

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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:

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### A. Capital Grants Received In November (Reporting Only):

None	\$0.00
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### B. Capital Mod #2 (1 budget) Increase in budget authority - \$2,246,329:

1. Jack Brown Center Construction - 7964500: Modification requesting an increase in expenditure authorization of \$2,246,329 balanced with a Transfer In of \$765,626 from Jack Brown Center Revenue - 3402510, Transfer In of \$1,546,509 from Health Equipment Replacement - 3329030, and offset by the decrease in prior year carryover of \$65,806 for a total revised budget of \$5,000,000.

#### Summary:

After reviewing the submission by administration of Mod #2 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  
 PROPOSED FY 2013 AMENDMENT  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2013 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
96-Capital Projects	1	7964500 Jack Brown Center Construction	LA 38-12	2,246,329	2,246,329	\$ -
<b>96-Capital Projects Total</b>				<b>\$ 2,246,329</b>	<b>\$ 2,246,329</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 2,246,329</b>	<b>\$ 2,246,329</b>	<b>\$ -</b>

CAPITAL MOD-2 REQUEST

**COMPREHENSIVE BUDGET  
FOR FISCAL YEAR 2013  
Including Mod-3 Operating**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	76,750,072	1,836,991	78,587,063	66,658,394	4,327,588	7,601,081	78,587,063	0
Motor Fuels Tax Funding Srce	8,801,819	12,895,819	21,697,638	13,927,490	141,110	7,629,038	21,697,638	0
Motor Vehicle Tax Funding Srce	10,939,664	225,000	11,164,664	9,918,284	374,841	871,539	11,164,664	0
Permanent Fund Funding Source	10,000	0	10,000	10,000	0	0	10,000	0
DOI General Funding Source	11,234,026	0	11,234,026	10,376,349	857,677	0	11,234,026	0
DOI Self Gov Funding Source	13,801,610	79,600	13,881,210	12,697,433	1,168,777	15,000	13,881,210	0
DOI Self Gov Roads Funding Src	29,555,077	0	29,555,077	29,319,213	177,056	58,808	29,555,077	0
Dept of Transportation Fnd Src	39,109,995	0	39,109,995	38,895,421	114,731	99,843	39,109,995	0
DOI PL102-477 Funding Source	15,838,167	0	15,838,167	15,182,353	655,814	0	15,838,167	0
IHS Self Gov Health Funding Sr	260,665,937	0	260,665,937	240,511,347	17,504,590	2,650,000	260,665,937	0
IHS Self Gov TEH Funding Src	5,803,801	0	5,803,801	5,394,953	408,848	0	5,803,801	0
IHS Self Gov Offic Funding Src	322,788	0	322,788	291,397	31,391	0	322,788	0
IHS Discretionary Funding Srce	800,000	0	800,000	30,000	0	770,000	800,000	0
DHHS General Funding Source	34,426,638	528,696	34,955,334	32,038,544	2,916,790	0	34,955,334	0
USDA Funding Source	18,320,308	743,192	19,063,500	18,351,980	711,520	0	19,063,500	0
Dept of Education Funding Srce	1,251,231	65,875	1,317,106	1,201,961	115,145	0	1,317,106	0
HUD Funding Source	47,537,798	85,061	47,622,859	45,968,008	1,654,851	0	47,622,859	0
Housing Proceeds Funding Src	0	0	0	0	0	0	0	0
EPA Funding Source	2,132,491	0	2,132,491	1,891,909	240,582	0	2,132,491	0
Dept of Labor Funding Source	7,204,624	0	7,204,624	6,470,135	734,489	0	7,204,624	0
Federal Other Funding Source	3,721,240	500	3,721,740	3,581,842	139,898	0	3,721,740	0
State of Oklahoma Funding Srce	1,420,558	0	1,420,558	1,256,172	164,386	0	1,420,558	0
Private Funding Source	201,700	172,575	374,275	328,126	46,149	0	374,275	0
Indirect Cost Pool Funding Src	149,226	0	149,226	34,994,949	(32,404,009)	0	2,590,940	(2,441,714)
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	86,000	0	86,000	86,000	0	0	86,000	0
Enterprise Funding Source	1,261,199	0	1,261,199	1,255,754	0	0	1,255,754	5,445
Other Funding Source	180,099	12,000	192,099	181,373	10,726	0	192,099	0
Debt Service Funding Source	0	2,650,000	2,650,000	2,650,000	0	0	2,650,000	0
Capital Projects Funding Source	21,387,856	400,000	21,787,856	21,731,369	56,487	0	21,787,856	0
<b>Total</b>	<b>\$ 612,913,924</b>	<b>\$ 19,695,309</b>	<b>\$ 632,609,233</b>	<b>\$ 615,200,756</b>	<b>\$ 149,437</b>	<b>\$ 19,695,309</b>	<b>\$ 635,045,502</b>	<b>\$ (2,436,269)</b>

**CAPITAL RECONCILIATION**

LA-38-12 CAB	\$ 103,547,975	
Mod-1 Capital		11/29 - E&F
Mod-2 Capital	2,246,329	12/11 - E&F
<b>Total Capital</b>	<b>\$ 105,794,304</b>	

Mod-3 Oper Req	\$ 559,742	11/29 - E&F
Mod-4 Oper Req	3,209,612	12/11 - E&F
Mod-2 Cap Req	2,246,329	12/11 - E&F
<b>Total after pending Mod's</b>	<b>\$ 641,061,185</b>	

Operating (LA37-12)	\$ 535,266,881	(thru Mod-4 op)
Capital (LA-38-12)	105,794,304	(thru Mod-2 cao)
<b>Recap</b>	<b>\$ 641,061,185</b>	



CHEROKEE NATION - FY2013 BUDGET REQUEST FORM

PART-1

Budget Period:	10/01/12 to 09/30/13	Budget Preparer	Phone: 453-5636
Contract Number:		Name:	AMI SAMS
Accounting Fund:	7-Capital Projects Fund	Accounting Unit Director/Manager	Phone: 453-5557
Funding Source:	96-Capital Projects	Name:	CONNIE DAVIS
AU Description:	JACK BROWN CENTER CONSTRUCTION	Group Leader	Phone: 453-5557
Accounting Unit:	7964500	Name:	CONNIE DAVIS
Place IDC Rate in Part 4 Below		1st Person Responsible	
		Employee #	105287
		SBC Agreement:	Phone:
		Name:	
Date/Time Printed:	19-Nov-12 10:52 AM		

Notes: Transfers in from AU 3402510 in the amount of \$765,628 and AU 3329030 in the amount of \$1,546,509 for a total transfer in of \$2,312,135.

PART-2

Staffing Summary:

	FY 2013 REVISION 1	FY 2013 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:			-
<b>TOTAL NUMBER OF EMPLOYEE-EQUIVALENTS</b>			

PART-3

Revenues:

(Show as positive #)

Account #			Incr \ (Decr)
Carryover: "appropriated" PY	490000	\$2,687,865	\$2,753,671
Please enter a valid account number - >>>			\$(65,806)
Please enter a valid account number - >>>			\$-
DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE!			\$-
<b>Total Revenues</b>		<b>\$ 2,687,865</b>	<b>\$ 2,753,671</b>

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	600000	\$0			\$-
Fringe benefits	610000	\$0			\$-
Building construction projects	770040	\$5,000,000		\$2,753,671	\$ 2,246,329
Please enter a valid account number - >>>					\$-
Please enter a valid account number - >>>					\$-
Please enter a valid account number - >>>					\$-
DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE!					\$-
<b>Expenditures NOT Subject to IDC</b>		<b>\$ 5,000,000</b>		<b>\$ 2,753,671</b>	<b>\$ 2,246,329</b>
<b>Expenditures SUBJECT to IDC</b>		<b>\$ -</b>		<b>\$ -</b>	<b>\$ -</b>
Indirect Cost Rate (If blank or zero, must explain in Notes above)		14.15%		13.73%	\$-
Indirect Cost Allocation	970000	\$-		\$-	\$-
<b>Total Expenditures</b>		<b>\$ 5,000,000</b>		<b>\$ 2,753,671</b>	<b>\$ 2,246,329</b>
<b>Revenues OVER \ (UNDER) Expenditures</b>		<b>\$ (2,312,135)</b>		<b>\$ -</b>	<b>\$ (2,312,135)</b>

Transfers In/Out - (Show ALL as Positive Numbers)

Operating Transfers IN

Other financing sources	900000				
Cash in: tribally required	900010		\$2,312,135		\$ 2,312,135
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

Take to Narrative ==>		\$ 2,312,135	\$ -	\$ 2,312,135
<b>Excess\ (Deficit) of Revenues, Expenditures and Net Transfers</b>		<b>\$ 5,000,000</b>	<b>\$ 2,753,671</b>	<b>\$ -</b>
		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

# GL Commitment Analysis Report

GL298 Date 11/14/12  
Time 10:46

Company 1 Cherokee Nation  
GL Commitment Analysis Report  
Periods 1 - 12  
Year 2012

USD

Acct Unit	7964500	Jack Brown Center Construction	Budget	1 FY 2012 Approved Budget	Budgeted	Budget Balance
Account	Actual	Encumbrances	Commitments	Total		
690120 0000	8.85	0.00	0.00	8.85	0.00	8.85
Direct billed: mailing cost						
770040 0000	46,487.93	49,597.07	0.00	96,085.00	2,783,959.00	2,687,874.00
Building construction projects						
900010 0000	669,671.14	0.00	0.00	669,671.14	669,671.00	.14
Cash in: tribally required						
Acct Unit Totals	623,174.36	49,597.07	0.00	573,577.29	2,114,288.00	2,687,865.29
Company Totals	623,174.36	49,597.07	0.00	573,577.29	2,114,288.00	2,687,865.29
Report Totals	623,174.36	49,597.07	0.00	573,577.29	2,114,288.00	2,687,865.29

FY13 Mod:

CARRYOVER 2,687,865

765,626

TRANSFER IN FROM: 3402510

TRANSFER IN FROM: 3329030

1,546,509

\$ 5,000,000



# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
<b>Dept/Program:</b>	
Signature/Initial	Date
<b>Executive Director:</b>	
Signature/Initial	Date
<b>Treasurer: (Required: Grants/Contracts/Budgets)</b>	
<i>Gaylon Thompson 11-26-12</i>	
Signature/Initial	Date
<b>Government Resources:</b>	
Signature/Initial	Date
<b>Administration Approval:</b>	
<i>Charles L. Hood</i>	
Signature/Initial	Date
	<i>11-26-12</i>
<b><u>LEGISLATIVE CLEARANCE:</u></b>	
<b>Legal &amp; Legislative Coordinator:</b>	
<i>Britten 11/27/12</i>	
Signature/Initial	Date
<b>Standing Committee &amp; Date:</b>	
<i>Executive + Finance 12-11-12</i>	
<b>Chairperson:</b>	
<i>Fishhawk</i>	
Signature/Initial	Date
<b>Returned to Presenter:</b>	
	Date

**TITLE:** AN ACT AMENDING LEGISLATIVE ACT #38-12 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2013 CAPITAL - MOD 2; AND DECLARING AN EMERGENCY

**DEPARTMENT CONTACT:** Gaylon Thompson

**RESOLUTION PRESENTER:** \_\_\_\_\_

**COUNCIL SPONSOR:** \_\_\_\_\_

**NARRATIVE:**

11-27-12P04:15 RCVD