

## **An Act**

### **LEGISLATIVE ACT 18-12**

#### **AN ACT AMENDING LEGISLATIVE ACT #21-11 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2012 – 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 #21-11 Authorizing the Comprehensive Capital Budget for FY 2012 – 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 2012” or subsequent amendment. The cumulative total of the capital budget is increased by **\$8,172,021** for a total capital budget authority of **\$113,638,317**.

#### **SECTION 3. LEGISLATIVE HISTORY**

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #21-11 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 **\$8,172,021** to wit:

- A. An increase in the **Capital Projects Fund** budget authority of **\$8,172,021** related to the Stilwell Child Development Center and the Vinita Clinic.

#### **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.

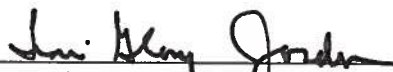
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

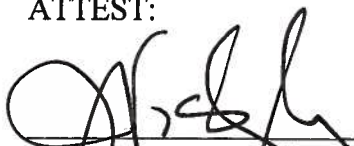
**SECTION 8. SELF-HELP CONTRIBUTIONS**

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.

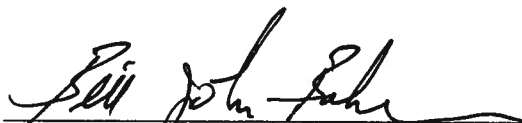
Passed by the Cherokee Council on the 16<sup>th</sup> day of April, 2012

  
\_\_\_\_\_  
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 18<sup>th</sup> day of April, 2012

  
\_\_\_\_\_  
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>
Joe Byrd	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Dick Lay	<u>Yea</u>
Curtis Snell	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Meredith Frailey	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Jack Baker	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Julia Coates	<u>Yea</u>
Don Garvin	<u>Yea</u>		



# CHEROKEE NATION TRIBAL COUNCIL

Doug Evans, C.P.A.,  
Executive Director, Financial Oversight

## M e m o

**To:** Jodie Fishinghawk, Chair, Executive & Finance Committee &  
Chuck Hoskin, Jr., Co-Chair, Executive & Finance Committee

**From:** Doug Evans

**CC:** Executive & Finance Committee

**Date:** 3/15/2012

**Re:** Review of Capital Budget Modification #3

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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 MOD #3 (2 budgets) Increase in budget authority - \$8,172,021:

#### Capital Projects Fund: (Increase - \$8,172,021)

(1): Stilwell Child Development Center: Requesting spending authority for the construction of an approved Child Care Facility in Stilwell in the amount of **\$5,135,863**. These funds have been approved for capital expenditure by the Office of Indian Energy and Economic Development of the Department of Health and Human Services.

(2): Vinita Clinic Construction: Requesting additional spending authority of **\$3,036,158** funded by IHS carryover previously appropriated for Maintenance and Improvement projects. The reprogram of \$5,000,000 is partially offset by a reduction in actual carryover on the construction budget of **<\$1,963,842>**. This capital expenditure is to be used for furniture, fixtures and equipment in the new facility at Vinita.

#### 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  
 PROPOSED FY 2012 AMENDMENT  
 Sorted by Funding Source

CAPITAL  
 MOD-3  
 Request

Funding Source	Ref # by FS	Program/Purpose	FY 2012 Pri	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
96-Capital Projects	1	7965100 Stilwell Child Development Ctr	New	5,135,863	5,135,863	\$ -
	2	7966000 Vinita Clinic Construction	LA 20-11	3,036,158	3,036,158	\$ -
<b>96-Capital Projects Total</b>				<b>\$ 8,172,021</b>	<b>\$ 8,172,021</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 8,172,021</b>	<b>\$ 8,172,021</b>	<b>\$ -</b>

**COMPREHENSIVE BUDGET  
FOR FISCAL YEAR 2012**

**Including Mod-7 Operating & Mod-3 Capital Requests - as amended**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	62,918,257	2,036,431	64,954,688	53,111,094	3,839,752	8,003,842	64,954,688	0
Motor Fuels Tax Funding Srce	8,279,315	16,345,831	24,625,146	13,843,816	193,485	10,587,845	24,625,146	0
Motor Vehicle Tax Funding Srce	15,556,353	0	15,556,353	14,656,458	358,371	541,524	15,556,353	0
Permanent Fund Funding Source	10,000	0	10,000	10,000	0	0	10,000	0
DOI General Funding Source	13,487,763	0	13,487,763	12,657,390	830,373	0	13,487,763	0
DOI Self Gov Funding Source	14,635,844	79,600	14,715,444	13,497,713	1,179,585	38,146	14,715,444	0
DOI Self Gov Roads Funding Src	36,234,992	0	36,234,992	35,966,161	131,463	137,368	36,234,992	0
Dept of Transportation Fnd Src	31,548,476	0	31,548,476	31,317,371	131,262	99,843	31,548,476	0
DOI PL102-477 Funding Source	18,479,904	0	18,479,904	17,839,777	640,127	0	18,479,904	0
IHS Self Gov Health Funding Sr	216,337,611	0	216,337,611	199,078,800	14,408,811	2,850,000	216,337,611	0
IHS Self Gov TEH Funding Src	6,654,197	0	6,654,197	6,257,405	396,792	0	6,654,197	0
IHS Self Gov Offic Funding Src	411,031	0	411,031	363,944	47,087	0	411,031	0
IHS Discretionary Funding Srce	800,000	0	800,000	30,000	0	770,000	800,000	0
DHHS General Funding Source	35,341,339	730,977	36,072,316	33,251,234	2,821,082	0	36,072,316	0
USDA Funding Source	16,695,147	766,338	17,461,485	16,876,286	585,199	0	17,461,485	0
Dept of Education Funding Srce	1,334,869	74,670	1,409,539	1,289,370	120,169	0	1,409,539	0
HUD Funding Source	39,688,649	173,185	39,861,834	36,325,995	2,490,839	1,045,000	39,861,834	0
Housing Proceeds Funding Src	4,445,619	0	4,445,619	4,139,650	305,969	0	4,445,619	0
EPA Funding Source	2,557,355	0	2,557,355	2,322,591	234,764	0	2,557,355	0
Dept of Labor Funding Source	7,801,169	0	7,801,169	7,025,330	775,839	0	7,801,169	0
Federal Other Funding Source	4,951,915	0	4,951,915	4,111,146	115,769	725,000	4,951,915	0
State of Oklahoma Funding Srce	1,152,636	0	1,152,636	1,022,466	130,170	0	1,152,636	0
Private Funding Source	202,762	159,536	362,298	318,560	43,738	0	362,298	0
Indirect Cost Pool Funding Src	146,975	0	146,975	32,818,839	(29,532,042)	0	3,286,797	(3,139,822)
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	1,032,202	1,770,000	2,802,202	1,311,371	0	0	1,311,371	1,490,831
Other Funding Source	172,532	12,000	184,532	175,413	9,119	0	184,532	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	32,122,937	0	32,122,937	32,122,937	0	0	32,122,937	0
<b>Total</b>	<b>\$ 573,085,849</b>	<b>\$ 24,798,568</b>	<b>\$ 597,884,417</b>	<b>\$ 574,477,117</b>	<b>\$ 257,723</b>	<b>\$ 24,798,568</b>	<b>\$ 599,533,408</b>	<b>\$ (1,648,991)</b>

CAPITAL RECONCILIATION	
LA21-11 CAB	\$ 105,627,779
Cap Mod-1	\$ 1,821,539
Cap Mod-2	\$ (1,947,455)
Cap Mod-3	\$ 8,172,021
Mod-5 correction	\$ (35,567)
<b>Total Capital</b>	<b>\$ 113,638,317</b>

Mod-6 Approved	\$ 159,104	02/12 - TC Mtg
Mod-3 Capital Req.	\$ 8,172,021	03/29 - E/F Cmle
Mod-7 Amended	\$ 12,660,026	03/29 - E/F Cmle
<b>Total after pending Mod's</b>	<b>\$ 620,524,559</b>	

Operating (LA20-11)	\$ 506,886,242	(thru Mod-7 op)
Capital (LA-21-11)	\$ 113,638,317	(thru Mod-3 cap)
<b>Recap</b>	<b>\$ 620,524,559</b>	