

# An Act

## LEGISLATIVE ACT 10-23

### AN ACT AMENDING LEGISLATIVE ACT #29-22 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2023 – Mod. 6; 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. 6**”.

#### 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 \$ 11,458,951 for a total capital budget authority of \$ 630,939,056. 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>11,458,951</u>
<b>Cumulative change in budget authority</b>	<b><u>\$ 11,458,951</u></b>

#### 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 \$ 11,458,951 to wit:

- A. An increase in the **Tribally Funded** budget authority of \$ 1,181,777.
- B. An increase in the **Capital Projects** budget authority of \$ 10,277,174.

**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.

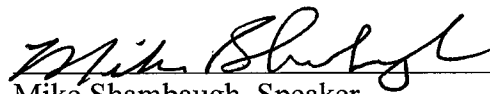
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

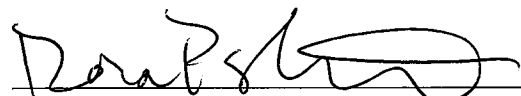
**SECTION 8. SELF-HELP CONTRIBUTIONS**

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.

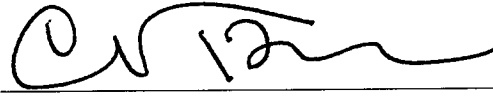
Passed by the Cherokee Council on the May day of 15<sup>th</sup>, 2023

  
\_\_\_\_\_  
Mike Shambaugh, Speaker  
Council of the Cherokee Nation

ATTEST:

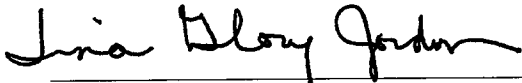
  
\_\_\_\_\_  
Dora Patzkowski, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 17<sup>th</sup> day of May, 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>Absent</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
01-Cherokee Nation	1	1012501 Real Property Acquisitions	LA29-22	1,181,777	1,181,777	\$ -
<b>01-Cherokee Nation Total</b>				<b>\$ 1,181,777</b>	<b>\$ 1,181,777</b>	<b>\$ -</b>
96-Capital Projects	2	7964600 Pryor CDC Construction	LA 03-23	10,277,174	10,277,174	\$ -
<b>96-Capital Projects Total</b>				<b>\$ 10,277,174</b>	<b>\$ 10,277,174</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 11,458,951</b>	<b>\$ 11,458,951</b>	<b>\$ -</b>

## Capital Mod #6 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	321,263,544	19,430,519	340,694,063	290,586,873	7,261,161	42,846,029	340,694,063	-
Motor Fuels Tax Funding Srce	10,985,384	19,348,346	30,333,730	20,756,283	72,447	9,505,000	30,333,730	-
Motor Vehicle Tax Funding Srce	41,891,623	1,610,440	43,502,063	42,069,006	916,786	516,271	43,502,063	-
Permanent Fund Funding Source	9,100	0	9,100	9,100	0	0	9,100	-
DOI General Funding Source	21,042,777	0	21,042,777	19,382,931	1,659,846	0	21,042,777	-
DOI Self Gov Funding Source	45,800,323	79,600	45,879,923	43,470,009	2,399,914	10,000	45,879,923	-
DOI Self Gov Roads Funding Src	0	0	0	0	0	0	0	-
Dept of Transportation Fnd Src	91,416,925	0	91,416,925	91,028,325	288,600	100,000	91,416,925	-
DOI PL102-477 Funding Source	411,877,377	0	411,877,377	354,206,582	2,757,696	54,913,099	411,877,377	-
IHS Self Gov Health Funding Sr	838,542,962	0	838,542,962	771,066,783	48,735,028	18,741,151	838,542,962	-
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 Source	150,000	0	150,000	100,000	0	50,000	150,000	-
DHHS General Funding Source	103,061,758	678,560	103,740,318	96,799,317	6,941,001	0	103,740,318	-
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 Srce	1,557,710	87,222	1,644,932	1,504,198	120,734	20,000	1,644,932	-
HUD Funding Source	69,731,388	1,877,501	71,608,889	68,230,820	300,568	3,077,501	71,608,889	-
Housing Proceeds Funding Src	0	0	0	0	0	0	0	-
EPA Funding Source	2,863,932	0	2,863,932	2,623,369	240,563	0	2,863,932	-
Dept of Labor Funding Source	29,393,729	0	29,393,729	27,903,048	1,490,681	0	29,393,729	-
Dept of Treasury Funding Source	1,026,700,191	0	1,026,700,191	1,023,303,346	3,146,845	250,000	1,026,700,191	-
Federal Other Funding Source	55,639,898	234,754	55,874,652	54,929,543	940,902	4,207	55,874,652	-
State of Oklahoma Funding Source	1,046,367	0	1,046,367	987,274	59,093	0	1,046,367	-
Private Funding Source	5,424,914	0	5,424,914	5,381,131	43,783	0	5,424,914	-
Indirect Cost Pool Funding Src	82,574,764	11,250	82,586,014	82,586,014	0	0	82,586,014	-
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	1,794,891	1,699,807	3,494,698	3,361,675	133,023	0	3,494,698	-
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 Sourc	406,825,804	83,932,568	490,758,372	490,603,347	155,025	0	490,758,372	-
<b>Total</b>	<b>\$ 3,630,018,936</b>	<b>\$ 130,033,258</b>	<b>\$ 3,760,052,194</b>	<b>\$ 3,551,136,954</b>	<b>\$ 78,881,982</b>	<b>\$ 130,033,258</b>	<b>\$ 3,760,052,194</b>	<b>\$ -</b>

### Non Grant Requests

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
Cap Mod #5	8,407,838
Cap Mod #6	11,458,951
<b>Total Capital</b>	<b>\$ 630,939,056</b>

Oper Mod #7	37,694,387	04/27 E&F
Cap Mod #6	11,458,951	04/27 E&F

Total after pending Mod's **\$ 3,809,205,532**

Operating - cumulative total	\$ 3,178,266,476
Capital - cumulative total	630,939,056
<b>Grand Total</b>	<b>\$ 3,809,205,532</b>



**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:** 04/11/2023  
**Re:** Review of Capital Budget Modification #6 – **Total \$ 11,458,951**

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:**

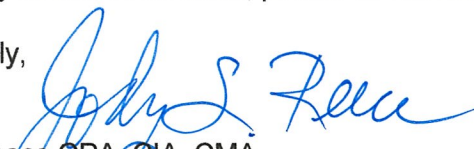
<u>Funding Source</u>	<u>Reason(s)</u>	<u>Amount</u>
None	-	\$ 0
<b>TOTAL GRANTS</b>		<b>\$ 0</b>

**B. MOD #6 Request - Increase in budget authority - \$ 11,458,951**

1. Real Property Acquisitions – 1012501 – Tribally Funded: Modification requesting an increase in expenditure authorization of \$1,181,777. Pursuant to TC Resolution 51-22, five tracts of real property were sold to the Housing Authority of the Cherokee Nation. A small amount is budgeted for abstracting with the balance budgeted for land purchases. The new budgeted expenditure total is \$2,181,777.
2. Pryor CDC Construction – 7964600 – Capital Projects: Modification requesting an increase in expenditure authorization of \$10,277,174 to adjust to actual carryover and revised funding from PL 10-477. The new budgeted expenditure total is \$26,058,049.

**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,  
  
 Jody S. Reece CPA, CIA, CMA  
 Executive Director of Financial Oversight

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 Email: jody-reece@cherokee.org