

An Act

LEGISLATIVE ACT 13-15

AN ACT AMENDING LEGISLATIVE ACT #25-14 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2015 – Mod. 11; 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 #25-14 Authorizing the Comprehensive Operating Budget for FY 2015 – Mod. 11”.

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 Budget Act for Fiscal Year 2015” or subsequent amendment. The cumulative total of the budget is increased by \$ 17,165,023 for a total budget authority of \$ 663,982,378. The following items are identified as components of such change:

Grants Received & Authorized per LA-25-14 (detail attached)	\$ 7,608,912
Modification Request (see Section 4 below)	<u>9,556,111</u>
Cumulative change in budget authority	<u>\$ 17,165,023</u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #25-14 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 budget authorization by an increase of \$ 9,556,111 to wit:

- A. A decrease in the **General Fund** budget authority of \$ (280,772).
- B. An increase in the **Indirect Cost Pool** budget authority of \$ 478,277.
- C. An increase in the **Enterprise** budget authority of \$ 300,000.
- D. An increase in the **DOI – Self Governance** budget authority of \$ 245,264.

- E. An increase in the **DOI – General** budget authority of **\$ 284,926.**
- F. An increase in the **IHS – Self Governance Health** budget authority of **\$ 8,222,940.**
- G. An increase in the **NAHASDA** budget authority of **\$ 305,476.**

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.

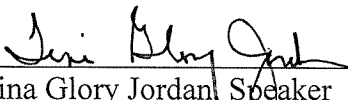
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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

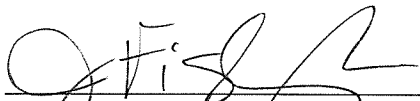
To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

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



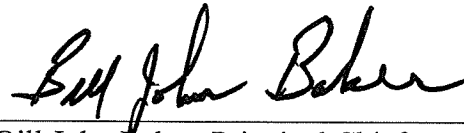
Tina Glory Jordan, Speaker
Council of the Cherokee Nation

ATTEST:



Jodie Fishinhawk, 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
40-DHHS-General	1	3401600 AOA Title VI	LA 25-14	54,192	54,192	\$ -
	2	3402600 Diabetes Grant	LA 25-14	3,227,694	3,227,694	\$ -
	3	3402630 Diabetes Program Stilwell	LA 25-14	105,000	105,000	\$ -
	4	3402640 Diabetes Program Sallisaw	LA 25-14	110,000	110,000	\$ -
	5	3402650 Diabetes Program Jay	LA 25-14	105,000	105,000	\$ -
	6	3402660 Diabetes Program Salina	LA 25-14	105,000	105,000	\$ -
	7	3402670 Diabetes Program Nowata	LA 25-14	105,000	105,000	\$ -
	8	3402680 Diabetes Program Muskogee	LA 25-14	190,000	190,000	\$ -
	9	3402685 Diabetes Program Vinita	LA 25-14	100,000	100,000	\$ -
	10	3402695 Diabetes Program Ochelata	NEW	95,000	95,000	\$ -
40-DHHS-General Total				\$ 4,196,886	\$ 4,196,886	\$ -
70-US Department of Labor	11	3709100 Sector Partnership NDWG	NEW	3,267,231	3,267,231	\$ -
70-US Department of Labor Total				\$ 3,267,231	\$ 3,267,231	\$ -
75-Federal Other	12	3751100 TERO Sum	LA 25-14	34,795	34,795	\$ -
75-Federal Other Total				\$ 34,795	\$ 34,795	\$ -
85-Private	13	3854400 Red Cross Tornado Shelter Grant	NEW	100,000	100,000	\$ -
	14	3854500 March of Dimes	NEW	10,000	10,000	\$ -
85-Private Total				\$ 110,000	\$ 110,000	\$ -
Grand Total				\$ 7,608,912	\$ 7,608,912	\$ -

Operating Grants - Reporting Only

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
01-Cherokee Nation	1	1010296 Unappropriated Reserves	LA 25-14	-	(300,000)	\$ 300,000
	2	1012350 Land Development	LA 25-14	19,228	19,228	-
01-Cherokee Nation Total				\$ 19,228	\$ (280,772)	\$ 300,000
04-Indirect Cost Pool	3	2040000 Indirect Cost Pool Recovery	LA 25-14	261,489	-	\$ 261,489
	4	2041095 Accounting	LA 25-14	-	478,277	\$ (478,277)
04-Indirect Cost Pool Total				\$ 261,489	\$ 478,277	\$ (216,788)
10-Enterprise	5	1010431 Individual Water & Sewer	LA 25-14	-	300,000	\$ (300,000)
10-Enterprise Total				\$ -	\$ 300,000	\$ (300,000)
20-DOI - General	6	3200000 SHS Education Admin	LA 25-14	284,926	284,926	\$ -
20-DOI - General Total				\$ 284,926	\$ 284,926	\$ -
22-DOI - Self Governance	7	3221070 Noxious Weed	LA 31-14	55,264	55,264	\$ -
	8	3222220 SG General Assistance	LA 25-14	190,000	190,000	\$ -
22-DOI - Self Governance Total				\$ 245,264	\$ 245,264	\$ -
32-IHS - Self Governance Health	9	3322105 Stilwell Revenue	LA25-14	181,498	181,498	\$ -
	10	3322305 Jay Revenue	LA25-14	165,836	165,836	\$ -
	11	3322405 Salina Revenue	LA25-14	243,634	243,634	\$ -
	12	3322505 Nowata Revenue	LA25-14	386,377	386,377	\$ -
	13	3322605 Muskogee Revenue	LA25-14	383,256	383,256	\$ -
	14	3323005 WW Hastings Revenue	LA25-14	3,866,241	3,866,241	\$ -
15	3325700 Pharmacy Refill Center	LA25-14	2,996,098	2,996,098	\$ -	
32-IHS - Self Governance Health Total				\$ 8,222,940	\$ 8,222,940	\$ -
56-NAHASDA	16	3564060 Transitional Emergency Housing	NEW	305,476	305,476	\$ -
56-NAHASDA Total				\$ 305,476	\$ 305,476	\$ -
Grand Total				\$ 9,339,323	\$ 9,556,111	\$ (216,788)

Operating Mod #11 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 Office 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	
LA-24-14	\$ 119,689,431
Capital Mod #1	4,789,600
Capital Mod #2	747,879
Capital Mod #3	3,742,062
Total Capital	\$ 128,968,972
Non Grant Requests	
Oper Mod #10	1,072,399
Oper Mod #11 Req	9,556,111
Cap Mod #3 Req	3,742,062
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

Mem o

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

From: Jody S. Reece

CC: Executive & Finance Committee

Date: 07/16/2015

Re: Review of Operating Budget Modification #11 – **Total \$ 17,165,023**

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># of Budgets - Reason</u>	<u>Amount</u>
40- DHHS General	10-Carryover reconciliations and new awards Majority is related to Diabetes Grant	\$ 4,196,886
70-US Dept of Labor	1-New award – Sector Partnership for National Dislocated Workers Grant (NDWG)	3,267,231
75-Federal Other	1-Carryover reconciliation and new award	34,795
85-Private	2-New awards	110,000
TOTAL GRANTS		<u>\$ 7,608,912</u>

General Fund Cash Match for Grants (1010315) – The original budget of \$2,700,072 included \$1,851,460 in Cash Out: Grant Required and \$848,612 in Appropriated for Cash Match for future grants.

Original Appropriated for Cash Match (future grants)	\$ 848,612
Used: 3852500 - Community Action Project	(13,747)
Reduced to provide funding for community building donations	(14,000)
3453454 – Food Distribution Other	(6,384)
 Balance Available	 <u>\$ 814,481</u>

B. MOD #11 Request - (16 budgets) Increase in budget authority - \$ 9,556,111

1. Unappropriated Reserves – 1010296 – General Fund: Modification requesting a change in expenditure authorization of \$1,231,446 as a Transfer Out to AU 3200000-SHS Education Admin and an additional \$300,000 reduction to the Reserved by Appropriation to provide the funds for AU 1010431-Individual Water & Sewer. The balance in the Reserved by Appropriation is now \$2,724,404.

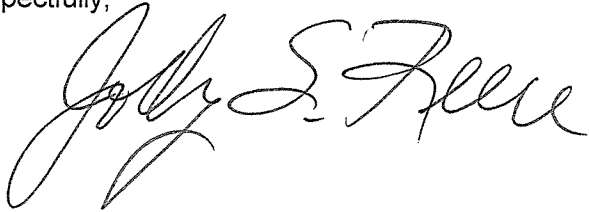
2. Individual Water & Sewer – 1010431 – General Fund: Modification requesting an increase in expenditure authorization of \$300,000 to provide funding for 41 applications currently on the waiting list for contract services (aerobic systems, water wells, road bores, etc). The funding is provided by a reduction in the Unappropriated reserves in item 1. The new total budget is \$900,000.
3. Land Development – 1012350 – General Fund: Modification requesting an increase in expenditure authorization of \$19,228 that is offset by revenue from hay sales, Saline Courthouse grounds use, and funds from garden tilling. The department is also requesting that the \$75,000 designated for buffalo fencing be used not just for fencing, but for expenses such as feed, supplies, veterinary costs, insurance for tour bus, and painting of tour bus. The new total budget is \$1,377,946.
4. Indirect Cost Pool Recovery – 2040000 - Indirect Cost Pool: Modification requesting an increase in IDC Recovery Revenue of \$261,489 provided from new grants received during fiscal year 2015. This additional recovery revenue along with the original \$216,788 over recovery carried since the original comprehensive budget provides the funds needed for the increase in the Accounting budget in item 5. The new total budget is \$37,921,903.
5. Accounting – 2041095 – Indirect Cost Pool: Modification requesting an increase in expenditure authorization of \$478,277 for bank fees and a slight decrease in another line item. The funding is provided by the original over recovery budgeted and the increased recovery budgeted in item 4. These bank fees will be a discussion item in the Financial Security and Stability Act of 2015 coming forth in this month's Rules Committee. The new total budget is \$5,091,269.
6. SHS Education Admin – 3200000 – DOI General: Modification requesting an increase in expenditure authorization of \$284,926. There is a decrease in grant revenue of \$946,520 and a Transfer In of \$1,231,446 for item 1. The new total budget is \$5,611,473.
7. Noxious Weed – 3221070 – DOI Self Governance: Modification requesting an increase in expenditure authorization of \$55,264 for a one time distribution of funds. The new total budget is \$130,640.
8. SG General Assistance – 3222220 – DOI Self Governance: Modification requesting an increase in expenditure authorization of \$190,000 for burial and other general assistance. The new total budget is \$1,168,431.
9. Stilwell Revenue – 3322105 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$181,498 based upon increased third party revenues. The new total budget is \$10,308,410.
10. Jay Revenue – 3322305 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$165,836 based upon \$19,562 in increased third party revenues and \$146,274 grant revenue reprogrammed from the Salina Clinic in item 11. The new total budget is \$8,506,069.
11. Salina Revenue – 3322405 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$243,634 based upon \$389,908 in increased third party revenues and \$146,274 decreased grant revenue reprogrammed to the Jay Clinic in item 10. The new total budget is \$8,681,718.
12. Nowata Revenue – 3322505 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$386,377 based upon increased third party revenues. The new total budget is \$6,152,145.
13. Muskogee Revenue – 3322605 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$383,256 based upon increased third party revenues. The new total budget is \$14,530,204.

14. WW Hastings Revenue – 3323005 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$3,866,241 based upon \$6,862,339 in increased third party revenues and \$2,996,098 decreased grant revenue reprogrammed to the Pharmacy Refill Center in item 15. The new total budget is \$95,402,861.
15. Pharmacy Refill Center – 3325700 – IHS Self Governance Health: Modification requesting an increase in expenditure authorization of \$2,996,098 that is funded by increased grant revenue made available by reprogramming from WW Hastings in item 14. The new total budget \$12,747,215.
16. Transitional Emergency Housing – 3564060 – NAHASDA: New budget requesting expenditure authorization of \$305,476 funded with Program Income. This same program already has a budget funded from grant funds in the amount of \$1,188,522 that is close to being fully expended.

Summary:

After reviewing the submission of Mod #11 by administration, I find no technical issues surrounding these requests, nor do I have any unmentioned concerns related to their respective carryover estimates. If I can provide any further information, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Jody S. Fleck". The signature is written in a cursive style with a large initial "J" and "F".