

# An Act

## LEGISLATIVE ACT 36-22

### AN ACT AMENDING LEGISLATIVE ACT #29-22 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2023 – 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 #29-22 Authorizing the Comprehensive Capital Budget for FY 2023 – 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 2023” or subsequent amendment. The cumulative total of the capital budget is increased by **\$ 1,036,000** for a total capital budget authority of **\$ 584,135,877**. 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>1,036,000</u>
<b>Cumulative change in budget authority</b>	<b>\$</b>	<b><u>1,036,000</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 **\$ 1,036,000** to wit:

- A. An increase in the **Tribally Funded** budget authority of **\$ 1,036,000**.

**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.

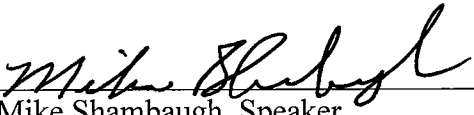
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

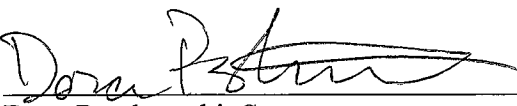
**SECTION 8. SELF-HELP CONTRIBUTIONS**

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.

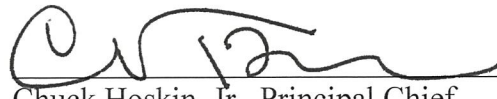
Passed by the Cherokee Council on the 14th day of November, 2022

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

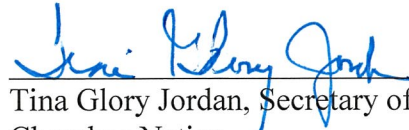
ATTEST:

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

Approved and signed by the Principal Chief this 18<sup>th</sup> day of November, 2022

  
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>Yea</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	New	-	1,000,000	\$ (1,000,000)
	2	1012506 Land Acquisitions Trust	LA29-22	36,000	36,000	\$ -
<b>01-Cherokee Nation Total</b>				<b>\$ 36,000</b>	<b>\$ 1,036,000</b>	<b>\$ (1,000,000)</b>
<b>Grand Total</b>				<b>\$ 36,000</b>	<b>\$ 1,036,000</b>	<b>\$ (1,000,000)</b>

## Capital Mod #2 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	284,330,282	19,425,019	303,755,301	282,021,828	7,274,080	14,459,393	303,755,301	-
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	37,825,564	1,140,440	38,966,004	37,572,428	877,305	516,271	38,966,004	-
Permanent Fund Funding Source	9,100	0	9,100	9,100	0	0	9,100	-
DOI General Funding Source	19,792,566	0	19,792,566	18,152,267	1,640,299	0	19,792,566	-
DOI Self Gov Funding Source	36,607,914	79,600	36,687,514	34,661,149	2,016,365	10,000	36,687,514	-
DOI Self Gov Roads Funding Src	0	0	0	0	0	0	0	-
Dept of Transportation Fnd Src	83,009,087	0	83,009,087	82,653,716	255,371	100,000	83,009,087	-
DOI PL 102-477 Funding Source	407,665,453	0	407,665,453	358,978,706	2,547,070	46,139,677	407,665,453	-
IHS Self Gov Health Funding Sr	815,494,675	0	815,494,675	749,850,545	46,902,979	18,741,151	815,494,675	-
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 Offic Funding Src	386,587	0	386,587	351,067	35,520	0	386,587	-
IHS Discretionary Funding Srce	150,000	0	150,000	100,000	0	50,000	150,000	-
DHHS General Funding Source	87,921,657	678,560	88,600,217	82,482,438	6,117,779	0	88,600,217	-
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	1,248,426	87,222	1,335,648	1,227,226	88,422	20,000	1,335,648	-
HUD Funding Source	69,205,037	1,602,501	70,807,538	67,739,637	265,400	2,802,501	70,807,538	-
Housing Proceeds Funding Src	0	0	0	0	0	0	0	-
EPA Funding Source	2,342,588	0	2,342,588	2,132,906	209,682	0	2,342,588	-
Dept of Labor Funding Source	27,398,701	0	27,398,701	26,040,264	1,358,437	0	27,398,701	-
Dept of Treasury Funding Source	1,023,377,070	0	1,023,377,070	1,019,980,225	3,146,845	250,000	1,023,377,070	-
Federal Other Funding Source	19,181,983	147,587	19,329,570	18,623,484	701,879	4,207	19,329,570	-
State of Oklahoma Funding Srce	884,367	0	884,367	825,274	59,093	0	884,367	-
Private Funding Source	6,751,172	0	6,751,172	6,740,501	10,671	0	6,751,172	-
Indirect Cost Pool Funding Src	82,302,528	6,750	82,309,278	82,309,278	0	0	82,309,278	-
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	1,166,891	1,699,807	2,866,698	2,733,675	133,023	0	2,866,698	-
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	406,392,879	47,339,677	453,732,556	453,580,456	152,100	0	453,732,556	-
<b>Total</b>	<b>\$ 3,484,466,899</b>	<b>\$ 92,598,200</b>	<b>\$ 3,577,065,099</b>	<b>\$ 3,409,419,366</b>	<b>\$ 75,047,533</b>	<b>\$ 92,598,200</b>	<b>\$ 3,577,065,099</b>	<b>\$ -</b>

### Non Grant Requests

Oper Mod #1	17,853,892	11/14 Council
Cap Mod #1	13,754,571	11/14 Council
Oper Mod #2	1,183,094	11/14 E&F
Cap Mod #2	1,036,000	11/14 E&F

Total after pending Mod's

**\$ 3,610,892,656**

### CAPITAL RECONCILIATION

LA 29-22	\$ 569,345,306
Cap Mod #1	13,754,571
Cap Mod #2	1,036,000

**Total Capital \$ 584,135,877**

Operating (LA 44-21) \$ 3,026,756,779 Cumulative Oper  
Capital (LA 43-21) 584,135,877 Cumulative Cap

**Grand Total \$ 3,610,892,656**



# 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:** 11/02/2022  
**Re:** Review of Capital Budget Modification #2 – **Total \$ 1,036,000**

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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. Grant Reporting:

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

### B. MOD #2 Request - Increase in budget authority - \$ 1,036,000

1. Real Property Acquisitions – 1012501 – Tribally Funded: New budget requesting expenditure authorization of \$1,000,000 for the purchase of buildings and/or land. There is no mention in the budget or narrative of any specific property or properties. Funding provided by General Fund carryover freed up by reducing the Reserve by Appropriation in the 1010296-Unappropriated Reserve budget (reported in the operating budget modification).
2. Land Acquisitions Trust – 1012506 – Tribally Funded: Modification requesting an increase in expenditure authorization of \$36,000. Funding provided by increased carryover from year-end reconciliation. The new carryover revenue and expenditure totals are \$157,510 each.

### 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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Cell: 918-525-2017  
Email: jody-reece@cherokee.org