

# An Act

## LEGISLATIVE ACT 09-23

### AN ACT AMENDING LEGISLATIVE ACT #30-22 AUTHORIZING THE COMPREHENSIVE OPERATING 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 #30-22 Authorizing the Comprehensive Operating 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 Budget Act for Fiscal Year 2023” or subsequent amendment. The cumulative total of the budget is increased by **\$ 14,016,912** for a total budget authority of **\$ 3,131,411,764**. The following items are identified as components of such change:

Grants Received & Authorized per LA 30-22 (detail attached)	\$ 3,394,482
Modification Request (see Section 4 below)	<u>10,622,430</u>
<b>Cumulative change in budget authority</b>	<b><u>\$ 14,016,912</u></b>

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #30-22 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 budget authorization by an increase of **\$ 10,622,430** to wit:

- A. An increase in the **Indirect Cost Pool** budget authority of **\$ 24,303**.
- B. An increase in the **DOI - Self Governance** budget authority of **\$ 10,598,127**.

**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.

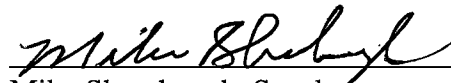
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

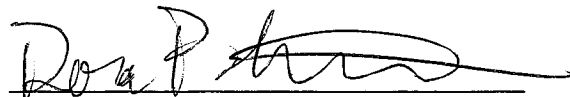
**SECTION 8. SELF-HELP CONTRIBUTIONS**

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 13<sup>th</sup> day of March, 2023

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

ATTEST:

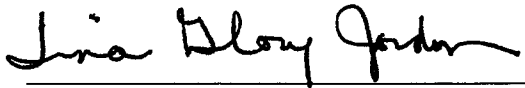
  
\_\_\_\_\_  
Dora Patzkowski, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 22nd day of March, 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 Smith Patzkowski	<u>Yea</u>
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>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Johnny Kidwell	<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	1010315 Cash Match For Grants	LA30-22	-	-	\$ -
<b>01-Cherokee Nation Total</b>				<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
20-DOI - General	2	3200210 SHS CARES Act	New	240,028	240,028	\$ -
	3	3200220 CARES Act Sequoyah HS Amend 19	New	541,915	541,915	\$ -
<b>20-DOI - General Total</b>				<b>\$ 781,943</b>	<b>\$ 781,943</b>	<b>\$ -</b>
40-DHHS-General	4	3401360 NARCHX Admin Core Cherokee	Jan Grant	39,119	39,119	\$ -
	5	3401361 NARCHX James Cherokee	Jan Grant	(39,119)	(39,119)	\$ -
	6	3401670 SAMHSA 988 Suicide Prevention	New	1,883,431	1,883,431	\$ -
	7	3408700 Kawi Cafe	New	12,305	12,305	\$ -
<b>40-DHHS-General Total</b>				<b>\$ 1,895,736</b>	<b>\$ 1,895,736</b>	<b>\$ -</b>
62-EPA	8	3622415 GAP ITEC	LA30-22	(36,169)	(36,169)	\$ -
	9	3622416 GAP Core	LA30-22	312,444	312,444	\$ -
	10	3622435 Lead Based Paint Program	LA30-22	76,090	76,090	\$ -
	11	3622500 Sustainable Mgmt of Food Init	LA30-22	15,768	15,768	\$ -
<b>62-EPA Total</b>				<b>\$ 368,133</b>	<b>\$ 368,133</b>	<b>\$ -</b>
75-Federal Other	12	3759790 BRIC Tsa LA Gi	New	348,670	348,670	\$ -
<b>75-Federal Other Total</b>				<b>\$ 348,670</b>	<b>\$ 348,670</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 3,394,482</b>	<b>\$ 3,394,482</b>	<b>\$ -</b>

## March Grants - Reporting Only

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
04-Indirect Cost Pool	1	2040000 Indirect Cost Pool Recovery	LA 04-23	24,303	-	\$ 24,303
	2	2041213 Health Credentialing	LA 30-22	-	24,303	\$ (24,303)
<b>04-Indirect Cost Pool Total</b>				<b>\$ 24,303</b>	<b>\$ 24,303</b>	<b>\$ -</b>
22-DOI - Self Governance	3	3221300 CNMS McGirt DOI 2022	New	5,598,127	5,598,127	\$ -
	4	3221310 Detention DOI	New	5,000,000	5,000,000	\$ -
<b>22-DOI - Self Governance Total</b>				<b>\$ 10,598,127</b>	<b>\$ 10,598,127</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 10,622,430</b>	<b>\$ 10,622,430</b>	<b>\$ -</b>

## Operating 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	294,026,579	19,425,019	313,451,598	286,649,973	7,255,065	19,546,560	313,451,598	-
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	37,568,018	881,715	516,271	38,966,004	-
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	35,038,443	79,600	35,118,043	33,082,602	2,025,441	10,000	35,118,043	-
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 PL102-477 Funding Source	411,877,377	0	411,877,377	354,587,678	2,828,376	54,461,323	411,877,377	-
IHS Self Gov Health Funding Sr	824,154,082	0	824,154,082	758,252,620	47,160,311	18,741,151	824,154,082	-
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 Src	150,000	0	150,000	100,000	0	50,000	150,000	-
DHHS General Funding Source	95,853,602	678,560	96,532,162	90,004,254	6,527,908	0	96,532,162	-
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	68,459,142	1,602,501	70,061,643	67,012,799	246,343	2,802,501	70,061,643	-
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	27,398,701	0	27,398,701	26,040,264	1,358,437	0	27,398,701	-
Dept of Treasury Funding Source	1,027,293,992	0	1,027,293,992	1,023,897,147	3,146,845	250,000	1,027,293,992	-
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 Srce	1,046,367	0	1,046,367	987,274	59,093	0	1,046,367	-
Private Funding Source	5,183,256	0	5,183,256	5,161,442	21,814	0	5,183,256	-
Indirect Cost Pool Funding Src	82,454,629	6,750	82,461,379	82,461,379	0	0	82,461,379	-
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	60,661,323	467,487,127	467,332,102	155,025	0	467,487,127	-
<b>Total</b>	<b>\$ 3,554,604,608</b>	<b>\$ 106,007,013</b>	<b>\$ 3,660,611,621</b>	<b>\$ 3,478,329,375</b>	<b>\$ 76,275,233</b>	<b>\$ 106,007,013</b>	<b>\$ 3,660,611,621</b>	<b>\$ -</b>

### 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
<b>Total Capital</b>	<b>\$ 619,480,105</b>

### Non Grant Requests

Oper Mod #4	10,306,430	02/13 Council
Cap Mod #3	18,451,776	02/13 Council
Oper Mod #5A	34,007,160	03/13 Council
Cap Mod #4	8,484,614	03/13 Council
Oper Mod #6	10,622,430	03/13 E&F
Cap Mod #5	8,407,838	03/13 E&F
<b>Total after pending Mod's</b>	<b>\$ 3,750,891,869</b>	

Operating (LA 44-21)	\$ 3,131,411,764	Cumulative Oper
Capital (LA 43-21)	619,480,105	Cumulative Cap
<b>Grand Total</b>	<b>\$ 3,750,891,869</b>	

# CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight



## M e m o

**To:** Keith Austin, Chairman, Executive & Finance Committee  
**From:** Jody S. Reece  
**CC:** Executive & Finance Committee  
**Date:** 03/01/2023  
**Re:** Review of Operating Budget Mod #6 – Total \$ 14,016,912

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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># of Budgets</u>	<u>Amount</u>
DOI General	2	\$ 781,943
DHHS General	4	1,895,736
EPA	4	368,133
Federal Other	1	348,670
<b>Total Grant Reporting</b>		<b><u>\$ 3,394,482</u></b>

### **Cash Match for Grants (1010315) – Start of Year**

Cash Out: Grant Required	\$ 829,939
Appropriated for Cash Match (future grants)	<u>1,886,576</u>
Original Total Budget	<u>\$ 2,716,515</u>

Original Appropriated for Cash Match – for future grants	\$ 829,939	
Used: 37559790 – BRIC Tsa La Gi (storm shelters)	( 87,167)	Mod #6
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Balance Available for Future Grant Matching	<u>\$ 742,772</u>	

### B. MOD #6 Request - Increase in budget authority - \$ 10,622,430

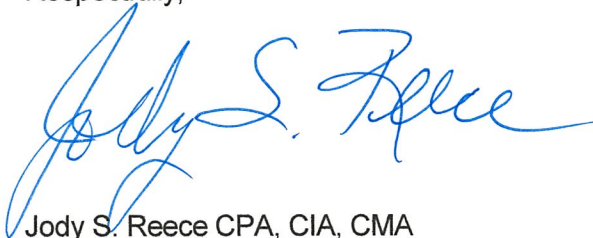
1. Indirect Cost Pool Recovery – 2040000 – Indirect Cost Pool: Modification requesting an increase in the IDC Recovery authorization of \$24,303 to cover the increased expenditure in budget 2. The new IDC Recovery amount is \$67,657,843.
2. Health Credentialing – 2041213 – Indirect Cost Pool: Modification requesting an increase in expenditure authorization of \$24,303 for a new Medical Staff Credentialing Officer starting mid-year so it shows .50 FTE increase. The new budgeted expenditure total is \$339,968.

3. CNMS McGirt DOI 2022 – 3221300 – DOI Self Governance: New budget requesting expenditure authorization of \$5,598,127 for the Marshal Service related to additional needs due to the McGirt decision. At this point, it is unclear if this is an actual base funding increase or one time funding. No FTEs are budgeted at this time.
4. Detention DOI – 3221310 – DOI Self Governance: New budget requesting expenditure authorization of \$5,000,000 for adult detention services. The funding is listed as one time funding.

**Summary:**

After reviewing the submission of the operating modification 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 additional information, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "Jody S. Reece". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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