

An Act

LEGISLATIVE ACT 26-09

AN ACT AMENDING LEGISLATIVE ACT #21-09 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2010 – 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 #21-09 Authorizing the Comprehensive Budget for Fiscal Year 2010 – 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 Budget Act for Fiscal Year 2010” or subsequent amendment. The cumulative total of the budget is increased by \$6,669,849 for a total budget authority of \$543,671,975. The following items are identified as estimated General Fund sources in excess of appropriated uses to wit:

	<u>Previous Balance</u>	<u>Estimated Sources</u>	<u>Estimated <Uses></u>	<u>Adjusted Balance</u>
A. General Fund	\$12,015	\$886,206	<\$898,221>	\$0
B. Motor Fuels Tax	\$0	\$0	<\$0>	\$0

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #21-09 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 amendment changes the total amount of the comprehensive budget authorization by an increase of \$6,669,849 to wit:

- A. An increase in the **General Fund** budget authority of \$898,221 primarily related to capital project funding for the Vinita Health Clinic and Male Seminary Administrative parking lot.
- B. An increase in the **DOI Self Governance Fund** budget authority of \$74,931 related to a Marshal Service reimbursement for prior period expenditures.

- C. An increase in the **DOI – PL 102-477 Fund** budget authority of \$4,113,392 related to prior period economic stimulus funding for the Child Care Program.
- D. An increase in the **IHS Self Governance - Health Fund** budget authority of \$1,571,290 of economic stimulus funding for a roof replacement at Hastings Hospital and Direct Digital Controls upgrades.
- E. An increase in the **Special Revenue – Other Fund** budget authority of \$12,015 related to a subsidy for the Angels of the Cherokee program.

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.

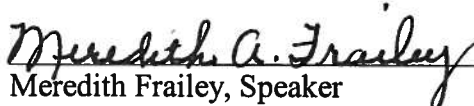
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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 December, 2009.


Meredith Frailey, Speaker
Council of the Cherokee Nation

ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 21st day of December, 2009

Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:

Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Absent</u>	Buel Anglen	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley L. Buzzard	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Absent</u>		



CHEROKEE NATION TRIBAL COUNCIL

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

M e m o

To: Jack D. Baker, Chair, Executive & Finance Committee &
Cara Cowan Watts, Co-Chair, Executive & Finance Committee
From: Doug Evans
CC: Executive & Finance Committee
Date: 11/5/2009
Re: Review of Budget Modification - 2

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. NOVEMBER - GRANTS RECEIVED (REPORTING ONLY):

<u>Funding Source</u>	<u>Program</u>	<u>Amount</u>
DHHS – General	Diabetes Grant adjustment	<\$1>
"	ES CSBG reallocation from Human Service	<\$96,402>
"	ES CSBG reallocation to Community Service & Commerce	\$96,402
EPA	CNEPG Network Implementation - Budget submission error	<\$149,999>
TOTAL NOVEMBER GRANTS RECEIVED		<\$150,000>

B. MOD – 2 (7 budgets) Increase in budget authority - \$6,632,162:

+ \$12,015 TFR out
+ \$12,015 Angel Tree
\$1669,849

General Fund: (Increase - \$872,549)

(1): Marshal Service CNE Contract: Requesting authority to expend an additional \$41,972 pursuant to the CNE contract for a total budget for FY2010 of \$858,256.

(2): Roads Construction: Requesting authority to expend carryover capital project funds in the amount of \$246,202 related to the Male Seminary Administrative parking lot originally funded for \$250,000 in the prior year and wasn't completed.

(3): Vinita Clinic Utilities: Requesting authority to expend carryover capital project funds in the amount of \$584,375 related to the joint venture project originally funded for \$639,000 in the prior year and wasn't completed.

DOI Self Governance: (Increase - \$74,931)

+13,657 = \$598,032 (see Attached Memo)

(4): Marshal Service: Requesting an increase in spending authority of \$74,931 related to a reimbursement of expenses related to the "Peacekeeper Mission" from FY2008. The funding award is dated October 28th 2008.

This reimbursement of federal funds, after the fact, creates a form of revenue windfall that has been requested to be expended by the proper department. This department; however, receives subsidized funding from tribal sources for equipment and supplies, i.e. General Fund and the Motor Fuels Tax Fund. I recommend proper justification be requested as to why the tribal funds are not being reduced to "free-up" those discretionary funds by this same amount, due to these new unbudgeted federal funds.

DOI – PL 102-477: (Increase - \$4,113,392)

(5): ES Child Care Program: Requesting spending authority of \$4,113,392 of FY09 Economic Stimulus funding for the Child Care Program.

IHS Self Governance - Health: (Increase - \$1,571,290)

(6): ES Maintenance and Improvement: Requesting spending authority of \$1,512,300 for a roof replacement at the Hastings Hospital in the amount of \$522,500 and a Direct Digital Controls upgrade in the amount of \$989,800.

(7): ES Equipment: Requesting spending authority in the amount of \$58,990 of prior year economic stimulus funding for the purchase of two (2) Fundusopic Cameras.

C. LAW ENFORCEMENT & CEMETERIES FUNDS:

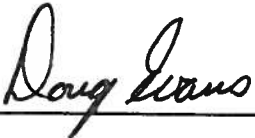
The attached lists of projects have been approved, or are being requested to be approved in this Executive/Finance Committee. These projects have already been appropriated; therefore, there is no need to appropriate the funds again. This list is for informational purposes and is included within this mod package review for inclusion purposes.

Summary:

After reviewing the submission of Mod-2 by administration, I find no technical issues surrounding these requests, nor do I have any concerns related to their respective carryover estimates. As noted on item (4); however, I would recommend adequate justification from the Marshal Service for not reducing the tribal funding budgets in response to acquiring the additional federal funds which reimbursed for 2008 expenditures.

If I can provide any further information, please do not hesitate to contact me.

Respectfully,



Attachments

CHEROKEE NATION
 FY 2010 REPORTING
 Sorted by Funding Source

(A)

Funding Source	Ref # by FS	Program/Purpose	FY 2010 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
40-DHHS-General	1	3404100 - Diabetes Special Grant	LA 21-09	(1)	(1)	\$ -
	2	3406600 - ES CSBG Community Services	October Reporting	88,702	88,702	\$ -
	3	3406610 - ES CSBG Commerce	October Reporting	7,700	7,700	\$ -
	4	3406620 - ES CSBG Human Services	October Reporting	(96,402)	(96,402)	\$ -
40-DHHS-General Total				\$ (1)	\$ (1)	\$ -
62-EPA	5	3622205 - CNEPG Exch Ntwk Implementation	LA 21-09	(149,999)	(149,999)	\$ -
62-EPA Total				\$ (149,999)	\$ (149,999)	\$ -
Grand Total				\$ (150,000)	\$ (150,000)	\$ -

November Grants
 "Reporting Only"

CHEROKEE NATION
PROPOSED FY 2010 AMENDMENT
Sorted by Funding Source

Mod-2
Request
(As Amended)

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2010 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010151 - Marshal Service CNE Contract	LA 21-09	41,972	41,972	\$ -
	1a	1010280 - General Fund Operations	LA 21-09	-	12,015	\$ (12,015)
	2	1012351 - Roads Construction	New	246,202	246,202	\$ -
	3	1012510 - Vinita Clinic Utilities	New	598,032	598,032	\$ -
01-Cherokee Nation Total				\$ 886,206	\$ 898,221	\$ (12,015)
22-DOI - Self Governance	4	3221100 - Marshals Service	LA 21-09	74,931	74,931	\$ -
22-DOI - Self Governance Total				\$ 74,931	\$ 74,931	\$ -
23-DOI-PL 102-477	5	3234000 - ES Child Care	New	4,113,392	4,113,392	\$ -
23-DOI-PL 102-477 Total				\$ 4,113,392	\$ 4,113,392	\$ -
32-IHS - Self Governance Hea	6	3329110 - ES Maintenance and Improvement	New	1,512,300	1,512,300	\$ -
	7	3329120 - ES Equipment	New	58,990	58,990	\$ -
32-IHS - Self Governance Health Total				\$ 1,571,290	\$ 1,571,290	\$ -
90-Special Revenue-Other	7a	3902010 - Angels of the Cherokees	LA 21-09	12,015	12,015	\$ -
90-Special Revenue-Other Total				\$ 12,015	\$ 12,015	\$ -
Grand Total				\$ 6,657,834	\$ 6,669,849	\$ (12,015)

* - Items 1a and 7a were added in the Tribal Council Meeting on 12/14/2009, and
Item 3 was amended for technical correction in the Executive & Finance Cmte on 11/17/2009.

CHEROKEE NATION TRIBAL COUNCIL
FY2010 CEMETERY PRESERVATION ASSISTANCE
(AU:1023065 / Acct:680000)

①
2 of 2

Recipient	Approved Date	Cherokee Nation District	Assistance Amount
FY10 Available Balance (Direct)	10/01/09		\$ 147,184.00
Fisher Cemetery - Bert Nelson	10/29/09	4 - Three Rivers	\$ 500.00
Chunestudy Family Cemetery-T. Chunestudy	10/29/09	5-Delaware	\$ 500.00
Elm Cemetery - Jim Martin	10/29/09	5-Delaware	\$ 500.00
Squa-da-lee-chee Cemetery-P. Pettit	10/29/09	2-Trail of Tears	\$ 500.00
Blackwood Cemetery-J. Hummingbird	10/29/09	2-Trail of Tears	\$ 500.00
Feathers Cemetery - Gary Littledeer	10/29/09	2-Trail of Tears	\$ 500.00
Littledeer Cemetery - Gary Littledeer	10/29/09	2-Trail of Tears	\$ 500.00
Hickory Creek Cemetery-Bill Davis	10/29/09	9-Craig	\$ 500.00
Timber Hill Cemetery-Bill Davis	10/29/09	9-Craig	\$ 500.00
GooseNeck Cemetery-Bill Davis	10/29/09	9-Craig	\$ 500.00
Duncan Cemetery-Earl Strebeck	10/29/09	3-Sequoyah	\$ 500.00
Phillips Cemetery-Polly Tyler	11/17/09	4-Three Rivers	\$ 500.00
Snake Girty Cemetery-Doris Girty Prichard	11/17/09	4-Three Rivers	\$ 500.00
Tyler Springs Cemetery-Jeffrey Simpson	11/17/09	2-Trail of Tears	\$ 500.00
			\$ 7,000.00
Ending Balance			\$ 140,184.00

ok

**COMPREHENSIVE BUDGET
FOR FISCAL YEAR 2010
Including Mod 2 Amended**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	72,736,273	2,167,697	74,903,970	63,398,217	5,323,974	6,169,764	74,891,955	12,015
Motor Fuels Tax Funding Srce	10,326,676	15,721,986	26,048,662	14,555,037	329,173	11,164,452	26,048,662	0
Motor Vehicle Tax Funding Srce	12,346,565	0	12,346,565	11,160,712	405,750	780,103	12,346,565	0
Permanent Fund Funding Source	10,000	0	10,000	10,000	0	0	10,000	0
DOI General Funding Source	18,578,929	0	18,578,929	17,469,721	1,109,208	0	18,578,929	0
DOI Self Gov Funding Source	12,531,459	79,600	12,611,059	11,441,180	1,129,879	40,000	12,611,059	0
DOI Self Gov Roads Funding Src	55,495,500	0	55,495,500	54,673,320	322,316	499,864	55,495,500	0
DOI PL102-477 Funding Source	18,934,216	0	18,934,216	18,050,087	884,129	0	18,934,216	0
IHS Self Gov Health Funding Sr	170,335,375	0	170,335,375	155,089,213	11,978,724	3,267,438	170,335,375	0
IHS Self Gov TEH Funding Src	14,693,743	0	14,693,743	14,272,645	421,098	0	14,693,743	0
IHS Self Gov Offic Funding Src	475,585	0	475,585	414,805	60,780	0	475,585	0
IHS Discretionary Funding Srce	400,000	0	400,000	30,000	0	370,000	400,000	0
DHHS General Funding Source	35,599,358	728,720	36,328,078	33,386,572	2,861,506	80,000	36,328,078	0
USDA Funding Source	15,583,983	839,096	16,423,079	15,832,721	590,358	0	16,423,079	0
Dept of Education Funding Srce	1,215,690	62,094	1,277,784	1,157,320	120,464	0	1,277,784	0
HUD Funding Source	60,271,749	0	60,271,749	54,551,787	3,673,947	2,046,015	60,271,749	0
Housing Proceeds Funding Src	3,215,000	0	3,215,000	2,807,090	407,910	0	3,215,000	0
EPA Funding Source	3,183,224	0	3,183,224	2,872,208	311,016	0	3,183,224	0
Dept of Labor Funding Source	7,266,619	0	7,266,619	6,522,165	744,454	0	7,266,619	0
Federal Other Funding Source	8,507,016	0	8,507,016	7,986,363	95,653	425,000	8,507,016	0
State of Oklahoma Funding Srce	771,283	0	771,283	686,671	84,612	0	771,283	0
Private Funding Source	785,967	158,310	944,277	606,684	83,134	0	689,818	254,459
Indirect Cost Pool Funding Src	206,293	0	206,293	30,156,824	(30,745,482)	0	(588,658)	794,951
Internal Lease Pool Funding Sr	86,000	0	86,000	10,123	0	0	10,123	75,877
Enterprise Funding Source	1,549,570	2,471,015	4,020,585	1,886,053	0	0	1,886,053	2,134,532
Other Funding Source	395,865	12,000	407,865	147,212	8,653	0	155,865	252,000
Debt Service Funding Source	0	3,167,438	3,167,438	2,602,118	0	565,320	3,167,438	0
Total	\$ 525,501,938	\$ 25,407,956	\$ 550,909,894	\$ 521,776,848	\$ 201,256	\$ 25,407,956	\$ 547,386,060	\$ 3,523,834

Mod-1 Approved \$ (10,233,934)
 Mod-2 Amended \$ 6,669,849
 November Grants \$ (150,000)
Total after Mod-2 Amended \$ 543,671,975