

# An Act

## LEGISLATIVE ACT 05-18

### AN ACT AMENDING LEGISLATIVE ACT #25-17 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2018 – Mod. 3; 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 #25-17 Authorizing the Comprehensive Capital Budget for FY 2018 – Mod. 3**”.

#### 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 2018” or subsequent amendment. The cumulative total of the capital budget is increased by **\$ 1,000,000** for a total capital budget authority of **\$ 252,072,925**. The following items are identified as the components of such change:

|   |           |                         |
|---|-----------|-------------------------|
| Grants Received & Authorized per L.A. 25-17 (detail attached) | \$        | 0                       |
| Modification Request (per Section 4 below)                    |           | <u>1,000,000</u>        |
| <b>Cumulative change in budget authority</b>                  | <b>\$</b> | <b><u>1,000,000</u></b> |

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #25-17 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 **\$ 1,000,000**.

A. An increase in the **Capital Projects** budget authority of **\$ 1,000,000**.

**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.

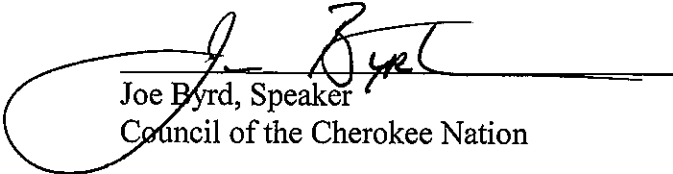
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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 12th day of March, 2018

  
Joe Byrd, Speaker  
Council of the Cherokee Nation

ATTEST:

  
Frankie Hargis, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15<sup>th</sup> day of March, 2018



Bill John Baker, Principal Chief  
Cherokee Nation

ATTEST:



Chuck Hoskin, Jr., Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

|                    |               |                  |               |
|--------------------|---------------|------------------|---------------|
| Rex Jordan         | <u>Absent</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>    |
| Dr. Mike Dobbins   | <u>Yea</u>    | Buel Anglen      | <u>Yea</u>    |
| E.O. "Jr." Smith   | <u>Yea</u>    | Keith Austin     | <u>Yea</u>    |
| Bryan Warner       | <u>Yea</u>    | Janees Taylor    | <u>Yea</u>    |
| Frankie Hargis     | <u>Yea</u>    | Mary Baker Shaw  | <u>Yea</u>    |
| Shawn Crittenden   | <u>Yea</u>    | Wanda Hatfield   | <u>Absent</u> |
| Mike Shambaugh     | <u>Yea</u>    |                  |               |

CHEROKEE NATION  
 PROPOSED FY 2018 AMENDMENT  
 Sorted by Funding Source

|                                  |                |   |                     | Data                        |                                    |             |
|----------------------------------|----------------|---|---------------------|-----------------------------|------------------------------------|-------------|
| Funding Source                   | Ref #<br>by FS | Program/Purpose                           | FY 2018<br>Prior LA | Amend. Change<br>to Sources | Amend.<br>Expenses Total<br>Change | Net Change  |
| 96-Capital Projects              | 1              | 7965700 Registration Dept Vault Expansion | New                 | 1,000,000                   | 1,000,000                          | \$ -        |
| <b>96-Capital Projects Total</b> |                |   |                     | <b>\$ 1,000,000</b>         | <b>\$ 1,000,000</b>                | <b>\$ -</b> |
| <b>Grand Total</b>               |                |   |                     | <b>\$ 1,000,000</b>         | <b>\$ 1,000,000</b>                | <b>\$ -</b> |

## Capital Mod #3 Request

**COMPREHENSIVE BUDGET  
FOR FISCAL YEAR 2018**

| Funding Source                  | Revenues              | Transfers In         | Total                 | Direct Exp.           | Indir. Exp.          | Transfers Out        | Total                 | NET         |
|---------------------------------|-----------------------|----------------------|-----------------------|-----------------------|----------------------|----------------------|-----------------------|-------------|
| Tribally Funded Funding Source  | 96,905,913            | 661,398              | 97,567,311            | 80,190,036            | 4,900,992            | 12,476,283           | 97,567,311            | 0           |
| Motor Fuels Tax Funding Srce    | 9,288,770             | 17,324,706           | 26,613,476            | 18,538,315            | 104,469              | 7,970,692            | 26,613,476            | 0           |
| Motor Vehicle Tax Funding Srce  | 25,351,689            | 1,126,604            | 26,478,293            | 24,670,459            | 517,476              | 1,290,358            | 26,478,293            | 0           |
| Permanent Fund Funding Source   | 10,100                | 0                    | 10,100                | 10,100                | 0                    | 0                    | 10,100                | 0           |
| DOI General Funding Source      | 11,490,357            | 0                    | 11,490,357            | 9,917,546             | 1,572,811            | 0                    | 11,490,357            | 0           |
| DOI Self Gov Funding Source     | 13,379,515            | 79,600               | 13,459,115            | 12,283,686            | 1,129,515            | 45,914               | 13,459,115            | 0           |
| DOI Self Gov Roads Funding Srce | 8,312,217             | 0                    | 8,312,217             | 8,162,149             | 129,867              | 20,201               | 8,312,217             | 0           |
| Dept of Transportation Fnd Srce | 72,048,214            | 0                    | 72,048,214            | 71,786,009            | 162,362              | 99,843               | 72,048,214            | 0           |
| DOI PL102-477 Funding Source    | 26,756,697            | 0                    | 26,756,697            | 25,711,458            | 1,045,239            | 0                    | 26,756,697            | 0           |
| IHS Self Gov Health Funding Sr  | 289,658,411           | 206,647              | 289,865,058           | 269,180,135           | 20,684,923           | 0                    | 289,865,058           | 0           |
| IHS Self Gov TEH Funding Srce   | 8,972,850             | 0                    | 8,972,850             | 8,677,485             | 295,365              | 0                    | 8,972,850             | 0           |
| IHS Self Gov Offic Funding Srce | 322,788               | 0                    | 322,788               | 288,476               | 34,312               | 0                    | 322,788               | 0           |
| IHS Discretionary Funding Srce  | 75,000                | 0                    | 75,000                | 35,000                | 0                    | 40,000               | 75,000                | 0           |
| DHHS General Funding Source     | 38,404,967            | 557,804              | 38,962,771            | 35,787,646            | 3,175,125            | 0                    | 38,962,771            | 0           |
| USDA Funding Source             | 20,428,347            | 867,521              | 21,295,868            | 20,010,266            | 785,602              | 500,000              | 21,295,868            | 0           |
| Dept of Education Funding Srce  | 1,130,919             | 67,222               | 1,198,141             | 1,140,593             | 57,548               | 0                    | 1,198,141             | 0           |
| HUD Funding Source              | 33,142,745            | 630,073              | 33,772,818            | 32,976,295            | 512,543              | 283,980              | 33,772,818            | 0           |
| Housing Proceeds Funding Srce   | 0                     | 0                    | 0                     | 0                     | 0                    | 0                    | 0                     | 0           |
| EPA Funding Source              | 1,942,805             | 0                    | 1,942,805             | 1,725,139             | 217,666              | 0                    | 1,942,805             | 0           |
| Dept of Labor Funding Source    | 10,379,802            | 0                    | 10,379,802            | 9,415,864             | 963,938              | 0                    | 10,379,802            | 0           |
| Federal Other Funding Source    | 8,896,682             | 74,143               | 8,970,825             | 6,480,050             | 290,775              | 2,200,000            | 8,970,825             | 0           |
| State of Oklahoma Funding Srce  | 1,491,843             | 0                    | 1,491,843             | 1,374,089             | 117,754              | 0                    | 1,491,843             | 0           |
| Private Funding Source          | 1,511,733             | 152,987              | 1,664,720             | 1,619,399             | 45,321               | 0                    | 1,664,720             | 0           |
| Indirect Cost Pool Funding Srce | 47,229,321            | 900                  | 47,230,221            | 47,230,221            | 0                    | 0                    | 47,230,221            | 0           |
| Fringe Pool Funding Source      | 0                     | 0                    | 0                     | 0                     | 0                    | 0                    | 0                     | 0           |
| Internal Lease Pool Funding Sr  | 5,427,293             | 0                    | 5,427,293             | 5,427,293             | 0                    | 0                    | 5,427,293             | 0           |
| Enterprise Funding Source       | 3,401,289             | 1,367,313            | 4,768,602             | 4,567,138             | 201,464              | 0                    | 4,768,602             | 0           |
| Other Funding Source            | 225,000               | 17,000               | 242,000               | 234,124               | 7,876                | 0                    | 242,000               | 0           |
| Debt Service Funding Source     | 0                     | 0                    | 0                     | 0                     | 0                    | 0                    | 0                     | 0           |
| Capital Projects Funding Source | 149,627,298           | 2,000,000            | 151,627,298           | 151,420,651           | 0                    | 206,647              | 151,627,298           | 0           |
| <b>Total</b>                    | <b>\$ 885,812,565</b> | <b>\$ 25,133,918</b> | <b>\$ 910,946,483</b> | <b>\$ 848,859,622</b> | <b>\$ 36,952,943</b> | <b>\$ 25,133,918</b> | <b>\$ 910,946,483</b> | <b>\$ -</b> |

**Non Grant Requests**

|                 |           |               |
|-----------------|-----------|---------------|
| Cap Mod #2 Req  | 2,359,828 | 02/12 Council |
| Oper Mod #5 Req | 1,235,074 | 02/12 Council |
| Cap Mod #3 Req  | 1,000,000 | 02/22 E&F     |
| Oper Mod #6 Req | 3,152,072 | 02/22 E&F     |

**Total after pending Mod's \$ 918,693,457**

**CAPITAL RECONCILIATION**

|                      |                       |
|----------------------|-----------------------|
| LA 25-17             | \$ 246,713,097        |
| Cap Mod #1           | 2,000,000             |
| Cap Mod #2           | 2,359,828             |
| Cap Mod #3           | 1,000,000             |
| <b>Total Capital</b> | <b>\$ 252,072,925</b> |

|                      |                       |                 |
|----------------------|-----------------------|-----------------|
| Operating (LA 26-17) | 666,620,532           | Cumulative Oper |
| Capital (LA 25-17)   | 252,072,925           | Cumulative Cap  |
| <b>Grand Total</b>   | <b>\$ 918,693,457</b> |                 |



# CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight

## Mem o

**To:** Janees Taylor, Chairman, Executive & Finance Committee  
**From:** Jody S. Reece  
**CC:** Executive & Finance Committee  
**Date:** 02/07/2018  
**Re:** Review of Capital Budget Modification #3 – **Total \$ 1,000,000**

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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 #3 Request - (1 budget) Increase in budget authority - \$ 1,000,000

1. Registration Department Vault Expansion – 7965700 – Capital Projects: New budget requesting expenditure authorization of \$1,000,000. The funds are provided by a transfer in from the Tribal Historic Preservation Office (see operating mod).

#### 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  
Office: 918-453-5573  
Cell: 918-525-2017  
Email: jody-reece@cherokee.org

CHEROKEE NATION - FY2018 BUDGET REQUEST FORM

PART-1

|                                |                                   |                                  |                 |      |
|--------------------------------|-----------------------------------|----------------------------------|-----------------|------|
| Budget Period:                 | 10/01/2017 - 09/30/2018           | Budget Preparer                  | Phone:          | 5774 |
| Contract Period:               |                                   | Name:                            | Connie Chandler |      |
| Contract Number:               |                                   | Accounting Unit Director/Manager | Phone:          | 4137 |
| Accounting Fund:               | 7-Capital Projects Fund           | Name:                            | David Moore     |      |
| Funding Source:                | 96-Capital Projects               | Executive Director               | Phone:          | 5340 |
| AU Description:                | Registration Dept Vault Expansion | Name:                            | Bruce Davis     |      |
| Accounting Unit:               | 7965700                           | 1st Person Responsible           |                 |      |
| Place IDC Rate in Part 4 Below |                                   | Employee #                       | 105979          |      |
| Date/Time Printed:             | 05-Feb-18 12:18 PM                |                                  |                 |      |

Notes: Transfer in \$1,000,000 from AU 3756100 Tribal Historic Preservation Office

PART-2

| Staffing Summary:                            | FY 2018 ORIG REQUEST | FY 2017 BUDGET | Incr \ (Decr) |
|--|----------------------|----------------|---------------|
| # of Regular Full-Time Employee Equivalents: |                      |                | -             |
| # of Regular Part-Time Employee Equivalents: |                      |                | -             |
| # of Temp. Full-Time Employee Equivalents:   |                      |                | -             |
| # of Temp. Part-Time Employee Equivalents:   |                      |                | -             |
| # of Other Employee Equivalents:             |                      |                | -             |
| <b>TOTAL NUMBER OF EMPLOYEE-EQUIVALENTS</b>  |                      |                | -             |

PART-3

| Revenues:  | (Show as positive #) | Account # | Incr \ (Decr) |
|--|----------------------|-----------|---------------|
| Please enter a valid account number - >>>        |                      |           | \$ -          |
| Please enter a valid account number - >>>        |                      |           | \$ -          |
| Please enter a valid account number - >>>        |                      |           | \$ -          |
| DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE! |                      |           |               |
| <b>Total Revenues</b>                            |                      |           | \$ -          |

PART-4

| Expenditures:  | Account # | Subject to IDC ? |                | Subject to IDC ? |      | Incr \ (Decr)  |
|--|-----------|------------------|----------------|------------------|------|----------------|
|  |           | YES              | NO             | YES              | NO   |                |
| DO NOT COPY TO, COPY ABOVE, OR REMOVE THIS LINE!                   |           |                  |                |                  |      |                |
| Salaries & wages   | 600000    | \$0              |                |                  |      | \$ -           |
| Fringe benefits  | 610000    | \$0              |                |                  |      | \$ -           |
| Building improvements >= \$5K                                      | 770030    |                  | \$1,000,000    |                  |      | \$ 1,000,000   |
| Please enter a valid account number - >>>                          |           |                  |                |                  |      | \$ -           |
| Please enter a valid account number - >>>                          |           |                  |                |                  |      | \$ -           |
| Please enter a valid account number - >>>                          |           |                  |                |                  |      | \$ -           |
| DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE!                   |           |                  |                |                  |      |                |
| Expenditures NOT Subject to IDC                                    |           |                  | \$ 1,000,000   |                  | \$ - | \$ 1,000,000   |
| Expenditures SUBJECT to IDC  |           | \$ -             |                | \$ -             |      | \$ -           |
| Indirect Cost Rate (If blank or zero, must explain in Notes above) |           | 14.05%           |                | 12.61%           |      |                |
| Indirect Cost Allocation   | 970000    | \$ -             |                | \$ -             |      | \$ -           |
| <b>Total Expenditures</b>  |           |                  | \$ 1,000,000   |                  | \$ - | \$ 1,000,000   |
| <b>Revenues OVER \ (UNDER) Expenditures</b>                        |           |                  | \$ (1,000,000) |                  | \$ - | \$ (1,000,000) |

Transfers In/Out - (Show ALL as Positive Numbers)

| Operating Transfers IN   |        |  |              |  |      |              |
|--|--------|--|--------------|--|------|--------------|
| Other financing sources  | 900000 |  |              |  |      | \$ -         |
| Cash in: tribally required   | 900010 |  | \$1,000,000  |  |      | \$ 1,000,000 |
| Cash in: grant required  | 900020 |  |              |  |      | \$ -         |
| Cash in: motor fuel tax  | 900040 |  |              |  |      | \$ -         |
| Cash in: vehicle tax   | 900050 |  |              |  |      | \$ -         |
| Cash in: interprogram contract                                     | 900060 |  |              |  |      | \$ -         |
| Cash in: debt service  | 900070 |  |              |  |      | \$ -         |
| Operating Transfers OUT  |        |  |              |  |      |              |
| Other financing uses   | 900001 |  |              |  |      | \$ -         |
| Cash out: tribally required  | 900011 |  |              |  |      | \$ -         |
| Cash out: grant required   | 900021 |  |              |  |      | \$ -         |
| Cash out: motor fuel tax   | 900041 |  |              |  |      | \$ -         |
| Cash out: vehicle tax  | 900051 |  |              |  |      | \$ -         |
| Cash out: interprogram contract                                    | 900061 |  |              |  |      | \$ -         |
| Cash out: debt service   | 900071 |  |              |  |      | \$ -         |
| <b>Transfers In/Out - Net</b>                                      |        |  | \$ 1,000,000 |  | \$ - | \$ 1,000,000 |
| <b>Take to Narrative ==&gt;</b>                                    |        |  | \$ 1,000,000 |  | \$ - | \$ 1,000,000 |
| <b>Excess(Deficit) of Revenues, Expenditures and Net Transfers</b> |        |  | \$ -         |  | \$ - | \$ -         |

Cherokee Nation FY 2018 Comprehensive Budget Narrative

|                                 |                                   |  |  |
|---------------------------------|-----------------------------------|--|--|
| <b>Department/Program</b>       | <b>Executive Director</b>         |  | <b>ED Phone #</b>  |
| 11 - Management Resources       | Bruce Davis                       |  | 5340   |
| <b>Accounting Unit</b>          | <b>Accounting Unit Name</b>       |  |  |
| 7965700                         | Registration Dept Vault Expansion |  |  |
| <b>Program Director/Manager</b> | <b>Pgm Dir/Mgr Phone #</b>        | <b>Period Budget Covers</b>                        |  |
| David Moore                     | 4137                              | 10/01/2017 - 09/30/2018                            |  |
| <b>FY2017 Budget Approved</b>   | <b>FY2018 Budget Request</b>      | <b>\$ Increase/(Decrease) Requested - Approved</b> | <b>% Increase/(Decrease) (Request - Approved) / Approved</b> |
| \$ -                            | \$ 1,000,000                      | \$ 1,000,000                                       | 100.00%  |
| <b>Staffing Plan (FTE)</b>      | <b>FY2018 Budget Request</b>      | <b>FY2017</b>                                      | <b>Net Change in Staffing</b>                                |
| Regular Full-Time               | -                                 | -  | -  |
| Regular Part-Time               | -                                 | -  | -  |
| Temporary Full-Time             | -                                 | -  | -  |
| Temporary Part-Time             | -                                 | -  | -  |
| IPA/MOA/Other                   | -                                 | -  | -  |
| Total                           | -                                 | -  | -  |

**PROGRAM NARRATIVE:**

Expansion of the Registration Vault within the Tribal Complex to store historical documents, etc. for Registration Dept.

**SIGNIFICANT CHANGES:**

New FY 2018 budget.



# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

AN ACT AMENDING LEGISLATIVE ACT #25-17 AUTHORIZING  
THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2018  
TITLE: CAPITAL – MOD 03 : AND DECLARING AN EMERGENCY

DEPARTMENT CONTACT: Gaylon Thompson

RESOLUTION PRESENTER: \_\_\_\_\_

COUNCIL SPONSOR: \_\_\_\_\_

### NARRATIVE:

02-07-18P02:22 RCVD

### ADMINISTRATIVE CLEARANCE

Dept/Program:

Signature/Initial      Date

Executive Director:

Signature/Initial      Date

Treasurer: (Required:  
Grants/Contracts/Budgets)

ARC for LAH 2/15/18  
Signature/Initial      Date

Government Resources:

Signature/Initial      Date

Administration Approval:

S. DeLittendew 2/7/2018  
Signature/Initial      Date

### LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Brotman 2/7/18  
Signature/Initial      Date

Standing Committee & Date:

Executive + Finance 2/22/18

Chairperson:

Taylor  
Signature/Initial      Date

Returned to Presenter:

Date