

# An Act

## LEGISLATIVE ACT 06-15

### AN ACT AMENDING LEGISLATIVE ACT #25-14 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2015 – 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 #25-14 Authorizing the Comprehensive Operating Budget for FY 2015 – 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 2015” or subsequent amendment. The cumulative total of the budget is increased by \$ 2,361,743 for a total budget authority of \$ 630,125,783. The following items are identified as components of such change:

Grants Received & Authorized per LA-25-14 (detail attached)	\$ 741,327
Modification Request (see Section 4 below)	<u>1,620,416</u>
<b>Cumulative change in budget authority</b>	<b><u>\$ 2,361,743</u></b>

#### 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 \$ 1,620,416 to wit:

- A. An increase in the **General Fund** budget authority of \$ 1,817,329.
- B. An increase in the **Motor Vehicle Tax** budget authority of \$ 998,971.
- C. A decrease in the **DOI – PL 102-477** budget authority of \$ ( 287,648).
- D. A decrease in the **IHS – Self Governance TEH** budget authority of \$ ( 2,231,052).

E. An increase in the NAHASDA budget authority of \$ 2,300,000.

F. A decrease in the US Department of Labor budget authority of \$ (977,184).

**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.

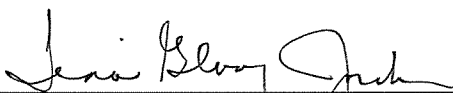
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

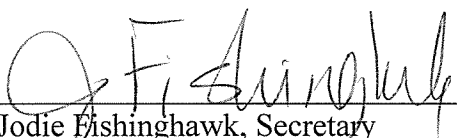
**SECTION 8. SELF-HELP CONTRIBUTIONS**

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 26<sup>th</sup> day of February, 2015

  
\_\_\_\_\_  
Tina Glory Jordan, Speaker  
Council of the Cherokee Nation

ATTEST:

  
\_\_\_\_\_  
Jodie FISHINGHAWK, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 11 day of March, 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>Absent</u>
David W. Thornton, Sr.	<u>Absent</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>Yea</u>	Julia Coates	<u>Absent</u>
Curtis Snell	<u>Absent</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
20-DOI - General	1	3201100 SHS Facilities Projects	LA 25-14	795,648	795,648	\$ -
<b>20-DOI - General Total</b>				<b>\$ 795,648</b>	<b>\$ 795,648</b>	<b>\$ -</b>
40-DHHS-General	2	3401300 Family Violence	LA 25-14	(293,549)	(293,549)	\$ -
	3	3406900 NARCH6 Admin	LA 25-14	58,995	58,995	\$ -
	4	3406910 NARCH6 JAMES	LA 25-14	(154,128)	(154,128)	\$ -
	5	3406920 NARCH6 WEST	LA 25-14	(50,000)	(50,000)	\$ -
	6	3406930 NARCH6 JELLEY	LA 25-14	9,727	9,727	\$ -
	7	3409200 Tribal Inovations Grant	New	30,610	30,610	\$ -
	8	3409300 NARCH8 Cherokee Admin	New	32,933	32,933	\$ -
	9	3409310 NARCH8 OUHSC Student Dev West	New	41,000	41,000	\$ -
	10	3409320 NARCH8 OMRF JAMES	New	175,773	175,773	\$ -
	11	3409330 NARCH8 Admin Mark	New	5,180	5,180	\$ -
	12	3409400 Prevention Trial Support	New	54,353	54,353	\$ -
<b>40-DHHS-General Total</b>				<b>\$ (89,106)</b>	<b>\$ (89,106)</b>	<b>\$ -</b>
45-USDA	13	3454000 TERO USDA Forestry	LA 25-14	34,785	34,785	\$ -
<b>45-USDA Total</b>				<b>\$ 34,785</b>	<b>\$ 34,785</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 741,327</b>	<b>\$ 741,327</b>	<b>\$ -</b>

## 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	1010042 Charitable Contributions	LA 28-14	-	14,000	\$ (14,000)
	2	1010315 Cash Match For Grants	Nov Grants	-	(14,000)	\$ 14,000
	3	AU1010563 Economic Development	LA 25-14	840,145	840,145	\$ -
	4	AU1010581 Career Pathways	NEW	977,184	977,184	\$ -
<b>01-Cherokee Nation Total</b>				<b>\$ 1,817,329</b>	<b>\$ 1,817,329</b>	<b>\$ -</b>
05-Vehicle Tax	5	AU1051000 MVT Public Schools	LA 25-14	409,614	409,614	\$ -
	6	AU1051010 MVT SHS	LA 25-14	39,889	39,889	\$ -
	7	AU1051011 MVT Head Start	LA 25-14	(40,790)	(40,790)	\$ -
	8	AU1051012 MVT Immersion	LA 25-14	3,314	3,314	\$ -
	9	AU1051020 MVT Public School Coop	LA 25-14	269,726	269,726	\$ -
	10	AU1052010 MVT Highways Admin	LA 25-14	231,479	231,479	\$ -
	11	AU1054100 MVT Local Law Enforcement	LA 25-14	85,739	85,739	\$ -
<b>05-Vehicle Tax Total</b>				<b>\$ 998,971</b>	<b>\$ 998,971</b>	<b>\$ -</b>
23-DOI-PL 102-477	12	AU3232300 PL 102-477 Combined Interest	LA 25-14	(287,648)	(287,648)	\$ -
<b>23-DOI-PL 102-477 Total</b>				<b>\$ (287,648)</b>	<b>\$ (287,648)</b>	<b>\$ -</b>
33-IHS-Self Governance-T E H	13	AU3331000 EHS Administration	LA-25-14	(194,362)	(194,362)	\$ -
	14	AU3332000 EHS Projects	LA 25-14	(2,036,690)	(2,036,690)	\$ -
<b>33-IHS-Self Governance-T E H Total</b>				<b>\$ (2,231,052)</b>	<b>\$ (2,231,052)</b>	<b>\$ -</b>
56-NAHASDA	15	AU3564021 Replacement Homes	NEW	1,000,000	1,000,000	\$ -
	16	AU3564044 Housing Rehabilitation	NEW	1,300,000	1,300,000	\$ -
<b>56-NAHASDA Total</b>				<b>\$ 2,300,000</b>	<b>\$ 2,300,000</b>	<b>\$ -</b>
70-US Department of Labor	17	AU3701910 Career Pathways	LA 25-14	(977,184)	(977,184)	\$ -
<b>70-US Department of Labor Total</b>				<b>\$ (977,184)</b>	<b>\$ (977,184)</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 1,620,416</b>	<b>\$ 1,620,416</b>	<b>\$ -</b>

## Operating Mod #6 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	106,930,768	1,793,051	108,723,819	90,413,302	5,149,001	13,161,516	108,723,819	0
Motor Fuels Tax Funding Srce	8,565,704	15,731,843	24,297,547	16,212,364	143,672	7,941,511	24,297,547	0
Motor Vehicle Tax Funding Srce	19,520,221	350,000	19,870,221	18,018,177	503,619	1,348,425	19,870,221	0
Permanent Fund Funding Source	10,300	0	10,300	10,300	0	0	10,300	0
DOI General Funding Source	12,886,986	0	12,886,986	12,064,371	822,615	0	12,886,986	0
DOI Self Gov Funding Source	14,058,110	79,600	14,137,710	12,762,699	1,371,511	3,500	14,137,710	0
DOI Self Gov Roads Funding Srce	14,608,615	0	14,608,615	14,388,311	182,498	37,806	14,608,615	0
Dept of Transportation Fnd Srce	64,604,642	0	64,604,642	64,349,416	155,383	99,843	64,604,642	0
DOI PL102-477 Funding Source	19,777,408	0	19,777,408	18,914,878	862,530	0	19,777,408	0
IHS Self Gov Health Funding Sr	279,612,072	0	279,612,072	255,518,336	21,443,736	2,650,000	279,612,072	0
IHS Self Gov TEH Funding Srce	7,569,145	65,000	7,634,145	7,259,357	374,788	0	7,634,145	0
IHS Self Gov Office Funding Srce	322,788	0	322,788	282,355	40,433	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	37,358,126	519,647	37,877,773	34,454,928	3,422,845	0	37,877,773	0
USDA Funding Source	17,205,863	775,440	17,981,303	16,801,032	780,271	400,000	17,981,303	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	41,252,212	1,005,997	42,258,209	39,242,505	1,800,704	1,215,000	42,258,209	0
Housing Proceeds Funding Srce	0	0	0	0	0	0	0	0
EPA Funding Source	1,907,870	0	1,907,870	1,666,411	241,459	0	1,907,870	0
Dept of Labor Funding Source	8,730,019	0	8,730,019	7,899,987	830,032	0	8,730,019	0
Federal Other Funding Source	2,485,469	0	2,485,469	2,279,240	206,229	0	2,485,469	0
State of Oklahoma Funding Srce	1,156,246	0	1,156,246	1,040,223	116,023	0	1,156,246	0
Private Funding Source	432,327	196,969	629,296	565,668	63,628	0	629,296	0
Indirect Cost Pool Funding Srce	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	1,369,960	850,000	2,219,960	2,181,272	38,688	0	2,219,960	0
Other Funding Source	197,942	17,000	214,942	203,582	11,360	0	214,942	0
Debt Service Funding Source	0	2,650,000	2,650,000	2,650,000	0	0	2,650,000	0
Capital Projects Funding Source	12,391,029	2,400,000	14,791,029	14,791,029	0	0	14,791,029	0
<b>Total</b>	<b>\$ 723,541,209</b>	<b>\$ 26,862,601</b>	<b>\$ 750,403,810</b>	<b>\$ 684,653,783</b>	<b>\$ 38,670,638</b>	<b>\$ 26,862,601</b>	<b>\$ 750,187,022</b>	<b>\$ 216,788</b>

**Non Grant Requests**

Oper Mod #5 Req	2,797,376	02/17 Council
Oper Mod #6 Req	1,620,416	02/26 E&F
Cap Mod #2 Req	747,879	02/26 E&F

**Total after pending Mod's**      **\$ 755,352,693**

**CAPITAL RECONCILIATION**

LA-24-14	\$ 119,689,431	
Capital Mod #1	4,789,600	12/15 Council
Capital Mod #2	747,879	02/26 E&F

**Total Capital**      **\$ 125,226,910**

Operating (LA25-14)	\$ 630,125,783	Cumulative Oper
Capital (LA-24-14)	125,226,910	Cumulative Cap
<b>Grand Total</b>	<b>\$ 755,352,693</b>	



# 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:** 02/27/2015

**Re:** Review of Operating Budget Modification #6 – **Total \$ 2,361,743**

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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 - Reason</u>	<u>Amount</u>
20-DOI General	1-Carryover reconciliation	\$ 795,648
40-DHHS General	11-Carryover reconciliation and new awards	( 89,106)
45-U.S.D.A.	1-Carryover reconciliation	34,785
<b>TOTAL GRANTS</b>		<b>\$ 741,327</b>

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)
Used: Reduced to provide funding for community building donations	( 14,000)
Balance Available	<u>\$ 820,865</u>

### B. MOD #6 Request - (17 budgets) Increase in budget authority - \$ 1,620,416

- Economic Development – 1010563 – General Fund: Modification requesting an increase in expenditure authorization of \$840,145. Carryover was reduced from \$650,000 to \$380,072 and a new award of \$1,110,073 from CNB is added for a new budget expenditure total of \$1,490,145 with the offsetting Other Income.
- Career Pathways – 1010581 – General Fund: Modification requesting a new budget of \$977,184 along with the offsetting Other Income. This budget reflects the revenue in from the Job Driven National Emergency Grant Program per the approval of the Federal Project Officer. You will notice in time 15 that the budget is removed from DOL funding to this zero based General Fund budget. The Career Pathways program is in the initial planning stages for this grant. This is the full funding level of the Career Pathways expansion project.



The pending Motor Vehicle Tax legislation in the Rules Committee will have an impact on some of the budgets in this mod. The budgets for items 3 - 6 are prepared with the assumption that schools in the expanded compact jurisdiction will receive payments. If the MVT amendment does not pass the grand total of items 3 – 6 will not change; however, the individual budget totals will change. 38% of the gross Motor Vehicle Tax Revenue is allocated to eligible public schools. Items 4, 5, and 6 are for Cherokee Nation school allocations and all other public schools are in budget item 3.

The budget amount for item 7 will not change either way but the eligible schools could be impacted.

The MVT budgets for roads and local law enforcement (items 8 & 9) do not have any proposed amendments that will affect them, so the distributions to the fifteen in district Councilors are calculated as they have been in the past.

3. MVT Public Schools – 1051000 – Motor Vehicle: Modification requesting an increase in expenditure authorization of \$409,614 for the 2014 allocation of the Motor Vehicle Tax. The original budget of \$3,500,000 was an estimate and the new total budget is \$3,909,614. The total includes \$4,861 carryover and \$3,904,753 current allocation. The current allocation is an increase of \$697,164 over last year's allocation with a per student increase from \$135.05 to \$143.42. Approximately \$530,000 of the increase is due to sales in the expanded jurisdiction and approximately \$40,000 due to at-large sales. There is \$445,176 in the list for expanded jurisdiction schools.
4. MVT Sequoyah High School – 1051000 – Motor Vehicle: Modification requesting an increase in expenditure authorization of \$39,889 for the 2014 allocation of the Motor Vehicle Tax. The original budget of \$107,044 was an estimate and the new total budget is \$146,933. The total includes \$39,081 carryover and \$107,852 current allocation. The current allocation is an increase of \$5,483 over last year's allocation with a six student decrease.
5. MVT Head Start – 1051011 – Motor Vehicle: Modification requesting a decrease in expenditure authorization of \$40,790 for the 2014 allocation of the Motor Vehicle Tax. The original budget of \$82,381 was an estimate and the new total budget is \$41,591 and includes no carryover. The current allocation is a decrease of \$40,790 below last year's allocation with a 320 student decrease from 610 to 290. My understanding is that Sequoyah High School is allowed to count students twice if certain criteria are met; however, Head Start is not, therefore the student count has been adjusted down this year.
6. MVT Immersion – 1051012 – Motor Vehicle: Modification requesting an increase in expenditure authorization of \$3,314 for the 2014 allocation of the Motor Vehicle Tax. The original budget of \$28,364 was an estimate and the new total budget is \$31,678. The total includes \$987 carryover and \$30,691 current allocation. The current allocation is an increase of \$2,331 over last year's allocation with a four student increase.
7. MVT Public School Coop – 1051020 – Motor Vehicle: Modification requesting an increase in expenditure authorization of \$269,726 for the 2014 allocation of the Motor Vehicle Tax. The original budget of \$360,587 was an estimate and the new budget is \$630,313. The total includes \$200,325 carryover and \$429,988 current allocation. The current allocation is a \$69,914 increase over last year's allocation. This budget assists schools with the A-F grading system. The allocation is 5% of the 38% public school allocation plus an equal match from the remaining MVT net revenue.
8. MVT Highway Admin – 1052010 – Motor Vehicle: Modification requesting an increase in expenditure authorization of \$231,479 for the 2014 allocation of Motor Vehicle Tax with a new total budget of \$486,343. The total includes \$260,033 carryover and \$226,310 current allocation. The Roads program receives a 20% allocation of gross MVT revenue and of this allocation 90% goes to construction (capital mod) and 10% to this administration budget.

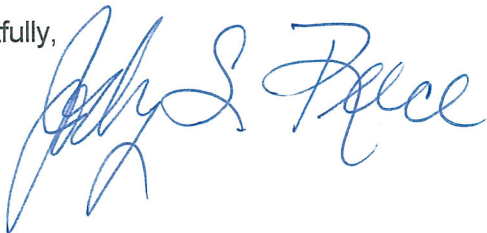


9. MVT Local Law Enforcement – 1054100 – Motor Vehicle: Modification requesting an increase in expenditure authorization of \$85,739 from the 2014 allocation of Motor Vehicle Tax with a new total budget of \$415,739. This total includes \$72,154 carryover and \$343,585 current allocation. The current allocation is based on 20% of the net MVT revenue and is a \$53,316 increase over last year's allocation.
10. PL 102 477 Combined Interest – 3232300 – DOI PL 102-477: Modification requesting a decrease in expenditure authorization of \$287,648 to balance for carryover interest with a new total budget of \$859,557.
11. EHS Administration – 3331000 – IHS Self Governance TEH: Modification requesting a decrease in expenditure authorization of \$194,362 to balance out carryover with a new total budget of \$1,820,291.
12. EHS Projects – 3332000 – IHS Self Governance TEH: Modification requesting a decrease in expenditure authorization of \$2,036,690 to balance carryover with a new total budget of \$3,479,375.
13. Replacement Homes – 3564021 – NAHASDA: New budget requesting expenditure authorization of \$1,000,000 from program income. This compares to the 2014 budget of \$2,567,645.
14. Housing Rehabilitation – 3564044 – General Fund: New budget requesting expenditure authorization of \$1,300,000 from program income. This compares to the 2014 budget of \$1,650,037.
15. Career Pathways – 3701910 – US Department of Labor: Modification requesting a decrease in expenditure authorization of \$977,184 to zero the budget out and is replaced with the General Fund budget in item 1 above.
16. Added on Committee Floor – Charitable Contribution - 1010042 – General Fund: Modification requesting an increase in expenditure of \$14,000 to allow a \$2,000 payment to all 37 community centers. Funding is provided by a reduction in Cash Match for Grants in item 17.
17. Added on Committee Floor – Cash Match For Grants - 1010315 – General Fund: Modification requesting a decrease in expenditure of \$14,000 to provide the funding needed in item 16.

**Summary:**

After reviewing the submission of Mod #6 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 blue ink, appearing to read "Andy S. Felce". The signature is fluid and cursive, with the first name "Andy" being the most prominent.