

## An Act

### LEGISLATIVE ACT 47-12

#### AN ACT AMENDING LEGISLATIVE ACT #37-12 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2013 – 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 #37-12 Authorizing the Comprehensive Operating Budget for FY 2013 – 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 Budget Act for Fiscal Year 2013” or subsequent amendment. The cumulative total of the budget is increased by **\$3,883,520** for a total budget authority of **\$532,193,180**. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

|   | Previous<br>Balance | Estimated<br>Sources | Estimated<br><Uses> | Adjusted<br>Balance       |
|---|---------------------|----------------------|---------------------|---------------------------|
| A. Tribally Funded  | \$0                 | \$0                  | \$0                 | \$0                       |
| B. Motor Fuels Tax  | \$0                 | \$0                  | \$0                 | \$0                       |
| Grants Received & Authorized per LA-37-12 (detail attached) |                     |                      |                     | \$3,323,778               |
| Modification Request #2 (see Section 4 below)               |                     |                      |                     | <u>559,742</u>            |
| <b>Cumulative change in budget authority</b>                |                     |                      |                     | <b><u>\$3,883,520</u></b> |

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #37-12 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 **\$559,742** to wit:

- A. An increase in the **General Fund** budget authority of **\$ 40,711**.

- B. An increase in the **Indirect Cost Pool** budget authority of **\$ 137,688.**
- C. An increase in the **Enterprise** budget authority of **\$195,302.**
- D. A decrease in the **DOI – PL 102-477** budget authority of **< \$ 9,261>.**
- E. An increase in the **Federal Other** budget authority of **\$ 195,302.**
- F. Budget reallocation in the **IHS – Self Governance Health** of **\$3,500,000** for consent approval with a change in budget authority of **\$0.**

**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.

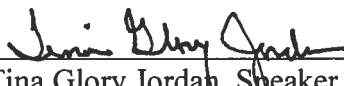
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

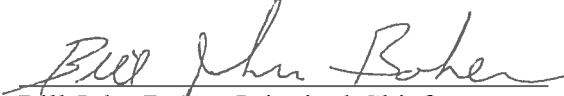
Passed by the Cherokee Council on the 10<sup>th</sup> day of December, 2012.

  
\_\_\_\_\_  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2012

  
Bill John Baker, Principal Chief  
Cherokee Nation

ATTEST:

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Charles Head, Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

|                              |               |                   |            |
|------------------------------|---------------|-------------------|------------|
| Tina Glory Jordan            | <u>Yea</u>    | Lee Keener        | <u>Nay</u> |
| David Walkingstick           | <u>Yea</u>    | Cara Cowan Watts  | <u>Nay</u> |
| Joe Byrd                     | <u>Yea</u>    | Buel Anglen       | <u>Nay</u> |
| Jodie Fishinghawk            | <u>Yea</u>    | Dick Lay          | <u>Yea</u> |
| Curtis Snell                 | <u>Yea</u>    | Chuck Hoskin, Jr. | <u>Yea</u> |
| Frankie Hargis               | <u>Yea</u>    | Meredith Frailey  | <u>Nay</u> |
| David W. Thornton, Sr.       | <u>Absent</u> | Jack Baker        | <u>Nay</u> |
| Janelle Lattimore Fullbright | <u>Yea</u>    | Julia Coates      | <u>Nay</u> |
| Don Garvin                   | <u>Yea</u>    |                   |            |



## CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director, Financial Oversight

# M e m o

**To:** Jodie Fishinghawk, Chair, Executive & Finance Committee &  
Chuck Hoskin Jr., Co-Chair, Executive & Finance Committee

**From:** Jody S. Reece

**CC:** Executive & Finance Committee

**Date:** 11/15/2012

**Re:** Review of Operating Budget Modification #3

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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. OCTOBER GRANTS RECEIVED (REPORTING ONLY):

| <u>Funding Source</u> | <u>Reason</u>                                    | <u>Amount</u>              |
|-----------------------|--|----------------------------|
| DHHS – General        | 2 - new awards and 2 - carryover reconciliations | \$1,579,043                |
| USDA                  | Carryover reconciliation with extension          | 50,000                     |
| HUD                   | Carryover reconciliation                         | 515,803                    |
| US Dept of Labor      | Revised award                                    | 26,914                     |
| Federal Other         | 2 – new awards                                   | 1,150,031                  |
| Private               | Carryover reconciliation w/extension             | 1,987                      |
| <b>TOTAL GRANTS</b>   |  | <b><u>\$ 3,323,778</u></b> |

### B. MOD – 3 (10 budgets) Increase in budget authority - \$559,742:

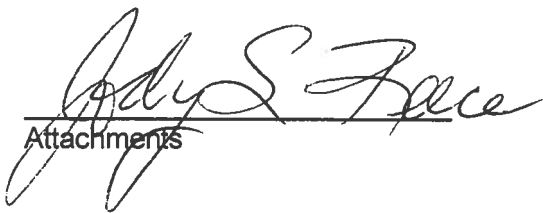
- Cherokee Immersion Program: New budget request of \$450,000 to track Immersion separate from Charter. Offset by reduction in Charter School budget in 2.
- Cherokee Charter School: Requesting a reduction of \$450,000 to budget the Immersion Programs separately in 1.
- Emergency Assistance Program: Modification requesting expenditure authorization for \$18,250 in donations to Human Services. This will be a net zero affect for the budget.
- Cherokee Publications GF: Modification to increase expenditures by \$20,461 by offset from the new paid subscription/distribution system and \$1,100 transfer in from 5. CN Subscription Donations
- CN Publications Subscription Donations: New budget request to account for Donations of \$2,000 and to transfer out the same amount split between 4. and 6.
- Cherokee Publications IDC: Modification to increase expenditures by \$16,739 by offset from the new paid subscription/distribution system and \$900 transfer in from 5. CN Subscription Donations.
- Registration IDC: Modification requesting an increase in expenditures authorization of \$120,949 mostly related to increased costs for the new photo ID system. Detailed description in packet.

8. PL102 477 Combined Interest: Modification requesting a decrease in expenditure authorization of \$9,261 down to actual carryover interest and more accurate interest income amounts.
9. Health Land/Building Purchase: Modification requesting expenditure authorization to move \$3,500,000 from the Reserved by Appropriation account to the Capital Acquisitions account. No detail on specific projects is provided.
10. 2011 Community Development Financial Institutions (CFDI) Grant: New budget requesting expenditure authorization of the \$195,302 grant balance, which is being transferred to the Commercial Loan Fund 10.
11. Commercial Loan Fund: Modification requesting an increase in expenditure authorization of \$195,302 from a transfer in from the CFDI Grant 9.

**Summary:**

After reviewing the submission of Mod-3 by administration, I find no technical issues surrounding these requests, nor do I have any concerns related to their respective carryover estimates. If I can provide any further information, please do not hesitate to contact me.

Respectfully,

  
Attachments

CHEROKEE NATION  
 PROPOSED FY 2013 AMENDMENT  
 Sorted by Funding Source

| Funding Source                         | Ref #<br>by FS | Program/Purpose                          | FY 2013<br>Prior LA | Data                        |                                 |             |
|--|----------------|--|---------------------|-----------------------------|---------------------------------|-------------|
|  |                |  |                     | Amend. Change to<br>Sources | Amend. Expenses<br>Total Change | Net Change  |
| 40-DHHS-General                        | 1              | 3402500 Substance Abuse                  | LA 37-12            | 152,016                     | 152,016                         | \$ -        |
|  | 2              | 3408000 Ensuring Hope                    | New                 | 312,377                     | 312,377                         | \$ -        |
|  | 3              | 3408400 CN Home Visiting Program         | New                 | 275,000                     | 275,000                         | \$ -        |
|  | 4              | 3408500 Link Act Unmet Need Child Heal   | New                 | 839,650                     | 839,650                         | \$ -        |
| <b>40-DHHS-General Total</b>           |                |  |                     | <b>\$ 1,579,043</b>         | <b>\$ 1,579,043</b>             | <b>\$ -</b> |
| 45-USDA                                | 5              | 3454300 Rural Business Opportunity Grant | New                 | 50,000                      | 50,000                          | \$ -        |
| <b>45-USDA Total</b>                   |                |  |                     | <b>\$ 50,000</b>            | <b>\$ 50,000</b>                | <b>\$ -</b> |
| 55-HUD                                 | 6              | 3552550 Collinsville Food Distribution   | LA 37-12            | 515,803                     | 515,803                         | \$ -        |
| <b>55-HUD Total</b>                    |                |  |                     | <b>\$ 515,803</b>           | <b>\$ 515,803</b>               | <b>\$ -</b> |
| 70-US Department of Labor              | 7              | 3701500 TJC Operations                   | New                 | 26,914                      | 26,914                          | \$ -        |
| <b>70-US Department of Labor Total</b> |                |  |                     | <b>\$ 26,914</b>            | <b>\$ 26,914</b>                | <b>\$ -</b> |
| 75-Federal Other                       | 8              | 3755300 Bright Futures Youth Program     | New                 | 165,640                     | 165,640                         | \$ -        |
|  | 9              | 3755500 TRGP COPS Equipment              | New                 | 984,391                     | 984,391                         | \$ -        |
| <b>75-Federal Other Total</b>          |                |  |                     | <b>\$ 1,150,031</b>         | <b>\$ 1,150,031</b>             | <b>\$ -</b> |
| 85-Private                             | 10             | 3853500 Jay Oral Health                  | New                 | 1,987                       | 1,987                           | \$ -        |
| <b>85-Private Total</b>                |                |  |                     | <b>\$ 1,987</b>             | <b>\$ 1,987</b>                 | <b>\$ -</b> |
| <b>Grand Total</b>                     |                |  |                     | <b>\$ 3,323,778</b>         | <b>\$ 3,323,778</b>             | <b>\$ -</b> |

*NOVEMBER GRANTS  
 (REPORTING ONLY)*

CHEROKEE NATION  
 PROPOSED FY 2013 AMENDMENT  
 Sorted by Funding Source

MOD - 3  
 REQUEST

|  |                |   |                     | Data                        |                                 |                     |
|--|----------------|---|---------------------|-----------------------------|---------------------------------|---------------------|
| Funding Source                               | Ref #<br>by FS | Program/Purpose                         | FY 2013<br>Prior LA | Amend. Change to<br>Sources | Amend. Expenses<br>Total Change | Net Change          |
| 01-Cherokee Nation                           | 1              | 1010204 Cherokee Immersion Program      | New                 | -                           | 450,000                         | \$ (450,000)        |
|  | 2              | 1010211 Cherokee Charter School         | LA 37-12            | -                           | (450,000)                       | \$ 450,000          |
|  | 3              | 1010460 Emergency Assistance Program    | LA 37-12            | 18,250                      | 18,250                          | \$ -                |
|  | 4              | 1011070 Cherokee Publications GF        | LA 37-12            | 20,461                      | 20,461                          | \$ -                |
|  | 5              | 1011071 CN publications Sub Donations   | New                 | 2,000                       | 2,000                           | \$ -                |
| <b>01-Cherokee Nation Total</b>              |                |   |                     | <b>\$ 40,711</b>            | <b>\$ 40,711</b>                | <b>\$ -</b>         |
| 04-Indirect Cost Pool                        | 6              | 2041030 Cherokee Publications IDC       | LA 37-12            | 16,739                      | 16,739                          | \$ -                |
|  | 7              | 2041090 Registration IDC                | LA 37-12            | -                           | 120,949                         | \$ (120,949)        |
| <b>04-Indirect Cost Pool Total</b>           |                |   |                     | <b>\$ 16,739</b>            | <b>\$ 137,688</b>               | <b>\$ (120,949)</b> |
| 10-Enterprise                                | 8              | 4109030 Commercial Loan Fund            | LA 37-12            | 195,302                     | 195,302                         | \$ -                |
| <b>10-Enterprise Total</b>                   |                |   |                     | <b>\$ 195,302</b>           | <b>\$ 195,302</b>               | <b>\$ -</b>         |
| 23-DOI-PL 102-477                            | 9              | 3232300 PL102 477 Combined Interest     | LA 37-12            | (9,261)                     | (9,261)                         | \$ -                |
| <b>23-DOI-PL 102-477 Total</b>               |                |   |                     | <b>\$ (9,261)</b>           | <b>\$ (9,261)</b>               | <b>\$ -</b>         |
| 32-IHS - Self Governance H                   | 10             | 3329050 Health Land / Building Purchase | LA 37-12            | -                           | -                               | \$ -                |
| <b>32-IHS - Self Governance Health Total</b> |                |   |                     | <b>\$ -</b>                 | <b>\$ -</b>                     | <b>\$ -</b>         |
| 75-Federal Other                             | 11             | 3753207 2011 CDFI Grant                 | New                 | 195,302                     | 195,302                         | \$ -                |
| <b>75-Federal Other Total</b>                |                |   |                     | <b>\$ 195,302</b>           | <b>\$ 195,302</b>               | <b>\$ -</b>         |
| <b>Grand Total</b>                           |                |   |                     | <b>\$ 438,793</b>           | <b>\$ 559,742</b>               | <b>\$ (120,949)</b> |

**COMPREHENSIVE BUDGET  
FOR FISCAL YEAR 2013  
Including Mod-3 Operating**

| Funding Source                  | Revenues              | Transfers In         | Total                 | Direct Exp.           | Indir. Exp.       | Transfers Out        | Total                 | NET                   |
|---------------------------------|-----------------------|----------------------|-----------------------|-----------------------|-------------------|----------------------|-----------------------|-----------------------|
| Tribally Funded Funding Source  | 76,750,072            | 1,836,991            | 78,587,063            | 66,655,757            | 4,330,225         | 7,601,081            | 78,587,063            | 0                     |
| Motor Fuels Tax Funding Srce    | 8,801,819             | 12,895,819           | 21,697,638            | 13,927,490            | 141,110           | 7,629,038            | 21,697,638            | 0                     |
| Motor Vehicle Tax Funding Srce  | 10,939,664            | 225,000              | 11,164,664            | 9,918,284             | 374,841           | 871,539              | 11,164,664            | 0                     |
| Permanent Fund Funding Source   | 10,000                | 0                    | 10,000                | 10,000                | 0                 | 0                    | 10,000                | 0                     |
| DOI General Funding Source      | 11,234,026            | 0                    | 11,234,026            | 10,376,349            | 857,677           | 0                    | 11,234,026            | 0                     |
| DOI Self Gov Funding Source     | 13,801,610            | 79,600               | 13,881,210            | 12,697,433            | 1,168,777         | 15,000               | 13,881,210            | 0                     |
| DOI Self Gov Roads Funding Src  | 29,555,077            | 0                    | 29,555,077            | 29,319,213            | 177,056           | 58,808               | 29,555,077            | 0                     |
| Dept of Transportation Fnd Src  | 39,109,995            | 0                    | 39,109,995            | 38,895,421            | 114,731           | 99,843               | 39,109,995            | 0                     |
| DOI PL102-477 Funding Source    | 15,838,167            | 0                    | 15,838,167            | 15,182,353            | 655,814           | 0                    | 15,838,167            | 0                     |
| IHS Self Gov Health Funding Sr  | 260,665,937           | 0                    | 260,665,937           | 240,511,347           | 17,504,590        | 2,650,000            | 260,665,937           | 0                     |
| IHS Self Gov TEH Funding Src    | 5,783,801             | 0                    | 5,783,801             | 5,374,953             | 408,848           | 0                    | 5,783,801             | 0                     |
| IHS Self Gov Office Funding Src | 322,788               | 0                    | 322,788               | 291,397               | 31,391            | 0                    | 322,788               | 0                     |
| IHS Discretionary Funding Srce  | 800,000               | 0                    | 800,000               | 30,000                | 0                 | 770,000              | 800,000               | 0                     |
| DHHS General Funding Source     | 34,556,070            | 528,696              | 35,084,766            | 32,152,245            | 2,932,521         | 0                    | 35,084,766            | 0                     |
| USDA Funding Source             | 18,320,308            | 743,192              | 19,063,500            | 18,351,980            | 711,520           | 0                    | 19,063,500            | 0                     |
| Dept of Education Funding Srce  | 1,251,231             | 65,875               | 1,317,106             | 1,201,961             | 115,145           | 0                    | 1,317,106             | 0                     |
| HUD Funding Source              | 47,537,798            | 85,061               | 47,622,859            | 45,968,008            | 1,654,851         | 0                    | 47,622,859            | 0                     |
| Housing Proceeds Funding Src    | 0                     | 0                    | 0                     | 0                     | 0                 | 0                    | 0                     | 0                     |
| EPA Funding Source              | 2,138,970             | 0                    | 2,138,970             | 1,898,577             | 240,393           | 0                    | 2,138,970             | 0                     |
| Dept of Labor Funding Source    | 7,204,624             | 0                    | 7,204,624             | 6,470,135             | 734,489           | 0                    | 7,204,624             | 0                     |
| Federal Other Funding Source    | 3,721,240             | 500                  | 3,721,740             | 3,581,842             | 139,898           | 0                    | 3,721,740             | 0                     |
| State of Oklahoma Funding Srce  | 1,420,558             | 0                    | 1,420,558             | 1,256,172             | 164,386           | 0                    | 1,420,558             | 0                     |
| Private Funding Source          | 201,700               | 172,575              | 374,275               | 328,126               | 46,149            | 0                    | 374,275               | 0                     |
| Indirect Cost Pool Funding Src  | 149,226               | 0                    | 149,226               | 34,994,949            | (32,404,009)      | 0                    | 2,590,940             | (2,441,714)           |
| Fringe Pool Funding Source      | 0                     | 0                    | 0                     | 0                     | 0                 | 0                    | 0                     | 0                     |
| Internal Lease Pool Funding Sr  | 86,000                | 0                    | 86,000                | 86,000                | 0                 | 0                    | 86,000                | 0                     |
| Enterprise Funding Source       | 1,261,199             | 0                    | 1,261,199             | 1,255,754             | 0                 | 0                    | 1,255,754             | 5,445                 |
| Other Funding Source            | 180,099               | 12,000               | 192,099               | 181,798               | 10,301            | 0                    | 192,099               | 0                     |
| Debt Service Funding Source     | 0                     | 2,650,000            | 2,650,000             | 2,650,000             | 0                 | 0                    | 2,650,000             | 0                     |
| Capital Projects Funding Sourc  | 21,387,856            | 400,000              | 21,787,856            | 21,731,369            | 56,487            | 0                    | 21,787,856            | 0                     |
| <b>Total</b>                    | <b>\$ 613,029,835</b> | <b>\$ 19,695,309</b> | <b>\$ 632,725,144</b> | <b>\$ 615,298,913</b> | <b>\$ 167,191</b> | <b>\$ 19,695,309</b> | <b>\$ 635,161,413</b> | <b>\$ (2,436,269)</b> |

**CAPITAL RECONCILIATION**

|                      |                       |
|----------------------|-----------------------|
| LA-38-12 CAB         | \$ 103,547,975        |
| Mod-1 Capital        | \$ -                  |
| <b>Total Capital</b> | <b>\$ 103,547,975</b> |

|                |            |             |
|----------------|------------|-------------|
| Mod-2 Oper Req | \$ 20,000  | 10/25 - E&F |
| Mod-3 Oper Req | \$ 559,742 | 11/29 - E&F |

|                                  |                                 |
|----------------------------------|---------------------------------|
| <b>Total after pending Mod's</b> | <b>\$ 635,741,155</b>           |
| Operating (LA37-12)              | \$ 532,193,180 (thru Mod-3 op)  |
| Capital (LA-38-12)               | \$ 103,547,975 (thru Mod-1 cao) |
| <b>Recap</b>                     | <b>\$ 635,741,155</b>           |