

## An Act

### LEGISLATIVE ACT 11-13

#### AN ACT AMENDING LEGISLATIVE ACT #37-12 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2013 – 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 #37-12 Authorizing the Comprehensive Operating Budget for FY 2013 – 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 2013” or subsequent amendment. The cumulative total of the budget is increased by **\$4,587,241** for a total budget authority of **\$541,550,073**. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

	<u>Previous</u> <u>Balance</u>	<u>Estimated</u> <u>Sources</u>	<u>Estimated</u> <u>&lt;Uses&gt;</u>	<u>Adjusted</u> <u>Balance</u>
A. Tribally Funded	\$0	\$0	\$0	\$0
B. Motor Fuels Tax	\$0	\$0	\$0	\$0

Grants Received & Authorized per LA-37-12 (detail attached)	\$ ( 1,999)
Modification Request #5 (see Section 4 below)	<u>4,589,240</u>
<b>Cumulative change in budget authority</b>	<b><u>\$4,587,241</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 **\$4,589,240** to wit:

A. An increase in the **General Fund** budget authority of **\$ 30,000**.

- B. An increase in the **Enterprise** budget authority of \$ 682,508.
- C. An increase in the **DOI - PL 102-477** budget authority of \$ 2,541,020.
- D. An increase in the **DOI – Self Governance** budget authority of \$ 568,963.
- E. An increase in the **NAHASDA** budget authority of \$ 755,000.
- F. An increase in the **Special Revenue Other** budget authority of \$ 10,000.
- G. An increase in the **Permanent Funds** budget authority of \$ 1,749.

**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.

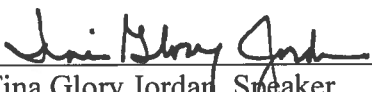
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

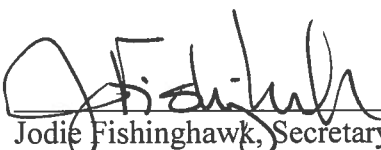
**SECTION 8. SELF-HELP CONTRIBUTIONS**

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 11<sup>th</sup> day of March, 2013

  
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Tina Glory Jordan, Speaker  
Council of the Cherokee Nation

ATTEST:

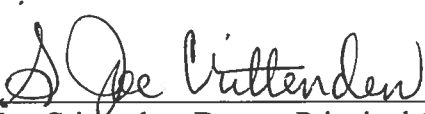
  
\_\_\_\_\_  
Jodie Fishinghawk, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 14~~th~~ day of March, 2013



Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**



S. Joe Crittenden, Deputy Principal Chief  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Dick Lay	<u>Yea</u>
Frankie Hargis	<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>	Lee Keener	<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>
David Walkingstick	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		



## CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of 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:** 02/14/2013

**Re:** Review of Operating Budget Modification #6

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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. January Grants Received (REPORTING ONLY):

<u>Funding Source</u>	<u>Reason</u>	<u>Amount</u>
DHHS - General	2 Carryover reconciliations & 1 small award	\$ (121,265)
DOL	Carryover reconciliation – TLJC	30,201
Federal Other	Carryover reconciliation – D&E Pharmacy Settlement	2,065
Private	4 new awards	87,000
<b>TOTAL GRANTS</b>		<b>\$ ( 1,999)</b>

### B. MOD – 6 (11 budgets) Increase in budget authority - \$4,589,240:

1. One Fire Helping Victims – 1016000 - General Fund: New budget requesting expenditure authorization of \$30,000 to create the Charles L. Head One Fire Helping Victims Task Force to provided services to victims of domestic violence and their families. This is to be funded by donations.
2. Marshal Service – 3221100 – DOI Self Governance: Modification requesting an increase in expenditure authorization of \$515,400 for one-time funding from DOI. The majority is allocated to supplies and capital acquisitions.
3. Employment Assist Client Services – 3222280 – DOI Self Governance: Modification requesting an increase in expenditure authorization of \$53,563 for one-time funding from DOI that is allocated to training costs.
4. PL 102 477 Child Care – 3230000 – DOI PL 102 477: Modification requesting an increase in expenditure authorization of \$2,540,971. This is a result of an increase in prior year carryover of \$2,952,341, a decrease in grant revenue of \$415,201, and an increase in estimated other income of \$3,831.
5. ES Child Support – 3234000 – DOI PL 102 477: Modification requesting an increase in expenditure authorization of \$49 offset by carryover interest reconciliation.

6. Transitional Emergency Housing – 3566060 - NAHASDA: Modification requesting an increase in expenditure authorization of \$540,000 to fund needs beyond the original budget request. I requested additional information from department and that information is attached behind the budget.
7. Human Services Resident Services – 3566063 - NAHASDA: Modification requesting an increase in expenditure authorization of \$215,000 to fund needs beyond the original budget request. I requested additional information from the department and that information is attached behind the budget.
8. ICW Angels of the Cherokees – 3902010 – Special Revenue Other: Modification requesting an increase in expenditure authorization of \$10,000 funded by reserved carryover funds.
9. Commercial Loan Fund – 4109030 - Enterprise: Modification requesting an increase in expenditure authorization of \$341,254 and offsetting increase in the Transfer - Cash In: Tribally Required account from AU 4109090 – Youth ICDBG Micro Loan Fund \*\*see item 10\*\*.
10. Youth ICDBG Micro Loan Fund – 4109090 - Enterprise: New budget request for this year to budget the net cumulative carryover profits from prior years of \$341,254 and transferring it out to AU 4109030 – Commercial Loan Fund \*\*see item 9\*\* . This will be the final budget year for this accounting unit.
11. Gammon Education Trust – 5951110 – Permanent Fund: New budget request for FY 2013 that is requesting expenditure of \$1,749 from the balance of interest income to be transferred to the Cherokee Nation Foundation. \$1,624 is from carryover interest and \$125 current year interest.

**Summary:**

After reviewing the submission of Mod-6 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,



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Attachments

CHEROKEE NATION  
 PROPOSED FY 2013 AMENDMENT  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2013 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
40-DHHS-General	1	3402200 Cancer Tumor Registry Grant	LA 37-12	(33,338)	(33,338)	\$ -
	2	3407500 Child Health Insur Pr Reautor	LA 37-12	(100,027)	(100,027)	\$ -
	3	3408890 Emergency Preparedness	New	12,100	12,100	\$ -
<b>40-DHHS-General Total</b>				<b>\$ (121,265)</b>	<b>\$ (121,265)</b>	<b>\$ -</b>
70-US Department of Labor	4	3701500 TLJC Operations	Nov. Grant	30,201	30,201	\$ -
<b>70-US Department of Labor Total</b>				<b>\$ 30,201</b>	<b>\$ 30,201</b>	<b>\$ -</b>
75-Federal Other	5	3754700 D&E Pharmacy Settlement	New	2,065	2,065	\$ -
<b>75-Federal Other Total</b>				<b>\$ 2,065</b>	<b>\$ 2,065</b>	<b>\$ -</b>
85-Private	6	3853500 Jay Oral Health	Nov. Grant	2,000	2,000	\$ -
	7	3853600 SEOW	New	75,000	75,000	\$ -
	8	3853700 Charter School Playground	New	5,000	5,000	\$ -
	9	3853800 QIP for STD/HIV Prevention	New	5,000	5,000	\$ -
<b>85-Private Total</b>				<b>\$ 87,000</b>	<b>\$ 87,000</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ (1,999)</b>	<b>\$ (1,999)</b>	<b>\$ -</b>

*GRANTS REPORTING ONLY*

CHEROKEE NATION  
 PROPOSED FY 2013 AMENDMENT  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2013 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1016000 One Fire Helping Victims	New	30,000	30,000	\$ -
<b>01-Cherokee Nation Total</b>				<b>\$ 30,000</b>	<b>\$ 30,000</b>	<b>\$ -</b>
10-Enterprise	2	4109030 Commercial Loan Fund	LA 47-12	341,254	341,254	\$ -
	3	4109090 Youth ICDBG Micro Loan Fund	New	341,254	341,254	\$ -
<b>10-Enterprise Total</b>				<b>\$ 682,508</b>	<b>\$ 682,508</b>	<b>\$ -</b>
22-DOI - Self Governance	4	3221100 Marshal Service DOI	LA 37-12	515,400	515,400	\$ -
	5	3222280 Employment Assist Client Svcs	LA 37-12	53,563	53,563	\$ -
<b>22-DOI - Self Governance Total</b>				<b>\$ 568,963</b>	<b>\$ 568,963</b>	<b>\$ -</b>
23-DOI-PL 102-477	6	3230000 PL 102 477 Child Care	LA 37-12	2,540,971	2,540,971	\$ -
	7	3234000 ES Child Care	LA 37-12	49	49	\$ -
<b>23-DOI-PL 102-477 Total</b>				<b>\$ 2,541,020</b>	<b>\$ 2,541,020</b>	<b>\$ -</b>
56-NAHASDA	8	3566060 Transitional Emergency Housing	LA 37-12	540,000	540,000	\$ -
	9	3566063 Human Services Resident Svc	LA 37-12	215,000	215,000	\$ -
<b>56-NAHASDA Total</b>				<b>\$ 755,000</b>	<b>\$ 755,000</b>	<b>\$ -</b>
90-Special Revenue-Other	10	3902010 ICW Angels of the Cherokee	LA 37-12	10,000	10,000	\$ -
<b>90-Special Revenue-Other Total</b>				<b>\$ 10,000</b>	<b>\$ 10,000</b>	<b>\$ -</b>
95-Permanent Funds	11	5951110 Gammon Education Trust	LA 37-12	1,749	1,749	\$ -
<b>95-Permanent Funds Total</b>				<b>\$ 1,749</b>	<b>\$ 1,749</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 4,589,240</b>	<b>\$ 4,589,240</b>	<b>\$ -</b>

*OPERATING MOD-6 REQUEST*

**COMPREHENSIVE BUDGET  
FOR FISCAL YEAR 2013**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	76,789,683	1,838,091	78,627,774	66,709,520	4,315,173	7,603,081	78,627,774	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	14,526,028	225,000	14,751,028	13,504,458	375,031	871,539	14,751,028	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	12,697,651	1,168,559	15,000	13,881,210	0
DOI Self Gov Roads Funding Srce	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	15,828,906	0	15,828,906	15,150,556	678,350	0	15,828,906	0
IHS Self Gov Health Funding Sr	259,523,559	0	259,523,559	237,822,460	17,504,590	4,196,509	259,523,559	0
IHS Self Gov TEH Funding Srce	5,803,801	0	5,803,801	5,394,953	408,848	0	5,803,801	0
IHS Self Gov Offic Funding Srce	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	35,070,999	528,696	35,599,695	31,931,760	2,902,309	765,626	35,599,695	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 Srce	0	0	0	0	0	0	0	0
EPA Funding Source	2,132,491	0	2,132,491	1,891,909	240,582	0	2,132,491	0
Dept of Labor Funding Source	7,234,825	0	7,234,825	6,500,336	734,489	0	7,234,825	0
Federal Other Funding Source	3,976,055	500	3,976,555	3,641,099	140,154	195,302	3,976,555	0
State of Oklahoma Funding Srce	1,445,015	0	1,445,015	1,318,780	126,235	0	1,445,015	0
Private Funding Source	290,700	172,575	463,275	406,589	56,686	0	463,275	0
Indirect Cost Pool Funding Srce	165,065	900	165,965	35,132,637	(32,404,009)	0	2,728,628	(2,562,663)
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	195,302	1,456,501	1,451,056	0	0	1,451,056	5,445
Other Funding Source	180,099	12,000	192,099	181,373	10,726	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	21,322,050	2,712,135	24,034,185	23,977,698	56,487	0	24,034,185	0
<b>Total</b>	<b>\$ 616,381,127</b>	<b>\$ 22,204,746</b>	<b>\$ 638,585,873</b>	<b>\$ 618,820,654</b>	<b>\$ 117,691</b>	<b>\$ 22,204,746</b>	<b>\$ 641,143,091</b>	<b>\$ (2,557,218)</b>

**Non Grant Requests**

Mod-5 Oper Req	1,639,884	02/11 Council
Mod-3 Cap Req	1,311,808	02/11 Council
Mod-6 Oper Req	4,589,240	02/28 E&F
<b>Total after pending Mod's</b>	<b>\$ 648,684,023</b>	

**CAPITAL RECONCILIATION**

LA-38-12 CAB	\$ 103,547,975
Mod-2 Capital	2,246,329
Mod-3 Capital	1,339,646
<b>Total Capital</b>	<b>\$ 107,133,950</b>