

An Act

LEGISLATIVE ACT 41-21

**AN ACT AMENDING LEGISLATIVE ACT #16-20 AUTHORIZING THE
COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2021 – 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 #16-20 Authorizing the Comprehensive Capital Budget for FY 2021 – 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 Capital Budget Act for Fiscal Year 2021” or subsequent amendment. The cumulative total of the capital budget is increased by **\$ 4,682,481** for a total capital budget authority of **\$ 246,289,200**. The following items are identified as the components of such change:

Grants Received & Authorized per L.A. 16-20 (detail attached)	\$	0
Modification Request (per Section 4 below)		<u>4,682,481</u>
Cumulative change in budget authority	\$	<u>4,682,481</u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #16-20 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 **\$ 4,682,481**,

A. An increase in the **Capital Projects** budget authority of **\$ 4,682,481**.

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

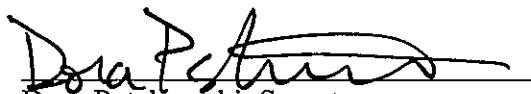
To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Passed by the Cherokee Council on the 13th day of September, 2021



Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:



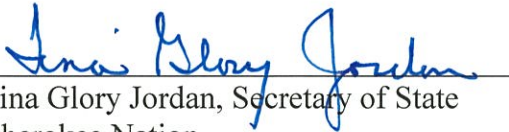
Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15th day of September, 2021



Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:



Tina Glory Jordan, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Yea</u>	Dora Patzkowski	<u>Yea</u>
Dr. Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E.O. "Jr." Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Julia Coates	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

CHEROKEE NATION
 PROPOSED FY 2021 AMENDMENT
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2021- Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
96-Capital Projects	1	7968300 Health Facilities Equipment	LA-16-20	7,458,312	7,458,312	\$ -
	2	7969000 Hastings New Facility Constrct	LA-16-20	(2,775,831)	(2,775,831)	\$ -
96-Capital Projects Total				\$ 4,682,481	\$ 4,682,481	\$ -
Grand Total				\$ 4,682,481	\$ 4,682,481	\$ -

Capital Mod #6 Request

COMPREHENSIVE BUDGET FOR FISCAL YEAR 2021

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	125,635,792	21,140,297	146,776,089	124,425,045	4,978,344	17,372,700	146,776,089	0
Motor Fuels Tax Funding Src	11,425,464	17,979,396	29,404,860	20,840,503	73,357	8,491,000	29,404,860	0
Motor Vehicle Tax Funding Src	35,644,485	1,099,686	36,744,171	34,704,849	646,484	1,392,838	36,744,171	0
Permanent Fund Funding Source	9,100	0	9,100	9,100	0	0	9,100	0
DOI General Funding Source	16,100,862	0	16,100,862	14,996,593	1,104,269	0	16,100,862	0
DOI Self Gov Funding Source	22,231,141	79,600	22,310,741	18,574,959	1,225,361	2,510,421	22,310,741	0
DOI Self Gov Roads Funding Src	4,658,360	0	4,658,360	4,621,055	32,305	5,000	4,658,360	0
Dept of Transportation Fnd Src	97,616,429	0	97,616,429	97,272,025	244,404	100,000	97,616,429	0
DOI PL102-477 Funding Source	95,587,677	0	95,587,677	91,562,237	1,932,614	2,092,826	95,587,677	0
IHS Self Gov Health Funding Sr	663,280,518	12,034,146	675,314,664	626,306,614	34,723,904	14,284,146	675,314,664	0
IHS Self Gov TEH Funding Src	19,187,582	0	19,187,582	18,904,687	282,895	0	19,187,582	0
IHS Self Gov Offic Funding Src	388,823	0	388,823	351,730	37,093	0	388,823	0
IHS Discretionary Funding Src	75,000	0	75,000	75,000	0	0	75,000	0
DHHS General Funding Source	86,138,009	603,199	86,741,208	81,427,808	5,313,400	0	86,741,208	0
USDA Funding Source	30,718,280	361,101	31,079,381	30,144,968	934,413	0	31,079,381	0
Dept of Education Funding Src	923,567	82,222	1,005,789	936,045	54,744	15,000	1,005,789	0
HUD Funding Source	42,902,856	300,000	43,202,856	41,237,595	465,261	1,500,000	43,202,856	0
Housing Proceeds Funding Src	0	0	0	0	0	0	0	0
EPA Funding Source	2,486,039	0	2,486,039	2,264,970	221,069	0	2,486,039	0
Dept of Labor Funding Source	15,870,916	0	15,870,916	14,735,861	1,135,055	0	15,870,916	0
Dept of Treasury Funding Source	2,099,452,026	0	2,099,452,026	1,910,483,097	0	188,968,929	2,099,452,026	0
Federal Other Funding Source	18,041,721	431,713	18,473,434	17,578,834	717,994	176,606	18,473,434	0
State of Oklahoma Funding Src	1,587,872	0	1,587,872	1,467,260	120,612	0	1,587,872	0
Private Funding Source	3,030,999	0	3,030,999	2,999,680	31,319	0	3,030,999	0
Indirect Cost Pool Funding Src	58,161,986	4,500	58,166,486	58,166,486	0	0	58,166,486	0
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	6,105,336	0	6,105,336	6,105,336	0	0	6,105,336	0
Enterprise Funding Source	2,436,773	1,576,606	4,013,379	3,823,300	190,079	0	4,013,379	0
Other Funding Source	268,000	17,000	285,000	280,134	4,866	0	285,000	0
Debt Service Funding Source	0	0	0	0	0	0	0	0
Capital Projects Funding Sourc	80,586,419	6,200,000	86,786,419	86,786,419	0	0	86,786,419	0
Total	\$ 3,540,552,032	\$ 61,909,466	\$ 3,602,461,498	\$ 3,311,082,190	\$ 54,469,842	\$ 236,909,466	\$ 3,602,461,498	\$ -

Non Grant Requests

Oper Mod #10A	3,365,135	08/09 Council
Capital Mod #6	4,682,481	08/26 E&F
Oper Mod #11	1,265,000	08/26 E&F
Total after pending Mod's		
	\$ 3,611,774,114	
Operating (LA 17-20)	3,365,484,914	Cumulative Oper
Capital (LA 16-20)	246,289,200	Cumulative Cap
Grand Total	\$ 3,611,774,114	

CAPITAL RECONCILIATION

LA 16-20	\$ 218,171,590	
Cap Mod #1	249,530	
Cap Mod #2	100,000	
Cap Mod #3	687,126	
Cap Mod #4	687,558	
Cap Mod #5	21,710,915	
Cap Mod #6	4,682,481	
Total Capital	\$ 246,289,200	



CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight

M e m o

To: Janees Taylor, Chairman, Executive & Finance Committee
From: Jody S. Reece
CC: Executive & Finance Committee
Date: 08/11/2021
Re: Review of Capital Budget Modification #6 – **Total \$ 4,682,481**

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. Grant Reporting:

<u>Funding Source</u>	<u>Reason(s)</u>	<u>Amount</u>
None to Report		\$ 0
TOTAL GRANTS		\$ 0

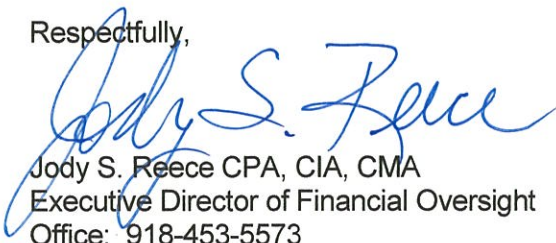
B. MOD #6 Request - Increase in budget authority - \$ 4,682,481

1. Health Facilities Equipment – 7968300 – Capital Projects: Modification requesting an increase in expenditure authorization of \$7,458,312. This adjusts to actual carryover and transfer out \$458,238 to the Hastings New Facility Construction in item 2. The new budgeted expenditure and transfer total is \$14,958,312.
2. Hastings New Facility Construction – 7969000 – Capital Projects: Modification requesting a decrease in expenditure authorization of \$2,775,831. This adjusts to actual carryover (overspend) and budgets the transfer in from Health Facilities Equipment of \$458,238. This will balance and close out this capital project budget.

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 FY 2021 Comprehensive Budget Narrative

Department/Program	Executive Director		ED Phone #
11 - Management Resources	David Moore		4137
Accounting Unit	Accounting Unit Name		
7968300	Health Facilities Equipment		
Program Director/Manager	Pgm Dir/Mgr Phone #	Period Budget Covers	
David Moore	4137	10/01/2020 - 09/30/2021	
FY 2021 ORIG REQUEST	FY 2021 REVISION 1	\$ Increase/(Decrease) Requested – Approved	% Increase/(Decrease) (Request – Approved) / Approved
\$ 7,500,000	\$ 14,958,312	\$ 7,458,312	99.44%
Staffing Plan (FTE)	FY 2021 REVISION 1	FY 2021 ORIG REQUEST	Net Change in Staffing
Regular Full-Time	-	-	-
Regular Part-Time	-	-	-
Temporary Full-Time	-	-	-
Temporary Part-Time	-	-	-
IPA/MOA/Other	-	-	-
Total	-	-	-

PROGRAM NARRATIVE:

Funds appropriated for the purchase of equipment for the Tahlequah Outpatient Health Clinic.

SIGNIFICANT CHANGES:

Budget Modification for actual carryover and budgeting a transfer out to 7969000 to close-out the CNOHC Construction Budget.

CHEROKEE NATION - FY2021 BUDGET REQUEST FORM

PART-1

Budget Period:	10/01/2020 - 09/30/2021	Budget Preparer	Phone: 5305
Contract Period:		Name:	Jamie Cole
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: 4137
AU Description:	Health Facilities Equipment	Name:	David Moore
Accounting Unit:	7968300	1st Person Responsible	
Place IDC Rate In Part 4 Below		Employee #	108517
Date/Time Printed:	28-Jul-21 04:49 PM		

Notes: Actual carryover to FY21. Transfer out to 7969000 for \$458,237.78 to close-out the CNOHC Construction Project/Budget.

PART-2

Staffing Summary:	FY 2021 REVISION 1	FY 2021 ORIG REQUEST	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:			-
TOTAL NUMBER OF EMPLOYEE-EQUIVALENTS			

PART-3

Revenues: (Show as positive #)	Account #			Incr \ (Decr)
Carryover: "appropriated" PY	490000	\$14,958,312	\$7,500,000	\$ 7,458,312
Please enter a valid account number - >>>				\$ -
Please enter a valid account number - >>>				\$ -
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!				
Total Revenues		\$ 14,958,312	\$ 7,500,000	\$ 7,458,312

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		\$0		\$ -
Fringe benefits	610000	\$0		\$0		\$ -
Contract services >=\$5K	650000		\$500,000		\$500,000	\$ -
Capital acquisitions >=\$5K	770000		\$14,000,074		\$7,000,000	\$ 7,000,074
Please enter a valid account number - >>>						\$ -
Please enter a valid account number - >>>						\$ -
Please enter a valid account number - >>>						\$ -
Please enter a valid account number - >>>						\$ -
Please enter a valid account number - >>>						\$ -
Please enter a valid account number - >>>						\$ -
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			\$ 14,500,074		\$ 7,500,000	\$ 7,000,074
Expenditures SUBJECT to IDC		\$ -		\$ -		\$ -
Indirect Cost Rate (if blank or zero, must explain in Notes above)		11.52%		12.90%		
Indirect Cost Allocation	970000	\$ -		\$ -		\$ -
Total Expenditures			\$ 14,500,074		\$ 7,500,000	\$ 7,000,074

Revenues OVER \ (UNDER) Expenditures		\$ 458,238		\$ -	\$ 458,238
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Transfers In/Out - (Show ALL as Positive Numbers)

Operating Transfers IN					
Other financing sources	900000				\$ -
Cash in: tribally required	900010				\$ -
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		\$458,238		\$ 458,238
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				\$ -

Transfers In/Out - Net		\$ (458,238)		\$ -	\$ (458,238)
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Take to Narrative ==>		\$ 14,958,312		\$ 7,500,000	
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Excess\ (Deficit) of Revenues, Expenditures and Net Transfers		\$ -		\$ -	\$ -
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Cherokee Nation FY 2021 Comprehensive Budget Narrative

Department/Program		Executive Director		ED Phone #
11 - Management Resources		David Moore		4137
Accounting Unit		Accounting Unit Name		
7969000		Hastings New Facility Constrct		
Program Director/Manager		Pgm Dir/Mgr Phone #	Period Budget Covers	
David Moore		4137	10/01/2020 - 09/30/2021	
FY 2021 ORIG REQUEST	FY 2021 REVISION 1	\$ Increase/(Decrease) Requested – Approved	% Increase/(Decrease) (Request – Approved) / Approved	
\$ 3,000,000	\$ 224,169	\$ (2,775,831)	-92.53%	
Staffing Plan (FTE)	FY 2021 REVISION 1	FY 2021 ORIG REQUEST	Net Change in Staffing	
Regular Full-Time	-	-	-	
Regular Part-Time	-	-	-	
Temporary Full-Time	-	-	-	
Temporary Part-Time	-	-	-	
IPA/MOA/Other	-	-	-	
Total	-	-	-	

PROGRAM NARRATIVE:

Funds appropriated for the construction of the Tahlequah Outpatient Health Clinic.

SIGNIFICANT CHANGES:

Budget Mod to close-out the CNOHC construction budget. Transfer in from 7968300.

CHEROKEE NATION - FY2021 BUDGET REQUEST FORM

PART-1

Budget Period:	10/01/2020 - 09/30/2021	Budget Preparer	Phone:	5305
Contract Period:		Name:	Jamie Cole	
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:	4137
AJ Description:	Hastings New Facility Construct	Name:	David Moore	
Accounting Unit:	7969000	1st Person Responsible		
Place IDC Rate In Part 4 Below		Employee #	108517	
Date/Time Printed:	28-Jul-21 02:01 PM			

Notes: Close-out the CNOHC Construction Project. Transfer in from 7968300 for \$458,237.78.

PART-2

Staffing Summary:	FY 2021 REVISION 1	FY 2021 ORIG REQUEST	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:			-
TOTAL NUMBER OF EMPLOYEE-EQUIVALENTS			-

PART-3

Revenues:	Account #			Incr \ (Decr)
Carryover: "appropriated" PY	490000		(\$234,069)	\$3,000,000 \$ (3,234,069)
Please enter a valid account number - >>>				\$ -
Please enter a valid account number - >>>				\$ -
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!				
Total Revenues			\$ (234,069)	\$ 3,000,000 \$ (3,234,069)

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		\$0		\$ -
Fringe benefits	610000	\$0		\$0		\$ -
Building construction projects	770040		\$224,169		\$3,000,000	\$ (2,775,831)
Please enter a valid account number - >>>						\$ -
Please enter a valid account number - >>>						\$ -
Please enter a valid account number - >>>						\$ -
Please enter a valid account number - >>>						\$ -
Please enter a valid account number - >>>						\$ -
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			\$ 224,169		\$ 3,000,000	\$ (2,775,831)
Expenditures SUBJECT to IDC		\$ -		\$ -		\$ -
Indirect Cost Rate (If blank or zero, must explain in Notes above)		11.52%		12.90%		
Indirect Cost Allocation	970000	\$ -		\$ -		\$ -
Total Expenditures			\$ 224,169		\$ 3,000,000	\$ (2,775,831)
Revenues OVER \ (UNDER) Expenditures			\$ (458,238)		\$ -	\$ (458,238)

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

Operating Transfers IN						
Other financing sources	900000					\$ -
Cash in: tribally required	900010		\$458,238			\$ 458,238
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					\$ -
Transfers In\Out - Net			\$ 458,238		\$ -	\$ 458,238
Take to Narrative ==>			\$ 224,169		\$ 3,000,000	
Excess\ (Deficit) of Revenues, Expenditures and Net Transfers			\$ -		\$ -	\$ -

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

AN ACT AMENDING LEGISLATIVE ACT #16-20 AUTHORIZING
THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2021
CAPITAL – MOD 6 ; AND DECLARING AN EMERGENCY

TITLE: _____

DEPARTMENT CONTACT: Daniel Stroup

RESOLUTION PRESENTER: _____

COUNCIL SPONSOR: _____

NARRATIVE:

<u>ADMINISTRATIVE CLEARANCE</u>	
Dept/Program: _____	
Signature/Initial	Date
Executive Director: _____	
Signature/Initial	Date
Treasurer: (Required: Grants/Contracts/Budgets)	
	
Signature/Initial	Date
Government Resources: _____	
Signature/Initial	Date
Administration Approval:	
	
Signature/Initial	Date
<u>LEGISLATIVE CLEARANCE:</u>	
Legal & Legislative Coordinator:	
	
Signature/Initial	Date
Standing Committee & Date:	
	
Chairperson: _____	
Signature/Initial	Date
Returned to Presenter: _____	
Signature/Initial	Date

AUG 10 '21 PM 4:31