

# An Act

## LEGISLATIVE ACT 01-11

### AN ACT AMENDING LEGISLATIVE ACT #29-10 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2011 – 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 #29-10 Authorizing the Comprehensive Budget for Fiscal Year 2011 – 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 2011” or subsequent amendment. The cumulative total of the budget is increased by **\$4,774,425** for a total budget authority of **\$604,080,367**. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

	<u>Previous Balance</u>	<u>Estimated Sources</u>	<u>Estimated &lt;Uses&gt;</u>	<u>Adjusted Balance</u>
A. Tribally Funded	\$0	\$255,675	<\$255,675>	\$0
B. Motor Fuels Tax	\$0	\$0	\$0	\$0
Grants Received & Authorized per LA-29-10 (detail attached)				\$2,742,782
Modification Request #3 (see Section 4 below)				<u>\$2,031,643</u>
<b>Cumulative change in budget authority</b>				<b><u>\$4,774,425</u></b>

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #21-09 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 **\$2,031,643** to wit:

- A. A net increase in the **General Fund** budget authority of **\$255,675** related to an inter-department agreement, as well as prior year Self-Help Community Waterline funding.

- B. An increase in the **Motor Vehicle Tax Fund** budget authority of \$1,334,760 related to prior year apportionments for roads and law enforcement.
- C. An increase in the **DOI Self Governance Fund** budget authority of \$315,000 related to the Marshal Service.
- D. An increase in the **DOI-PL 102-477** budget authority of \$587,401 related to prior year economic stimulus funding for the Child Care program.
- E. An increase in the **IHS Self Governance – Health Fund** budget authority of \$120,000 related to a Methamphetamine Suicide Prevention initiative.
- F. A decrease in the **DHHS General Fund** budget authority of <\$676,951> related to the Child Support Enforcement program.
- G. An increase in the **HUD Fund** budget authority of \$100,000 related to the Leach Waterline Project.
- H. A decrease in the **NAHASDA Fund** budget authority of <\$4,242> related to a slight decrease in indirect costs of the Community Service Coordination program.

#### **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 17th day of January, 2011.

  
Meredith Frailey, Speaker  
Council of the Cherokee Nation


ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19th day of JANUARY, 2011.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Melanie Knight, Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley Buzzard	<u>Yea</u>	Jack Baker	<u>Yea</u>
Curtis Snell	<u>Yea</u>		

CHEROKEE NATION  
 FY 2011 REPORTING  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2011 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
40-DHHS-General	1	3404700 - LIHEAP Leveraging	New	42,921	42,921	\$ -
	2	3404800 - Strengthening Public Health	New	1,760,128	1,760,128	\$ -
<b>40-DHHS-General Total</b>				<b>\$ 1,803,049</b>	<b>\$ 1,803,049</b>	<b>\$ -</b>
75-Federal Other	3	3753700 - COPS Tribal Resource Grant	LA 29-10	14,215	14,215	\$ -
	4	3754500 - RTRCE	New	900,600	900,600	\$ -
<b>75-Federal Other Total</b>				<b>\$ 914,815</b>	<b>\$ 914,815</b>	<b>\$ -</b>
80-Oklahoma	5	3801110 - OAG VOCA Grant	New	24,918	24,918	\$ -
<b>80-Oklahoma Total</b>				<b>\$ 24,918</b>	<b>\$ 24,918</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 2,742,782</b>	<b>\$ 2,742,782</b>	<b>\$ -</b>

*December Grants  
(Reporting Only)*

CHEROKEE NATION  
 PROPOSED FY 2011 AMENDMENT  
 Sorted by Funding Source

*Mod-3  
 Amended*

Funding Source	Ref # by FS	Program/Purpose	FY 2011 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010151 - Marshal Service Contract	LA 29-10	(160,000)	(160,000)	\$ -
	2	1010315 - Cash Match for Grants	Mod 2	-	-	\$ -
	3	1010432 - Self Help Community Waterlines	LA 29-10	415,675	415,675	\$ -
<b>01-Cherokee Nation Total</b>				<b>\$ 255,675</b>	<b>\$ 255,675</b>	<b>\$ -</b>
05-Vehicle Tax	X 3a	1052000 - MVT: Highways-Const	LA 29-10	1,221,370	1,221,370	\$ -
	X 3b	1052010 - MVT: Highways-Admin	LA 29-10	165,423	165,423	\$ -
	X 3c	1054100 - MVT: Local Law Enforcement	LA 29-10	(52,033)	(52,033)	\$ -
<b>05-Vehicle Tax Total</b>				<b>\$ 1,334,760</b>	<b>\$ 1,334,760</b>	<b>\$ -</b>
22-DOI - Self Governance	4	3221100 - Marshals Service	LA 29-10	315,000	315,000	\$ -
<b>22-DOI - Self Governance Total</b>				<b>\$ 315,000</b>	<b>\$ 315,000</b>	<b>\$ -</b>
23-DOI-PL 102-477	5	3234000 - ES Child Care	LA 29-10	587,401	587,401	\$ -
<b>23-DOI-PL 102-477 Total</b>				<b>\$ 587,401</b>	<b>\$ 587,401</b>	<b>\$ -</b>
32-IHS - Self Governance Health	6	3324040 - Meth / Suicide Prevention	LA 29-10	120,000	120,000	\$ -
<b>32-IHS - Self Governance Health Total</b>				<b>\$ 120,000</b>	<b>\$ 120,000</b>	<b>\$ -</b>
40-DHHS-General	7	3405100 - Child Support Enforcement	LA 29-10	(676,951)	(676,951)	\$ -
<b>40-DHHS-General Total</b>				<b>\$ (676,951)</b>	<b>\$ (676,951)</b>	<b>\$ -</b>
55-HUD	8	3551655 - ICDBG Leach Waterline	LA 29-10	100,000	100,000	\$ -
<b>55-HUD Total</b>				<b>\$ 100,000</b>	<b>\$ 100,000</b>	<b>\$ -</b>
56-NAHASDA	9	3561087 - Community Service Coordination	LA 29-10	(4,242)	(4,242)	\$ -
<b>56-NAHASDA Total</b>				<b>\$ (4,242)</b>	<b>\$ (4,242)</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 2,031,643</b>	<b>\$ 2,031,643</b>	<b>\$ -</b>

*⊕ 3a,b & c were amended in E&F Committee on 12/14/10.*



## CHEROKEE NATION TRIBAL COUNCIL

Doug Evans, C.P.A.,  
Executive Director, Financial Oversight

# M e m o

**To:** Jack D. Baker, Chair, Executive & Finance Committee &  
Cara Cowan Watts, Co-Chair, Executive & Finance Committee

**From:** Doug Evans

**CC:** Executive & Finance Committee

**Date:** 12/13/2010

**Re:** Mod – 3 Supplemental

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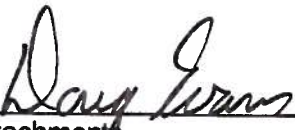
Chairman Baker,

Attached please find a supplemental to Mod-3 related to the Motor Vehicles Tax apportionment budgets for the following:

(3a)	MVT: Highways – Construction	\$1,221,370	(\$90,906/TCM compared to \$87,212 previous year)
(3b)	MVT: Highways – Administration	\$165,423	
(3c)	MVT: Local Law Enforcement	<\$52,033>	(\$13,539/TCM compared to \$16,255 previous year)

After reviewing the figures with Treasurer Catcher regarding these budgets, she concurred releasing the roads and law enforcement components of the apportionment dollars this month would be appropriate. She informed me the school apportionments were still in process and would bring them forward as soon as they are ready for expenditure authority. If I can provide any further information, please do not hesitate to contact me.

Respectfully,

  
Attachments



## CHEROKEE NATION TRIBAL COUNCIL

Doug Evans, C.P. A.,  
Executive Director, Financial Oversight

# M e m o

**To:** Jack D. Baker, Chair, Executive & Finance Committee &  
Cara Cowan Watts, Co-Chair, Executive & Finance Committee

**From:** Doug Evans

**CC:** Executive & Finance Committee

**Date:** 12/1/2010

**Re:** Review of 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. DECEMBER - GRANTS RECEIVED (REPORTING ONLY):

<u>Funding Source</u>	<u>Program</u>	<u>Amount</u>
DHHS - General	New Strengthening Public Health grant (\$1.76mm) & 1 misc adj.	\$1,803,049
Federal - Other	New Rural Community Enforcement (RTRCE) grant & 1 misc adj.	\$914,815
State of Oklahoma	Carryover adjustment on V.O.C.A. grant with state	\$24,918
<b>TOTAL DECEMBER GRANTS RECEIVED</b>		<b><u>\$2,742,782</u></b>

### B. MOD - 3 (9 budgets) Net Increase in budget authority - \$696,883:

#### General (Tribal) Fund: (\$255,675 Net Increase)

(1): Marshal Service Contract: Requesting a reduction of <\$160,000> pursuant to an agreement with the Child Support Enforcement (see item #7) program. The agreement is for the program itself to fund expenses related to the Marshal providing the enforcement of child support.

(2): Cash Match for Grants: Requesting a slight decrease of <\$2,975> in the transfer-out for Cash Match requirements on item #7 below. The net result is \$0 as these funds are being added back to the reserve fund for future matching needs.

(3): Self Help Community Waterlines: Requesting spending authority on Tribal carryover of \$415,675. A large portion of this carryover was earmarked matching funds for the Leach Waterline Project (\$200,000) currently under construction. The original budget funded \$100,000 of the match and this modification is providing the balance (see item #8 below).

**DOI Self Governance: (Increase - \$315,000)**

(4): Marshal Service: Requesting an increase in spending authority of \$315,000. This increase is partially related to a base funding amendment awarded back in early July, 2010 in the amount of \$175,000; as well as one-time funding increase of \$140,000 awarded in mid-September for 2 new vehicles (\$80k), body armor replacement (\$30k) and evidence ID mgmt system (\$30k).

**DOI – PL 102-477: (Increase - \$587,401)**

(5): ES Child Care: Requesting an increase in the carryover amount up to \$1,587,401 of prior year economic stimulus funding.

**IHS – Self Governance - Health: (Increase - \$120,000)**

(6): Meth / Suicide Prevention: Requesting an increase in spending authority of non-recurring FY10 funding from IHS awarded in July, 2010 for the Methamphetamine Suicide Prevention Initiative.

**DHHS – General: (Decrease - <\$676,951>)**

(7): Child Support Enforcement: Requesting a decrease in spending authority on this grant to adjust to the actual grant funding balance.

**HUD Fund (Increase - \$100,000)**

(8): ICDBG Leach Waterline: Requesting a spending authority increase \$100,000 related to the remaining tribal matching funds provided in the previous year from item #3 above.

**NAHASDA Fund: (Decrease - <\$4,242>)**

(9): Community Service Coordination: Requesting a slight decrease of <\$4,242> due to a reduction in the approved IDC rate.

**C. CEMETERIES & LAW ENFORCEMENT FUNDS:**

The attached lists of projects have been approved, or are being requested to be approved in this Executive/Finance Committee. These projects have already been appropriated; therefore, there is no need to appropriate the funds again. This list is for informational purposes and is included within this mod package review for inclusion purposes.



**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. The Motor Vehicle Tax revenues will be apportioned within the month and the amount of schools, roads and law enforcement funding will be made available in Mod-4 next month. If I can provide any further information, please do not hesitate to contact me.

Respectfully,

  
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Attachments

**COMPREHENSIVE BUDGET  
FOR FISCAL YEAR 2011  
Including Mod-3 Amended**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	52,035,682	2,477,405	54,513,087	45,089,596	4,252,158	5,171,333	54,513,087	0
Motor Fuels Tax Funding Srce	12,843,322	19,116,136	31,959,458	15,236,581	277,737	16,445,140	31,959,458	0
Motor Vehicle Tax Funding Srce	9,717,383	300,000	10,017,383	8,926,033	373,031	718,319	10,017,383	0
Permanent Fund Funding Source	10,000	0	10,000	10,000	0	0	10,000	0
DOI General Funding Source	16,956,458	0	16,956,458	15,931,579	1,024,879	0	16,956,458	0
DOI Self Gov Funding Source	12,702,234	79,600	12,781,834	11,542,169	1,161,257	78,408	12,781,834	0
DOI Self Gov Roads Funding Srce	39,039,448	0	39,039,448	38,464,349	306,195	268,904	39,039,448	0
Dept of Transportation Fnd Srce	15,079,718	0	15,079,718	15,011,161	46,480	22,077	15,079,718	0
DOI PL102-477 Funding Source	22,594,729	0	22,594,729	21,670,634	924,095	0	22,594,729	0
IHS Self Gov Health Funding Sr	211,054,649	0	211,054,649	191,177,989	14,166,248	5,710,412	211,054,649	0
IHS Self Gov TEH Funding Srce	7,448,434	0	7,448,434	7,055,024	393,410	0	7,448,434	0
IHS Self Gov Offic Funding Srce	410,894	0	410,894	359,245	51,649	0	410,894	0
IHS Discretionary Funding Srce	812,478	0	812,478	30,000	0	782,478	812,478	0
DHHS General Funding Source	40,647,603	604,075	41,251,678	37,973,850	3,197,828	80,000	41,251,678	0
USDA Funding Source	16,473,544	811,443	17,284,987	16,501,750	783,237	0	17,284,987	0
Dept of Education Funding Srce	1,254,823	63,956	1,318,779	1,203,068	115,711	0	1,318,779	0
HUD Funding Source	52,176,727	193,500	52,370,227	47,661,525	3,039,544	1,669,158	52,370,227	0
Housing Proceeds Funding Srce	4,150,000	0	4,150,000	3,834,415	188,348	0	4,022,763	127,237
EPA Funding Source	2,671,647	0	2,671,647	2,404,416	267,231	0	2,671,647	0
Dept of Labor Funding Source	8,102,811	0	8,102,811	7,317,744	785,067	0	8,102,811	0
Federal Other Funding Source	5,725,980	0	5,725,980	5,567,656	158,324	0	5,725,980	0
State of Oklahoma Funding Srce	666,029	0	666,029	593,283	72,746	0	666,029	0
Private Funding Source	552,432	159,536	711,968	595,506	65,470	50,992	711,968	0
Indirect Cost Pool Funding Srce	224,293	0	224,293	31,329,904	(32,123,962)	0	(794,058)	1,018,351
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	86,000	0	86,000	0	0	0	0	86,000
Enterprise Funding Source	1,410,081	1,669,158	3,079,239	1,118,719	0	0	1,118,719	1,960,520
Other Funding Source	179,705	12,000	191,705	180,484	11,221	0	191,705	0
Debt Service Funding Source	0	4,909,612	4,909,612	4,909,612	0	0	4,909,612	0
Capital Projects Funding Sourc	38,941,500	685,800	39,627,300	39,542,300	0	85,000	39,627,300	0
<b>Total</b>	<b>\$ 573,968,604</b>	<b>\$ 31,082,221</b>	<b>\$ 605,050,825</b>	<b>\$ 571,238,592</b>	<b>\$ (462,096)</b>	<b>\$ 31,082,221</b>	<b>\$ 601,858,717</b>	<b>\$ 3,192,108</b>

January Grants \$ 190,007 1/27 - E&F Cmte  
Mod-3 Amended \$ 2,031,643 12/14 - E&F Cmte  
**Total after Mod-3 Amended \$ 604,080,367**

**CHEROKEE NATION TRIBAL COUNCIL**  
**FY2011 CEMETERY PRESERVATION ASSISTANCE**  
**(AU:1023065 / Acct:680000)**

Recipient	Approved Date	Cherokee Nation District	Assistance Amount
FY10 Ending Balance	09/30/10		\$ 86,684.00
FY11 Current Year Funding	10/01/10		\$ -
IDC Allocation and PY Adjustment	10/01/10		\$ 1,334.00
<b>FY11 Available Balance (Direct)</b>	10/01/10		<b>\$ 88,018.00</b>
Hickory Creek Cemetery-NA Fellowship Inc	10/01/10	9-Craig	\$ 500.00
Timber Hill Cemetery-NA Fellowship Inc	10/28/10	9-Craig	\$ 500.00
Gooseneck Cemetery-NA Fellowship Inc	10/28/10	9-Craig	\$ 500.00
Mount Washington Cemetery-Harry Howard	10/28/10	9-Craig	\$ 500.00
Fisher Cemetery-Bert Nelson	10/28/10	4-Three Rivers	\$ 500.00
Phillips Family Cemetery-Polly Tyler	10/28/10	4- ThreeRivers	\$ 500.00
S-Qua-De-Li-Tsi Cemetery - Phyllis Pettit	10/28/10	3-Sequoyah	\$ 500.00
Holt Cemetery - C.D. Mosier	10/28/10	3-Sequoyah	\$ 500.00
Duncan Cemetery - Earl Strebeck	10/28/10	3-Sequoyah	\$ 500.00
Feathers Cemetery-Gary Littledeer	10/28/10	2-Trail of Tears	\$ 500.00
Littledeer Cemetery-Gary Littledeer	10/28/10	2-Trail of Tears	\$ 500.00
Spade Mountain Cemetery-Randy Duncan	10/28/10	2-Trail of Tears	\$ 500.00
Quinton Family Cemetery-Arethia Stann	10/28/10	2-Trail of Tears	\$ 500.00
Creek Sam Cemetery-French Wildcat	10/28/10	3-Sequoyah	\$ 500.00
Cornassel Cemetery - Herbert Downing	11/23/10	2-Trail of Tears	\$ 500.00
Soap Cemetery - Nadine Ross	12/01/10	2-Trail of Tears	\$ 500.00
			\$ 8,000.00
<b>Ending Balance</b>			<b>\$ 80,018.00</b>

ok

