

# An Act

## LEGISLATIVE ACT 21-22

### AN ACT AMENDING LEGISLATIVE ACT #43-21 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2022 – Mod. 4; 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 #43-21 Authorizing the Comprehensive Capital Budget for FY 2022 – Mod. 4**”.

#### 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 2022” or subsequent amendment. The cumulative total of the capital budget is increased by **\$ 430,690** for a total capital budget authority of **\$ 417,813,256**. The following items are identified as the components of such change:

Grants Received & Authorized per L.A. 43-21 (detail attached)	\$ 0
Modification Request (per Section 4 below)	<u>430,690</u>
<b>Cumulative change in budget authority</b>	<b><u>430,690</u></b>

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #43-21 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 **\$ 430,690**,

- A. An increase in the **Capital Projects** budget authority of **\$ 430,690**.

**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.

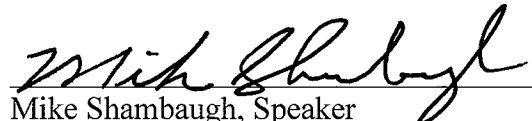
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

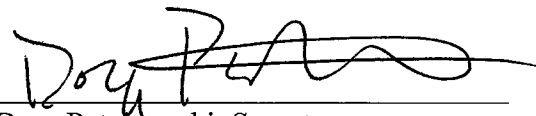
**SECTION 8. SELF-HELP CONTRIBUTIONS**

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.

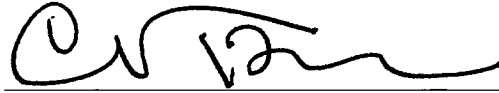
Passed by the Cherokee Council on the 11<sup>th</sup> day of July, 2022

  
\_\_\_\_\_  
Mike Shambaugh, Speaker  
Council of the Cherokee Nation

ATTEST:

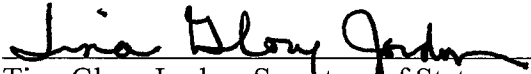
  
\_\_\_\_\_  
Dora Patzkowski, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 11<sup>th</sup> day of July, 2022



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>Absent</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>
Josh 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 2022 AMENDMENT  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2022- Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
96-Capital Projects	1	7965900 Durbin Feeling Capital Project	LA 43-21	430,690	430,690	\$ -
<b>96-Capital Projects Total</b>				<b>\$ 430,690</b>	<b>\$ 430,690</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 430,690</b>	<b>\$ 430,690</b>	<b>\$ -</b>

## Capital Mod #4 Request

# COMPREHENSIVE BUDGET FOR FISCAL YEAR 2022

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	281,278,094	10,723,873	292,001,967	266,009,033	5,805,826	20,187,108	292,001,967	-
Motor Fuels Tax Funding Srce	11,309,014	19,348,346	30,657,360	21,081,895	72,465	9,503,000	30,657,360	-
Motor Vehicle Tax Funding Srce	39,646,061	1,499,449	41,145,510	39,195,560	719,423	1,230,527	41,145,510	-
Permanent Fund Funding Source	9,100	0	9,100	9,100	0	0	9,100	-
DOI General Funding Source	22,226,593	0	22,226,593	20,663,007	1,563,586	0	22,226,593	-
DOI Self Gov Funding Source	37,407,759	79,600	37,487,359	35,709,857	1,767,502	10,000	37,487,359	-
DOI Self Gov Roads Funding Src	3,357,804	0	3,357,804	3,322,499	32,305	3,000	3,357,804	-
Dept of Transportation Fnd Src	97,616,429	0	97,616,429	97,275,481	240,948	100,000	97,616,429	-
DOI PL102-477 Funding Source	212,363,929	0	212,363,929	173,234,922	2,628,827	36,500,180	212,363,929	-
IHS Self Gov Health Funding Sr	883,031,125	0	883,031,125	645,487,516	39,353,875	198,189,734	883,031,125	-
IHS Self Gov TEH Funding Src	21,187,582	0	21,187,582	20,904,854	282,728	0	21,187,582	-
IHS Self Gov Offic Funding Src	386,587	0	386,587	350,877	35,710	0	386,587	-
IHS Discretionary Funding Srce	100,500	0	100,500	75,000	0	25,500	100,500	-
DHHS General Funding Source	96,288,630	678,560	96,967,190	91,217,427	5,749,763	0	96,967,190	-
USDA Funding Source	27,234,766	336,703	27,571,469	26,697,220	874,249	0	27,571,469	-
Dept of Education Funding Srce	1,183,075	82,222	1,265,297	1,165,956	84,341	15,000	1,265,297	-
HUD Funding Source	64,418,643	300,000	64,718,643	62,980,075	238,568	1,500,000	64,718,643	-
Housing Proceeds Funding Src	0	0	0	0	0	0	0	-
EPA Funding Source	2,300,402	0	2,300,402	2,087,191	213,211	0	2,300,402	-
Dept of Labor Funding Source	15,432,899	0	15,432,899	14,405,892	1,027,007	0	15,432,899	-
Dept of Treasury Funding Source	1,380,072,057	0	1,380,072,057	1,198,678,515	6,143,542	175,250,000	1,380,072,057	-
Federal Other Funding Source	18,784,421	198,360	18,982,781	18,155,249	696,382	131,150	18,982,781	-
State of Oklahoma Funding Srce	775,563	0	775,563	738,954	36,609	0	775,563	-
Private Funding Source	2,780,791	0	2,780,791	2,768,296	12,495	0	2,780,791	-
Indirect Cost Pool Funding Src	64,834,539	11,390	64,845,929	64,845,929	0	0	64,845,929	-
Fringe Pool Funding Source	0	0	0	0	0	0	0	-
Internal Lease Pool Funding Sr	5,549,252	0	5,549,252	5,549,252	0	0	5,549,252	-
Enterprise Funding Source	2,436,773	1,531,150	3,967,923	3,836,814	131,109	0	3,967,923	-
Other Funding Source	268,000	17,000	285,000	280,134	4,866	0	285,000	-
Debt Service Funding Source	0	0	0	0	0	0	0	-
Capital Projects Funding Sourc	52,057,568	232,838,546	284,896,114	284,851,223	44,891	0	284,896,114	-
<b>Total</b>	<b>\$ 3,344,337,956</b>	<b>\$ 267,645,199</b>	<b>\$ 3,611,983,155</b>	<b>\$ 3,101,577,728</b>	<b>\$ 67,760,228</b>	<b>\$ 442,645,199</b>	<b>\$ 3,611,983,155</b>	<b>\$ -</b>

### Non Grant Requests

Oper Mod #9	06/30 E&F
133,869,548	06/30 E&F
Cap Mod #4	430,690
06/30 E&F	06/30 E&F
Oper Mod #8	22,450
06/06 Council	06/06 Council
<b>Total after pending Mod's</b>	<b>\$ 3,746,305,843</b>
Operating (LA 44-21)	3,328,492,587
Cumulative Oper Capital (LA 43-21)	417,813,256
<b>Grand Total</b>	<b>\$ 3,746,305,843</b>

### CAPITAL RECONCILIATION

LA 43-21	\$ 418,527,411
Cap Mod #1	1,181,059
Cap Mod #2	5,021,217
Cap Mod #3	(7,347,121)
Cap Mod #4	430,690
<b>Total Capital</b>	<b>\$ 417,813,256</b>





**CHEROKEE NATION TRIBAL COUNCIL**

**Jody S. Reece, CPA, CIA, CMA**

**Executive Director of Financial Oversight**

# Mem o

**To:** Keith Austin, Chairman, Executive & Finance Committee  
**From:** Jody S. Reece  
**CC:** Executive & Finance Committee  
**Date:** 06/15/2022  
**Re:** Review of Capital Budget Modification #4 – **Total \$ 430,690**

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	-	\$ 0
<b>TOTAL GRANTS</b>		<b>\$ 0</b>

**B. MOD #4 Request - Increase in budget authority - \$ 430,690**

1. Durbin Feeling Capital Project – 7965900 – Capital Project: Modification requesting an increase in expenditure authorization of \$430,690 and offsetting transfer in of \$430,690. The increased transfer comes from the tribally funded operating budget “Durbin Feeling Language Center” for a total of \$5,000,000 and is budget number 6 in the operating mod. The other \$14,740,000 comes from PL 102-477 Child Care funding. The new budget expenditure total is \$19,740,000.

**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 2022 Comprehensive Budget Narrative

Department/Program	Executive Director	ED Phone #	
11 - Management Resources	David Moore	4137	
Accounting Unit	Accounting Unit Name		
7965900	Durbin Feeling Capital Project		
Program Director/Manager	Pgm Dir/Mgr Phone #	Period Budget Covers	
David Moore	4137	10/01/2021 - 09/30/2022	
FY 2022 ORIG REQUEST	FY 2022 REVISION 1	\$ Increase/(Decrease) Requested – Approved	% Increase/(Decrease) (Request – Approved) / Approved
\$ 19,309,310	\$ 19,740,000	\$ 430,690	2.23%

**ACCOUNTING UNIT PURPOSE**

Construction of the Durbin Feeling Language Center. This newly renovated building will consolidate the tribe's language related programs under one roof. These programs includes the Cherokee Immersion School, Master-Apprentice Language Program and the Tribe's translation team.

**PROGRAM NARRATIVE:**

Initial start-up funding for the construction of the Durbin Feeling Language Center.

**SIGNIFICANT CHANGES:**

Completing Construction in FY 22

CHEROKEE NATION - FY2022 BUDGET REQUEST FORM

PART-1

Budget Period:	10/01/2021 - 09/30/2022	Budget Preparer	Phone:	5306
Award Period:		Name:	Laura Adair	
Award 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:	Durbin Feeling Capital Project	Name:	David Moore	
Accounting Unit:	7965900	1st Person Responsible	Employee #	108517
Date/Time Printed:	13-May-22	08:44 AM		

Notes:

PART-2

<b>Staffing Summary:</b>		<b>FY 2022 REVISION 1</b>	<b>FY 2022 ORIG REQUEST</b>	<b>Incr \ (Decr)</b>
# of Regular Full-Time Employee Equivalents:				-
# of Regular Part-Time Employee Equivalents:				-
# of Temp. Full / Part Time Employee Equivalents:				-
# of Other Employee Equivalents:				-
<b>TOTAL NUMBER OF EMPLOYEE-EQUIVALENTS</b>		-	-	-

PART-3

<b>Revenues:</b>	(Show as positive #)	<b>Account #</b>	<b>Incr \ (Decr)</b>
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!			
<b>Total Revenues</b>			\$ - \$ - \$ -

PART-4

<b>Expenditures:</b>	<b>Account #</b>	<b>Subject to IDC ?</b>		<b>Subject to IDC ?</b>		<b>Incr \ (Decr)</b>
		<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	
DO NOT COPY TO, COPY ABOVE, OR REMOVE THIS LINE!						
Salaries & wages	600000	\$0		\$0		\$ -
Fringe benefits	610000	\$0		\$0		\$ -
Contract services >=\$5K	650000		30,000		30,000	\$ -
Capital acquisitions >= \$5K	770000		\$250,000		\$250,000	\$ -
Building construction projects	770040		\$19,360,000		\$18,929,310	\$ 430,690
Land improvements >= \$5K	770060		\$100,000		\$100,000	\$ -
Please enter a valid account number - >>>						
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DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE!						
<b>Expenditures NOT Subject to IDC</b>			\$ 19,740,000		\$ 19,309,310	\$ 430,690
<b>Expenditures SUBJECT to IDC</b>		\$ -		\$ -		\$ -
<b>Indirect Cost Rate (If blank or zero, must explain in Notes above)</b>			11.70%		11.70%	
<b>Indirect Cost Allocation</b>		970000	\$ -		\$ -	\$ -
<b>Total Expenditures</b>			\$ 19,740,000		\$ 19,309,310	\$ 430,690
<b>Revenues OVER \ (UNDER) Expenditures</b>			\$ (19,740,000)		\$ (19,309,310)	\$ (430,690)

<b>Transfers In/Out - (Show ALL as Positive Numbers)</b>						
<b>Operating Transfers IN</b>						
Other financing sources	900000					\$ -
Cash in: tribally required	900010		\$19,740,000		\$19,309,310	\$ 430,690
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					\$ -
<b>Operating Transfers OUT</b>						
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					\$ -
<b>Transfers In/Out - Net</b>			\$ 19,740,000		\$ 19,309,310	\$ 430,690
<b>Take to Narrative ==&gt;</b>			\$ 19,740,000		\$ 19,309,310	
<b>Excess\ (Deficit) of Revenues, Expenditures and Net Transfers</b>			\$ -		\$ -	\$ -



# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

AN ACT AMENDING LEGISLATIVE ACT #43-21 AUTHORIZING  
THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2022  
**TITLE:** CAPITAL – MOD4 ; AND DECLARING AN EMERGENCY

DEPARTMENT CONTACT: Daniel Stroup

RESOLUTION PRESENTER: Janees Taylor

COUNCIL SPONSOR: Keith Austin

**NARRATIVE:**

<u>ADMINISTRATIVE CLEARANCE</u>	
Dept/Program:	
Signature/Initial	Date
Executive Director:	
Signature/Initial	Date
Treasurer: (Required: Grants/Contracts/Budgets)	
<u>Janees M Taylor 6-9-22</u>	
Signature/Initial	Date
Government Resources:	
Signature/Initial	Date
Administration Approval:	
Signature/Initial	Date
<u>[Signature] 6/14/22</u>	
<u>[Signature]</u>	
<u>LEGISLATIVE CLEARANCE:</u>	
Legal & Legislative Coordinator:	
Signature/Initial	Date
<u>[Signature] 6/14/22</u>	
Standing Committee & Date:	
<u>Executive Finance 6/30/22</u>	
Chairperson:	
Signature/Initial	Date
<u>[Signature]</u>	
Returned to Presenter:	
	Date

JUN 14 '22 PM 3:41