

An Act

Legislative Act: 21-11

**AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2012 CAPITAL
APPROPRIATIONS BUDGET;
AND DECLARING AN EMERGENCY**

BE IT ENACTED BY THE COUNCIL OF THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be titled and codified as “Cherokee Nation Capital Appropriations Bill of Fiscal Year 2012”.

Section 2. Purpose: To comply with the Constitution and laws of the Cherokee Nation, to authorize funding for governmental Capital-Type Expenditures and to provide full disclosure of finances, expenditures and revenues.

- A. The purpose of this enactment is intended to review, authorize, approve and ratify appropriations for Capital Expenditures in compliance with the specific laws governing appropriations (62 CNCA 31 & 32).
- B. The use of such funds shall be subject to public disclosure.

Section 3. Policy of Accountability:

- A. All funds under the care of the Cherokee Nation shall only be expended as authorized by this enactment unless amended.
- B. Any official who intentionally and willfully misuses, misapplies, diverts or embezzles the application or use of any public funds entrusted to the care of the Cherokee Nation from any sources may be prosecuted according to applicable criminal statutes.
- C. The enactment of this Act or any part thereof, does not ratify, condone or legalize any prior expenditure which may be incurred contrary to Cherokee law. Any unauthorized expenditures, misappropriations, or other illegal acts involving the finances of the Cherokee Nation or any of its subsidiaries may be prosecuted under applicable law or other appropriate administrative or legal remedies.

Section 4. Legislative History

- A. The Constitution and laws (Title 62 of the Cherokee Nation Code) provides the requirements for appropriations, review and authorization for the use of all funds.
- B. The budget estimates of revenues and expenditures for Fiscal Year 2012 to document funding availability and provide justifications for expenditures are incorporated herein.
- C. All previous resolutions, statutes and relevant Court Decisions as may be applicable are acknowledged.

Section 5. Legal Authorities Governing the Use of Funds.

- A. The Constitution of the Cherokee Nation.
- B. Applicable Cherokee Nation Statutes and the Cherokee Nation Code Annotated (CNCA).
- C. Applicable Federal law and regulations regarding contracts, compacts, grants and use of trust funds.

Section 6. Funding Allocations and Justifications

- A. The Capital Appropriations from all sources of revenues have been proposed as estimates and justified by the Principal Chief for the Executive, the Chief Justice of the Supreme Court for the Judiciary and by the Speaker of the Council for the Legislative Branch.
- B. For purposes of this authorization Capital Expenditures are defined by inclusion on the attached list of project accounting units.
- C. These proposed allocations for funding are hereby approved and incorporated herein
- D. Funding for the listed projects shall remain in effect until the project is completed or the project is amended by action of the Council.

Section 7. Amounts Authorized and Required Reports to the Council.

- A. The budget authority for the Fiscal Year 2012 Capital Appropriations budget is \$105,627,779. The Executive, Judicial and Legislative Branches are authorized to expend such funds as set forth in the justifications subject to the continued availability of revenues.
- B. The Executive Branch shall provide monthly and annual financial reports in compliance with the Cherokee Constitution and laws and as the Tribal Council directs.


Section 8 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 (code section) 8. 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 and be in full force after its passage and approval.

Enacted by the Council of the Cherokee Nation on the 12th day of September, 2011.



Cara Cowan Watts, Acting Speaker
Council of the Cherokee Nation

ATTEST:



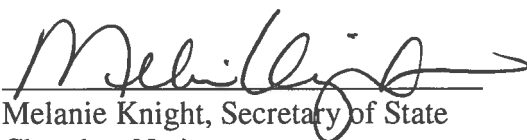
Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 16th day of September, 2011.



Joe Crittenden, Interim Principal Chief
Cherokee Nation

ATTEST:



Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Bill John Baker	<u>Yea</u>	Dick Lay	<u>Yea</u>
Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>n/a</u> (Interim Deputy Chief)
David Walkingstick	<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>	Lee Keener Jr.	<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>
Curtis Snell	<u>Yea</u>	Jack Baker	<u>Yea</u>
Vacant Seat (District 2)	<u>n/a</u>		

Projects for Fiscal Year 2012 Capital Appropriations Budget

AU	PROJECT	2012 BUDGET
1010464	Tribal Bridge Program	\$ 455,489
1022020	MFT Reserves Roads	\$ 1,230,142
1052000	MVT Highways Const	\$ 2,093,407
3190000	DOT FHWA Roads	\$ 26,731,782
3191000	ES DOT FHWA Road Construct	\$ 5,121,725
3211000	DOI IRR Roads Construction	\$ 37,474,788
3753300	Federal Transit Program	\$ 397,509
7964500	Jack Brown Center Construction	\$ 2,115,187
7966000	Vinita Clinic Construction	\$ 26,000,000
7968100	Hastings Warehouse	\$ 2,231,350
7968200	WWH Phys Therapy Bldg Expansio	\$ 1,776,400
Total		<u><u>\$ 105,627,779</u></u>