

# An Act

## LEGISLATIVE ACT 39-01

### AN ACT AMENDING LEGISLATIVE ACT #37-01 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2002; 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 #37-01 Authorizing the Comprehensive Budget for Fiscal Year 2002."

#### 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 2002" or subsequent amendment. The cumulative total of the budget is increased by \$3,945,850 for a total budget authority of \$238,903,431.

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act 37-01 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 amendment changes the total amount of the comprehensive budget authorization by an increase of \$3,945,850, to wit:

- A. An increase to the **General Fund** budget authority of \$705,080 for the Tax Commission.
- B. A reprogram of the **Indirect Cost Pool** budget authority resulting in \$0 impact for the Service and Resource Team Leaders.
- C. An increase to the **Non-Expendable Trust Fund** budget authority of \$30,000 for the Sequoyah Endowment Scholarship program.
- D. An increase to the **Internal Service: Construction Management** budget authority of \$1,095,493 for the construction of the Child Development Center.
- E. An increase to the **DOI-Self Governance – Roads** budget authority of \$5,000 for Phase II of the Fairview/Eucha OSG Construction project.
- F. An increase to the **DOI-Self Governance (PL-102)** budget authority of \$7,304,244 for the Child Care and Employment & Training (WIA) programs.
- G. A net decrease to the **DHHS-General** budget authority of <\$2,466,544> for the Child Care program funding source change partially offset by increases for a new Tribal Management Grant and a Permanency Outreach Grant.
- H. A reprogram to the **H.U.D.** budget authority resulting in \$0 pursuant to the NAHASDA 2001 block grant for the Marshal Service, Emergency Housing, Environmental Program and the Lead Paint Abatement Program.
- I. An increase to the **E.P.A.** budget authority of \$26,695 for spending authority of carryover funds on the Blood-Lead Screening for Children program.

- J. A decrease to the **Department of Labor** budget authority of <\$2,754,118> for the WIA/SYEP program funding source change to Self-Governance (PL-102).

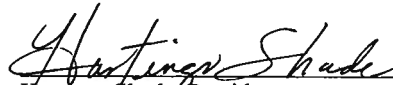
**SECTION 5. SEVERABILITY**

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.

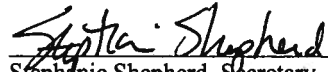
**SECTION 6. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

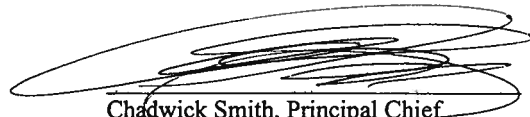
Passed by the Cherokee Council on the 13TH day of NOVEMBER, 2001.

  
Hastings Shade, President  
Council of the Cherokee Nation

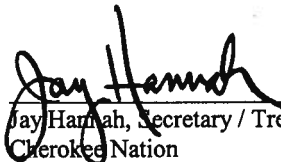
ATTEST:

  
Stephanie Shepherd, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19th day of November, 2001.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Jay Hannah, Secretary / Treasurer  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

John A. Ketcher	<u>YEA</u>	Melvina Shotpouch	<u>ABSENT</u>
Don Crittenden	<u>YEA</u>	Stephanie Shepherd	<u>YEA</u>
Harold "Jiggs" Phillips	<u>YEA</u>	John F. Keener	<u>YEA</u>
Jackie Bob Martin	<u>YEA</u>	Harold DeMoss	<u>YEA</u>
Mary Flute-Cooksey	<u>YEA</u>	Dorothy Jean McIntosh	<u>-----</u>
David W. Thornton, Sr.	<u>YEA</u>	Nick Lay	<u>YEA</u>
Don Garvin	<u>YEA</u>	Charles "Chuck" Hoskin	<u>YEA</u>
Barbara Starr-Scott	<u>YEA</u>		



## CHEROKEE NATION TRIBAL COUNCIL

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

# Memo

**To:** Harold DeMoss, Chairman, Executive & Finance Committee &  
Barbara Starr-Scott, Co-Chair, Executive & Finance Committee

**From:** Doug Evans

**CC:** Executive & Finance Committee  
Gina Blackfox, Legislative Aide

**Date:** 10/24/2001

**Re:** Budget modification's for October 2001

Per your request, I have reviewed the budget modification package for October 2001 that I received on 10/19/2001. All items, **with exception of #3**, appear to be reasonable estimates. Below is a summary of my review:

### Comprehensive Budget Amendment Legislation:

#### General Fund: (Increase - \$803,954)

(1 & 2): CN Tax Commission: The Tax Commission is increasing its expense budget related to the issuance of motor vehicle tags and increasing its projected revenue from the tags to offset the budget increase. The result is a revenue increase of \$705,080 and a budget increase of \$705,080.

*added  
in EFG  
Comm*

(3): Senior Transportation Services: This program is requesting to spend \$98,874 of General Fund carryover from the prior year due to no services being provided in FY2001. These carryover funds; however, are not budgeted in FY2002 until the General Fund is closed for fiscal year 2001, therefore, I recommend this budget not be considered until such funds are certified as being available from the closing process.

#### Indirect Cost Pool: (No \$ Impact)

(4 - 7): Team Leaders (Resource / Service): These budget are merely reprograms of the Team Leader budgets back into their respective departments for their salary and fringes. The net result is \$0 to the budget.

#### Non-Expendable Trust: (Increase - \$30,000)

(8): Sequoyah Endowment: Primarily represents the income generated from the "Louise K. Green-Mathews Endowment Fund" for scholarships to Cherokee Students. This trust has stipulations on the recipient, of which, these payments can ONLY be paid to students enrolled in a Masters Degree of Environmental Sciences and a minimum quarter-blood Cherokee.

#### Internal Service: Construction Management (Increase - \$1,095,493)

(9 & 10): Child Development Center Construction: This increase represents the adjustment needed to reflect the actual amount of the inter-program contract between Child Care Development Center and Construction Management.

#### DOI-Self Governance - Roads: (Increase - \$5,000)

(11): Fairview/Eucha OSG Const.: New funding for Phase II of this road project.

**DOI-Self Governance (PL-102): (Increase - \$7,304,244)**

(12 - 18): Child Care – PL 102: DHHS is redirecting its funding for the Child Care program to the Department of Interior Self Governance Office pursuant to Public Law 102-477. This request represents a funding source change from the DHHS-General below with an increase in estimated carryover funding of approximately \$2.2 million. Total funding increase on this program's new funding source is \$5,013,373.

(19 – 25): JTPA – PL 102: Department of Labor is also redirecting its funding for the J.T.P.A./ W.I.A. program to the Department of Interior Self Governance Office pursuant to Public Law 102-477. This request represents a funding source change from the Dept. of Labor below with a decrease in carryover estimate of approximately \$463,000. Total funding increase on this program's new funding source is \$2,290,871.

**DHHS - General: (Decrease - <\$2,466,544>)**

(26 - 36): Child Care Program: A net decrease of <\$2,816,544> resulting from the shift of funding source to the new Self Governance – PL102 above. This net decrease only constitutes the current year funding represented in the comprehensive budget originally authorized. The increase in carryover estimate is represented on the Self Governance funding source above.

(37): Tribal Management Grant: A new grant award for \$50,000 assigned to the Health Division for the evaluation and planning of the Health Insurance Portability and Accountability Act.

(38): Permanency Outreach CN: A new grant award for \$300,000 for opportunities for the expediting legal permanency for Cherokee Children.

**Housing & Urban Development: (No \$ Impact)**

(39 – 46): NAHASDA Block Grant: These budgets represent the reprogramming of the Marshal Service current year funding from the FY2000 block grant over to the FY2001 block grant as well as the redirecting of the Emergency Housing Program, Environmental Program and the Lead Paint Abatement Program from the Housing Authority back into the Cherokee Nation Community Services Division.

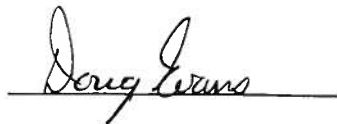
**Environmental Protection Agency: (Increase - \$26,695)**

(47): A request to expend carryover funds from FY2001 on the Blood-Lead Screening for Children program.

**Department of Labor: (Decrease - <\$2,754,118>)**

(48 – 67): J.T.P.A / W.I.A.-SYEP Program: A net decrease of <\$2,754,118> resulting from the shift of funding source to the new Self Governance – PL102 above. This net decrease constitutes the current year funding represented in the comprehensive budget originally authorized as well as a reduction in the carryover estimate of approximately <\$463,000>.

If I can provide any further information, please do not hesitate to contact me.



CHEROKEE NATION  
PROPOSED FY 2002 AMENDMENT  
Sorted by Funding Source

Funding Source	Ref # by FS	Program/Purpose	FY 2002 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01 Cherokee Nation	1	101123 000000-CN Tax Commission/Tobacco	LA 37-01	(794,920)	(257,497)	(537,423)
	2	101123 001000-CN Tax Commission/Motor Vehicles	New	1,500,000	962,577	537,423
<b>01 Cherokee Nation Total</b>				<b>\$ 705,080</b>	<b>\$ 705,080</b>	<b>\$ -</b>
04 Indirect Cost Pool	3	204201 000000-Tribal Operations	LA 37-01	-	57,750	(57,750)
	4	204209 000000-Human Resources - Admin	LA 37-01	-	65,680	(65,680)
	5	204271 000000-Resource Team	LA 37-01	-	(57,750)	57,750
	6	204272 000000-Service Team	LA 37-01	-	(65,680)	65,680
<b>04 Indirect Cost Pool Total</b>				<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
07 Non-Expendable Trust	7	507150 000000-Sequoyah Endowment	New	-	30,000	(30,000)
<b>07 Non-Expendable Trust Total</b>				<b>\$ -</b>	<b>\$ 30,000</b>	<b>\$ (30,000)</b>
15 Internal Service: Const. Mgmt	8	215001 000000-CDC - Construction Admin	LA 37-01	(25,366)	(25,366)	-
	9	215001 001040-CDC - Construction	LA 37-01	1,120,879	1,120,879	-
<b>15 Internal Service: Const. Mgmt. Total</b>				<b>\$ 1,095,493</b>	<b>\$ 1,095,493</b>	<b>\$ -</b>
21 DOI-Self Governance-Roads	10	321112 000000-Fairview/Eucha OSG Const	New	5,000	5,000	-
<b>21 DOI-Self Governance-Roads Total</b>				<b>\$ 5,000</b>	<b>\$ 5,000</b>	<b>\$ -</b>
23 DOI - Self Governance (PL102)	11	323100 001000-Administration	New	746,006	746,006	-
	12	323100 002000-Subsidy	New	2,203,988	2,203,988	-
	13	323100 003000-Resource & Referral	New	514,658	514,658	-
	14	323100 004000-Centers	New	466,180	466,180	-
	15	323100 005000-Licensing / Monitoring	New	320,231	320,231	-
	16	323100 006000-Systems	New	11,000	11,000	-
	17	323100 007000-Construction	New	749,310	749,310	-
	18	323200 001000-E & T - Administrative	New	275,841	275,841	-
	19	323200 002000-E & T - Training Assistance	New	914,855	914,855	-
	20	323200 100000-E & T - C.R.T. / Participants	New	264,970	264,970	-
	21	323200 101000-E & T - W.E. / Participants	New	253,000	253,000	-
	22	323200 200000-E & T - S.Y.E.P. - W.E. / Participants	New	503,000	503,000	-
	23	323200 201000-E & T - Youth W.E	New	29,765	29,765	-
	24	323200 202000-E & T - Basic Skills	New	49,440	49,440	-
<b>23 DOI - Self Governance (PL102) Total</b>				<b>\$ 7,304,244</b>	<b>\$ 7,304,244</b>	<b>\$ -</b>
40 DHHS - General	25	340002 060000-Child Care Discretionary: Admin	LA 37-01	31,949	31,949	-
	26	340002 061000-Child Care Disc: Subsidy & Monitor	LA 37-01	(663,460)	(663,460)	-
	27	340002 062000-Child Care Disc: CDC Tahlequah	LA 37-01	(250,095)	(250,095)	-
	28	340002 065000-Discretionary Resource & Referral	LA 37-01	20,951	20,951	-
	29	340038 070000-Child Care Administration Mand	LA 37-01	(526,200)	(526,200)	-
	30	340038 071000-Subsidy and Monitoring Mandatory	LA 37-01	(236,877)	(236,877)	-
	31	340038 074000-Stitwell Dev. Center - Mandatory	LA 37-01	(218,085)	(218,085)	-
	32	340038 075000-Resource & Referral - Mandatory	LA 37-01	(459,277)	(459,277)	-
	33	340038 077000-Eligibility - Mandatory	LA 37-01	(989,025)	(989,025)	-
	34	340038 079000-Systems - Mandatory	LA 37-01	(448)	(448)	-
	35	340048 000000-Child Care - Construction	LA 37-01	474,023	474,023	-
	36	340050 000000-Tribal Management Grant	New	50,000	50,000	-
	37	340061 000000-Permanency Outreach CN	New	300,000	300,000	-
<b>40 DHHS - General Total</b>				<b>\$ (2,468,544)</b>	<b>\$ (2,468,544)</b>	<b>\$ -</b>
55 HUD	38	355017 300000-NAHASDA 2000: HACN	LA 37-01	1,302,383	1,302,383	-
	39	355017 400000-NAHASDA 2000 MARSHALS SERVICE	LA 37-01	(1,302,383)	(1,302,383)	-
	40	355020 224000-NAHASDA 2001 IHP - Emer Hsg Ass	New	322,521	322,521	-
	41	355020 230000-NAHASDA 2001 IHP - Environmental	New	889,743	889,743	-
	42	355020 240000-Lead Paint Abatement-Admin	New	341,583	341,583	-
	43	355020 241000-Lead Paint Abatement-Const	New	2,084,686	2,084,686	-
	44	355020 300000-NAHASDA 2001: HACN	LA 37-01	(4,940,916)	(4,940,916)	-
	45	355020 400000-NAHASDA 2001 MARSHALS SERVICE	New	1,302,383	1,302,383	-
<b>55 HUD Total</b>				<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
60 EPA	46	360038 000000-Blood-Lead Screen Prog-Children	New	26,695	26,695	-
<b>60 EPA Total</b>				<b>\$ 26,695</b>	<b>\$ 26,695</b>	<b>\$ -</b>
70 Department of Labor	47	370002 000000-Welfare To Work-Admin	LA 37-01	(35,138)	(35,138)	-
	48	370002 001000-Welfare To Work-70	LA 37-01	(104,150)	(104,150)	-
	49	370002 002000-Welfare To Work-10	LA 37-01	(24,651)	(24,651)	-
	50	370115 001000-WIA-Administration Cost Pool	LA 37-01	(159,940)	(159,940)	-
	51	370115 002000-WIA-Classroom Training-Staff	LA 37-01	(330,000)	(330,000)	-
	52	370115 002001-WIA-Classroom Training-Participant	LA 37-01	(404,160)	(404,160)	-
	53	370115 003000-WIA-OJT Contracts	LA 37-01	(5,000)	(5,000)	-
	54	370115 006000-WIA-Work Experience-Staff	LA 37-01	(247,423)	(247,423)	-
	55	370115 006001-WIA-Work Experience-Participants	LA 37-01	(232,577)	(232,577)	-
	56	370115 010000-WIA-Supportive Service/CRT	LA 37-01	(10,000)	(10,000)	-
	57	370115 011000-WIA-Supportive Service/OJT	LA 37-01	(500)	(500)	-
	58	370115 013000-WIA-Supportive Service/WF	LA 37-01	(10,000)	(10,000)	-
	59	370125 001000-WIA/SYEP-Basic Skills-Staff	LA 37-01	(35,896)	(35,896)	-
	60	370125 001001-WIA/SYEP-Basic Skills-Participants	LA 37-01	(49,440)	(49,440)	-
	61	370125 003000-WIA/SYEP-Administration	LA 37-01	(97,485)	(97,485)	-
	62	370125 004000-WIA/SYEP-Work Experience-Staff	LA 37-01	(250,060)	(250,060)	-
	63	370125 004001-WIA/SYEP-Work Experience-Participants	LA 37-01	(700,281)	(700,281)	-
	64	370125 005000-WIA/SYEP-5% Work Experience-Staff	LA 37-01	(26,352)	(26,352)	-
	65	370125 005001-WIA/SYEP-5% Work Experience-Participants	LA 37-01	(29,765)	(29,765)	-
	66	370125 007000-WIA/SYEP-Supportive Services	LA 37-01	(1,500)	(1,500)	-
<b>70 Department of Labor Total</b>				<b>\$ (2,754,118)</b>	<b>\$ (2,754,118)</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 3,915,850</b>	<b>\$ 3,945,850</b>	<b>\$ (30,000)</b>