

An Act

LEGISLATIVE ACT 11-17

AN ACT AMENDING LEGISLATIVE ACT #23-16 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2017 – Mod. 5; 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 #23-16 Authorizing the Comprehensive Operating Budget for FY 2017 – Mod. 5**”.

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 2017” or subsequent amendment. The cumulative total of the budget is increased by **\$ 1,213,326** for a total budget authority of **\$ 667,905,052**. The following items are identified as components of such change:

| | |
|---|----------------------------|
| Grants Received & Authorized per LA-23-16 (detail attached) | \$ 641,446 |
| Modification Request (see Section 4 below) | <u>571,790</u> |
| Cumulative change in budget authority | <u>\$ 1,213,236</u> |

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #23-16 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 **\$ 571,790** to wit:

- A. A decrease in the **Indirect Leases** budget authority of **\$ 327,985**.
- B. An increase in the **Federal Other** budget authority of **\$ 243,805**.

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.

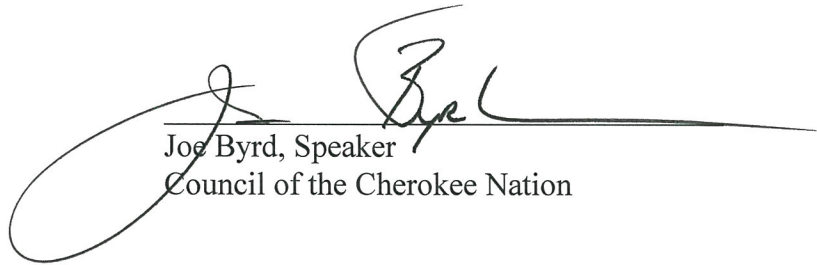
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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

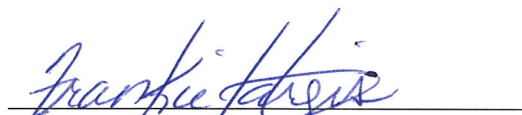
To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the 20th day of March, 2017



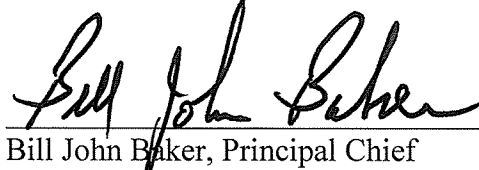
Joe Byrd, Speaker
Council of the Cherokee Nation

ATTEST:



Frankie Hargis, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 21st day of March, 2017



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



Chuck Hoskin, Jr., Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

| | | | |
|------------------------|---------------|------------------|------------|
| Rex Jordan | <u>Yea</u> | Harley Buzzard | <u>Yea</u> |
| Joe Byrd | <u>Yea</u> | Victoria Vazquez | <u>Yea</u> |
| David Walkingstick | <u>Yea</u> | Dick Lay | <u>Yea</u> |
| Don Garvin | <u>Yea</u> | Buel Anglen | <u>Yea</u> |
| David W. Thornton, Sr. | <u>Absent</u> | Keith Austin | <u>Yea</u> |
| Bryan Warner | <u>Yea</u> | Janees Taylor | <u>Yea</u> |
| Frankie Hargis | <u>Yea</u> | Jack Baker | <u>Yea</u> |
| Shawn Crittenden | <u>Yea</u> | Wanda Hatfield | <u>Yea</u> |
| Curtis Snell | <u>Yea</u> | | |

CHEROKEE NATION
 PROPOSED FY 2017 AMENDMENT
 Sorted by Funding Source

| Funding Source | Ref # by FS | Program/Purpose | FY 2017 Prior LA | Data | | |
|--|-------------------|---|------------------|--------------------------------|------------------------------------|---------------|
| | | | | Amend. Change to Sources | Amend. Expenses Total Change | Net Change |
| 01-Cherokee Nation | 1 | 1010315 Cash Match for Grants | LA 23-16 | - | - | \$ - |
| 01-Cherokee Nation Total | | | | \$ - | \$ - | \$ - |
| 40-DHHS-General | 2 | 3401140 BH Collaborative for Rural AI Comm | LA 23-16 | 3,036 | 3,036 | \$ - |
| | 3 | 3402600 Diabetes Grant | LA 23-16 | 152,284 | 152,284 | \$ - |
| | 4 | 3402605 Diabetes Special Grant | New | 437,771 | 437,771 | \$ - |
| | 5 | 3402630 Diabetes Grant - Stillwell | LA 23-16 | (47,311) | (47,311) | \$ - |
| | 6 | 3402640 Diabetes Grant - Sallisaw | LA 23-16 | (26,301) | (26,301) | \$ - |
| | 7 | 3402650 Diabetes Grant - Jay | LA 23-16 | (25,322) | (25,322) | \$ - |
| | 8 | 3402660 Diabetes Grant - Salina | LA 23-16 | (35,730) | (35,730) | \$ - |
| | 9 | 3402665 Diabetes Grant - Wings | LA 23-16 | 50,392 | 50,392 | \$ - |
| | 10 | 3402670 Diabetes Grant - Nowata | LA 23-16 | (11,214) | (11,214) | \$ - |
| | 11 | 3402680 Diabetes Grant - Muskogee | LA 23-16 | (36,733) | (36,733) | \$ - |
| | 12 | 3402685 Diabetes Grant - Vinita | LA 23-16 | (16,209) | (16,209) | \$ - |
| | 13 | 3402695 Diabetes Grant - Ochelata | LA 23-16 | 373 | 373 | \$ - |
| | 14 | 3404100 Diabetes Special Grant | LA 23-16 | (343,518) | (343,518) | \$ - |
| | 15 | 3408700 Kawi Café' | New | 61,003 | 61,003 | \$ - |
| | 16 | 3408900 UCD Trauma Screening Project | New | 65,964 | 65,964 | \$ - |
| 40-DHHS-General Total | | | | \$ 228,485 | \$ 228,485 | \$ - |
| 50-US Department of Education | 17 | 3504000 SHS Cultural Enrichment | New | 67,288 | 67,288 | \$ - |
| 50-US Department of Education Total | | | | \$ 67,288 | \$ 67,288 | \$ - |
| 70-US Department of Labor | 18 | 3709100 Sector Partnership NDWG | LA 23-16 | 211,892 | 211,892 | \$ - |
| 70-US Department of Labor Total | | | | \$ 211,892 | \$ 211,892 | \$ - |
| 75-Federal Other | 19 | 3756100 Tribal Historic Preservation Office | November Grants | 120,000 | 120,000 | \$ - |
| 75-Federal Other Total | | | | \$ 120,000 | \$ 120,000 | \$ - |
| 80-Oklahoma | 20 | 3802415 Charter School Special Ed | New | 13,781 | 13,781 | \$ - |
| 80-Oklahoma Total | | | | \$ 13,781 | \$ 13,781 | \$ - |
| Grand Total | | | | \$ 641,446 | \$ 641,446 | \$ - |

Operating Grants - Reporting Only

CHEROKEE NATION
 PROPOSED FY 2017 AMENDMENT
 Sorted by Funding Source

| | | | | Data | | |
|---------------------------------------|-------------------|----------------------------------|---------------------|-----------------------------|------------------------------------|--------------|
| Funding Source | Ref # by FS | Program/Purpose | FY 2017 Prior LA | Amend. Change to Sources | Amend. Expenses Total Change | Net Change |
| 13-Leases-Internal | 1 | 2131000 Internal Lease Buildings | LA 23-16 | 327,985 | 36,905 | \$ 291,080 |
| | 2 | 2132000 Facilities Operations | LA 23-16 | - | 291,080 | \$ (291,080) |
| 13-Leases-Internal Total | | | | \$ 327,985 | \$ 327,985 | \$ - |
| 22-DOI - Self Governance | 3 | 3222020 SG Small Business Center | LA 23-16 | - | - | \$ - |
| 22-DOI - Self Governance Total | | | | \$ - | \$ - | \$ - |
| 75-Federal Other | 4 | 3755800 SBA Prime | New | 243,805 | 243,805 | \$ - |
| 75-Federal Other Total | | | | \$ 243,805 | \$ 243,805 | \$ - |
| Grand Total | | | | \$ 571,790 | \$ 571,790 | \$ - |

Operating Mod #5 Request

**COMPREHENSIVE BUDGET
FOR FISCAL YEAR 2017**

| Funding Source | Revenues | Transfers In | Total | Direct Exp. | Indir. Exp. | Transfers Out | Total | NET |
|----------------------------------|-----------------------|----------------------|-----------------------|-----------------------|----------------------|----------------------|-----------------------|-------------|
| Tribally Funded Funding Source | 92,340,762 | 1,491,430 | 93,832,192 | 77,357,013 | 4,278,062 | 12,197,117 | 93,832,192 | 0 |
| Motor Fuels Tax Funding Srce | 9,094,252 | 17,299,025 | 26,393,277 | 18,360,434 | 91,332 | 7,941,511 | 26,393,277 | 0 |
| Motor Vehicle Tax Funding Srce | 24,803,219 | 1,126,604 | 25,929,823 | 23,417,717 | 475,929 | 2,036,177 | 25,929,823 | 0 |
| Permanent Fund Funding Source | 10,100 | 0 | 10,100 | 10,100 | 0 | 0 | 10,100 | 0 |
| DOI General Funding Source | 10,392,025 | 0 | 10,392,025 | 9,502,318 | 889,707 | 0 | 10,392,025 | 0 |
| DOI Self Gov Funding Source | 14,567,470 | 79,600 | 14,647,070 | 13,512,242 | 1,131,328 | 3,500 | 14,647,070 | 0 |
| DOI Self Gov Roads Funding Src | 9,386,614 | 0 | 9,386,614 | 9,253,572 | 112,841 | 20,201 | 9,386,614 | 0 |
| Dept of Transportation Fnd Src | 72,048,214 | 0 | 72,048,214 | 71,750,077 | 198,294 | 99,843 | 72,048,214 | 0 |
| DOI PL102-477 Funding Source | 25,723,581 | 0 | 25,723,581 | 24,937,482 | 786,099 | 0 | 25,723,581 | 0 |
| IHS Self Gov Health Funding Sr | 283,690,939 | 1,300,439 | 284,991,378 | 266,405,126 | 18,493,028 | 93,224 | 284,991,378 | 0 |
| IHS Self Gov TEH Funding Src | 7,353,615 | 0 | 7,353,615 | 7,094,460 | 259,155 | 0 | 7,353,615 | 0 |
| IHS Self Gov Office Funding Src | 322,788 | 0 | 322,788 | 291,326 | 31,462 | 0 | 322,788 | 0 |
| IHS Discretionary Funding Source | 40,000 | 0 | 40,000 | 35,000 | 0 | 5,000 | 40,000 | 0 |
| DHHS General Funding Source | 40,969,850 | 557,804 | 41,527,654 | 37,284,823 | 2,979,357 | 1,263,474 | 41,527,654 | 0 |
| USDA Funding Source | 19,531,137 | 818,085 | 20,349,222 | 19,655,887 | 693,335 | 0 | 20,349,222 | 0 |
| Dept of Education Funding Srce | 1,142,834 | 63,957 | 1,206,791 | 1,151,454 | 55,337 | 0 | 1,206,791 | 0 |
| HUD Funding Source | 41,573,581 | 1,199,190 | 42,772,771 | 40,956,630 | 716,402 | 1,099,739 | 42,772,771 | 0 |
| Housing Proceeds Funding Src | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| EPA Funding Source | 1,758,050 | 0 | 1,758,050 | 1,583,819 | 174,231 | 0 | 1,758,050 | 0 |
| Dept of Labor Funding Source | 10,441,611 | 0 | 10,441,611 | 9,630,899 | 810,712 | 0 | 10,441,611 | 0 |
| Federal Other Funding Source | 3,931,480 | 35,729 | 3,967,209 | 3,525,678 | 191,531 | 250,000 | 3,967,209 | 0 |
| State of Oklahoma Funding Srce | 1,237,727 | 0 | 1,237,727 | 1,141,882 | 95,845 | 0 | 1,237,727 | 0 |
| Private Funding Source | 369,107 | 159,738 | 528,845 | 478,490 | 50,355 | 0 | 528,845 | 0 |
| Indirect Cost Pool Funding Src | 46,575,174 | 27,900 | 46,603,074 | 46,603,074 | 0 | 0 | 46,603,074 | 0 |
| Fringe Pool Funding Source | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Internal Lease Pool Funding Sr | 4,617,237 | 0 | 4,617,237 | 4,617,237 | 0 | 0 | 4,617,237 | 0 |
| Enterprise Funding Source | 3,222,404 | 934,739 | 4,157,143 | 4,023,957 | 133,186 | 0 | 4,157,143 | 0 |
| Other Funding Source | 276,590 | 17,000 | 293,590 | 277,000 | 16,590 | 0 | 293,590 | 0 |
| Debt Service Funding Source | 186,456 | 12,253,224 | 12,439,680 | 12,439,680 | 0 | 0 | 12,439,680 | 0 |
| Capital Projects Funding Sourc | 179,740,643 | 483,035 | 180,223,678 | 167,381,485 | 4,480 | 12,837,713 | 180,223,678 | 0 |
| Total | \$ 905,347,460 | \$ 37,847,499 | \$ 943,194,959 | \$ 872,678,862 | \$ 32,668,598 | \$ 37,847,499 | \$ 943,194,959 | \$ - |

Non Grant Requests

| Request | Amount | Request | Amount |
|-----------------|-----------|---------------|--------|
| Oper Mod #5 Req | 571,790 | 02/22 E&F | |
| Oper Mod #4 Req | 1,867,043 | 02/21 Council | |
| Cap Mod #2 Req | 1,819,222 | 02/21 Council | |

Total after pending Mod's **\$ 947,453,014**

CAPITAL RECONCILIATION

| | |
|-----------------|----------------|
| LA-22-16 | \$ 277,754,636 |
| Capital Mod # 1 | 76,837 |
| Capital Mod #2 | 1,819,222 |
| Capital Mod #3 | (102,733) |

Total Capital **\$ 279,547,962**

| | | |
|---------------------|-----------------------|-----------------|
| Operating (LA23-16) | \$ 667,905,052 | Cumulative Oper |
| Capital (LA-22-16) | 279,547,962 | Cumulative Cap |
| Grand Total | \$ 947,453,014 | |



CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight

Mem o

To: Janees Taylor, Chairman, Executive & Finance Committee
From: Jody S. Reece
CC: Executive & Finance Committee
Date: 02/09/2017
Re: Review of Operating Budget Modification #5 – Total \$ 1,213,236

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># of Budgets - Reason</u> | <u>Amount</u> |
|-----------------------|--|-------------------|
| 40 – DHHS General | 15 – Carryover reconciliations, revised and new awards | \$ 228,485 |
| 50 – Department of Ed | 1 – Carryover reconciliation | 67,288 |
| 70 – US Dept of Labor | 1 – Carryover reconciliation | 211,892 |
| 75 – Federal Other | 1 – Carryover reconciliation | 120,000 |
| 80 – Oklahoma | 1 – New award | 13,781 |
| TOTAL GRANTS | | \$ 641,446 |

General Fund Cash Match for Grants (1010315) – The original budget of \$2,686,072 included \$2,033,774 in Cash Out: Grant Required and \$652,298 in Appropriated for Cash Match (future grants).

| | | |
|--|-------------------|--------------------|
| Original Appropriated for Cash Match (future grants) | \$ 652,298 | |
| Used: 3753300 – Federal Transit Program | (35,729) | February reporting |
| Balance Available For Future Grant Matching | <u>\$ 616,569</u> | |

B. MOD #5 Request - (4 budgets) Increase in budget authority - \$ 571,790

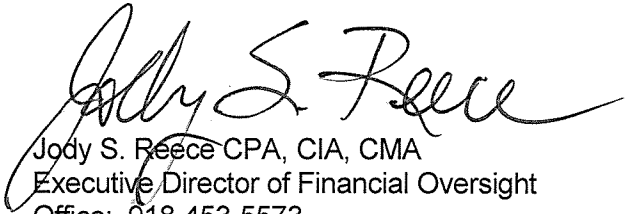
- Internal Lease Buildings – 2131000 – Leases Internal: Modification requesting an increase in expenditure authorization of \$36,905 for increased utilities and depreciation expenditures related to the Highway 51 buildings and the new Election Commission building. The space recovery revenue is increased by \$327,985 that offsets the increased expenditures here and the increased expenditures in item 2; therefore, the net effect is zero. The new expenditure total is \$1,269,449 with a new net revenue total of \$3,635,773.
- Facilities Operations – 2132000 – Leases Internal: Modification requesting an increase in expenditure authorization of \$291,080 for the addition of the Highway 51 buildings and the new Election Commission building for cleaning and maintenance related expenditures. One FTE position is added. These expenditures are offset by increased revenues reported in the budget in item 1. The new total expenditure total is \$3,675,773 with a new net expenditure total of \$3,635,773.

3. SG Small Business Assistance Center – 3222020 – DOI Self Governance: Modification requesting a cash match Transfer Out going to the Small Business Assistance Prime budget in item 4. Various expenditure accounts are reduced resulting in a zero change in the total expenditure/transfer total of \$546,982.
4. Small Business Assistance Prime – 3755800 – Federal Other: New budget requesting expenditure authorization of \$243,805. Funding is provided by \$149,923 in grant funding, \$46,941 from Contributions: In kind Revenue, and \$46,941 Transfer In from the budget in item 4.

Summary:

After reviewing the submission of the operating modification by administration, I find no technical issues surrounding these requests, nor do I have any unmentioned concerns related to their respective carryover 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