

An Act

LEGISLATIVE ACT 28-11

AN ACT AMENDING LEGISLATIVE ACT #20-11 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2012 – 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 #20-11 Authorizing the Comprehensive Operating Budget for FY 2012 – 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 2012” or subsequent amendment. The cumulative total of the budget is increased by **\$485,537** for a total budget authority of **\$475,876,155**. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

	Previous Balance	Estimated Sources	Estimated <Uses>	Adjusted Balance
A. Tribally Funded	\$0	\$300,000	<\$300,000>	\$0
B. Motor Fuels Tax	\$0	\$17,590	<\$17,590>	\$0
Grants Received & Authorized per LA-20-11 (detail attached)			<\$500,234>	
Modification Request #3 (see Section 4 below)			<u>\$985,771</u>	
Cumulative change in budget authority			<u>\$485,537</u>	

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #20-11 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 **\$985,771** to wit:

- A. An increase in the **General Fund** budget authority of **\$300,000** related to the Cherokee Day Training Program and a provisional subsidy for the LIHEAP Program.

- B. An increase in the **Motor Fuel Tax Fund** budget authority of \$17,590 related to a cash match requirement for the Vocational Rehab Program.
- C. An increase in the **Indirect Cost Pool** budget authority of \$223,472 related to Environmental Program Administrative costs.
- D. An increase in the **DOI Self Governance Fund** budget authority of \$110,953 related to the HIP Program and Competitive Projects budgets.
- E. An increase in the **DHHS General Fund** budget authority of \$200,000 related to the LIHEAP Program.
- F. An increase in the **USDA Fund** budget authority of \$45,800 related to the Housing Preservation Program.
- G. An increase in the **Department of Education Fund** budget authority of \$87,956 related to the Vocational Rehab 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 12th day of December, 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 14 day of Dec, 2011



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



Chuck Hoskin, Chief of Staff
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Vacant Seat (District 1)	<u>n/a</u>	Dick Lay	<u>Yea</u>
Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Curtis Snell	<u>Yea</u>	Lee Keener, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Jack Baker	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>		



CHEROKEE NATION TRIBAL COUNCIL

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

Mem 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: 11/2/2011

Re: Review of Budget Modification – 3

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. NOVEMBER GRANTS RECEIVED (REPORTING ONLY):

<u>Funding Source</u>	<u>Program</u>	<u>Amount</u>
IHS – Self/Gov. TEH	ES Water/Sewer (c/o adj.)	\$42,811
DHHS General	"Strengthen Public Health" (c/o adj.)	<\$916,466>
USDA	WIC c/o adj. (\$350k) & 1 new grant (\$24k)	\$373,421
	TOTAL GRANTS	<\$500,234>

B. MOD – 3 (8 budgets) Increase in budget authority - \$785,771: +\$200,000

Tribal General Fund: (Increase - \$300,000)

(1): Cherokee Day Training Program: Requesting an increase of \$300,000 in spending authority funded by reimbursement income from CNB.

Motor Fuels Tax Fund: (Increase - \$17,590)

(2): Motor Fuels Tax: Requesting an increase of \$8,795 to transfer these carryover funds into item #3 below for matching funds.

(3): Vocational Rehab Cash Match: Requesting an increase of \$8,795 to increase the transfer out of a tribal cash match requirement for the rehab budget in item #8.

Indirect Cost Pool: (Increase - \$223,472)

(4): Environmental Programs Admin: Requesting a new Indirect Cost budget to fund expenses of program administration serving multiple program budgets.

*Liheap Subsidy
(Provisional Bgt)*

DOI Self Governance Fund: (Increase - \$110,953)

(5): Competitive Projects: Requesting a spending increase of \$12,714 of project funds for FY2012.

(6): S/G HIP Program: Requesting an increase of \$98,239 partially funded by carryover funds from FY2011 of \$23k as well as new grant funds of \$75k. The carryover is funding an increase in the matching funds for the Housing Preservation Grant in item #7 below.

USDA Fund: (Increase - \$45,800)

(7): Housing Preservation FHA: Requesting an increase of \$45,800 for this new budget that is partially funded by a cash match from the Self Governance fund in item #6 above.

Dept of Education Fund: (Increase - \$87,956)

(8): Vocational Rehab Service: Requesting spending authority of additional carryover funds as well as matching required funds in item #3 above.

C. CEMETERIES, COMMUNITY ASSISTANCE & 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. If I can provide any further information, please do not hesitate to contact me.

Respectfully,



Attachments

CHEROKEE NATION
 PROPOSED FY 2011 AMENDMENT
 Sorted by Funding Source

Funding Source	Ref # by FS	Program/Purpose	FY 2012 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
33-IHS-Self Governance-T E H	1	3336000- ES Water Sewer	LA 20-11	42,811	42,811	\$ -
33-IHS-Self Governance-T E H Total				\$ 42,811	\$ 42,811	\$ -
40-DHHS-General	2	3404800- Strengthen Public Health	LA 20-11	(916,466)	(916,466)	\$ -
40-DHHS-General Total				\$ (916,466)	\$ (916,466)	\$ -
45-USDA	3	3453510- BF Peer Counseling	LA 20-11	23,766	23,766	\$ -
	4	3453525- WIC Infrastructure	New	349,655	349,655	\$ -
45-USDA Total				\$ 373,421	\$ 373,421	\$ -
Grand Total				\$ (500,234)	\$ (500,234)	\$ -

November Grants
 (reporting only)

CHEROKEE NATION
 PROPOSED FY 2012 AMENDMENT
 Sorted by Funding Source

Mod-3
 Amended

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2012 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	a *	1010290 - Contingencies Reserves	LA 26-11	-	-	\$ -
	1	1010555- Cherokee Day Training Program	LA 20-11	300,000	300,000	\$ -
01-Cherokee Nation Total				\$ 300,000	\$ 300,000	\$ -
02-Motor Fuel Tax	2	1021000- Motor Fuels Tax	LA 20-11	8,795	8,795	\$ -
	3	1024110-MFT Vocational Rehab Cash Match	LA 20-11	8,795	8,795	\$ -
02-Motor Fuel Tax Total				\$ 17,590	\$ 17,590	\$ -
04-Indirect Cost Pool	4	2041246- Environmental Programs Admin.	New	-	223,472	\$ (223,472)
04-Indirect Cost Pool Total				\$ -	\$ 223,472	\$ (223,472)
22-DOI - Self Governance	5	3221900- Competitive Projects	LA 20-11	12,714	12,714	\$ -
	6	3222470- SG HIP	New	98,239	98,239	\$ -
22-DOI - Self Governance Total				\$ 110,953	\$ 110,953	\$ -
40-DHHS-General	6a *	3401700 - LIHEAP	LA 20-11	200,000	200,000	\$ -
40-DHHS-General Total				\$ 200,000	\$ 200,000	\$ -
45-USDA	7	3453800- Housing Preservation FHA	New	45,800	45,800	\$ -
45-USDA Total				\$ 45,800	\$ 45,800	\$ -
50-US Department of Educat	8	3507000- Vocational Rehab Service	LA 20-11	87,956	87,956	\$ -
50-US Department of Education Total				\$ 87,956	\$ 87,956	\$ -
Grand Total				\$ 762,299	\$ 985,771	\$ (223,472)

*: Items "a" and "6a" were added in the 12/12/2011 Tribal Council Meeting.

Provisional Budget
 (see attached Memo)