

An Act

Legislative Act: 16-15

**AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2016 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 “The Comprehensive Capital Appropriations Bill for Fiscal Year 2016”.

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 2016 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 2016 Capital Appropriations budget is \$119,446,919. 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.

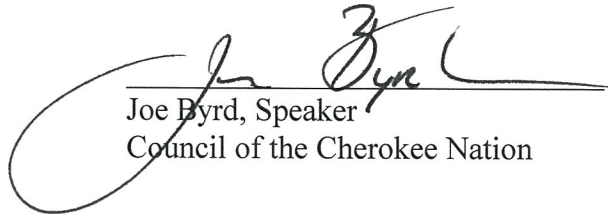
Section 8 Severability

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.

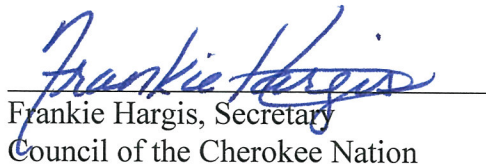
Section (code section) 8. Emergency declared

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.

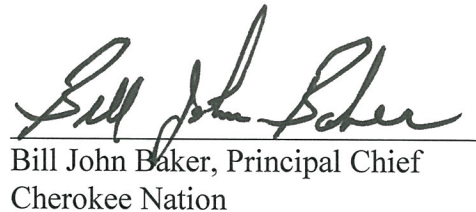
Enacted by the Council of the Cherokee Nation on the 14th day of September, 2015.


Joe Byrd, Speaker
Council of the Cherokee Nation

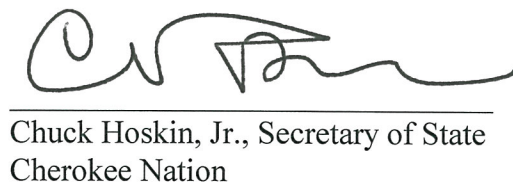
ATTEST:


Frankie Hargis, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15 day of September, 2015.


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

**CHEROKEE NATION
FY2016 BUDGET
ADJUSTMENTS TO PROPOSAL**

Exhibit - A

Adjustments derived from Legislative Review Hearings:

#	Program	Group	Funding Src	AU	Impact of adjustments to:		Net
					Sources	Uses	
Proposed Budget - From Administration							
1.	General Fund Ops	Financial Resources	General Fund	1010280	\$ 764,138,076	\$ 764,138,076	\$ -
2.	Contributions & Donations	Office of the Principal Chief	General Fund	1010042		1,252,000	(1,252,000)
3.	Tribal Council House	Management Resources	General Fund	1010042		125,000	(125,000)
4.	Veterans Center	Management Resources	Capital Projects	7965300		-	-
5.	Radio Show	Management Resources	Capital Projects	7965200		-	-
6.	Election Commission	Office of the Principal Chief	General Fund	1010035	127,805		127,805
7.	Discr Get out the Vote	Election Commission	General Fund	1010360		(100,000)	100,000
8.	General Fund Ops	Office of the Principal Chief	MVT	1050041		(50,000)	-
9.	Sequoyah High School	Financial Resources	General Fund	1010280	1,802,969		1,802,969
10.	Cash Reserve	Education Services	DOI General	3200000	850,000		-
11.	General Fund Ops	Financial Resources	General Fund	1010300	36,347		-
12.	General Fund Ops	Financial Resources	General Fund	1010280	50,000		50,000
13.	General Fund Ops	Financial Resources	General Fund	1010280	100,000		100,000
14.	General Fund Ops	Financial Resources	General Fund	1010280	50,000		50,000
					850,000		(850,000)
Total Adjustments to Proposed Budget					\$ 2,967,121	\$ 2,963,347	\$ 3,774
Total FY2016 Budget After Adjustments					\$ 767,105,197	\$ 767,101,423	\$ 3,774

Landfill for special projects 50k transfer out 100k transfer out MOU with CNB no need for special election decrease in PAC carryover/settlement grant funding shortfall adjustment based on approved budget offset to reduction of PAC transfer in from Veteran's center transfer in from Tribal Council House transfer to SHS

Itemized Adjustments by Funding Sources

General Fund - Proposed	97,858,056	97,858,056	-
Adjustments	2,167,121	2,163,347	3,774
General Fund - Adjusted	100,025,177	100,021,403	3,774
MVT - Proposed	22,125,271	22,125,271	-
Adjustments	(50,000)	(50,000)	-
MVT - Adjusted	22,075,271	22,075,271	-
DOI General - Proposed	12,345,225	12,345,225	-
Adjustments	850,000	850,000	-
DOI General - Adjusted	13,195,225	13,195,225	-
Capital Projects Fund - Proposed	19,493,598	19,493,598	-
Adjustments	-	-	-
Capital Projects Fund - Adjusted	19,493,598	19,493,598	-

Total of Adjustments

\$ 2,967,121	\$ 2,963,347	\$ 3,774
---------------------	---------------------	-----------------

APPROPRIATION RECONCILIATION:

Capital Budget - Proposed	118,934,419	119,446,919	(512,500)
Adjustments	-	-	-
Capital Budget - Adjusted	118,934,419	119,446,919	(512,500)
Operating Budget - Proposed	645,203,657	644,691,157	512,500
Adjustments	2,967,121	2,963,347	3,774
Operating Budget - Adjusted	648,170,778	647,654,504	516,274

\$ 767,105,197	\$ 767,101,423	\$ 3,774
-----------------------	-----------------------	-----------------

Cherokee Nation
 FY 2016 Comprehensive Budget
 Uses of funds by Funding Source

BUDGET TYPE	CAPITAL
Source/Use	USE

Row Labels	2016 BUDGET	2015 BUDGET	Change
01-TRIBALLY FUNDED	6,162,640	6,166,423	(3,783)
09-COMMUNITY SERVICES	300,421	304,204	(3,783)
1010464 Tribal Bridge Program	300,421	304,204	(3,783)
11-MANAGEMENT RESOURCES	5,862,219	5,862,219	-
1010306 Facilities Improvement	400,000	400,000	-
1012500 Land Acquisitions	5,462,219	5,462,219	-
02-MOTOR FUELS TAX	1,864,577	1,524,283	340,294
09-COMMUNITY SERVICES	1,864,577	1,524,283	340,294
1022020 MFT Reserves Roads	1,864,577	1,524,283	340,294
05-MOTOR VEHICLE TAX	3,048,071	4,105,061	(1,056,990)
09-COMMUNITY SERVICES	3,048,071	4,105,061	(1,056,990)
1052000 MVT Highways Const	3,048,071	4,105,061	(1,056,990)
19-DEPT OF TRANSPORTATION	65,259,966	64,604,642	655,324
09-COMMUNITY SERVICES	65,259,966	64,604,642	655,324
3190000 DOT FHWA Roads	65,259,966	64,604,642	655,324
21-DOI SELF GOVERNANCE ROADS	10,259,512	14,608,615	(4,349,103)
09-COMMUNITY SERVICES	10,259,512	14,608,615	(4,349,103)
3211000 DOI IRR Roads Construction	10,259,512	14,608,615	(4,349,103)
32-IHS SELF GOVERNANCE HEALTH	12,500,000	19,038,100	(6,538,100)
07-HEALTH SERVICES	12,500,000	19,038,100	(6,538,100)
3329030 Health Equipment Replacement	9,000,000	14,789,600	(5,789,600)
3329050 Health Land Building Purch	1,500,000	2,248,500	(748,500)
3329070 Emergency Equipment Reserve	2,000,000	2,000,000	-
75-FEDERAL OTHER	858,555	388,757	469,798
09-COMMUNITY SERVICES	858,555	388,757	469,798
3753300 Federal Transit Program	858,555	388,757	469,798
96-CAPITAL PROJECTS	19,493,598	18,533,091	960,507
07-HEALTH SERVICES	1,978,164	5,366,660	(3,388,496)
7963000 Muskogee Clinic	988,164	1,066,660	(78,496)
7964500 Jack Brown Center Construction	330,000	1,000,000	(670,000)
7968300 Health Facilities Equipment	660,000	3,300,000	(2,640,000)
11-MANAGEMENT RESOURCES	17,515,434	13,166,431	4,349,003
7965200 Veterans Center	390,000	482,307	(92,307)
7965300 Tribal Council House	200,000	200,000	-
7965400 Tribal Complex Roof Replacemen	3,742,062	3,742,062	-
7965500 Tribal Complex Construction	13,183,372	8,742,062	4,441,310
Grand Total	119,446,919	128,968,972	(9,522,053)