

# An Act

## LEGISLATIVE ACT 03-07

### AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 – Mod. 2; 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 #26-06 Authorizing the Comprehensive Budget for Fiscal Year 2007 – Mod. 2**”.

#### 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 2007” or subsequent amendment. The cumulative total of the budget is increased by **\$2,515,434** for a total budget authority of **\$367,727,123**. The following items are identified as estimated General Fund sources in excess of appropriated uses to wit:

	Previous <u>Balance</u>	Estimated <u>Sources</u>	Estimated <u>Uses</u>	Adjusted <u>Balance</u>
A. General Fund	\$6,899,590	\$100,835	<\$334,120>	\$6,666,305
B. Motor Fuels Tax	\$326,631	\$483,612	<\$483,612>	\$326,631

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #26-06 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 **\$2,515,434**, to wit:

- A. An increase in the **General Fund** budget authority of **\$334,120** related to carryover funding for a prior year donation to the Cherokee Film Festival, as well as program carryover for the Cherokee Helping Initiate Progress and Heating Stoves Assistance programs and a special emergency assistance funding due to the ice storm.
- B. An increase in the **Motor Fuels Tax Fund** budget authority of **\$483,612** related to the Higher Education Scholarship Program’s unexpended balance from the previous fiscal year.
- C. An increase in the **DOI-General Fund** budget authority of **\$428,533** related to funding for Sequoyah High School’s operations.
- D. An increase in the **NAHASDA Fund** budget authority of **\$1,269,169** related to several program budgets unexpended prior year funding from ’03 to ’06 Indian Housing Plans.

#### 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.

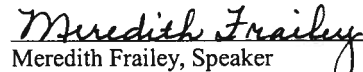
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

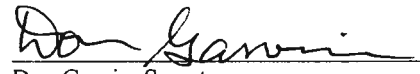
**SECTION 8. SELF-HELP CONTRIBUTIONS**

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.

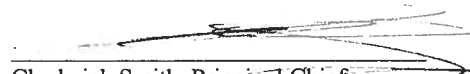
Passed by the Cherokee Council on the 22<sup>nd</sup> day of January, 2007

  
Meredith Frailey, Speaker  
Council of the Cherokee Nation

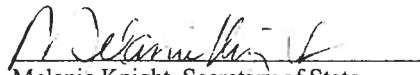
ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 26th day of January, 2007

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Audra Smoke-Conner	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	John F. Keener	<u>Yea</u>
Jackie Bob Martin	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Phyllis Yargee	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Absent</u>	William G. Johnson	<u>Yea</u>
Don Garvin	<u>Yea</u>	Charles "Chuck" Hoskin	<u>Yea</u>
Linda Hughes-O'Leary	<u>Yea</u>	Taylor Keen	<u>Yea</u>
Jack Baker	<u>Yea</u>		



# CHEROKEE NATION TRIBAL COUNCIL

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

## Mem o

**To:** Linda O'Leary, Chair, Executive & Finance Committee &  
Bill John Baker, Co-Chair, Executive & Finance Committee

**From:** Doug Evans

**CC:** Executive & Finance Committee

**Date:** 11/27/2006

**Re:** Budget Mod. #2

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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:

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### A. NOVEMBER - GRANTS RECEIVED (REPORTING ONLY):

<u>Funding Source</u>	<u>Program</u>	<u>\$Amount</u>
DHHS General	11 new awards	\$2,143,000
E.P.A.	2 new awards & 1 c/o adj.	\$180,735
Federal Other	2 c/o adj.'s	\$27,957
Oklahoma	1 c/o adj.	\$9,916
<b>TOTAL NOVEMBER GRANTS RECEIVED</b>		<b><u>\$2,361,608</u></b>

### B. MOD – 2 (37 budgets) Net Increase in spending authority - \$14,870,334:

Note: Mod-2 contains all the Mod-1 budgets approved in the November Tribal Council Meeting; with the exception of the following:

- A. - \$3,200 donation to the Vian Cheerleaders (mod-1 item #1a, see mod-2 item #1, excluding this request)
- B. - \$1,500,000 Employee Appreciation budget (mod-1 item #5a, not included in this request)

***The remaining 25 Mod-1 budgets totaling \$12,554,900 are identical to the original submission in October. The remainder of this review memo will provide a summary and explanation for the 12 new budget requests pertaining to November that total \$2,315,434.***

**GENERAL FUND: (Mod-1 Increase \$3,589,899 / Mod-2 Increase - \$134,120)** + \$

(2-01): Charitable Contributions: Requesting **\$8,200** related to the Cherokee Film Festival unspent funds from the previous fiscal year.

(2-02): Cherokees Helping Initiate Progress: Requesting an increase of **\$45,000** related to this program FY06 carryover funding for direct client services.

(2-03): Heating Stoves Assistance: Requesting **\$80,920** of carryover funding from the FY06 \$500k budget.

**MOTOR FUELS TAX FUND: (Mod-2 Increase - \$483,612)**

(2-04): Higher Education Scholarships: Requesting **\$483,612** of carryover funding from the FY06 budget. The program personnel has identified potential reasons for under-spending the funding last year and lists the reasoning in the backup as possibly either 1.) They received over 400 incomplete applications the week of the deadline with not enough time to correct before the deadline therefore they were not funded, 2.) Many students were dissatisfied with the Self-Help component of the scholarship, of 3.) Students/parents were late in completing FAFSA and were not ready in time to submit an application.

**DOI-General: (Mod-1 Increase - \$7,820,350 / Mod-2 Increase - \$428,533)**

(2-05): Sequoyah Education / Administration: Requesting authority to expend additional grant monies in excess of original FY07 budgeted funding in the amount of **\$428,533**.

**NAHASDA: (Mod-1 Increase - \$1,000,000 / Mod-2 Increase - \$1,269,169)**

(2-06): '03 IHP – Cherry Tree Lagoon: Requesting authority to expend the remaining **\$21,820** from the '03 IHP to complete this project. I did confirm this carryover.

(2-07): Rental Construction – HACN: Requesting authority for the Housing Authority to expend the remaining **\$74,884** from the '04 IHP. This carryover is confirmed

(2-08): Modernization – HACN: Requesting authority for the Housing Authority to expend the remaining **\$936,674** from the '05 IHP. This carryover is confirmed.

(2-09): Individual Sanitation Facility Construction: Requesting authority to expend the remaining **\$45,791** from the '03 IHP to complete this project. Carryover has been confirmed on this budget.

(02-10 thru 12): '06 IHP Funds - DELAWARE TRIBE: Requesting the authority to transfer the following prior year carryover funds to the Delaware Tribe: a.) Operating subsidy - **\$166,000**, b.) Housing Management - **\$8,000**, c.) Administration - **\$16,000**. Carryover is confirmed.

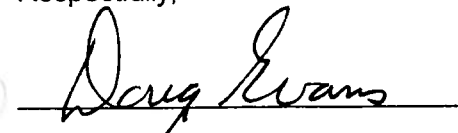
**C. COMMUNITY ASSISTANCE & LAW ENFORCEMENT FUNDS:**

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 for a second time. This list is for informational purposes and is included within this mod package review for inclusion purposes.

**Summary:**

After reviewing the submission of Mod-2, I find no technical issues surrounding these requests and nor do I have any concerns related to their respective carryover estimates. The legislative act considers the cumulative effect, pending veto reconsideration, and may possibly need to be modified accordingly. If I can provide any further information, please do not hesitate to contact me.

Respectfully,



Attachments

CHEROKEE NATION  
 FY 2007 REPORTING  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2007 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
40-DHHS-General	1	3405700 - HIS LTC Planning	New	50,000	50,000	\$ -
	2	3406000 - Cherokee Nation CAN	New	428,000	428,000	\$ -
	3	3406001 - CN CAN - Cherokee	New	185,000	185,000	\$ -
	4	3406002 - CN CAN - Trail of Tears	New	185,000	185,000	\$ -
	5	3406003 - CN CAN - Sequoyah	New	185,000	185,000	\$ -
	6	3406004 - CN CAN - Three Rivers	New	185,000	185,000	\$ -
	7	3406005 - CN CAN - Delaware	New	185,000	185,000	\$ -
	8	3406006 - CN CAN - Mayes	New	185,000	185,000	\$ -
	9	3406007 - CN CAN - Will Rogers	New	185,000	185,000	\$ -
	10	3406008 - CN CAN - Keeler	New	185,000	185,000	\$ -
	11	3406009 - CN CAN - Craig	New	185,000	185,000	\$ -
<b>40-DHHS-General Total</b>				<b>\$ 2,143,000</b>	<b>\$ 2,143,000</b>	<b>\$ -</b>
62-EPA	12	3622080 - ITEC Solid Waste	LA 26-06	10,735	10,735	\$ -
	13	3622165 - ITEC Brownfields Cleanup	New	70,000	70,000	\$ -
	14	3622170 - ITEC - UST System Development	New	100,000	100,000	\$ -
<b>62-EPA Total</b>				<b>\$ 180,735</b>	<b>\$ 180,735</b>	<b>\$ -</b>
75-Federal Other	15	3751810 - Tribal Youth Program	LA 26-06	16,256	16,256	\$ -
	16	3752710 - Juv. Healing to wellness Court	LA 26-06	11,701	11,701	\$ -
<b>75-Federal Other Total</b>				<b>\$ 27,957</b>	<b>\$ 27,957</b>	<b>\$ -</b>
80-Oklahoma	17	3801810 - Homeland Security Grant	New	9,916	9,916	\$ -
<b>80-Oklahoma Total</b>				<b>\$ 9,916</b>	<b>\$ 9,916</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 2,361,608</b>	<b>\$ 2,361,608</b>	<b>\$ -</b>

November Grants  
 "Reporting Only"

CHEROKEE NATION  
PROPOSED FY 2007 AMENDMENT  
Sorted by Funding Source

*Mod - 2,  
Amended*

Funding Source	Ref # by FS	Program/Purpose	FY 2007 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010042 - Chartible Contributions	LA 26-06	(25,085)	8,200	\$ (33,285)
	2	1010247 - Cher Helping Initiate Progress	LA 26-06	45,000	45,000	\$ -
	3	1010453 - Stoves - Heating Assistance	New	80,920	80,920	\$ -
	* 4	1010519 - Emergency Ice Storm Assistanca	New	-	200,000	\$ (200,000)
<b>01-Cherokee Nation Total</b>				<b>\$ 100,835</b>	<b>\$ 334,120</b>	<b>\$ (233,285)</b>
02-Motor Fuel Tax	5	1024001 - MFT: Higher Ed Scholarships	LA 26-06	483,612	483,612	\$ -
<b>02-Motor Fuel Tax Total</b>				<b>\$ 483,612</b>	<b>\$ 483,612</b>	<b>\$ -</b>
20-DOI - General	6	3200000 - SHS Education / Administration	LA 26-06	428,533	428,533	\$ -
<b>20-DOI - General Total</b>				<b>\$ 428,533</b>	<b>\$ 428,533</b>	<b>\$ -</b>
56-NAHASDA	7	3560301 - 03 IHP: Cherry Tree Lagoon	New	21,820	21,820	\$ -
	8	3560406 - Rental Construction HACN	New	74,884	74,884	\$ -
	9	3560500 - Modernization - HACN	New	936,674	936,674	\$ -
	10	3560522 - Individual Sanitat Facil Const	New	45,791	45,791	\$ -
	11	3560604 - Operating Subsidy - HADT	LA 26-06	166,000	166,000	\$ -
	12	3560674 - Housing Management - HADT	LA 26-06	8,000	8,000	\$ -
	13	3560692 - Administration - HADT	LA 26-06	16,000	16,000	\$ -
<b>56-NAHASDA Total</b>				<b>\$ 1,269,169</b>	<b>\$ 1,269,169</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 2,282,149</b>	<b>\$ 2,515,434</b>	<b>\$ (233,285)</b>

CHEROKEE NATI BAL COUNCIL  
 FY 2007 DETAIL OF COMMUNITY ASSISTANCE (GLA - 6810.10)

Vendor / Recipient	Date	Assistance Amount	Buel Anglin	Bill John Baker	Audra Comer	Cara Cavan	S. Joe Crittendon	Meredith Fralphy	Don Garvin	Chuck Hostin	William Johnson	John Keener	Jackie Bob Martin	Linda O'Leary	Melvina Shotbough	David Thornton	Phyllis Yergee	Taylor Keen	Jack Baker	Description of Request
Evening Shade Com. Org.	10/03/06	\$2,000														\$2,000				Computer & Cabinet's
Flute Springs Organization	10/03/06	\$1,000														\$1,000				Trash & Electric Service
Clifton Pettit	10/03/06	\$1,000														\$1,000				Marble City Food Pantry
Pumps of Oklahoma	10/13/06	\$1,252												\$626	\$626					Backup Pump/Kenwood
Mary Ann Grant	10/13/06	\$500										\$500								Thanking Christmas Dinner
Warpony	10/17/06	\$1,200													\$1,200					Financial Assistance
Shan Camp	10/17/06	\$400													\$400					American Indian Awareness Day
Bartlesville History Museum Trust Authority	10/26/06	\$500									\$500									Organizational Support
Fever Girls Basketball	10/26/06	\$600		\$300	\$300															League Fees and Insurance
Okay Band Activity Account	10/26/06	\$600							\$600											Macy's Day Parade
Town of Kansas	10/30/06	\$1,000														\$1,000				Handheld radarlighting for unit 2
Oklahoma Federation of Indian Women	11/13/06	\$300											\$300							Miss Indian Oklahoma Pageant
Marcel Hudson	11/13/06	\$300																		Cherokee children Shrine Circus
14. Flag Henigar Club	11/14/06	\$200															\$200			Two Flag Poles
Bellonte Elementary School	11/14/06	\$1,300															\$1,300			Christmas activity fund
Cookson Hills Ctr United Methodist Mission	11/14/06	\$1,000															\$1,000			Financial Assistance
Clifton Pettit	11/14/06	\$1,000															\$1,000			Marble City Food Pantry
Alex Barowski	11/17/06	\$1,200		\$600	\$600															Vejeran's Appreciation Dinner
Woodall School	11/20/06	\$300		\$150	\$150															ORES St Champ Football Rings
Vian High School	11/23/06	\$1,000														\$1,000				Cheerleader Championship Rings
Owens Fire Department	12/05/06	\$2,000	\$1,000								\$1,000									Roof Repair
The Museum of Fine Arts, Houston	12/11/06	\$179																	\$179	Plane Flight for Robert Lewis
Jay Summer Sports Association	12/11/06	\$400																		Awards Assembly Activities
Red Clay Society	12/11/06	\$500																		Youth events & Activities
Lighthouse Pregnancy Center	12/11/06	\$1,000																		Financial Assistance
<b>Ending Balance</b>			\$20,731	\$1,000	\$1,050	\$1,050	\$0	\$0	\$300	\$600	\$1,500	\$500	\$300	\$626	\$5,126	\$5,000	\$3,500	\$0	\$179	
<b>Year-to-Date Assistance</b>			\$115,269	\$12,000	\$6,950	\$11,950	\$13,000	\$8,000	\$12,700	\$12,400	\$11,500	\$7,500	\$12,700	\$7,374	\$2,874	\$3,000	\$9,500	\$8,000	\$8,000	\$7,821

**COMPREHENSIVE BUDGET  
FOR FISCAL YEAR 2007  
Incl. Mod-2 & Mod-3**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	\$ 56,915,179	\$ 6,945,106	\$ 63,860,285	\$ 48,933,530	\$ 4,247,867	\$ 3,779,298	\$ 56,960,695	\$ 6,899,590
Motor Fuels Tax Funding Src	\$ 9,049,950	\$ 9,526,854	\$ 18,576,804	\$ 10,114,234	\$ 281,352	\$ 7,854,587	\$ 18,250,173	\$ 326,631
Motor Vehicle Tax Funding Src	\$ 12,657,453	\$ -	\$ 12,657,453	\$ 11,287,690	\$ 280,657	\$ 1,089,106	\$ 12,657,453	\$ -
Permanent Fund Funding Source	\$ 15,000	\$ -	\$ 15,000	\$ 10,000	\$ -	\$ -	\$ 10,000	\$ 5,000
DOI General Funding Source	\$ 9,086,937	\$ -	\$ 9,086,937	\$ 8,586,091	\$ 500,846	\$ -	\$ 9,086,937	\$ -
DOI Self Gov Funding Source	\$ 13,038,345	\$ 90,000	\$ 13,128,345	\$ 11,749,577	\$ 1,308,768	\$ 70,000	\$ 13,128,345	\$ -
DOI Self Gov Roads Funding Src	\$ 33,146,829	\$ -	\$ 33,146,829	\$ 32,267,394	\$ 379,435	\$ 500,000	\$ 33,146,829	\$ -
DOI PL102-477 Funding Source	\$ 14,982,244	\$ -	\$ 14,982,244	\$ 14,046,093	\$ 900,151	\$ 36,000	\$ 14,982,244	\$ -
IHS Self Gov Health Funding Sr	\$ 71,604,792	\$ -	\$ 71,604,792	\$ 62,664,192	\$ 6,440,600	\$ 2,500,000	\$ 71,604,792	\$ -
IHS Self Gov TEH Funding Src	\$ 6,328,446	\$ 142,676	\$ 6,471,122	\$ 5,721,385	\$ 607,061	\$ 142,676	\$ 6,471,122	\$ -
IHS Self Gov Offic Funding Src	\$ 469,833	\$ -	\$ 469,833	\$ 408,626	\$ 61,207	\$ -	\$ 469,833	\$ -
IHS Discretionary Funding Src	\$ 540,000	\$ -	\$ 540,000	\$ -	\$ -	\$ 540,000	\$ 540,000	\$ -
DHHS General Funding Source	\$ 27,176,986	\$ 112,000	\$ 27,288,986	\$ 24,549,878	\$ 2,739,108	\$ -	\$ 27,288,986	\$ -
USDA Funding Source	\$ 13,132,018	\$ 493,560	\$ 13,625,578	\$ 13,025,250	\$ 600,328	\$ -	\$ 13,625,578	\$ -
Dept of Education Funding Src	\$ 1,022,834	\$ 57,548	\$ 1,080,382	\$ 965,733	\$ 114,649	\$ -	\$ 1,080,382	\$ -
HUD Funding Source	\$ 35,688,638	\$ 504,000	\$ 36,192,638	\$ 21,739,970	\$ 1,402,668	\$ 13,050,000	\$ 36,192,638	\$ -
EPA Funding Source	\$ 2,936,096	\$ -	\$ 2,936,096	\$ 2,576,805	\$ 359,291	\$ -	\$ 2,936,096	\$ -
Dept of Labor Funding Source	\$ 6,701,465	\$ -	\$ 6,701,465	\$ 5,948,925	\$ 692,277	\$ 60,263	\$ 6,701,465	\$ -
Federal Other Funding Source	\$ 2,179,846	\$ -	\$ 2,179,846	\$ 2,107,842	\$ 72,004	\$ -	\$ 2,179,846	\$ -
State of Oklahoma Funding Src	\$ 560,869	\$ -	\$ 560,869	\$ 489,395	\$ 71,474	\$ -	\$ 560,869	\$ -
Private Funding Source	\$ 334,604	\$ 100,000	\$ 434,604	\$ 136,734	\$ 12,991	\$ -	\$ 434,604	\$ 284,879
Indirect Cost Pool Funding Src	\$ 34,900	\$ 60,263	\$ 95,163	\$ 19,855,167	\$ (19,760,004)	\$ -	\$ 95,163	\$ -
Tribal Force Acct Funding Src	\$ 96,207	\$ -	\$ 96,207	\$ 174,350	\$ 17,767	\$ -	\$ 192,117	\$ (95,910)
Enterprise Funding Source	\$ 2,699,261	\$ 529,923	\$ 3,229,184	\$ 2,752,212	\$ 10,522	\$ -	\$ 2,762,734	\$ 466,450
Other Funding Source	\$ 5,215,301	\$ -	\$ 5,215,301	\$ 557,262	\$ 18,039	\$ 4,640,000	\$ 5,215,301	\$ -
Debt Service Funding Source	\$ -	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ -	\$ -	\$ 2,500,000	\$ -
Capital Projects Funding Sourc	\$ 26,205,000	\$ 250,000	\$ 26,455,000	\$ 26,420,512	\$ 34,488	\$ -	\$ 26,455,000	\$ -
<b>Total incl. Oct thru Dec Grants</b>	<b>\$ 351,819,033</b>	<b>\$ 21,311,930</b>	<b>\$ 373,130,963</b>	<b>\$ 329,588,847</b>	<b>\$ 1,393,546</b>	<b>\$ 34,261,930</b>	<b>\$ 365,244,323</b>	<b>\$ 7,886,640</b>

Mod-2 Pending \$ 2,515,434  
**Total w/Mod-2 Request \$ 367,759,757** (incl's Dec Grants)

Mod-3 Pending \$ 14,896,087 (see below)  
**Total w/Mod-3 Request \$ 382,655,844**

Mod-1 Original \$ 14,058,100  
Less Donation \$ (3,200) cheerleader rings  
Amended Mod-1 \$ 14,054,900  
Mod-3 Request \$ 735,289  
Ozark Challenge \$ 5,898  
JAT Exp Planning \$ 100,000  
**Mod-3 Amended \$ 14,896,087** Per 12-14-06 E&F

**Cumulative Reconciliation - FY2007 Budget**

Original budget	\$ 360,807,184
Oct Grants	\$ 2,042,897
Mod-1 Pkg	\$ -
<b>Sub-Total</b>	<b>\$ 362,850,081</b>
Nov Grants	\$ 2,361,608
Mod-2 Pkg (12-11)	\$ 2,515,434 as amended in Jan TCM
<b>Sub-Total</b>	<b>\$ 367,727,123</b>
Dec Grants	\$ 32,634
Mod-3 Pkg (12-14)	\$ 14,896,087 pending Jan TCM
<b>Sub-Total</b>	<b>\$ 382,655,844</b>

Veto-sustained