

# An Act

## LEGISLATIVE ACT 07-11

### AN ACT AMENDING LEGISLATIVE ACT #29-10 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2011 – 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 #29-10 Authorizing the Comprehensive Budget for Fiscal Year 2011 – 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 2011” or subsequent amendment. The cumulative total of the budget is decreased by ~~464,946~~ for a total budget authority of 612,215,982. 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	\$10,000	<\$10,000>	\$0
B. Motor Fuels Tax	\$0	\$0	\$0	\$0
Grants Received & Authorized per LA-29-10 (detail attached)				<\$462,725>
Modification Request #5 (see Section 4 below)				<\$2,221>
<b>Cumulative change in budget authority</b>				<u><u>\$464,946</u></u>

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #21-09 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 a decrease of ~~2,221~~ to wit:

- A. An increase in the **General Fund** budget authority of \$10,000 related to a Visionary Award for the Commerce Department from the Opportunity Finance Network.

- B. A decrease in the **DOI Self Governance Fund** budget authority of <\$13,954> related to Competitive Projects grant funding.
- C. An increase in the **IHS Self Governance – Health Fund** budget authority of \$249,723 related to a new grant for a Sexual Assault Nurse Examiner (SANE) Program.
- D. A net decrease in the **NAHASDA Fund** budget authority of <\$247,990> related to foreclosure purchases, homeownership building packages, a new energy recovery ventilator program, as well as minor adjustments for the indirect cost rate.

**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.

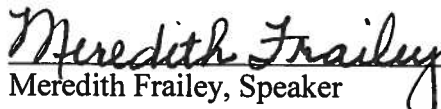
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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 14<sup>th</sup> day of March, 2011

  
Meredith Frailey, Speaker  
Council of the Cherokee Nation

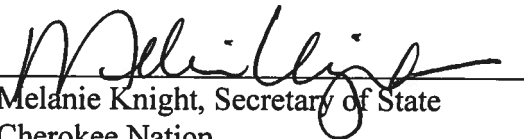
ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 21st day of March, 2011

  
Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Melanie Knight, Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley Buzzard	<u>Yea</u>	Jack Baker	<u>Yea</u>
Curtis Snell	<u>Yea</u>		



## CHEROKEE NATION TRIBAL COUNCIL

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

# M e m 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:** 2/11/2011

**Re:** Review of Budget Modification - 5

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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. FEBRUARY GRANTS RECEIVED (REPORTING ONLY):

<u>Funding Source</u>	<u>Program</u>	<u>Amount</u>
DOI – General	ES - Sequoyah High School – c/o adjustment	<\$41,910>
DHHS - General	2 - ES c/o decrease's <\$387k> & 2 - c/o increase's (\$19k)	<\$368,270>
Dept. of Education	SHS Cultural Enrichment – c/o adjustment	\$3,163
EPA	2 – c/o increase's (\$137k) & 4 - c/o decrease's (-\$181k)	<\$44,539>
Federal – Other	1 – c/o decrease (-\$11k) & 1 – reallocation (\$403k)	<\$11,169>
	<b>TOTAL GRANTS</b>	<b>&lt;\$462,725&gt;</b>

### B. MOD – 5 (21 budgets) Net Decrease in budget authority - <\$2,221>:

#### General Fund (Tribal): (Increase - \$10,000)

(1): Commerce Exec Director: Requesting an increase of \$10,000 in its operating budget, related to an Opportunity Finance Network Visionary Award.

#### DOI – Self Governance Fund: (Decrease - <\$13,954>)

(2): Competitive Projects: Submitting a decrease partially related to a decrease in actual grant funding of <\$10,000> as well as a decrease in carryover of another <\$3,954>.

**IHS – Self Governance Health Fund: (Increase - \$249,723)**

(3): SANE (Sexual Assault Nurse Examiner) Program: Requesting spending authority of **\$249,723** for the first year of a two year grant totaling \$449,446. This grant was awarded recently and will be an increase to the Annual Funding Agreement.

**NAHASDA Fund: (Net Decrease - <\$247,990>)**

**[2006 Indian Housing Plan]**

(4): Land Acquisitions: Requesting a decrease of <\$18,009> in client land purchases, more than offset by increases in client services, supplies and indirect costs of \$42,596 resulting in a net increase of **\$24,587**.

**[2007 Indian Housing Plan]**

(5): Housing Development: Requesting a decrease of <\$163,106> related to land purchases.

**[2008 Indian Housing Plan]**

(6): Foreclosure Purchases: Removing this budget in its entirety of <\$511,453>. The notes to the budget states other sources will be used for purchasing the foreclosed homes. The intent of the program management has identified the Proceeds of Sale fund at the Housing Authority to replace the block grant funding. The HACN Board will consider a resolution this month (15<sup>th</sup>) to fund the purchases.

(7): Regulatory Compliance: Minor adjustment of <\$2,020> related to a lower than expected IDC rate.

**[2009 Indian Housing Plan]**

(8): Homeownership Building Packages: Requesting an increase of \$135,383 for a revised total just under \$1.5mm. Part of the '09 IHP carryover is funding this increase with the remaining carryover requested in the following budget.

(9): Energy Recovery Ventilator & Repairs \*\*New Activity\*\*: Requesting a new budget of \$300,020 funded from carryover. The '09 IHP will have to be amended later to include this new housing activity.

**[2010 Indian Housing Plan]**

(Items 10 thru 21): The following items are nominal decreases on the 2010 Indian Housing Plan related to a slightly lower indirect cost rate than originally budgeted, totaling <\$31,401>:

(10) 3561048 – Community Service Youth Development	<\$2,121>
(11) 3561049 – MAP Financial Planning Self Sufficiency	<\$5,162>
(12) 3561052 – Career Services Day Work Training	<\$767>
(13) 3561057 – Elder Housing Protective Services	<\$1,093>
(14) 3561059 – Northern Area Housing Office	<\$608>
(15) 3561060 – Transitional Emergency Housing	<\$1,560>
(16) 3561063 – Human Services Resident Services	<\$1,493>
(17) 3561064 – Complex One Stop	<\$455>
(18) 3561066 – Families First	<\$1,628>
(19) 3561072 – Mortgage Assistance Program	<\$6,448>
(20) 3561073 – Rental Assistance Program	<\$9,106>
(21) 3561084 – Career Service Section 3 Compliance	<\$960>
Total adjustments	<u>&lt;\$31,401&gt;</u>

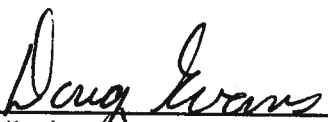
### **C. CEMETERIES & LAW ENFORCEMENT FUNDS:**

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-5 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  
FY 2011 REPORTING  
Sorted by Funding Source

Funding Source	Ref # by FS	Program/Purpose	FY 2011 Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
20-DOI-General	1	3201500 - ES Sequoyah High School	Nov. Report	(41,910)	(41,910)	\$ -
<b>20-DOI-General Total</b>				<b>\$ (41,910)</b>	<b>\$ (41,910)</b>	<b>\$ -</b>
40-DHHS-General	2	3403300 - Cash in Lieu	LA 29-10	9,852	9,852	\$ -
	3	3406000 - Cherokee Nation CAN Admin.	LA 29-10	(76,000)	(76,000)	\$ -
	4	3406001 - Community Anti Drug Network	Nov. Report	76,000	76,000	\$ -
	5	3406400 - Healthy Natin Foods Project	LA 29-10	9,303	9,303	\$ -
	6	3407300 - ES Category A CPPW	LA 29-10	(186,046)	(186,046)	\$ -
	7	3407400 - ES Category B Tobacco	Nov. Report	(201,379)	(201,379)	\$ -
<b>40-DHHS-General Total</b>				<b>\$ (368,270)</b>	<b>\$ (368,270)</b>	<b>\$ -</b>
50-US Department of Education	8	3504000 - SHS Cultural Enrichment Post	LA 29-10	3,163	3,163	\$ -
<b>50-US Department of Education Total</b>				<b>\$ 3,163</b>	<b>\$ 3,163</b>	<b>\$ -</b>
61-EPA	9	3612035 - Lead Testing Program II	LA 29-10	(8,550)	(8,550)	\$ -
<b>61-EPA Total</b>				<b>\$ (8,550)</b>	<b>\$ (8,550)</b>	<b>\$ -</b>
62-EPA	10	3622170 - ITEC UST System Development	LA 29-10	(164,428)	(164,428)	\$ -
	11	3622195 - Clean Air Monitoring	Oct. Report	99,847	99,847	\$ -
	12	3622265 - Clean Water 2010	LA 29-10	(1,586)	(1,586)	\$ -
	13	3622390 - Information Exchange	LA 29-10	(6,507)	(6,507)	\$ -
	14	3622410 - Atmospheric Mercury Monitor Svc	LA 29-10	36,685	36,685	\$ -
<b>62-EPA Total</b>				<b>\$ (35,989)</b>	<b>\$ (35,989)</b>	<b>\$ -</b>
75-Federal Other	15	3753600 - ES Doe Refueling Station #2	Oct. Report	(403,075)	(403,075)	\$ -
	16	3753601 - ES DOE Energy Policy	LA 29-10	(11,169)	(11,169)	\$ -
	17	3753603 - ES DOE Refueling Station #1	Oct. Report	403,075	403,075	\$ -
<b>75-Federal Other Total</b>				<b>\$ (11,169)</b>	<b>\$ (11,169)</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ (462,725)</b>	<b>\$ (462,725)</b>	<b>\$ -</b>

February Grants  
(Reporting Only)

CHEROKEE NATION  
PROPOSED FY 2011 AMENDMENT  
Sorted by Funding Source

Mod-5  
Request

Funding Source	Ref # by FS	Program/Purpose	FY 2011 #	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010420 - Commerce Exec Director GF	LA 29-10	10,000	10,000	\$ -
<b>01-Cherokee Nation Total</b>				<b>\$ 10,000</b>	<b>\$ 10,000</b>	<b>\$ -</b>
22-DOI - Self Governance	2	3221900 - Competitive Projects	LA 29-10	(13,954)	(13,954)	\$ -
<b>22-DOI - Self Governance Total</b>				<b>\$ (13,954)</b>	<b>\$ (13,954)</b>	<b>\$ -</b>
32-IHS - Self Governance Hea	3	3324050 - SANE	New	249,723	249,723	\$ -
<b>32-IHS - Self Governance Health Total</b>				<b>\$ 249,723</b>	<b>\$ 249,723</b>	<b>\$ -</b>
56-NAHASDA	4	3560636 - Land Acquisition	LA 29-10	24,587	24,587	\$ -
	5	3560736 - Housing Development	LA 29-10	(163,106)	(163,106)	\$ -
	6	3560837 - Foreclosure Purchases	LA 29-10	(511,453)	(511,453)	\$ -
	7	3560890 - NAHASDA Regulatory Compliance	LA 29-10	(2,020)	(2,020)	\$ -
	8	3560923 - Homeownership Bldg. Pkg. 09 IHP	LA 29-10	135,383	135,383	\$ -
	9	3560943 - ERV & Repairs	New	300,020	300,020	\$ -
	10	3561048 - Comm Svc Youth Development	LA 29-10	(2,121)	(2,121)	\$ -
	11	3561049 - MAP Fin Planning Self Suff.	LA 29-10	(5,162)	(5,162)	\$ -
	12	3561052 - Career Svc Day Work Training	LA 29-10	(767)	(767)	\$ -
	13	3561057 - Elder Housing Prot. Srv	LA 29-10	(1,093)	(1,093)	\$ -
	14	3561059 - Northern Area Housing Office	LA 29-10	(608)	(608)	\$ -
	15	3561060 - Transitional Emerg. Housing Bud.	LA 29-10	(1,560)	(1,560)	\$ -
	16	3561063 - Human Services Resident Svc	LA 29-10	(1,493)	(1,493)	\$ -
	17	3561064 - Complex One Stop	LA 29-10	(455)	(455)	\$ -
	18	3561066 - Families First	LA 29-10	(1,628)	(1,628)	\$ -
	19	3561072 - Mortgage Assistance Program	LA 29-10	(6,448)	(6,448)	\$ -
	20	3561073 - Rental Assistance Program	LA 29-10	(9,106)	(9,106)	\$ -
21	3561084 - Career Sv Section 3 Compliance	LA 29-10	(960)	(960)	\$ -	
<b>56-NAHASDA Total</b>				<b>\$ (247,990)</b>	<b>\$ (247,990)</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ (2,221)</b>	<b>\$ (2,221)</b>	<b>\$ -</b>



**CHEROKEE NATION TRIBAL COUNCIL  
FY2011 CEMETERY PRESERVATION ASSISTANCE**

**(AU:1023065 / Acct:680000)**

Recipient	Approved Date	Cherokee Nation District	Assistance Amount
FY10 Ending Balance	09/30/10		\$ 86,684.00
FY11 Current Year Funding	10/01/10		\$ -
IDC Allocation and PY Adjustment	10/01/10		\$ 1,334.00
<b>FY11 Available Balance (Direct)</b>	<b>10/01/10</b>		<b>\$ 88,018.00</b>
Hickory Creek Cemetery-NA Fellowship Inc	10/01/10	9-Craig	\$ 500.00
Timber Hill Cemetery-NA Fellowship Inc	10/28/10	9-Craig	\$ 500.00
Gooseneck Cemetery-NA Fellowship Inc	10/28/10	9-Craig	\$ 500.00
Mount Washington Cemetery-Harry Howard	10/28/10	9-Craig	\$ 500.00
Fisher Cemetery-Bert Nelson	10/28/10	4-Three Rivers	\$ 500.00
Phillips Family Cemetery-Polly Tyler	10/28/10	4- ThreeRivers	\$ 500.00
S-Qua-De-Li-Tsi Cemetery - Phyllis Pettit	10/28/10	3-Sequoyah	\$ 500.00
Holt Cemetery - C.D. Mosier	10/28/10	3-Sequoyah	\$ 500.00
Duncan Cemetery - Earl Strebeck	10/28/10	3-Sequoyah	\$ 500.00
Feathers Cemetery-Gary Littledeer	10/28/10	2-Trail of Tears	\$ 500.00
Littledeer Cemetery-Gary Littledeer	10/28/10	2-Trail of Tears	\$ 500.00
Spade Mountain Cemetery-Randy Duncan	10/28/10	2-Trail of Tears	\$ 500.00
Quinton Family Cemetery-Arethia Stann	10/28/10	2-Trail of Tears	\$ 500.00
Creek Sam Cemetery-French Wildcat	10/28/10	3-Sequoyah	\$ 500.00
Corntassel Cemetery - Herbert Downing	11/23/10	2-Trail of Tears	\$ 500.00
Soap Cemetery - Nadine Ross	12/01/10	2-Trail of Tears	\$ 500.00
Little Ruby Cemetery - Sandra Kuehn	01/04/11	9-Craig	\$ 500.00
Us Di Ebb Cemetery - Darrell Jr. Ebbs	01/04/11	9-Craig	\$ 500.00
Old Green Cemetery-George Richard	01/14/11	2-Trail of Tears	\$ 500.00
Sycamore Springs Cemetery-Alice Beaver	01/14/11	5-Delaware	\$ 500.00
Scott Cemetery-Laverne Walker	01/14/11	9-Craig	\$ 500.00
Benge Cemetery-Darrell Blaylock	01/14/11	6-Mayes	\$ 500.00
Ross/Daniel Cemetery-Wauneta Duvall	01/20/11	Cherokee	\$ 500.00
Jeffery Beck Cemetery-Donley Harrington	01/25/11	Delaware	\$ 500.00
New Hope Cemetery - Kathryn G. Carson	01/25/11	Muskogee	\$ 500.00
Citizen's Cemetery - Kathryn G. Carson	01/25/11	Muskogee	\$ 500.00
Honey Hill Cemetery-Jodi Simmons	01/25/11	Adair	\$ 500.00
Zion Cemetery-James M. Matthews	01/26/11	Adair	\$ 500.00
Garvin Cemetery-Herbert D. Garvin	01/26/11	Sequoyah	\$ 500.00
Ketcher Cemetery - Charlotte Stogsdill	01/27/11	Delaware	\$ 500.00
Betz Cemetery	01/27/11	Washington	\$ 500.00
Lynch Prairie Cemetery-Ernestine Allen	02/07/11	Mayes	\$ 500.00
O'Field Cemetery-Piney Baptist Church	02/11/11	Delaware	\$ 500.00
Snake Girty Cemetery-Doris Girty Prichard	02/11/11	Muskogee	\$ 500.00
			\$ 17,000.00
<b>Ending Balance</b>			<b>\$ 71,018.00</b>

ok



**COMPREHENSIVE BUDGET  
FOR FISCAL YEAR 2011  
Including Mod-5 Request**

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	52,371,357	2,397,405	54,768,762	45,272,809	4,227,595	5,268,358	54,768,762	0
Motor Fuels Tax Funding Srce	12,843,322	19,116,136	31,959,458	15,236,581	277,737	16,445,140	31,959,458	0
Motor Vehicle Tax Funding Srce	11,052,143	300,000	11,352,143	10,261,625	372,199	718,319	11,352,143	0
Permanent Fund Funding Source	10,000	0	10,000	10,000	0	0	10,000	0
DOI General Funding Source	16,914,548	0	16,914,548	15,865,198	1,049,350	0	16,914,548	0
DOI Self Gov Funding Source	13,017,234	79,600	13,096,834	11,843,669	1,174,757	78,408	13,096,834	0
DOI Self Gov Roads Funding Srce	39,039,448	0	39,039,448	38,464,349	306,195	268,904	39,039,448	0
Dept of Transportation Fnd Srce	14,434,261	0	14,434,261	14,365,704	46,480	22,077	14,434,261	0
DOI PL102-477 Funding Source	23,182,130	0	23,182,130	22,244,279	937,851	0	23,182,130	0
IHS Self Gov Health Funding Sr	211,174,649	0	211,174,649	191,291,266	14,172,971	5,710,412	211,174,649	0
IHS Self Gov TEH Funding Srce	7,448,434	0	7,448,434	7,055,024	393,410	0	7,448,434	0
IHS Self Gov Offic Funding Srce	410,894	0	410,894	359,245	51,649	0	410,894	0
IHS Discretionary Funding Srce	812,478	0	812,478	30,000	0	782,478	812,478	0
DHHS General Funding Source	39,605,357	601,100	40,206,457	37,089,267	3,117,190	0	40,206,457	0
USDA Funding Source	16,423,804	811,443	17,235,247	16,459,293	775,954	0	17,235,247	0
Dept of Education Funding Srce	1,257,986	63,956	1,321,942	1,205,836	116,106	0	1,321,942	0
HUD Funding Source	52,147,580	293,500	52,441,080	47,739,021	3,032,901	1,669,158	52,441,080	0
Housing Proceeds Funding Srce	4,150,000	0	4,150,000	3,834,415	188,348	0	4,022,763	127,237
EPA Funding Source	2,627,108	0	2,627,108	2,383,730	243,378	0	2,627,108	0
Dept of Labor Funding Source	8,102,811	0	8,102,811	7,317,744	785,067	0	8,102,811	0
Federal Other Funding Source	5,714,811	0	5,714,811	5,568,205	146,606	0	5,714,811	0
State of Oklahoma Funding Srce	666,029	0	666,029	593,283	72,746	0	666,029	0
Private Funding Source	552,432	159,536	711,968	595,506	65,470	50,992	711,968	0
Indirect Cost Pool Funding Srce	224,293	0	224,293	31,329,904	(32,123,962)	0	(794,058)	1,018,351
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	86,000	0	86,000	0	0	0	0	86,000
Enterprise Funding Source	1,410,081	1,669,158	3,079,239	1,118,719	0	0	1,118,719	1,960,520
Other Funding Source	179,705	12,000	191,705	180,484	11,221	0	191,705	0
Debt Service Funding Source	0	4,909,612	4,909,612	4,909,612	0	0	4,909,612	0
Capital Projects Funding Sourc	38,941,500	685,800	39,627,300	39,542,300	0	85,000	39,627,300	0
<b>Total</b>	<b>\$ 574,800,395</b>	<b>\$ 31,099,246</b>	<b>\$ 605,899,641</b>	<b>\$ 572,167,058</b>	<b>\$ (558,781)</b>	<b>\$ 31,099,246</b>	<b>\$ 602,707,533</b>	<b>\$ 3,192,108</b>

Mod-4 Request	\$ 9,143,246	02/14 - TC Mig
Mod-5 Request	\$ (2,221)	02/24 - E&F Cmte
<b>Total after Mod-4 &amp; Mod-5</b>	<b>\$ 611,848,558</b>	