

An Act

LEGISLATIVE ACT 08-13

AN ACT AMENDING LEGISLATIVE ACT #38-12 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2013 – 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 #38-12 Authorizing the Comprehensive Capital Budget for FY 2013 – 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 Capital Budget Act for Fiscal Year 2013” or subsequent amendment. The cumulative total of the capital budget is increased by **\$1,339,646** for a total capital budget authority of **\$107,133,950**. The following items are identified as the components of such change:

Grants Received & Authorized per L.A. 38-12 (detail attached)	\$ 27,838
Modification Request #3 (per Section 4 below)	<u>1,311,808</u>
Cumulative change in budget authority	<u>\$ 1,339,646</u>

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #38-12 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 capital budget authorization by an increase of **\$1,311,808** to wit:

A. An increase in the **Motor Vehicle Tax** budget authority of **\$1,311,808**.

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.

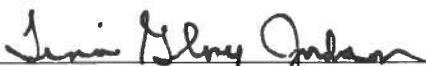
SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED

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

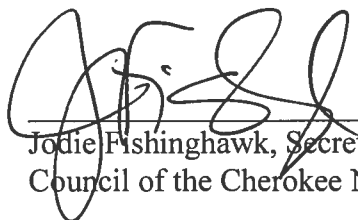
To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the _____ day of _____, 2013



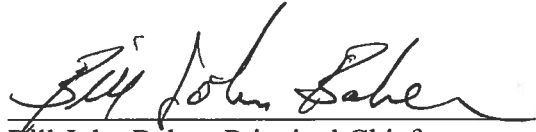
Tina Glory Jordan, Speaker
Council of the Cherokee Nation

ATTEST:



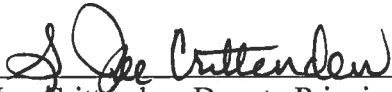
Jodie Fishinghawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15 day of February, 2013



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



S. Joe Crittenden, Deputy Principal Chief
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Lee Keener	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie FISHINGHAWK	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Curtis Snell	<u>Yea</u>	Dick Lay	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Meredith Frailey	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Jack Baker	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Joe Byrd	<u>Yea</u>		



CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece CPA, CIA, CMA

Executive Director of Financial Oversight

Memo

To: Jodie Fishinghawk, Chair, Executive & Finance Committee &
Chuck Hoskin, Jr., Co-Chair, Executive & Finance Committee

From: Jody S. Reece

CC: Executive & Finance Committee

Date: 01/16/2013

Re: Review of Capital 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. Capital Grants Received In December (Reporting Only):

<u>Funding Source</u>	<u>Reason</u>	<u>Amount</u>
Federal Other	Carryover reconciliation – Federal Transit Program	\$ 27,838
TOTAL GRANTS		\$ 27,838

B. Capital Mod #3 (1 budget) Increase in budget authority - \$1,311,808:

1. MVT Highway Construction - 1052000: Modification requesting an increase in expenditure authorization of \$1,311,808 to account for the FY 2012 allocation from the Motor Vehicle Tax and reconciliation of carryover for a revised total of \$3,395,834. This is the 90% allocation and the 10% allocation for administration is in the operating budget.

Summary:

After reviewing the submission by administration of Mod #3 to the Capital Budget, 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 2013 AMENDMENT
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2013 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
75-Federal Other	1	3753300 Federal Transit Program	LA 38-12	27,838	27,838	\$ -
75-Federal Other Total				\$ 27,838	\$ 27,838	\$ -
Grand Total				\$ 27,838	\$ 27,838	\$ -

CAPITAL - GRANT REPORTING ONLY

CHEROKEE NATION
 PROPOSED FY 2013 AMENDMENT
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2013 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
05-Vehicle Tax	1	1052000 MVT Highways Construction	LA 38-12	1,311,808	1,311,808	\$ -
05-Vehicle Tax Total				\$ 1,311,808	\$ 1,311,808	\$ -
Grand Total				\$ 1,311,808	\$ 1,311,808	\$ -

CAPITAL MOD-3 REQUEST

COMPREHENSIVE BUDGET FOR FISCAL YEAR 2013

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	76,789,683	1,838,091	78,627,774	66,693,312	4,331,381	7,603,081	78,627,774	0
Motor Fuels Tax Funding Srce	8,801,819	12,895,819	21,697,638	13,927,490	141,110	7,629,038	21,697,638	0
Motor Vehicle Tax Funding Srce	10,939,664	225,000	11,164,664	9,918,284	374,841	871,539	11,164,664	0
Permanent Fund Funding Source	10,000	0	10,000	10,000	0	0	10,000	0
DOI General Funding Source	11,234,026	0	11,234,026	10,376,349	857,677	0	11,234,026	0
DOI Self Gov Funding Source	13,801,610	79,600	13,881,210	12,697,433	1,168,777	15,000	13,881,210	0
DOI Self Gov Roads Funding Src	29,555,077	0	29,555,077	29,319,213	177,056	58,808	29,555,077	0
Dept of Transportation Fnd Src	39,109,995	0	39,109,995	38,895,421	114,731	99,843	39,109,995	0
DOI PL102-477 Funding Source	15,828,906	0	15,828,906	15,173,092	655,814	0	15,828,906	0
IHS Self Gov Health Funding Sr	260,665,937	0	260,665,937	240,511,347	17,504,590	2,650,000	260,665,937	0
IHS Self Gov TEH Funding Src	5,803,801	0	5,803,801	5,394,953	408,848	0	5,803,801	0
IHS Self Gov Offic Funding Src	322,788	0	322,788	291,397	31,391	0	322,788	0
IHS Discretionary Funding Srce	800,000	0	800,000	30,000	0	770,000	800,000	0
DHHS General Funding Source	34,426,638	528,696	34,955,334	32,038,544	2,916,790	0	34,955,334	0
USDA Funding Source	18,320,308	743,192	19,063,500	18,351,980	711,520	0	19,063,500	0
Dept of Education Funding Srce	1,251,231	65,875	1,317,106	1,201,961	115,145	0	1,317,106	0
HUD Funding Source	47,537,798	85,061	47,622,859	45,968,008	1,654,851	0	47,622,859	0
Housing Proceeds Funding Src	0	0	0	0	0	0	0	0
EPA Funding Source	2,132,491	0	2,132,491	1,891,909	240,582	0	2,132,491	0
Dept of Labor Funding Source	7,204,624	0	7,204,624	6,470,135	734,489	0	7,204,624	0
Federal Other Funding Source	3,973,990	500	3,974,490	3,639,290	139,898	195,302	3,974,490	0
State of Oklahoma Funding Srce	1,445,015	0	1,445,015	1,318,780	126,235	0	1,445,015	0
Private Funding Source	203,700	172,575	376,275	330,126	46,149	0	376,275	0
Indirect Cost Pool Funding Src	165,065	900	165,965	35,132,637	(32,404,009)	0	2,728,628	(2,562,663)
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	86,000	0	86,000	86,000	0	0	86,000	0
Enterprise Funding Source	1,261,199	195,302	1,456,501	1,451,056	0	0	1,451,056	5,445
Other Funding Source	180,099	12,000	192,099	181,373	10,726	0	192,099	0
Debt Service Funding Source	0	2,650,000	2,650,000	2,650,000	0	0	2,650,000	0
Capital Projects Funding Sourc	21,387,856	400,000	21,787,856	21,731,369	56,487	0	21,787,856	0
Total	\$ 613,239,320	\$ 19,892,611	\$ 633,131,931	\$ 615,681,459	\$ 115,079	\$ 19,892,611	\$ 635,689,149	\$ (2,557,218)

Non Grant Requests

Mod-4 Oper Req	3,209,612	1/14 Council
Mod-2 Cap Req	2,246,329	1/14 Council
Mod-5 Oper Reg	1,639,884	1/29 E&F
Mod-3 Cap Reg	1,311,808	1/29 E&F

CAPITAL RECONCILIATION

LA-38-12 CAB	\$ 103,547,975
Mod-2 Capital	2,246,329
Mod-3 Capital	1,339,646
Total Capital	\$ 107,133,950

Total after pending Mod's \$ 644,096,782

Operating (LA37-12) \$ 536,962,832 (thru Mod-5 oper)
 Capital (LA-38-12) 107,133,950 (thru Mod-3 cap)
Recap \$ 644,096,782

CHEROKEE NATION - FY2013 BUDGET REQUEST FORM

PART-1

Budget Period:	10/01/2012-09/30/2013	Budget Preparer	Phone:	3851
Contract Period:	10/01/2012-09/30/2013	Name:	Ashley Canoe	
Contract Number:		Accounting Unit Director/Manager	Phone:	
Accounting Fund:	1-General Fund	Name:	Michael Lynn	
Funding Source:	05-Vehicle Tax	Group Leader	Phone:	5248
AU Description:	MVT Highways Const	Name:	Ron Qualls	
Accounting Unit:	1052000	1st Person Responsible	Employee #	104869
Place IDC Rate in Part 4 Below		SBC Agreement:	Name:	Phone:
Date/Time Printed:	18-Dec-12 03:36 PM	Notes: FY12 actual carryover		

PART-2

Staffing Summary:	FY 2013 REVISION 1	FY 2013 ORIG REQUEST	Incr \ (Decr)
# of Regular Full-Time Employee Equivalents:			-
# of Regular Part-Time Employee Equivalents:			-
# of Temp. Full-Time Employee Equivalents:			-
# of Temp. Part-Time Employee Equivalents:			-
# of Other Employee Equivalents:			-
TOTAL NUMBER OF EMPLOYEE-EQUIVALENTS			-

PART-3

Revenues: (Show as positive #)	Account #			Incr \ (Decr)
Carryover: "appropriated" PY	490000			
Please enter a valid account number - >>>		\$3,395,834	\$2,084,026	\$ 1,311,808
Please enter a valid account number - >>>				\$ -
DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE!				\$ -
Total Revenues		\$ 3,395,834	\$ 2,084,026	\$ 1,311,808

PART-4

Expenditures:	Account #	Subject to IDC ?		Subject to IDC ?		Incr \ (Decr)
		YES	NO	YES	NO	
DO NOT COPY TO, COPY ABOVE, OR REMOVE THIS LINE!						
Salaries & wages	800000	\$0				\$ -
Fringe benefits	810000	\$0				\$ -
Contract services >=\$5K	650000		\$3,395,834		\$2,084,026	\$ 1,311,808
Please enter a valid account number - >>>						\$ -
Please enter a valid account number - >>>						\$ -
Please enter a valid account number - >>>						\$ -
DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE!						\$ -
Expenditures NOT Subject to IDC			\$ 3,395,834		\$ 2,084,026	\$ 1,311,808
Expenditures SUBJECT to IDC		\$ -		\$ -		\$ -
Indirect Cost Rate (If blank or zero, must explain in Notes above)		14.15%		14.15%		\$ -
Indirect Cost Allocation	970000	\$ -		\$ -		\$ -
Total Expenditures			\$ 3,395,834		\$ 2,084,026	\$ 1,311,808

Revenues OVER \ (UNDER) Expenditures		\$ -	\$ -	\$ -
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Transfers In\Out - (Show ALL as Positive Numbers)

Operating Transfers IN					
Other financing sources	900000				\$ -
Cash in: tribally required	900010				\$ -
Cash in: grant required	900020				\$ -
Cash in: motor fuel tax	900040				\$ -
Cash in: vehicle tax	900050				\$ -
Cash in: interprogram contract	900060				\$ -
Cash in: debt service	900070				\$ -

Operating Transfers OUT					
Other financing uses	900001				\$ -
Cash out: tribally required	900011				\$ -
Cash out: grant required	900021				\$ -
Cash out: motor fuel tax	900041				\$ -
Cash out: vehicle tax	900051				\$ -
Cash out: interprogram contract	900061				\$ -
Cash out: debt service	900071				\$ -

Transfers In\Out - Net		\$ -	\$ -	\$ -
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Take to Narrative ==>		\$ 3,395,834	\$ 2,084,026	\$ -
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Excess\ (Deficit) of Revenues, Expenditures and Net Transfers		\$ -	\$ -	\$ -
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FISCAL-YEAR	ACCT-UN	VALUE-NAME	ACCOUNT	ACCOUNT-DESC	ACTIVITY-CB	Classification
2012	1050000	CN Tax Comm Tag Office	431000	Motor vehicle tag revenue	(420,198.53)	MVT
2012	1050000	CN Tax Comm Tag Office	431010	Motor vehicle registration fee	(3,871,000.37)	MVT
2012	1050000	CN Tax Comm Tag Office	431020	Motor vehicle registration tax	(4,102,192.81)	MVT
2012	1050000	CN Tax Comm Tag Office	431030	Motor vehicle title fee	(178,926.50)	MVT
2012	1050000	CN Tax Comm Tag Office	431040	Motor vehicle reg-penalties	(236,734.10)	MVT
2012	1050000	CN Tax Comm Tag Office	431060	Boat/motor tag revenue	(6,446.50)	Other Income
2012	1050000	CN Tax Comm Tag Office	431070	Boat registration fee	(45,802.30)	Other Income
2012	1050000	CN Tax Comm Tag Office	431080	Boat registration tax	(85,168.18)	Other Income
2012	1050000	CN Tax Comm Tag Office	431090	Boat/motor penalties	(7,838.45)	Other Income
2012	1050000	CN Tax Comm Tag Office	431100	Boat title fee	(6,276.00)	Other Income
2012	1050000	CN Tax Comm Tag Office	440010	Interest income	(11,467.86)	Other Income
2012	1050000	CN Tax Comm Tag Office	499000	Other Income	(5,348.40)	Other Income
2012	1050000	CN Tax Comm Tag Office	600000	Salaries & wages	1,010,148.41	Tag Exp
2012	1050000	CN Tax Comm Tag Office	610000	Fringe benefits	517,035.62	Tag Exp
2012	1050000	CN Tax Comm Tag Office	610160	Annual leave used (contra)	(77,052.83)	Tag Exp
2012	1050000	CN Tax Comm Tag Office	610180	Full time vacation taken	66,895.12	Tag Exp
2012	1050000	CN Tax Comm Tag Office	610185	Vacation sell back	10,157.71	Tag Exp
2012	1050000	CN Tax Comm Tag Office	610200	Sick leave	48,734.42	Tag Exp
2012	1050000	CN Tax Comm Tag Office	610210	Sick leave used (contra)	(48,734.42)	Tag Exp
2012	1050000	CN Tax Comm Tag Office	610260	Holiday leave used (contra)	(46,320.24)	Tag Exp
2012	1050000	CN Tax Comm Tag Office	610270	Holiday observance: full-time	46,320.24	Tag Exp
2012	1050000	CN Tax Comm Tag Office	620000	Staff development & training	2,378.00	Tag Exp
2012	1050000	CN Tax Comm Tag Office	620500	Recruitment	52.34	Tag Exp
2012	1050000	CN Tax Comm Tag Office	630020	Mileage-travel exp stmnt	137.34	Tag Exp
2012	1050000	CN Tax Comm Tag Office	630040	Tolls/parking-travel	144.82	Tag Exp
2012	1050000	CN Tax Comm Tag Office	630050	Per diem	1,293.39	Tag Exp
2012	1050000	CN Tax Comm Tag Office	630070	Lodging	2,313.50	Tag Exp
2012	1050000	CN Tax Comm Tag Office	630090	Air fares	473.80	Tag Exp
2012	1050000	CN Tax Comm Tag Office	630100	Ground fares	188.61	Tag Exp
2012	1050000	CN Tax Comm Tag Office	630110	Baggage fees	102.50	Tag Exp
2012	1050000	CN Tax Comm Tag Office	640000	Contract services < \$5K	10,322.35	Tag Exp
2012	1050000	CN Tax Comm Tag Office	680000	Supplies	33,220.23	Tag Exp
2012	1050000	CN Tax Comm Tag Office	680010	Office supplies	28,982.20	Tag Exp
2012	1050000	CN Tax Comm Tag Office	680070	Equipment < \$5K	5,077.77	Tag Exp
2012	1050000	CN Tax Comm Tag Office	690070	Printing cost	184,690.51	Tag Exp
2012	1050000	CN Tax Comm Tag Office	690080	Direct billed: telephone expen	15,017.10	Tag Exp
2012	1050000	CN Tax Comm Tag Office	690090	Direct billed: cell/mobile pho	5,968.57	Tag Exp
2012	1050000	CN Tax Comm Tag Office	690110	Direct billed: internet	16,077.77	Tag Exp
2012	1050000	CN Tax Comm Tag Office	690120	Direct billed: mailing cost	61,539.19	Tag Exp
2012	1050000	CN Tax Comm Tag Office	690130	Direct billed: printing/copyin	2,220.00	Tag Exp
2012	1050000	CN Tax Comm Tag Office	690500	Lease/rent: furniture & equip	28,513.77	Tag Exp
2012	1050000	CN Tax Comm Tag Office	700000	Building rent/lease	20,460.00	Tag Exp
2012	1050000	CN Tax Comm Tag Office	700010	Utilities	3,331.67	Tag Exp
2012	1050000	CN Tax Comm Tag Office	700020	Electric	1,836.55	Tag Exp

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

AN ACT AMENDING LEGISLATIVE ACT #38-12 AUTHORIZING
THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2013
CAPITAL - MOD 3; AND DECLARING AN EMERGENCY

TITLE:

DEPARTMENT CONTACT: Gaylon Thompson

RESOLUTION PRESENTER: _____

COUNCIL SPONSOR: _____

NARRATIVE:

**ADMINISTRATIVE
CLEARANCE**

Dept/Program:

Signature/Initial Date

Executive Director:

Signature/Initial Date

**Treasurer: (Required:
Grants/Contracts/Budgets)**

Gaylon Thompson 1.9.13
Signature/Initial Date

Government Resources:

Signature/Initial Date

Administration Approval:

Signature/Initial Date

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Signature/Initial Date

Standing Committee & Date:

Chairperson:

Signature/Initial Date

Returned to Presenter: _____
Date