

# An Act

## LEGISLATIVE ACT 01-23

### AN ACT AMENDING LEGISLATIVE ACT #30-22 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2023 – 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 #30-22 Authorizing the Comprehensive Operating Budget for FY 2023 – 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 2023” or subsequent amendment. The cumulative total of the budget is increased by **\$ 3,835,270** for a total budget authority of **\$ 3,030,592,049**. The following items are identified as components of such change:

Grants Received & Authorized per LA 30-22 (detail attached)	\$	2,820,922
Modification Request (see Section 4 below)		<u>1,014,348</u>
<b>Cumulative change in budget authority</b>	<b>\$</b>	<b><u>3,835,270</u></b>

#### SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #30-22 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 **\$ 1,014,348** to wit:

- A. An increase in the **Tribally Funded** budget authority of **\$ 0**.
- B. An increase in the **Enterprise** budget authority of **\$ 628,000**.
- C. An increase in the **DOI – PL 102-477** budget authority of **\$ 2,711,924**.
- D. A decrease in the **DOI - Self Governance** budget authority of **\$ (1,634,652)**.
- E. A decrease in the **NAHASDA** budget authority of **\$ (690,924)**.

**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.

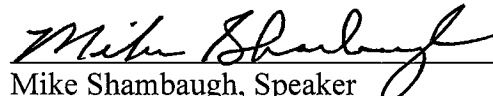
**SECTION 7. EFFECTIVE DATE: EMERGENCY DECLARED**

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.

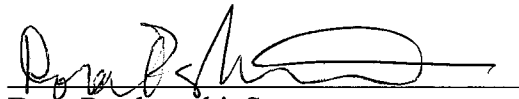
**SECTION 8. SELF-HELP CONTRIBUTIONS**

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.

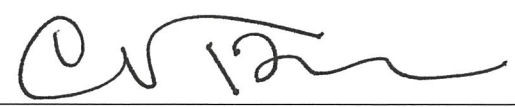
Enacted by the Council of the Cherokee Nation on the 17<sup>th</sup> day of January, 2023

  
Mike Shambaugh, Speaker  
Council of the Cherokee Nation

ATTEST:

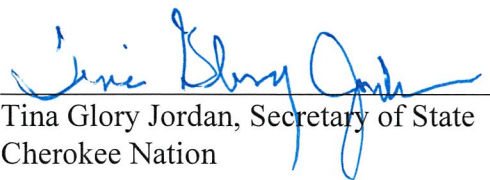
  
Dora Patzkowski, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 26 day of January, 2023



\_\_\_\_\_  
Chuck Hoskin Jr., Principal Chief  
Cherokee Nation

ATTEST:



\_\_\_\_\_  
Tina Glory Jordan, Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Yea</u>	Dora Patzkowski	<u>Yea</u>
Dr. Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E.O. "Jr" Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Josh Sam	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Julia Coates	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

CHEROKEE NATION  
 PROPOSED FY 2023 AMENDMENT  
 Sorted by Funding Source

				Data		
Funding Source	Ref # by FS	Program/Purpose	FY 2023-Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
20-DOI - General	1	3205210 Fish Wildlife Tribal Summit	new	68,268	68,268	\$ -
	2	3205220 MS Water Act Drought Study	new	400,000	400,000	\$ -
<b>20-DOI - General Total</b>				<b>\$ 468,268</b>	<b>\$ 468,268</b>	<b>\$ -</b>
40-DHHS-General	3	3401320 CN Zero Suicide Project	LA 30-22	50,714	50,714	\$ -
	4	3401350 Project Hope	LA 30-22	585,979	585,979	\$ -
	5	3401450 CN Project Sunale	LA 30-22	302,714	302,714	\$ -
	6	3401620 TRIBAL PRACTICES FOR WELLNESS	new	150,000	150,000	\$ -
	7	3405520 Tribal Opioid Response 2	LA 30-22	2,202,408	2,202,408	\$ -
	8	3409500 Medicare Outreach Asst. Prog.	new	10,040	10,040	\$ -
<b>40-DHHS-General Total</b>				<b>\$ 3,301,855</b>	<b>\$ 3,301,855</b>	<b>\$ -</b>
75-Federal Other	9	3759760 SS Fox Suicide Prvntn Grant	new	750,000	750,000	\$ -
<b>75-Federal Other Total</b>				<b>\$ 750,000</b>	<b>\$ 750,000</b>	<b>\$ -</b>
85-Private	10	3856300 Volkswagen Settlement	LA 30-22	(1,699,201)	(1,699,201)	\$ -
<b>85-Private Total</b>				<b>\$ (1,699,201)</b>	<b>\$ (1,699,201)</b>	<b>\$ -</b>
<b>Grand Total</b>				<b>\$ 2,820,922</b>	<b>\$ 2,820,922</b>	<b>\$ -</b>

## December Grants - Reporting Only

CHEROKEE NATION  
PROPOSED FY 2023 AMENDMENT  
Sorted by Funding Source

Funding Source	Ref # by FS	Program/Purpose	FY 2023- Prior LA	Data		
				Amend. Change to Sources	Amend. Expenses Total Change	Net Change
01-Cherokee Nation	1	1010296 Unappropriated Reserve	Mod 1	-	(256,984)	\$ 256,984
	2	1010391 Cherokee Nation Events	new	-	50,000	\$ (50,000)
	3	1010696 Head Start Supplemental	LA30-22	-	206,984	\$ (206,984)
<b>01-Cherokee Nation Total</b>				\$ -	\$ -	\$ -
10-Enterprise	4	4109100 Heirs Relending Program	new	628,000	628,000	\$ -
<b>10-Enterprise Total</b>				\$ 628,000	\$ 628,000	\$ -
22-DOI - Self Governance	5	3221230 HIP ARPA	LA30-22	(1,634,652)	(1,634,652)	\$ -
<b>22-DOI - Self Governance Total</b>				\$ (1,634,652)	\$ (1,634,652)	\$ -
23-DOI-PL 102-477	6	3230012 DF Infant Immersion Child Care	new	2,711,924	2,711,924	\$ -
<b>23-DOI-PL 102-477 Total</b>				\$ 2,711,924	\$ 2,711,924	\$ -
56-NAHASDA	7	3562015 Tahlequah Rehab Office Constrc	LA30-22	(554,630)	(554,630)	\$ -
	8	3562019 Stilwell Office Construction	LA30-22	(5,435)	(5,435)	\$ -
	9	3562021 Sequoyah Heights Community Bld	LA30-22	(5,700)	(5,700)	\$ -
	10	3562022 Claremore Office Construction	LA30-22	(6,265)	(6,265)	\$ -
	11	3562075 Housing Management	LA30-22	(71,045)	(71,045)	\$ -
	12	3562098 Planning and Administration	LA30-22	(47,849)	(47,849)	\$ -
<b>56-NAHASDA Total</b>				\$ (690,924)	\$ (690,924)	\$ -
<b>Grand Total</b>				\$ 1,014,348	\$ 1,014,348	\$ -

## Operating Mod #3 Request

# COMPREHENSIVE BUDGET FOR FISCAL YEAR 2023

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NET
Tribally Funded Funding Source	284,330,282	19,425,019	303,755,301	282,106,934	7,188,974	14,459,393	303,755,301	-
Motor Fuels Tax Funding Srce	10,985,384	19,348,346	30,333,730	20,756,283	72,447	9,505,000	30,333,730	-
Motor Vehicle Tax Funding Srce	37,825,564	1,140,440	38,966,004	37,572,428	877,305	516,271	38,966,004	-
Permanent Fund Funding Source	9,100	0	9,100	9,100	0	0	9,100	-
DOI General Funding Source	20,260,834	0	20,260,834	18,600,988	1,659,846	0	20,260,834	-
DOI Self Gov Funding Source	36,607,914	79,600	36,687,514	34,661,149	2,016,365	10,000	36,687,514	-
DOI Self Gov Roads Funding Src	0	0	0	0	0	0	0	-
Dept of Transportation Fnd Src	83,009,087	0	83,009,087	82,653,716	255,371	100,000	83,009,087	-
DOI PL102-477 Funding Source	407,665,453	0	407,665,453	358,978,706	2,547,070	46,139,677	407,665,453	-
IHS Self Gov Health Funding Sr	815,494,675	0	815,494,675	749,857,429	46,896,095	18,741,151	815,494,675	-
IHS Self Gov TEH Funding Src	26,090,941	0	26,090,941	25,746,586	344,355	0	26,090,941	-
IHS Self Gov Offic Funding Src	386,587	0	386,587	351,067	35,520	0	386,587	-
IHS Discretionary Funding Srce	150,000	0	150,000	100,000	0	50,000	150,000	-
DHHS General Funding Source	91,223,512	678,560	91,902,072	85,565,002	6,337,070	0	91,902,072	-
USDA Funding Source	28,199,236	1,025,691	29,224,927	28,391,450	833,477	0	29,224,927	-
Dept of Education Funding Srce	1,248,426	87,222	1,335,648	1,227,226	88,422	20,000	1,335,648	-
HUD Funding Source	69,205,037	1,602,501	70,807,538	67,739,637	265,400	2,802,501	70,807,538	-
Housing Proceeds Funding Src	0	0	0	0	0	0	0	-
EPA Funding Source	2,342,588	0	2,342,588	2,132,906	209,682	0	2,342,588	-
Dept of Labor Funding Source	27,398,701	0	27,398,701	26,040,264	1,358,437	0	27,398,701	-
Dept of Treasury Funding Source	1,023,377,070	0	1,023,377,070	1,019,980,225	3,146,845	250,000	1,023,377,070	-
Federal Other Funding Source	19,931,983	147,587	20,079,570	19,294,925	780,438	4,207	20,079,570	-
State of Oklahoma Funding Srce	884,367	0	884,367	825,274	59,093	0	884,367	-
Private Funding Source	5,051,971	0	5,051,971	5,041,300	10,671	0	5,051,971	-
Indirect Cost Pool Funding Src	82,302,528	6,750	82,309,278	82,309,278	0	0	82,309,278	-
Fringe Pool Funding Source	0	0	0	0	0	0	0	-
Internal Lease Pool Funding Sr	5,478,811	0	5,478,811	5,478,811	0	0	5,478,811	-
Enterprise Funding Source	1,166,891	1,699,807	2,866,698	2,733,675	133,023	0	2,866,698	-
Other Funding Source	268,000	17,000	285,000	280,066	4,934	0	285,000	-
Debt Service Funding Source	0	0	0	0	0	0	0	-
Capital Projects Funding Sourc	406,392,879	47,339,677	453,732,556	453,580,456	152,100	0	453,732,556	-
<b>Total</b>	<b>\$ 3,487,287,821</b>	<b>\$ 92,598,200</b>	<b>\$ 3,579,886,021</b>	<b>\$ 3,412,014,881</b>	<b>\$ 75,272,940</b>	<b>\$ 92,598,200</b>	<b>\$ 3,579,886,021</b>	<b>\$ -</b>

### Non Grant Requests

CAPITAL RECONCILIATION	
LA 29-22	\$ 569,345,306
Cap Mod #1	13,754,571
Cap Mod #2	1,036,000

Oper Mod #1	17,853,892	11/14 Council
Cap Mod #1	13,754,571	11/14 Council
Oper Mod #2	1,183,094	11/14 Council
Cap Mod #2	1,036,000	11/14 Council
<b>Oper Mod #3</b>	<b>1,014,348</b>	<b>12/13 E&amp;F</b>

Total after pending Mod's

**\$ 3,614,727,926**

**Total Capital \$ 584,135,877**

Operating (LA 44-21) Cumulative Oper  
Capital (LA 43-21) Cumulative Cap  
**Grand Total \$ 3,614,727,926**

CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA

Executive Director of Financial Oversight



M e m o

To: Keith Austin, Chairman, Executive & Finance Committee
From: Jody S. Reece
CC: Executive & Finance Committee
Date: 11/30/2022
Re: Review of Operating Budget Mod #3 – Total \$ 3,835,270

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. Grant Reporting:

Table with 3 columns: Funding Source, # of Budgets, Amount. Rows include DOI General, DHHS General, Federal Other, Private, and Total Grant Reporting.

General Fund Cash Match for Grants (1010315) – Start of Year

Table showing cash match details: Cash Out: Grant Required, Appropriated for Cash Match (future grants), Original Total Budget, Original Appropriated for Cash Match – for future grants, Used, Balance Available for Future Grant Matching.

B. MOD #3 Request - Increase in budget authority - \$ 1,014,348

- 1. Unappropriated Reserve – 1010296 – Tribally Funded: Modification requesting a decrease in expenditure authorization of \$ (256,984) in the Reserve by Appropriation account, to provide funding for the budgets in 2 and 3. The funding is provided by General Fund carryover.
2. Cherokee Nation Events – 1010391 – Tribally Funded: New budget requesting expenditure authorization of \$50,000. No detail was provided for examples or type of events.

3. Head Start Supplemental – Tribally Funded: Modification requesting an increase in expenditure authorization of \$206,984 to meet the cash match requirement. The new budgeted expenditure total is \$593,736.
4. HIP ARPA – 3221230 – DOI Self Governance: Modification requesting a decrease in expenditure authorization of \$(1,634,652) for adjustment to actual carryover. The new budgeted expenditure total is \$8,069,115.
5. DF Infant Immersion Child Care – 3230012 – DOI PL 102-477: New budget requesting expenditure authorization of \$2,711,924 for operations of the facility that will require approximately 24 direct care childcare workers and 20 administrative staff.
6. Tahlequah Rehab Office Constrc – 3562015 – NAHASDA: Modification requesting a decrease in expenditure authorization of \$(554,630) for adjustment to actual carryover. The new budgeted expenditure total is \$4,627,288.
7. Stilwell Office Construction – 3562019 – NAHASDA: Modification requesting a decrease in expenditure authorization of \$(5,435) for adjustment to actual carryover. The new budgeted expenditure total is \$1,544,565.
8. Sequoyah Heights Community Bldg – 3562021 – NAHASDA: Modification requesting a decrease in expenditure authorization of \$(5,700) for adjustment to actual carryover. The new budgeted expenditure total is \$594,300.
9. Claremore Office Construction – 3562022 – NAHASDA: Modification requesting a decrease in expenditure authorization of \$(6,265) for adjustment to actual carryover. The new budgeted expenditure total is \$106,999.
10. Housing Management – 3562075 – NAHASDA: Modification requesting a decrease in expenditure authorization of \$(71,045) for adjustment to actual carryover. The new budgeted expenditure total is \$776,914.
11. Planning and Administration – 3562098 – NAHASDA: Modification requesting a decrease in expenditure authorization of \$(47,849) for adjustment to actual carryover. The new budgeted expenditure total is \$290,676.
12. Heirs Relending Program – 4109100 – Enterprise: New budget requesting expenditure authorization of \$628,000. The Cherokee Nation Economic Development Trust Authority (CNEDTA) has established a relending program that will provide loan funds to eligible borrowers to resolve ownership and succession on farmland with multiple owners (heirs).

**Summary:**

After reviewing the submission of the operating modification by administration, I find no technical issues surrounding these requests, nor do I have any unmentioned concerns related to their respective carryover estimates. If I can provide any additional information, please do not hesitate to contact me.



Respectfully,

A handwritten signature in black ink, reading "Jody S. Reece". The signature is written in a cursive style with a large, looping initial "J".

Jody S. Reece CPA, CIA, CMA  
Executive Director of Financial Oversight  
Office: 918-453-5573  
Cell: 918-525-2017  
Email: [jody-reece@cherokee.org](mailto:jody-reece@cherokee.org)