Committee: <u>Executive & Finance</u>

Assigned:

12/03/2013 Committee: 12/16/2013

Sponsor: Fishinghawk / Taylor

Author: Jody S. Reece

An Act

LEGISLATIVE ACT 32-13

AN ACT AMENDING LEGISLATIVE ACT #21-13 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2014 - Mod. 4; 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 #21-13 Authorizing the Comprehensive Operating Budget for FY 2014 - Mod. 4".

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 2014" or subsequent amendment. The cumulative total of the budget is increased by \$\frac{11,492,495}{2}\$ for a total budget authority of \$584,933,491. The following items are identified as components of such change:

Grants Received & Authorized per LA-21-13 (detail attached)	\$	423,864
Modification Request #4 (see Section 4 below)	1	1,068,631
Cumulative change in budget authority	<u>\$ 1</u>	1,492,495

SECTION 3. <u>LEGISLATIVE HISTORY</u>

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #21-13 are applicable to this amendment.

SECTION 4. <u>FUNDING AUTHORIZATIONS</u>

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 \$\sum_{11,068,631}\$ to wit:

A. An increase in the General Fund budget authority of \$ 11,068,631.

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 16th day of December, 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 _____ day of _____, 2013

Bill John Baker, Principal Chief

Cherokee Nation

ATTEST:

Chuck Hoskin, Jr., Secretary of State Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory-Jordan	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Victoria Vazquez	Yea
David Walkingstick	<u>Yea</u>	Dick Lay	Yea
Don Garvin	<u>Yea</u>	Cara Cowan Watts	Yea
David W. Thornton, Sr.	<u>Yea</u>	Lee Keener	Yea
Janelle Fullbright	<u>Yea</u>	Janees Taylor	Yea
Frankie Hargis	<u>Yea</u>	Jack Baker	Yea
Jodie Fishinghawk	<u>Absent</u>	Julia Coates	Yea
Curtis Snell	<u>Absent</u>		

CHEROKEE NATION PROPOSED FY 2014 AMENDMENT Sorted by Funding Source

				Data		
					Amend.	
	Ref # by		FY 2014	Amend. Change	Expenses Total	Net
Funding Source	FS	Program/Purpose	Prior LA	to Sources	Change	Change
40-DHHS-General	1	3404800 Strengthening Public Health	LA 21-13	(11,090)		
40-DHHS-General Total				\$ (11,090)		
62-EPA	2	3622170 ITEC UST Systems Develop	LA 21-13	(143,999)		
62-EPA Total				\$ (143,999)		
75-Federal Other	3		New	116,478	116,478	
	4	3755600 TRGP Equipment	New	294,277	294,277	
	5	3755700 TRGP Hiring	New	160,698	160,698	
75-Federal Other Total				\$ 571,453	\$ 571,453	\$ -
85-Private	6	3853700 Charter School Playground	New	5,000	5,000	
	7	3853900 Immersion Fit for Life	New	500	500	\$ -
	8	3854000 Vinita Dental Promo Prev Proj	New	2,000	2,000	7
85-Private Total				\$ 7,500		
Grand Total				\$ 423,864	·	

Grants Reporting Only

CHEROKEE NATION PROPOSED FY 2014 AMENDMENT Sorted by Funding Source

				Data		
	Ref # by		FY 2014	Amend. Change	Amend. Expenses Total	
Funding Source	FS	Program/Purpose	Prior LA	to Sources	Change	Net Change
01-Cherokee Nation	1	1011010 Tax Commission	LA 21-13	11,061,200	11,061,200	\$ -
	2	1016000 One Fire Helping Victims	LA 21-13	7,431	7,431	\$ -
01-Cherokee Nation Total			\$ 11,068,631	\$ 11,068,631	\$ -	
Grand Total				\$ 11,068,631	\$ 11,068,631	\$ -

Operating Mod #4 Request

COMPREHENSIVE BUDGET FOR FISCAL YEAR 2014

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Operating (LA21-13) \$ 584,933,491 Cumulative Oper
Capital (LA-22-13) 97,360,612 Cumulative Cap
Grand Total \$ 682,294,103



CHEROKEE NATION TRIBAL COUNCIL

Jody S. Reece, CPA, CIA, CMA **Executive Director of Financial Oversight**

Memo

To:

Jodie Fishinghawk, Chair, Executive & Finance Committee &

Janees Taylor, Co-Chair, Executive & Finance Committee

From:

Jody S. Reece

CC:

Executive & Finance Committee

Date:

12/03/2013

Re:

Review of Operating Budget Modification #4 – Total \$ 11,492,495

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:

December Grant Reporting:

Funding Source	Reason	Amount
DHHS - General	1 – carryover reconciliation and new award	\$ (11,090)
EPA	1 – carryover reconciliation	(143,999)
Federal Other	3 – carryover reconciliation and two new awards	571,453
Private	3 – carryover reconciliation and two new awards	7,500
	TOTAL GRANTS	\$ 423,864

General Fund Cash Match for Grants (1010315) - In the original budget of \$2,300,072, there was \$1,550,072 in Cash Out: Grant Required and \$750,000 in Appropriated for Cash Match for future grants.

Original Appropriated for Cash Match

\$ 750,000

Used: ICDBG Retail Incubator (3552600)

(208,101)

October reporting

Balance Available

\$ 541.899

MOD - 4 Request - (2 budgets) Increase in budget authority - \$11,068,631 B.

- 1. Tax Commission 1011010 General Fund: Modification requesting an increase in expenditure authorization of \$11,061,200 for Tobacco Tax Rebates related to the new tobacco compact effective November 1, 2013 and the related LA 30-13. Estimated revenues are also increased by \$11,061,200 therefore the bottom line net revenue is unchanged with this modification. The impacts of the monetary and volume changes are estimated at this time and will be monitored to see if later modification(s) will be needed.
- 2. One Fire Helping Victims 1016000 General Fund: Modification requesting an increase in expenditure authorization of \$7,431 related to offsetting projected contributions and donations. A list of events is attached to the budget.

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<u> </u>	1111	111	all	/ -

After reviewing the submission of Mod-4 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,	
Alle	Fflee
Attachments	

Funding Source: AU Description: AU Description: Accounting Unit: Place Date/Time Printed: PART-2 Staffing Summary: # of Regular Part-Time # of Regular Part-Time # of Temp. Pult-Time # of Temp. Pult-Time # of Temp. Part-Time # of Temp. Part-Time # of Temp. Part-Time # of Other Empl TOTAL NUMBER OF EMPL Cigarette tax revenue Please enter a valid account DO NOT COPY TO, COPY BELO Total Re PART-3 Revenues: Alcohol sales tax revenue Please enter a valid account DO NOT COPY TO, COPY BELO Total Re PART-4 Expenditures: DO NOT COPY TO, COPY ABOV Salaries & wages ringe benefits Staff development & training leccultment Travel-staff Contract services >= \$5K Cont	e Employee Equivalents: e Employee Equivalents: e Employee Equivalents: Employee Equivalents: loyee Equivalents: oyee Equivalents: over Equivalents over	Account # 435040 435040 435050 435060 435060 810000 620000 620000	Name: Executive Dire Name: 1st Person Res Employee # FY 2014	REVISION 1 3.75 0.50 4.25 \$11,172,482 \$3,494,707 \$823 \$0,50 \$7,385 \$3,103,816 \$235,881 \$18,015,074	FY 2014 OR	\$2,876,850 \$729,139 \$823 \$0 \$7,385 \$3,103,816 \$235,881	Incr \ (Decr \ (Decr \)
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10/1/2013-9/30/2014	Sharon Swepston
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	Position Vacant≃V	Salary Class: Salary = S							ST TON EMPLOYEE			Totals For This Accounting Unit	Aunting Unit
Job Title	New=N Existing=E	_	Grade Range	Emp. #	Pay Rate	Expected Hours To Pay	ours To Pay	Wages		Fringe	*	Expected Wages	Expected
1 TAX COMM ADMIN	Ε			102293	\$89 075 3A		Name of the last	Gloss	Series-Status	Rate%	Perc.	(Gross)	Benefits
2 SYSTEM ADMINISTRATOR	E	S		104403	S70 528 R2			\$89,975	Regular FT	32.50%	20%	\$44.988	S14 621
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STAY COMMISSION	w	S		102511	\$49.746.12			640 746	regular r i	32.50%	722%	\$14,067	\$4.572
STITUTE OF THE STITUT	E	Ξ	1	101955	\$10.41			943,140	Regular F I	32.50%	25%	\$12,437	\$4.042
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I AX COMMISSION AGENT I	ш	Ŧ		101870	\$10.41			340,140	Regular F.I	32.50%	100%	\$46,146	\$14.997
B TAX COMMISSION AGENT III	ш	Ŧ	1	104396	\$12.03			\$21,653	Regular FT	32.50%	100%	\$21.653	\$7 037
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Cherokee Nation FY 2014 Comprehensive Budget Narrative

Department Executive		Executive I	Director		Phone	
23- Tax Commission	Share	on Swepston	918-453-53		377	
Accounting Unit		A		Jnit Description		
1011010	Tax Commission	ax Commission (Revenue & T				
Program Mar	nager	Pho	ne	Perio	od Budget Covers	
Sharon Swepston		918-453-53	77	10/1-2013 - 9/		
FY 2014 Original Budget	t FY 2014 Rev Requ		TO COMPARE THE SAME OF	ise/(Decrease) red – Approved	% Increase/(Decrease) (Requested – Approved)/Approved	
\$666,547	\$11,727,747		\$11,761,2	200	16,594.77%	
Staffing Plan (FTEs)	FY 2014 Rev	ised Budget	FY 2014	Original Budget	Net Change in Staffing	
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Regular Part-Time	e .5	.50		0.50	0	
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Tota	1 4.2	25	4.25		0	

PROGRAM NARRATIVE

This budget encompasses to bacco tax, sales tax, alcohol tax and license fees. This budget includes the implementation of the new Tobacco Compact effective November 1, 2013.

SIGNIFICANT CHANGES

The new Tobacco Compact effective November 1, 2013 causes significant changes in revenue and expenditures for cigarettes and other tobacco products. Revenue is increased from \$1.50 per carton to \$7.21 per carton for eleven months for cigarettes.

The rebate back to the tobacco retailers is reflected in the expense line item Tobacco Tax Rebate which is \$5.71 per carton for 35 of the 50 licensed retailers. The 15 retailers that are participating Gap Fund and will receive \$3.56 for two months and \$5.71 for remaining nine months. The tax change for Other Tobacco Products went from a very complex formula which was different for each type of other tobacco products to a flat rate of 65% of list price which increase gross revenue of approximately \$2.77M but the rebate back to the tobacco retailers is 90% of the 65% received by the Nation and the Nation retained 10% of the Other Tobacco Products tax revenue.

We are rebating back 90% of our collections where previously we retained the full amount. The retailers feel that the rebate will help to increase their volume which will change the revenue amount. We will continue to monitor this and if deemed in a few months we will reevaluate the tax and volume to see if our estimates need to be adjusted.

CHEROKEE NATION - FY2014 BUDGET REQUEST FORM

PART-1

PART-1							
Budget Period:	10/01/2013 - 09/30/2014		Budget Prepare	r		Phone:	918 453 5686
Contract Period: Contract Number:	10/01/2013 - 09/30/2014 unknown at this time		Name:			NE PUMPKIN	
Accounting Fund:	1-General Fund			t Director/Manage		Phone:	
Funding Source:	01-Cherokee Nation		Name: Executive Direc	<u> </u>	NIKKI BAR	ER LIMORE	
AU Description:	One Fire Helping Victims		Name:	Ur T	M TODD	Phone: HEMBREE	918 453 5652
Accounting Unit:	1016000		1st Person Res	nonsible	M. TODO	HEMBREE	******
P	lace IDC Rate in Part 4 Below		Employee#	JOHN TON	10	9064	
Date/Time Printed:	18-Nov-13	04:19 PM			100000000000000000000000000000000000000		111211211111111111111111111111111111111
PART-2	Notes: Modification to add donation donations and funds received from						1
Staffing Summary:			FY 2014 F	REVISION 1	FY 2014 OR	IG REQUEST	Incr \ (Decr)
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TOTAL NUMBER OF EN	PLOYEE-EQUIVALENTS			•			
PART-3							
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ATTACHMENT

1016000 - OneFire

Projected Contributions and Donations

Event or item sales	Cost of item and amount projected to sale or donations to be received	Total from each projected activity
2013 Playhouse	\$1.00 /donation @ 1,700	\$1,700.00
2013 Bottled water sales at Charlie Pride Concert		\$731.00
2014 Domestic Violence Awareness calendar's	\$10/calendar @ 100 =	\$1,000.00
2014 Domestic Violence Awareness t-shirts	\$15/t-shirt @ 75 =	\$1,125.00
2014 Playhouse	\$1.00 /donation @ 1,500	\$1,500.00
2014 1 st Presbyterian Church	Love offering	\$200.00
2014 Bake sales		\$250.00
2014 Indian taco sales		\$500.00
2014 Domestic Violence Unscheduled events		\$425.00
	GRAND TOTAL	\$7,431.00

ADMINISTRATI CLEARANCE	
Dept/Program:	
Signature/Initial	Date
Executive Director:	
Signature/Initial	Date
Treasurer: (Required: Grants/Contracts/Budgets)	
Signature Militial	//.25 · /3 Date
Government Resource	es:
Signature/Initial	Date
Administration Approx	/al:
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Signature/Initial	Date
LEGISLATIVE CLEAR	ANCE:
Legal & Legislative Coor Signature/Initial	dinator:
Standing Committee & D XQUITIVE 1 7 1 7 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2	ance 126/13
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Returned to Presenter:

Cherokee Nation Act/Resolution Proposal Form

	X Act Resolution			
ΓITLE:	AN ACT AMENDING LEGISLATIVE ACT #21-13 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2014 OPERATING – MOD 4; AND DECLARING AN EMERGENCY			
DEPAR	TMENT CONTACT: Gaylon Thompson			
RESOL	UTION PRESENTER:			
COUNCIL SPONSOR:				
	TIVE			