Committee: Executive & Finance

Assigned:

Sponsors: Keith Austin, Joshua Sam, Mike Shambaugh,

Victoria Vazquez, & Dora Patzkowski

Author:

Jody S. Reece

"Capital" Mod #1

An Act

LEGISLATIVE ACT 34-22

<u>10/13/2022</u> Committee: <u>10/27/2022</u>

AN ACT AMENDING LEGISLATIVE ACT #29-22 AUTHORIZING THE COMPREHENSIVE CAPITAL BUDGET FOR FISCAL YEAR 2023 – Mod. 1; 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 #29-22 Authorizing the Comprehensive Capital Budget for FY 2023 – Mod. 1".

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 2023" or subsequent amendment. The cumulative total of the capital budget is increased by \$\frac{\$13,754,571}{\$}\$ for a total capital budget authority of \$\frac{\$583,099,877.}{\$}\$ The following items are identified as the components of such change:

Cumulative change in budget authority	\$ 13,754,571
Modification Request (per Section 4 below)	13,754,571
Grants Received & Authorized per L.A. 29-22 (detail attached)	\$ 0

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

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #29-22 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 capital budget authorization by an increase of \$ 13,754,571 to wit:

A. An increase in the Capital Projects budget authority of \$ 13,754,571.

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. <u>SELF-HELP CONTRIBUTIONS</u>

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 14th day of November, 2022

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 ______ day of ______ day of ______

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 Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E. O. "Jr." Smith	<u>Yea</u>	Keith Austin	Yea
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Mike Shambaugh	Yea		

CHEROKEE NATION PROPOSED FY 2023 AMENDMENT Sorted by Funding Source

				Data		
					Amend.	
	Ref # by		FY 2023-	Amend. Change	Expenses Total	
Funding Source	FS	Program/Purpose	Prior LA	to Sources	Change	Net Change
96-Capital Projects	1	7965510- Storm Shelter Vault Realty Dpt	New	432,925	432,925	\$ -
	2	7965900- Durbin Feeling Capital Project	New	8,321,646	8,321,646	\$ -
	- 3	7969020- Behavioral HIth Resid Tx Ctr	New	5,000,000	5,000,000	\$ -
96-Capital Projects Total				\$ 13,754,571	\$ 13,754,571	\$ -
Grand Total				\$ 13,754,571	\$ 13,754,571	\$ -

Capital Mod #1 Request

COMPREHENSIVE BUDGET **FOR FISCAL YEAR 2023**

17,853,892 13,754,571 Oper Mod #1 Cap Mod #1

569,345,306 13,754,571

LA 29-22 Cap Mod #1

CAPITAL RECONCILIATION

Total after pending Mod's

\$ 3,606,219,173

\$ 583,099,877 Total Capital

Operating (LA 44-21) \$ 3,023,119,296 *cumulative Oper*Capital (LA 43-21) \$ 583,099,877 *cumulative Cap*Grand Total \$ 3,606,219,173



CHEROKEE NATION TRIBAL COUNCIL

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

Memo

To: Keith Austin, Chairman, Executive & Finance Committee

From: Jody S. Reece

CC: Executive & Finance Committee

Date: 10/13/2022

Re: Review of Capital Budget Modification #1 - Total \$ 13,754,571

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:

Funding Source None	Reason(s)	Amount \$ 0	
		Management for the contract of	-
	TOTAL GRANTS	\$ 0	

B. MOD #1 Request - Increase in budget authority - \$ 13,754,571

- 1. <u>Storm Shelter/Vault Realty Dpt 7965510 Capital Project:</u> New budget requesting expenditure authorization of \$432,925. This was a new budget in fiscal year 2022 capital mod #3 and funding provided by a transfer in of General Fund carryover from the fiscal year operating budget mod #7.
- 2. <u>Durbin Feeling Capital Project 7965900 Capital Project:</u> New budget requesting expenditure authorization of \$8,321,646. The fiscal year 2022 capital mod #4 brought the total funding up to \$19,700,000. The total transfer from the tribally funded operating budget "Durbin Feeling Language Center" was \$5,000,000. The other \$14,740,000 was a budgeted transfer from PL 102-477 Child Care funding. Not all of the fiscal year 2022 budget was expended. A transfer from PL 102-477 Child Care is in the operating mod that funds the new budget expenditure total in fiscal year 2023 of \$8,321,646.
- 3. <u>Behavioral Health Residential Treatment Center 7969020 Capital Project:</u> New budget requesting expenditure authorization of \$5,000,000. Funding provided by a transfer in from General Fund Operations (carryover funds) in the operating budget mod.

Summary:

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

Respectfully,

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

Office: 918-453-5573 918-525-2017 Cell:

Email: jody-reece@cherokee.org

Cherokee Nation FY 2023 Comprehensive Budget Narrative

	ent/Program	Executive		ED Phone #
	ment Resources	David M		4137
Accour 79	nting Unit 65510		Accounting Unit Name Storm Shelter Vault Realty Dpt	t
	Program Directo	or/Manager	Pgm Dir/Mgr Phone #	Period Budget Covers
	David Mo	pore	4137	10/01/2022 - 09/30/2023
EX 202	2 BUDGET	FY 2023 ORIG REQUEST	\$ Increase/(Decrease) Requested – Approved	% Increase/(Decrease (Request – Approved) / Approved
11202	432,925	\$ 432,925	\$ -	0.00%
	.02/323	ACCOUNTING UNIT		0.0070
OGRAM NAR	RATIVE:			
ry forward fu	inding to construct t	the storm shelter/vault for the	new area housing the Realty	/ Dept.
NIFICANT O	CHANGES:			
w budget for	FY23			
3				
3				
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CHEROKEE NATION - FY2023 BUDGET REQUEST FORM

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PART-1										
	0/01/2022 - 09/30/2023		Budget Preparer						5306	
Award Period: Award Number:			Name: Accounting Unit	Dina at	/10	Laura	a Adair		1407	
	-Capital Projects Fund		Name:	Direct	or/wanager	David	Moore		4137	
	6-Capital Projects	-	Executive Direct	or		David			4137	
	torm Shelter Vault Realty Dpt		Name:	Ī		David	Moore			
Accounting Unit:	7965510		Person Respons	ible						
	Place IDC Rate in Part 4 Below		Employee#			10	B517			
Date/Time Printed:	08-Sep-22	03:57 PM								
N	otes:	10.25.00								
PART-2 Staffing Summary:			FY 2023 ORIO	G RE	QUEST	FY 2022	BUD	GET	Incr	·\ (Decr)
	Full-Time Employee Equivalents:									
	Part-Time Employee Equivalents:		ļ							<u> </u>
	/ Part Time Employee Equivalents: ner Employee Equivalents:		 							 _
TOTAL NUMBER OF EMP										
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T	otal Revenues			\$	432,925		\$	-	\$	432,925
				-						
PART-4			0hia-4	to ID	C 2	Oh.:4	to In	C 2		
Expenditures:	i	Account #	Subject YES	יטו טו	NO I	Subject YES	ו נט וט	NO	lane	· / (Dearl
		Account #	169		NU	TES		NO	Incr	r \ (Decr)
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Salaries & wages Fringe benefits		610000	\$0	-			┼		\$	
Equipment < \$5K		680070	\$25,000			\$25,000	-		\$	
Capital acquisitions >= \$5k	(770000	\$25,000		\$75,000	\$25,000	-	\$75,000	\$	
Building construction proje		770040			\$330,000		+	\$330,000	\$	
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Expenditures NOT Subject	ct to IDC			\$	405,000		\$	405,000	\$	•
Expenditures SUBJECT t	o IDC		\$ 25,000		i	\$ 25,000			\$	
l '	nk or zero, must explain in Notes above)		11.70%			11,70%	_			ظتري
Indirect Cost Allocation	=	970000	\$ 2,925			\$ 2,925			\$	
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Li otai Expenditures					432,925		-	432,325	P	
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1500								(,)	•	102,020
	Show ALL as Positive Numbers)									
Operating Transfers IN						·			_	
Other financing sources		900000							\$	
Cash in: tribally required		900010	1		\$0			\$432,925	\$	(432,925)
Cash in: grant required		900020	1						\$	
Cash in: motor fuel tax		900040	 						65	
Cash in: vehicle tax	root	900050	 				-		\$	
Cash in: interprogram cont Cash in: debt service	Iau	900060 900070	 						\$	
		300070			-				Ψ	
Operating Transfers OU	T									
Other financing uses		900001							\$	
Cash out: tribally required		900011							\$	
		900021	↓						\$	
Cash out: grant required		900041							\$	-
Cash out: grant required Cash out: motor fuel tax		000054	•						\$	-
Cash out: grant required Cash out: motor fuel tax Cash out: vehicle tax	troot	900051	 						4	
Cash out: grant required Cash out: motor fuel tax Cash out: vehicle tax Cash out:interprogram con	tract	900061							69	
Cash out: grant required Cash out: motor fuel tax Cash out: vehicle tax Cash out:interprogram con Cash out: debt service									\$	
Cash out: grant required Cash out: motor fuel tax Cash out: vehicle tax Cash out:interprogram con Cash out: debt service Transfers In\Out - Ne	t	900061	\$		•	\$		432,925		(432,925)
Cash out: grant required Cash out: motor fuel tax Cash out: vehicle tax Cash out:interprogram con Cash out: debt service	t	900061	\$	\$	432,925	\$	\$	432,925 432,925	\$	(432,925)
Cash out: grant required Cash out: motor fuel tax Cash out: vehicle tax Cash out:interprogram con Cash out: debt service Transfers In\Out - Ne	t	900061	\$	\$		\$	\$		\$	(432,925)
Cash out: grant required Cash out: motor fuel tax Cash out: vehicle tax Cash out: the program con Cash out: debt service Transfers In\Out - Ne Take to Narrative ==>	t	900061 900071	\$			\$			\$ \$	(432,925)
Cash out: grant required Cash out: motor fuel tax Cash out: vehicle tax Cash out: interprogram con Cash out: debt service Transfers In\Out - Ne Take to Narrative ==>	t	900061 900071	\$	\$		\$	\$		\$	(432,925

Cherokee Nation FY 2023 Comprehensive Budget Narrative

Department/Program	Executive	Director	ED Phone #							
11 - Management Resources	David M	oore	4137							
Accounting Unit		Accounting Unit Name								
7965900	. 1 11 . 19	Durbin Feeling Capital Project	122							
Program Direct	or/Manager	Pgm Dir/Mgr Phone #	Period Budget Covers							
David M	oore	4137	10/01/2022 - 09/30/2023							
FY 2022 BUDGET	FY 2023 ORIG REQUEST	\$ Increase/(Decrease) Requested – Approved	% Increase/(Decrease) (Request – Approved) / Approved							
\$ 19,740,000	\$ 8,321,646	\$ (11,418,354)	-57.84%							
	ACCOUNTING UNIT PURPOSE									

Construction of the Durbin Feeling Language Center. This newly renovated building will consolidate the tribe's language related programs under one roof. These programs includes the Cherokee Immersion School, Master-Apprentice Language Program and the Tribe's translation team.

						VE:

	_								
Funding	for the	completion	of the	construction	of the	Durhin	Fooling	Language Center	
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SIGNIFICANT CHANGES:

Transfer in from 3230000.

CHEROKEE NATION - FY2023 BUDGET REQUEST FORM

PART-1

PART-1						
Budget Period: 10/01/2022 - 09/30/2023		Budget Preparer				5305
Award Period:		Name:			Cole	
Award Number: Accounting Fund: 7-Capital Projects Fund		Accounting Unit Name:	Director/Manager		Phone: Moore	4137
Funding Source: 96-Capital Projects		Executive Direct	~*	David		4137
AU Description: Durbin Feeling Capital Project		Name:	JI	David	Moore	4137
Accounting Unit: 7965900		Person Respons	ible	David	INCOIC .	···
Place IDC Rate in Part 4 Below		Employee #		108	517	
Date/Time Printed: 03-Oct-22	03:42 PM					
Notes: Transfer in from 3230000.						
1						
PART-2 Staffing Summary:		FY 2023 ORI	G REQUEST	FY 2022	BUDGET	Incr \ (Decr)
# of Regular Full-Time Employee Equivalents: # of Regular Part-Time Employee Equivalents:						-
# of Temp. Full / Part Time Employee Equivalents:						
# of Other Employee Equivalents:		1				
TOTAL NUMBER OF EMPLOYEE-EQUIVALENTS			-			
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Total Revenues			\$ -		\$ -	s -
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PART-4			to IDC ?	Subject		
Expenditures:	Account#	YES	NO	YES	NO	Incr \ (Decr)
DO NOT COPY TO, COPY ABOVE, OR REMOVE THIS LINE!						<u> </u>
Salaries & wages	600000	\$0		\$0		\$ -
Fringe benefits Contract services >=\$5K	610000 650000	\$0	\$15,368	\$0	\$30,000	\$ - \$ (14,632)
Capital acquisitions >= \$5K	770000		\$15,358		\$250,000	\$ (14,632) \$ (250,000)
Building construction projects	770040		\$8,087,731		\$19,360,000	\$ (11,272,269)
Land improvements >= \$5K	770060		\$100,000		\$100,000	\$ -
Artwork: CWY citizens >=\$5K	770065		\$118,547		\$0	\$ 118.547
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DO NOT COPY TO, COPY BELOW, OR REMOVE THIS LINE!						
Expenditures NOT Subject to IDC			\$ 8,321,646		\$ 19,740,000	\$ (11,418,354)
Expenditures SUBJECT to IDC		\$ -		\$ -		\$ -
Indirect Cost Rate (If blank or zero, must explain in Notes above)		11.70%		11.70%		
Indirect Cost Allocation	970000	\$ -		\$ -		\$ -
Total Expenditures			\$ 8,321,646		\$ 19,740,000	\$ (11,418,354)
						, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Revenues OVER \ (UNDER) Expenditures			\$ (8,321,646)		\$ (19,740,000)	\$ 11,418,354
Transfers In\Out - (Show ALL as Positive Numbers)						
Operating Transfers IN						
Other financing sources	900000					\$ -
Cash in: tribally required	900010		\$8,321,646		\$19,740,000	\$ (11,418,354)
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			I		\$ -
Operating Transfers OUT						
Other financing uses	900001					\$ -
Cash out: tribally required	900011					\$ -
Cash out: grant required	900021			ļ		\$ -
Cash out: motor fuel tax	900041			 _		<u>\$</u>
Cash out: vehicle tax	900051			_		\$ -
Cash out:interprogram contract Cash out: debt service	900061 900071	+		-		\$ - \$ -
Transfers In\Out - Net	300071	•	0 224 040	'	19,740,000	· ·
			8,321,646	\$		\$ (11,418,354
Take to Narrative ==>			\$ 8,321,646		\$ 19,740,000	
Excess\(Deficit) of Revenues, Expenditures and Net Tra	nsfers		\$ -		\$ -	\$ -

Department/Program		Executive Director			
11 - Management Resources	David Moore 4137				
Accounting Unit	Accounting Unit Name				
7969020	ector/Manager	Behavioral Hlth Resid Tx Ctr Pgm Dir/Mgr Phone # Period Budget Cov			
	d Moore	4137	Period Budget Covers 10/01/2022 - 09/30/2023		
FY 2022 BUDGET	FY 2023 ORIG REQUEST	\$ Increase/(Decrease) Requested – Approved	% Increase/(Decrease (Request – Approved)		
-	\$ 5,000,000		100.00%		
	ACCOUNTING UN				
OGRAM NARRATIVE: nding for the construction of a pected to be completed in FY;	a Behavioral Health Residential T 25.	reatment Center. Constructi	on for the campus is		
nding for the construction of		reatment Center. Constructi	on for the campus is		
nding for the construction of		reatment Center. Constructi	on for the campus is		
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nding for the construction of		reatment Center. Constructi	on for the campus is		

SIGNIFICANT CHANGES:

New budget

CHEROKEE NATION - FY2023 BUDGET REQUEST FORM

|--|

PART-1						
Budget Period:	10/01/2022 - 09/30/2023		Budget Preparer		Phone:	5306
Award Period:			Name:	Director/Manager	Laura Adair	4407
Award Number: Accounting Fund:	7-Capital Projects Fund		Name:	Director/Manager	Phone: David Moore	4137
Funding Source:	96-Capital Projects		Executive Direct	nr .	Phone:	4137
AU Description:	Behavioral Hlth Resid Tx Ctr		Name:		David Moore	
Accounting Unit:	7969020	***	Person Respons	ble		
	Place IDC Rate in Part 4 Below		Employee#		108517	
Date/Time Printed:	04-Oct-22	12:45 PM				
	Notes: Transfer in from AU 1010280					
PART-2 Staffing Summary:			FY 2023 ORIG REQUEST F		FY 2022 BUDGET	Incr\(Decr)
	ar Full-Time Employee Equivalents:		1 1 2020 014			- 11101 1 (2001)
	r Part-Time Employee Equivalents:					
	ull / Part Time Employee Equivalents:					-
	Other Employee Equivalents:		ļ			-
TOTAL NUMBER OF E	MPLOYEE-EQUIVALENTS		J	-		
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	Total Revenues			\$ -	\$	- \$ -
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PART-4		A		to IDC ?	Subject to IDC ?	
Expenditures:		Account #	YES	NO	YES NO	Incr \ (Decr)
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Salaries & wages		600000	\$0		\$0	\$ -
Fringe benefits	,	610000	\$0	ê750 000	\$0	\$ -
Contract services >=\$5k Building construction pro		650000 770040		\$750,000 \$4,250,000		\$0 \$ 750,000 \$0 \$ 4,250,000
	account number - >>>	770040	1	ψ4,Z30,U00	<u> </u>	\$ 4,250,000
	account number - >>>					\$ -
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Expenditures NOT Sub	•		Ť.	\$ 5,000,000	\$	- \$ 5,000,000
Expenditures SUBJEC			\$ -		\$ -	\$ -
	lank or zero, must explain in Notes above)		11.70%		11.70%	
Indirect Cost Allocatio		970000	\$ -		\$ -	\$ -
Total Expenditures	<u> </u>			\$ 5,000,000	\$	- \$ 5,000,000
Davianua - OVER :	(IMDED) Europeditus					
	(UNDER) Expenditures		<u> البيانية</u>	\$ (5,000,000)	\$	- \$ (5,000,000
Transfers In\Out - (Show ALL as Positive Numbers)						
Operating Transfers II						
Other financing sources		900000				\$ -
Cash in: tribally require	d	900010		\$5,000,000		\$0 \$ 5,000,000
Cash in: grant required		900020				\$ -
Cash in: motor fuel tax		900040				\$ -
Cash in: vehicle tax		900050				\$ -
Cash in: interprogram co	ontract	900060				\$ -
Cash in: debt service		900070	1			\$ -
Operating Transfers C	DUT	<u> </u>				
Other financing uses		900001				\$ -
Cash out: tribally requir		900011				. \$ -
	Cash out: grant required 900021					\$ -
Cash out: motor fuel tax 900041					\$ -	
Cash out: vehicle tax		900051	ļ			\$
Cash out: debt conden	contract	900061	1			- \$
Cash out: debt service	<u></u>	900071	<u> </u>		<u> </u>	\$ -
Transfers In\Out - I	vet		<u> </u>	5,000,000	\$	- \$ 5,000,000
Take to Narrative =	=>			\$ 5,000,000	\$	-
Excess\(Deficit) of Revenues, Expenditures and Net Transfers				\$ -	s s	- l s -
PYOCOGILDENOIS OF	movembes, Expenditures and Net 11a	1101013			3	

ADMINISTRATIVE CLEARANCE Dept/Program: Signature/Initial Date **Executive Director:** Signature/Initial Date Treasurer: (Required: Grants/Contracts/Budgets) **Government Resources:** Signature/Initial Administration Approval: LEGISLATIVE CLEARANCE: & Legislative Coordinator: Standing Committee & Date: Chairperson: Date Returned to Presenter:

Date

Cherokee Nation Act/Resolution Proposal Form

	X Act	Resolution				
TITLE:	THE COMPREHENSIV	EGISLATIVE ACT #29-22 AUTHORIZING E BUDGET FOR FISCAL YEAR 2023 ND DECLARING AN EMERGENCY				
DEPART	MENT CONTACT:	Daniel Stroup				
RESOLUTION PRESENTER:						
COUNCIL SPONSOR:						

NARRATIVE: