

An Act

LEGISLATIVE ACT 12-23

AN ACT AMENDING LEGISLATIVE ACT #30-22 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2023 – Mod. 8 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. 8**”.

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 \$ 4,848,222 for a total budget authority of \$ 3,183,114,698. The following items are identified as components of such change:

Grants Received & Authorized per LA 30-22 (detail attached)	\$ 1,306,461
Modification Request (see Section 4 below)	<u>3,541,761</u>
Cumulative change in budget authority	<u>\$ 4,848,222</u>

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 \$ 3,541,761 to wit:

- A. An increase in the **Tribally Funded** budget authority of \$ 44,900.
- B. An increase in the **Motor Fuel Tax** budget authority of \$ 2,000,000.
- C. An increase in the **Internal Leases** budget authority of \$ 1,033,029.
- D. An increase in the **DOI Self Governance** budget authority of \$ 463,832.

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.

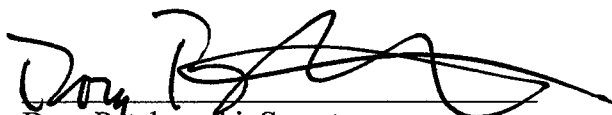
SECTION 8. SELF-HELP CONTRIBUTIONS

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.

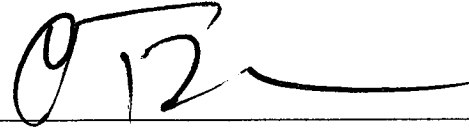
Enacted by the Council of the Cherokee Nation on the 25th day of May, 2023


Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:

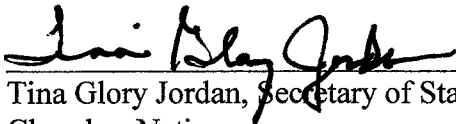

Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 25th day of May, 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>Absent</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	3200240 Enhancement Immersion Program	LA 30-22	628,465	628,465	\$ -
20-DOI - General Total				\$ 628,465	\$ 628,465	\$ -
40-DHHS-General	2	3401331 Opioid Overdose Prevntion Proj	Nov. Grants	125,848	125,848	\$ -
	3	3401700 LIHEAP	Feb. Grants	246,177	246,177	\$ -
	4	3401710 LIHEAP Administration	Feb. Grants	27,352	27,352	\$ -
	5	3401720 Wastewater Surveillance	New	10,000	10,000	\$ -
40-DHHS-General Total				\$ 409,377	\$ 409,377	\$ -
50-US Department of Education	6	3509090 ESSER CARES Act	LA 30-22	41,387	41,387	\$ -
50-US Department of Education Total				\$ 41,387	\$ 41,387	\$ -
75-Federal Other	7	3759940 2022 OVW Targeted Support	New	227,232	227,232	\$ -
75-Federal Other Total				\$ 227,232	\$ 227,232	\$ -
Grand Total				\$ 1,306,461	\$ 1,306,461	\$ -

May Operating Grants - Reporting Only

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
01-Cherokee Nation	1	1010296 Unappropriated Reserve	LA 06-23	-	(491,116)	\$ 491,116
	2	1013000 Cherokee National Holiday	LA30-22	44,900	536,016	\$ (491,116)
01-Cherokee Nation Total				\$ 44,900	\$ 44,900	\$ -
02-Motor Fuel Tax	3	1024001 MFT Higher Ed Scholarships	LA30-22	2,000,000	2,000,000	\$ -
02-Motor Fuel Tax Total				\$ 2,000,000	\$ 2,000,000	\$ -
13-Leases-Internal	4	2131000 Internal Lease Buildings	LA30-22	1,007,445	951,429	\$ 56,016
	5	2132000 Facilities Operations	LA30-22	25,584	81,600	\$ (56,016)
13-Leases-Internal Total				\$ 1,033,029	\$ 1,033,029	\$ -
22-DOI - Self Governance	6	3222220 SG General Assistance	LA30-22	463,832	463,832	\$ -
22-DOI - Self Governance Total				\$ 463,832	\$ 463,832	\$ -
Grand Total				\$ 3,541,761	\$ 3,541,761	\$ -

Operating Mod #8 Request

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: 05/10/2023
Re: Review of Operating Budget Mod #8 – Total \$ 4,848,222

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:

<u>Funding Source</u>	<u># of Budgets</u>	<u>Amount</u>
DOI General	1	\$ 628,465
DHHS General	4	409,377
USDA	1	41,387
Federal Other	1	<u>227,232</u>
Total Grant Reporting		<u>\$ 1,306,461</u>

Cash Match for Grants (1010315) – Start of Year

Cash Out: Grant Required	\$ 829,939
Appropriated for Cash Match (future grants)	<u>1,886,576</u>
Original Total Budget	<u>\$ 2,716,515</u>

Original Appropriated for Cash Match – for future grants	\$ 829,939	
Used: 37559790 – BRIC Tsa La Gi (storm shelters)	(87,167)	Mod #6
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Balance Available for Future Grant Matching	<u>\$ 742,772</u>	

B. MOD #8 Request - Increase in budget authority - \$ 3,541,761

1. Unappropriated Reserve – 1010296 – Tribally Funded: Modification requesting a decrease in expenditure authorization of \$491,116 to provide funding for the Cherokee National Holiday budget in budget 2. \$2 million is also budgeted as a transfer out to the MFT Higher Education Scholarships budget in 3. The new budgeted reserve by appropriation total is \$2,641,455.
2. Cherokee National Holiday – 1013000 – Tribally Funded: Modification requesting an increase in expenditure authorization of \$536,016 and increased income of \$44,900. The increase is

for inflation cost, live music, and the first CNH livestock show. The net increase is funded by a decrease in the reserved by appropriation general fund carryover in budget 1. The new budgeted net expenditure total is \$778,005.

3. MFT Higher Ed Scholarships – 1024001– Motor Fuel Tax: Modification requesting an increase in expenditure authorization of \$2,000,000 to fund an estimate of the fall semester (see note 1 below) and also increase the funding from \$2,000 to \$2,250. The funding is provided by General Fund carryover through budget 1. The new expenditure total is \$17,119,000. This budget is shown to be a Motor Fuel Tax (MFT) budget but the majority of funding is Tribally Funded:

<u>Year</u>	<u>MFT</u>	<u>Tribally Funded</u>	<u>Total</u>
2010 Actual	\$ 3.5M	\$ 3.2M	\$ 6.7M
2011 Actual	4.7M	3.8M	8.5M
2012 Actual	2.4M	6.4M	8.8M
2013 Actual	3.6M	6.3M	9.9M
2014 Actual	5.1M	5.9M	11.0M
2015 Actual	3.6M	9.3M	12.9M
2016 Actual	3.3M	10.3M	13.6M
2017 Actual	3.5M	10.4M	13.9M
2018 Actual	3.6M	11.0M	14.6M
2019 Actual	3.6M	11.4M	15.0M
2020 Actual	4.0M	11.1M	15.1M
2021 Actual	4.7M	10.7M	15.4M
2022 Budget	5.3M	11.3M	16.6M
2022 Actual	3.7M	11.3M	15.0M Note 1
2023 Budget	5.3M	11.8M	17.1M

Note 1: 2022 Transfers were made at the budget amount and actual expenditures were \$1.6 million less. This carryover balance will be used in a budget mod in a couple months when the actual fall 2023 need is known.

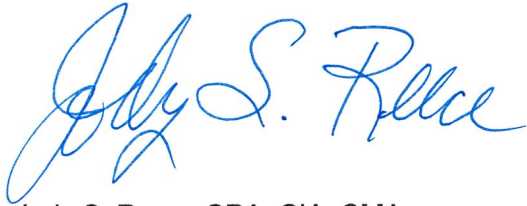
4. Internal Lease Buildings – 2131000 – Internal Leases: Modification requesting an increase in expenditure authorization of \$951,429 and increased recovery revenue of \$1,007,445 related to adding several CARES Act buildings to the lease pool. Net related recovery revenue and expenditures with this budget and the Facilities Operations net to zero. The new budgeted expenditure total is \$2,880,951.
5. Facilities Operations – 2132000 – Internal Leases: Modification requesting an increase in expenditure authorization of \$81,600 and increased recovery revenue of \$25,584. Net related recovery revenue and expenditures with this budget and Internal Lease Buildings net to zero. The new budgeted expenditure total is \$3,630,889.
6. SG General Assistance – 3222220 – DOI Self Governance: Modification requesting an increase in expenditure authorization of \$463,832. Additional funding provided by Authority to Obligate “ATO” #2. The new budgeted expenditure total is \$1,888,832.

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 blue ink, reading "Jody S. Reece". The signature is fluid and cursive, with the first name "Jody" and last name "Reece" clearly legible, and "S." as a middle initial.

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