Assigned:

Committee: Executive & Finance

09/27/2012 Committee: 09/27/2012

Sponsor: Fishinghawk/Hoskin

Author: D. Evans

An Act

LEGISLATIVE ACT 41-12

AN ACT AMENDING LEGISLATIVE ACT #37-12 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2013 - 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 #37-12 Authorizing the Comprehensive Operating Budget for FY 2013 - 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 Budget Act for Fiscal Year 2013" or subsequent amendment. The cumulative total of the budget is increased by \$445,000 for a total budget authority of \$526,193,178. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

	Previous	Estimated	Estimated	Adjusted
	Balance	Sources	<uses></uses>	Balance
A. Tribally Funded	\$0	\$445,000	\$445,000	\$0
B. Motor Fuels Tax	\$0	\$0	\$0	\$0
Grants Received &	Authorized per L	A-37-12 (detail	attached)	\$0
Modification Requ	est #1 (see Section	n 4 below)		<u>\$445,000</u>
Cumulativ	e change in budg	et authority		\$445,000

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #20-11 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 \$445,000 to wit:

A. An increase in the **General Fund** budget authority of \$445,000 related to Water Planning and a Landfill feasibility study.

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.

Passed by the Cherokee Council on the 15th day of Otober, 2012

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 _______, 2012

Bill John Baker, Principal Chief

Cherokee Nation

ATTEST:

Charles Head, Secretary of State

Cherokee Nation

YEAS AND NAYS AS RECORDED:

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



CHEROKEE NATION TRIBAL COUNCIL

Doug Evans, C.P. A., Executive Director, Financial Oversight

Memo

To:

Jodie Fishinghawk, Chair, Executive & Finance Committee &

Chuck Hoskin Jr., Co-Chair, Executive & Finance Committee

From:

Doug Evans

CC:

Executive & Finance Committee

Date:

9/27/2012

Re:

Review of Operating Budget Modification #1

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. SEPTEMBER GRANTS RECEIVED (REPORTING ONLY):

"Not applicable this month"

B. MOD - 1 (3 budgets) Increase in budget authority - \$445,000:

Tribal General Fund: (Increase - \$445,000)

- (1): <u>CN Water Planning:</u> "new initiative" Requesting \$295,000 in spending authority related to engaging an Engineering firm for a study. No further information or justification was provided.
- (2): <u>Secretary of State:</u> Requesting an increase of \$150,000 related to the prior year funded Landfill feasibility study. This was authorized by the Council in FY12 but engagement will extend into FY13. A timeline was provided with the request identifying the stage of the project and progress-to-date. This funding request is provided by prior year funds originally appropriated for this project, remaining unexpended.
- (3): <u>General Fund Operations:</u> Recognizing the remaining FY11 carryover unallocated during the FY12 budget cycle of \$445,000. No expense request with this budget, but it is funding the two items above.

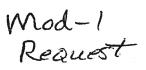
Summary:

After reviewing the submission of Mod-1 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.

Attachments

CHEROKEE NATION PROPOSED FY 2013 AMENDMENT Sorted by Funding Source



		Data		
Funding Source	Ref # by FS Program/Purpose	Amend. Change to Sources	Amend. Expenses Total Change	 Net Change
01-Cherokee Nation	1 1010116 - CN Water Plan	-	295,000	\$ (295,000)
	2 1010275 - Secretary of State		150,000	\$ (150,000)
04.01	3 1010280 - General Fund Operations	445,000		\$ 445,000
01-Cherokee Nation To	al	\$ 445,000	\$ 445,000	\$
Grand Total		\$ 445,000	\$ 445,000	\$ •

COMPREHENSIVE BUDGET FOR FISCAL YEAR 2013 Including Mod-1 Operating

Tribally Funded Funding Source Motor Fuels Tax Funding Srce Motor Vehicle Tax Funding Srce Permanent Fund Funding Source DOI General Funding Source DOI Self Gov Funding Source DOI Self Gov Roads Funding Src DOI Self Gov Roads Funding Src DOI Self Gov Roads Funding Src	76,305,072 8,801,819 10,939,664	1,836,991 12,895,819	78,142,063	66,214,725	4,326,257	7,601,081	78,142,063	
tor Fuels Tax Funding Srce tor Vehicle Tax Funding Srce manent Fund Funding Source I General Funding Source I Self Gov Funding Source Self Gov Roads Funding Src ot of Transportation Fnd Src	8,801,819 10,939,664	12,895,819	04 604 600					
or Vehicle Tax Funding Srce manent Fund Funding Source I General Funding Source I Self Gov Funding Source I Self Gov Roads Funding Src ot of Transportation Fnd Src	10,939,664		21,697,538	13,927,490	141,110	7,629,038	21,697,638	•
manent Fund Funding Source I General Funding Source I Self Gov Funding Source Self Gov Roads Funding Src ot of Transportation Fnd Src		225,000	11,164,664	9,918,284	374,841	871,539	11,164,664	1
I General Funding Source I Self Gov Funding Source I Self Gov Roads Funding Src ot of Transportation Fnd Src	10,000	1	10,000	10,000	•		10,000	1
I Self Gov Funding Source I Self Gov Roads Funding Src ot of Transportation Fnd Src	11,234,026	•	11,234,026	10,376,349	857,677	•	11,234,026	•
l Self Gov Roads Funding Src ot of Transportation Fnd Src	13,801,610	29,600	13,881,210	12,697,433	1,168,777	15,000	13,881,210	1
of of Transportation Fnd Src	29,555,077	1	29,555,077	29,319,213	177,056	58,808	29,555,077	1
100 111 L	39,109,995		39,109,995	38,895,421	114,731	99,843	39,109,995	•
JOI PL102-477 Funding Source	15,838,167	,	15,838,167	15,170,268	662,899		15,838,167	•
_	260,665,937	,	260,665,937	240,511,347	17,504,590	2,650,000	260,665,937	•
HS Self Gov TEH Funding Src	5,783,801	•	5,783,801	5,374,953	408,848		5,783,801	•
HS Self Gov Offic Funding Src	322,788	3.	322,788	291,397	31,391	54	322,788	ı
HS Discretionary Funding Srce	800,000		800,000	30,000	•	770,000	800,000	•
DHHS General Funding Source	31,837,163	528,696	32,365,859	29,605,797	2,760,062	•	32,365,859	•
JSDA Funding Source	18,270,308	743,192	19,013,500	18,307,365	706,135	•	19,013,500	٠
lept of Education Funding Srce	1,251,231	65,875	1,317,106	1,201,961	115,145	ı	1,317,106	•
HUD Funding Source	47,021,995	85,061	47,107,056	45,414,695	1,692,361	•	47,107,056	•
Housing Proceeds Funding Src	•		*	1		i		•
EPA Funding Source	2,138,970	(1	2,138,970	1,898,577	240,393	•	2,138,970	•
Dept of Labor Funding Source	7,177,710	•	7,177,710	6,443,221	734,489		7,177,710	,
ederal Other Funding Source	1,614,591	200	1,615,091	1,547,966	67,125	1	1,615,091	•
State of Oklahoma Funding Srce	1,420,558	_	1,420,558	1,256,172	164,386	•	1,420,558	•
Private Funding Source	199,713	172,575	372,288	326,139	46,149	•	372,288	•
Indirect Cost Pool Funding Src	149,226	•	149,226	34,994,949	(32,404,009)		2.590,940	(2.441.714)
Fringe Pool Funding Source	•	•		• ·	` ,	,	•	
nternal Lease Pool Funding Sr	86,000	31	86,000	86,000		,	86.000	1
Enterprise Funding Source	1,261,199		1,261,199	1,255,754	•	•	1,255,754	5,445
Other Funding Source	180,099	12,000	192,099	181,798	10,301	а	192,099	•
Debt Service Funding Source		2,650,000	2,650,000	2,650,000		1	2,650,000	1
Capital Projects Funding Sourc	21,387,856	400,000	21,787,856	21,731,369	56,487	•	21,787,856	1
Total \$ 6	607,164,575 \$	19,695,309 \$	626,859,884 \$	609,638,643 \$	\$ (662'.25)	19.695,309 \$	629.296.153 \$	(2.436.269)

:	445,000 09/27 - E&F Cmte	ı	ا ــــا	ı	(thru Mod-1 op)	i (thru LA38-12)	اسا	ı
023,230,133	445,000		629,741,153		Operating (LA37-12) \$ 526,193,178 (thru Mod-1 op)	103,547,975	\$ 629,741,153	
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69,050,509	Mod-1 Oper Req		Total after pending Mod's		erating (LA37-12)	Capital (LA-38-12)	Recap	
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10,000,000	CAPITAL RECONCILIATION	LA-38-12 CAB \$ 103,547,975		Total Capital \$ 103,547,975				
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CHEROKEE NATION - FY2013 BUDGET REQUEST FORM

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PART-1							
Budget Period:	10/01/2012 - 09/30/2013		Budget Preparer			Phone:	
Contract Period:			Name:				
Contract Number:			Accounting Unit	Director/Manager	7	Phone:	
Accounting Fund:	1-General Fund		Name:			lembree	
Funding Source:	01-Cherokee Nation		Group Leader			Phone:	
AU Description:	CN Water Plan	· - · · · · · · · · · · · · · · · · · · ·	Name:	· · · · · · · · · · · · · · · · · · ·	Todd H	lembree	
Accounting Unit:	1010116		1st Person Resp	L anaible	100011	iembiee	
	Place IDC Rate in Part 4 Below			Olizible	400	1400	
No. 1999	Flace IDC Rate III Falt 4 Below		Employee #		102	2423	
			SBC Agreement:		·	Phone:	
			Name:				
Date/Time Printed:	26-Sep-12	03:30 PM					
	Notes: 100% of contract to be wit	h Engineering Firm				INNS SHEETING	770
	to do necessary studies.						
PART-2	1				r		1
	1						
Staffing Summary:			FY 2013 ORI	G REQUEST	FY 2012	BUDGET	Incr \ (Decr)
# of Regular Full	-Time Employee Equivalents:						-
# of Regular Par	t-Time Employee Equivalents:						-
	Time Employee Equivalents:						-
	-Time Employee Equivalents:						
	Employee Equivalents:						
							
TOTAL NUMBER OF E	MPLOYEE-EQUIVALENTS			•			
PART-3							
_			3				
Revenues:	(Show as positive #)	Account #					Incr \ (Decr)
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			Subject			to IDC ?	
		Account #					
Expenditures:		ACCOUNT #	YES	NO	YES	NO	Incr \ (Decr)
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CHEROKEE NATION - FY2013 BUDGET REQUEST FORM

For Internal Purposes Only Not for Distribution

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PART-1 Budget Period:	10/01/2012-09/30/2013		Burloot Burloo				
Contract Period			Budget Prepar Name.	er	Lau	Phone.	453-5306
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Funding Source.	01-Cherokee Nation	 	Executive Dire	ctor	01,01	Phone:	453-5211
AU Description:	Secretary of State		Name:	T	Bill Jo	ohn Baker	400-0211
Accounting Unit	1010275		1st Person Res	ponsible			
	Place IDC Rate in Part 4 Below		Employee #	1	10	02465	
			SBC Agreemen	t:		Phone.	
			Name:				
Date/Time Printed.	26-Sep-12	03:00 PM			144144661000761114808488111111	TTO TO THE OWNER OF THE OWNER.	BANDON DINGBOOM
	Notes: carryover project funding	for the landfill					
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PART-2	İ				T		1
Staffing Summary:	}		EV 2042	DEVICION 4	EV 2040 0-		
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PART-3							
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PART-4			Subject	to IDC ?	Subject	to IDC ?	
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Travel-staff	109	630000	\$2,000 \$6,000		\$2,000		<u> </u>
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Supplies		680000	815 775	\$180,000	247.000		\$ 150,000
Communication & reprodu	ction	690000	\$15,225		\$15,225		\$ -
Direct billed: space cost		700080	\$4,000 \$16,000		\$4,000		5 -
uel, oil		720020			\$16,000		•
mployee mileage reimbu	rsement	720040	\$300 \$1,000		\$300		-
Other operational		760010			\$1,000		-
ood		760010	\$0		\$0		
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ASSESSMENT OF THE CHEROKEE NATION SANITARY LANDFILL

CHRONOLOGICAL ORDER OF EVENTS

A decision was made that an assessment of the Cherokee Nation Sanitary Landfill was needed in Spring 2012. Below is a chronological list of events regarding the process of accomplishing this task:

- April/May 2012 A budget and/or budget modification was submitted to Finance.
- May 31, 2012 Budget passed Executive & Finance Committee
- June 11, 2012 Budget was approved by Tribal Council
- June 14, 2012 Budget was approved by Chief Baker
- June 19, 2012 Budget was posted to Lawson
- June 29, 2012 Draft Request for Proposal was sent to Procurement for Review
- July 17, 2012 Request for Bid Requisition (#174377) was entered in Lawson
- July 18, 2012 Received the final RFP from Procurement
- July 18, 2012 RFP bid was posted to the Cherokee Nation website
- July 22, 2012 RFP bid announcement was published in Dallas newspaper cost \$835.00
- July 22, 2012 RFP bid announcement was published in OKC newspaper cost \$524.54
- August 8, 2012 RFP bid closing date
- August 16, 2012 Meeting was held to review proposals received
- September 4, 2012 Meeting with vendors that submitted bids supplemental information was requested from the vendors
- September 7, 2012 Supplemental information was received from at least one vendor
- September 14, 2012 Selection Committee made a decision to select the joint proposal of EST, Inc and Holm, Blough & Company (EST/HB) after conducting in person interviews with all respondents.
- September 18, 2012 Requisition (#180048) was entered to award contract to EST/HB
- September 18, 2012 Informed that funding for this project would not exist after September 30, 2012

As demonstrated above, this has been an ongoing process since the decision was made that an assessment of the CN landfill was needed. Although the dollar amount associated with the above listed activities is nominal, the personnel costs would be significant. The entire funded amount for the project is \$150,000 but this amount may not be needed unless the decision is made to widen the scope of the assessment. The bid proposal amount of the selected vendor, including contingencies, is \$93,608.00.

CHEROKEE NATION - FY2013 BUDGET REQUEST FORM

For Internal Purposes Only Not for Distribution

O/01/2012-09/30/2013 -General Fund 1-Cherokee Nation eneral Fund Operations 1010280 ce IDC Rate in Part 4 Below 26-Sep-12 otes: Mod 1 to bring forward Ca ppropriated" PY funds of \$445,0 10116, CN Water Plan, for \$29 10275, Secretary of State, for \$ indfill feasibility study ne Employee Equivalents ne Employee Equivalents ee Employee Equivalents ee Employee Equivalents ee Employee Equivalents	00 to cover AU 5,000; and AU 150,000 for CN	Name. Executive Director Name: 1st Person Restor Employee # SBC Agreemen Name:	It Director/Manag	er Jod Lac	Phone: e Chandler Phone: y Reece Phone. ey Horn 01613 Phone:	5774 5566 3902
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ADMINISTRATIVE CLEARANCE	Act/Resolution Proposal Form
Dept/Program:	X Act Resolution AN ACT AMENDING LEGISLATIVE ACT #37-12 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2013 TITLE: OPERATING – MOD 1; AND DECLARING AN EMERGENCY
Signature/Initial Date	DEPARTMENT CONTACT: Gaylon Thompson
Executive Director:	RESOLUTION PRESENTER:
Signature/Initial Date	COUNCIL SPONSOR:
Treasurer: (Required: Grants/Contracts/Budgets) August Henry Signature/Initial Date Government Resources:	NARRATIVE:
Signature/Initial Date Administration Approval:	71/1_
Signature/Initial Date LEGISLATIVE CLEARANCE: Legal & Legislative Coordinator: Signature/Initial Date Standing Committee & Date: Executive 4 Triance Chairperson:	