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

Assigned: <u>05/13/2013</u> Council: <u>05/13/2013</u>

Sponsor: Fishinghawk/Hoskin

Author: Jody S. Reece

An Act

LEGISLATIVE ACT 13-13

AN ACT AMENDING LEGISLATIVE ACT #37-12 AUTHORIZING THE COMPREHENSIVE OPERATING BUDGET FOR FISCAL YEAR 2013 – Mod. 8b; 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. 8b".

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 \$6,334,885 for a total budget authority of \$566,883,929. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

	Previous	Estimated	Estimated	Adjusted
	<u>Balance</u>	Sources	<uses></uses>	Balance
A. Tribally Funded	\$0	\$0	\$0	\$0
B. Motor Fuels Tax	\$0	\$0	\$0	\$0
Grants Received &	Authorized per L	A-37-12 (detail	attached)	\$ 2,236,989
Modification Reque	st #8b (see Section	on 4 below)		4,097,896
Cumulative	change in budg	et authority		\$ 6,334,885

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #37-12 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 \$4,097,896 to wit:

A. An increase in the **General Fund** budget authority of § 1,096,215.

- B. An increase in the Motor Fuel Tax budget authority of \$ 1,127,555.
- C. An increase in the Indirect Cost Pool budget authority of § 10,593.
- D. An increase in the **Housing Proceeds** budget authority of § 1,542,662.
- E. An increase in the **DOI Self Governance** budget authority of § 71,148.
- F. An increase in the IHS-Self Governance Health budget authority of \$249,723.

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 13th day of May, 2013.

Tina Glory Jordan, Speaker

Council of the Cherokee Nation

ATTEST:

Council of the Cherokee Nation

Approved and signed by the Principal Chief this ______ day of _______, 2013

Bill John Baker, Principal Chief

Cherokee Nation

ATTEST:

S. Joe Crittenden, Deputy Principal Chief Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	Yea	Lee Keener	Yea
David Walkingstick	Yea	Cara Cowan Watts	Yea
Joe Byrd	Yea	Buel Anglen	Yea
Jodie Fishinghawk	<u>Absent</u>	Dick Lay	<u>Yea</u>
Curtis Snell	<u>Yea</u>	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	<u>Yea</u>	Julia Coates	Yea
Don Garvin	<u>Yea</u>		



CHEROKEE NATION TRIBAL COUNCIL

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

Memo

To:

Jodie Fishinghawk, Chair, Executive & Finance Committee &

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

From:

Jody S. Reece

CC:

Executive & Finance Committee

Date:

04/26/2013

Re:

Review of Operating Budget Modification #8a

Per your request, I have reviewed the administration's budget modification request from this month's Executive & Finance Committee Meeting. Below is a summary of my review:

MOD - 8a (1 budgets) Increase in budget authority - \$8,561:

1. <u>Miss Cherokee Activities – 1010200 - General Fund:</u> Modification requesting an increase in expenditure authorization of \$8,561. Per amendment in the Executive and Finance Committee \$7,500 was added to travel expenses and \$1,061 related IDC. This increase was funded out of General Fund carryover and leaves an unappropriated General Fund carryover of \$4,197,990.

Summary:

After reviewing the submission of Mod-8a 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,	
(Jally) Felle	
4001.	_

Attachments	



CHEROKEE NATION TRIBAL COUNCIL

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

Memo

To:

Jodie Fishinghawk, Chair, Executive & Finance Committee &

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

From:

Jody S. Reece

CC:

Executive & Finance Committee

Date:

04/09/2013

Re:

Review of Operating Budget Modification #8

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. March Grants Received (REPORTING ONLY):

Funding Source	Reason	Amount
DOI - General	SHS carryover – 2 used activity buses as replacements	\$ 203,453
DHHS – General	Carryover reconciliations and new award	1,038,828
USDA	New rural business enterprise grant with in kind support	657,828
EPA	Hulbert sewer rehab carryover	336,880
	TOTAL GRANTS	\$ 2,236,989

B. MOD – 8 (18 budgets) Increase in budget authority - \$4,084,335:

- General Fund Operations 1010280 General Fund: Modification increasing revenue by \$2,185,000 from additional FY 2012 carryover funds mainly due to finalized FY 2012 dividends. Unappropriated carryover is \$4,206,551.
- 2. <u>Tribal Summer Youth 1010533 General Fund:</u> Modification requesting an increase in expenditure authorization of \$286,857 for total funding of \$1,054,282 to cover costs of approximately four-hundred 16-21 year olds at forty hours per week for six weeks.
- 3. <u>CWY Translators 1010571 General Fund:</u> New budget requesting expenditure authorization of \$34,000 for five part-time contractors that read and write Cherokee syllabary fluently to assist in completing the Microsoft Office and Windows 9 project from English to Cherokee by March 2014.
- 4. <u>TERO National Conference 1010572 General Fund:</u> New budget requesting expenditure authorization of \$28,538 for funding the National TERO Conference sponsorship.
- 5. <u>Contract Health Service Dividend 1010900 General Fund:</u> Modification requesting an increase in expenditure authorization of \$371,049 as an adjustment for final FY 2012 carryover based on finalized FY 2012 dividends.

- 6. <u>Substance Abuse Treatment 1011015 General Fund:</u> Modification requesting an increase in expenditure authorization of \$300,403 for final FY 2012 Reserved Carryover from the 2% excise tax on alcohol sales per LA 13-08.
- 7. <u>Cherokee Publications GF 1011070 General Fund:</u> Modification requesting an increase in expenditure authorization of \$12,947 that is offset with increases in subscription income and distribution income.
- 8. <u>Cherokee National Holiday 1013000 General Fund:</u> Modification requesting an increase in expenditure authorization of \$48,860 to restore to the FY 2012 budget funding level.
- 9. Motor Fuels Tax (MFT) 1021000 General Fund MFT: Modification increasing revenue by \$2,377,163 from FY 2012 carryover funds and requesting and increase in expenditure authorization of \$751,182 in Transfers Out to AUs in items in 10 -14 below leaving an unappropriated balance of \$1,625,981.
- 10. <u>Minor Emergency Repair 1023030 General Fund MFT:</u> Modification requesting an increase in expenditure authorization of \$200,000 from MFT carryover due to an increase in emergency repair applications.
- 11. MFT Higher Ed Scholarships 1024001 General Fund MFT: Modification requesting an increase in expenditure authorization of \$57,926. \$12,926 is funded from the Martha Schuhl-Taylor Estate for emergency assistance and re-enrollment assistance and \$45,000 is requested from MFT carryover for fifteen Haskell Indian Nations University scholarships.
- 12. <u>Emergency Education Assistance 1024160 General Fund MFT:</u> New budget requesting expenditure authorization of \$35,000 from MFT carryover for emergency education assistance to students trying to get re-enrolled. This was last funded by General Fund in FY 2010.
- 13. <u>SHS Facilities Equipment 1024170 General Fund MFT:</u> New budget requesting expenditure authorization of \$58,447 from MFT carryover to upgrade grounds, maintenance, and custodial equipment.
- 14. <u>Detention Agreements 1026020 General Fund MFT:</u> New budget requesting expenditure authorization of \$25,000 from MFT carryover for agreements with county detention facilities.
- 15. <u>Proceeds of Sale 1082400 GF Housing Proceeds:</u> New budget requesting expenditure authorization of \$1,542,662 to return prior year cumulative net funding received from the HACN to administer Housing Programs back to the HACN as they are now administering these programs.
- 16. <u>Cherokee Publications IDC 2041030 Indirect Cost Pool:</u> Modification requesting an increase in expenditure authorization of \$10,593 that is offset with increases in subscription income and distribution income.
- 17. <u>Self-Governance Oversight 3222250 DOI Self Governance:</u> Modification requesting an increase in expenditure authorization of \$71,148 for the Subgrant account because the allocation for Delaware FY 2012 funds were not paid until October 19, 2012; therefore, need to be accounted for in the FY 2013 budget.
- 18. <u>SANE 3324050 IHS Self Governance Health:</u> Modification requesting an increase in expenditure authorization of \$249,723 to bring the budget up to the FY 2013 award amount of \$499,466. SANE = Sexual Abuse Nurse Examiner

Summary:

After reviewing the submission of Mod-8 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.

Respe	ctfully,			
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Attachments

CHEROKEE NATION PROPOSED FY 2013 AMENDMENT Sorted by Funding Source

				Data		· ·
Funding Source	Ref#	Program/Purpose	FY 2013	Amend. Change to	Amend. Expenses	Net
20-DOI - General	Dy F3		Prior LA	Sources	Total Change	Change
20-DOI - General Total		32000 TO SHS Transportation Admin.	JLA 37-12	203,453	203,453	\$ -
				\$ 203,453	\$ 203,453	\$ -
40-DHHS-General			LA 37-12	596,663	596,663	\$ -
	3		LA 37-12	211,943	211,943	\$ -
	4		LA 37-12	19,864	19,864	\$ -
	5	3407900 PREP	LA 37-12	210,358	210,358	\$ -
40-DHHS-General Total				\$ 1,038,828	\$ 1,038,828	\$ -
45-USDA	6	3454400 Arts Center RBEG	New	657,828	657,828	\$ -
45-USDA Total				\$ 657,828	\$ 657,828	\$ -
62-EPA	7	3622240 Hulbert Sewer Rehab	LA 37-12	336,880	336,880	\$ -
62-EPA Total				\$ 336,880		\$ -
Grand Total	Seneral Total 2 3401100 Family Preservation Support LA 37-12 3 3401300 Family Violence LA 37-12 4 3406400 Healthy Nation Foods Project LA 37-12 5 3407900 PREP LA 37-12 LA 37-12			\$ 2,236,989	\$ 2,236,989	\$ -

GRANTS REPORTING ONLY

CHEROKEE NATION PROPOSED FY 2013 AMENDMENT Sorted by Funding Source

				Data			
Funding Source	Ref#	Program/Purpose	FY 2013 Prior	Amend. Change to Sources	Amend. Expenses Total Change		let Change
01-Cherokee Nation	aa	1010042 Charitable Contributions	LA 12-13	-	5.000		(5,000
	а	1010200 Miss Cherokee Activities	LA 37-12	-	8,561		(8,561
	1	1010280 General Fund Operations	March Mod 7	2,185,000		\$	2,185,000
	2	1010533 Tribal Summer Youth	LA 37-12	-	286,857	\$	(286,857
	3	1010571 CWY Translators	New	-	34,000		(34,000
	4	1010572 TERO National Conference	New	-	28,538	\$	(28,538
	5	1010900 Contract Health Servi Dividend	March Mod 7	371,049	371,049	\$	(20,000
	6	1011015 Substance Abuse Treatment	LA 37-12	300,403	300,403		
	7	1011070 Cherokee Publications GF	March Mod 7	12,947	12,947		
	8	1013000 Cherokee National Holiday	LA 37-12	-	48.860	\$	(48,860
01-Cherokee Nation Total				\$ 2,869,399		\$	1,773,184
02-Motor Fuel Tax	9	1021000 Motor Fuels Tax	LA 37-12	2,377,163	751.182		1,625,981
	10		LA 37-12	200,000	200,000	\$.,020,001
	11	1024001 MFT Higher Ed Scholarships	LA 37-12	57,926	57,926	· ·	
	12	1024160 Emergency Education Assistance	New	35,000	35,000		
	13	Tell the cite of the control of the cite o	New	58,447	58,447		
	14	1026020 Detention Agreements	New	25,000	25,000		
02-Motor Fuel Tax Total				\$ 2,753,536		\$	1,625,981
04-Indirect Cost Pool	15	2041030 Cherokee Publications IDC	March Mod 7	10,593	10,593	\$.,020,00
04-Indirect Cost Pool Total				\$ 10,593	\$ 10.593	\$	
08-Housing Proceeds	16	1082400 Proceeds of Sale	New	1,542,662	1,542,662	\$	
08-Housing Proceeds Total				\$ 1,542,662		\$	
22-DOI - Self Governance	17	3222250 SG Self Governance Over Sight	LA 37-12	71,148	71,148	\$	
22-DOI - Self Governance To				\$ 71,148		*	
32-IHS - Self Governance He			LA 37-12	249,723	249,723		
32-IHS - Self Governance He	ealth T	otal		\$ 249,723	\$ 249,723		
Grand Total				\$ 7,497,061	\$ 4,097,896	\$	3,399,165



COMPREHENSIVE BUDGET FOR FISCAL YEAR 2013

Funding Source	Revenues	Transfers In	Total	Direct Exp.	Indir. Exp.	Transfers Out	Total	NEI
Tribally Funded Funding Source	77,765,788	1,838,091	79,603,879	67,712,358	4,292,977	7,598,544	79,603,879	0
Motor Fuels Tax Funding Srce	8,801,819	12,895,819	21,697,638	13,927,490	141,110	7,629,038	21,697,638	0
Motor Vehicle Tax Funding Srce	15,988,418	225,000	16,213,418	14,946,895	394,984	871,539	16,213,418	0
Permanent Fund Funding Source	11,749	0	11,749	11,749	0	0	11,749	0
DOI General Funding Source	11,437,479	0	11,437,479	10,579,802	857,677	0	11,437,479	0
DOI Self Gov Funding Source	14,370,573	29,600	14,450,173	13,224,868	1,210,305	15,000	14,450,173	0
DOI Self Gov Roads Funding Src	29,555,077	0	29,555,077	29,319,213	177,056	58,808	29,555,077	0
Dept of Transportation Fnd Src	39,109,995	0	39,109,995	38,895,421	114,731	99,843	39,109,995	0
DOI PL102-477 Funding Source	18,369,926	0	18,369,926	17,691,575	678,351	0	18,369,926	0
IHS Self Gov Health Funding Sr	259,523,559	0	259,523,559	237,765,860	17,561,190	4,196,509	259,523,559	0
IHS Self Gov TEH Funding Src	5,803,801	0	5,803,801	5,394,953	408,848	0	5,803,801	0
IHS Self Gov Offic Funding Src	322,788	0	322,788	286,930	35,858	0	322,788	0
IHS Discretionary Funding Srce	800,000	0	800,000	30,000	0	770,000	800,000	0
DHHS General Funding Source	36,091,678	524,159	36,615,837	32,865,304	2,984,907	765,626	36,615,837	0
USDA Funding Source	18,978,136	743,192	19,721,328	18,978,547	742,781	0	19,721,328	0
Dept of Education Funding Srce	1,251,231	65,875	1,317,106	1,201,961	115,145	0	1,317,106	0
HUD Funding Source	48,447,547	85,061	48,532,608	46,876,591	1,656,017	0	48,532,608	0
Housing Proceeds Funding Src	0	0	0	0	0	0	0	0
EPA Funding Source	2,381,363	0	2,381,363	2,160,953	220,410	0	2,381,363	0
Dept of Labor Funding Source	7,234,825	0	7,234,825	6,500,336	734,489	0	7,234,825	0
Federal Other Funding Source	3,976,055	200	3,976,555	3,641,099	140,154	195,302	3,976,555	0
State of Oklahoma Funding Srce	1,445,015	0	1,445,015	1,318,780	126,235	0	1,445,015	0
Private Funding Source	688,593	172,575	861,168	801,409	59,759	0	861,168	0
Indirect Cost Pool Funding Src	165,065	006	165,965	35,543,771	(32,404,009)	0	3,139,762	(2,973,797)
Fringe Pool Funding Source	0	0	0	0	0	0	0	0
Internal Lease Pool Funding Sr	86,000	0	86,000	86,000	0	0	86,000	0
Enterprise Funding Source	1,602,453	536,556	2,139,009	1,792,310	0	341,254	2,133,564	5,445
Other Funding Source	190,099	12,000	202,099	191,373	10,726	0	202,099	0
Debt Service Funding Source	0	2,650,000	2,650,000	2,650,000	0	0	2,650,000	0
Capital Projects Funding Sourc	21,322,050	2,712,135	24,034,185	24,026,918	7,267	0	24,034,185	0
Total	\$ 625,721,082 \$	22,541,463 \$	648,262,545 \$	628,422,466 \$	266,968 \$	22,541,463 \$	651,230,897	\$ (2,968,352)
						Non Grant Requests	ollests	
							00000	:

Mod-7 Oper Req	18,689,086	04/22 Council
Mod-8b Oper Reg	4,097,896	05/13 Council

Total after pending Mod's

103,547,975 2,246,329 01/14 Council 1,339,646 02/11 Council

107,133,950

6

Total Capital

 CAPITAL RECONCILIATION

 LA-38-12 CAB
 \$ 103,547,975

 Mod-2 Capital
 2,246,329

 Mod-3 Capital
 1,339,646

674,017,879

 566,883,929
 (thru Mod-8 oper)

 107,133,950
 (thru Mod-3 cap)

 674,017,879

Operating (LA37-12) \$
Capital (LA-38-12) \$
Recap

CHEROKEE NATION - FY2013 BUDGET REQUEST FORM

PART-1

IAKI-I								
Budget Period:	10/01/2012-09/30/2013		Budget Preparer			Phone:	5670	
Contract Period:			Name:		Mary I	Hicks		
Contract Number:			Accounting Unit	Director/Manage		Phone:	5990	
Accounting Fund:	1-General Fund		Name:	<u> </u>	Courtney Rua			
Funding Source:	01-Cherokee Nation		Executive Direct	or		Phone:	5652	
AU Description:	Charitable Contributions		Name:	<u>v.</u>	Todd He		3032	
Accounting Unit:	1010042		1st Person Resp	oncible	Todaria	SITIDICO		
	lace IDC Rate in Part 4 Below		Employee #	Olizible	58	7		
	The state of the s				36			
			SBC Agreement:			Phone:		
Doto/Time Drinted:	1 40.1440		Name:					
Date/Time Printed:	13-May-13	11:28 AM						
	Notes: Increase of \$2,000 for Dela							
	Wow and \$3,000 for Oklahoma In-	dian Summer						
PART-2							1	
Staffing Summary:			FY 2013 R	EVISION 2	FY 2013 R	EVISION 1	Incr \ (Dec	cr)
# of Regular Full	-Time Employee Equivalents:							
# of Regular Part	-Time Employee Equivalents:							_
# of Temp. Full-	Time Employee Equivalents:						 	
# of Temp. Part-	Time Employee Equivalents:							<u> </u>
	Employee Equivalents:						 	
	MPLOYEE-EQUIVALENTS						 	
LIGIAL MOMBER OF E	MI LOTEE-EGOIVALENTO			-		-		_
PART-3								
Revenues:	(Chow on positive #1	A	1					
	(Show as positive #)	Account#	<u> </u>				Incr \ (Dec	cr)
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PART-4			Subject	to IDC 2	Subject	to IDC ?	7	
Expenditures:		Account#	YES	NO NO	YES			
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	ABOVE, OR REMOVE THIS LINE!							
Salaries & wages		600000	\$0				\$	-
Fringe benefits		610000	\$0				\$	-
Contributions & donation		750000		\$810,450		\$805,450	\$ 5.	,000
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Operating Transfers I		<u> </u>						
Other financing sources		900000					\$	
Cash in: tribally required	1	900010					\$	
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		I	120000000000000000000000000000000000000	<u> </u>	\$	
Operating Transfers C	DUT	<u> </u>						
Other financing uses		900001					\$	
Cash out: tribally require	ed	900011					\$	
Cash out: grant required	d	900021					\$	
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Cash out: vehicle tax		900051					\$	
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