

# An Act

Amended See  
LA# 24-99, 26-99  
27-99, 11-00

Legislative Act 19-99

## AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2000 BUDGET; AND DECLARING AN EMERGENCY

### SECTION 1. Title And Codification.

This legislative act shall be titled and codified as "The Comprehensive Budget for Fiscal Year 2000."

### SECTION 2. Purpose.

**TO COMPLY WITH THE CHEROKEE CONSTITUTION, TO AUTHORIZE FUNDING FOR GOVERNMENTAL OPERATIONS AND TO PROVIDE FULL DISCLOSURE OF FINANCES, EXPENDITURES AND REVENUES OF THE NATION.**

- A. The purpose of this enactment is intended to authorize, approve and ratify appropriations and expenditures of all funds made available from all sources.
- B. The use of such funds shall be subject to public disclosure.
- C. The funding sources of this budget are for operations of the Cherokee Nation's Executive, Judicial and Legislative Departments (Branches), including any authorized Commissions or Boards.
- D. The funding sources may include funds from compacts, grants, contracts, miscellaneous sources and contributions, dividends, revenues of enterprises, taxes, special and general fund sources, indirect costs or trust funds.

### SECTION 3. Policy of Accountability.

- A. All funds under the care of the Cherokee Nation shall only be expended as authorized by this enactment unless amended.
- B. Any official who intentionally and willfully misuses, misapplies, diverts or embezzles the application or use of any public funds entrusted to the care of the Cherokee Nation from any source may be prosecuted according to applicable criminal statutes.
- C. The enactment of this Act or any part thereof, does not ratify, condone or legalize any prior expenditures which were incurred contrary to Cherokee law. Any unauthorized expenditures, misappropriations, or other illegal acts involving the finances of the Cherokee Nation or any of its subsidiaries may be prosecuted under applicable law and/or other appropriate administrative or legal remedies may be pursued.

### SECTION 4. Legislative History.

- A. The Constitution of the Cherokee Nation provides that fiscal responsibilities are vested with the Tribal Council.
- B. The Budget Estimates for Fiscal Year 2000 to document and justify expenditures are incorporated herein.

- C. All previous resolutions, statutes and relevant Court Decisions as may be applicable are acknowledged.
- D. This enactment shall govern the proper use of all funds expended, obligated or encumbered legitimately for use during the course of business for Fiscal Year 2000. No other expenditure or use is authorized except as provided herein or as provided by subsequent amendments to this authorization.

#### **SECTION 5. Authorities Governing The Use of Funds.**

- A. The Constitution of the Cherokee Nation.
- B. Cherokee Nation Statutes. See the Cherokee Nation Code Annotated (CNCA).
- C. Applicable Federal law and regulations regarding contracts, compacts, grants and use of trust funds.

#### **SECTION 6. Funding Allocations and Justifications.**

- A. The allocations from all sources of revenues have been proposed as estimates and justified by the Principal Chief for the Executive, the Chief Justice of the Judicial Appeals Tribunal for the Judiciary and Legislative by the Chairman of the Executive and Finance Committee for the Council of the Cherokee Nation.
- B. These proposed allocations for funding are hereby approved as set forth in the justifications contained in the **Budget Estimates Fiscal Year 2000 as amended**, subject to the availability of funds as projected and estimated. The justifications are incorporated herein by reference.

#### **SECTION 7. Amounts Authorized, Adjustments, and Direction of Use of Funds Allocated.**

- A. The Executive, Judicial and Legislative Departments (Branches) are authorized to expend such funds as set forth in the estimates subject to the continued availability of revenues.
- B. The Executive shall provide financial reports on a monthly and quarterly basis in compliance with the Cherokee Constitution and laws and as the Tribal Council directs.

#### **SECTION 8. 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 9. Amendment**

This Act modifies all previous enactments relative to the budget and provides spending authority for continuing operations for Fiscal Year 2000, except those of a continuing nature previously appropriated, such as the funds allocated for scholarships and medical

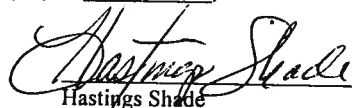
necessities which are carried forward to this fiscal year from Motor Fuels Tax appropriations previously enacted.

**SECTION 10. Effective Date: Emergency**

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares an emergency exists, by reason whereof this act shall take effect immediately upon its approval and signatures.

**BE IT ENACTED BY THE COUNCIL OF THE CHEROKEE NATION**, that this authorization is approved to become effective immediately and shall remain effective through the close of Fiscal Year 2000.

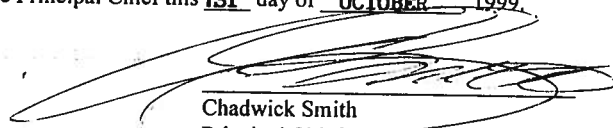
Passed by the Cherokee Council on the 29TH day of SEPTEMBER, 1999.

  
Hastings Shade  
President Cherokee Nation Council


ATTEST:

\_\_\_\_\_  
Secretary  
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 1ST day of OCTOBER, 1999.

  
Chadwick Smith  
Principal Chief Cherokee Nation

ATTEST: \*

  
Secretary / Treasurer  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

John A. Ketcher	<u>YEA</u>	Melvin Shotpouch	<u>ABSENT</u>
Don Crittenden	<u>YEA</u>	Stephanie Wickliffe	<u>YEA</u>
Harold A "Jiggs" Phillips	<u>YEA</u>	John F. Keener	<u>YEA</u>
Jackie Bob Martin	<u>YEA</u>	Harold DeMoss	<u>YEA</u>
Mary Flute-Cooksey	<u>NAY</u>	Dorothy Jean McIntosh	<u>YEA</u>
David W. Thornton, Sr.	<u>YEA</u>	Nick Lay	<u>YEA</u>
Don Garvin	<u>YEA</u>	Charles Chuck Hoskin	<u>ABSENT</u>
Barbara Starr-Scott	<u>YEA</u>		

**CHEROKEE NATION**  
**FY2000 BUDGET ESTIMATE**  
 Modifications to original estimates

ATTACHMENT A

Contester	Program Name	Original Estimate (book)	Modification Incr/(Decr) (Attachment-A)	Revised Budget	Division (tab#)	Funding Source	Comments
1	104205 000000 C/N FIRST Program (Info. Service Center)	\$ -	\$ 190,000	\$ 190,000	01	Indirect Cost Pool	Addition of Information Service Center.
2	301001 144000 Volunteer Program	-	91,284	91,284	01	Tribal - Gen Fund	New volunteer program.
3	101104 000000 Tribal Council - G/F	430,268	348,289	778,557	02	Tribal - Gen Fund	Budget increase.
4	102003 000000 Youth Support Program	-	100,000	100,000	02	Motor Fuels	Youth Support Program Initiative
5	104104 000000 Tribal Council - IDC	245,168	207,722	452,890	02	Indirect Cost Pool	Budget increase.
6	101120 000000 Judicial Appeals Tribunal	613,676	(212,701)	400,975	03	Tribal - Gen Fund	Budget reductions.
7	101101 001000 Govt Relations & Special Exec. Projects	433,189	(98,721)	336,468	05	Tribal - Gen Fund	Budget correction.
8	102005 003001 Marshals - M/T	537,491	-	537,491	05	Motor Fuels	Line item adjustments only - no change in total budget.
9	104101 001000 Govt Relations & Special Exec. Projects	116,661	84,089	200,750	05	Indirect Cost Pool	Budget correction.
10	102003 010001 Higher Ed - Non Pell Scholarships	-	1,050,000	1,050,000	06	Motor Fuels	To budget FY2000 scholarships (separate handout in hearings)
11	104242 000000 Programs Management	310,341	(25,341)	285,000	06	Indirect Cost Pool	Budget reductions.
12	330100 100000 Office of Executive Director - Health	685,814	(81,744)	604,070	07	IHS - S/G	Remove Deputy Exec. Director Salary & Fringes.
13	330100 200000 Office of Medical Services	9,741,561	(1,289,951)	8,451,610	07	IHS - S/G	Split-out of Community Health Service function.
14	330100 280000 Community Health Services	-	1,378,076	1,378,076	07	IHS - S/G	Addition of Community Health Service function.
15	101000 000000 General Fund Operations	858,971	91,284	950,255	08	Tribal - Gen Fund	To record the transfer-out to the 301001 144000 Volunteer Prgm.
16	101001 000000 Contingencies Reserve	384,746	(128,151)	256,595	08	Tribal - Gen Fund	Budget reduction to cover other budget increases & Entreprises.
17	104000 000000 Indirect Cost Pool Recovery	(14,186,245)	306,250	(13,879,995)	08	Indirect Cost Pool	Removal of Audit Fees budgeted on CFO budget also.
18	104221 000000 Controller	680,760	(300,000)	380,760	08	Indirect Cost Pool	Budget reductions.
19	104222 000000 Accounting	1,518,709	(997)	1,517,712	08	Indirect Cost Pool	Remove Deputy Exec. Director Salary & Fringes.
20	104230 000000 Community Development	319,514	(86,571)	232,943	09	Indirect Cost Pool	Budget increase for editor.
21	104110 000000 Public Affairs - IDC	319,592	30,366	349,958	11	Indirect Cost Pool	Remove Deputy Exec. Director Salary & Fringes.
22	104201 000000 Tribal Operations	367,516	(88,094)	279,422	11	Indirect Cost Pool	Remove Deputy Exec. Director Salary & Fringes.
23	104233 000000 Contracts	185,967	88,094	274,061	11	Indirect Cost Pool	Remove Deputy Exec. Director Salary & Fringes.
24	104237 000000 Planning & Development	405,518	(405,518)	-	11	Indirect Cost Pool	Funded by Gen Fund & DOI-S/G.
25	322001 022000 S/G Public Affairs	396,659	42,655	439,314	11	DOI - S/G	Budget incr. for Editor (split w/104110 000000) and indirects.

Total of modifications \$ 4,368,076 \$ 1,290,320 \$ 5,658,396

**MODIFICATIONS BY FUNDING SOURCE**

Tribal - General Fund	\$ 91,284
Motor Fuels Tax	1,150,000
Indirect Cost Pool	-
DOI-Self Governance	42,655
IHS-Self Governance	6,381
<b>Total</b>	<b>\$ 1,290,320</b>

**Reconciliation:**

FY 2000 Original Budget Estimate Book	\$ 144,720,236
Attachment - A modifications	1,290,320
Modified FY 2000 Original Budget Estimate Book	<b>\$ 146,010,556</b>

Notes:

- 1 > All payroll increases are limited to a maximum of 5% (2%-cost of living & up to 3% - merit).
- 2 > Marketing department will be moved into the Commerce Division from the Tribal Operations Division.