



# Council of the Cherokee Nation

Cherokee Nation Tribal  
Council  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Legislation Details (With Text)

**File #:** 09-109      **Version:** 1      **Name:** FY09 Budget Mod 10  
**Type:** Legislative Act      **Status:** Passed  
**File created:** 7/14/2009      **In control:** Executive and Finance Committee  
**On agenda:** 7/30/2009      **Final action:** 8/10/2009  
**Enactment date:** 8/10/2009      **Enactment #:** LA-20-09  
**Title:** AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 10; AND DECLARING AN EMERGENCY  
**Sponsors:** Jack D. Baker, Cara Cowan Watts  
**Indexes:** Budget - Comprehensive, Budget - Modification  
**Code sections:** N/A - Not Applicable  
**Attachments:** 1. LA-20-09

Date	Ver.	Action By	Action	Result
8/17/2009	1	OFFICE OF THE CHIEF	Signed	
8/10/2009	1	TRIBAL COUNCIL	Special Action	Pass
8/10/2009	1	TRIBAL COUNCIL	Special Action	Pass
8/10/2009	1	TRIBAL COUNCIL	Special Action	Fail
8/10/2009	1	TRIBAL COUNCIL	Approved	Pass
7/30/2009	1	EXECUTIVE AND FINANCE COMMITTEE	Approved with Amendments	Pass

**AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 10; 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 #19-08 Authorizing the Comprehensive Budget for Fiscal Year 2009 - Mod. 10**”.

**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 2009” or subsequent amendment. The cumulative total of the budget is increased by **\$13,985,015** for a total budget authority of **\$591,100,603**. The following items are identified as estimated General Fund sources in excess of appropriated uses to wit:

	Previous Balance	Estimated Sources	Estimated <Uses>	Adjusted Balance
A. General Fund	\$5,528,490	\$0	<\$1,275,196>	\$4,253,294
B. Motor Fuels Tax	\$0	\$0	<\$0>	\$0

**SECTION 3. LEGISLATIVE HISTORY**

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #19-08 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 amendment changes the total amount of the comprehensive budget authorization by a net increase of **\$13,985,015** to wit:

- A. An increase in the **General Fund** budget authority of **\$1,275,196** related to infrastructure costs at the Vinita Clinic site, Saline Courthouse, and funding supplements for the Clothing for Kids and Higher Education Scholarship programs.
- B. An increase in the **Motor Vehicle Tax Fund** budget authority of **\$3,572,617** to authorize a transfer pursuant to the purchase and retirement of 2006 Series Health Care Bonds as well as authorize additional scholarship funds.
- C. A net decrease in the **Enterprise Fund** budget authority of **<\$820,157>** primarily related to a reduction in program income for the current year.
- D. An increase in the **DOI Self Governance Fund** budget authority of **\$222,516** related to a pass-thru wind energy grant to CNE, increased other funding on the Indian Child Welfare program and a budget correction on the Housing Improvement Program.
- E. An increase in the **IHS Self Governance - Health Fund** budget authority of **\$2,396,388** related to additional current and prior year Contract Health Service funding.
- F. An increase in the **IHS Self Governance - Environmental Health Fund** budget authority of **\$149,941** related to additional program support funding.
- G. A net increase in the **NAHASDA Fund** budget authority of **\$2,513,141** primarily to transfer Title VI loan funds for debt service, authorize 2009 IHP Mortgage Assistance funds as well as various reallocations within the 2008 IHP and Economic Stimulus funds.
- H. An increase in the **Capital Projects Fund** budget authority of **\$1,429,756** related to closing out the Nowata and Sallisaw Clinic Construction budgets as well as authorizes the remaining expenditure on the Muskogee Clinic Construction budget.
- I. An increase in the **Debt Service Pool** budget authority of **\$3,245,617** to purchase and retire the previously authorized bond buy-back and substitute the debt with an internal obligation to the Motor Fuels Tax Education Encumbrance Reserve.

#### **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 10<sup>th</sup> day of August, 2009

Meredith Frailey, Speaker  
Council of the Cherokee Nation

ATTEST:

Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this \_\_\_\_\_ day of \_\_\_\_\_, 2009

Chadwick Smith, Principal Chief  
Cherokee Nation

ATTEST:

Melanie Knight, Secretary of State  
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Nay</u>	Bradley Cobb	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley Buzzard	<u>Yea</u>	Jack Baker	<u>Yea</u>
Curtis Snell	<u>Y</u>		