



# Council of the Cherokee Nation

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

## Legislation Details (With Text)

**File #:** 11-044      **Version:** 1      **Name:** FY 2011 BUDGET MOD 6  
**Type:** Legislative Act      **Status:** Passed  
**File created:** 3/16/2011      **In control:** TRIBAL COUNCIL  
**On agenda:** 4/11/2011      **Final action:** 4/10/2011  
**Enactment date:** 4/10/2011      **Enactment #:** LA-09-11  
**Title:** AN ACT AMENDING LEGISLATIVE ACT #29-10 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2011 - MOD 6; 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-09-11.pdf, 2. LA-09-11-BACKUP.pdf

Date	Ver.	Action By	Action	Result
4/21/2011	1	OFFICE OF THE CHIEF	Signed	
4/11/2011	1	TRIBAL COUNCIL	Approved	Pass
4/11/2011	1	TRIBAL COUNCIL	Amended	Fail
3/31/2011	1	EXECUTIVE AND FINANCE COMMITTEE	Approved and Forwarded to Council	Pass
3/31/2011	1	EXECUTIVE AND FINANCE COMMITTEE	Amended	Fail
3/31/2011	1	EXECUTIVE AND FINANCE COMMITTEE	Amended	Pass

**AN ACT AMENDING LEGISLATIVE ACT #29-10 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2011 - MOD 6; 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 #29-10 Authorizing the Comprehensive Budget for Fiscal Year 2011 - Mod. 6”.

**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 2011” or subsequent amendment. The cumulative total of the budget is increased by **\$15,727,170** for a total budget authority of **\$627,943,152**. The following items are identified as selective General Fund sources in excess of appropriated uses to wit:

	Previous Balance	Estimated Sources	Estimated <Uses>	Adjusted Balance
A. Tribally Funded	\$0	\$10,139,510	<\$10,139,510>	\$0
B. Motor Fuels Tax	\$0	\$50,000	<\$50,000>	\$0

Grants Received & Authorized per LA-29-10 (detail attached)	\$1,309,048
Modification Request #6 (see Section 4 below)	<u>\$14,418,122</u>

Cumulative change in budget authority

**\$15,727,170**

**SECTION 3. LEGISLATIVE HISTORY**

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #21-09 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 **\$14,418,122** to wit:

- A. A net increase in the **General Fund** budget authority of **\$10,139,510** related to prior year unexpended funds.
- B. An increase in the **Motor Fuels Tax Fund** budget authority of **\$50,000** related to the Community Youth Grant Program.
- C. A decrease in the **IHS Self Governance - Health Fund** budget authority of **<\$361,029>** related to prior year economic stimulus funding for maintenance and improvements.
- D. A net increase in the **IHS Self Governance - TEH Fund** budget authority of **\$326,871** related to prior year unexpended funds in environmental health administration budget partially offset by decreases in the environmental projects budget as well as a decrease in the prior year economic stimulus funding for water and sewer projects.
- E. An increase in the **DHHS - General Fund** budget authority of **\$2,116,235** to provide a transfer of Jack Brown Center revenues to the capital projects fund.
- F. An increase in the **NAHASDA Fund** budget authority of **\$30,300** related to additional funding for homeownership building packages from the 2006 Indian Housing Plan.
- G. An increase in the **Capital Projects Fund** budget authority of **\$2,116,235** to provide capital funding for a new Jack Brown Center.

**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.

## Cherokee Nation Tribal Council

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



# M e m o

**To:** Jack D. Baker, Chair, Executive & Finance Committee &  
Cara Cowan Watts, Co-Chair, Executive & Finance Committee

**From:** Doug Evans

**CC:** Executive & Finance Committee

**Date:** 3/16/2011

**Re:** Review of Budget Modification - 6

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):

<u>Funding Source</u>	<u>Program</u>	<u>Amount</u>
DHHS - General	5 - new awards (NARCH/CCC) & 4 - LIHEAP grant increases	\$1,237,459
USDA	1 - new award (WHIP) & 1 - Forestry grant increase	\$20,546
EPA	2 - grant carryover adjustments (GAP program)	<\$13,903>
Federal - Other	2 - grant carryover adjustments (TERO Sum & Ameri-Corp)	
\$37,666		
Private	1 - grant carryover (Healthy Nation - ASTHO)	\$27,280
	<b>TOTAL GRANTS</b>	<b><u>\$1,309,048</u></b>

## **B. MOD - 6 (28 budgets) Net Increase in budget authority - \$14,418,122:**

### **General Fund (Tribal): (Increase - \$10,139,510)**

*The following tribal discretionary budgets are funded by additional prior-year unexpended funds being brought forward in the amount of \$10,004,869 (unless otherwise noted):*

(1): Charitable Contributions: Requesting an increase of **\$289,750** in donations for a total FY11 budget of \$550,950. A recipient itemization of the increase is included with the line item budget.

(2): Public School Outreach: Requesting an increase of **\$27,000** for a total FY11 budget of \$316,299. These funds will provide for a Teacher Recognition Event and awards.

(3): CHS Dentures & Eyeglasses: Requesting an increase of **\$100,000** for a total FY11 budget of \$800,000 compared to a prior year budget of \$1,000,000.

(4): Contract Health - GF: Requesting an increase of **\$900,000** for a total FY11 budget of \$1,900,000 consistent with the prior year funding level.

(5): General Fund Operations: Requesting an increase of **\$50,000** for a transfer to item #21. This budget is also bringing forward **\$10,004,869** of unexpended prior year carryover, which is funding item #'s 1 thru 20.

(6): Contingencies Reserve: Requesting to reserve the balance of the carryover not otherwise requested in this mod package in the amount of **\$4,716,519**.

(7): Capital Improvement Reserve: Requesting an increase of **\$1,550,000** for a total FY11 budget of \$2,050,000. This increase is made up of \$250,000 for the Court Mall façade (funded by CNE), \$500,000 for relocation costs of the Supreme & District Courts to the CNI Building on Water Street, and the remaining \$800,000 increase is stated to be for "miscellaneous" projects; however, no additional information regarding these projects was provided.

(8): Tribal Election Fund: Requesting an increase of **\$37,691** for a total FY11 budget of \$722,351. The increase is to provide for additional contract service payments.

(9): Self Help Emergency Assistance: Requesting an increase of **\$100,000** for a total FY11 budget of \$400,000 consistent with the prior year funding level.

(10): CNE Inspections: Requesting a decrease of **<\$115,359>** for a total FY11 budget of \$50,000. This reduction is due a decrease in anticipated program revenue.

(11): Community Adult Assistance: Requesting an increase of **\$25,000** for a total FY11 budget of \$75,000 compared to a prior year budget of \$100,000.

(12): Clothing for Kids: Requesting an increase of **\$100,000** for a total FY11 budget of \$600,000 consistent with the prior year funding level.

(13): Rural Fire Stations: Requesting an increase of **\$185,000** for a total FY11 budget of \$455,000 compared to a budget level of the past 3 years of \$305,312.

(14): Registration Database (new initiative): Requesting **\$100,000** of spending authority. The justification documents indicate the purpose of these funds will be to rewrite the Registration Database in preparation for

the 2013 election and provide a centralized database to be used by all Cherokee Nation services.

(15): Community Works & Bldg Projects: Requesting **\$400,000** of current year spending authority for projects ready for implementation.

(16): Comm. Org Training & Tech Assistance (COTTA): Requesting an increase of **\$189,392** for a total FY11 budget of \$1,399,204 consistent with the prior year funding level.

(17): Community Investment Project (SYEP): Requesting **\$268,397** of current year spending authority, compared to a prior year budget of \$12,158. This additional funding will provide for over-income participants in the Summer Youth Program.

(18): Cherokee Day Work Program: Requesting an increase of **\$731,248** for a total FY11 budget of \$1,205,428 compared to a prior year budget of \$1,822,302.

(19): Vocational Work Preparation (new initiative): Requesting **\$250,000** of current year spending authority to provide training for high-demand and high-turnover positions in business and government.

(20): Cherokee Creativity Center (new initiative): Requesting **\$234,872** of current year spending authority to provide an Art Incubator Program. Justification states this program projects to be self-sustaining in 5 years.

*[end of General Fund]*

**Motor Fuels Tax Fund: (Increase - \$50,000)**

(21): Community Youth Grant Program: Requesting an increase in spending authority of **\$50,000** for a total FY11 budget of \$400,000 compared to a prior year budget of \$350,000. This increase is funded by a General Fund transfer from item #5 above.

**IHS - Self Governance Health Fund: (Decrease - <\$361,029>)**

(22): ES - Maintenance & Improvement: Requesting a decrease in spending authority of **<\$361,029>** to the actual amount of unexpended ARRA (stimulus) funds remaining.

**IHS - Self Governance TEH Fund: (Net Increase - \$326,871)**

(23): EHS Administration: Requesting an increase in spending authority of **\$457,578** primarily related to unexpended prior year funds. Funds are largely being utilized on contract and client services.

(24): EHS Projects: Requesting a decrease in budget authority of **<\$96,916>** to adjust down to the actual prior year carryover amount. Reduction is reflective in the contract services line item.

(25): ES Water & Sewer: Requesting a decrease in spending authority of **<\$33,791>** to the actual amount of unexpended ARRA (stimulus) funds remaining.

**DHHS - General Fund: (Increase - \$2,116,235)**

(26): Jack Brown Center Revenue: Requesting authorization to transfer prior year fund balance of **\$2,116,235** to the to the capital construction budget below (see item # 28).

**NAHASDA Fund: (Increase - \$30,300)**

(27): Homeownership Building Packages - 06 IHP: Requesting an increase of **\$30,300** in contract services from previously unallocated 2006 Indian Housing Plan funds.

**Capital Projects Fund: (Increase - \$2,116,235)**

(28): Jack Brown Center Construction: Requesting spending authority of **\$2,116,235** for the construction of a new Jack Brown Center. Funds are being transferred from the revenue budget above (see item #26) which has accumulated program income for several years to provide for this facility.

**C. CEMETERIES & LAW ENFORCEMENT FUNDS:**

The attached lists of projects have been approved, or are being requested to be approved in this Executive/Finance Committee. These projects have already been appropriated; therefore, there is no need to appropriate the funds again. This list is for informational purposes and is included within this mod package review for inclusion purposes.

**Summary:**

After reviewing the submission of Mod-6 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,

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Attachments