



Council of the Cherokee Nation

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

Legislation Text

File #: 09-087, Version: 1

AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 9; 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. 9**”.

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 **\$2,280,460** for a total budget authority of **\$574,245,481**. 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 | \$5,946,053 | \$1,179,676 | <\$1,597,239> | \$5,528,490 |
| 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 **\$2,280,460** to wit:

- A. An increase in the **General Fund** budget authority of **\$1,597,239** primarily for the transfer of the TERO training program to the Tribal Fund as well as additional equipment at the Community Recreational Center, Charitable Donations, Individual Water & Sanitation program funding and transfer funding for prior year deficits on the EPC Projects and Tribal Youth Council budgets.
- B. An increase in the **Motor Vehicle Tax Fund** of \$71,992 to fund the opening of a tag office in Jay, Oklahoma; directly offset by a reduction in the apportionment reserves account. The result of this funding has a **\$0** net budgetary impact.
- C. An increase in the **Tribal Force Account Fund** budget authority of **\$48,394** related to prior year deficit balances.
- D. An increase in the **Housing Proceeds Fund** budget authority of **\$350,039** related to prior year deficit balances and spending authority of insurance proceeds.
- E. An increase in the **Enterprise Fund** budget authority of **\$508** related to closing out an accounting unit and the related residual balance transfer.

- F. A decrease in the **NAHASDA Fund** budget authority of <\$6,267> related to environmental reviews.
- G. An increase in the **Federal Other Fund** budget authority of \$279,870 to transfer the TERO EEOC program and associated fund balance and fees to the General Fund.
- H. An increase in the **Special Revenue Other Fund** budget authority of \$10,677 related to prior year deficit balances.

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 13th day of July, 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:

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