

Council of the Cherokee Nation

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

Legislation Text

File #: 06-186, Version: 1

AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 - MOD 3; 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 #26-06 Authorizing the Comprehensive Budget for Fiscal Year 2007 - Mod. 3".

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 2007" or subsequent amendment. The cumulative total of the budget is increased by \$14,896,087 for a total budget authority of \$382,655,844. The following items are identified as estimated General Fund sources in excess of appropriated uses to wit:

A. General Fund B. Motor	Previous Estimated Estimated Adjusted Balance Sources Uses
Fuels Tax	Balance \$6,666,305 \$4,315,539 <\$5,931,086> \$5,050,758
	\$326,631 \$0 <\$0> \$326,631

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #26-06 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 an increase of \$14 896 087 to wit:

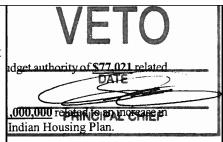
- A. An increase in the General Fund budget authority of \$5,931,086 related to several program's carryover funding, a special debt reduction payment related to the SHS Gymnasium, increased funding for the self-help waterline program, employee bonus adjustment, a judicial expansion planning budget and a close-out of the softball field construction project.
- B. An increase in the Motor Vehicle Tax Fund budget authority of \$80,017 related to the SHS apportionment from the previous year.
- C. An increase in the Tribal Force Account Fund budget authority of \$53,654 related to the Environmental Protection Commission.
- D. An increase in the Enterprise Fund budget authority of \$50,000 related to the Landfill.
- E. An increase in the DOI-General Fund budget authority of \$7,820,350 related to special construction funding and indirect cost shortfall funding for Sequoyah High School.
- F. An increase in the DOI-Self Governance Fund budget authority of \$133,959 to transfer funds related to SHS shortfall of indirect cost funding as well as additional realty funding.

Assigned: 12/04/06 Committee: 12/14/06

Author: D. Evans

An Act

G. An increase in the I.H.S. Self-Governance T.E.H. Fund b to a solid waste cleanup project. H. An increase in the NAHASDA Fund budget authority of \$ the Mortgage Assistance Program funding from the FY05



I. A decrease in the Capital Projects Fund budget authority of <\$250,000> pursuant to a change in accounting treatment of the Pow-Wow grounds improvement project.

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 22nd day of January, 2007

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Council of the Cherokee Nation

ATTEST:

Meredith Frailey, Speaker

Do	•			
Don Garvin, Secretary Council	of the	Cherok		
Approved and signed by the Pri	ncipal	Chief 1	this	day of , 2007

Chadwick Smith, Principal Chief Cherokee Nation ATTEST:

Melanie Knight, Secretary of State Cherokee Nation

YEAS AND NAYS AS RECORDED:

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Yea	Melvina Shotpouch	Yea	
Yea	Meredith A. Frailey	I•	
Yea	John F. Keener	Yea	
Nay	Cara Cowan Watts	Nay	
Yea	Buel Anglen	Nay	
Absent	William G. Johnson	Nay	
	Yea Yea Yea Nay Yea	Yea Meredith A. Frailey Yea John F. Keener Nay Cara Cowan Watts Yea Buel Anglen	

Don Garvin	,	Charles "Chuck" Hoskin	Yea
Linda Hughes- O'Leary	Yea	Taylor Keen	Yea
Jack Baker	Nay		

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Chad "Comtasser Smith Principal Chief-

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Joe Grayson. Jr.

Deputy Principal Chic!

CHEROKEE NATION

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January 29, 2007



Meredith A. Frailey, Speaker

Charles "Chuck" Hoskin, Deputy Speaker Council of the Cherokee Nation

Tahlequah, Oklahoma

Dear Speaker Frailey and Council Members:

I am returning the final enactment passed by the Tribal Council at the regular meeting held on January 22, 2007 as required by our Constitution. The Cherokee Constitution (Article V, Section 11) requires that every enactment approved by the majority of the Council be presented to the Principal Chief before it becomes effective. I have carefully considered each enactment and I have vetoed the following legislative act.

VETOED LEGISLATION

1. Legislative Act No. 04-07, An Act Amending Legislative Act #26-06 Authorizing the Comprehensive Budget for Fiscal Year 2007 - Mod. 3., and Declaring an Emergency.

An amendment was added to my proposed budget modification that I have addressed numerous times, including in my veto message of November 20, 2006: \$1.5 million for a second special staff bonus for government employees in the same fiscal year. I must say, that it is good to know that things are going so well in the Cherokee Nation that the ongoing dispute seems to center around how we should treat our employees. If this is our biggest disagreement, then the Cherokee Nation must be headed in the right direction. Keep in mind, I originally proposed the \$2 1 million bonus for employees, to cover both the bonus and associated fringe (see attached letter). However, it appears that some council members did not understand that proper accounting practices dictate that we charge our fringe and indirect rate equally and mistakenly promised \$1000 to every employee. Now, to make up for that one council member's promises, the Cherokee people are being asked to spend \$1.5 million to cover up for that mistake. That's \$1.5 million to be added on to a range of other improvements in employee compensation in this year:

- A special bonus of \$2,100,000
- Merit increases of approximately \$2,280,000
- Minimum wage increases of approximately \$270,000

- Christmas gift increased to \$50 each, or approximately \$110,000
- Performance Incentive and Exceptional Service Awards per year of approximately \$490,000 (estimate based upon actual 2006)

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This has been an unprecedented year for bonuses and pay increases. We have done it all this fiscal year: adjusted for better minimum wages, granted across-the-board bonuses and gifts, and paid employees for good performance. This is as it should be, because this has been a great year for the Cherokee Nation. However, we must keep in mind what our jobs are as elected officials. It is not our job to try to buy votes from employees by adding bonus on top of bonus. But the Council, by refusing to separate out the double bonus from the rest of the budget, has put important programs on hold. Instead of voting separately on the double bonus, they have tried the old political tactic of lumping the double bonus in with projects like water lines in Rocky Mountain, cancer and diabetes treatment money and mortgage assistance. The Council has decided to hold the entire budget hostage. I think they have forgotten that we work for the Cherokee citizens.

Further, many of the Cherokee Nation employees are upset that the bonus, which is supposed to represent a thank you for a job well done, has been turned into a political football. This issue is deliberately being used to divide the Council and draw attention away from the good work employees do. Instead of hearing about the success of our programs and the hard work employees did during the recent ice storm, there are stories about employee compensation in the news. Cherokees who are not employees have contacted our programs concerned about a second bonus. They, rightly, have reminded us that we should be dealing with the challenges that face all Cherokees - particularly when many are recovering from the recent ice storm.

Our employees are well deserving of the record increases we have approved and allocated this year. I am proud of their dedication and service to the Cherokee people. The ice storm showed us the best in our employees - those that selflessly go above and beyond their required jobs to help Cherokee families in need. Many of these employees worked hours and hours past their normal work times on weekends and nights to make sure Cherokee families had water and shelter. These employees don't go to these great lengths because they have something to get out of it for themselves - they do this work because it is in their hearts. They are dedicated to serving the Cherokee Nation.

For these reasons, I must veto this Legislative Act.

Sincerely,

Principal Chief

cc: Legislative Aide, Council of the Cherokee Nation Councilors (17), Council of the Cherokee Nation Melanie Knight, Secretary of State

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September 19, 2006

Meredith A. Frailey, Speaker

Chadwick Smith

Charles "Chuck" Hoskin, Deputy Speaker Council Members of the Cherokee Nation Tahlequah, Ok. RE: Agenda item for Special Council Meeting, September 21, 2006 Dear Speaker Frailey, Deputy Speaker Hoskin and Council Members:

As you know, I have scheduled a Special Council Meeting for September 21, 2006 at 6:00 p.m. in the Council Chambers. The agenda item is "Approval of FY2007 Comprehensive Budget." You have received my original 2007 budget proposal in July from the Treasurer, Callie Catcher, and have held committee meetings to review and consider this budget. I am in agreement with most of the adjustments and additions to the budget in Committee, which totaled over \$12 million. With this letter I am submitting the 2007

Comprehensive Budget Act and "Exhibit A," for the Special Meeting which identifies all adjustments and revisions to my original request. "Exhibit A" as submitted herein is substantially similar to that passed by the Executive and Finance Committee, with the following exceptions:

- 1. Item 21: Employee Appreciation Award. This item has been restored to be used as an increase to the merit pool for employees, rather than a per capita payment. Employee compensation policy at the Nation is based upon pay for performance, and these funds were requested to be paid according to employee achievements. I am committed to reward those employees who excel at the Nation and are responsible for our success. It does not encourage employees to go above and beyond their basic job requirements if there is no incentive for doing so. In fact, a flat payment amount is a disincentive to work harder than anyone else. We should commit to place our resources where employees are motivated and rewarded for work well done.
- 2. Item 36: Cancer Treatment. To ensure that this fund will be used for a greater number of priorities in the Contract Health Program, and after discussion with the Health Services Group, the title of this item has been changed to "Cancer and Chronic Diseases." This will allow for a greater number of unmet needs to be addressed in

Contract Health services, and allow the Health Group the ability to address all chronic diseases, including but not limited to cancer, cardiac, pulmonary and diabetes.

I trust that we will be able to reach agreement soon on the Comprehensive Budget for 2007, and work together for the Cherokee people towards another productive fiscal year.

Sincerely,

Chad Smith Principal Chief

cc: Callie Catcher, Treasurer

Gina Blackfox, Legislative Aide, Council of the Cherokee Nation

Melanie Knight, Secretary of State

Doug Evans, Executive Director, Financial Oversight, Council of the Cherokee Nation

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CHEROKEE NATION TRIBAL COUNCIL Doug Evans, C.P.A., Executive Director, Financial Oversi ght

Memo

To: Linda O'Leary, Chair, Executive & Finance Committee & Bill John Baker, Co-Chair, Executive & Finance Committee

From: Doug Evans

CC: Executive & Finance Committee

Date: 12/11/2006 Re: Budget Mod. #3

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. DECEMBER - GRANTS RECEIVED (REPORTING ONLY):

Funding Source ProgramAmount

E.P.A. 2 continuing multi-year grants \$32,634

TOTAL DECEMBER GRANTS RECEIVED \$32,634

B. MOD - 3 (4 budgets) Net Increase in spending authority - \$735,289:

GENERAL FUND: (Increase - \$735,289)

- (1): Justice Department: Requesting an increase of \$29,499 in spending authority for staff development, training and related travel funded from funds recovered from the Bogus Tag suit.
- (2): Cancer / Diabetes Treatment & Prevention: Requesting an increase of \$702,790 related to this program FY06 carryover funding for direct client services. Legislative Act #5-06 earmarked 100% of the tobacco surtax be allocated to prevent and treat diabetes and cancer.
- (3): Ford Estate: Requesting an increase of \$3,000 for miscellaneous expenses as well as an adjustment to the anticipated royalty income down to the prior year actual level.
- (4): Land Ops: Chilocco Project: Requesting only a change in revenue estimate. The gas/oil royalty income projection for FY07 has been increased based upon the FY06 actual revenue levels. No change in expenditure authority has been requested with this budget.

C. COMMUNITY ASSISTANCE & 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 for a second time. This list is for informational purposes and is included within this mod package review for inclusion purposes.

Summary:

After reviewing the submission of Mod-3, I find no technical issues surrounding these requests and nor do I have any concerns related to their respective carryover estimates. The legislative act considers the cumulative effect, pending veto reconsideration, and may possibly need to be modified accordingly. If I can provide any further information, please do not hesitate to contact me.

Respectfully,

Attachments

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CHEROKEE NATION FY 2007 REPORTING Sorted by Funding Source

				Data		
Funding S	Ref # by FS		FY 2007 Prior LA	Amend. Change to Sources	Amend. Expenses Total Change	Net Change
62-EPA	1	3622070 - Exchange 3622105 -	06	23,190 9,444	23,190 9,444	\$ - \$ -
3622105 - 2 LA 26-06 62-EPA Total				\$ 32,6	\$ 32,634	\$ -
Grand Tot	tal			\$ 32,6 34	\$ 32,634	\$ -

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CHEROKEE NATION PROPOSED FY 2007 AMENDMENT SortWTD-3 Arylco (eof

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				Data			
Funding Sou	Ref # I	Program/Purp	FY 2007 Prior LA	Amend. Change to Sources	Amend. Expenses Total Char	Net Chang	
O1-Cherokee 1 Nation 2	1	1010042 - Ch	LA 26- 06	-	5,898	\$ (5,898)	
	2	1010140 - Ju:L2 06		29,499	29,499	\$ -	
	3	1010244 - Hi	New	87,400	87,400	\$ -	
	4	1010272 - Ca Treat / Prey		702,790	702,790	\$ -	
	5	1010280 - Ge Operations	LA 26- 06	3,079,775	1,844,779	\$ 1,234,99	
	6	1010432 - Se Waterline\$.		-	1,000,000	\$ (1,000,000	
	7	1010433 - Co	New	21,700	21,700	\$ -	
	8	1010436 - Bl Equip	New	78,000	78,000	\$ -	

	9	1010474 - SHNev	v 19,973	19,973	\$ -
		Communicati			_
	10	1010480 - EnLA 06	26-	1,500,000	
	1.1		22 (42	22 (42	(1,500,000
	11	1010522 - EnNev Fund	v 23,643	23,643	\$ -
	12	1010840 - Ju Nev		100,000	\$ (100,000
	12	Planning2	,	100,000	\$ (100,000
	13	1011061 - O'Nev	y 39,735	39,735	\$ -
		Agreement	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	27,700	~
	14	1012201 - JacNev	v 16,766	16,766	\$ -
	15	1012215 - M.LA	26- 111,043	111,043	\$ -
		06			
	16	1012260 - FoLA	26- (14,439)	3,000	\$ (17,439)
		06			
	17	1012270 - LaLA	26- 22,794	- \$ 22,794	•
		Project 06			
	18	1012320 - PoLA	26-	250,000	\$ (250,000
		06			_
	19	1012342 - SoNev	<u> </u>	32,114	\$ -
	20	1012343 - W Nev	,	47,099	\$ -
	21	1012670 - OrLA 06	26- 17,647	17,647	\$ -
"%1-Chere	okee Nation	Total	\$	\$ 5,931,08	\$
			4,315,53		(1,615,
			9		547)
-Vehicle T	ax 22 1051	010 - MVT: SHS LA 2	6-06 80,017	80,017	\$ -
05-Vehicle	e Tax Total		\$ 80,017	\$ 80,017	\$ -
06-Tribal	Force Accor	unt' 2312062000 - EPC	Projects 53,654	53,654	\$ -
06-Tribal	Force Accor	unt Total	\$ 53,654	\$ 53,654	\$ -
10-Enterp	rise 1 24141	05000 - CN Landfill II	LA 26-06-	50,000	\$
					(50,000
)
10-Enterp	rise Total		\$ - \$ 50,000		\$ (50,000)
20-DOI - 0	Ger25	3203000 - Se Nev	y 56,569	56,569	\$ -
	26	Shortfall 3204000 - SHNev	v 7,763,781	7,763,781	c
20 D01 (v /,/05,/61		
20-D01 - 0	General Total	al	\$ 7,820,35	\$ 7,820,35	\$ -
			0		
22-D01 - S	Sel:27	3221000 - ReLA		65,390	\$ -
Governance		06	20 00,570	05,570	

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	28	3221120 - SH Funding	New	56,569	56,569	\$ -
	_ 29	3221900 - Co	New	12,000	12,000	\$ -
22-D01 - Sel	f Governance	Total		\$ 133,959	\$ 133,959	\$ -
33-1HS-Self	Governance 3	0 3334000 - Т	Tribal Solid V	77,021	77,021	\$ -
33-1HS-Self	Governance-	TEH2 Total	\$ 77,021	\$ 77,021	\$ -	
56-NAHASI	OA 1 3113560	529 - Mortgag	1,000,00 0	\$ -		
56-NAHASI	OA Total			\$ 1,000,00 0	\$ 1,000,00	\$ -
96-Capital Pr 06	rojects Fund{	32[7965000 -	Cultural Gro	(250,000)	(250,000)	\$ -
96-Capital Pi	rojects Fund T	otal	(250,000)	\$ (250,000	\$ -	
Grand Total				\$ 13,230,5 40	\$ 14,896,0	\$ (1,665, 547)

Printed: 12/20/2006 6:16 PM Mod 3 Pivot Table as amended.xls / FS_(3a)_PT COMPREL _ ASIVE BUDGET FOR FISCAL YEAR 2007

Incl. Mod-2 & Mod-3

Funding Source	Revenues	Transfers In	Total	Direct Exp	Indir. Exp	Transfe	Total NET
						rs Out	
Tribally Funded Funding	56,915,179	\$ 6,945,106	\$ 63,860,28				\$ 56,960,695
					4,247,867	l	6,899,590
						98	
Motor Fuels Tax Funding	9,049,950	\$ 9,526,854	\$ 18,576,80	\$ 10,114,2	\$ 281,352		\$ 18,250,173
						1 1	326,631
						87	
Motor Vehicle Tax Fund	12,657,453	\$	\$ 12,657,45	\$ 11,287,6	\$ 280,657		\$ 12,657,453
						1,089,1	
						06	
Permanent Fund Funding	15,000	\$	\$ 15,000	\$ 10 000	\$ -	\$	10,000 \$ 5,00
DOI General Funding So	9,086,937	\$ -	\$ 9,086,93	\$ 8,586,09	\$ 500,846	\$	9,086,937 \$
DOI Self Gov Funding S	13,038,345	\$ 90,000	\$ 13,128,34	\$ 11,749,5	\$	\$	\$ 13,128,345
					1,308,768	70,000	
DOI Self Gov Roads Fur	33,146,829	\$	\$ 33,146,82	\$ 32,267,3	\$ 379,435	\$	\$ 33,146,829
						500,000	
DOI PL102-477 Funding	14,982,244	\$	\$ 14,982,24	\$ 14,046,0	\$ 900,151	\$	\$ 14,982,244
						36,000	

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IHS Self Gov Health Fur	1/1,604,/92	5	\$ 71,604,79		\$ 6,440,600	\$ 2,500,0 00	\$ 71,604,792
IHS Self Gov TEH Fund	6,328,446	\$ 142,676	\$ 6,471,122	\$ 5,721,38	\$ 607,061	\$ 142,676	\$ 6,471,122
IHS Self Gov Offic Fund	469,833	\$	\$ 469,833	\$ 408,626	\$ 61,207	\$	469,833 \$
IHS Discretionary Fundi	540,000	\$	\$ 540,000	\$ -	\$ -	\$ 540,000	\$ 540,000 \$
DHHS General Funding	27,176,986	\$ 112,000	\$ 27,288,98	\$ 24,549,8	\$ 2,739,108	\$	\$ 27,288,986
USDA Funding Source	13,132,018	\$ 493,560	\$ 13,625,5	\$ 13,025,2	\$ 600,328	\$	\$ 13,625,578
Dept of Education Fundi	1,022,834	\$ 57,548	\$ 1,080,382	\$ 965,733	\$ 114,649	\$	1,080,382 \$
HUD Funding Source	35,688,638	\$ 504,000	\$ 36,192,63	\$ 21,739,9	\$ 1,402,668	\$ 13,050, 000	\$ 36,192,638
EPA Funding Source	2,936,096	\$	\$ 2,936,090	\$ 2,576,80	\$ 359,291	\$	2,936,096\$
Dept of Labor Funding S	6,701,465	\$	\$ 6,701,46	\$ 5,948,92	\$ 692,277	\$ 60,263	\$ 6,701,465
Federal Other Funding S	2,179,846	\$	\$ 2,179,840	\$ 2,107,84	\$ 72,004	\$	2,179,846\$
State of Oklahoma Fundi	560,869	\$	\$ 560,869	\$ 489,395	\$ 71,474	\$	560,869 \$
Private Funding Source	334,604	\$ 100,000	\$ 434,604	\$ 136,734	\$ 12,991	\$	149,725 \$ 28
Indirect Cost Pool Funding	34,900	\$ 60,263	\$ 95,163	\$ 19,855,1	\$ (19,760,00 4)	\$	95,163 \$
Tribal Force Acct Fundir	96,207	\$	\$ 96,207	\$ 174,350	\$ 17,767	\$ -	\$ \$(95,910)
Enterprise Funding Sour	2,699,261	\$ 529,923	\$ 3,229,184	\$ 2,752,21	\$ 10,522	\$	2,719622,17 466,450
Other Funding Source	5,215,301	\$	\$ 5,215,30	\$ 557,262		\$ 4,640,0 00	\$ 5,215,301 \$
Debt Service Funding So		2,500,000	\$ 2,500,000	\$ 2,500,00	\$ -	\$	2,500,000 \$
Capital Projects Funding	26,205,000	\$ 250,000	\$ 26,455,00	\$ 26,420,5	\$ 34,488	\$	\$ 26,455,000
Total incl. Oct thru Dec (\$ 351,819,0	\$ 21,311,930	\$ 373,130,9	\$ 329,588,84	\$ 1,393,54 34,261,93		\$ 365,244,323 \$ 7,886,640
					Mod-2 Per	nding	\$ 2,515,434
					Total w/M Request	Iod-2	\$ 367,759,757 Ones Dec Grants)
Cumuciliation - FY2007 Recon	Budget						

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Sub-T\$ 3	67,727,1	23				Mod-	3 R	Lequ	uest			\$ 7	\$ 735,289							
Dec G32,	634					Ozarl	c Cl	hall	lenge			\$ 3	5,8	98						
Mod-3\$ 14 14)	4,896,08	7 pending J	an T	ГСМ		JAT 1	Exp	P1	annin	g		\$ 1	100),0	00					
Sub-T\$ 3	\$ 14,896,087 pending Jan TCM \$ 382,655,844 or 1 R Assistance Amount • I 10/01/06 \$1 0001_ BuJohn A st Baker ud Bi 58000 ra 1 1_ C Av on ule ne n s8 0-				Mod-3 Amended					\$ 1	14,	89	6,087	Pe	r 12-	14-				
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Clifton Petti		00								Si 00		M ar bl e Ci ty Fo od Pa ntt
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