

Date: _____

Dear, Kim Peone, Finance Director

According to the Public Records Act of 2006, which makes it possible for members of the Eastern Band of Cherokee Indians, to have access to public records except those, which are specifically exempt, please accept this request for a copy of the following information:

1. Ordinance No. 352 (2004)
2. Resolution No. 1071 (2007)
3. The Attorney General's legal opinion regarding the 2014 and 2015 pay adjustment and back pay to current Tribal Council members, retired Council members and Executive Office. (All correspondence including emails and letters)
4. The Tribal Council budget section and Executive Office budget section of the 2015 balance budget submitted July 1, 2014.
5. The Tribal Council budget section and Executive Office budget section of the approved 2015 budget, which includes all amendments made to the above stated budget sections.
6. All hard copies and/or digital copies and/or screen shots of funds transferred from budget lines to Tribal Council budget and Executive Office budget salary line items, including all amendments approved through the budget/Finance level, Executive level and Tribal Council level process for the 2015 budget.
7. Policy and Procedure pertaining to budget amendment process for budget/Finance, Executive and Tribal Council levels.
8. Any and all documents reflecting calculations of the 2014 and 2015 council and chiefs salary pay adjustments that increased to current salaries.
9. All accounts which show amounts of back pay to all current and previous Council members.
10. All Executive orders pertaining to budget constraints that have been issued since 2004.
11. Policy, Procedure and interpretations of statutes and governing documents which have been adopted by the Finance department for back pay and pay adjustments for tribal council and executive office, including correspondence between various departments and/or Tribal Council, Executive Office and the Legal Department.
12. Minutes of Tribal Council budget hearing October 14, 2014.
13. Resolution passing the 2015 budget.
14. Retirement accounts and amounts affected by the pay adjustments and back pay for 2014 and 2015 budgets. (Sec. 132-12. - Certain matters declared public information. (6) Information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies)
15. Copy of budget sections that reflect retirement of former elected officials and/or spouses, submitted July 1, 2014 and the budget same sections as they appear currently after all budget amendments.
16. Copy of approvals needed to release back pay checks to all Tribal Council members, Executive Office and former Council Members.
17. Policy and Procedure directing the issuance of back pay checks to elected officials.

Print Name: _____

Address: _____

Phone: _____

Signature: _____

Cc: Terri Henry, Hannah Smith, Mitchell Hicks

Submitted 11/8/15

Date: 12-15-14

Dear, Kim Peone, Finance Director

According to the Public Records Act of 2006, which makes it possible for m Cherokee Indians, to have access to public records except those, which are this request for a copy of the following information:

- ✓ 1. Ordinance No. 352 (2004)
- ✓ 2. Resolution No. 1071 (2007)
3. The Attorney General's legal opinion regarding the 2014 and 2015 pay to current Tribal Council members, retired Council members and correspondence including emails and letters)
- ✓ 4. The Tribal Council budget section and Executive Office budget submitted July 1, 2014.
- ✓ 5. The Tribal Council budget section and Executive Office budget submitted July 1, 2014, which includes all amendments made to the above stated budget.
- ✓ 6. All hard copies and/or digital copies and/or screen shots of full lines to Tribal Council budget and Executive Office budget salary amendments approved through the budget/Finance level, Executive Office level process for the 2015 budget.
- ✓ 7. Policy and Procedure pertaining to budget amendment process and Tribal Council levels.
8. Any and all documents reflecting calculations of the 2014 and 2015 pay adjustments that increased to current salaries.
9. All accounts which show amounts of back pay to all current and former Tribal Council members.
- ✓ 10. All Executive orders pertaining to budget constraints that have been adopted by the Finance department for back pay and pay adjustments.
- ✓ 11. Policy, Procedure and interpretations of statutes and governing regulations adopted by the Finance department for back pay and pay adjustments, including correspondence between various departments, Executive Office and the Legal Department.
- ✓ 12. Minutes of Tribal Council budget hearing October 14, 2014.
- ✓ 13. Resolution passing the 2015 budget.
- ✓ 14. Retirement accounts and amounts affected by the pay adjustments in the 2015 budgets. (Sec. 132-12. - Certain matters declared public information taken from any account, voucher, or contract dealing with the receipt or disbursement of other funds by public bodies)
- ✓ 15. Copy of budget sections that reflect retirement of former elected Tribal Council members submitted July 1, 2014 and the budget same sections as they appear in the amendments.
16. Copy of approvals needed to release back pay checks to all Tribal Council Office and former Council Members.
- ✓ 17. Policy and Procedure directing the issuance of back pay checks



The Eastern Band of Cherokee Indians Office of the Attorney General

The Honorable Michell Hicks, Principal Chief
The Honorable Larry Blythe, Vice-Chief

Terri Henry
Chairwoman
Painttown Township

Bill Taylor
Vice-Chairman
Wolftown Township

Tribal Council Members

Perry Shell
Big Cove Township

Teresa McCoy
Big Cove Township

Gene Crowe, Jr.
Birdtown Township

Albert Rose
Birdtown Township

Tommye Saunooke
Painttown Township

Bo Crowe
Wolftown Township

Brandon Jones
Snowbird &
Cherokee Co. Township

Adam Wachacha
Snowbird &
Cherokee Co. Township

David Wolfe
Yellowhill Township

Alan B. Ensley
Yellowhill Township

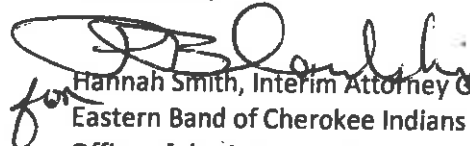
Monday, January 26, 2015

Dear Enrolled Member:

Please find attached, copies of the requested information you submitted to Ms. Kim Peone, Finance Director in December of 2014.

Each request has been provided within the restrictions of the Public Records Act.

Respectfully,


for Hannah Smith, Interim Attorney General
Eastern Band of Cherokee Indians
Office of the Attorney General

Attachments

Cc: Kim Peone, Director of Finance
Chief Michell Hicks
Terri Henry, Chairwoman, Tribal Council
File



The Eastern Band of Cherokee Indians Office of the Attorney General

The Honorable Michell Hicks, Principal Chief
The Honorable Larry Blythe, Vice-Chief

Terri Henry
Chairwoman
Painttown Township

Bill Taylor
Vice-Chairman
Wolfstown Township

Tribal Council Members

Perry Shell
Big Cove Township

Teresa McCoy
Big Cove Township

Gene Crowe, Jr.
Birdtown Township

Albert Rose
Birdtown Township

Tommye Saunooke
Painttown Township

Bo Crowe
Wolfstown Township

Brandon Jones
Snowbird &
Cherokee Co. Township

Adam Wachacha
Snowbird &
Cherokee Co. Township

David Wolfe
Yellowhill Township

Alan B. Ensley
Yellowhill Township

Monday, January 26, 2015

Dear Enrolled Member:

Please find attached, copies of the requested information you submitted to Ms. Kim Peone, Finance Director in December of 2014.

Each request has been provided within the restrictions of the Public Records Act.

Respectfully,

Hannah Smith
for Hannah Smith, Interim Attorney General
Eastern Band of Cherokee Indians
Office of the Attorney General

Attachments

Cc: Kim Peone, Director of Finance
Chief Michell Hicks
Terri Henry, Chairwoman, Tribal Council
File

#1 &

#2



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Cherokee Agency
Cherokee, North Carolina 28719

IN REPLY REFER TO:

Administration

November 18, 2004

Mr. Mitchell Hicks, Principal Chief
Eastern Band of Cherokee Indians
P.O. Box 455
Cherokee, N.C. 28719

Dear Chief Hicks:

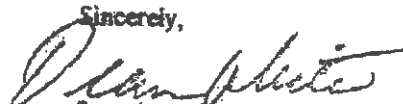
We are returning for your permanent files a copy of the Resolution No. 352 (2004) which was Passed by the Tribal Council of the Eastern Band of Cherokee Indians on October 11, 2004 and has subsequently been properly ratified.

Resolution No. 352 states that Tribal Council hereby enacts the following:

Pay increases for Tribal Council members shall not exceed the amount appropriated in that fiscal year for Tribal employees. These pay increases shall not take effect until the next elected Tribal Council members are seated, per Charter and Governing Document of the Eastern Band of Cherokee Indians.

This resolution shall become effective upon ratification by the Principal Chief.

Sincerely,


Superintendent

cc: Tribal Attorney w/copy of resolution
Tribal Finance w/copy of resolution
TOP w/copy of resolution

**TABLED
PASSED**

OCT 11 2004

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

AUG 05 2004

(DATE)

ORDINANCE NO. 352 (2004)

WHEREAS, Tribal employees are limited as to pay adjustments received; and

WHEREAS, enrolled members feel Council members have not been fair in the past with appropriating pay increases for Tribal Council; and

WHEREAS, in the past, Tribal Council members have received increments in the amount of \$10,000 to \$12,000 for the incoming Council members; and

WHEREAS, this amount far exceeds any amount allowed for Tribal employees; and

WHEREAS, Tribal Council should set the example for curbing spending and staying within reasonable budget constraints.

NOW, THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present, the Tribal Council hereby enacts the following:

- Pay increases for Tribal Council members shall not exceed ~~the amount~~ appropriated in that fiscal year for Tribal employees. These pay increases shall not take effect until the next elected Tribal Council members are seated, per Charter and Governing Document of the Eastern Band of Cherokee Indians.

BE IT FURTHER RESOLVED this ordinance shall become effective upon ratification by the Principal Chief.

Submitted by: Slick Saunooke

The attached Resolution/Ordinance No. 352 dated August 5, 2004 was:

PASSED (☒)

KILLED ()

and ratified in open Council on October 11, 2004 by 81 voting for the act
and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Mary Thompson	X			
Perry Shell	X			
Jim Oyle	X			
Bob Blankenship				
Alan Ensley	X			X
Mike Parker	X			
Albert Crowe	X			
Angie Kephart	X			
Abe Wachacha				
Dwayne Jackson	X			X
Marie Junaluska				X
Tommye Sauhooks	X			
TOTAL	81	0	0	19



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED (☒) VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 10-29-04

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and
has been fully and freely discussed.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band
of Indians, Superintendent, Cherokee Indian Agency.



OMITTED ()

INTERPRETED ()



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Cherokee Agency
Cherokee, North Carolina 28719

Michell Hicks, Principal Chief
Eastern Band of Cherokee Indians
P.O. Box 455
88 Council House Loop Cherokee, NC 28719

Dear Chief Hicks:

Attached is signed Tribal Council Resolution No. 1071 dated Sept. 24, 2007
Should you have any questions regarding this matter please contact me at (828) 497-9131 extension 227.

Sincerely,


Superintendent

US

Supervisor

CDI of 2/16

8/2017

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

SEP 24 2007

(DATE)

RESOLUTION NO. 107(2007)

WHEREAS, Council members last received a pay raise three years ago; and

WHEREAS, in response to several questions, a study was commissioned to examine pay for similar councils and boards in other jurisdictions to determine if the members of the EBCI Tribal Council are over or under paid compared to the industry average; and

WHEREAS, based on a study performed by the Tribe's compensation consultant, Gallagher - Burgess, and received by the executive office, it has been determined that EBCI Tribal Council members receive annual compensation that is approximately \$10,000.00 less than similar councils with like kind duties in other jurisdictions; and

WHEREAS, EBCI Tribal Council member's pay should be increased by \$10,000.00 per year to bring them to the industry average.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, the Tribal Council hereby increases the yearly compensation paid to Tribal Council members by \$10,000.00 for each Tribal Council member.

BE IT FURTHER RESOLVED that this Tribal Council here concludes that the amount of this increase in compensation does not violate the amount permitted for such increases in Tribal law. The increase in compensation approved herein shall not take effect until the next elected Tribal Council members are seated, per Charter and Governing Document of the Eastern Band of Cherokee Indians

BE IT FINALLY RESOLVED that this ordinance shall become effective upon ratification by the Principal Chief.

Submitted by: Pee Wee Crowe, Tribal Council Representative

Exceeds
ad .352
b/c not
based on
appropriated
for Tribal EE's

The attached Resolution/Ordinance No. 1071 dated September 24, 2007 was:

PASSED (☒)

KILLED ()

and ratified in open Council on September 24, 2007 by 54 voting for the act
and 46 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Mary Thompson		X		
Perry Shell		X		
Jim Owie	X			
Mike Parker		X		
David Wolfe		X		
Alan Enaley		X		
Dan McCoy	X			
Angie Kephart	X			
Abe Wachacha	X			
Carroll Crowe	X			
Marie Junaluska	X			
Tommye Sainooke		X		
TOTAL	54	46	0	0

TRIBAL COUNCIL CHAIRMAN


PRINCIPAL CHIEF

*Amended - Passed: change "ordinance"
to "resolution" in the "to it finally resolved" section.*


CLERK

APPROVED (☒) VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: 9-27-07

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and
has been fully and freely discussed.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band
of Indians. Superintendent, Cherokee Indian Agency.

INTERPRETED ()


OMITTED ()

#3



The Eastern Band of Cherokee Indians Office of the Attorney General

The Honorable Michell Hicks, Principal Chief
The Honorable Larry Blythe, Vice Chief

Terr Henry
Chairman
Pawnee Township

Phil Taylor
Vice Chairman
Redbone Township

Local Council Members

Perry Shell
Big Cove Township

Teresa McCoy
Big Cove Township

Gene Crowe, Jr.
Brentwood Township

Albert Rose
Brentwood Township

Tommie Saunooke
Pawnee Township

Bo Crowe
Watson Township

Brandon Jones
Snowbird &
Cherokee Co. Township

Adam Wachacha
Snowbird &
Cherokee Co. Township

David Wolfe
Yellow Hill Township

Alan B. Enslley
Yellow Hill Township

INTER-OFFICE MEMORANDUM

To: Kim Peone, Deputy Finance
From: Hannah Smith, Interim Attorney General 
Re: Tribal Council Salary Budget Increase
Date: September 22, 2014
CC: Michell Hicks, Principal Chief

In October 2004 Resolution 352 (2004) was submitted by Slick Saunooke seeking to have Tribal Council curb it's spending on salary increases for Tribal Council officials. The restrictions were codified into law at Cherokee Code Section 117-15(a)

Section 117-15 (a) of the Tribal Code states that pay increases for Tribal Council members shall not exceed an amount appropriated in that fiscal year for tribal employees and that the pay increases shall not take effect until the next elected legislative body is seated.

The law does not specify how the salary increases are to be budgeted, but the law implies that salary increases for the Tribal Council accrues each year if accrued for tribal employees and at the same rate as tribal employees. To apply the law, the total salary increase from a two year legislative term will be combined for application to the next legislative term.

The application of this law will eventually work the opposite effect on tribal council salary increases than what the spirit of the Resolution intended. The resolution intended to keep tribal council salaries more in line with the system of tribal employee salary increases. However, tribal employees have a built in limit to the value of their positions as determined by the level of pay assigned to the position making it impossible for the position to exceed a maximum threshold salary value. The implied automatic increase in tribal council's salary does not have the same built in mechanism to manage the value of the position because tribal council pay is not based in the pay scale like tribal employees. Tribal council's salary value will simply accrue unlimited unless and until further legislation is passed.





Eastern Band of Cherokee Indians

Proposed 2015 Budget

Program# 050

Budget Name: Executive Office

Account Number	Account Title	Revised FY14	Proposed FY15
TYPE: 4			
050.70.050.9500.0000.000	INCOME - TRIBAL	-1,302,637	-1,339,454
050.70.050.9502.0000.000	INCOME - OPERATING TRANSFER - INDIRECT	-652,617	-670,664
Summary for 'Type' = 4 (2 detail records)		Sum -1,955,254	-2,010,118
TYPE: 5			
050.70.050.6110.0000.000	SALARY EXPENSE - AEX	324,990	341,569
050.70.050.6111.0000.000	INTERN PAY	8,640	8,640
050.70.050.6220.0000.000	FICA	71,042	78,549
050.70.050.6300.0000.000	INDIRECT COST	45,619	49,856
050.70.050.6420.0000.000	TRAVEL - NATIONAL	30,000	30,000
050.70.050.6811.0000.000	CONTRACT SERVICES - CONSULTANTS	213,500	190,000
050.70.050.7205.0000.000	DUES & SUBSCRIPTIONS	25,000	35,000
050.70.050.7220.0000.000	PUBLICATIONS	3,000	5,000
050.70.050.7300.0000.000	EQUIPMENT PURCHASE	2,000	5,000
050.70.050.7305.0000.000	EQUIPMENT PURCHASE - COMPUTERS	10,000	0
050.70.050.8100.0000.000	PUBLIC RELATIONS	141,500	150,000
050.70.050.8111.0000.000	EMPLOYEE RECOGNITION	45,000	45,000
050.70.050.8610.0000.000	VEHICLE MAINTENANCE	8,000	13,000
050.70.050.8615.0000.000	VEHICLE GAS & TIRES	35,000	35,000
050.70.050.8620.0000.000	EQUIPMENT MAINTENANCE & REPAIR	2,000	2,000
050.70.050.8700.0000.000	SUPPLIES	20,000	20,000
050.70.050.8803.0000.000	TELEPHONE EXPENSE	10,000	10,000
050.70.050.8850.0000.000	UNIFORMS	6,000	8,000
050.70.050.8875.0000.000	UTILITIES	6,000	8,500
050.70.050.9175.0000.000	MERIT RESERVE	4,663	6,831
Summary for 'Type' = 5 (20 detail records)		Sum 1,011,954	1,041,945
BALANCE:		-943,300	-968,173



Eastern Band of Cherokee Indians **Proposed Budget - Fiscal Year 2015**

Program 050

Budget Name Executive Office

Acc1# 050.70.050.6110.0000.000

3.00
FTE

0.00
FT TEMP

0.00
PT PERM

0.00
PT TEMP

1.00
BRD/EO

Position#	Position Description	Level	Hourly Rate	Factor	Revised FY14	Proposed FY15
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050-1000-001	PRINCIPAL CHIEF	26	68.49	2,080	142,458	142,458
050-4200-001	COMMUNITY OUTREACH SPECIALIST	12	24.55	2,080	51,066	51,066
050-4200-002	ADMINISTRATOR/GOVERNMENTAL AFF	17	44.95	2,080	76,921	93,500
050-4200-007	COMMUNICATION/INFOMATION SPEC	10	26.22	2,080	54,545	54,545
Total					324,990	341,569

Acc1# 050.70.050.6111.0000.000

0.00
FTE

0.00
FT TEMP

0.00
PT PERM

2.00
PT TEMP

0.00
BRD/EO

Position#	Position Description	Level	Hourly Rate	Factor	Revised FY14	Proposed FY15
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050-4500-001	INTERN-EXECUTIVE OFFICE		9.00	480	4,320	4,320
050-4500-002	INTERN-EXECUTIVE OFFICE		9.00	480	4,320	4,320
Total					8,640	8,640



Eastern Band of Cherokee Indians Proposed 2015 Budget

Program# 059

Budget Name: Executive-Vice Chief Office

Account Number	Account Title	Revised FY14	Proposed FY15
TYPE: 5			
050.45.059.6110.0000.000	SALARY EXPENSE - SOCIAL SERVICE	189,562	189,562
050.45.059.6220.0000.000	FICA	38,318	42,538
050.45.059.6300.0000.000	INDIRECT COST	25,836	27,669
050.45.059.6400.0000.000	TRAVEL/TRAINING - VICE CHIEF	25,000	35,000
050.45.059.9175.0000.000	MERIT RESERVE	2,027	3,791
Summary for 'Type' = 5 (5 detail records)		Sum 280,743	298,560
BALANCE:		280,743	298,560



Eastern Band of Cherokee Indians

Proposed Budget - Fiscal Year 2015

Program 059

Budget Name Executive-Vice Chief Office

Acct # 050.45.059.6110.0000.000 1.00 0.00 0.00 0.00 1.00
FTE FT TEMP PT PERM PT TEMP BRD/EO

Position# Position Description Level Hourly Rate Factor Revised FY14 Proposed FY15

050-1000-002 VICE CHIEF 22 62.45 2,080 129,896 129,896

050-4200-003 EXECUTIVE SECRETARY 12 28.69 2,080 59,666 59,666

Total 189,562 189,562



Eastern Band of Cherokee Indians

Approved 2015 Budget

Program# 050

Budget Name: Executive Office

Account Number	Account Title	Revised FY14	Approved FY15
TYPE: 4			
050.70.050.9500.0000.000	INCOME - TRIBAL	-1,381,762	-1,339,454
050.70.050.9502.0000.000	INCOME - OPERATING TRANSFER - INDIRECT	-652,617	-670,664
Summary for 'Type' = 4 (2 detail records)		Sum -2,034,379	-2,010,118
TYPE: 5			
050.70.050.6110.0000.000	SALARY EXPENSE - AEX	324,990	341,569
050.70.050.6111.0000.000	INTERN PAY	7,281	8,640
050.70.050.6220.0000.000	FICA	69,778	78,549
050.70.050.6300.0000.000	INDIRECT COST	44,990	49,856
050.70.050.6420.0000.000	TRAVEL - NATIONAL	35,000	30,000
050.70.050.6811.0000.000	CONTRACT SERVICES - CONSULTANTS	274,500	190,000
050.70.050.7205.0000.000	DUES & SUBSCRIPTIONS	25,125	35,000
050.70.050.7220.0000.000	PUBLICATIONS	0	5,000
050.70.050.7300.0000.000	EQUIPMENT PURCHASE	0	5,000
050.70.050.7305.0000.000	EQUIPMENT PURCHASE - COMPUTERS	9,573	0
050.70.050.8100.0000.000	PUBLIC RELATIONS	192,488	150,000
050.70.050.8111.0000.000	EMPLOYEE RECOGNITION	45,000	45,000
050.70.050.8610.0000.000	VEHICLE MAINTENANCE	8,427	13,000
050.70.050.8615.0000.000	VEHICLE GAS & TIRES	35,000	35,000
050.70.050.8620.0000.000	EQUIPMENT MAINTENANCE & REPAIR	2,000	2,000
050.70.050.8700.0000.000	SUPPLIES	20,000	20,000
050.70.050.8803.0000.000	TELEPHONE EXPENSE	12,600	10,000
050.70.050.8850.0000.000	UNIFORMS	2,700	8,000
050.70.050.8875.0000.000	UTILITIES	6,700	8,500
050.70.050.9175.0000.000	MERIT RESERVE	0	6,831
Summary for 'Type' = 5 (20 detail records)		Sum 1,116,152	1,041,945
BALANCE:		-918,227	-968,173

Wednesday, October 15, 2014



Eastern Band of Cherokee Indians **Approved Budget - Fiscal Year 2015**

Program 050

Budget Name Executive Office

Acct #	050.70.050.6110.0000.000	3.00	0.00	0.00	0.00	1.00		
		FTE	FT TEMP	PT PERM	PT TEMP	BRD/EO		
Position#	Position Description	Level	Hourly Rate	Factor	Revised FY14	Approved FY15		
050-1000-001	PRINCIPAL CHIEF	26	68.49	2,080	142,458	142,458		
050-4200-001	COMMUNITY OUTREACH SPECIALIST	12	24.55	2,080	51,066	51,066		
050-4200-002	ADMINISTRATOR/GOVERNMENTAL AFF	17	44.95	2,080	76,921	93,500		
050-4200-007	COMMUNICATION/INFOMATION SPEC	10	26.22	2,080	54,545	54,545		
Total					324,990	341,569		

Acct #	050.70.050.6111.0000.000	0.00	0.00	0.00	2.00	0.00		
		FTE	FT TEMP	PT PERM	PT TEMP	BRD/EO		
Position#	Position Description	Level	Hourly Rate	Factor	Revised FY14	Approved FY15		
050-4500-001	INTERN-EXECUTIVE OFFICE		9.00	480	4,320	4,320		
050-4500-002	INTERN-EXECUTIVE OFFICE		9.00	480	4,320	4,320		
Total					8,640	8,640		



Eastern Band of Cherokee Indians Approved 2015 Budget

Program# 059

Budget Name: Executive-Vice Chief Office

Account Number	Account Title	Revised FY14	Approved FY15
TYPE: 5			
050.45.059.6110.0000.000	SALARY EXPENSE - SOCIAL SERVICE	189,562	189,562
050.45.059.6220.0000.000	FICA	37,913	42,538
050.45.059.6300.0000.000	INDIRECT COST	25,563	27,669
050.45.059.6400.0000.000	TRAVEL/TRAINING - VICE CHIEF	25,000	35,000
050.45.059.9175.0000.000	MERIT RESERVE	0	3,791
Summary for 'Type' = 5 (5 detail records)		Sum 278,038	298,560
BALANCE:		278,038	298,560



Eastern Band of Cherokee Indians

Approved Budget - Fiscal Year 2015

Program 059

Budget Name Executive-Vice Chief Office

Acct # 050.45.059.6110.0000.000

1.00
FTE

0.00
FT TEMP

0.00
PT PERM

0.00
PT TEMP

1.00
BRD/EO

Position#	Position Description	Level	Hourly Rate	Factor	Revised FY14	Approved FY15
050-1000-002	VICE CHIEF	22	62.45	2,080	129,896	129,896
050-4200-003	EXECUTIVE SECRETARY	12	28.69	2,080	59,666	59,666
Total					189,562	189,562



Eastern Band of Cherokee Indians
Unapproved Budget Transfer

Page # EX-02

Salary Changes: Yes ☒ No ☐ *ACH*

Transfer No: 4082 - CompData Adjustments

Area: *0508059* ACAP2 Next Area: BOAP Budget Name: Executive

Account Number	Account Name	Current Balance	Current Budget	Amendment	Revised
050.70.050.9500.0000.000	INCOME - TRIBAL	(\$1,339,454)	(\$1,339,454)	(\$71,765.00)	(\$1,411,219.00)
050.70.050.9502.0000.000	INCOME - OPERATING TRANSFER - I	(\$670,664)	(\$670,664)	(\$58,127.00)	(\$728,791.00)
050.45.059.6110.0000.000	SALARY EXPENSE - SOCIAL SERVIC	\$184,595	\$189,562	\$10,208.00 ✓	\$199,770.00
050.45.059.6220.0000.000	FICA	\$42,210	\$42,538	\$2,245.00 ✓	\$44,783.00
050.45.059.6300.0000.000	INDIRECT COST	\$26,992	\$27,669	\$1,461.00 ✓	\$29,130.00
050.70.050.6110.0000.000	SALARY EXPENSE - AEX	\$333,063	\$341,569	\$85,084.00 ✓	\$428,653.00
050.70.050.6220.0000.000	FICA	\$77,976	\$78,549	\$18,718.00 ✓	\$97,267.00
050.70.050.6300.0000.000	INDIRECT COST	\$48,636	\$49,856	\$12,176.00 ✓	\$62,032.00

Balance of Amendment: \$0.00

Does this transfer require a transfer for General Fund, Endowment, Indirect or any other Program Budget? Yes
GF, Endowment, Indirect or Program Budget Transfer # _____

JUSTIFICATION: WHY IS THIS AMENDMENT BEING REQUESTED?

Increasing pay for Executive and Vice Chief programs to comply w/Comp Data. Includes
BUDGET OFFICE USE ONLY *Revised*

Date Received: 10/21/14 Log # 15-015

Approval #: 3528

Reviewed by/date: MAK 10-21-14

Date Posted: 10/21/14

Approvals

☒ Budget Officer: Angela Vester

Date 10/21/14

Executive: _____

Date _____

Council: Granicus Log # _____ Resolution # _____

Date _____



Eastern Band of Cherokee Indians

Approved Budget - Fiscal Year 2015

Program 050

Budget Name Executive Office

Acct #	050.70.050.6110.0000.000	3.00 FTE	0.00 FT TEMP	0.00 PT PERM	0.00 PT TEMP	1.00 BRD/EO	
Position#	Position Description	Level	Hourly Rate	Factor	Original FY15	Revised FY15	
050-1000-001	PRINCIPAL CHIEF	26	88.94 ✓	2,080	142,458	185,000 ✓	
050-4200-001	COMMUNITY OUTREACH SPECIALIST	12	24.55	2,080	51,066	51,066	
050-4200-002	ADMINISTRATOR/GOVERNMENTAL AFF	17	44.95	2,080	93,500	93,500	
050-4200-007	COMMUNICATION/INFOMATION SPEC	10	26.22	2,080	54,545	54,545	
050-6110-999	FY14 COMP DATA RETRO					42,542 ✓	
Total					341,569	426,653 ✓	

Acct #	050.70.050.6111.0000.000	0.00 FTE	0.00 FT TEMP	0.00 PT PERM	2.00 PT TEMP	0.00 BRD/EO	
Position#	Position Description	Level	Hourly Rate	Factor	Original FY15	Revised FY15	
050-4500-001	INTERN-EXECUTIVE OFFICE		9.00	480	4,320	4,320	
050-4500-002	INTERN-EXECUTIVE OFFICE		9.00	480	4,320	4,320	
Total					8,640	8,640	



Eastern Band of Cherokee Indians

Approved Budget - Fiscal Year 2015

Program 059

Budget Name Executive-Vice Chief Office

050.45.059.6110.0000.000 1.00 0.00 0.00 0.00 1.00

Acct # 050.45.059.6110.0000.000 FTE FT TEMP PT PERM PT TEMP BRD/EO

Position#	Position Description	Level	Hourly Rate	Factor	Original FY15	Revised FY15
050-1000-002	VICE CHIEF	22	64.90 ✓	2,080	129,896	135,000 ✓
050-4200-003	EXECUTIVE SECRETARY	12	28.69	2,080	59,666	59,666
059-6110-999	FY14 COMP DATA RETRO					5,104 ✓
Total					189,562	199,770 ✓



EASTERN BAND OF CHEROKEE INDIANS

Budget Amendment Review Sheet

For items under 1-3 indicate beside each that apply (a checkmark) or NA were items do not apply:

1. Level III: Does the amendment meet any of the following?

☐ Yes ☐ No

_____ Addition of a position that increase the Total number of positions for the current Fiscal Year and not approved in Annual Budget process

_____ Revenue increase/decrease for established program (not a transfer from tribal funding or a carryover of a prior year budget)

_____ New programs that require funding outside of original budget for current Fiscal Year

_____ New grant(s)

Resolution #: _____

_____ Use of Fund Balance or Budget Stabilization Funds (excluding Fund Balance used for carryovers or CIP emergencies)

2. Level II: Does the Amendment meet any of the following?

☐ Yes ☐ No

_____ Salaries - a re-evaluation of a current salary positions(s) filled or vacant

_____ Salaries - Unbudgeted increases (6100's or 9175 accounts) including positions approved in annual budget process

_____ Salaries - Merit allocations requiring additional funding within approved overall tribal funding

_____ New commitments (contracts & maintenance agreements) or increase in commitments (6800's & 8600's accounts)

_____ Transfers of Tribal funding (general fund, indirect, levy, privilege, gaming or endowment #2) between approved budgets

_____ Carryover - carryover of prior year budget amount to a different division (including grant, endowment & CIP)

_____ New Funding Award made during the regular process for the Endowment #2 Fund or CIP reserve

_____ Capital Improvement Program(CIP) emergencies (within CIP Budget) up to \$50,000

3. Level I: Does the amendment meet any of the following:

☒ Yes ☐ No

_____ Salaries - Position title changes, no change to annual salary, hourly salary or position grade

_____ Salaries - Transfer of salary savings to other line items (must be to line items other than salaries)

_____ Salaries - Updates to salary position number(s) per certification(s), no change to annual salary or position grade

_____ Salaries - Move vacant salary position(s) to midpoint

☒ Salaries - Move current salary filled position(s) to minimum per Comp Data (CD) level certifications, not re-evaluations

_____ Salaries - Merit allocations from the merit reserve or other savings within program budget

_____ Adding an Account - addition of a line item (includes line items with zero balance), for grants with grantor permission

_____ Carryover - carryover of prior year budget amount within same division (including grants, endowment & CIP)

_____ Technical corrections - miscoding of account numbers, no change to total

_____ Line item transfer within the same budget to other line item(s)

If any of the items are checked in #1, the amendment requires Council approval. If there are no checks in #3, and at least one item is checked in #2, then amendment requires Executive approval. If there are no checks in #3 or #2, then transfer/amendment requires Budget Office approval only.

4. For Salary Items, indicate beside each that apply (a checkmark) or NA where item does not apply:

Does Total Salaries (6100's & 9175 accounts)?

☒ Yes ☐ No

If yes, verify the rates used:

Salary Change Amount: _____

Current Fringe percentage = 22% Fringe (6200's) = 12.75% Fringe percentage = 22%

Current Indirect percentage = N/A Indirect (6300) = N/A Indirect percentage = N/A

For salary changes, check all that are required

Salary Worksheet _____ Position Certification _____ Mark-up ☒

If so, is backup in the file?

☒ Yes ☐ No

Notification Sent:

Is vacant or re-evaluated position past midpoint?

☐ Yes ☒ No

IF YES, SIGNED MEMO FROM EXECUTIVE MUST BE INCLUDED

Notes:

Increasing pay for Executive and Vice Chief programs to comply with Comp Data - This includes retro.

Review Completed by: ma Date: 10-21-14

ma Posted to Salary Database (initial & date)

Input: ma Date: 10-21-14 Review: BN Date: 10-21-14

Marigeun Arch

From: Cheri Hollifield
Sent: Tuesday, October 21, 2014 9:40 AM
To: Marsha Jackson; Marigeun Arch; LeAnn Flippo
Subject: Transfer #4082

Transfer #4082 has been submitted for Executive & Vice Chief programs 050 and 059 for pay increases to comply with CompData recommendations. These increases will be in effect from 10/1/2013 which is what the retro amount is.

Thank you,

Cheri Hollifield
Accounting Coordinator III
Office of Budget & Finance
Eastern Band of Cherokee Indians
(828) 497-7049
cherholl@nc-chokeee.com



Eastern Band of Cherokee Indians

Approved Budget - Fiscal Year 2015

Program 050

Budget Name: Executive Office

Acct #	050.70.050.6110.0000.000	3.00	0.00	0.00	0.00	1.00	
		FTE	FT TEMP	PT PERM	PT TEMP	BRD/EO	
Position#	Position Description		Level	Hourly Rate	Factor	Revised FY14	Approved FY15

050-1000-001	PRINCIPAL CHIEF		26	88.94 88.94 ✓	2,080	142,458	142,458 185,000 ✓
050-4200-001	COMMUNITY OUTREACH SPECIALIST		12	24.55	2,080	51,066	51,066
050-4200-002	ADMINISTRATOR/GOVERNMENTAL AFF		17	44.95	2,080	76,021	93,600
050-4200-007	COMMUNICATION/INFORMATION SPEC		10	26.22	2,080	54,545	54,545
Total						324,990	341,560 424,1053 ✓

Acct #	050.70.050.6111.0000.000	0.00	0.00	0.00	2.00	0.00	
		FTE	FT TEMP	PT PERM	PT TEMP	BRD/EO	
Position#	Position Description		Level	Hourly Rate	Factor	Revised FY14	Approved FY15
050-4500-001	INTERN-EXECUTIVE OFFICE			9.00	480	4,320	4,320
050-4500-002	INTERN-EXECUTIVE OFFICE			9.00	480	4,320	4,320
Total						8,640	8,640

Addition of 050-6110-999
FY14 Comp Data Retro

42,542 ✓



Eastern Band of Cherokee Indians

Approved Budget - Fiscal Year 2015

Program 059

Budget Name Executive-Vice Chief Office

Acct #	050.45.059 6110 0000 000	1.00 FTE	0.00 FT TEMP	0.00 PT PERM	0.00 PT TEMP	1.00 BRD/EO
Position#	Position Description	Level	Hourly Rate	Factor	Revised FY14	Approved FY15

050-1000-002	VICE CHIEF	22	64.90 ✓ 62.45	2.080	129,896	129,896 135,000 ✓
050-4200-003	EXECUTIVE SECRETARY	12	28.89	2.080	59,666	59,666
Total					189,562	189,562 199,770 ✓

Addition of 059-6110-999
FY14 Retro Comp Data

5,104 ✓

Principal Chief: Recommendations

- Increase the salary level for the Principal Chief from ~~\$142,500 to \$185,000~~
- This 30% pay increase is based on the overall market comparisons.
- This proposed level places the Chief near the top of the US Governors' salary range and slightly ahead of the top rate for a member of the US Congress
- This adjustment also increases the spread between the salary levels of the Principal Chief and Vice-Chief from 9.7% to approximately 40%
- Lastly, the relationship between the top paid members at EBCI and the Principal Chief would be at a reasonable relative relationship for compensation levels for the Nation



Vice Chief: Recommendations

- Increase the salary level for the Vice Chief from \$125,500 to \$135,000
- The 3.9% pay increase is based on the overall market comparisons and would be at a similar compa-ratio as the Principal Chief
- The Vice Chief would be positioned at 93% of the proposed midpoint for grade 22 of the new structure
- Lastly, the relationship between the Principal Chief and the Vice Chief would be at a reasonable relative relationship for compensation levels for the Nation





The Eastern Band of Cherokee Indians Office of the Attorney General

The Honorable Michell Hicks, Principal Chief
The Honorable Larry Blythe, Vice-Chief

INTER-OFFICE MEMORANDUM

Terri Henry
Chairman
Painttown Township

Bill Taylor
Vice-Chairman
Wolfstown Township

To: Kim Peone, Deputy Finance
From: Hannah Smith, Interim Attorney General
Re: Resolution 692 (2013)
Date: April 2, 2014
CC: Michell Hicks, Principal Chief
Larry Blythe, Vice Chief

Tribal Council Members

Perry Shell
Big Cove Township

Teresa McCoy
Big Cove Township

Gene Crowe, Jr.
Birdtown Township

Albert Rose
Birdtown Township

Tommye Saunooke
Painttown Township

Bo Crowe
Wolfstown Township

Brandon Jones
Snowbird &
Cherokee Co. Township

Adam Wachacha
Snowbird &
Cherokee Co. Township

David Wolfe
Yellowhill Township

Alan B. Ensley
Yellowhill Township

Please allow this memorandum to clarify the authority set forth in Resolution 692 (2013) with regard to carrying out re-classification and compensation changes for both Government Officials and Tribal Employees.

CompData did an analysis of compensation for a broad array of tribal functions including those functions carried out by elected officials, appointed members of boards and committees, as well as those carried out by the tribal employees. The results of the analysis as it concerns changes in classifications and compensation plans were adopted by the Tribal Council in Resolution 692 (2013).

The second paragraph of the Resolution very clearly intends that Tribal Government be distinguished from Tribal Employees as a separate, identifiable category within the CompData Analysis for which changes were accepted. The amendment to the Resolution that specifically excludes tribal boards and committees further distinguishes Tribal Government from tribal boards and committees. The wording of the Resolution clearly sets forth Tribal Council's intent to allow CompData's recommended changes for classification and compensations plans for members of two categories: those within Tribal Government and those within the Tribal Employee population.

By excluding boards and commissions carrying out governmental functions, and by distinguishing tribal employees as a category, the only functions left within the category of Tribal Government are those functions carried out by members of Tribal Council, the Principal Chief and the Vice Chief.

The authority exists within the meaning and intent of Resolution 692 (2013) for the Principal Chief, through its Finance Deputy, to make those changes to the classification and compensation plan recommended by CompData for Tribal Council, Principal Chief and Vice Chief. There is no cause for delay.



050

050.70.050.6110.0000.000

JUSTIFICATION: WHY IS THIS AMENDMENT BEING DONE?

Technical correction to level only, per request of Benefits department. No change to position, salary, employee, etc.

Necessary Documentation should be attached per type of Amendment including but not limited to the following: Job Certification(s), Salary Worksheet, Approved Salary Page marked up, Expenditure Statement (reflecting current budget amounts).

Initiator: _____
 Approver: (Manager, Director or Deputy): _____
 Accounting Coordinator: Cheri Holtfield

Date: _____

Date: _____

Date: 10/22/14

✓ Budget Office

Executive

Date _____

Date _____



Eastern Band of Cherokee Indians

Approved Budget - Fiscal Year 2015

Program 050

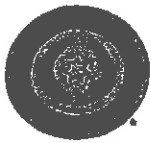
Budget Name Executive Office

Acct #	050.70.050.6110.0000.000	3.00	0.00	0.00	0.00	1.00	
		FTE	FT TEMP	PT PERM	PT TEMP	BRD/EO	
Position#	Position Description	Level	Hourly Rate	Factor	Original FY15	Revised FY15	
050-1000-001	PRINCIPAL CHIEF	26	88.94	2,080	142,458	185,000	
050-4200-001	COMMUNITY OUTREACH SPECIALIST	12	24.55	2,080	51,066	51,066	
050-4200-002	ADMINISTRATOR/GOVERNMENTAL AFF	17	44.95	2,080	93,500	93,500	
✓ 050-4200-007	COMMUNICATION/INFOMATION SPEC	13 ✓	26.22	2,080	54,545	54,545	✓
050-6110-999	FY14 COMP DATA RETRO					42,542	
Total					341,569	426,653	✓

Acct #	050.70.050.6111.0000.000	0.00	0.00	0.00	2.00	0.00	
		FTE	FT TEMP	PT PERM	PT TEMP	BRD/EO	
Position#	Position Description	Level	Hourly Rate	Factor	Original FY15	Revised FY15	
050-4500-001	INTERN-EXECUTIVE OFFICE		9.00	480	4,320	4,320	
050-4500-002	INTERN-EXECUTIVE OFFICE		9.00	480	4,320	4,320	
Total					8,640	8,640	



Thursday, October 23, 2014



EASTERN BAND OF CHEROKEE INDIANS

Budget Amendment Review Sheet

For items under 1-3 indicate beside each that apply (a checkmark) or NA were items do not apply:

_____ Addition of a position that increase the Total number of positions for the current Fiscal Year and not approved in Annual Budget process

_____ Revenue increase/decrease for established program (not a transfer from tribal funding or a carryover of a prior year budget)

_____ New programs that require funding outside of original budget for current Fiscal Year

_____ New grant(s)

Resolution #: _____

_____ Use of Fund Balance or Budget Stabilization Funds (excluding Fund Balance used for carryovers or CIP emergencies)

_____ Salaries - a re-evaluation of a current salary positions(s) filled or vacant

_____ Salaries - Unbudgeted increases (6100's or 9175 accounts) including positions approved in annual budget process

_____ Salaries - Merit allocations requiring additional funding within approved overall tribal funding

_____ New commitments (contracts & maintenance agreements) or increase in commitments (6800's & 8600's accounts)

_____ Transfers of Tribal funding (general fund, indirect, levy, privilege, gaming or endowment #2) between approved budgets

_____ Carryover - carryover of prior year budget amount to a different division (including grant, endowment & CIP)

_____ New Funding Award made during the regular process for the Endowment #2 Fund or CIP reserve

_____ Capital Improvement Program(CIP) emergencies (within CIP Budget) up to \$50,000

_____ Salaries - Position title changes, no change to annual salary, hourly salary or position grade

_____ Salaries - Transfer of salary savings to other line items (must be to line items other than salaries)

_____ Salaries - Updates to salary position number(s) per certification(s), no change to annual salary or position grade

_____ Salaries - Move vacant salary position(s) to midpoint

_____ Salaries - Move current salary filled position(s) to minimum per Comp Data (CD) level certifications, not re-evaluations

_____ Salaries - Merit allocations from the merit reserve or other savings within program budget

_____ Adding an Account - addition of a line item (includes line items with zero balance), for grants with grantor permission

_____ Carryover - carryover of prior year budget amount within same division (including grants, endowment & CIP)

☒ Technical corrections - miscoding of account numbers, no change to total

_____ Line item transfer within the same budget to other line item(s)

If any of the items are checked in #1, the amendment requires Council approval. If there are no checks in #3, and at least one item is checked in #2, then amendment requires Executive approval. If there are no checks in #3 or #2, then transfer/amendment requires Budget Office approval only.

NA Does Total Salaries (6100's & 9175 accounts)?

☐ Yes ☐ No

If yes, verify the rates used:

Salary Change Amount: _____

Current Fringe percentage = _____ Fringe (6200's) = _____ Fringe percentage = _____

Current Indirect percentage = _____ Indirect (6300) = _____ Indirect percentage = _____

☒ For salary changes, check all that are required

Salary Worksheet _____ Position Certification _____ Mark-up ☒

If so, is backup in the file?

☒ Yes ☐ No

Notification Sent: _____

IF YES, SIGNED MEMO FROM EXECUTIVE MUST BE INCLUDED

Notes: Adj. for Reg. 050, Log # 15-027.

Review Completed by: Linda Slippa Date: 10/23/14

☒ Posted to Salary Database (initial & date)

Input: cy Date: 10/23/14 Review: Mon Date: 10/23/14



Eastern Band of Cherokee Indians

Approved Budget - Fiscal Year 2015

Program 050

Budget Name Executive Office

Acct #	050.70.050.6110.0000.000	3.00	0.00	0.00	0.00	1.00	
		FTE	FT TEMP	PT PERM	PT TEMP	BRD/EO	
Position#	Position Description	Level	Hourly Rate	Factor	Original FY15	Revised FY15	
050-1000-001	PRINCIPAL CHIEF	26	88.94	2,080	142,458	185,000	
050-4200-001	COMMUNITY OUTREACH SPECIALIST	12	24.55	2,080	51,066	51,066	
050-4200-002	ADMINISTRATOR/GOVERNMENTAL AFF	17	44.95	2,080	93,500	93,500	
050-4200-007	COMMUNICATION/INFOMATION SPEC	13 [✓]	26.22	2,080	54,545	54,545	
050-6110-999	FY14 COMP DATA RETRO					42,542	
Total					341,569	426,653	

Acct #	050.70.050.6111.0000.000	0.00	0.00	0.00	2.00	0.00	
		FTE	FT TEMP	PT PERM	PT TEMP	BRD/EO	
Position#	Position Description	Level	Hourly Rate	Factor	Original FY15	Revised FY15	
050-4500-001	INTERN-EXECUTIVE OFFICE		9.00	480	4,320	4,320	
050-4500-002	INTERN-EXECUTIVE OFFICE		9.00	480	4,320	4,320	
Total					8,640	8,640	



Eastern Band of Cherokee Indians
CERTIFICATE
FOR JOB DESCRIPTION AND PAY LEVEL

POSITION TITLE Communication/information Specialist

DIVISION Executive

PROGRAM Executive

POSITION ID NUMBER 050-4200-007

TYPE OF CERTIFICATION:

☐ NEW POSITION

☒ EXISTING POSITION

FLSA STATUS: **CHECKLIST ATTACHED**

☒ EXEMPT

☐ NON-EXEMPT

☐ Executive/Director

☐ Managers & Professional

☒ Professional & Skilled

☐ Support & Semi-skilled

PAY LEVEL ASSIGNED 13✓

CERTIFICATION BASED ON 2080 HOURS. PRORATE TO BUDGETED HOURS. PAY MAY NOT EXCEED MIDPOINT FOR NEW HIRE. REFERENCE CURRENT EBCI SALARY STRUCTURE PAY RANGE.

Certification based on CompData reviews and to convert to EBCI Salary Structure CD13.

A. Jane Blankenship
Jane Blankenship, Benefits and Compensation Manager

10.21.2014
Date

**** MUST SUBMIT WITH AUTHORIZATION TO ADVERTISE ****

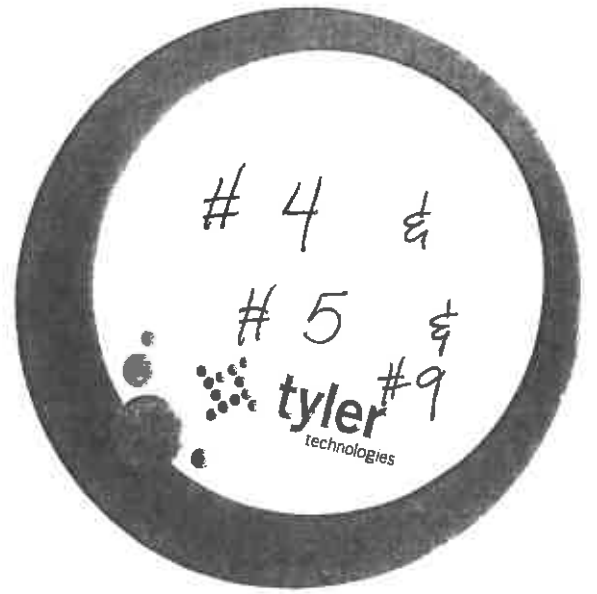
Cheri Hollifield

From: Lisa Fowler
Sent: Tuesday, October 21, 2014 4:46 PM
To: Angela T. Votaw; Marsha Jackson; Cheri Hollifield
Cc: Paxton Myers; Jane Blankenship; Laura Smith
Subject: A change on Budget Sheet of level
Attachments: SKMBT_C55214102104240.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hello Ladies, in the process of reconciling our job descriptions with the FY15 budget, we found that the budget sheet showed that 050-4200-007 Communication/Information Specialist position a level of 10. On previous certification sheets the level was a 13 begining when the position was revised from an Executive Secretary Jan. 2008. The following attachment serves as back-up. An a Technical Correction needs to be made to adjust the Salary Level from 10 to 13. No Salary adjustment is needed.

LISA FOWLER PENICK
TRIBAL EMPLOYEE BENEFITS & COMPENSATION
GINGER LYNN WELCH BUILDING SUITE 160
P.O. BOX 554, CHEROKEE NC. 28719
PHONE:828-554-6393
FAX: 828-497-8198
lisawolf@nc-chokeee.com





Eastern Band of Cherokee Indians Proposed 2015 Budget

Program# 075

Budget Name: Tribal Council

Account Number	Account Title	Revised FY14	Proposed FY15
TYPE: 4			
075.75.075.9500.0000.000	INCOME - TRIBAL	-1,706,619	-1,797,010
Summary for 'Type' = 4 (1 detail record)		Sum -1,706,619	-1,797,010
TYPE: 5			
075.75.075.6110.0000.000	SALARY EXPENSE - BCO	889,100	889,100
075.75.075.6220.0000.000	FICA	105,183	133,365
075.75.075.6300.0000.000	INDIRECT COST	239,790	254,460
075.75.075.6420.0000.000	TRAVEL - NATIONAL	105,000	105,000
075.75.075.6500.0000.000	TRAINING	7,000	7,000
075.75.075.6811.0000.000	CONTRACT SERVICES - CONSULTANTS	156,976	167,000
075.75.075.6843.0000.000	PROFESSIONAL FEES - LEGAL	28,985	28,985
075.75.075.6900.0000.000	CONTRIBUTIONS	25,000	25,000
075.75.075.6955.0000.000	AWARDS AND SCHOLARSHIPS	20,000	20,000
075.75.075.7300.0000.000	EQUIPMENT PURCHASE	6,500	15,000
075.75.075.7305.0000.000	EQUIPMENT - COMPUTER	7,244	13,300
075.75.075.7350.0000.000	OFFICE FURNITURE	0	10,000
075.75.075.7600.0000.000	TRI COUNCIL	0	25,000
075.75.075.8100.0000.000	PUBLIC RELATIONS	67,000	67,000
075.75.075.8610.0000.000	VEHICLE MAINTENANCE	3,985	3,000
075.75.075.8615.0000.000	VEHICLE GAS & TIRES	1,800	1,800
075.75.075.8620.0000.000	EQUIPMENT MAINTENANCE	2,000	2,000
075.75.075.8710.0000.000	SUPPLIES EXPENSE	15,000	10,000
075.75.075.8803.0000.000	TELEPHONE EXPENSE	26,056	20,000
Summary for 'Type' = 5 (19 detail records)		Sum 1,706,619	1,797,010
BALANCE:		0	0



Eastern Band of Cherokee Indians **Proposed Budget - Fiscal Year 2015**

Program 075

Budget Name Tribal Council

Acct#	075.75.075.6110.0000.000	0.00 FTE	0.00 FT TEMP	0.00 PT PERM	4.00 PT TEMP	12.00 BRD/EO	
Position#	Position Description	Level	Hourly Rate	Factor	Revised FY14	Proposed FY15	
075-1100-001	TRIBAL COUNCIL MEMBER		36.06	2,080	75,000	75,000	
075-1100-002	TRIBAL COUNCIL MEMBER		33.65	2,080	70,000	70,000	
075-1100-003	TRIBAL COUNCIL MEMBER		34.86	2,080	72,500	72,500	
075-1100-004	TRIBAL COUNCIL MEMBER		33.65	2,080	70,000	70,000	
075-1100-005	TRIBAL COUNCIL MEMBER		33.65	2,080	70,000	70,000	
075-1100-006	TRIBAL COUNCIL MEMBER		33.65	2,080	70,000	70,000	
075-1100-007	TRIBAL COUNCIL MEMBER		33.65	2,080	70,000	70,000	
075-1100-008	TRIBAL COUNCIL MEMBER		33.65	2,080	70,000	70,000	
075-1100-009	TRIBAL COUNCIL MEMBER		33.65	2,080	70,000	70,000	
075-1100-010	TRIBAL COUNCIL MEMBER		33.65	2,080	70,000	70,000	
075-1100-011	TRIBAL COUNCIL MEMBER		33.65	2,080	70,000	70,000	
075-1100-012	TRIBAL COUNCIL MEMBER		33.65	2,080	70,000	70,000	
075-4200-001	ENGLISH CLERK-COUNCIL		10.00	1,040	10,400	10,400	
075-4200-002	COUNCIL MESSENGER		10.00	1,040	10,400	10,400	
075-4200-003	CHEROKEE LANG CLERK		10.00	1,040	10,400	10,400	
075-4200-004	CHEROKEE LANG. CLERK COUNCIL		10.00	1,040	10,400	10,400	
Total					889,100	889,100	

#6 £

#17

From: Cory Blankenship
Sent: Tuesday, October 21, 2014 1:56 PM
To: Angela T. Votaw
Cc: Cheri Hollifield
Subject: Re: Council Retro

We will pay from the spreadsheet.

Cory M. Blankenship
EBCI Financial Division
Sent from my iPhone, please excuse typos and autocorrect.

On Oct 21, 2014, at 1:54 PM, Angela T. Votaw <angevota@nc-chokeee.com> wrote:

Cheri--Please proceed with this ebt in the morning.

Cory--Is the spreadsheet sufficient backup for the retro or will Nancy/Whitney need something else?

Angie

From: Cheri Hollifield
Sent: Thursday, October 16, 2014 3:40 PM
To: Angela T. Votaw; Cory Blankenship
Subject: Council Retro

Please find attached my spreadsheet for Tribal Council retro. The highlights just note the Chair and Vice for each year. Let me know if you have any questions. The \$128K needed for the FY14 retro is in the Tribal Council budget for FY15 under merit reserve, the rest is in the merit reserve line in general fund. What happens next?

Thank you,

Cheri Hollifield
Accounting Coordinator III
Office of Budget & Finance
Eastern Band of Cherokee Indians
(828) 497-7049
cherholl@nc-chokeee.com



Eastern Band of Cherokee Indians
Unapproved Budget Transfer

Page # OT-08 AC CH
Salary Changes: Yes ✓ No

Transfer No: 4085 - COUNCIL RETRO PAY

Area: ACAP2 Next Area: BOAP Budget Name: Tribal Council

Account Number	Account Name	Current Balance	Current Budget	Amendment	Revised
075.75.075.9500.0000.000	INCOME - TRIBAL	(\$2,210,827)	(\$2,210,827)	(\$382,986.00)	(\$2,593,813.00)
075.75.075.6110.0000.000	SALARY EXPENSE - BCO	\$597,491	\$1,017,500	\$395,066.00 ✓	\$1,412,566.00 ✓
075.75.075.6220.0000.000	FICA	\$171,782	\$171,885	\$40,000.00	\$211,885.00
075.75.075.6300.0000.000	INDIRECT COST	\$214,896	\$327,957	\$76,320.00	\$404,277.00
075.75.075.9175.0000.000	MERIT RESERVE	\$128,400	\$128,400	(\$128,400.00)	\$0.00
			Balance of Amendment:	\$0.00	

Does this transfer require a transfer for General Fund Endowment, Indirect or any other Program Budget? WLD
GF, Endowment, Indirect or Program Budget Transfer # 4085 to GF

JUSTIFICATION WITH THIS AMENDMENT BEING REQUESTED:

Retro Pay

Date Received: 10/22/14 Log # 15-024

Approval #: 3529

Reviewed by/date: 10/22/14

Date Posted: 10/22/14

Budget Officer: [Signature]

Date 10/22/14

✓ Executive: [Signature]

Date 10-22-14

Council: Granicus Log # Resolution #

Date



Eastern Band of Cherokee Indians

Approved Budget - Fiscal Year 2015

Program 075

Budget Name Tribal Council

Acct #	075.75.075.6110.0000.000	0.00 FTE	0.00 FT TEMP	0.00 PT PERM	4.00 PT TEMP	12.00 BRD/EO	
Position#	Position Description	Level	Hourly Rate	Factor	Original FY15	Revised FY15	
075-1100-001	TRIBAL COUNCIL MEMBER		41.54	2,080	86,400	86,400	
075-1100-002	TRIBAL COUNCIL MEMBER		38.75	2,080	80,600	80,600	
075-1100-003	TRIBAL COUNCIL MEMBER		40.14	2,080	83,500	83,500	
075-1100-004	TRIBAL COUNCIL MEMBER		38.75	2,080	80,600	80,600	
075-1100-005	TRIBAL COUNCIL MEMBER		38.75	2,080	80,600	80,600	
075-1100-006	TRIBAL COUNCIL MEMBER		38.75	2,080	80,600	80,600	
075-1100-007	TRIBAL COUNCIL MEMBER		38.75	2,080	80,600	80,600	
075-1100-008	TRIBAL COUNCIL MEMBER		38.75	2,080	80,600	80,600	
075-1100-009	TRIBAL COUNCIL MEMBER		38.75	2,080	80,600	80,600	
075-1100-010	TRIBAL COUNCIL MEMBER		38.75	2,080	80,600	80,600	
075-1100-011	TRIBAL COUNCIL MEMBER		38.75	2,080	80,600	80,600	
075-1100-012	TRIBAL COUNCIL MEMBER		38.75	2,080	80,600	80,600	
075-4200-001	ENGLISH CLERK-COUNCIL		10.00	1,040	10,400	10,400	
075-4200-002	COUNCIL MESSENGER		10.00	1,040	10,400	10,400	
075-4200-003	CHEROKEE LANG CLERK		10.00	1,040	10,400	10,400	
075-4200-004	CHEROKEE LANG. CLERK COUNCIL		10.00	1,040	10,400	10,400	
✓ 075-6110-999	RETRO PAY ✓					395,066 ✓	
Total					1,017,500	1,412,566 ✓	



Wednesday, October 22, 2014



EASTERN BAND OF CHEROKEE INDIANS Budget Amendment Review Sheet

For items under 1-3 indicate beside each that apply (a checkmark) or NA were items do not apply:

- ☐ Addition of a position that increase the Total number of positions for the current Fiscal Year and not approved in Annual Budget process
- ☐ Revenue increase/decrease for established program (not a transfer from tribal funding or a carryover of a prior year budget)
- ☐ New programs that require funding outside of original budget for current Fiscal Year
- ☐ New grant(s) Resolution #: _____
- ☐ Use of Fund Balance or Budget Stabilization Funds (excluding Fund Balance used for carryovers or CIP emergencies)
- ☐ Salaries - a re-evaluation of a current salary positions(s) filled or vacant
- ☐ Salaries - Unbudgeted increases (6100's or 9175 accounts) including positions approved in annual budget process
- ☐ Salaries - Merit allocations requiring additional funding within approved overall tribal funding
- ☐ New commitments (contracts & maintenance agreements) or increase in commitments (6800's & 8600's accounts)
- ☒ Transfers of Tribal funding (general fund, indirect, levy, privilege, gaming or endowment #2) between approved budgets
- ☐ Carryover - carryover of prior year budget amount to a different division (including grant, endowment & CIP)
- ☐ New Funding Award made during the regular process for the Endowment #2 Fund or CIP reserve
- ☐ Capital Improvement Program(CIP) emergencies (within CIP Budget) up to \$50,000

- ☐ Salaries - Position title changes, no change to annual salary, hourly salary or position grade
- ☐ Salaries - Transfer of salary savings to other line items (must be to line items other than salaries)
- ☐ Salaries - Updates to salary position number(s) per certification(s), no change to annual salary or position grade
- ☐ Salaries - Move vacant salary position(s) to midpoint
- ☐ Salaries - Move current salary filled position(s) to minimum per Comp Data (CD) level certifications, not re-evaluations
- ☐ Salaries - Merit allocations from the merit reserve or other savings within program budget
- ☐ Adding an Account - addition of a line item (includes line items with zero balance), for grants with grantor permission
- ☐ Carryover - carryover of prior year budget amount within same division (including grants, endowment & CIP)
- ☐ Technical corrections - miscoding of account numbers, no change to total
- ☐ Line item transfer within the same budget to other line item(s)

If any of the items are checked in #1, the amendment requires Council approval. If there are no checks in #3, and at least one item is checked in #2, then amendment requires Executive approval. If there are no checks in #3 or #2, then transfer/amendment requires Budget Office approval only.

- ☒ Does Total Salaries (6100's & 9175 accounts)? ☐ Yes ☐ No
- ☐ If yes, verify the rates used: Salary Change Amount: _____
- Current Fringe percentage = 15% Fringe (6200's) = 40,000 Fringe percentage = 15% ✓
- Current Indirect percentage = 28.62% direct (6300) = 71,320 indirect percentage = 28.62% ✓ 266,666
- ☒ For salary changes, check all that are required
- Salary Worksheet _____ Position Certification _____ Mark-up ☒ ✓
- If so, is backup in the file? ☒ Yes ☐ No
- Notification Sent: _____

IF YES, SIGNED MEMO FROM EXECUTIVE MUST BE INCLUDED

Notes:

Retro pay - increase GF Indirect

Review Completed by: John H. [Signature] Date: 10/22/14

☒ Posted to Salary Database (initial & date)

Input: ef Date: 10/22/14 Review: [Signature] Date: 11/24/14

LeAnn Flippo

From: Cheri Hollifield
Sent: Wednesday, October 22, 2014 8:32 AM
To: Marsha Jackson; Marigeun Arch; LeAnn Flippo
Cc: Angela T. Votaw
Subject: Transfer #4085

Transfer #4085 has been submitted for Tribal Council program 075 for Tribal Council retro pay.

Thank you,

Cheri Hollifield
Accounting Coordinator III
Office of Budget & Finance
Eastern Band of Cherokee Indians
(828) 497-7049
cherholl@nc-chokeee.com



Eastern Band of Cherokee Indians

Approved Budget - Fiscal Year 2015

Program 075

Budget Name Tribal Council

Acct# 075 75 075 6110 0000 000	0.00 FTE	0.00 FT TEMP	0.00 PT PERM	4.00 PT TEMP	12.00 BRD/EO	
Position#	Position Description	Level	Hourly Rate	Factor	Revised FY14	Approved FY15

075-1100-001	TRIBAL COUNCIL MEMBER		41.54	2.080	75,000	86,400
075-1100-002	TRIBAL COUNCIL MEMBER		38.75	2.080	70,000	80,600
075-1100-003	TRIBAL COUNCIL MEMBER		40.14	2.080	72,500	83,500
075-1100-004	TRIBAL COUNCIL MEMBER		38.75	2.080	70,000	80,600
075-1100-005	TRIBAL COUNCIL MEMBER		38.75	2.080	70,000	80,600
075-1100-006	TRIBAL COUNCIL MEMBER		38.75	2.080	70,000	80,600
075-1100-007	TRIBAL COUNCIL MEMBER		38.75	2.080	70,000	80,600
075-1100-008	TRIBAL COUNCIL MEMBER		38.75	2.080	70,000	80,600
075-1100-009	TRIBAL COUNCIL MEMBER		38.75	2.080	70,000	80,600
075-1100-010	TRIBAL COUNCIL MEMBER		38.75	2.080	70,000	80,600
075-1100-011	TRIBAL COUNCIL MEMBER		38.75	2.080	70,000	80,600
075-1100-012	TRIBAL COUNCIL MEMBER		38.75	2.080	70,000	80,600
075-4200-001	ENGLISH CLERK-COUNCIL		10.00	1.040	10,400	10,400
075-4200-002	COUNCIL MESSENGER		10.00	1.040	10,400	10,400
075-4200-003	CHEROKEE LANG CLERK		10.00	1.040	10,400	10,400
075-4200-004	CHEROKEE LANG. CLERK COUNCIL		10.00	1.040	10,400	10,400
Total					889,100	1,047,500

1,412,566

Addition of 075-6110-999
Retro per Resolutions

\$395,066 ✓

<u>FY2010</u>	<u>FY2011</u>	<u>FY2012</u>	<u>FY2013</u>	<u>FY2014</u>	<u>Total Retro</u>
\$4,200	\$4,200	\$6,797	\$6,797	\$11,397	\$33,391
\$4,200	\$4,200	\$7,040	\$7,040	\$11,017	\$33,496
\$4,200	\$4,200	\$6,797	\$6,797	\$10,637	\$32,631
\$4,350	\$4,350	\$6,797	\$6,797	\$10,637	\$32,931
\$4,200	\$4,200	\$6,797	\$6,797	\$10,637	\$32,631
\$4,200	\$4,200	\$6,797	\$6,797	\$10,637	\$32,631
\$4,200	\$4,200			\$10,637	\$19,037
\$4,200	\$4,200	\$6,797	\$6,797	\$10,637	\$32,631
				\$10,637	\$10,637
				\$10,637	\$10,637
				\$10,637	\$10,637
\$4,200	\$4,200	\$6,797	\$6,797	\$10,637	\$32,631
		\$6,797	\$6,797		\$13,594
\$4,200	\$4,200	\$6,797	\$6,797		\$21,994
\$4,500	\$4,500	\$7,283	\$7,283		\$23,565
\$4,200	\$4,200	\$6,797	\$6,797		\$21,994
\$50,850	\$50,850	\$82,292	\$82,292	\$128,782	\$395,066



800 - Budget Policy

Passed 10/23/09 Executive order# 1006-16

The Eastern Band of Cherokee Indians shall adopt the following budget policy: "The Executive Committee shall present a proposed budget to Tribal Council no later than July 1 of each year," (per Tribal Code Section 21). Tribal Council shall review the proposed budget, suggest any changes and/or priority of expenditures, and discuss with the Executive Committee. After discussion between the Executive Committee and Tribal Council, the Budget and Finance Division will prepare the final version of the annual budget.

The approved budget will be balanced; which requires that the expenditures for the fiscal year will not exceed the revenues for the fiscal year.

The approved budget shall be based on revenues that do not exceed prior year actual revenues, except where Executive and Council are confident that additional revenue will be achieved.

The final version of the budget will be presented to Tribal Council prior to September 30, of each fiscal year, for final approval and will be effective October 1 of each fiscal year. In the instance the annual budget is not complete and agreed upon by the Executive Committee and Tribal Council by October 1, a "Continuing Operations" resolution must be presented by the Chairman of Tribal Council. The continuing resolution shall authorize Tribal programs to continue normal operations until a final budget is approved by Tribal Council and ratified by the Principal Chief.

No money shall be paid out except upon warrant of the Principal Chief as authorized by an act of Tribal Council.

It is the responsibility of the Eastern Band of Cherokee Indians' legislative and executive branches to prepare, present, and implement an annual balanced operating budget.

801 - Purpose

To establish and define the responsibilities for preparing operating budgets; to provide various management personnel with the financial information necessary to perform their functions and control expenditures; and to provide a means for measuring and guiding performance by comparing planned (budgeted) expenditures and revenue against actual data.

802 - General

- A. Fiscal Year budgets (October 1 through September 30) are prepared by program managers with the assistance of an Accounting Coordinator, the program's Director and/or Deputy Officer, the Deputy Officer of Budget and Finance, and Budget Office. The Deputy Officer of Budget and Finance submits the budgets by June 1st to the Principal Chief. The Principal Chief must submit a balanced budget to Tribal Council on or before July 1st.

- B. Tribal policy prohibits spending in excess of budgeted amounts. For programs whose operating budgets are based on revenues earned, those expenditures should not exceed actual revenues received at any time. Program managers are responsible for monitoring their revenue and expenditures for their programs.
- C. Deputy Officers are responsible for analyzing their overall divisional programs budget to actual reports.
- D. All budget requests and amendments will be made by using the approved tribal process.
- E. The Deputy Officer of each tribal division shall provide to the Principal Chief, orally and in writing, a report consisting of a budget-to-actual comparison of revenues and expenses within their division (including for each program). The report shall be presented every six months. For the six-month period ending March 31, reports are due on or before June 15. For the six-month period ending September 30, reports are due on or before January 15. Within 30 days of the date on which the reports are due, the Principal Chief shall present to Tribal Council a written summary for each division.
- F. When possible, grants shall be written to include administrative costs taken from the General Fund. If the grant does not allow for inclusion of administrative costs, the program manager or other representative shall explain in detail why the grant cannot be written to include administrative costs. If a grant presents recurring costs to the Tribe, the Tribal Council shall carefully scrutinize the grant requirements, the projected recurring costs, and the need for the grant money, and other relevant details to determine whether participating in the grant is fiscally responsible. The request to Tribal Council to approve a grant shall be made in the form of a resolution, which shall be reviewed by the Grants Administrative program and the Budget and Finance Division before being presented to the Budget Council. The Deputy Officer of each division shall inform Tribal Council of the impending expiration or sunset of each grant within their division at least six (6) months before the expiration or sunset of each grant.
- G. The Budget office is responsible for ensuring that tribal programs are maintaining fiscal integrity of their budgets by approving applicable budget amendments throughout the fiscal year. It is the intent of the Budget Office to ensure that all amendments are appropriate, necessary and have required documentation to support any requested budget amendment prior to approval. To assist in ensuring programs maintain a balanced budget, recurring expenses should only be funded by recurring revenues. For example, salary expense savings and fund balance revenues should not be used to pay for recurring expenses.

803 - Responsibility

803.01 - Budget and Finance Division

1. Coordinate budget preparation within the Tribe. Assist with necessary budget modifications and amendments.
2. Provide data, special analysis, and technical assistance that will assist Tribal Programs with the preparation of meaningful budgets.
3. Request budget variance explanation from Program Manager.

4. Ensure compliance with specific granting source requirements.
5. Process approved budgets and budget amendments within the accounting system.

803.02 - Deputy Officers, Directors and Program Managers

1. Prepare realistic operating budget requests for all activities within their division or program.
2. Support the budget request with justification data.
3. Participate in budget review and approval process.

803.03 - Executive Committee

1. Review budgets and budget amendments.
2. Principal Chief presents annual budget to Tribal Council.

803.04 - Budget Council

1. Review the total operating budget for reasonableness consistent with the overall operational plan.
2. Meet with the Principal Chief, Deputy Officer and/or Director of Budget and Finance, the Budget Officer, and other appropriate management personnel regarding the proposed budgets.
3. Adopt an annual budget for each Tribal Program into law.
4. Issue a continuing resolution if budgets are not enacted before October 1st.

804 - Budget Amendments

The required approval of budget amendments is as follows:

Level 1- Budget Office~ All Amendments must be approved at this level

1. Salary position title changes, no change to salary.
2. Transfer of Salary Savings to other line items.
3. Updates to salary position numbers.
4. Move vacant salary positions to midpoint.
5. Move current salary filled positions to minimum per Comp Data (CD) level certification, not re-evaluations.
6. Merit Allocations from the Merit Reserve or other savings within the program budget.
7. Carryovers with continuing line items within division. (Including grants, endowment, and CIP)
8. New accounts for existing grants (with permission).
9. Technical corrections, miscoding of account numbers no change to total.
10. Addition of a line item (includes line items with zero balances).
11. Carryovers with new line items. (Including grants, endowment, and CIP)
12. Line item transfers (excluding salary savings) to other line items.

Level 2- Executive Committee

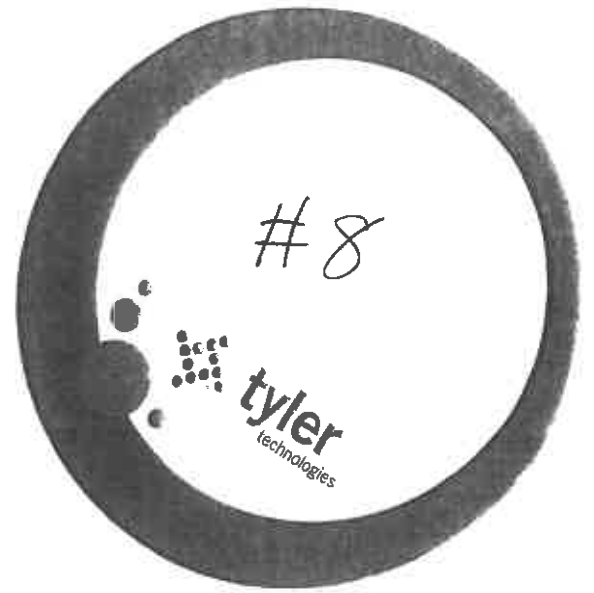
1. Re-evaluation of currently filled salary positions.

2. Salary increases (unbudgeted).
3. Merit Allocations requiring additional funding within approved overall tribal funding
4. New Commitments (contracts & maintenance agreements)
5. Transfer of Tribal Funding (General Fund, Indirect, Levy, Privilege, Gaming, or Endowment #2) between approved budgets.
6. Carryovers to different department/division. (Including grants, endowment, and CIP)
7. New Awards made during the regular process for the Endowment #2 Fund the CIP (Capital Improvement Plan) fund, General Fund, and the Indirect Fund
8. CIP Emergencies: Emergency program needs and/or critical services requiring the use of fund balance that are \$50,000 or less may be addressed by Executive through the Capital Improvement Program (CIP). Notification of emergency amendments using fund balance approved by the Executive Committee will be provided to Tribal Council within five (5) working days.

Level 3- Budget Council

1. Positions that increase the approved number of positions for the current Fiscal Year.
2. Additions/Reductions to the overall budget for the current Fiscal Year:
 - a. Revenue increases/decreases for established programs.
 - b. Establish new programs.
 - c. New grants that may or may not require matching funds from the tribe.
 - d. Use of fund balance. (Excluding fund balance used carryovers and fund balance used for CIP emergencies as identified under "Level 2- Executive Committee" in section 804 of the Fiscal Management Policy)

For more information, please contact the Finance office.



Council Member Pay History with Employee Average Increases Analysis

Employee Average Merit & Cola
2004 Language applied from beginning

Council Member
Council Vice Chair
Council Chair

2004 Language applied from 2007 raises

Council Member
Council Vice Chair
Council Chair

Pay increase approved for FY for Tribal Council

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
\$60,000	\$62,500	\$65,000		\$70,000	\$72,500	\$75,000				\$80,637
										\$83,517
										\$86,397

Resolution No. 352
(2004) pay increases
for Tribal Council shall
not exceed the amount
appropriated in that
fiscal year for Tribal
Employees.

Resolution No. 1071
(2007) increases
council pay \$10,000
effective for the 2007-
08 term.

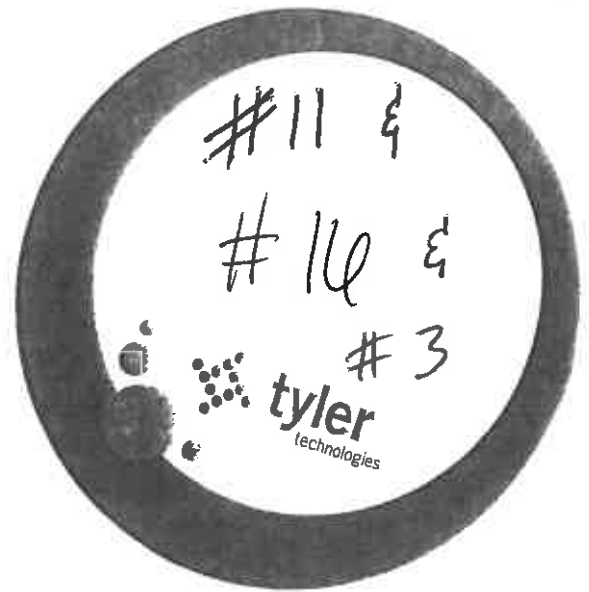
Key:
Actual Council Pay
Proposed FY2015 Council Pay

#12

minutes

T.C. Budget Hearing

10/14/14





Eastern Band of Cherokee Indians

Office of Budget & Finance



Post Office Box 455 • 49 Council House Loop • Cherokee, North Carolina 28719 • p. (828) 497-7055 • f. (828) 497-7075

Memorandum

To: Human Resources Employment
Disbursements – Payroll

From: Cory M. Blankenship, Director of Finance & Management

Date: November 13, 2014

Re: Conversions for Council Pay Rate not required

Please find attached to this document a memorandum from the Office of the Attorney General regarding the rate of pay for Tribal Council Members.

Conversion sheets are not required as a means of adjusting the rate of pay for members of the Tribal Council. In accordance with the approved and adopted FY2015 budget, please make the following adjustments to the rate of pay in the GEMs system:

Name	Position	Hourly Rate	Effective Date
Terri Henry	Chairwoman	\$41.54	10/1/2014
Dennis Bill Taylor	Vice Chairman	\$40.14	10/1/2014
Tommye Saunooke	Member	\$38.75	10/1/2014
Albert Rose	Member	\$38.75	10/1/2014
Bo Crowe	Member	\$38.75	10/1/2014
Adam Wachacha	Member	\$38.75	10/1/2014
Brandon Jones	Member	\$38.75	10/1/2014
Teresa McCoy	Member	\$38.75	10/1/2014
Perry Shell	Member	\$38.75	10/1/2014
Gene Tunney Crowe	Member	\$38.75	10/1/2014
Alan B. Ensley	Member	\$38.75	10/1/2014
David Wolfe	Member	\$38.75	10/1/2014



Eastern Band of Cherokee Indians

Office of Budget & Finance



Post Office Box 455 • 49 Council House Loop • Cherokee, North Carolina 28719 • p. (828) 497-7055 • f. (828) 497-7075

Memorandum

To: Nancy Wahnetah, Disbursements Manager
Whitney Lowe, Payroll & Per Capita Specialist

From: Cory M. Blankenship, Director of Finance & Management

Date: October 22, 2014

Re: Retro Pay for Tribal Council

All,

Please find attached to this memorandum supporting documentation related to retro pay calculations for the Tribal Council. This documentation includes an opinion from the EBCI Attorney General regarding interpretation of the law related to Council pay as addressed in a 2004 ordinance.

At this time, based on the calculation and legal opinion presented, our office shall issue payment to the members of Tribal Council listed within on a separate check, using the same tax rates as the regular Council payroll. Please be prepared to issue these checks on October 24, 2014.

<u>Y2010</u>	<u>FY2011</u>	<u>FY2012</u>	<u>FY2013</u>	<u>FY2014</u>	<u>Total Retro</u>
\$4,200	\$4,200	\$6,797	\$6,797	\$11,397	\$33,391
\$4,200	\$4,200	\$7,040	\$7,040	\$11,017	\$33,496
\$4,200	\$4,200	\$6,797	\$6,797	\$10,637	\$32,631
\$4,350	\$4,350	\$6,797	\$6,797	\$10,637	\$32,931
\$4,200	\$4,200	\$6,797	\$6,797	\$10,637	\$32,631
\$4,200	\$4,200	\$6,797	\$6,797	\$10,637	\$32,631
\$4,200	\$4,200			\$10,637	\$19,037
\$4,200	\$4,200	\$6,797	\$6,797	\$10,637	\$32,631
				\$10,637	\$10,637
				\$10,637	\$10,637
				\$10,637	\$10,637
\$4,200	\$4,200	\$6,797	\$6,797	\$10,637	\$32,631
		\$6,797	\$6,797		\$13,594
\$4,200	\$4,200	\$6,797	\$6,797		\$21,994
\$4,500	\$4,500	\$7,283	\$7,283		\$23,565
\$4,200	\$4,200	\$6,797	\$6,797		\$21,994
\$10,850	\$50,850	\$82,292	\$82,292	\$128,782	\$395,066

Cory Blankenship

From: Hannah Smith
Sent: Friday, November 14, 2014 10:09 AM
To: Cory Blankenship
Subject: RE: Follow up from yesterday's Council Pay Disucsison

Sorry for the delay, Cory.

Regarding conversion sheets. These documents are an internal financial tool that apply to tribal employees. Technically it is not needed to issue payments to elected officials authorized in tribal resolutions. If an elected official does not sign a conversion sheet, it does not prohibit Finance from issuing the payment authorized in the resolution.

Please let me know if I did not address the question fully.

Hannah



The Eastern Band of Cherokee Indians Office of the Attorney General

The Honorable Mitchell Hicks, Principal Chief
The Honorable Larry Blythe, Vice Chief

Terr Henry
Chairman
Patterson Township

Bill Taylor
Vice Chairman
Wetmore Township

Tribal Council Members

Perry Shell
Big Cove Township

Terrence McCoy
Big Cove Township

Terre Crowe, Jr.
Wetmore Township

Albert Rose
Wetmore Township

Tommye Saunooke
Patterson Township

Bo Crowe
Wetmore Township

Brandon Jones
Snowbird &
Cherokee Co. Township

Adam Wachacha
Snowbird &
Cherokee Co. Township

David Wolfe
Wetmore Township

Alan B. Enslley
Wetmore Township

INTER-OFFICE MEMORANDUM

To: Kim Peone, Deputy Finance
From: Hannah Smith, Interm Attorney General 
Re: Tribal Council Salary Budget Increase
Date: September 22, 2014
CC: Mitchell Hicks, Principal Chief

In October 2004 Resolution 352 (2004) was submitted by Slick Saunooke seeking to have Tribal Council curb it's spending on salary increases for Tribal Council officials. The restrictions were codified into law at Cherokee Code Section 117-15(a).

Section 117-15 (a) of the Tribal Code states that pay increases for Tribal Council members shall not exceed an amount appropriated in that fiscal year for tribal employees and that the pay increases shall not take effect until the next elected legislative body is seated.

The law does not specify how the salary increases are to be budgeted, but the law implies that salary increases for the Tribal Council accrues each year if accrued for tribal employees and at the same rate as tribal employees. To apply the law, the total salary increase from a two year legislative term will be combined for application to the next legislative term.

The application of this law will eventually work the opposite effect on tribal council salary increases than what the spirit of the Resolution intended. The resolution intended to keep tribal council salaries more in line with the system of tribal employee salary increases. However, tribal employees have a built in limit to the value of their positions as determined by the level of pay assigned to the position making it impossible for the position to exceed a maximum threshold salary value. The implied automatic increase in tribal council's salary does not have the same built in mechanism to manage the value of the position because tribal council pay is not based in the pay scale like tribal employees. Tribal council's salary value will simply accrue unlimited unless and until further legislation is passed.

#13

2015 Budget
Approval



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Cherokee Agency
Cherokee, North Carolina 28719

Michell Hicks, Principal Chief
Eastern Band of Cherokee Indians
P.O. Box 455
88 Council House Loop Cherokee, NC 28719

Dear Chief Hicks:

Attached is signed Tribal Council Resolution/Ordinance No. 261 introduced on July 8, 2014 and Passed on Oct. 14, 2014. Should you have any questions regarding this matter please contact me at (828) 497-3360.

Sincerely,


Superintendent

**TABLED
PASSED**
OCT 14 2014

Cherokee Council House
Cherokee, North Carolina

JUL 08 2014

RESOLUTION NO. 261 (2014)

WHEREAS, the Principal Chief is required to submit an annual operating budget to the Tribal Council for approval; and,

WHEREAS, upon the receipt of the annual budget, the Budget Council will review and recommend approval by the Tribal Council of the annual operating budget for the Fiscal Year 2015, beginning October 1, 2014 through September 30, 2015; and,

THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians, in Annual Council assembled, at which a quorum is present that the Tribal Council does hereby approve the budgets submitted by the Principal Chief for the Fiscal Year 2015, beginning October 1, 2014 through September 30, 2015.

BE IT FINALLY RESOLVED that the Principal Chief is authorized to expend funds based on this approved annual operating budget for the Fiscal Year 2015, beginning October 1, 2014 through September 30, 2015.

Submitted by: Principal Chief Michell Hicks

and ratified in open Council on October 14, 2014 by 75 voting for the act and 12 members voting against it as follows:

Darlene White
OMITTED ()



Eastern Band of Cherokee Indians Approved 2015 Budget

Program# 075

Budget Name: Tribal Council

Account Number	Account Title	Revised FY14	Approved FY15
TYPE: 4			
075.75.075.9500.0000.000	INCOME - TRIBAL	-1,706,619	-2,210,827
Summary for 'Type' = 4 (1 detail record)		Sum	
		-1,706,619	-2,210,827
TYPE: 5			
075.75.075.6110.0000.000	SALARY EXPENSE - BCO	889,100	1,017,500
075.75.075.6220.0000.000	FICA	105,183	171,885
075.75.075.6300.0000.000	INDIRECT COST	239,790	327,957
075.75.075.6420.0000.000	TRAVEL - NATIONAL	210,000	105,000
075.75.075.6500.0000.000	TRAINING	7,000	7,000
075.75.075.6811.0000.000	CONTRACT SERVICES - CONSULTANTS	41,976	167,000
075.75.075.6843.0000.000	PROFESSIONAL FEES - LEGAL	985	28,985
075.75.075.6900.0000.000	CONTRIBUTIONS	25,000	25,000
075.75.075.6955.0000.000	AWARDS AND SCHOLARSHIPS	18,200	20,000
075.75.075.7300.0000.000	EQUIPMENT PURCHASE	1,500	15,000
075.75.075.7305.0000.000	EQUIPMENT - COMPUTER	12,744	13,300
075.75.075.7350.0000.000	OFFICE FURNITURE	0	10,000
075.75.075.7609.0000.000	TRI COUNCIL	0	70,000
075.75.075.8100.0000.000	PUBLIC RELATIONS	103,000	67,000
075.75.075.8610.0000.000	VEHICLE MAINTENANCE	3,985	3,000
075.75.075.8615.0000.000	VEHICLE GAS & TIRES	1,800	1,800
075.75.075.8620.0000.000	EQUIPMENT MAINTENANCE	2,000	2,000
075.75.075.8710.0000.000	SUPPLIES EXPENSE	16,800	10,000
075.75.075.8803.0000.000	TELEPHONE EXPENSE	27,566	20,000
075.75.075.9175.0000.000	MERIT RESERVE	0	128,400
Summary for 'Type' = 5 (20 detail records)		Sum	
		1,706,619	2,210,827
BALANCE:		0	0

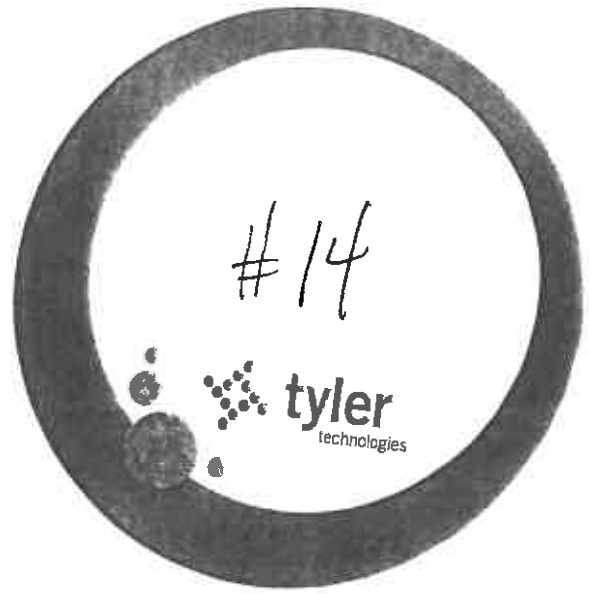


Eastern Band of Cherokee Indians **Approved Budget - Fiscal Year 2015**

Program 075

Budget Name Tribal Council

Acct #	075.75.075.6110.0000.000	0.00 FTE	0.00 FT TEMP	0.00 PT PERM	4.00 PT TEMP	12.00 BRD/EO		
Position#	Position Description	Level	Hourly Rate	Factor	Revised FY14	Approved FY15		
075-1100-001	TRIBAL COUNCIL MEMBER		41.54	2.080	75,000	86,400		
075-1100-002	TRIBAL COUNCIL MEMBER		38.75	2,080	70,000	80,600		
075-1100-003	TRIBAL COUNCIL MEMBER		40.14	2,080	72,500	83,500		
075-1100-004	TRIBAL COUNCIL MEMBER		38.75	2,080	70,000	80,600		
075-1100-005	TRIBAL COUNCIL MEMBER		38.75	2,080	70,000	80,600		
075-1100-006	TRIBAL COUNCIL MEMBER		38.75	2,080	70,000	80,600		
075-1100-007	TRIBAL COUNCIL MEMBER		38.75	2,080	70,000	80,600		
075-1100-008	TRIBAL COUNCIL MEMBER		38.75	2,080	70,000	80,600		
075-1100-009	TRIBAL COUNCIL MEMBER		38.75	2,080	70,000	80,600		
075-1100-010	TRIBAL COUNCIL MEMBER		38.75	2,080	70,000	80,600		
075-1100-011	TRIBAL COUNCIL MEMBER		38.75	2,080	70,000	80,600		
075-1100-012	TRIBAL COUNCIL MEMBER		38.75	2,080	70,000	80,600		
075-4200-001	ENGLISH CLERK-COUNCIL		10.00	1,040	10,400	10,400		
075-4200-002	COUNCIL MESSENGER		10.00	1,040	10,400	10,400		
075-4200-003	CHEROKEE LANG CLERK		10.00	1,040	10,400	10,400		
075-4200-004	CHEROKEE LANG. CLERK COUNCIL		10.00	1,040	10,400	10,400		
Total					889,100	1,017,500		



Account Statement

EBCI SUPPLEMENTAL RETIREMENT PL 1929700
September 01, 2014 - September 30, 2014

Summary of Participating Portfolios

Portfolio Number	Name of Portfolio	Market Value	% of MV	Accrued Income	Book Value	Unrealized Gain/Loss On Book Value
1929700.1	EBCI SUPPLEMENTAL RETIREMENT PL PRI USD	6,840,750.64	100.00%	2,861.06	3,041,060.35	3,799,690.29
Total of Participating Portfolios		\$6,840,750.64	100.00%	\$2,861.06	\$3,041,060.35	\$3,799,690.29

Base Currency: USD





**Eastern Band of Cherokee Indians
Pension - Elected Officials
Fiscal Year 2015 Budget**

Program Goals and Objectives**Capital Preservation and Growth**

- Preserve Assets for retirement benefits
- Strategically grow assets through a diversified investment strategy

Effective Pension Management

- Maintain updated and accurate census
- Maintain updated and accurate benefit payments

Relationship

- Maintain strong, professional relationship with trustee and custodian
- Maintain strong, professional & trusting relationship with pensioners/beneficiaries

Program Budget Summary

	FY 14 Revised Budget	FY 15 Approved Budget
General Revenues	0	0
Internal Transfers	-2,500,000	-2,500,000
Grants	0	0
Use of Fund Balance	0	0
Other External Revenues	0	0
Charges for Services	0	0
Total Revenues	-2,500,000	-2,500,000
Salaries	0	0
Other Personnel Costs	0	0
Operating Expenses	2,500,000	2,500,000
Total Expenses	2,500,000	2,500,000
Variance		0



Eastern Band of Cherokee Indians Approved 2015 Budget

Program# 076

Budget Name: Pension - Elected Officials

Account Number	Account Title	Revised FY14	Approved FY15
TYPE: 4			
075.75.076.9500.0000.000	INCOME - TRIBAL	-2,500,000	-2,500,000
Summary for 'Type' = 4 (1 detail record)		Sum	
		-2,500,000	-2,500,000
TYPE: 5			
075.75.076.6060.0000.000	PENSION COST	2,500,000	2,500,000
Summary for 'Type' = 5 (1 detail record)		Sum	
		2,500,000	2,500,000
BALANCE:		0	0