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CHEROKEE NATION®

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Office of the Principal Chief

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October 21, 2025

TO: Dr. Corey Bunch, Chief of Staff
Shella Bowlin, Secretary of State
Janees Taylor, Treasurer

FR: Chuck Hoskin, Jr.
Principal Chief

CC: Bryan Warner, Deputy Chief
Cabinet / Sub-cabinet
Johnny Jack Kidwell, Speaker of the Council
Kevin Easley, Jr, Deputy Speaker of the Council
Joshua Sam, Secretary of the Council
Dora Smith Patzkowski, Executive and Finance Committee Chair
Lisa Pivec, Executive Director of Public Health
Howard Paden, Executive Director of Language
Michael Lynn, Executive Director of Transportation and
Infrastructure
Savannah Smith, Executive Director of CCO

**Administrative Memorandum Outlining Annual Spending Framework under the Public
Health and Wellness Fund Act
Fiscal Year 2026**

The purpose of this memorandum is to outline the approved annual spending framework under the Public Health and Wellness Fund, authorized by the [Public Health and Wellness Fund Act, as amended](#), per the requirements of Section 4, § 1003(E).¹

¹ See [LA 27-25](#). See also my memorandum of January 3, 2025, and the Implementation Team's review of January 13, 2025. The memorandum also supplements and modifies the Administrative Memorandum of May 17, 2024. This memorandum supersedes the FY 25 spending framework of December 20, 2024.

I. The Public Health and Wellness Fund (10% Fund / PHW Fund)

a. Purposes and Usage of PHW Fund Remains Broad, to be Liberally Interpreted

PHWFA, as amended, collects 10% of third-party health revenue and sets it aside for purposes outlined in Sections 2 and 4 of the Act. As discussed more fully in my memorandum of January 3, 2025, PHWFA provides wide latitude to spend fund revenue on an array of public health and behavioral health operations and capital investments. The Act, as amended, maintains broad executive branch spending authority to effectuate the Act, but includes new language related to specifically authorized spending areas².

b. Current funding levels

Administration estimates the PHW Fund will generate approximately \$40 million in FY 2026. Pursuant to the Act and this memorandum, Finance will ensure that this level of spending is available for FY 2026. Relatedly, the PHW Fund has a surplus of approximately \$32.1m for future spending of which will be guided by a separate memorandum, subject to an update in FY 26.³

II. The PHWF Spending Authority, Annual Spending Framework, Reserve Fund, Interest on PHW Fund Added to Surplus

The PHWF should operate on two tracks. First, the current year's third-party revenue should be subject to an annual spending framework to meet key Cherokee Nation public health and wellness interests, as set forth herein. Second, any unspent funds at the end of the fiscal year should be carried over in the PHW Reserve Fund. The Treasurer, of course, should utilize the surplus to ensure current FY spending levels are achievable, but advise during the FY is the current FY spending forecast should be adjusted. Additionally, the Treasurer should ensure that any interest on or attributable to the PHW Fund surplus is retained in the surplus and should report that figure to Administration at the conclusion of the fiscal year.⁴

² Referred to in the Act, as amended, as “Public Health and Wellness Activities and Infrastructure.”

³ In FY 25, administration developed what has been deemed for internal purposes as the “Community Investment Strategy,” largely consisting of a schedule of affordable housing, outdoor recreation, public safety and community building infrastructure but are not limited to capital projects mostly targeting rural communities. Examples of projects in the planning stage on this schedule include Cherry Tree, Keys, Lost City and Sally Bull Hollow.

⁴ Administration interprets the word “collected” and the phrase “revenue collected” as including interest on or reasonably attributable to the PHW Fund, absent statutory language to the contrary. Council could not have intended the PHWF, a statutorily mandated carry over fund, to essentially lose value over time as a result of losing interest

A. Spending Authority

The legal authority for spending PHW Fund Act is as follows:

- The PHWFA PHW Fund, authorizing expenditures by the Principal Chief or his or her designee, of appropriated funds.
- The annual PHWFA annual spending framework memorandum from the Principal Chief, per the PHWFA.
- Departmental policies and procedures or other records adopted in a manner prescribed by the Principal Chief.

Executive branch cabinet officials and other leadership officers avoid layering additional approval processes or paperwork unless there is clear legal authority requiring it and only with the approval of the Principal Chief. Departments responsible for the administration of respective parts of the authorized framework should adopt, maintain and share within the executive branch (and external to the executive branch as directed by the Principal Chief) the aforementioned required relevant policies. Uncertainty over the interpretation or administration of the Act should be brought first to the attention of the Principal Chief or his or her designee.⁵ Administration of the Act should favor liberal interpretation and low administrative barriers.

B. PHWF Annual Spending Framework

Underlying legal authority and past practice support broad and flexible spending of the PHW Fund. As noted, the Act, as amended, specifies authorized spending subject matters, but retains broad authority of the Principal Chief to direct spending in a way the effectuates the purpose and polices of the Act. The Act, as amended, reflects an embrace

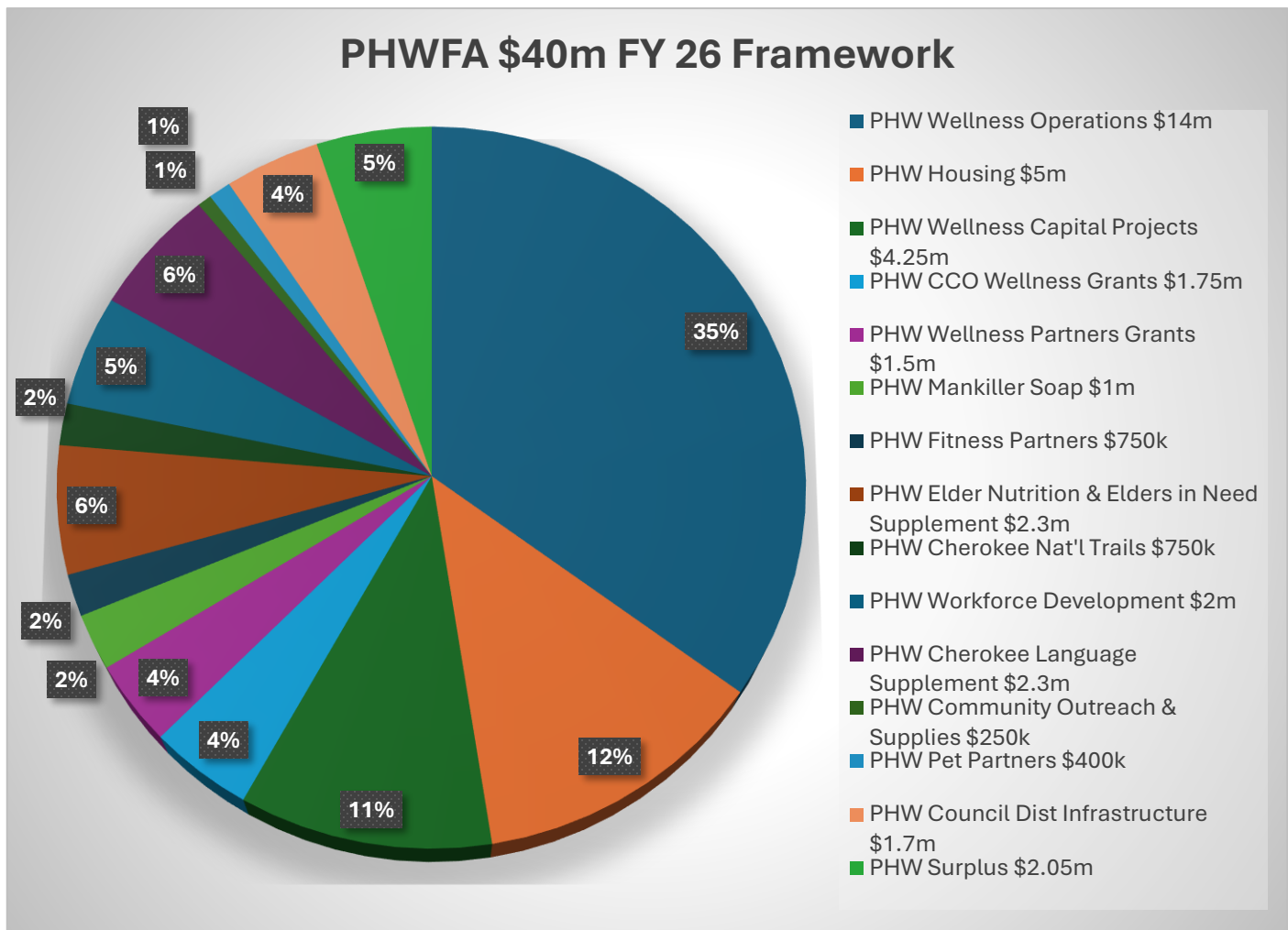
generated by or reasonably attributed to the Fund. If Council wanted the PHW Fund to lose value in that manner it would have so specified.

⁵ Cherokee Nation's executive branch is substantially unitary in nature. In that regard, the threshold office to interpret or resolve uncertainty over statutory language within the executive branch is the Office of Principal Chief. Uncertainty or disagreement over statutory interpretation that is of a consequential nature is subject to independent resolution by one, *and only one*, executive branch officer: the Attorney General. No other executive branch official has the authority to independently resolve uncertainty over statutory interpretation and should not raise and resolve interpretation issues without at least informal notice to the Principal Chief and affording the Principal Chief an opportunity to resolve the subject. The exponential growth in comprehensive authorizing statutes under this administration, implemented by an array of cabinet members and other executive officers and leaders, requires periodic recall this principle of our governance. PHWFA is an example of such a statute. All of this, of course, is wholly separate from the constitutionally equal authority of the legislature and judicial branches to clarify or amend statutes or interpret them, respectively.

by the executive and legislative branches of the widely accessed practice of broad spending authority.

Restraint on executive branch authority is found in the Act, as amended. Section 4, 1003(E) requires the Principal Chief to provide an Annual Spending Framework to the Council by December 31 each fiscal year and to advise the Council of any changes within 60 days. That framework appears below.

PHWFA Annual Spending Framework



Framework Categories

- **\$14m PHW Operations**

- Wellness and Public Health-managed Community Centers centers operations and programs.
- Wellness events/activities
- PHWFA Grant Coordinator (CCO)
- (Note: \$500k Speaker Services Peer Recovery funding moved to new “PHW: Speaker Services Supplement” category.)
- **\$5m PHW Housing**
 - PHW POV program for housing rehabilitation to address emergent health, public health and behavioral health needs. Administered by HACN.
 - Other housing investments to effectuate the purposes and policies of PHWFA.
- **\$4.25m PHW Wellness Capital Projects**
 - Public health and wellness capital projects located on, or beneficial to, Cherokee Nation property, such as sidewalks, public restrooms, and park improvements. Includes relevant property acquisitions.
- **\$1.75 PHW CCO Wellness Grants**
 - Annual grants to CCO participating organizations, ordinarily capped at \$25,000 per organization per fiscal year.
- **\$1.5m PHW Wellness Partners Grants**
 - Grants to non-CCO third parties for wellness operations, capital or equipment, ordinarily capped at \$25,000 per pilot operating funds or \$150,000 for capital or equipment.
- **\$1m PHW Mankiller Soap Act Supplement**
 - Increase Mankiller / Soap water infrastructure programs.
 - Administered by the Dept of Transportation and Infrastructure.
- **\$750k PHW Fitness Partners**
 - Membership subsidy for Cherokee citizens households at participating non-profit recreation centers. Continuation of FY 25 pilot.
- **\$2.3m PHW Elder Nutrition and Elders in Need Program Supplement**
 - Expansion and improvements of sites, frequency, user experience and third-party partnerships for the Cherokee Nation Elder Nutrition Program, formerly known as “Senior Nutrition.” NTE \$2m.

- Increase Elders in Need program bi-annual utility payments and/or increase maximum participation ceiling, NTE \$320k.
- Administered by Human Services.
- **\$750k Cherokee Nation Trails Act**
 - Funds two year \$750k per fiscal year (FY 2026 and 2027) implementation of Cherokee National Trails Act of 2025, administered by the Secretary of Natural Resources.
- **\$2m PHW Workforce Development**
 - Scholarships, grants, tuition reimbursement and related support for healthcare workforce development.
 - Primarily administered by Career Services.
- **\$2.3m PHW Cherokee Language Supplement**
 - PHW Speaker Service's Peer recovery program, NTE \$500k (\$500k FY 25, allocated under PHW Operations in FY 25 framework).
 - PHW Speaker Services Elder Fluent Speaker Home Care program, CNA-trained staff to assist fluent speakers remain in their homes. NTE \$325k
 - PHW Speaker Services housing rehab projects.
 - PHW Language Hubs Capital Projects.
 - PHW Little Cherokee Seeds partnership, NTE \$800k
 - Master Apprentice Programming.
- **\$250k PHW Community Outreach**
 - Community organization-based public health and wellness programs.
 - Public health and wellness supplies and vending machines.
 - Public health and wellness outreach.
 - Administered by Public Health
- **\$400k PHW Pet Partners**
 - Rescue / Spay / Neuter / Public Outreach pilot program administered primarily by third parties via grants and MOUs.
 - Administered by Public Health.
- **\$1.7m PHW Council District Infrastructure Fund**
 - Subject, per the Act, to an Inter-Branch MOU and administered by the Office of the Principal Chief upon request of Council members.
 - Administered comparable to Special Projects program.

- **\$2.05m PHW Fund Retained for Surplus**

- Unallocated funds designated for retention in the PHW Fund Surplus.
- Unexpended funds from the annual framework will be added to the Reserve Fund at the conclusion of fiscal year.

C. **PHW Fund Surplus Projects:** PHWFA Surplus Find projects subject to existing Memorandum, to be updated this FY as a supplement to this memorandum.⁶

D. **PHW Fund Interest:** As noted, interest generated by or reasonably attributable to the PHWFA Fund surplus must be added to the surpluses annually.

III. **Annual Review**

Each fiscal year, the Principal Chief, Chief of Staff, Secretary of State, Deputy Secretary of State and Treasurer shall meet, review a draft framework and make recommendations to the Principal Chief as to any changes to the draft framework.

IV. **Statutory and Discretionary Notice to Council**

By copy of this memorandum to the Speaker of the Council on this date, the notice requirements under Section 4, § 1003(E) of the Act are satisfied. Implementation of this framework is deferred to October 31, 2025, by which date memorandum will be made publicly accessible via a link at the Cherokee.org website. Any amendments to this annual spending framework must comply with the statutory notice.

V. **Implementation**

The Chief of Staff, Treasurer, Secretary of State and Deputy Secretary of State, should work together to ensure immediate and efficient implementation of this PHWFA annual spending plan beginning October 31, 2025.



Chuck Hoskin, Jr.
Principal Chief

⁶ See footnote 2, above.