

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0052-22_

SPONSOR: Eugene Tso

TITLE: An Act Relating to Resources and Development, Budget and Finance and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$267,184 from the Unreserved, Undesignated Fund Balance for Animal Rez-Q, Inc. to Conduct the "Navajo Nation Spay, Neuter, Vaccination Blitz 2022" from April to September 2022 in Cooperation with the Navajo Nation Animal Control Program

Date posted: March 11, 2022 at 10:22AM

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LEGISLATION SUMMARY

TrackingNo. 0052-22

Date: March 9, 2022

Re: **AN ACT RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$267,184 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE FOR ANIMAL REZ-Q, INC. TO CONDUCT THE "NAVAJO NATION SPAY, NEUTER, VACCINATION BLITZ 2022" FROM APRIL TO SEPTEMBER 2022 IN COOPERATION WITH THE NAVAJO NATION ANIMAL CONTROL PROGRAM**

Purpose: to approve \$267,184 out of the UUFB to Animal Rez-Q, Inc. to conduct its "Navajo Nation Spay, Neuter, Vaccination Blitz 2022" project across the Navajo Nation, which will consist of 4000 free spaying, neutering, and vaccinations of animals for Navajo Nation residents, to address and mitigate the overpopulation of unwanted animals on the Navajo Nation.

OLC No. 22-051-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 03-16-22
Eligible for Action: 03-17-22

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL - Fourth Year, 2022

3 Introduced by:

4 
5 _____
6 (Prime Sponsor)

7
8 Tracking No. 0052-22

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10 AN ACT

11 RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND
12 FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO
13 NATION COUNCIL; APPROVING \$267,184 FROM THE UNRESERVED,
14 UNDESIGNATED FUND BALANCE FOR ANIMAL REZ-Q, INC. TO
15 CONDUCT THE "NAVAJO NATION SPAY, NEUTER, VACCINATION
16 BLITZ 2022" FROM APRIL TO SEPTEMBER 2022 IN COOPERATION
17 WITH THE NAVAJO NATION ANIMAL CONTROL PROGRAM

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19 BE IT ENACTED:

20
21 SECTION ONE. AUTHORITY

22 A. The Resources and Development Committee is a Standing Committee of the Navajo Nation
23 Council with statutory authority over the Division of Natural Resources ("DNR"). 2 N.N.C.
24 §501(C). The Department of Fish and Wildlife is within the DNR and the Navajo Nation's
25 Animal Control Program is under the Department of Fish and Wildlife. 13 N.N.C.
26 §1700(B)(1), Resolution No. CJY-64-18. The Resources and Development Committee
27 recommends to the Navajo Nation Council the approval of resolutions that will accomplish
28 the Committee's purposes. 2 N.N.C. §501(B)(4)(f).

29 B. The Budget and Finance Committee was established as a standing committee of the Navajo
30 Nation Council with the authority to review and recommend to the Council the budgeting,

1 appropriation, investment and management of all funds. 2 N.N.C. §300(A), §301(B)(2).

2 C. The Naabik'iyáti' Committee was established as a standing committee of the Navajo Nation
3 Council with authority to hear all proposed resolutions requiring final action by the Navajo
4 Nation Council. 2 N.N.C. §164(A)(9), §701(A)(5).

5 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
6 As such, the Council “. . . may adopt and approve supplemental appropriations to the Annual
7 Comprehensive Budget during the fiscal year. Supplemental appropriations of General
8 Funds within the current fiscal year are permitted, if and when additional sources of
9 revenues above and beyond the initial or current revenue projections are projected and
10 which are also in excess of the reserve amount set forth at §820(J).” 12 N.N.C. §820(L).

11 E. The restrictions on supplemental appropriations, including all monies from the Navajo
12 Nation's Unreserved, Undesignated Fund Balance, include:

13 1. Payment of recurring government operating expenses shall be from recurring revenues,
14 and payment of nonrecurring expenses shall be from nonrecurring revenues such as
15 UUFb funds. 12 N.N.C. §820(E), §820(F).

16 2. Specifically, the UUFb shall not be used for recurring government expenditures or
17 operations. 12 N.N.C. §820(J), §820(L).

18 3. Nonrecurring revenues such as UUFb funds may be used only after the Controller
19 determines whether or not such revenues are subsidizing an imbalance between the
20 Navajo Nation's recurring revenues and expenditures, and government expenditures
21 shall only be authorized if a long-term (3-year to 5-year year) forecast shows that the
22 operating deficit will not continue; otherwise, nonrecurring revenues will be added to the
23 Unreserved, Undesignated Fund Balance. 12 N.N.C. §820(F).

24 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote of the
25 full Navajo Nation Council. 12 N.N.C. §820(F), 12 N.N.C. §880.

26 5. In compliance with 12 N.N.C. §820(F) all UUFb funding requests must be reviewed by
27 the Controller. Such review is also required because the Controller determines which
28 revenues and expenses are recurring and which are non-recurring. 12 N.N.C. §820(L).

29 6. In compliance with 12 N.N.C. §820(M) all UUFb funding requests must be submitted to
30 the Office of Management and Budget (“OMB”) for a budget impact analysis.

1 7. Supplemental funding such as UUFB appropriations shall lapse at the end of the current
2 fiscal year unless the Navajo Nation Council decides otherwise. 12 N.N.C. §820(N).

3
4 **SECTION TWO. FINDINGS**

5 A. Animal Rez-Q, Inc. (“ARQ”) is a private nonprofit Section 501(c)(3) entity that was
6 incorporated under Navajo Nation law in 2014. ARQ provides affordable animal wellness
7 services to tribal nations. See *www.animalrezq.org*. ARQ’s Founder and President is
8 Glenda Davis, who has over 30 years of experience working for the Navajo Nation in
9 various programs involving veterinary services, livestock management, and animal control.

10 **EXHIBIT 1.**

11 B. ARQ is requesting \$267,184 in UUFB funds to conduct a widescale spaying, neutering, and
12 vaccination project across the Navajo Nation from April 1, 2022 to September 30, 2022, in
13 cooperation with the Navajo Nation Animal Control Program, and Altered Tails Barnhart
14 Clinic in Phoenix, Arizona. Altered Tails is the largest nonprofit spay and neuter
15 organization in Arizona. See *www.alteredtails.org*. ARQ’s project, titled: “Navajo Nation
16 Spay, Neuter, Vaccination Blitz 2022” will address and mitigate the problem of the current
17 overpopulation of some 250,000 unwanted animals on the Navajo Nation. ARQ explains
18 the need for this project, its request for funds, and the logistics of its plan to provide free
19 spaying, neutering, and vaccinations of 4000 animals for Navajo Nation residents.

20 **EXHIBIT 2.**

21 C. ARQ has prepared a detailed timeline and budget for its proposed project and expenditures
22 of the requested \$267,184 in UUFB funds. **EXHIBIT 3.** ARQ will also be submitting a
23 Navajo Nation Grant Application for its funding request, which will be attached hereto as
24 **EXHIBIT 4.**

25 D. ARQ has submitted support letters for its “Blitz 2022” project, from its proposed partners
26 the Navajo Nation Animal Control Program and Altered Tails Barnhart Clinic in Phoenix,
27 Arizona. **EXHIBIT 5.**

28 E. The Controller has been asked to prepare a memorandum regarding this funding request, to
29 comply with 12 N.N.C. §820(F) and §820(L). This memorandum may be provided to the
30 assigned Committees and the Navajo Nation Council when this legislation is considered.

1 F. OMB was asked to prepare a budget impact analysis regarding this funding request, to
2 comply with 12 N.N.C. §820(M). This analysis may be provided to the assigned
3 Committees and the Navajo Nation Council when this legislation is up for consideration.

4 G. The Navajo Nation has determined that approving the requested UUFB funds for ARQ is a
5 critical priority for the Navajo Nation, to address and mitigate the widespread problem of
6 animal overpopulation on the Navajo Nation.

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8 **SECTION THREE. APPROVAL OF \$267,184 FROM THE UUFB FOR ANIMAL**
9 **REZ-Q'S PROPOSED PROJECT TITLED: "NAVAJO NATION**
10 **SPAY, NEUTER, VACCINATION BLITZ 2022"**

11 A. The Navajo Nation hereby approves \$267,184 out of the UUFB for Animal Rez-Q, Inc. to
12 implement and conduct its proposed "Navajo Nation Spay, Neuter, Vaccination Blitz 2022"
13 project across the Navajo Nation, in accordance with the attached EXHIBIT B.

14 B. The \$267,184 in UUFB funds shall be from those revenues that exceed the 10% minimum
15 balance of the UUFB which must be maintained according to 12 N.N.C. §820(J).

16 C. Pursuant to 2 N.N.C. §820(N), the \$267,184 shall lapse at the end of Fiscal Year 2022 and
17 all unexpended and/or unencumbered amounts shall revert to the UUFB, unless otherwise
18 determined by the Navajo Nation Council.

19 D. Starting thirty (30) business days after the effective date of this Act, the Controller shall
20 begin releasing the UUFB funds approved herein to ARQ, provided that an appropriate grant
21 agreement, memorandum of agreement, or other legal document establishing a project
22 schedule, payment or drawdown plan, fund management plan, or other relevant procedures,
23 has been agreed to by the Controller and is executed by ARQ and the Navajo Nation.

24 E. The \$267,184 in UUFB funds shall be used by ARQ strictly for its "Navajo Nation Spay,
25 Neuter, Vaccination Blitz 2022" project, in accordance with the attached EXHIBIT B.

26 F. As a condition of receiving the \$267,184 in UUFB funds, upon request ARQ shall allow the
27 Navajo Nation full access to its financial records related to the UUFB funds that ARQ has
28 received, for the purpose of the Navajo Nation's review and audit of ARQ's expenditures
29 of UUFB funds, if such audit is determined by the Controller to be necessary or appropriate.

30 G. By October 31, 2022, ARQ shall submit a written report, and a verbal report if so requested

1 by the Committee Chairperson, explaining the status of its “Blitz 2022” project and its use
2 of the approved UUFB funds, to the Resources and Development Committee, the Budget
3 and Finance Committee, and the Naabik’iyáti’ Committee.
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5 **SECTION FOUR. EFFECTIVE DATE**

6 This Act shall become effective pursuant to 2 N.N.C. §221(B) and 2 N.N.C. §164(A)(17).
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8 **SECTION FIVE. SAVING CLAUSE**

9 If any portion of this Act is determined invalid by the Navajo Nation Supreme Court, or by a
10 District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the
11 remainder of this Act shall be the law of the Navajo Nation.
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