

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0084-22\_

SPONSOR: Eugene Tso

**TITLE: An Act Relating to an Emergency for 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 2022 to September 2022, in Cooperation with the Division of Natural  
Resources - Resources Enforcement Department and the Animal Control Program**

*Date posted:* April 19, 2022 at 11:21AM

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**SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0084-22

Date: April 18, 2022

Re: **AN ACT RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING \$267,184 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE (“UUF”) FOR ANIMAL REZ-Q, INC. TO CONDUCT THE “NAVAJO NATION SPAY, NEUTER, VACCINATION BLITZ 2022” FROM APRIL 2022 TO SEPTEMBER 2022, IN COOPERATION WITH THE DIVISION OF NATURAL RESOURCES - RESOURCES ENFORCEMENT DEPARTMENT AND THE ANIMAL CONTROL PROGRAM**

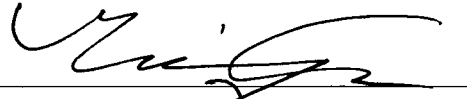
Purpose of this Legislation:

to approve \$267,184 out of the UUF to go to the Division of Natural Resources - Resources Enforcement Department to then disburse to the nonprofit organization Animal Rez-Q, Inc. to carry out its “Navajo Nation Spay, Neuter, Vaccination Blitz 2022” in cooperation with partners including the Navajo Nation’s Animal Control Program.

OLC No. 22-143-1

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

Introduced by:



(Prime Sponsor)

Tracking No. 0084-22

**AN ACT**

**RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;  
APPROVING \$267,184 FROM THE UNRESERVED, UNDESIGNATED  
FUND BALANCE (“UUFb”) FOR ANIMAL REZ-Q, INC. TO CONDUCT  
THE “NAVAJO NATION SPAY, NEUTER, VACCINATION BLITZ 2022”  
FROM APRIL 2022 TO SEPTEMBER 2022, IN COOPERATION  
WITH THE DIVISION OF NATURAL RESOURCES - RESOURCES  
ENFORCEMENT DEPARTMENT AND THE ANIMAL CONTROL PROGRAM**

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).  
As such, the Council may approve supplemental appropriations whenever additional sources of revenues above current revenue projections are anticipated and such revenues exceed the required reserve amount. 12 N.N.C. §820(L).
- B. The Navajo Nation Council may approve emergency legislation to address, among other urgent matters, an emergency problem that presents a direct threat to the sovereignty of the Navajo Nation. 2 N.N.C. §164(A)(16).
- C. This Act is offered as an emergency measure because of the estimated 3,000 serious injuries from dog bites and attacks that occur on the Navajo Nation each year, and the deaths of Navajo

1 citizens by vicious dog attacks over the past several years, most recently in May of 2021. This  
2 Act is meant to prevent further attacks, with resulting severe injuries and potential deaths, by  
3 significantly reducing the thousands of unwanted stray dogs running at large across the  
4 Navajo Nation. These feral dogs, recently estimated to be as high as 250,000 animals, not  
5 only present the risk of attacks on persons and livestock, but they pose an ever-present danger  
6 to motorists and a serious health hazard to Navajo communities by spreading rabies, intestinal  
7 parasites, and Rocky Mountain Spotted Fever and other illnesses through the ticks they carry.

8 See *www.nndfw.org*.

9 D. All people on the Navajo Nation are entitled to government services that protect the public's  
10 health, safety, and welfare, and the lack of such services is a direct threat to the sovereignty  
11 of the Navajo Nation.

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

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

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

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

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

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

30 6. In compliance with 12 N.N.C. §820(M) all UUFB funding requests must be submitted to

1 the Office of Management and Budget (“OMB”) for a budget impact analysis.

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

4  
5 **SECTION TWO. FINDINGS**

6 A. Due to the COVID-19 pandemic of the past two years, the Navajo Nation’s efforts at enforcing  
7 its animal control laws, as well as spaying and neutering the stray dog population on the  
8 Navajo Nation, have been severely hampered. This has resulted in an unprecedented number  
9 of dogs running at large in all communities across the Navajo Nation.

10 B. In April 2021, Navajo Nation Animal Control Program reported to the Associated Press that  
11 the reservation dog population is up to approximately 250,000 dogs.

12 C. The Navajo Nation’s Animal Control Program reported in June of 2021 that over 3,000  
13 individuals are treated each year at hospitals and clinics for animal attacks and bites, and the  
14 majority of these victims are children and the elderly. **EXHIBIT A.**

15 D. According to the Navajo Times (May 18, 2021 issue), the teenage girl mauled to death by a  
16 vicious dog in Fort Defiance was the fifth person killed by dogs on the Navajo Nation since  
17 2010. The victims include a 56-year-old man near Gallup, New Mexico in 2010, an 8-year-  
18 old boy in Pine Hill, New Mexico in 2012, a 3-year-old boy in Seba Dalkai, Arizona in 2016,  
19 and a Kayenta woman in the Fall of 2020.

20 E. The most recent comprehensive study regarding this serious problem was addressed in a  
21 White Paper Analysis issued in January of 2017 by the Navajo Nation Animal Control  
22 Program. In this paper, the Program stated: “[o]ver the last five years there has been increase  
23 in the severity of dog bite cases. The Animal Control Officers agree that the dogs are  
24 becoming more vicious and aggressive.” **EXHIBIT B.** This White Paper was attached as an  
25 Exhibit to Resolution No. CJY-64-18, adopted in the Summer of 2018, that amended Title 3  
26 and Title 13 of the Navajo Nation Code to address the roaming dog problem on the Navajo  
27 Nation.

28 F. Animal Rez-Q, Inc. (“ARQ”) is a private nonprofit 26 U.S.C. §501(c)(3) entity that was  
29 incorporated under Navajo Nation law in 2014. ARQ provides affordable animal wellness  
30 services to tribal nations. See [www.animalrezq.org](http://www.animalrezq.org). ARQ’s Founder and President is Glenda

1 Davis, who has over 30 years of experience working with the Navajo Nation in various  
2 programs involving veterinary services, livestock management, and animal control programs.

3 **EXHIBIT C.**

4 G. ARQ is requesting \$267,184 in UUFb funds to conduct a widescale spaying, neutering, and  
5 vaccination project across the Navajo Nation from April 1, 2022 to September 30, 2022. ARQ  
6 plans to work with the Navajo Nation Animal Control Program and Altered Tails Barnhart  
7 Clinic in Phoenix, Arizona, in carrying out this expansive project. Altered Tails is the largest  
8 nonprofit spay and neuter organization in Arizona. See *www.alteredtails.org*.

9 H. ARQ's project, titled: "Navajo Nation Spay, Neuter, Vaccination Blitz 2022" will greatly  
10 mitigate the problem of the current overpopulation of some 250,000 stray and feral animals  
11 on the Navajo Nation. ARQ explains the need for this project, its request for funds, and the  
12 logistics of its plan to provide free spaying, neutering, and vaccinations of some 4000 animals  
13 for Navajo Nation residents. **EXHIBIT D.**

14 I. ARQ has prepared a detailed timeline and budget for its proposed project and its expenditures  
15 of the requested \$267,184 in UUFb funds, and has also submitted an Appendix G - Navajo  
16 Nation Grant Application. **EXHIBIT E.**

17 J. On behalf of ARQ, the Navajo Nation Division of Natural Resources - Resources  
18 Enforcement Department has submitted Navajo Nation Budget Forms for ARQ's funding  
19 request. **EXHIBIT F.**

20 K. ARQ has submitted support letters for its "Blitz 2022" project, from its proposed partners the  
21 Navajo Nation Animal Control Program and Altered Tails Barnhart Clinic in Phoenix,  
22 Arizona. **EXHIBIT G.**

23 L. ARQ's funding request has been reviewed through the Navajo Nation's Section 164 Review,  
24 and the Office of Management and Budget, the Office of the Controller, and the Department  
25 of Justice have indicated that the funding request is "sufficient." **EXHIBIT H.**

26 M. The Controller has provided a memorandum regarding this funding request, in compliance  
27 with 12 N.N.C. §820(F) and §820(L). **EXHIBIT I.** The Controller has indicated that the  
28 proposed expenditures by ARQ are *nonrecurring* expenses; therefore, a waiver of 12 N.N.C.  
29 §820(E), §820(F), §820(J), or §820(L) is not necessary.

30 N. The Office of Management and Budget has provided a memorandum regarding this funding

1 request, in compliance with 12 N.N.C. §820(M). **EXHIBIT J.**

2 O. The Navajo Nation Council has determined that approving the requested UUFB funds for  
3 ARQ's "Blitz 2022" project is an urgent and critical priority for the Navajo Nation, because  
4 the project will directly address the serious problem of animal overpopulation on the Navajo  
5 Nation and will be a major step towards preventing further injuries and deaths from roaming  
6 dog attacks.

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8 **SECTION THREE. APPROVAL OF \$267,184 FROM THE UUFB FOR ANIMAL REZ-**  
9 **Q'S PROPOSED PROJECT TITLED: "NAVAJO NATION SPAY,**  
10 **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 EXHIBITS D, E, and F.

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. The \$267,184 in UUFB funds shall not lapse at the end of Fiscal Year 2022, as would  
17 otherwise occur pursuant to 2 N.N.C. §820(N).

18 D. Within five business days after the effective date of this Act, the Controller shall transfer the  
19 approved \$267,184 in funds to the Division of Natural Resources - Resources Enforcement  
20 Department. The Resources Enforcement Department shall then promptly begin providing the  
21 approved funds to ARQ in accordance with the terms and conditions of an appropriate grant  
22 agreement, memorandum of agreement, or other legal document establishing a project  
23 schedule, a payment or drawdown plan, a fund management plan, or other relevant  
24 procedures, as approved by the Controller and executed by the Director of the Resources  
25 Enforcement Department and ARQ.

26 E. The \$267,184 in UUFB funds shall be used by ARQ strictly for its "Navajo Nation Spay,  
27 Neuter, Vaccination Blitz 2022" project, as described in the attached EXHIBITS D, E, and F.

28 F. As a condition of receiving the \$267,184 in UUFB funds, upon request ARQ shall allow the  
29 Navajo Nation full access to its financial records related to the approved UUFB funds, for the  
30 purpose of the Navajo Nation's review and audit of ARQ's expenditures of the funds.

1 G. By October 31, 2022, ARQ shall submit a written report, and a verbal report if so requested  
2 by the Committee Chairperson, explaining the status of its “Blitz 2022” project and its use of  
3 the UUFB funds approved herein, which report shall be presented to the Resources and  
4 Development Committee, the Budget and Finance Committee, and the Naabik’iyáti’  
5 Committee.  
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7 **SECTION FOUR. EFFECTIVE DATE**

8 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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10 **SECTION FIVE. SAVING CLAUSE**

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