



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Terms of Participation for EMS Personnel in Public Safety Pension Plan and Authorizing EMS Payment of PSP Contribution Costs)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(s) that the Tribal Council (“Council”) shall exercise the power, “To regulate subordinate organizations for economic and other purposes”; and
- WHEREAS,** The Council previously adopted a Public Safety Pension Plan (“PSP”) designed to protect and preserve sovereignty and governmental status under the Internal Revenue Code, ERISA, and the Pension Protection Act of 2006 to the fullest extent of the law; and
- WHEREAS,** The PSP provides retirement, death and disability benefits for public safety personnel who meet the Tribe’s certification requirements and who are regularly assigned to hazardous duty, similar to the benefit provided under the State of Arizona public safety officer plan; and
- WHEREAS,** On July 22, 2020, by Resolution No. 07-2020-169, the Council authorized the addition of the Tribe’s Emergency Medical Services (“EMS”) Department to the PSP, pending approval of final benefit terms and preparation of benefit cost projections; and
- WHEREAS,** EMS has consulted with the Tribal Treasurer and the Tribe’s Grants and Contracts Department regarding the initial and ongoing contribution requirements associated with EMS’ participation in the PSP, who both reported that this addition to PSP is feasible and advisable; and
- WHEREAS,** Acting on the advice of the Tribe’s special counsel for benefits, Tribal Treasurer, and Grants and Contracts Office, the Council finds that adding EMS to the Tribe’s PSP, pursuant to the terms set forth below, will provide necessary safeguards for EMS, and is in the best interests of the Tribe and its members.
- NOW THEREFORE, BE IT RESOLVED,** by the Tribal Council of the White Mountain Apache Tribe, that the White Mountain Apache Tribe Public Safety Pension Plan be amended to incorporate the following terms and conditions of participation for the EMS Department:

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authorized and approved to be paid by EMS from its program funds, with such amount to be transferred to Wells Fargo as the PSP Trustee as soon as reasonably possible.

BE IT FURTHER RESOLVED, by the Tribal Council of the White Mountain Apache Tribe, that the EMS Department shall fund the PSP on a payroll period basis from its program funds, in an amount equal to twenty percent (20%) of the payroll costs for the individuals covered by the PSP, subject to annual actuarial adjustments to the required contribution rates.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **APRIL 7, 2021** duly adopted by a vote of **TEN** for, **ZERO** against, and **ONE** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	<u>4/12/2021</u>		<u>4-12-2021</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date