

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Tohono O'odham Nation's Joinder in the Arizona Public Safety Personnel Retirement System)

RESOLUTION NO. 06-084

- 1 **WHEREAS, the Tohono O'odham Nation ("Nation") employs commissioned police officers and**
2 **certified firefighters to protect and to serve our O'odham communities; and**
- 3 **WHEREAS, these commissioned police officers and certified firefighters daily encounter**
4 **hazardous working conditions and put their lives on the line in the course of their**
5 **duties; and**
- 6 **WHEREAS, due to a demand throughout Arizona for dedicated commissioned police officers and**
7 **certified firefighters, the Nation encounters difficulty attracting and retaining**
8 **qualified commissioned police officers and certified firefighters; and**
- 9 **WHEREAS, the state of Arizona has created a defined benefit pension plan for public safety**
10 **employees, primarily commissioned police officers and certified firefighters, that**
11 **provides guaranteed retirement pay after 20 years of service, disability retirement**
12 **for public safety employees injured on the job or off the job, a survivor pension for the**
13 **spouse and children of a public safety employee killed on the job or after retirement,**
14 **and related benefits; and**
- 15 **WHEREAS, the Arizona pension plan differs from the Nation's current 401(k) retirement plan in**
16 **that it provides guaranteed payments at a specified percentage of the officer's pay**
17 **from the date of retirement until the officer's death, from a state administered fund**
18 **which pools the contributions of all participants, and the Nation's 401(k) retirement**
19 **plan creates an investment account for each individual employee which is invested**
20 **at the direction of the employee and whose retirement payments are determined by**
21 **the amount in the account; and**
- 22 **WHEREAS, a pension plan such as that offered by Arizona provides greater economic security**
23 **during retirement than a 401(k) plan, and is an effective recruitment and retention**
24 **tool; and**
- 25 **WHEREAS, Arizona law specifically allows Indian tribes to join the pension plan system for**
26 **public safety employees; and**
- 27 **WHEREAS, the Arizona pension plan requires that each employee participant pay in a**
28 **contribution of 7.65% of their wages into the fund, and that the Nation, as employer,**

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1 pay in a contribution of 9.53% of wages for commissioned police officers and 9.82%
2 of wages for certified firefighters; and

3 **WHEREAS,** any governmental entity joining the state pension plan system may choose to buy in
4 to the program in an amount determined by the prior years of service of each
5 employee joining the system, which buy in amount can be paid in one lump sum at
6 the time of joinder or in installment payments over time; and

7 **WHEREAS,** the Executive Office in cooperation with the Tohono O'odham Department of Public
8 Safety has determined that the buy in amount for the Nation's current commissioned
9 police officers and certified firefighters is \$6,414,818.03, and that the most cost
10 effective method of joining the system is to pay the buy in amount in one lump sum
11 at the time of joinder; and

12 **WHEREAS,** the proposal to fund the buy in amount through appropriation from the Nation's
13 gaming savings has been presented to the districts of the Nation by the Executive
14 Office and the Department of Public Safety, and eight districts have supported the
15 proposal; and

16 **WHEREAS,** the Domestic Affairs and the Budget & Finance Committees have reviewed this
17 joinder proposal.

18 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council:

- 19 1. Approves the Nation's joinder in the Arizona Public Safety Personnel Retirement
20 System for all eligible commissioned police officers and certified firefighters
21 employed by the Nation, subject to final negotiation of Joinder Agreements with
22 the Arizona Public Safety Personnel Retirement System and approval of the
23 required sovereign immunity waiver and the related outside counsel's opinion
24 letter.
- 25 2. Approves the formation of two local boards, one for the Police Department and
26 one for the Fire Department, structured in accordance with A.R.S. 38-847, to
27 administer the Nation's participation in the state pension plan system.
- 28 3. Appropriates funds from gaming savings in an amount not to exceed
29 \$6,414,818.03 to pay the buy in amount in one lump sum, in an amount to be

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- 1 **determined by the Fund Manager of the Public Safety Personnel Retirement**
2 **System for the employees who are eligible at the time of joinder.**
- 3 **4. Directs the trustees of the Nation's 401(k) retirement plan to prepare a plan**
4 **amendment, with the assistance of their attorneys, which provides that, from the**
5 **date of participation in the Arizona Public Safety Personnel Retirement System**
6 **forward, the Nation's 5% employer contribution to the 401(k) retirement plan and**
7 **the Nation's 2.5% employer matching contribution will be paid to the Arizona**
8 **Public Safety Personnel Retirement System for all eligible commissioned police**
9 **officers and certified firefighters who join the state pension plan, instead of into**
10 **these employees' 401(k) accounts, which plan amendment shall be presented to**
11 **the Legislative Council for approval.**
- 12 **5. Directs the trustees of the Nation's 401(k) retirement plan and the Accounting**
13 **Department to continue to pay the Nation's 5% employer contribution and the up**
14 **to 2.5% employer matching contribution into the 401(k) accounts of those**
15 **employees in the Police Department and Fire Department who are not eligible to**
16 **join the Arizona Public Safety Personnel Retirement System, without**
17 **interruption.**
- 18 **6. Understands that commissioned police officers and certified firefighters who join**
19 **the state pension plan will also retain 401(k) accounts with the Nation's**
20 **retirement plan, and will be permitted to add employee voluntary contributions**
21 **only to their 401(k) accounts while participating in the state pension plan, and**
22 **that the Nation will return to paying its 5% employer contribution and the up to**
23 **2.5% employer matching contribution to an employee's 401(k) account if that**
24 **employee transfers out of the police department or fire department into another**
25 **job with the Nation.**
- 26 **7. Authorizes the Treasurer of the Nation to transfer funds from gaming savings in**
27 **an amount not to exceed \$6,414,818.03 to the general fund for the purpose of**
28 **funding and buying into the Arizona Public Safety Personnel Retirement System,**
29 **pending approval of formal budget by the Tohono O'odham Legislative Council.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH of FEBRUARY, 2006 at a meeting at which a quorum was present with a vote of 1,651.3 FOR; 567.9 AGAINST; 221.6 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (d) and (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Evelyn B. Juan Manuel, Legislative Chairwoman

13 day of February, 2006

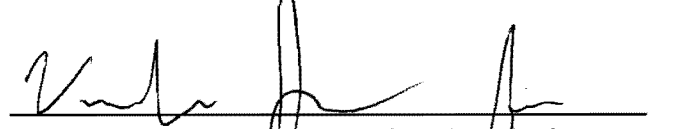
ATTEST:


Lucille Lopez, Acting Legislative Secretary

09 day of February, 2006.

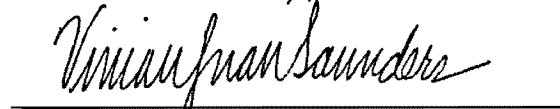
Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 13 day of February, 2006 at 5:20 o'clock, P..M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Evelyn B. Juan Manuel, Legislative Chairwoman

on the 14th day of February, 2006

at 10:35 o'clock, A..M.


VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

APPROVED

DISAPPROVED

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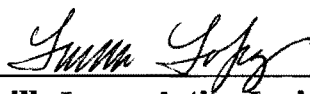
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Returned to the Legislative Secretary on the 14th day of

February, 2006, at 10:37 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING THE TOHONO O'ODHAM NATION'S JOINDER IN THE ARIZONA PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM

MOVED: COUNCILWOMAN ETHEL GARCIA

SECOND: COUNCILWOMAN DELMA GARCIA

DATE: FEBRUARY 09, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL ()	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80			X	
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80			X	
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			X
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON ()	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45		X		
	2. PHYLLIS JUAN ()	73.45		X		
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50		X		X
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50		X		
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
TOTAL		2,440.8	1,651.3	567.9	221.6	[02]

**PASSED VOTES