



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Extension of Public Safety Pension Plan to Emergency Medical Services Personnel)

- 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,** The Tribe maintains an Emergency Medical Services (“EMS”) Department to provide a timely and targeted response to medical emergencies within the community, as well as to provide necessary medical transportation services, preventative services, education and other essential functions; and
- WHEREAS,** EMS personnel who staff ambulances and respond to medical emergencies are subject to certification and licensing requirements; and
- WHEREAS,** The Tribe has determined that certified EMS personnel are regularly assigned to hazardous duty and provide essential public safety services to the community; and
- WHEREAS,** The Council finds that providing enhanced public safety benefits by extending PSP availability to EMS personnel will help protect and reward vital first responders, 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 expand the “Eligible Groups” to include the Tribe’s certified Emergency Medical Services personnel who are regularly assigned to Hazardous Duty.

BE IT FURTHER RESOLVED, by the Tribal Council of the White Mountain Apache Tribe, that the Director of the EMS Department is hereby authorized and directed to work the PSP Board, the PSP Administrator and the PSP service providers to prepare updated cost projections and revised PSP plan documents to accommodate the addition of the EMS personnel to the PSP and to present those documents to the Tribal Council for its review and approval.

Resolution No. 07-2020-169

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 **JULY 22, 2020** 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).

 8/18/2020
Gwendena Lee-Gatewood, Chairwoman Date

 8-19-2020
Doreen T. Numkena, Tribal Secretary Date