### RESOLUTION OF THE

### BUDGET AND FINANCE COMMITTEE

### OF THE NAVAJO NATION COUNCIL

23<sup>RD</sup> NAVAJO NATION COUNCIL - Second Year, 2016

#### AN ACTION

## RELATING TO BUDGET AND FINANCE COMMITTEE; APPROVING THE TERMINATION OF THE CURRENT FIXED INCOME INVESTMENT MANAGER FOR THE NAVAJO NATION RETIREMENT PLAN AND THE REALLOCATION OF THOSE FUNDS

#### Section One. Authority

- A. The Budget and Finance Committee of the Navajo Nation Council is empowered with the "authority including but not limited to budget, finance, investment, bonds, contracting, insurance, audits, accounting, taxes, loans, Chapter budget and finance for the following purposes: 1) To coordinate, oversee, regulate the fiscal, financial, investment, contracting and audit policies of the Navajo Nation." 2 N.N.C. §§ 300(C) and 300(C)(1).
- B. The Navajo Nation Investment Committee is responsible for selecting and reviewing Investment Managers for the Navajo Nation's portfolio of assets. See BFJN-17-15 (amending BFJA-01-08), paragraph, 18.1.
- C. The Budget and Finance Committee has final approval authority of the Investment Manager selected by the Investment Committee. See BFJN-17-15, paragraph, 18.2.

### Section Two. Findings

- A. The Office of the Controller has coordinated with the Navajo Nation's designated investment consultant, R. V. Kuhns & Associates, Inc., in recommending to the Navajo Nation Investment Committee the termination of the current fixed income investment manager Aberdeen. See NNIMY-02-16, Paragraph 2, attached as Exhibit A.
- B. The Office of the Controller has coordinated with the Navajo Nation's designated investment consultant, R. V. Kuhns & Associates, Inc., and recommends Logan Circle Partners, a current investment manager for the Navajo Nation, be allocated the amount currently held by Aberdeen. See NNIMY-02-16, Paragraph 3.
- C. The Navajo Nation Investment Committee has reviewed the recommendation materials provided by the Office of the Controller. See NNIMY-02-16, Paragraph 4. These materials are attached as Exhibit A to NNIMY-02-16.
- D. The Investment Committee recommends the change in allocation from Aberdeen to Logan Circle Partners to reduce exposure to the elevated risks associated with Aberdeen's organization and investment strategy. See NNIMY-02-16, Resolved Clause.

#### Section Three. Approval

The Budget and Finance Committee hereby approves the recommendation of the Navajo Nation Investment Committee to terminate Aberdeen and move the fixed income allocation currently held by Aberdeen in the Navajo Nation Retirement Plan to Logan Circle Partners.

### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor, 0 opposed, this 12<sup>th</sup> day of July, 2016.

Dwight Wotherspoon

Honorable Dwight Witherspoon, Vice Chairperson Budget and Finance Committee

Motion: Honorable Tuchoney Slim, Jr. Second: Honorable Tom T. Chee

## LEGISLATIVE SUMMARY SHEET Tracking No. <u>DD4-110</u>

**DATE:** June 24, 2016

## TITLE OF RESOLUTION: SUBJECT: AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE; APPROVING THE TERMINATION OF THE CURRENT FIXED INCOME INVESTMENT MANGER FOR THE NAVAJO NATION RETIREMENT PLAN AND THE REALLOCATION OF THOSE FUNDS

**PURPOSE:** To approve the recommendation of the Navajo nation Investment Committee to terminate and replace the manager of fixed income funds in the Nation's Retirement Plan.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate review the proposed resolution in detail.

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1	PROPOSED STANDING COMMITTEE RESOLUTION
2	23 <sup>rd</sup> NAVAJO NATION COUNCIL Second Year, 2016
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6	(Primary Sponsor)
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8	TRACKING NO. DOUN-14
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10	AN ACTION
11	RELATING TO BUDGET AND FINANCE COMMITTEE; APPROVING THE
12	TERMINATION OF THE CURRENT FIXED INCOME INVESTMENT MANAGER
13	FOR THE NAVAJO NATION RETIREMENT PLAN AND THE REALLOCATION
14	OF THOSE FUNDS
15	
16	Section One. Authority
17	A. The Budget and Finance Committee of the Navajo Nation Council is empowered with
18	the "authority including but not limited to budget, finance, investment, bonds,
19	contracting, insurance, audits, accounting, taxes, loans, Chapter budget and finance
20	for the following purposes: 1) To coordinate, oversee, regulate the fiscal, financial,
21	investment, contracting and audit policies of the Navajo Nation." 2 N.N.C. §§ 300(C)
22	and 300(C)(1).
23	B. The Navajo Nation Investment Committee is responsible for selecting and reviewing
24	Investment Managers for the Navajo Nation's portfolio of assets. See BFJN-17-15
25	(amending BFJA-01-08), paragraph, 18.1.
26	C. The Budget and Finance Committee has final approval authority of the Investment
27	Manager selected by the Investment Committee. See BFJN-17-15, paragraph, 18.2.
28	
29	
30	
	Page 1 of 2 16-459-1

### Section Two. Findings

- A. The Office of the Controller has coordinated with the Navajo Nation's designated investment consultant, R. V. Kuhns & Associates, Inc., in recommending to the Navajo Nation Investment Committee the termination of the current fixed income investment manager Aberdeen. See NNIMY-02-16, Paragraph 2, attached as Exhibit A.
- B. The Office of the Controller has coordinated with the Navajo Nation's designated investment consultant, R. V. Kuhns & Associates, Inc., and recommends Logan Circle Partners, a current investment manager for the Navajo Nation, be allocated the amount currently held by Aberdeen. See NNIMY-02-16, Paragraph 3.
- C. The Navajo Nation Investment Committee has reviewed the recommendation materials provided by the Office of the Controller. See NNIMY-02-16, Paragraph 4. These materials are attached as Exhibit A to NNIMY-02-16.
- D. The Investment Committee recommends the change in allocation from Aberdeen to Logan Circle Partners to reduce exposure to the elevated risks associated with Aberdeen's organization and investment strategy. See NNIMY-02-16, Resolved Clause.

## Section Three. Approval

The Budget and Finance Committee hereby approves the recommendation of the Navajo Nation Investment Committee to terminate Aberdeen and move the fixed income allocation currently held by Aberdeen in the Navajo Nation Retirement Plan to Logan Circle Partners.



NNICMY-02-16

### **RESOLUTION OF THE NAVAJO NATION INVESTMENT COMMITTEE**

### Terminating the Contract of a Fixed Income Investment Manager Held in the Navajo Nation Retirement Plan and Authorizing Movement of Funds

### WHEREAS:

- Budget and Finance Committee Resolution No. BFJY-114-03 as amended by Budget and Finance Committee Resolution No. BFJA-01-08 and No. BFJN-17-15 which involved adopting investment policies and sub-polices for all Navajo Nation financial resources, the Navajo Nation Investment Committee was continued with delegated authority to approve investments for the Navajo Nation; and
- 2. The Office of the Controller, pursuant to its delegated authority, has coordinated with the Navajo Nation's designated investment consultant RVK, Inc., a recommendation to terminate current fixed income investment manager Aberdeen with, pursuant to Section 18.4(g) of the Master Investment Policy.
- 3. Pursuant to Section 4.4 and Section 4.8(a) of the Navajo Nation Investment Policy, the Office of the Controller, in coordination with RVK, Inc., has reviewed and concurs that Logan Circle Partners, a current investment manager be allocated the amount currently held by Aberdeen.
- 4. The Navajo Nation Investment Committee has reviewed the recommendation materials attached hereto as Exhibit A.

#### NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Nation Investment Committee hereby approves the recommendation of the termination of Aberdeen and the movement of fixed income allocation currently held in the Navajo Nation Retirement Plan with Aberdeen to Logan Circle Partners, to reduce exposure to the elevated risks associated with Aberdeen's organization and investment strategy.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Investment Committee, at a duly called meeting at 5151San Francisco Road NE in Albuquerque, NM, at which a quorum was present and that same was passed by a vote of <u>3</u> in favor and <u>0</u> opposed, this 5th day of May, 2016.

Jim Parris Presiding Chairman Navajo Nation Investment Committee

Motion: Elizabeth Begay Second: Tom Chee Vote: 3-0-0

# Exhibit A to NNICMY 02-15

# Background

- In December 2015, Aberdeen announced that an age discrimination lawsuit was filed by Neil Moriarty, Senior Portfolio Manager of the Aberdeen Core Fixed Income strategy, claiming he was passed over for a promotion due to his age.
- The Navajo Nation Retirement Plan currently has approximately \$75 million\* (11.4% of total Retirement Plan assets) invested in the Aberdeen Core Fixed Income strategy
- RVK viewed the ongoing lawsuit at Aberdeen negatively viewing it as a potential distraction to the Fixed Income team as it could negatively impact morale and lead to personnel turnover, which could put the Navajo Nation Fixed Income portfolio at risk
- As a result of the lawsuit RVK provided a memo to the Office of the Controller recommending Aberdeen be placed on watch and completed a competitive manager search to identify replacement managers
- In March 2016 Aberdeen announced that the lawsuit had been settled and a private agreement was reached by Neil Moriarty and Aberdeen.
- Although the lawsuit is settled, RVK maintains the recommendation to replace Aberdeen.



\*Market value shown as of February 29 2016

# Manager Search Evaluation

- RVK completed a competitive manager search, and identified the below managers as potential options for the Navajo Nation Retirement Plan
  - Logan Circle Core Plus
  - Loomis Sayles
  - TCW Core Plus Fixed Income
- In connection with the Office of the Controller's staff Logan Circle Core Plus has been identified as a well-suited replacement for Aberdeen
  - Logan Circle was recently contracted by The Navajo Nation to manage a Core Plus Fixed Income portfolio for the Master Trust, which was funded in February and March of 2016
  - Logan Circle has demonstrated a solid performance track record over the long term performing well versus its benchmark and peers.
  - Logan Circle offers a competitive fee of 0.28%, based on combined assets.



# **Retirement Plan – Proposed Fixed Income Structure**

 RVK recommends the Navajo Nation Retirement Plan terminate Aberdeen and hire Logan Circle as the replacement manager, maintaining the 50/50 split with the Plan's other Fixed Income manager DoubleLine

Current	Manager Line	ıp	Proposed Manager Lineup					
Manager	Current Target Allocation	Current Market Value	Manager	Proposed Target Allocation	Proposed Market Value			
Aberdeen	50%	\$75 OM	Logan Circle	50%	\$75 OM			
DoubleLine	50%	\$73 1M	DoubleLine	50%	\$73 1M			
TOTAL	100%	\$148 1M	TOTAL	100%	\$148 1M			



# Sector Allocation and Credit Quality Comparison



# Manager Performance Review and Comparison

Trailing Period Performance (%)	1 Year	3 Years	5 Years	7 Years	10 Years
Aberdeen	1.0	22	44	7.0	43
Logan Circle	0 1	2 5	48	84	53
DoubleLine	11	2.5	5 5	74	67
Barclays US Aggregate	05	14	32	4.1	4 5

Calendar Year Performance (%)	2015	2014	2013	2012	2011	2010	2009	2008	2007
Aberdeen	10	70	-1.3	7.6	83	10 3	17 0	-14 3	57
Logan Circle	0 1	74	02	9 1	77	99	26.7	-13.8	4 0
DoubleLine	1 1	73	-0.8	86	11 8	11 8	12.6	4 1	70
Barclays US Aggregate	05	60	-2.0	42	78	6.5	59	52	70

# **Composite Performance Review and Comparison**

Trailing Period Performance (%)	1 Year	3 Years	5 Years	7 Years	10 Years
Current - 50% Aber / 50% DL	17	28	5.1	73	6 1
Proposed - 50% LC / 50% DL	1.4	30	54	83	64
Barclays US Aggregate	0.5	1.4	32	4.1	4 5

Calendar Year Performance (%)	2015	2014	2013	2012	2011	2010	2009	2008	2007
Current - 50% Aber / 50% DL	1.7	71	-0.4	83	9.1	12 5	13 3	-1.6	68
Proposed - 50% LC / 50% DL	14	74	0.3	94	89	12 9	19 5	-5.2	5 5
Barclays US Aggregate	05	6.0	-2.0	42	7.8	6 5	5.9	52	70





### Memorandum

To The Navajo Nation From RVK Inc Subject Navajo Nation Retirement Plan Aberdeen Lawsuit Date March 31 2016

#### Summary

In December 2015, an age discrimination lawsuit was filed by Neil Moriarty Senior Portfolio Manager of the Aberdeen Core Fixed Income strategy The suit claims he was passed over for promotion to Head of North American Fixed Income due to his age Monarty is urrently 52 years old Aberdeen currently manages a core fixed income portfolio for the Navajo Nation Retirement Plan with approximately \$75 million in assets (11.4 of the portfolio) as of January 31 2016

This is the first suit of its kind that Aberdeen has been involved in and the firm will be fighting this suit in court. RVK believes this ongoing lawsuit is a potential distraction to the Fixed Income team, which could negatively impact morale and lead to personnel turnover, putting the Navajo Nation Fixed Income portfolio at risk.

RVK recommends placing Aberdeen on watch effective immediately and in consultation with its Manager Research Department has reviewed Aberdeen in the context of a competitive manager search versus other core plus fixed income managers. Upon review of the search RVK has identified the following managers as well-suited candidates for the mandate, and recommends conducting finalist interviews at the next Investment Committee meeting

- Logan Circle
- Loomis Sayles
- TCW

#### Background

Neil Moriarty joined Aberdeen in 2005 via an acquisition by Aberdeen of the Deutsche Asset Management's London and Philadelphia fixed

PORTLAND OFFICE SW 5th Avenue Suite 900 Portland Oregon 97204 MAIN 503 221 4200

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income business. Moriarty was an MBS portfolio manager in the Philadelphia office and previously traded MBS at Chase Securities and is currently the lead portfolio manager of the US Core Fixed Income fund

In January of 2015 the Head of North American Fixed Income Chris Gagnier retired after spending 17 years with Aberdeen (and previously Deutsche Asset Management) At the time Gagnier retired he was 57 years old

Charles Tan was then named Head of North American Fixed Income This was a promotion from his previous role as Senior Portfolio Manager at Aberdeen after joining the firm in 2005 Tan eventually became Head of Credit at Aberdeen Tan as not part the original Deutsche Asset Management team; previous to Aberdeen Tan was Senior at Moody's covering US High Yield industrials and Asian financial institutions an is currently 47 years old

In the suit. Moriarty made several claims of Tan's inexperinnee in winning new client mandates for the firm. As well, the suit implies that Tan has limited in ence leading client portfolios. These claims are partially true. While Tan had been involved in one new lient mandate presentation, the Aberdeen team had only been invited to two finals resentations that required a portfolio manager to be present. As far as leadership, the lient portfolio, are primarily managed on a team basis and not a top-down directive from one or two portfolio managers. In this respect, while Tan may not have been named lead on as many client portfolios as Moriarty his input was on par with most other portfolio managers.

Tan managed the US Credit team for to his promotion now currer manages 45 North American fixed income analysts and portfolio managers rty is included in this team of 45 analysts and managers

After news of the discrimination suit became public RVK's Investment Manager Research team held a call with Aberdeen to discuss the available details the lawsuit and evaluate the impact this suit would have on Aberdeen's North America Fixed Income team and client strategies RVK's largest concern is team continuity team morale, and stability of assets in the US Core Fixed Income strategy

### Conclusion



have been recorded in the Core strategy since December, however RVK continues to closely monitor the firm's assets under management.

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RVK believes it is in the best interest of the Navajo Nation Retirement Plan to review alternative investment options for your investment with Aberdeen. Attached is a core plus fixed income search which compares Aberdeen to other institutional quality managers.

This is an ongoing lawsuit, and we recognize that limited information is available to outside parties. RVK continues to monitor this situation, and will provide additional information as it becomes available.



**RVK** 

### Manager Consistency - 3 Year Annualized Period Calculated Every 12 Months

Performance is gross of fees

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RVK

### Manager Consistency - 5 Year Annualized Period Calculated Every 12 Months

4.2

50

6.1

50

8.0

50

7.3

50

7.0

50

6.6

50

5.4

50

3.4

50

5.4

6.0

*Office of Legislative Counsel Telephone: (928) 871-7166 Fax # (928) 871-7576* 



Honorable LoRenzo Bates Speaker 23<sup>rd</sup> Navajo Nation Council

## **MEMORANDUM**

Honorable Seth Damon The 23<sup>rd</sup> Navajo Nation Council

FROM:

TO:

Kristen A. Lowell, Attorney Office of Legislative Counsel

DATE: June 24, 2016

## SUBJECT: AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE; APPROVING THE TERMINATION OF THE CURRENT FIXED INCOME INVESTMENT MANGER FOR THE NAVAJO NATION RETIREMENT PLAN AND THE REALLOCATION OF THOSE FUNDS

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on a review of the existing law and the documents submitted, the legislation is legally sufficient.

The resolution as drafted is legally sufficient; however, as with any action of government it may be subject to review by the courts in the event of proper challenge. **Please ensure that this particular resolution is precisely what you want.** You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

Office of Legislative Counsel / The Legislative Branch / Post Office Box 3390 / Window Rock, Arizona / 86515

### THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0204-16\_\_

SPONSOR: Seth Damon

<u>TITLE: An Action Relating To Budget And Finance Committee; Approving The</u> <u>Termination Of The Current Fixed Income Investment Manager For The</u> <u>Navajo Nation Retirement Plan And The Reallocation Of Those Funds</u>

Date posted: June 29, 2016 at 4:53 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director Office of Legislative Services P.O. Box 3390 Window Rock, AZ 86515 (928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

**Please note**: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. *§374 et. seq.* 

## THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW SUMMARY

## LEGISLATION NO.: 0204-16

### SPONSOR: Honorable Seth Damon

# TITLE: <u>An Action Relating to Budget And Finance Committee</u>; <u>Approving The Termination Of The Current Fixed Income Investment Manager For The Navajo</u> Nation Retirement Plan And The Reallocation Of Those Funds.

Posted: June 29, 2016 at 4:53 PM

## 5 DAY Comment Period Ended: July 4, 2016

### **Digital Comments received:**

Comments Supporting	None
Comments Opposing	None
Inclusive Comments	None

**Executive Director Office of Legislative Services** 

07.05.16 @ 8:43 Am Date/Time

### 23<sup>nd</sup> NAVAJO NATION COUNCIL

Second Year 2016

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

### NAVAJO LEGISLATIVE BILL # 0204-16:

An Action Relating to Budget and Finance Committee; Approving the Termination of the Current Fixed Income Investment Manager for the Navajo Nation Retirement Plan and the Reallocation of those funds *Sponsored by Seth Damon, Council Delegate* 

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

Respectfully submitted,

Dwight Witherspoon, Vice Chairman

Adopte

Not Adopted:

Legislative Advisor

12 July 2016

The vote was **3** in favor **0** opposed Excused: Leonard Tsosie Absent: Lee Jack, Sr.