RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL
$23^{\text {RD }}$ 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. §§ $300(\mathrm{C}$ ) and $300(\mathrm{C})(1)$.
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 $12^{\text {th }}$ day of July, 2016.


Honorable Dwight Witherspoon, Vice Chairperson Budget and Finance Committee

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

## LEGISLATIVE SUMMARY SHEET <br> Tracking No. $0204-16$

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.

PROPOSED STANDING COMMITTEE RESOLUTION $23^{\text {rd }}$ NAVAJO NATION COUNCIL -- Second Year, 2016 INTRODUCED BY


TRACKING NO. $\qquad$ $0204-16$

## 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

## 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 $300(\mathrm{C})(1)$.
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.

## 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:

1. 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 $18.4(\mathrm{~g})$ 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 5151 San Francisco Road NE in Albuquerque. NM. at which a quorum was present and that same was passed by a vote of 2 in favor and 0 opposed, this 5 th day of May, 2016.
 .

Jim Peris
Presiding Chairman
Navajo Nation Investment Committee

Motion: Elizabeth Begay

Second: Tom The
Vote: 3-0-0

## Exhibit A

## Fixed Income Recommendation

## 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 approxımately $\$ 75$ millın* ( $11.4 \%$ 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.


## Fixed Income Recommendation

## 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.


## Fixed Income Recommendation

## 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 Lineup |  |  | Proposed Manager Lineup |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Manager | Current Target Allocation | Current Market Value | Manager | Proposed Target Allocation | Proposed Market Value |
| Aberdeen | 50\% | \$750M | Logan Circle | 50\% | \$750M |
| DoubleLine | 50\% | \$73 1M | DoubleLine | 50\% | \$73 1M |
| TOTAL | 100\% | \$148 1M | total | 100\% | \$148 1M |

## Fixed Income Recommendation

## Sector Allocation and Credit Quality Comparison



Credit Quality


## Fixed Income Recommendation

## Manager Performance Review and Comparison

| Trailing Period Performance (\%) | $\mathbf{1}$ Year | $\mathbf{3}$ Years | $\mathbf{5}$ Years | $\mathbf{7 Y e a r s}$ | 10 Years |
| :--- | :---: | :---: | :---: | :---: | :---: |
| Aberdeen | 1.0 | 22 | 44 | 7.0 | 43 |
| Logan Circle | 01 | 25 | 48 | 84 | 53 |
| DoubleLine | 11 | 2.5 | 55 | 74 | 67 |
| Barclays US Aggregate |  |  |  | 05 | 14 |


| Calendar Year Performance | 2015 | 2014 | 2013 | 2012 | 2011 | 2010 | 2009 | 2008 | 2007 |
| :--- | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Aberdeen | 10 | 70 | -1.3 | 7.6 | 83 | 103 | 170 | -143 | 57 |
| Logan Circle | 01 | 74 | 02 | 91 | 77 | 99 | 26.7 | -13.8 | 40 |
| DoubleLine | 11 | 73 | -0.8 | 86 | 118 | 118 | 12.6 | 41 | 70 |
| Barclays US Aggregate | 05 | 60 | -2.0 | 42 | 78 | 6.5 | 59 | 52 | 70 |

## Fixed Income Recommendation

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 | 61 |  |  |
| Proposed - 50\% LC / 50\% DL |  | 1.4 | 30 | 54 |  | 83 | 64 |  |  |
| Barclays US Aggregate |  | 0.5 | 1.4 | 32 |  | 4.1 | 45 |  |  |
| Calendar Year Performance (\%) | 2015 | 2014 | 2013 | 2012 | 2011 | 112010 | 2008 | 2008 | 2007 |
| Current - 50\% Aber / 50\% DL | 1.7 | 71 | -0.4 | 83 | 9.1 | 125 | 133 | -1.6 | 68 |
| Proposed - 50\% LC / 50\% DL | 14 | 74 | 0.3 | 94 | 89 | - 129 | 195 | -5.2 | 55 |
| Barclays US Aggregate | 05 | 6.0 | -2.0 | 42 | 78 | 865 | 5.9 | 52 | 70 |

## Memorandum

To The Navajo Nation
From RVK Inc
Subject Navajo Nation Retirement Plan Aberdeen Lawsuit
Date March 312016

## 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 Moriarty 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 312016

This is the first suit of its kind that Aberdeen has been involved in and the firm will be fighting this sut 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 Depantment 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
Sulte 900
Portland Oregon 97204
MAIN 5032214200
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 Gagner 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 al Aberdeen after joinirg 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 $\quad$.n...ysl at Moody's covering US High Yield industrials and Asian financial institutions an is currently 47 years old

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

Tan managed the US Credit team 1or to his promotion American fixed income analysts and portfolio managers now currer manages 45 North analysts and managers

After news of the discrimination suit became public RVKs 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

A suit of this nature is unusual and is very unfortunate for Aberdeens North American Fixed Income team Having this conflict hanging over the Core Fixed Income team can no doubt be a distraction to the responsibility of managing client portfolios With an internal lawsuit of this nature there is no universally positive resolution for both parties and in the duration of the lawsuit there is a team working in the atmosphere of ongoing litigation tar no redemptions

[^0]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.

Manager Consistency - 3 Year Annualized Period Calculated Every 12 Months


Manager Consistency - 5 Year Annualized Period Calculated Every 12 Months



## MEMORANDUM

TO: Honorable Seth Damon The $23^{\text {rd }}$ Navajo Nation Council<br>FROM:<br><br>Kristen A. Lowell, Attorney<br>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 committees) based on the standing committees powers outlined in 2 N.N.C. $\S \S 301,401,501,601$ 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.

THE NAVAJO NATION

LEGISLATION NO: _0204-16 $\qquad$ SPONSOR: Seth Damon
TITLE: An Action Relating To Budget And Finance Committee; Approving The Termination Of The Current Fixed Income Investment Manager For The Navaio Nation Retirement Plan And The Reallocation Of Those Funds

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
> $(\mathbf{9 2 8}) 871-7586$

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 <br> LEGISLATIVE BRANCH <br> INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: $\underline{\mathbf{0 2 0 4 - 1 6}}$

SPONSOR: Honorable Seth Damon
TITLE: 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.

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

$$
\frac{07.05 \cdot 16 e 8: 43 \mathrm{An}}{\text { Date/Time }}
$$

# $23^{\text {nd }}$ 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,


Not Adopted:
Legislative Advisor

## 12 July 2016

The vote was 3 in favor $\mathbf{o}$ opposed Excused: Leonard Tsosie
Absent: Lee Jack, Sr.


[^0]:    have been recorded in the Core strategy since December, however RVK continues to closely monitor the firm's assets under management.

    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

