

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Desert Diamond Mobile LLC Limited Liability Company
Agreement and Related Actions)**

RESOLUTION NO. 21-256

1 **WHEREAS,** the Tohono O'odham Nation (the "Nation") is a federally recognized Indian tribe
2 that has formed Desert Diamond Mobile LLC, a Delaware limited liability
3 company, as a subordinate economic enterprise of the Nation, pursuant to Article
4 VI, Section 1(e), of the Constitution of the Tohono O'odham Nation (the
5 "Constitution"); and

6 **WHEREAS,** the Nation formed the Desert Diamond Mobile LLC, as an exercise by the Nation
7 of rights of self-government under the Constitution, to pursue the goal of
8 economic self-sufficiency, to establish a financially self-sustaining and
9 successful tribal enterprise that will provide a source of funding for the Nation's
10 governmental services, and to promote tribal and economic development,
11 including through providing training and employment opportunities for
12 members of the Nation, through the operation of mobile event wagering in the
13 State of Arizona as the Nation's fully owned event wagering operator; and

14 **WHEREAS,** as a condition of holding an event wagering operator license, Desert Diamond
15 Mobile LLC must agree to be subject to State jurisdiction for purposes of
16 compliance with, and enforcement of, Title 5, Arizona Revised Statutes, Chapter
17 11 and Arizona Administrative Code, Title 19, Chapter 4, Article 1; and

18 **WHEREAS,** the Commerce Committee and Nation's Chairman have reviewed and
19 recommend approval of the Desert Diamond Mobile LLC Limited Liability
20 Company Agreement, which is incorporated by this reference and which sets
21 forth the organization and powers of Desert Diamond Mobile LLC; and

22 **WHEREAS,** the Commerce and Budget and Finance Committees have reviewed a proposed
23 appropriation to Desert Diamond Mobile LLC and recommend its approval.

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

25 (1) Approves the Desert Diamond Mobile LLC Limited Liability Company
26 Agreement (the "Agreement") and adopts the Agreement as the entity's
27 limited liability company agreement, to govern to the affairs of the entity
28 and the conduct of its business;

29 (2) Approves the appointment of Brett D. Calapp as a Manager of Desert
30 Diamond Mobile LLC and further authorizes Mr. Calapp to exercise the
31 powers set forth in Sections 6(a)(1) and (3) of the Agreement until the
32 appointment of a Chief Executive Officer and a Chief Financial Officer,

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1 with the understanding that Mr. Calapp will apply for an event wagering
2 employee license from the Arizona Department of Gaming not later than
3 August 9, 2021;

4 (3) Authorizes and directs Desert Diamond Mobile LLC, as an entity fully
5 owned by the Nation, to submit an Event Wagering Operator Application
6 and Event Wagering Operator – Supplemental Allocation Application to
7 the Arizona Department of Gaming; and

8 (4) Appropriates \$6,200,000.00 from the Nation's general fund surplus to
9 Desert Diamond Mobile LLC for its bankroll, start-up expenses, capital
10 expenses, operating expenses, contract expenses, license application fees,
11 and other purposes authorized by the Agreement; provided that the Board
12 of Managers shall provide a report regarding the Company's operations to
13 the Chairperson of the Nation, Commerce Committee, Budget and Finance
14 Committee, and Nation's treasurer each calendar quarter during the
15 Company's initial eighteen (18) months of operation.

16 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH
17 day of AUGUST, 2021 at a meeting at which a quorum was present with a vote of 2,118.75 FOR;
18 1,099.25 AGAINST; [02] NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the
19 Council by Article VI, Section 1(b), 1(c)(2), 1(d), 1(e), and Section 1(i) of the Constitution of the
20 Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and
21 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,
22 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

23
24 TOHONO O'ODHAM LEGISLATIVE COUNCIL

25
26
27 
28 Timothy Joaquin, Legislative Chairman

29
30 5th day of August, 2021

31
32 ATTEST:

33 
34
35 Evonne Wilson, Legislative Secretary

36
37 5 day of August, 2021

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39 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
40 O'odham Nation on the 5 day of August, 2021 at 1:22 o'clock, P.m.,
41 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
42 effective upon his approval or upon his failure to either approve or disapprove it within 48
43 hours of submittal.
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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Timothy Joaquin, Legislative Chairman

APPROVED

on the 05 day of August, 2021

DISAPPROVED

at 3:24 o'clock, P.m.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 5 day of

August, 2021, at 3:54 o'clock, P.m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING DESERT DIAMOND MOBILE LLC LIMITED LIABILITY COMPANY AGREEMENT AND RELATED ACTIONS

Moved: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN MARLAKAY HENRY

DATE: AUGUST 04, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8		X		
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25		X		
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25		X		
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X		X	
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35		X		
	2. EDWARD D. MANUAL (Monica Morgan)	116.35		X		
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. SANDRA D. ORTEGA (Delma M. Garcia)	108.3	X		X	
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8		X		
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45		X		
TOTAL		3,218.0	2,118.75	1,099.25	[02]	-0-