

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Additional Equity Investment in Desert Diamond Mobile LLC and Related Actions)**

**RESOLUTION NO. 23-097**

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

6 **WHEREAS,** the Nation formed Desert Diamond Mobile LLC, as an exercise by the Nation of its  
7 rights of self-government under the Constitution, to pursue the goal of economic  
8 self-sufficiency, to establish a financially self-sustaining and successful tribal  
9 enterprise that will provide a source of funding for the Nation's governmental  
10 services, and to promote tribal and economic development, including through  
11 providing training and employment opportunities for members of the Nation,  
12 through the operation of mobile event wagering in the State of Arizona as the  
13 Nation's fully owned event wagering operator (Resolution No. 21-256); and

14 **WHEREAS,** by Resolution No. 21-256, the Tohono O'odham Legislative Council authorized  
15 and directed Desert Diamond Mobile LLC to compete and apply for one of ten  
16 Event Wagering Operator (Tribal) licenses in the State of Arizona; and

17 **WHEREAS,** on August 27, 2021, the State of Arizona awarded an Event Wagering Operator  
18 (Tribal) license to Desert Diamond Mobile LLC; and

19 **WHEREAS,** on January 13, 2022, Desert Diamond Mobile LLC commenced offering mobile  
20 event wagering services in the State of Arizona (off Indian lands); and

21 **WHEREAS,** Desert Diamond Mobile LLC is the only fully tribally owned event wagering  
22 operator licensed by the State of Arizona, as other Arizona tribes all chose to  
23 transfer their license rights to established out-of-state commercial operators;  
24 and

25 **WHEREAS,** despite commencing its event wagering operation from scratch, Desert Diamond  
26 Mobile LLC has been successfully competing with those established commercial  
27 operators, with its wagering handle in Arizona in November 2022 significantly  
28 exceeding the Arizona handle of national and international operators such as  
29 WynnBet, Rush Street Interactive, Seminole Hard Rock Digital, BetFred, and  
30 Unibet; and

31 **WHEREAS,** Desert Diamond Mobile LLC also has been collaborating with the Tohono  
32 O'odham Gaming Enterprise to provide the infrastructure to allow TOGE to offer

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1 mobile event wagering on the Nation's lands, as TOGE is permitted to do under  
2 the terms of the Nation's gaming compact with the State of Arizona; and  
3 **WHEREAS,** pursuant to the Desert Diamond Mobile LLC Limited Liability Company  
4 Agreement approved by Resolution No. 21-256 and amended by Resolution No. 22-  
5 386, Desert Diamond Mobile LLC presented a formal report regarding its  
6 operations and a budget summary to the Chairman of the Nation and the  
7 Legislative Council in November 2022; and

8 **WHEREAS,** Desert Diamond Mobile LLC will require an additional equity investment by the  
9 Nation to fund its continued growth, including the larger reserves that are  
10 required because of its growth, subject to the provisions of the Desert Diamond  
11 Mobile LLC Limited Liability Company Agreement; and

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

14 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council appropriates  
15 \$7,000,000.00 from the Nation's general fund surplus for an immediate  
16 additional equity investment in Desert Diamond Mobile LLC, to allow Desert  
17 Diamond Mobile LLC to continue to grow its business with the aim of becoming  
18 self-sustaining and providing revenue to the Nation as soon as practicable, with  
19 each investment subject to the terms and restrictions set forth in the Desert  
20 Diamond Mobile LLC Limited Liability Company Agreement.

21 **BE IT FINALLY RESOLVED** that Desert Diamond Mobile LLC shall provide a report regarding the  
22 Company's finances and operations to the Chairperson of the Nation, Commerce  
23 Committee, Budget and Finance Committee, and Nation's treasurer each  
24 calendar quarter through the end of fiscal year 2024.

25 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 24<sup>TH</sup>  
26 day of **MARCH, 2023** at a meeting at which a quorum was present with a vote of **1,924.85 FOR;**  
27 **1,293.15 AGAINST;** -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council  
28 by, Article VI, Section 1(b), 1(c)(2), 1(d), 1(e), and Section 1(i) of the Constitution of the Tohono  
29 O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by  
30 the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant  
31 to Section 16 of the Act of June 18, 1934 (48 Stat.984).  
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Timothy Joaquin*  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

24 day of March, 2023

ATTEST:

*Evonne Wilson*  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

Evonne Wilson, Legislative Secretary

24 day of March, 2023

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 24 day of March, 2023 at 3:48 o'clock, p.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Timothy Joaquin*  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

APPROVED

on the 24<sup>th</sup> day of March, 2023

DISAPPROVED

at 4:24 o'clock, p.m.

*Ned Norris, Jr.*  
\_\_\_\_\_  
NED NORRIS, JR., CHAIRMAN

TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24 day of

March, 2023, at 4:29 o'clock, p.m.

*Evonne Wilson*  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

Evonne Wilson, Legislative Secretary

**ACTION: APPROVING ADDITIONAL EQUITY INVESTMENT IN DESERT DIAMOND MOBILE LLC AND RELATED ACTIONS**

**Moved: VICE CHAIRWOMAN ALBERTA J. RAY**

**SECOND: COUNCILWOMAN JANA MONTANA**

**DATE: MARCH 24, 2023**

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 (Shelia Espino)	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 ( )	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ( )	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ( )	108.3	X			
	2. DELMA M. GARCIA ( )	108.3		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			
<b>TOTAL</b>		<b>3,218.0</b>	<b>1,924.85</b>	<b>1,293.15</b>	<b>-0-</b>	<b>-0-</b>