

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

**RESOLUTION NO. 23-463**

1 **WHEREAS,** the Tohono O'odham Nation (the "Nation") is a federally recognized Indian tribe  
2 that formed Desert Diamond Mobile LLC ("DDM"), 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 DDM, as an exercise by the Nation of its rights of self-  
7 government under the Constitution, to pursue the goal of economic self-  
8 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 DDM to compete and apply for one of ten Event Wagering Operator  
16 (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 DDM; and

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

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

24 **WHEREAS,** DDM also has been collaborating with the Tohono O'odham Gaming Enterprise to  
25 provide the infrastructure to allow TOGE to offer mobile event wagering on the  
26 Nation's lands, as TOGE is permitted to do under the terms of the Nation's gaming  
27 compact with the State of Arizona; and

28 **WHEREAS,** pursuant to the DDM Limited Liability Company Agreement approved by  
29 Resolution No. 21-256 (the "Agreement") and amended by Resolution No. 22-386,  
30 DDM presented a formal report regarding its operations and financial update to  
31 the Legislative Council in November 2023 and to the Chairman of the Nation in  
32 December 2023; and

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1 **WHEREAS, DDM will continue to require financial support to fund its continued growth,**  
2 **including the larger reserves that are required because of its growth, subject to**  
3 **the provisions of the Agreement; and**

4 **WHEREAS, the Tohono O'odham Gaming Enterprise ("TOGE") is conducting an independent**  
5 **evaluation of DDM's finances and operations at the Commerce and Budget and**  
6 **Finance Committees' request; and**

7 **WHEREAS, TOGE is authorized to create, and currently maintains, "an operating reserve to**  
8 **pay for operating expenses to provide" cash on hand and various funds, including**  
9 **"funds to pay such other costs as directed solely by Legislative Council resolution"**  
10 **(16 T.O.C. Chapter 2 Section 7(b)(6)); and**

11 **WHEREAS, the Commerce and Budget and Finance Committees have reviewed a proposal for**  
12 **additional financial support to DDM pending TOGE's evaluation of DDM's**  
13 **finances and operations.**

14 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council directs TOGE**  
15 **to pay the sum of \$2.3 million to DDM by December 15, 2023; provided that (1) the**  
16 **payment shall not reduce TOGE's projected FY 2024 distribution to the Nation and**  
17 **(2) the Council shall not approve or direct any additional investments in DDM**  
18 **pending TOGE's evaluation, which shall be reported to the Nation's chairperson**  
19 **and the Legislative Council.**

20 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13<sup>TH</sup>**  
21 **day of DECEMBER 2023 at a meeting at which a quorum was present with a vote of 1,389.7 FOR;**  
22 **1,315.6 AGAINST; 558.0 [02] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the**  
23 **Council by Article VI, Section 1(b), 1(c)(2), 1(d), 1(e), and Section 1(i) of the Constitution of the**  
24 **Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and**  
25 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,**  
26 **1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

27  
28 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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32 **Wavalene M. Saunders, Legislative Chairwoman**

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34 13<sup>TH</sup> day of December, 2023

35  
36 **ATTEST:**

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38  
39 **Evonne Wilson, Legislative Secretary**

40  
41 13 day of December, 2023  
42

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13<sup>th</sup> day of December, 2023 at 5:06 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

  
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 13 day of December, 2023

DISAPPROVED

at 5:09 o'clock, p.m.

  
VERLON M. JOSE, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 14 day of

December, 2023, at 5:12 o'clock, p.m.

  
Evonne Wilson, Legislative Secretary

**ACTION: APPROVING GAMING ENTERPRISE INVESTMENT IN DESERT DIAMOND MOBILE LLC AND RELATED ACTIONS****Moved: COUNCILWOMAN VICTORIA HOBBS****SECOND: COUNCILWOMAN CHRISTINA ANDREWS****DATE: DECEMBER 13, 2023**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X	X		
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ( )	177.35 177.35	X	X		
GUACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35 141.35	X	X		
GU VO 276.0	1. DALLAS LEWIS ( ) 2. LESLIE LUNA (Grace Manuel)	138.0 138.0	X	X		
HICKIWAN 220.5	1. DELMA M. GARCIA ( ) 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X	X		
PISINEMO 236.2	1. EDWARD D. MANUEL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1		X X		
SAN LUCY 257.6	1. ROGER MANUEL ( <i>Absent</i> ) (Christina Andrews) ( <i>Present</i> ) 2. GLORIA M. RAMIREZ (Lorraine M. Biler)	128.8 128.8	X X			
SAN XAVIER 244.5	1. JANICE FELIX ( ) 2. DANIEL L.A. PRESTON III ( )	122.25 122.25	X X			X
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9		X X		
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston) 2. JANET B. ELEANDO ( )	279.0 279.0			X X	
SIF ODAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X	X		
	<b>TOTAL</b>	<b>3,263.30</b>	<b>1,389.7</b>	<b>1,315.6</b>	<b>558.0</b> <b>[02]</b>	<b>[01]</b>