

RESOLUTION OF THE TOHONO O’ODHAM LEGISLATIVE COUNCIL
(Amending the Tohono O’odham Gaming Enterprise Charter and the Desert Diamond Mobile LLC Limited Liability Company Agreement and Approving Transfer of the Desert Diamond Mobile LLC Membership Interest to the Tohono O’odham Gaming Enterprise)

RESOLUTION NO. 24-033

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 I(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-sufficiency,
8 to establish a financially self-sustaining and successful tribal enterprise that will
9 provide a source of funding for the Nation’s governmental services, and to promote
10 tribal and economic development, including through providing training and
11 employment opportunities for members of the Nation, through the operation of
12 mobile event wagering in the State of Arizona as the Nation’s fully owned event
13 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 on August 27, 2021, the State of
17 Arizona awarded an Event Wagering Operator (Tribal) license to DDM; and on
18 January 13, 2022, DDM commenced offering mobile event wagering services in
19 the State of Arizona (off Indian lands); and

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

23 **WHEREAS,** in December 2023 and January 2024, the Tohono O’odham Gaming Enterprise
24 (“TOGE”) conducted an independent evaluation of DDM’s finances and operations,
25 at the request of the Commerce and Budget and Finance Committees; and

26 **WHEREAS,** having completed its independent evaluation of DDM’s finances and operations,
27 TOGE has informed the Commerce and Budget and Finance Committees that
28 TOGE is willing to take ownership of DDM and oversee the operation of its
29 business; and

30 **WHEREAS,** the Commerce and Budget and Finance Committees recommend that the Nation
31 assign its membership interest in DDM to TOGE; and

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1 **WHEREAS,** if the Nation assigns its membership interest in DDM to TOGE, it will be necessary
2 or desirable to modify the TOGE Charter and the DDM Limited Liability Company
3 Agreement to account for and accommodate the transfer of the membership
4 interest to TOGE and to harmonize the language of the TOGE Charter and the
5 DDM Limited Liability Company Agreement; and

6 **WHEREAS,** the Commerce and Budget and Finance Committees recommend that the TOGE
7 Charter and the DDM Limited Liability Company Agreement be modified in
8 accordance with the "January 2024 Amendment" for each, which are incorporated
9 by this reference, to account for and accommodate the transfer of the membership
10 interest to TOGE and to harmonize the language of the TOGE Charter and the
11 DDM Limited Liability Company Agreement.

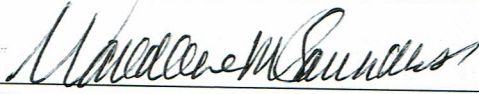
12 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves
13 the January 2024 Amendments to the TOGE Charter and to the DDM Limited
14 Liability Company Agreement.

15 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council authorizes and
16 directs the Nation's Chairman to execute a Membership Interest Assignment
17 Agreement, in a form similar to that presented to the Council, assigning the
18 Nation's membership interest in DDM to TOGE.

19 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the Gaming
20 Enterprise shall report on Desert Diamond Mobile LLC's finances and operations
21 during the Enterprise's quarterly reports to the Nation's leadership, and upon
22 request to the Commerce and Budget and Finance Committees.

23 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 31ST
24 day of JANUARY 2024 at a meeting at which a quorum was present with a vote of 2,328.55 FOR;
25 934.75 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the
26 Council by Article VI, Section 1(b), 1(c)(2), 1(d), 1(e), and Section 1(i) of the Constitution of the
27 Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and
28 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,
29 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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33 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

34 
35 _____
36 Wavalene M. Saunders, Legislative Chairwoman

37
38 _____ day of February, 2024
39

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ATTEST:



Evonne Wilson, Legislative Secretary

1 day of February, 2024

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 1 day of February, 2024 at 2:55 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 1st day of February, 2024

DISAPPROVED

at 3:04 o'clock, P.m.



VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 1 day of

February, 2024, at 3:18 o'clock, P.m.



Evonne Wilson, Legislative Secretary

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ACTION: AMENDING THE TOHONO O'ODHAM GAMING ENTERPRISE CHARTER AND THE DESERT DIAMOND MOBILE LLC LIMITED LIABILITY COMPANY AGREEMENT AND APPROVING TRANSFER OF THE DESERT DIAMOND MOBILE LLC MEMBERSHIP INTEREST TO THE TOHONO O'ODHAM GAMING ENTERPRISE

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN VICTORIA HOBBS

DATE: JANUARY 31, 2024

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling)	197.1	X			
	2. JESSE NAVARRO (Alberta J. Ray)	197.1	X			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	177.35		X		
	2. MARLAKAY HENRY ()	177.35	X			
GU ACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin)	141.35	X			
	2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35		X		
GU VO 276.0	1. DALLAS LEWIS ()	138.0	X			X
	2. LESLIE LUNA (Grace Manuel)	138.0	X			
HICKIWAN 220.5	1. DELMA M. GARCIA ()	110.25	X			X
	2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25	X			
PISINEMO 236.2	1. EDWARD D. MANUEL (Monica Morgan)	118.1		X		
	2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1		X		
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews)	128.8		X		
	2. GLORIA M. RAMIREZ (Lorraine M. Eiler)	128.8		X		
SAN XAVIER 244.5	1. JANICE FELIX ()	122.25	X			
	2. DANIEL L.A. PRESTON III ()	122.25		X		
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco)	95.9	X			
	2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9	X			
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston)	279.0	X			
	2. JANET B. ELEANDO ()	279.0	X			X
SIF Oidak 247.1	1. LUCINDA ALLEN (Francis Homewytewa)	123.55	X			
	2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55	X			
TOTAL		3,263.30	2,328.55	934.75	-0-	[03]