

RESOLUTION NO. 4840 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, EXPRESSING THE CITY'S SUPPORT OF THE CREATION OF AN INDIAN RESERVATION ON PROPERTY WITHIN THE GLENDALE MUNICIPAL PLANNING AREA AND OPERATION OF A GAMING FACILITY ON SUCH PROPERTY AND DESIRE TO SETTLE OUTSTANDING ISSUES BETWEEN THE CITY OF GLENDALE AND THE TOHONO O'ODHAM NATION.

WHEREAS, in 1986, the United States Congress enacted the Gila Bend Indian Reservation Lands Replacement Act, which authorized the Tohono O'odham Nation to acquire new lands to replace lands damaged by flooding caused by the Painted Rock Dam and required the United States to hold eligible replacement lands in trust for the benefit of the Nation; and

WHEREAS, in 2003 the Tohono O'odham Nation purchased approximately 134 acres generally located at the southwest corner of 91<sup>st</sup> and Northern Avenues (the "Property"); and

WHEREAS, the Property is contiguous to the City of Glendale; and

WHEREAS, in 2009, the Tohono O'odham Nation submitted an application to the Bureau of Indian Affairs to have the Property taken into trust by the U.S. Government and held for the benefit of the Tohono O'odham Nation in order for the Nation to conduct gaming activity on the Property; and

WHEREAS, on April 7, 2009, the City Council of the City of Glendale adopted Resolution No. 4246 New Series, opposing the Tohono O'odham Nation's application filed with the Secretary of the Interior and the Bureau of Indian Affairs, and directing the City Manager and City Attorney to take all reasonable, necessary and prudent actions to oppose the Tohono O'odham Nation's application filed with the Secretary of the Interior and the Bureau of Indian Affairs; and

WHEREAS, the City of Glendale and the Tohono O'odham Nation instituted numerous legal actions, including, but not limited to, an action captioned *Tohono O'odham Nation v. City of Glendale, et al.*, currently pending before the United States Court of Appeals for the Ninth Circuit (Case Nos. 11-16811, 11-16823, and 11-16833) (the "*Annexation Litigation*"); and

WHEREAS, on April 9, 2013, Representative Trent Franks introduced in the 113<sup>th</sup> Congress, House of Representatives Bill 1410, entitled "Keep the Promise Act of 2013," setting forth among other things a prohibition of gaming activities on certain Indian lands in Arizona, including the Property; and

WHEREAS, on October 13, 2013, the City Council of the City of Glendale directed the City Manager and City Attorney to undertake a fact-finding mission with the Tohono O'odham Nation and enter into negotiations with the Tohono O'odham Nation in a good faith attempt to discuss and resolve outstanding issues, including but not limited to, pending litigation and disputes about the Nation's construction and operation of gaming on the Property; and

WHEREAS, on March 25, 2014, the City Council of the City of Glendale adopted Resolution No. 4783 New Series, opposing House of Representatives Bill 1410, entitled "Keep the Promise Act of 2013"; and

WHEREAS, on July 3, 2014, the Assistant Secretary of the United States Department of the Interior issued a decision that 53.54 acres of the Property must be acquired in trust for the benefit of the Nation under the terms of the Gila Bend Indian Reservation Lands Replacement Act; and

WHEREAS, on July 15, 2014, the Mayor and Council of the City of Glendale adopted Resolution No. 4828 New Series, repealing Resolution No. 4246 and expressing the City of Glendale's support for the creation of an Indian reservation on the Property and lack of objection to the utilization of the Property for gaming; and

WHEREAS, the City Council of the City of Glendale believes that the support of local government is important to the development of the Property and cooperative intergovernmental relationships are vital to the proposed development of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the Glendale City Council reaffirms Resolution No. 4828 New Series repealing in its entirety Resolution No. 4246 New Series ("Expressing the City's Opposition to the Creation of an Indian Reservation on a Parcel within the Glendale Municipal Planning Area").

SECTION 2. That it is deemed in the best interest of the City of Glendale and its citizens that the settlement agreement between the City of Glendale and the Tohono O'odham Nation be entered into, and such agreement is now on file in the office of the City Clerk of the City of Glendale (the "Settlement Agreement").

SECTION 3. That the Mayor or City Manager and the City Clerk are authorized and directed to execute and deliver the Settlement Agreement on behalf of the City of Glendale.

SECTION 4. That the City Attorney is directed to withdraw Glendale's appeal of, and to dismiss with prejudice Glendale's claims in, the Annexation Litigation.

SECTION 5. That the City of Glendale supports the recent decision of the United States Department of the Interior to acquire a portion of the Property in trust for the Nation under the

terms of the Settlement Act, supports the Nation's WVR Project, including its casino gaming component, and will support a future decision to acquire in trust the balance of the Property.

SECTION 6. The City of Glendale desires that the Nation construct and commence operating the WVR Project as expeditiously as possible, for the mutual benefit of the City and the Nation.

SECTION 7. The City of Glendale urges the State of Arizona not to challenge the decision of the United States Department of the Interior to acquire in trust a portion of the Property for the benefit of the Nation.

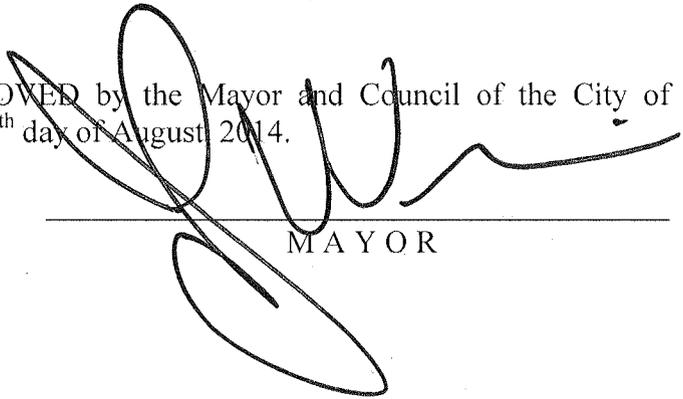
SECTION 8. The City of Glendale urges the State of Arizona to withdraw its appeal of, and to dismiss with prejudice its claims in, the Annexation Litigation.

SECTION 9. The City of Glendale urges the State of Arizona to dismiss its appeal in *Tohono O'odham Nation v. City of Glendale, et al.*, which is currently pending before the United States Court of Appeals for the Ninth Circuit (Case Nos. 11-16811, 11-16823, and 11-16833).

SECTION 10. The City of Glendale urges the Arizona congressional delegation to oppose any legislation aimed at limiting the Nation's ability to conduct casino gaming at the WVR Project.

SECTION 11. The City of Glendale reaffirms Resolution No. 4783 New Series and opposes S. 2670 and any similar legislation that would prohibit or impede the construction of or gaming at the WVR Project.

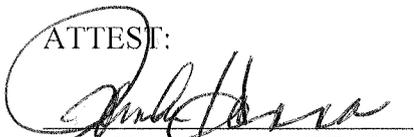
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 12<sup>th</sup> day of August 2014.



---

MAYOR

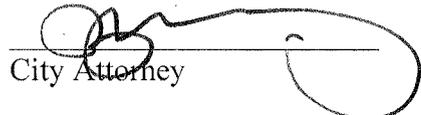
ATTEST:



---

City Clerk (SEAL)

APPROVED AS TO FORM:



---

City Attorney

REVIEWED BY:



---

City Manager