

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

21<sup>st</sup> NAVAJO NATION COUNCIL - First Year, 2007

AN ACTION


RELATING TO ECONOMIC DEVELOPMENT, COMMUNITY DEVELOPMENT,  
AND FINANCE; APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN  
THE NAHATA DZIIL CHAPTER AND THE NAVAJO NATION

BE IT ENACTED:

1. The Navajo Nation hereby approves the Memorandum of Agreement between the Nahata Dziil Chapter and the Navajo Nation, attached hereto as Exhibit "A".
2. The Navajo Nation hereby authorizes the President of the Navajo Nation to sign any and all documents necessary to effectuate the intent of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 72 in favor and 0 opposed, this 20th day of April 2007.

  
Lawrence T. Morgan, Speaker  
Navajo Nation Council

20 April 07  
Date

Motion: Amos F. Johnson  
Second: Young Jeff Tom

MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN THE NAHATA DZIIL CHAPTER  
AND THE NAVAJO NATION

This MEMORANDUM OF AGREEMENT (MOA) made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2007 between the Nahata Dziil Chapter hereinafter referred to as the "Gaming Chapter," and the Navajo Nation, hereinafter referred to as "Nation" for purpose of this Agreement.

I. PURPOSE

The purpose of this Memorandum of Agreement is to clearly set forth the background, obligations and responsibilities of the parties concerning the sharing of net gaming profits from gaming operations on lands owned and controlled directly or indirectly by the Navajo Nation in the Gaming Chapter community boundaries. Gaming Chapter will benefit from the development of a casino and other related operations on lands that lie within its boundaries.

The Gaming Chapter seeks to ensure the development and operation of a casino operation within its boundaries and within the scope of the Navajo Nation Gaming Ordinance and the State of Arizona Compact. Pursuant to Navajo Nation Council Resolution CJY-40-04, Navajo Nation Code was amended in July 2004 to allow chapters to decide whether to allow gaming within their chapters. Additionally, the Navajo people approved a gaming referendum November 2004.

The Navajo Nation Council recognizes that the Gaming Chapter officials have spearheaded the development of a casino operation and with that the Gaming Chapter must share all of the social burdens necessary to sustain a casino operation with the Navajo Nation. Those burdens include increased need for infrastructure, roads, water, sewer, and electrical systems; adequate housing for workers; police, fire and emergency services. The Gaming Chapter does not have the sufficient work force to fill all the jobs that will be created. If necessary, Navajo workers from throughout the Nation could relocate to the Gaming Chapter community or neighboring chapter community, and the Gaming Chapter must be prepared for

the influx. To provide funds for community infrastructure, the Nation agrees to a gaming profit-sharing arrangement that allows for the Gaming Chapter's share of profits to go to the Gaming Chapter to meet its social, economic and financial needs.

II. IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

1. The Nation shall maintain a Navajo Nation Gaming Ordinance and maintain federal approval of the Ordinance, and any other required approvals at all times and shall do all things necessary to comply with its obligations under the Ordinance so as not to jeopardize casino development or operations.
2. The Navajo Nation agrees to share net gaming revenues with the Gaming Chapter. The Navajo Nation and the Gaming Chapter agree to the following gaming formula and shall be subject to the following percentages:

Period	Gaming Chapters	Nation
Years 1 through 5	10%	90%
Year 6 and beyond	05%	95%

3. The Navajo Nation Council further approves after the Gaming Chapter receives its shares of gaming revenues, the remaining balance shall be distributed to the remaining 109 chapters and to the central Navajo Nation government pursuant to an approved formula and stipulations. Use of the net gaming revenues shall be expended in accordance with the Indian Gaming Regulatory Act, 25 U.S.C §2710(b)(2)(B):

- a. To fund tribal government operations or programs;
- b. To provide for the general welfare of the Navajo Nation and its members;
- c. To promote tribal economic development;
- d. To donate to charitable organizations; and
- e. To help fund operations of local government agencies.

Per capita payments from net gaming revenues to individual tribal members shall not be allowed.

III. EFFECTIVE DATE AND TERM:

Effective upon signature by all parties; facsimile copies will be considered the equivalent of originals for determining whether all parties have signed.

IV. ADMINISTRATIVE ISSUES:

1. The Navajo Nation and the Gaming Chapter reserve the right of access to inspect each other's fiscal and administrative records relating to the net gaming revenues.
2. This Agreement contains all the terms and conditions agreed to by the parties herein. No other understanding, oral and otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties hereto. Changes to this Agreement shall be made only by a written, properly approved amendment hereto signed by all parties to this agreement.
3. This Agreement may be terminated by mutual agreement of the parties or for significant failure of either party to abide by the terms of the Agreement.
4. This Agreement shall not be construed as waiving the sovereign immunity of the Navajo Nation.

IN WITNESS WHEREOF, the parties set their hands this day of \_\_\_\_\_ 2007.

NAVAJO NATION

By: \_\_\_\_\_  
Dr. Joe Shirley, Jr. President

NAHATA DZIIL CHAPTER:

By: \_\_\_\_\_  
Arnold R. Begay,  
Chapter President