

Form and Correctness Approved:

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Contents Approved:



By: \_\_\_\_\_  
Office of the City Attorney



By: \_\_\_\_\_  
DEPT. City Attorney's Office

NORFOLK, VIRGINIA

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## Resolution No. 1788

A RESOLUTION SELECTING A PREFERRED CASINO  
GAMING OPERATOR PURSUANT TO CHAPTER 41 OF  
TITLE 58.1 OF THE CODE OF VIRGINIA.

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WHEREAS, the City Council has determined the development and operation of a commercial gaming casino in the City of Norfolk presents an opportunity for significant revenue to the City, employment of residents, and expansion of economic activity in both the City of Norfolk and the greater Hampton Roads region; and

WHEREAS, during its 2020 session, the General Assembly of Virginia passed and the Governor of Virginia signed into law an Act establishing Chapter 41 of Title 58.1 of the Code of Virginia to authorize and regulate the establishment of casino gaming establishments in certain host cities in Virginia including the City of Norfolk ("the Act"); and

WHEREAS, the City qualifies as an "eligible host city" in which the conduct of commercial gaming may be permitted under §58.1-4107(A)(4) of the Act; and

WHEREAS, as an eligible host city, the City must

identify its preferred casino gaming operator to the Commonwealth in accordance with the Act to allow the Commonwealth to conduct a preliminary review of the financial status and ability of the preferred casino gaming operator to operate and to properly support ongoing casino gaming operations in the City; and

WHEREAS, in selecting a preferred casino gaming operator, the Act requires that an eligible host city shall have considered and given substantial weight to factors such as: (1) the potential benefit and prospective revenues of the proposed casino gaming establishment; (2) the total value of the proposed casino gaming establishment; (3) the proposed capital investment and the financial health of the operator and any development partners; (4) the experience of the operator and any development partners in the operation of a casino gaming establishment; (5) security plans for the proposed casino gaming establishment; (6) the economic development value of the proposed casino gaming establishment and the potential for community reinvestment and redevelopment in an area in need of such; (7) availability of city-owned assets and privately-owned assets, such as real property, including where there is only one location practicably available or land under a development agreement between a potential operator and the city, incorporated in the operator's proposal; (8) the best financial interest of the city; and (9) the operator's status as a minority-owned business as defined in

§ 2.2-1604 of the Virginia Code or the operator's commitment to solicit equity investment in the proposed casino gaming establishment from one or more minority-owned businesses and the operator's commitment to solicit contracts with minority-owned businesses for the purchase of goods and services; and

WHEREAS, the Act further requires that the City of Norfolk give substantial and preferred consideration to a proposed preferred casino gaming operator who is a Virginia Indian tribe recognized by the United States Department of the Interior and who is authorized by U.S. law to conduct gaming activities; and

WHEREAS, the Pamunkey Indian Tribe is the sole Virginia Indian tribe so designated and authorized; and

WHEREAS, since 2018, the City has worked diligently with the Pamunkey Indian Tribe for the development of an economically significant, resiliently built, and lawfully operated gaming casino in the City of Norfolk; and

WHEREAS, the Council now desires to identify the Pamunkey Indian Tribe as its "preferred casino gaming operator" as such term is defined in the Act; now, therefore,

BE IT RESOLVED by the Council of the City of Norfolk:

Section 1: - That the Council of the City of Norfolk, after careful consideration of the factors set forth in the Act and in giving substantial and preferred consideration to a proposed preferred casino gaming operator who is a Virginia Indian tribe recognized by the United States Department of the Interior and who is authorized by U.S. law to conduct gaming activities, does hereby select the Pamunkey

Indian Tribe as its preferred casino gaming operator,  
as such term is defined in the Act.

Section 2: - That the City Attorney and City  
Manager are hereby authorized to do all things  
necessary to ensure that Council's selection of the  
Pamunkey Indian Tribe as its preferred casino gaming  
operator is timely and properly submitted in  
accordance with the Act as soon as practicable on or  
after June 1, 2020.

Section 3: - That this Resolution shall be in  
effect from and after the date of its adoption.

Adopted by Council May 26, 2020  
Effective May 26, 2020

TRUE COPY  
TESTE:



*Richard A. Bull*

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RICHARD ALLAN BULL

BY:

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CHIEF DEPUTY CITY CLERK