

To the Honorable Council  
City of Norfolk, Virginia

November 24, 2020

**From:** Jared M. Chalk  
Interim Director of Development

**Subject:** Resolution Certifying Pamunkey  
Indian Tribe as Preferred Casino Gaming  
Operator

**Reviewed:**

**Ward/Superward:**

**Approved:**

**Item Number:**

I. **Recommendation:** Adopt Resolution

II. **Applicant:** City of Norfolk

III. **Description:**

This agenda item is a resolution that will support the development and operation of a commercial gaming resort casino in Norfolk and certifies the Pamunkey Indian Tribe as the preferred operator of the resort hotel and casino.

IV. **Analysis:**

During the 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 citizens of Norfolk voted to approve casino gaming in Norfolk and the results of the recent election have been certified by the electoral board and accepted by the Clerk of the Court. The next step in the regulatory process is that the City must formally certify its preferred casino gaming operator and submit this to Commonwealth so that the Commonwealth can 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.

V. **Financial Impact**


We estimate annual tax revenue from the casino development ranging from \$24.8 million to \$44.5 million.

- VI. **Environmental**  
There are no known environmental issues associated with this property.
- VII. **Community Outreach/Notification**  
Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.
- VIII. **Board/Commission Action**  
N/A
- IX. **Coordination/Outreach**  
This letter and ordinance have been coordinated with the Department of Development and the City Attorney's Office.

Form and Correctness Approved:

*BAP*

Contents Approved:

By:   
Office of the City Attorney

By:   
DEPT. Development

NORFOLK, VIRGINIA

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## Resolution No.

A RESOLUTION CERTIFYING THE PAMUNKEY INDIAN TRIBE AS THE PREFERRED CASINO GAMING OPERATOR PURSUANT TO SECTION 58.1-4109 OF THE CODE OF VIRGINIA.

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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, 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, in selecting its preferred casino gaming operator, the City, as an eligible host city, has 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, as required by Section 58.1-4107(D) of the

Act, the City has given substantial and preferred consideration to the Pamunkey Indian Tribe as the sole Virginia Indian tribe recognized by the United States Department of the Interior and authorized by U.S. law to conduct gaming activities; and

WHEREAS, 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, by Resolution Number 1,788, adopted by the City Council of the City of Norfolk on May 26, 2020, the City, as an eligible host city, identified the Pamunkey Indian Tribe as its preferred casino gaming operator and submitted its preferred casino gaming operator to the Commonwealth in accordance with Section 58.1-4107(F) of 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, by Resolution Number 1,790, adopted by the City Council of the City of Norfolk on June 9, 2020, and pursuant to Section 58.1-4123 of the Act, the City petitioned the Circuit Court of the City of Norfolk to order that a referendum be held on the question of whether casino gaming should be permitted; and

WHEREAS, pursuant to Order of the Circuit Court of the

City of Norfolk, dated July 15, 2020, such referendum was held as part of the general election on November 3, 2020; and

WHEREAS, pursuant to Section 58.1-4123(E) of the Act, the results of such referendum were certified by the electoral board to the Clerk of the Circuit Court of the City of Norfolk, and such certification was accepted by the Clerk of the Circuit Court of the City of Norfolk on November 13, 2020;

WHEREAS, pursuant to Section 58.1-4123(E) of the Act, by Order of the Circuit Court of the City of Norfolk, dated November 17, 2020, it was adjudged, ordered, decreed and proclaimed that the referendum passes with 57,741 "Yes" ballots cast and 31,015 "No" ballots cast;

WHEREAS, pursuant to Section 58.1-4109 of the Act, the Council now desires to certify 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 certify 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 and proper to ensure that Council's certification of the Pamunkey Indian Tribe as its preferred casino gaming operator is timely and

property submitted in accordance with the Act.

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