

RESOLUTION NO. 1039

A RESOLUTION EXPRESSING OBJECTION TO ILLEGAL GAMING ON A MUSCOGEE (CREEK) NATION ALLOTMENT OWNED BY BIM “STEVE” BRUNER, AND LOCATED BETWEEN THE CREEK TURNPIKE AND TUCSON STREET, WEST OF OLIVE STREET, IN THE CITY LIMITS OF THE CITY OF BROKEN ARROW, OKLAHOMA (THE “BRUNER ALLOTMENT”); EXPRESSING ITS SUPPORT FOR THE LEADERSHIP OF THE MUSCOGEE (CREEK) NATION AND SPECIFICALLY EXPRESSING ITS APPRECIATION TO THE LEADERSHIP OF THE MUSCOGEE (CREEK) NATION FOR TAKING MEASURES TO INVESTIGATE AND ADDRESS ILLEGAL GAMING WITHIN ITS JURISDICTION; AUTHORIZING STEPHEN BUGG, ATTORNEY AT LAW, TO NOTIFY THE NATIONAL INDIAN GAMING COMMISSION (THE “NIGC”) OF THE COUNCIL’S OBJECTION TO ILLEGAL GAMING ON THE BRUNER ALLOTMENT, AND ALSO TO THE DEPARTMENT OF THE INTERIOR OFFICE OF THE SOLICITOR AND THE BUREAU OF INDIAN AFFAIRS, OF THE CITY COUNCIL’S OBJECTION TO ILLEGAL GAMING ON THE BRUNER ALLOTMENT; AND APROVAL OF AND AUTHORIZATION FOR THE CITY MANAGER TO TAKE ALL ACTIONS REASONABLY NECESSARY TO ASSIST WITH ADDRESSING ILLEGAL GAMING ON THE BRUNER ALLOTMENT AND TO WORK TO ADDRESS ALL MATTERS OF CONCERN REGARDING DEVELOPMENT ON THE BRUNER ALLOTMENT THAT RELATE TO THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF THE BROKEN ARROW

WHEREAS, in August of 2016 the City of Broken Arrow (“City”) received a request from Dave Sanders (“Sanders”), a Civil Engineer with Sanders Engineering, Inc., to meet regarding a proposed dance hall and restaurant (“proposed development”) located on a Muscogee (Creek) Nation Allotment, held in restricted status and owned by Steve Bruner (“Bruner”), located South of the Creek Turnpike and West of Olive (South 129th East Avenue), referred to as the “Bruner Allotment;” and

WHEREAS, Sanders relayed to the City the proposed development would be serviced by on-site well water, on-site wastewater facility, and a storm water detention pond; and

WHEREAS, Sanders indicated he was not seeking access to any City infrastructure or utilities, but further indicated a willingness to work with City Inspectors and comply with all City Building Codes; and

WHEREAS, at the time of the meeting, Bruner indicated a possibility that Class 2 Gaming Machines would be included as part of the operation of the proposed development, although a final decision with regard to gaming had not been made; and

WHEREAS, on October 18, 2016, the proposed development was placed on the City Council agenda for an update and discussion; and

WHEREAS, Bruner declined the opportunity to make a formal presentation to the City Council due to his belief that said presentation was premature; and

WHEREAS, a number of concerned citizens attended the Council meeting in order to protest the possibility of gaming on the Bruner Allotment; and

WHEREAS, the City Attorney and the Economic Development Coordinator met with Bruner and his representatives on at least two occasions, at which meetings schematics of the proposed development were provided for review; and

WHEREAS, at the time of the meeting, City Staff was told that the plans were conceptual, but included an apartment complex, a full-service hotel, an outdoor event area, as well as retail and other commercial businesses; and

WHEREAS, the Mayor, the former Vice-Mayor, and the City Manager met with Bruner and Bruner's attorney to discuss the proposed development on the Bruner Allotment; and

WHEREAS, at the time of the meeting, the Mayor, Vice-Mayor and City Manager were allowed to review conceptual drawings of the proposed development, and also, at which time, the Mayor repeatedly emphasized his opposition to illegal gaming on the Bruner Allotment.; and

WHEREAS, the Mayor and City Manager met with Jared Cawley, an attorney working with citizen groups opposed to gaming in the City of Broken Arrow, where the Mayor and City Manager emphasized opposition to illegal gaming within the City of Broken Arrow; and

WHEREAS, the *Tulsa World* has published several articles surrounding a variety of issues concerning the proposed development, said articles including discussions about Luis Figueredo ("Figueredo"), an out-of-state attorney intimately involved with a prior Casino project located to the North of the proposed development on another Muscogee (Creek) Allotment; and

WHEREAS, the *Tulsa World* articles also indicated that the Kialegee Tribal Town sent notice to the National Indian Gaming Commission ("NIGC") of its intent to license a gaming facility on the Bruner Allotment, receipt of which has since been confirmed by the NIGC; and

WHEREAS, on July 27, 2017, the Mayor, the City Manager, and the City Attorney met with officials of the Muscogee (Creek) Nation, including the Principal Chief, the Speaker of the National Council, the Attorney General, and the First Assistant Attorney General; and

WHEREAS, officials of the Nation affirmed the Nation's opposition to the conduct of illegal gaming and its continued commitment to pursue all available means necessary to prevent unlicensed gaming, and discussed other matters of common interest and public safety including fire protection, emergency medical services, law enforcement, and building and food safety inspection; and

WHEREAS, the City Council is appreciative of the efforts of the Muscogee (Creek) Nation leadership to address illegal gaming on the Bruner Allotment and also their willingness to work together on matters of common interest and public safety; and

WHEREAS, the City retained the services of Stephen Bugg, an attorney with the law firm of McAfee & Taft to assist with matters relating to illegal gaming, Mr. Bugg being well qualified to

assist the Council and Staff with addressing these matters, including the preparation of correspondence to the NIGC and the BIA regarding illegal gaming on the Bruner Allotment.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council expressly objects to illegal gaming on the Bruner Allotment.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT City Council hereby expresses its support for the leadership of the Muscogee (Creek) Nation.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the City Council hereby specifically expresses its appreciation to the leadership of the Muscogee (Creek) Nation for taking measures to investigate and address illegal gaming within its jurisdiction.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Stephen Bugg, Attorney at Law, is hereby authorized to notify the National Indian Gaming Commission of the Council's objection to illegal gaming on the Bruner Allotment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Stephen Bugg, Attorney at Law, is hereby authorized to notify the Department of the Interior Office of the Solicitor and the Bureau of Indian Affairs of the City Council's objection to the approval of any agreements that would involve illegal gaming.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager for the City of Broken Arrow is hereby authorized to take all actions reasonably necessary to assist with addressing illegal gaming on the Bruner Allotment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager for the City of Broken Arrow is hereby further authorized to work to address all matters of concern regarding development on the Bruner Allotment that relate to the Health, Safety, and Welfare of the Citizens of the City of Broken Arrow and the Muscogee (Creek) Nation.

ADOPTED BY THE BROKEN ARROW CITY COUNCIL THIS 1st DAY OF AUGUST, 2017.

MAYOR

ATTEST:

(Seal) City Clerk

APPROVED AS TO FORM:

City Attorney