

CITY OF AIRWAY HEIGHTS
SPOKANE COUNTY, WASHINGTON

RESOLUTION #2022-021

**A RESOLUTION OF THE CITY OF AIRWAY HEIGHTS, WASHINGTON
LIMITING THE AVAILABILITY OF
CITY SERVICES TO THE KALISPEL PROPERTY, ITS RESIDENTS,
OCCUPANTS AND PERSONS BASED UPON STATE LAW, CITY ORDINANCES AND
CONTRACTUAL OBLIGATIONS**

WHEREAS, the Kalispel Tribe of Indians (the "Tribe") owns approximately 250 acres of land within the city limits of the City of Airway Heights (the "City") that is held in trust for the Tribe by the United States, plus a 40 acre parcel of land held in trust by the United States consisting of a gaming facility pursuant to a Class III Gaming Compact between the Tribe and the state of Washington (the "Tribal Property");

WHEREAS, the Tribe and the City are parties to a Memorandum of Understanding dated August 20, 1996 (the "1996 MOU") pursuant to City of Airway Heights Resolution 96-06;

WHEREAS, the City and the Tribe are parties to an Intergovernmental Agreement dated April 26, 2006 (the "2006 IGA");

WHEREAS, the 1996 MOU provides that the Tribe shall make an annual payment of \$374,250 or two percent (2.0%) of the Net Win from the Kalispel Class III Gaming Operation to the City;

WHEREAS, the 2006 IGA provides that the Tribe shall make an annual payment to the City and Spokane County in the amount set forth in the 2006 IGA;

WHEREAS, the Tribe ceased making payments under the 1996 MOU and 2006 IGA, for the years 2019, 2020, 2021 and 2022, all of which remain unpaid;

WHEREAS, the City's efforts to reach a resolution providing for the payments of the agreed contractual amounts by the Tribe have been unsuccessful;

WHEREAS, the Tribe has expanded its casino and hotel operations on the 40 acre parcel, and has continued to develop its 250 acres of trust property, creating increased demand and responses from the City's police, fire and emergency services;

WHEREAS, the overdue payments required under the 1996 MOU and 2006 IGA have compromised the City's ability to provide police, fire and emergency services ("First Responders") to the Tribal Property and throughout the City;

WHEREAS, the overdue payments required under the 1996 MOU and 2006 IGA have made the continued provision of services to the Tribal Property at current levels unsustainable; and

WHEREAS, the continued provision of services to the Tribal Property without the contractual payments from the Tribe affects the ability of the City to maintain the current level of service by First Responders without compromising the public safety services provided throughout the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AIRWAY HEIGHTS AS FOLLOWS:

1. Effective as of 11:59 pm on December 31, 2022, the City shall reduce its level of police, fire, and emergency services to the Tribal Property;
2. Effective as of 11:59 pm on December 31, 2022, subject to availability of resources, the City may respond to calls for police, fire and emergency services arising from the Tribal Property where there is an imminent threat to human life; and
3. The City Manager, Police Chief, Fire Chief and other City staff are authorized to take all action necessary to implement this Resolution.

Introduced this 5th day of December, 2022.

Passed by the City Council this 5th day of December, 2022.

Larry Bowman, Chair

ATTEST:

Stanley Schubert, City Clerk

APPROVED AS TO FORM:

Daniel J. Gibbons, City Attorney