



**Status Report on Discussions with the
Santa Ynez Band of Chumash Indians
Regarding Waiver of Sovereign Immunity
Language and Ad Hoc Subcommittee Meetings –
Fee to Trust Camp 4**

Board of Supervisors Hearing
August 30, 2016

Recommended Actions:

- a. Receive report from staff regarding status of discussion pertaining to Waiver of Sovereign Immunity language for inclusion in a potential agreement between the County of Santa Barbara and the Santa Ynez Band of Chumash Indians, and;
- b. Provide direction as appropriate regarding discussions between the Ad hoc Subcommittee of the Board of Supervisors and the Santa Ynez Band of Chumash Indians; and,
- c. Determine pursuant to CEQA Guidelines Section 15378(b)(5) that the above actions are not a project subject to CEQA review.

Current Camp 4 FTT Acquisition

- The proposed Camp 4 project encompasses over 1,400 acres
 - Property, acquired by the Santa Ynez Band of Chumash Indians in 2010, is also in a multi-year Agricultural Preserve (Williamson Act) contract.
- The Environmental Assessment prepared for Camp 4 identifies two development alternatives.
 - Alternative A consists of 1,433 acres to be converted to 143 five-acre residential lots.
 - **Adopted**- Alternative B consists of 143 one-acre residential lots and 30 acres of tribal facilities.

Ad hoc Subcommittee

Established August 25, 2015

Purpose of Subcommittee and Direction by the Board of Supervisors:

Engage the Santa Ynez Band of Chumash Indians in discussions related to land use and financial matters of mutual concern that include but are not limited to the Waiver of Sovereign Immunity, Santa Ynez Valley properties of interest inclusive of the Camp 4, Mooney, Escobar and 350 acre "Triangle" properties and other general topics between the County and the Tribe as appropriate...

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Summary

- Met with Tribe on seven occasions from September 2015-March 2016.
- Discussed:
 - Waiver of Sovereign Immunity
 - Term
 - Municipal Finance
 - Future Use of Land and Limits
 - Gaming
 - Williamson Act
 - Fee to Trust lands

Background

- On March 15, 2016 the Board directed the following:
 - *Directed County Counsel to work with Santa Ynez Band of Chumash Indians to develop Sovereign Immunity enforceability language that is appropriate for the County and the Board and further directed that once that is accomplished to consider scheduling meetings of the Ad hoc Subcommittee.*

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Waiver of Sovereign Immunity Language

- The Tribe “expressly and irrevocably waives for the term of this Agreement its right to assert sovereign immunity”;
- The County agrees that the Government Claims Act applies to the County. The Government Claims Act provides immunity for individual Supervisors (Gov. Code Section 820.9); and,

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Waiver of Sovereign Immunity Language

- There are specific exemptions from suit for individual County officials and employees as well as Tribal officials and members. Section (c) states: “No action, claim, or proceeding may be brought against any member, official, elected official, director, employee or agent (including any attorney) of the Tribe to enforce this Agreement.” Section (d) states: “No action, claim or proceeding may be brought against any member of the Board of Supervisors of the County, public official, elected official, and appointed official or employee or agent to enforce this Agreement.”

Next Steps

- Continue to meet with Tribal representatives.
- All meetings are noticed consistent with the Brown Act.
- County and Tribal staff confer on agenda and materials prior to each meeting.
- The Ad hoc Subcommittee may also refer potential terms of the agreement to staff for discussion and refinement with the Tribe as appropriate.
- Any final Agreement between the County and Tribe must be approved by the Board of Supervisors and the Tribe.
- Ad hoc Subcommittee meetings with the Tribe will again be set monthly.
 - Next meeting: tentatively scheduled for September 8, 2016 from 10 a.m. to 1 p.m.

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An aerial photograph of a vineyard with neat rows of grapevines. A person is walking in the center of the vineyard. The background shows a landscape with trees and hills under a clear sky. The foreground is filled with dry, brownish vegetation.

Thank you