



CULBERTSON, ADAMS & ASSOCIATES, INC.

March 14, 2016

Supervisor Peter Adam, Chairman and
Members of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu, Suite 407
Santa Barbara, CA 93101

SUBJECT: Agenda for March 15, 2016; Item 3 under Departmental
Items; Ad Hoc Subcommittee Discussions with Chumash

Mr. Chairman and Members of the Board:

My message for the Board of Supervisors is simple. I will not repeat the many points I have made in the past. Due to the extremely short notice for this hearing, I will not be able to attend. I ask that my letter be made a part of the public record for this item.

The County, through its Ad Hoc Committee, has proposed an approach which is in violation of the public trust and the Board adopted resolution of October 15, 2013. The Board of Supervisors should alter this approach to omit Congressional action

It would appear from the approach on fee to trust (FTT) proposed by the County that at least the members of the Ad Hoc Committee who also hold elected seats on the Board of Supervisors are ready to delegate the responsibility and authority granted them by their constituents to the Congress of the United States. This is particularly significant since one of the members is an outgoing Supervisor, and one does not represent the Third District.

I refer to the proposal – first presented in the December 7, 2015 County Term Sheet – that the County would entertain support of FTT through Congressional action. I urge the County Board of Supervisors to immediately abandon this idea, as it is a complete breach of the trust placed in you by the public. To whatever extent the County wishes to consider FTT – and I do not believe it should - it should not be through Congressional action.



When a Supervisor seeks election, they represent to potential voters that they are ready, willing and able to act in the best interests of the public. It is an important responsibility. An essential dimension of this responsibility is to avoid delegating that duty to another entity – in this case, Congress – where the County will lose complete control.

It is ironic that this notion of asking Congress to act on behalf of the citizens that elected the two Ad Hoc representatives comes at a time when our own outgoing Congresswoman, Lois Capps, argued forcefully and effectively to leave the decision of FTT at the local level.

In view of the October 15, 2013 action of the full Board against FTT - which has never been rescinded - the Supervisorial members of the Ad Hoc Committee have proposed an extremely dangerous and harmful approach. Moreover, although the Ad Hoc Committee was specifically extended latitude to discuss FTT issues on the Mooney/Escobar properties, the authorization from the Board did not include such authorization on Camp 4, nor did the Board action rescind the October 15, 2016 resolution. This was hardly surprising at the time, since the Board had specifically opposed Congressional action, spent County funds to cause the attendance of the CEO and staff at a Congressional Subcommittee hearing and sent a written protest of Congressional action.

Additionally, delegating to Congress the essential duty to make a decision in the County will eliminate the County's litigation as well as all other litigation. This means that not only thousands of dollars of private funds expended in litigation and appeals will be forfeit, but that also taxpayer funds devoted to the litigation and appeals will also have been wasted. The County may very well be exposed to a recovery of fees and costs for encouraging a situation and then abandoning the effort.

The rallying cry for this Congressional approach appears to be that the County cannot prevent gaming. The Chumash have not proposed gaming, and therefore that fear is unfounded. In any event, that fear – if it is legitimate at all – will be addressed when and if such a proposal is ever made. The attempt to foreclose gaming through Congressional action is tantamount to killing an ant with a sledgehammer. The Governor's recent compact restricts gaming to the boundaries of the current "reservation", and even if that is amended in the future, so could Congress amend its position.

The County members of the Ad Hoc Committee seem to be under the illusion that if they do not agree to Congressional action that somehow an agreement will not occur. This is a ridiculous position. If Congressional action were imminent it would already have occurred. There is a great deal more to Congressional action than an



unfounded scolding of a County Executive Officer in a Congressional subcommittee. The County will lose complete control over any Congressional action and there is absolutely no guarantee that the outcome will match whatever agreement has been made.

Simply stated, this is an opportunity for County residents to gauge the values of their elected representatives, as well as those running for higher office. Any move to delegate power to a Congress over the responsibility of representing the people who elected the Supervisors should be staunchly opposed. The Board should reject the notion of Congressional action entirely and confine the Subcommittee's work to what the Board adopted as its position on October 15, 2013.

Sincerely,


M. Andriette Culbertson

cc: Mona Miyasato, CEO
Terri Maus-Nisich, CEO