

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

## Agenda Number:

**Prepared on:** 04/26/05  
**Department Name:** CEO  
**Department No.:** 012  
**Agenda Date:** 05/03/05  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Michael F. Brown  
County Executive Officer

**STAFF CONTACT:** Jim Laponis, Deputy County Executive Officer  
Lori Norton, Analyst (X 3421)

**SUBJECT:** Request for Tribal Sponsorship of Indian Gaming Community Benefit Grant Applications

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## Recommendation(s):

That the Board of Supervisors:

1. Receive a copy of the three (3) Indian Gaming Community Benefit Grant Applications, totaling \$ 1,302,070.00 submitted by County Departments
2. Adopt the County Executive Office recommendations for assigning a priority to the Grant Applications
3. Authorize the County to request available reimbursement of up to \$26,000, for the demonstrated costs of the County Executive Office providing support to the Indian Gaming Community Benefit Committee and administering the Grant Process
4. Authorize the County Executive Office to submit the Grant Applications to the Santa Ynez Band of Chumash Indians.

## Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal 1: Efficient Government - An Efficient Government Able to Anticipate and Respond Effectively to the Needs of the Community.

## Executive Summary and Discussion:

### Background

On March 10, 2005, the County received notification from the State Controller's Office that the County's allocation for FY 2004-05 is \$1,325,471.31, which is an increase of \$220,911.89 over the FY 2003-04 allocation amount of \$1,104,559.42. Of the total, 2% may be used to reimburse the County for demonstrated costs to provide staff support to the Indian Gaming Community Benefit Committee and to administer the Grant Process.

By statute, sixty percent (60%) of the funds (\$ 795,282.79) are available for "Nexus Grants" to cities and counties impacted by Indian Gaming. Nexus grants are based on a four-part nexus text which establishes funding priority based on a jurisdiction's geographic proximity to a casino. In Santa Barbara County, the County of Santa Barbara and the City of Solvang are the only two jurisdictions who are eligible for Nexus Grant funding. The County of Santa

Barbara meets 4 of the geographic tests thus is eligible for up to 100% of the nexus grant funds. The City of Solvang meets 2 of the geographic tests thus is eligible for up to 20% (\$159,056.56) of the nexus grant funds.

The remaining forty percent (40%) of the funds (\$530,188.53) are available for Discretionary Grants to cities, counties, or special districts irrespective of any nexus to impacts from any particular casino. It is unknown how many jurisdictions will apply for these funds.

On April 14, 2005, the Community Benefit Committee met and adopted a schedule designed to ensure FY 2004-05 Grant funds are distributed prior to the statutory deadline of June 30, 2005. To meet the June 30, date, it was determined that Grant Applications must be submitted to the Santa Ynez Band of Chumash Indians (Tribe) by May 6, 2005. The Tribe will consider the grant applications, will determine which of the applications they will sponsor, and will forward the sponsored applications to the Indian Gaming Community Benefit Committee for consideration. The Community Benefit Committee will consider Tribe sponsored Grant Applications at it's meeting of May 26, 2005.

**County Grant Requests**

To facilitate a comprehensive, coordinated approach for submitting Grant Applications on behalf of the County, the County Executive Office requested County Departments submit their requests for funding to the Executive Office. Departments submitted four requests.

The County Executive Office recommends the Board authorize three of the grant requests which total \$1,302,070.00. In addition to the recommended grants, the Public Works Department submitted a discretionary grant request for a partial offset of costs to remediate a closed landfill site on the Santa Ynez Airport. It was agreed by the County Executive Office and the Public Works Director that the remediation of the site had no relationship with gaming impacts. For this reason, the fourth grant request was not recommended. The Public Works Department will continue to explore revenue options to remediate the airport landfill site.

In addition to the three grant requests recommended, the County Executive Office recommends the Board authorize the County to request reimbursement for up to \$26,000.00 for administrative costs to support the Indian Gaming Community Benefit Committee and to administer the grant process.

Following is a brief description of the three requests and the CEO's recommended priority to be assigned to the grant requests. A copy of the grant requests submitted by the Sheriff's Department and the Fire Department is attached to this board letter (Attachment 1). A copy of the combined grant request submitted by the District Attorney, Public Defender, and Probation will be forwarded to the board under separate cover by Friday, April 29<sup>th</sup>.

**CEO Recommended Grant Priority and Type:**

Department	Grant Request	Recommended Priority, Type and Purpose of Grant
Sheriff's Department	\$596,070	<b>Priority 1 - Nexus Grant</b> Sheriff coverage on a 24 hour 7 day a week basis (5 FTE Deputy Sheriff positions) to address additional call volume in Santa Ynez Valley. The requested amount includes funding for a vehicle for the additional coverage. This would continue services funded last year by a grant approved by the Indian Gaming Community Benefit Committee.
Fire Department	\$406,000	<b>Priority 1 - Nexus and Discretionary Grant</b> Firefighter/Paramedic coverage on a 24 hour 7 day a week basis at Station 32 adjacent to the Chumash Casino. This would continue services funded last year by a grant approved by the Indian Gaming Community Benefit Committee.
District Attorney	\$300,000	<b>Priority 2 - Discretionary Grant</b>

Public Defender Probation		Funds to offset the costs of impacts to the District Attorney, Public Defender, and Probation Department for increased workload arising from gaming related activities.
<b>\$ 1,302,070.00</b>		<b>TOTAL RECOMMENDED GRANT REQUESTS</b>
<b>Administrative Costs</b>		
County Executive Office	Up to \$26,000	Reimbursement for demonstrated costs for staff support to Indian Gaming Community Benefit Committee and to administer the Grant Process
<b>\$ 1,328,070.00</b>		<b>TOTAL FUNDING REQUESTED</b>

Last year, the Board directed the County Executive Office to designate public safety as the highest priority use for Indian gaming grant funds. Because the requests submitted by the Sheriff, Fire, District Attorney, Public Defender, and Probation Department reflect the County's priority regarding public safety, and benefit the entire Santa Ynez Valley including the Tribe, the County, the Cities, and special districts, the County Executive Office recommends the Board designate these requests as the County's highest priorities. The total combined amount of the requests is \$1,302,070.00.

It is important to note that last year, the Tribe provided funding in excess of the allocation amount, and directed it to the Fire Department grant request. The Tribe, at its option, may again determine to provide funding in excess of the available amount.

Finally, the Community Benefit Committee has the option of reimbursing the County for demonstrated costs for providing staff support to the Committee and administering the Community Benefit Grant process. Last year the County requested and the Committee granted up to \$20,000 for reimbursement for staff support. The County may again request and the Committee may again consider reimbursing the County for up to \$26,000 (2%) of the costs.

**Mandates and Service Levels:**

SB 621 creates an Indian Gaming Local Community Benefit Committee in Santa Barbara County and requires local grants funded by the Committee to be administered by the County. As administrator of local grants, the County is required to provide an annual report to the Legislature.

**Fiscal and Facilities Impacts:**

The County is required to provide staff support and administration of the local grants funded by the Committee. SB 621 permits the County to be reimbursed for demonstrated costs to administer local grants up to an amount totaling 2% of the annual amount allocated to the Tribal Gaming Account. The Indian Gaming Local Community Benefit Committee determines the actual amount, and may limit it further.

**Concurrence:**

- |                                |  |
|--------------------------------|--|
| Jim Andersen, Sheriff          | Jim Egar, Public Defender              |
| John Scherrei, Fire Chief      | Scott Deupree, Chief Probation Officer |
| Tom Sneddon, District Attorney | Phil Demery, Public Works Director     |

- C:** Vincent Armenta, Chairman- Santa Ynez Band of Chumash Indians  
Shane Stark, County Counsel  
Jennifer Klein, Deputy County Counsel  
Jim Andersen, Sheriff  
John Scherrei, Fire Chief  
Tom Sneddon, District Attorney  
Jim Egar, Public Defender  
Scott Deupree, Chief Probation Officer  
Phil Demery, Public Works Director



**Santa Barbara County**  
**Indian Gaming Community Benefit Committee**  
Grant Application FY 2004-05

To be considered for funding by the Indian Gaming Community Benefit Committee, the applying jurisdiction must be an eligible jurisdiction pursuant to SB 621, and the Santa Ynez Band of Chumash Indians must affirmatively sponsor this Grant Application. The Santa Ynez Band of Chumash Indians will forward all sponsored Grant Applications to the Indian Gaming Community Benefit Committee.

1. Name of Jurisdiction: County of Santa Barbara  
Pursuant to SB 621, jurisdiction is defined as a City, County or Special District

a. Please indicate by checking the appropriate box the type of local jurisdiction:

- City  County
- Special District – “Special District” means an agency of the State, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

b. If you checked Special District, please provide evidence by indicating the general law or special act (California Code Section) that establishes your status as a Special District: \_\_\_\_\_

\_\_\_\_\_

2. Mailing address of Jurisdiction: 105 East Anapamu Street Room 406  
Santa Barbara, CA 93191-2065

3. Purpose of Grant / Description of Project:

The Santa Barbara County Law & Justice Agencies (District Attorney, Public Defender, Probation) have all realized an increase in their caseloads directly correlated with the enhanced efforts of the Sheriff and Tribal Casino security staff to promote public safety in the Santa Ynez Valley. Funding is requested to enable the Law & Justice agencies to process the cases referred. Recognizing that each has responsibilities associated with these cases once filed, these agencies are submitting a single request to mitigate the collective impacts of this escalating workload on their departments. Each agency has prepared a description of their request as an attachment to the application.

4. Please describe, in detail, the impacts associated with the Tribal casino and/or gaming which the grant or project is designed to mitigate: (please include historical data, if available. Attach additional sheets if necessary to provide a detailed description of impacts).  
See Attachments for each agency.
5. The following are priorities, established in statute, for receipt of grant money. Please indicate by check mark, the priority(ies) the grant satisfies:
- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Law Enforcement | <input type="checkbox"/> Health                         |
| <input type="checkbox"/> Fire Services              | <input type="checkbox"/> Planning and Adjacent Land Use |
| <input type="checkbox"/> Emergency Medical Services | <input type="checkbox"/> Public Health                  |
| <input type="checkbox"/> Environmental Impacts      | <input type="checkbox"/> Roads                          |
| <input type="checkbox"/> Water Supplies             | <input type="checkbox"/> Recreation and Youth Programs  |
| <input type="checkbox"/> Waste Disposal             | <input type="checkbox"/> Child Care Programs            |
| <input type="checkbox"/> Behavioral                 |   |
6. Jurisdiction Priority: 2 ( Optional - If multiple applications are submitted a jurisdiction may want to indicate the relative priority of each application)
7. Request is for:        Single-year grant  
  X   Multi-year grant for Fiscal Years 2005-2009
8. What is the grant or project time frame? 4 years, as impact is ongoing.
9. Amount of funding requested through this application: \$300,000
10. What will be the total cost of the project? \$1,323,000 (annual amount + 4% colas/yr)
11. If ongoing costs, annual amount? \$300,000 (\$100,000 per agency) +4% colas/yr
12. Name other sources of funding, if any, that will be contributed to the project and the amount provided by each source: \$100,000 + annual colas contributed by county general fund.
- Type of grant for which you are applying: (Nexus or Discretionary)  
       **60% Nexus Grant**

To be eligible for Nexus Grant funding, **a City or County** must meet a minimum of two of the following nexus criteria established by State law.

- Local government jurisdiction borders the tribal land on all sides (Section 12715 (c)(1)(A));
- Local government jurisdiction partially borders tribal land (Section 12715 (c)(1)(B));

- c. Local government jurisdiction maintains a highway or road that is predominant access to a casino that is located within 4 miles (Section (c)(1)(C));
- d. All or part of the local government jurisdiction is located within 4 miles of the casino (Section (c)(1)(D)).

Based on the above, in Santa Barbara County, Nexus Grants are limited to the **City of Solvang** and the **County of Santa Barbara**. Nexus grants are to be awarded as follows:

- 50% of the 60% available awarded to jurisdictions meeting all 4 nexus test criteria.
- 30% of the 60% awarded to jurisdictions that meet 3 of the nexus test criteria
- 20% awarded to jurisdictions that meet 2 of the nexus test criteria.

  X   **20% Discretionary Grant – Tribes paying into SDF**

20% Discretionary Grants are available to local jurisdictions (City, County, or Special Districts) impacted by casinos of tribes that are paying into the Special Distribution Fund.

**20% Discretionary Grant – Tribes NOT paying into SDF**

20% Discretionary Grants are available to local jurisdictions (City, County or Special District) impacted by casinos of tribes **NOT** paying into the Special Distribution Fund. **Please note: Santa Barbara County does not have any gaming tribes that do NOT pay into the SDF.**

If an eligible county does not have a tribal casino operated by a tribe that does not pay into the Indian Gaming Special Distribution Fund, the money available for discretionary grants under this subdivision shall be available for distribution pursuant to I.

13. Please affirm the jurisdiction is aware and will comply with requirement for noticing of project funding   X   Yes      \_\_\_\_\_ No

Grant recipients must provide notice to the public, either through a slogan, signage or other mechanism, which states that the project has received funding from the Indian Gaming Special Distribution Fund and further identifies the particular Individual Tribal Casino Account from which the grant derives.

Contact Person: Name: Jerald McBeth, Sr. Deputy District Attorney (for Thomas W. Snedon, Jr.)

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Fax: 737-7732

E-mail Address: Jmcbeth@co.santa-barbara.ca.us

Indian Gaming Community Benefit Committee  
Grant Application FY 2004-05  
**Attachment A.**

4 Please describe, in detail, the impacts associated with the Tribal casino and/or gaming which the grant or project is designed to mitigate: (please include historical data, if available).

**DISTRICT ATTORNEY:**

The increase in law enforcement activity at the casino has dovetailed with the improvements in the gaming facility, betting options and the hotel at the Chumash Indian Casino in Santa Ynez. As a consequence of the vast increase in the number of patrons, the volume of law enforcement activity has also risen, greatly expanding the number of arrests and prosecution referrals. Statistics reported by the Sheriff's Department reflect a growing number of arrests, evidence of their increasing law enforcement presence in the community. Casino security personnel are also actively involved in detecting and apprehending criminals who, if not caught at the casino, would be victimizing others at locations where detection might not be as likely.

As the Lompoc District Attorney's office began experiencing an escalating number of case referrals, cases were identified in the case management system to track the impact of the casino cases. The prior two quarters revealed 24 cases (10-12/2004) and 34 cases (1-3/2005), while April 2005 reflected 16 cases in a single month. Of the 74 total cases filed, 40% were felony cases. Cases range from vehicle burglary, vehicle theft, identity theft, theft against patrons, misuse and forging of access cards, embezzlement, felon in possession of a firearm, fighting in public, possession and sales of controlled substances. Often these cases are complex in nature (i.e. forgery and access card investigations), while others represent a serious threat against visitors and residents alike. Prompt and effective prosecution of these crimes is a key deterrent to criminal behavior in the community.

Given the escalating caseload generated by other public safety efforts, it is clear that additional prosecution efforts will be required to sustain positive public perceptions related to the casino. This request would finance prosecution salary and benefit costs to assure that the efforts dedicated by law enforcement personnel inside and outside the casino are addressed in the criminal justice system.

**PUBLIC DEFENDER:**

Public Defenders in the Lompoc Office represent indigent clients accused of misdemeanor and felony cases occurring in and around the Chumash Casino. The Public Defender's Office in Lompoc is staffed with three attorneys and one secretary. Two of the attorneys are assigned to handle felony cases, the other handles misdemeanors. Investigators from the Santa Maria office are called upon daily to provide assistance in case preparation and presentation at trial.

The criminal activity occurring at or in relation to the Chumash Casino has impacted the Lompoc office of the Public Defender by adding to the caseload and significantly increasing workload. A high percentage of the cases filed by the District Attorney require representation by the Public Defender, based on statute. In order to prepare cases and make the necessary court appearances, trial investigations and related legal services place a new burden on department staff.

The charges range in severity and complexity. Drug possession and possession for sale cases are the most common felonies. Many of these clients qualify for Therapeutic Court programs such as the Substance Abuse, Proposition 36 and Dual Diagnosis Treatment Courts. The Santa Barbara County Superior Courts, with the



support of the Public Defender, District Attorney, Probation Department and the Department of Alcohol, Drugs and Mental Health are vested in providing quality long-term treatment for drug offenders. The average length of time a client is required to participate in treatment is 18 months. These cases are monitored carefully by the Court and clients are expected to attend regular court hearings to determine their compliance. Initially court appearances can be weekly. Deputy public defenders represent their clients at each court appearance throughout the treatment regimen.

## **PROBATION:**

As indicated in the impact narratives provided by the office of the Public Defender and the District Attorney, the increased enforcement activities of the Sheriff's Department have impacted the criminal justice system; and the Probation Department is no exception. The Adult Services Division protects and serves the community by providing sentencing recommendations to the Court based on risk assessments in accordance with sentencing laws, supervising offenders on behalf of the Superior Court, providing services to the victims, and providing offenders with the opportunity to maintain law abiding behavior while on probation.

We are mandated to provide direct felony criminal investigation services to the Superior Courts, providing written sentencing recommendations on cases. These reports, each of which averages 12-15 hours of preparation time, include factual summaries of the offense, the social and criminal history of the offender, the defendant's statement, the statement of the victim/other interested parties, restitution information, and an evaluation of the offense and the offender. Both Pre-Plea and Pre-Sentence reports include a discussion of the defendant's eligibility for probation and a recommendation as to whether or not the Department believes probation should be granted and what Terms and Conditions are appropriate.

Probation Officers are assigned to supervise persons placed on Probation, generally for three to five years. Services include but are not limited to: home visits, monitoring of treatment services, participation in treatment team meetings, Court hearing officer, searches, and arrest for violation of probation. Additionally, it is the duty of the Deputy Probation Officers to set up restitution accounts and collect monies on behalf of crime victims.

The cases identified by the District Attorney, as well as data provided by the Sheriff's Department, are illustrative of the types of cases typically referred to our department for supervision. The crimes include theft, use or possession of controlled substances, embezzlement, felon in possession of a firearm, drunk or fighting in public, vehicle code violations, etc. While the impact of increased law enforcement activity to the criminal justice system has been great, the benefit to the Santa Ynez Valley is also substantial. Through increased detection and enforcement efforts, the citizens of the valley are increasingly protected.

We respectfully request the Indian Gaming Community Benefit Committee grant the Santa Barbara County Probation Department the funds necessary to partially offset the costs associated with the addition of two Deputy Probation Officers who will provide supervision and investigation services associated with the increased workload.