

**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:** 6/14/05  
**Department Name:** CEO & County Counsel  
**Department No.:**  
**Agenda Date:** 6/21/05  
**Placement:** Departmental  
**Estimate Time:** 30  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Michael Brown, County Executive Officer, x 3400  
Stephen Shane Stark, County Counsel, x2950

**STAFF CONTACT:** Jennifer C. Klein, Deputy County Counsel  
x2950

**SUBJECT:** Status of Negotiations of Intergovernmental Agreement between Santa Ynez Band of Chumash Indians and County of Santa Barbara concerning 6.9 Acres in Santa Ynez.

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**Recommendation(s):**

That the Board of Supervisors:

Receive a report from County Counsel on status of negotiation of the Intergovernmental Agreement between the Santa Ynez Band of Chumash Indians and County of Santa Barbara concerning use and development of 6.9 Acres.

**Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 6. A County Government that is Accessible, Open, and Citizen-Friendly.

**Executive Summary and Discussion:**

This report is being provided at the request of Supervisor Firestone in order to keep the community apprised of negotiations between the County and the Tribe concerning the Intergovernmental Agreement on the 6.9 acres.

On February 14, 2005, in an effort to improve relations, address use and development on the 6.9 acre property, and avoid an administrative appeal by the County of the Department of the Interior - Bureau of Indian Affairs decision to accept the 6.9 acres into trust, the Santa Ynez Band's Tribal Business Council met with County representatives. As a result of that meeting the Tribal Business Council committed to recommending to the Tribal General Council that the Tribe and the County reach an agreement concerning the use and development of the 6.9 acres. This commitment was memorialized in a February 14, 2005 letter

to Hon. Susan Rose, Chairperson of the Board of Supervisors from Vincent Armenta, Tribal Chairman. (See Attachment A.)

On February 15, 2005, the Board of Supervisors considered Chairman Armenta's letter and request that the County not administratively appeal the Department of the Interior's decision. The Board determined not to appeal the decision and to negotiate an intergovernmental agreement with the Santa Ynez Band regarding the matters outlined in Chairman Armenta's letter. The County Counsel's Office was directed to negotiate the agreement on behalf of the County.

On March 4, 2005, the County, through its counsel, transmitted a First Proposed Agreement to the Tribe's counsel for consideration. The Tribe reviewed County's First Proposed Agreement and decided to provide a counter-agreement in response. The County Counsel's Office received the Tribe's counter-proposal on April 14, 2005. After a careful review of the Tribe's counter-proposal, County Counsel prepared a Second Proposed Agreement. This Second Proposed Agreement accepted some of the Tribe's suggested revisions, rejected others, and proposed alternative or compromise language to address County's outstanding concerns in a way that County negotiators believe would be acceptable to the Tribe. The Tribe reviewed County's Second Proposed Agreement and decided to provide a counter-agreement in response. The County Counsel's Office received the Tribe's counter-proposal on June 1, 2005. Following discussions with the Tribe's counsel and a representative of the Bureau of Indian Affairs, the County Counsel's Office drafted a Third Proposed Agreement, which was transmitted to the Tribe's council on June 13, 2005.

With each 'round of negotiations' the parties have come closer and closer to reaching a solid mutually acceptable and enforceable intergovernmental agreement. Presently, the main outstanding issue concerns the term of the agreement. Interim draft proposals and counter-proposals have not been publicly released. The negotiation process has been held privately in order to foster frank discussions between the parties and their counsel, and to encourage the open exchange of ideas for addressing the details of the agreement.

Some persons have expressed concerns over the length of time it has taken the Tribe and the County to reach a final agreement. There are several factors that have contributed to the amount of time needed to reach a final agreement. First, the County and the Tribe have never entered into this type of an agreement before, and therefore, the parties have needed time to develop a mutually acceptable structure for the agreement as well as discussions concerning it. Second, because federal law imposes requirements on some types of contracts with Indian Tribes, the parties have needed time to ensure that a final agreement conforms to the law. Third, both parties are governmental entities with internal procedures and timelines for reviewing proposals from the other party. Such internal procedures and timelines have contributed to the length of time needed for negotiations. Fourth, the February 14, 2005 meeting between County representatives and the Tribal Business Council, which resulted in a commitment to reach an agreement on certain matters, left several details of the final agreement, such as the term of the agreement, open for future negotiation. It has taken the parties a fair amount of time to fill in these details in a way that is mutually acceptable to both parties.

As soon as the Agreement's few outstanding but important details have been resolved, the Agreement will be ready for consideration by both the Board of Supervisors and the Tribal Council for the Santa Ynez Band.

**Mandates and Service Levels:** None

**Fiscal and Facilities Impacts:** None

**Special Instructions:** None

Cc: Santa Ynez Band of Chumash Indians