

**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:** 4/6/04  
**Department Name:** County Administrator  
**Department No.:** 012  
**Agenda Date:** 4/13/04  
**Placement:** Departmental  
**Estimate Time:** 40 minutes  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Michael F. Brown  
County Administrator

**STAFF** Jim Laponis, Deputy County Administrator

**CONTACT:** Lori Norton, Analyst, 568-3421

**SUBJECT:** Indian Gaming Local Community Benefit Committee ("Committee") - Draft Bylaws, Application Process and Timelines

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**Recommendations:**

That the Board of Supervisors:

- A. Receive a copy of Revised Draft Bylaws, Revised Draft Grant Application Form and Draft Application Process and Timeline to be considered for adoption by the Committee at its meeting of April 15, 2004.

- B. Consider providing comments and guidance to County Representatives on the Committee regarding the Revised Draft Bylaws, Application Form, Process and Timeline.
- C. Receive a brief report on the funding priorities established in SB 621 for the use of grant funds to be distributed by the Committee.
- D. Consider providing guidance to County Representatives on the Committee regarding the County's grant priorities.
- E. Consider establishing a process for submitting County grant applications to the Committee.
- F. Authorize the Board Chair to sign as the Authorized Signature, any grant submitted on behalf of the County.

### **Alignment with Board Strategic Plan:**

The recommendations are primarily aligned with the Board of Supervisor's Strategic Plan Goal Number 1: An Efficient Government Able to Anticipate and Respond Effectively to the Needs of the Community.

### **Executive Summary and Discussion:**

#### **Background**

On October 12, 2003, SB 621, which was introduced by Senator's John Burton and Jim Battin, was chaptered into law. SB 621 establishes the method of calculating and distributing \$25 million from the Indian Gaming Special Distribution Fund to local jurisdictions impacted by tribal gaming. Of the \$25 million available statewide, the allocation available for distribution to local jurisdictions in Santa Barbara County is estimated to be \$1.1 million.

On February 10, 2004, the Board adopted a Resolution recognizing the creation of the Santa Barbara County Indian Gaming Local Community Benefit Committee. In subsequent actions, the Board appointed County representatives to the Committee. The Board's Chairman, Joseph

Centeno, and the County Administrator, Michael Brown, were appointed as the County's regular members on the Committee. Fourth District Supervisor, Joni Gray, was appointed to serve as an alternate member on the Committee. The Board also appointed City representatives, recommended by the City of Solvang. Mayor David Smyser, Mayor Pro Tem Edwin Skytt, and Council Member Ken Palmer are the City representatives on the Committee. The Santa Ynez Band of Chumash Indians appointed Chairman Vincent Armenta and Enrolled Tribal Member Reginald Pagaling to serve as Tribal members on the Committee.

On April 1, 2004, the first meeting of the Committee was held. A copy of the Agenda for the April 1<sup>st</sup> meeting is attached for the Board's information (Attachment A). At the April 1<sup>st</sup> meeting, the Committee reviewed Draft Bylaws, Draft Application Materials, and a Proposed Timeline to meet the statutory requirement that funds be allocated by the end of the fiscal year or they revert back to the State Indian Gaming Special Distribution Fund.

### **Direction as to County Grant Priorities and County Grant Submittal Process**

On April 15<sup>th</sup>, 2004, the Committee will hold its second meeting and will consider adopting Revised Draft Bylaws, Application Materials, Timeline, etc. Prior to voting on these matters, the County's representatives on the Committee requested that the Board be given an opportunity to review and provide input on them. Further, that the Board be given an opportunity to provide direction as to the County's priorities and the County process to be utilized to submit grant applications to the Committee. Following is a brief discussion of these issues.

### **Committee Bylaws, Policies and Procedures**

Pursuant to SB 621, there is created in each county in which Indian gaming is conducted, an Indian Gaming Local Community Benefit Committee. Further SB 621 defines the responsibilities of the Committee, which are to:

- A. Establish all application policies and procedures for grants from the County Tribal Casino Account
- B. Assess the eligibility of "sponsored" applications for grants from local jurisdictions impacted by tribal gaming operations. (Grants may be made only upon the affirmative sponsorship of the Santa Ynez Band of Chumash Indians).
- C. Determine the amount for reimbursement for costs incurred by the County for administering the grant programs. Reimbursement may not exceed 2% of the aggregate county tribal account in any given fiscal year.
- D. Submit to the State Controller a list of approved projects for funding from the County Tribal Casino Account.

With these responsibilities in mind, staff presented Draft Bylaws and Draft Application materials to the Committee at it's meeting of April 1, 2004. The Committee provided feedback which was incorporated into Revised Draft Bylaws, to be considered for adoption by the Committee at its meeting of April 15, 2004. A copy of the Revised Draft Bylaws (Attachment B) and Draft Application Materials, Process Timelines (Attachment C) are attached to this report for the Board's consideration and comment. In general, the Revised Draft Bylaws are similar to those of various Board Committees. However, some "standard" provisions which apply to City and County Representatives on the Committee, may not apply to Tribal representatives. The Board will note that the Revised Draft takes these matters into consideration.

Although the Committee has the statutory authority to establish application policies and procedures for grants, the Board may want to comment and/or provide direction to its representatives on the Committee regarding any aspect of the Bylaws, Application Materials, Process and Timelines.

County Grant Priorities and Process for Requesting Grant Funding from the Committee

SB 621 specifies that the following uses shall be the priorities for receipt of grant money from the Tribal Casino Account: law enforcement, fire services, emergency medical services, environmental impacts, water supplies, waste disposal, behavioral, health, planning and adjacent land uses, public health, roads, recreation and youth programs, and child care programs. A copy of the Committee's Draft Grant Application and Draft Tribal Sponsorship forms are contained in Attachment D.

The Board may want to consider developing a list of County priorities (in priority order) of the priority uses established in SB 621. Specifically, staff recommends the Board consider establishing law enforcement and fire services as the County's top priorities. As the Board is probably aware, the Sheriff and Fire department's recommended budgets for FY 04-05 contain potential funding shortfalls and will need increased monies even to maintain even existing services levels. Grant funds from the Tribal Casino Account could be utilized as a source of funding for Sheriff and Fire services relative to impacts arising from tribal gaming. The Board may also wish to consider and rank in priority order any other County priorities within those established by SB 621.

If the Board endorses this approach, the County's representatives on the Committee would communicate the County priorities to the Committee and request the Tribe, which must affirmatively sponsor grants prior to the Committee acting on them, to consider the County priorities in its deliberations. Further, the County Administrator would work with County departments to insure the Board's priorities are reflected in grant applications submitted on behalf of the County.

Finally, staff is seeking Board direction on the process to be used to submit County applications for funding to the Committee. Of the approximately \$1.1 million available for FY 04-05, the County is eligible to receive approximately \$500,000 in Nexus grant funding and may apply for all or a portion of the approximately \$442,000 in Discretionary grant funding. Due to the short timeframe in which funding decisions are to be made and monies distributed, it may not be possible in all instances to obtain Board authorization to submit grant applications to the Committee. As such,

staff recommends the Board consider delegating to the Board Chair the authority to review, concur, and sign as the authorized signature, grant applications submitted to the Committee on behalf of the County. Naturally, to the extent feasible, the Board would be asked to review and adopt all County grant applications.

Due to the short timeframe in which the Committee has to develop policies, procedures, etc. and the Board's meeting schedule, it was not feasible to pre-agendize this board letter on the Board's Administrative Agenda and still give the Board an opportunity to comment on these matters.

### **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 State Legislature.

### **Fiscal and Facilities Impacts:**

The Indian Gaming Local Community Benefit Committee will require County staff support and administration of the local grants funded by the Committee. SB 621 limits the amount available to the County to administer local grants to 2% of the annual amount allocated to the Tribal Gaming Account. The Committee determines the amount, thus may limit it further. For FY 2003-04, the maximum the County could receive for administering local grants is \$22,000 (2% of the total \$1.1 million allocated to the Tribal Gaming Account).

c: Robert Geis, Auditor-Controller  
Stephen Shane Stark, County Counsel  
Jennifer Klein, Deputy County Counsel

**Attachments:**

- A. Agenda for Committee's April, 2004 Meeting
- B. Draft Santa Barbara County Indian Gaming Local Community Benefit Committee Bylaws
- C. Draft SB 621 Tribal Gamin Grant Application Process and Timelines
- D. Draft SB 621 Local Government Mitigation Funding Santa Barbara County Indian Gaming Community Benefit Committee Grant Application