

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 4/30/02
Department Name: County Administrator
Department No.: 012
Agenda Date: 5/7/02
Placement: Administrative
Estimate Time: 20 minutes on 5/14/02
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown
County Administrator

STAFF CONTACT: Jim Laponis - Deputy County Administrator
Lori Norton - Analyst 568-3421

SUBJECT: Tribal Gaming Special Distribution Fund - Local Government Committee

Recommendations:

That the Board of Supervisors: Set a hearing date on May 14, 2002, to consider appointing a County representative to the Local Government Committee, formed for the purpose of discussing and making recommendations regarding the allocation of Tribal Gaming Special Distribution Funds.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

Background

In October 1999, AB 1385 (Battin) was chaptered into law. AB 1385 ratified Tribal-State Gaming Compacts, and created in the State Treasury a fund called the Indian Gaming Special Distribution Fund (SDF). The Indian Gaming SDF, was created for the receipt and deposit of moneys received by the State from Indian Tribes pursuant to the terms of the Tribal-State Gaming Compacts. Pursuant to AB 1385, moneys deposited in the Indian Gaming SDF shall be available for appropriation by the Legislature for the following purposes¹:

¹ Note: AB 1385 does not track the language in the Tribal-State Compact exactly. The Compact provides that money in the Special Distribution Fund will be available for the additional purpose of funding shortages in the Revenue Sharing Trust Fund, which was also created by the Compact. The Revenue Sharing Trust Fund is designed to directly benefit non-gaming tribes. It is unclear at this time if there will be any shortages in the Revenue Sharing Trust Fund.

1. Grants, including any administrative costs, for programs designed to address gambling addiction.
2. Grants, including any administrative costs, for the support of state and local government agencies impacted by tribal government gaming.
3. Compensation for regulatory costs incurred by the State Gaming Agency and the Department of Justice in connection with the implementation and administration of tribal-state gaming compacts.
4. Disbursements for the purpose of implementing the terms of tribal labor relations ordinances promulgated in accordance with the terms of tribal-state gaming compacts ratified pursuant to Chapter 874 of the Statutes of 1999. No more than 10 percent of the funds appropriated in the Budget Act of 2000 for implementation of tribal labor relations ordinances promulgated in accordance with those compacts shall be expended in the selection of the Tribal Labor Panel. The Department of Personnel Administration shall consult with and seek input from the parties prior to any expenditure for purposes of selecting the Tribal Labor Panel. Other than the cost of selecting the Tribal Labor Panel, there shall be no further disbursements until the Tribal Labor Panel, which is selected by mutual agreement of the parties, is in place.
5. Any other purpose specified by law.

Since passage of AB 1385, there have been ongoing discussions regarding the distribution of funds collected in the SDF. These discussions are important to Santa Barbara County, in that the Santa Ynez Band of Chumash Indians pays into the SDF, and Santa Barbara County should be eligible for funding from the SDF for impacts arising from tribal government gaming.

Recent Activities

On March 15, 2002 the Tribal Alliance of Sovereign Nations (TASIN), of which the Santa Ynez Band of Chumash Indians is a member, held a meeting concerning the allocation of money in the SDF. At the March 15, meeting, TASIN indicated that it is interested in working with local governments in San Bernardino, Riverside, and Santa Barbara Counties to ensure that moneys from the SDF are returned to local jurisdictions to address off reservation impacts caused by tribal gaming.

Since March, TASIN has assisted local governments in forming a Local Government Committee (Committee) for the purpose of discussing and making recommendations regarding the allocation of Tribal Gaming Special Distribution Funds. The Committee held its initial meeting on April 19, 2002. Representatives of the cities of Banning, Coachella, Highland, Cathedral City, Palm Springs, and San Jacinto, and the Counties of San Bernardino, Riverside attended the initial meeting. The Committee indicated a desire to reach out to other counties and cities that are impacted by tribal gaming and encourage them to participate in the discussion of SDF distribution. Further, the Committee requested that each participating agency designate a representative (preferably an elected official) and receive formal authorization from their respective legislative bodies to participate in the meetings on behalf of their agencies.

The next meeting of the Committee is on Friday, May 3rd, in Cabazon, California (copy of agenda attached); Supervisor Gail Marshall and Jennifer Klein of the County Counsel staff will attend. It is recommended that the Board consider appointing a representative authorized to serve as the Board's ongoing representative on the Committee. The Committee has indicated a strong preference for the appointed representative to be an elected official of the appointing entity.

Mandates and Service Levels:

Government Code Section 12012.85 creates the Tribal Gaming SDF and provides broad guidelines for distribution of the funds collected. The purpose of the Local Government Committee is to discuss and develop recommendations for how monies collected in the SDF will be allocated. Participation in these discussions is not mandated, but could prove beneficial to the County by providing a collaborative process whereby impacted local governments can discuss and make recommendations regarding how SDF funds are allocated.

Fiscal and Facilities Impacts:

The County will incur costs arising from travel to meetings of the Committee. The costs are estimated to be less than \$500 and will be paid for out of the County Administrator's legislative program budget.

Attachment

cc: Stephen Shane Stark, County Counsel
Jennifer Klein, County Counsel Staff
Vincent Armenta, Chairman, Santa Ynez Band of Chumash Indians
Cliff Berg, Legislative Advocate