

TRIBAL GAMING COMPACTS & LAND USE

Principle	
Local Control	
Strategy	Target
Advocacy	Fed/State

SUMMARY OF THE ISSUE

The County of Santa Barbara supports government-to-government relations that recognize the role and unique interests of tribes, states, counties, and other local governments to protect all members of their communities and to provide governmental services and infrastructure beneficial to all. In addition, the County recognizes and respects the tribal right of self-governance to provide for tribal members and to preserve traditional tribal culture and heritage. In similar fashion, the County recognizes and promotes self-governance by counties to provide for the health, safety, and general welfare of all members of our communities. In order to provide for full participation by all community members, the County supports the full involvement of local government agencies on issues and activities taking place on tribal fee or trust lands which may create impacts to public health, safety or the environment.

The County of Santa Barbara recognizes that gaming on tribal land in California is governed by a unique structure that combines federal, state, and tribal law. While the impacts of gaming fall primarily on local communities and governments, policy is largely directed and controlled at the state and federal level. However, consistent with the legislative platform adopted by the California Association of Counties (CSAC), many impacted counties find that the compacts as well as distribution of funds via the Special Distribution Fund (SDF) fail to adequately address these impacts and/or to provide meaningful and enforceable mechanisms to prevent or mitigate impacts.

REQUEST STRATEGY AND ACTION

Strategy:

☐ Funding Request

☐ Legislative Proposal

☒ Targeted Advocacy

Action:

Support the restoration of full funding of the county share as a direct contribution of the annual Indian Gaming Special Distribution Fund with letters of support, as well as, the appearance and testimony of County lobbyists.

In the spirit of developing and continuing government-to-government relationships between federal, tribal, state, and local governments; the County of Santa Barbara will coordinate work with CSAC, NACo, and the legislative delegation to improve existing and future Compact language in the following areas:

1. A Tribal Government constructing or expanding a casino or other related businesses or development that impacts off-reservation land will seek review and approval of the local jurisdiction to construct off-reservation improvements consistent with state law and local ordinances including the California Environmental Quality Act (CEQA).
2. A Tribal Government operating a casino or other related businesses or development will mitigate all off-reservation impacts caused by project. In order to ensure consistent regulation, public participation, and maximum environmental protection, Tribes will promulgate and publish environmental protection laws that are at least as stringent as those of the surrounding local community and comply with CEQA.
3. A Tribal Government operating a casino or other related businesses or development will be subject to the authority of a local jurisdiction over health and safety issues including, but not limited to, water service, sewer service, fire inspection and protection, rescue/ambulance service, food inspection, and law enforcement, and reach written agreement on such points.

4. A Tribal Government operating a casino or other related businesses or development will pay to the local jurisdiction the Tribe's fair share of appropriate costs for local government services. These services include, but are not limited to, water, sewer, fire inspection and protection, rescue/ambulance, food inspection, health and social services, law enforcement, roads, transit, flood control, and other public infrastructure.
5. The Indian Gaming Special Distribution Fund, created by Section 5 of the Tribal-State Compact will not be the exclusive source of mitigation, but will ensure that counties receive some funding to mitigate off-reservation impacts caused by tribal gaming.

The County of Santa Barbara continues to support the policy and platform positions of CSAC and NACo stating that judicially enforceable agreements between counties and tribal governments must be required in order to ensure that potential impacts resulting from projects are fully analyzed and mitigated to the satisfaction of the surrounding local governments. These agreements would fully mitigate local impacts from a tribal government's business and development activities and fully identify the governmental services to be provided by the county to that tribe.

PUBLIC BENEFIT/IMPACT

Involvement of the local government, general public and technical consultants in matters pertaining to future land use and potential development is critical to the overall review of any project to ensure compliance with Community Plans and the County's General Plan. Failure to fully engage critical stakeholders in project development and review impairs the ability of a local government to seek appropriate mitigation and/or provide critical public services which may have long term impacts on a region as a whole.

COST TO GOVERNMENT

The County of Santa Barbara previously enjoyed a distribution from the SDF of approximately \$1.4 million annually. Recent reports from the state Legislative Analysts Office and Controllers office indicate that funds are unlikely to be available for gaming impact mitigation grants. These funds were previously utilized to fund fire, law enforcement, and capital projects. In addition development which occurs on lands taken fee to trust are taken off property tax rolls thus critical revenue to address service and infrastructure related impacts are lost to a local government in perpetuity.

CONTACT

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