

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

10:00 A.M. January 24, 2013

MEETING NOTICE

**CITY OF PORTERVILLE
COUNCIL CHAMBERS
PORTERVILLE, CA**

NOTICE TO THE PUBLIC - PUBLIC COMMENT PERIOD

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Committee at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for Committee consideration. Any person addressing the Committee will be limited to a maximum of three (3) minutes so that all interested parties have an opportunity to speak. At all times, please state your name and address for the record.

AGENDA

- 1. Call to Order & Roll Call**
- 2. Public Comment**
- 3. Approve Minutes from the December 14, 2012 Meeting**
- 4. Update on Indian Gaming Committee Membership**
- 5. Legislative report on Indian Gaming funding**
- 6. Update on Office of Legislative Counsel Contact**
- 7. Discussion and possible action regarding Committee Legal Representation**
- 8. Election of Committee Chair and Vice Chair**
- 9. Next Meeting: TBD**
- 10. Adjourn**

Contact Person: Jed Chernabaeff or John Hess, Tulare County Staff (559) 636-5005

As a courtesy to those in attendance, please turn off or place in alert mode all cell phones and pagers.

Information concerning items on this Agenda is available for public consideration during normal working hours at the Board of Supervisors office at 2800 W. Burrel Ave., Visalia, CA 93291. The staff will assist in answering questions.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board's Office at (559) 636-5000.

CLOSED SESSION

NOTICE TO THE PUBLIC CLOSED SESSIONS

As provided in the Ralph M. Brown Act, Government Code sections 54950 et seq., the Tulare County Indian Gaming Local Community Benefit Committee may meet in closed session with members of its staff, employees, and its attorneys. These sessions are not open to the public and may not be attended by members of the public. The matters the Committee will meet on in closed session are identified below or are those matters appropriately identified in open session as requiring immediate attention and arising after the posting of the agenda. Any public reports of action taken in the closed session will be made in accordance with Government Code sections 54957.1

It is the intention of the Committee to meet in closed session concerning:

ITEM A

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation [(Government Code Section 54956.9 (b)(1)]

Number of Potential Cases: 9

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**Tulare County Indian Gaming Local Community Benefit Committee
Minutes
December 14, 2012**

**COUNTY OF TULARE
BOARD OF SUPERVISORS CHAMBERS
2800 W. BURREL AVE.
VISALIA, CA 93291**

Present: Mike Ennis, Joe Garcia, Rhoda M. Hunter, Cameron Hamilton, Gilbert Ynigues, Robin Skiles, John Crivello (County Representative Alternate)
Absent: Holly Bella, Brian Ward (Tule Representative Alternate)
Staff: Jed Chernabaeff, John Hess
Public: John Lollis, Allison Pierce

1. **Call to Order & Roll Call 10:00 A.M.** – Mike Ennis, Joe Garcia, Cameron Hamilton, Robin Skiles, and Gilbert Ynigues all announced their names for the record. Chairperson Hunter arrived late.
2. **Public Comment:** There was no comment from the public.
3. **Approval of minutes from October 18, 2012 meeting:** Committee member Hamilton made the motion to approve and Mike Ennis seconded. Vote: 4-0-1. Robin Skiles abstained.
4. **Update on Indian Gaming Committee Membership:** Staff reported the following Committee appointments were made prior to the December 14 meeting: John Crivello, County Representative – Alternate; Gilbert Ynigues, Mutually Selected Member; Cameron Hamilton, Mutually Selected Member; Holly Bella, Tule Representative.

Staff reported the Mutually Selected Representative – Alternate seat remains vacant.

Committee member Hamilton asked if any of the remaining applicants were interested in the remaining position. Staff indicated that they would contact the remainder of the applicants.

5. **Update on Office of Legislative Counsel Contact:** Staff reported that on October 18, 2012, the Committee directed staff to contact Senator Rubio's office to request that the Senator contact the Office of Legislative Counsel for assistance on the interpretation of statute. Staff submitted a letter to Sen. Rubio's office on October 26, 2012 outlining the Committee's questions. Thereafter, staff and the Committee Chairwoman met with Sen. Rubio's District Director, Esmaralda Soria,

on November 9, 2012 to discuss the matter in greater detail. Staff and the Committee Chairwoman discussed the four questions that were submitted to the State Auditor's Office on June 5, 2012 and the need for assistance in interpreting Indian Gaming legislation. After this meeting, Ms. Soria relayed the Committee's request to Sen. Rubio.

On November 21, 2012, Ms. Soria communicated to staff and the Committee Chairwoman that Sen. Rubio approved the Committee's request. The questions were then submitted to the Office of Legislative Counsel on November 26, 2012 by Sen. Rubio's office. Staff and the Committee Chairwoman indicated the urgency of this matter and requested that a response be provided as promptly as possible so that grants may be issued for Fiscal Year 2012/13. As soon as a response is received from the Office of Legislative Counsel, staff will forward the information to the Committee.

6. **Discussion and possible action regarding Committee Legal Representation:** The Committee voted unanimously to postpone action until further correspondence is received from the State. Motion was made by Mike Ennis and seconded by Joe Garcia.
7. **Next meeting** – January 24, 2013. Porterville City Hall. Motion made by Mike Ennis and seconded by Robin Skiles. Motion passed unanimously.
8. **Adjourned at 11:29 a.m.**



Tulare County Indian Gaming Local Community Benefit Committee



AGENDA ITEM No. 4

AGENDA DATE: January 24, 2013

SUBJECT: Update on Indian Gaming Committee Membership

REQUEST(S):

That the Local Community Benefit Committee:

Receive update regarding the status of Tulare County Indian Gaming Local Community Benefit Committee membership.

SUMMARY:

Staff conducted a search to fill five vacancies on the Committee in 2012. To address the vacancies, staff worked with the County Clerk of the Board to post notices of scheduled and unscheduled vacancies and solicited Committee applications through press releases, email notifications, and posts to the County's website.

A total of seven applications were received by October 2012. By December 2012, four the five vacancies were filled. As of the Committee's last meeting on December 14, 2012, there was one vacancy for the Mutually Selected Member – Alternate position.

The process for filling a Mutually Selected Member position is as follows:

- Committee solicits applicants.
- Interested residents send applications to Clerk of the Board.
- County reviews applications/applicants and recommends Mutually Selected Member to Tribe Council.
- Tribe places recommendation at Tribal Council meeting for consideration.
- Tribal Council votes on recommendation for Mutually Selected Member.
- Tribe submits letter to County agreeing to Mutually Selected Member recommendation.
- Board of Supervisors appoint Mutually Selected Member.
- Interested member becomes official Committee member.

Staff did not receive a recommendation from the County from the remainder of the applications received in October 2012. In December 2012, an additional application was received. The applicant received a recommendation from the County to the Tule River Tribal Council. The Tribal Council has not voted on the County's recommendation. Therefore, the position remains vacant.

SUBJECT: Update on Indian Gaming Committee Membership
DATE: January 24, 2013

FISCAL IMPACT/FINANCING:
N/A

Attachment(s)
A – TCLCBC Roster Update

2012 Indian Gaming Committee - Roster/Status (12/11/2012)	Name	Appointed or Reappointed	Term Ends	Notes
County Representative	Joe Garcia	6/30/2012	6/30/2015	
County Representative	Robin Skiles	5/10/2011	6/30/2014	
County Representative - Alternate	John Crivello	11/13/2012	6/30/2015	

Tule Representative	Rhoda Hunter			
Tule Representative	Holly Bella	11/20/2012	6/30/2015	
Tule Representative - Alternate	Brian Ward	8/2/2012	6/30/2015	

Mutually Selected Member	Cameron Hamilton	12/11/2012	6/30/2017	
Mutually Selected Member	Mike Ennis	1/27/2012	6/30/2013	
Mutually Selected Member	Gilbert Ynigues	12/11/2012	6/30/2016	
Mutually Selected Member - Alternate	Vacant			



Tulare County Indian Gaming Local Community Benefit Committee



AGENDA ITEM No. 5

AGENDA DATE: January 24, 2013

SUBJECT: Legislative report on Indian Gaming funding

REQUEST(S):
That the Local Community Benefit Committee:

Receive an Update regarding Indian Gaming funding

SUMMARY:

Funding allocated for the Tulare County Indian Gaming Local Community Benefit Committee (TCLCBC) to administer is mandated by Senate Bill 621, which makes grant funding available to counties, cities and special districts impacted by tribal gaming from the Indian Gaming Special Distribution Fund. Those gaming tribes who operated 200 or more gaming devices on or before September 1, 1999 contribute a variable portion of their net winnings into the Special Distribution Fund (SDF). In Tulare County, the Tule River Tribe contributes winnings.

Existing law created the Special Distribution Fund (SDF) in the State Treasury for the receipt of revenue contributions made by tribal governments pursuant to the terms of the 1999 model Tribal-State Gaming Compacts and authorizes the Legislature to appropriate money from the SDF for the following purposes:

- a.) grants for programs designed to address gambling addiction;
- b.) grants for the support of state and local government agencies impacted by tribal government gaming;
- c.) compensation for regulatory costs incurred by the CGCC and the Department of Justice (DOJ) in connection with the implementation and administration of compacts;
- d.) payment of shortfalls that may occur in the Indian Gaming Revenue Sharing Trust Fund (RSTF);
- e.) disbursements for the purpose of implementing the terms of tribal labor relations ordinances promulgated in accordance with the terms of the 1999 compacts; and
- f.) any other purpose specified by law.

Last year, the State Legislature appropriated \$9.1 million in SDF funds for Fiscal Year 2011-12 through Assembly Bill 1417.

This year, the State Legislature appropriated \$9.1 million in SDF funds for Fiscal Year 2012-13 through Assembly Bill 2515. Of the \$9.1 million in SDF funds, \$273,650.89 was allocated to the Tulare County Individual Tribal and County Tribal

SUBJECT: Legislative report on Indian Gaming funding

DATE: January 24, 2013

Casino Account for distribution.

In order to disburse the funds, the IGLCBC is to solicit and assess the eligibility of applications for grants from local jurisdictions impacted by tribal gaming.

The IGLCBC shall determine the appropriate amount of reimbursement for county administrative costs, not to exceed two percent of the aggregate county tribal account in any given fiscal year.

After the IGLCBC approves funding allocations, the County shall submit to the State Controller's Office (SCO) Authorization Forms to Release Funds from the Tribal Casino Accounts. Upon receipt of the authorization forms, the SCO shall release the funds directly to the local government entities for which the Committee has approved a grant. Authorization Forms must be submitted to the SCO by May 31, 2013. Funds not allocated by June 28, 2013, shall revert back to the IGSDF.

FISCAL IMPACT/FINANCING:

The Committee can possibly allocate \$273,650.89 to local jurisdictions.

Attachment(s) Letter from State Controller's Office



JOHN CHIANG
California State Controller
Division of Accounting and Reporting

December 19, 2012

RECEIVED
DEC 27 2012
TULARE COUNTY
ADMINISTRATIVE OFFICE

INDIAN GAMING LOCAL BENEFIT COMMITTEE MEMBERS
COUNTY BOARD OF SUPERVISORS
COUNTY CHIEF ADMINISTRATIVE OFFICER

Chapter 704, Statutes of 2012 appropriates \$9.1 million from the Indian Gaming Special Distribution Fund (IGSDF) for the purpose of providing grants to local government agencies pursuant to Section 12715 of the Government Code (GC). Attached is a spreadsheet reporting the various amounts that were deposited into the Individual Tribal and County Tribal Casino Accounts, which was prepared pursuant to GC section 12715 and in consultation with the California Gambling Control Commission.

GC section 12715 (b) (1) created the Indian Gaming Local Community Benefit Committee (IGLCBC) to establish application policies and procedures for grants that follow the priorities specified in GC section 12715 (g). The IGLCBC is to assess the eligibility of applications for grants from local jurisdictions impacted by tribal gaming. The IGLCBC shall determine the appropriate amount of reimbursement for county administrative costs, not to exceed 2 percent of the aggregate county tribal account in any given fiscal year.

Each county's IGLCBC shall submit to the State Controller's Office (SCO) Authorization Forms to Release Funds from the Tribal Casino Accounts. Upon receipt of the authorization forms, the SCO shall release the funds directly to the local government entities for which the committee has approved a grant. Funds not allocated by June 28, 2013, shall revert back to the IGSDF. These funds are now available so please submit your grant forms as soon as possible and no later than May 31, 2013 to allow time for processing. Please submit your approved list of projects and any changes to:

Office of the State Controller
Attention: Lisa Frediani
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250

INDIAN GAMING LOCAL BENEFIT COMMITTEE MEMBERS
COUNTY BOARD OF SUPERVISORS
COUNTY CHIEF ADMINISTRATIVE OFFICER
December 19, 2012
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If you have any questions about the format of the report, please contact Lisa Frediani in the Division of Accounting and Reporting at (916) 323-7979.

Sincerely,

A handwritten signature in black ink, appearing to read "George Lolás", with a long horizontal flourish extending to the right.

GEORGE LOLAS, Chief
Division of Accounting and Reporting

Enclosure

State Controller's Office
 Division of Accounting and Reporting
 Indian Gaming Special Distribution Fund-County and Individual Tribal Casino Accounts
 December 19, 2012

County/Tribe	Grandfathered 1-Sep-99 Exceeding 200	95% Individual Tribal Casino Accounts	5% County Tribal Casino Accounts
Amador Jackson Rancheria	235 235	\$309,172.88 309,172.88	
Butte Berry Creek Rancheria Mooretown Rancheria	506 206 300	665,708.42 202,416.71 463,291.71	
Colusa Colusa Rancheria	323 323	424,948.26 424,948.26	
Del Norte Resighini Elk Valley Smith River			\$15,487.79
Fresno Big Sandy Rancheria Table Mountain Rancheria	674 39 635	886,734.13 4,233.76 882,500.37	
El Dorado Shingle Springs Rancheria			49,452.23
Humboldt Bear River Blue Lake Hoopa Valley Trinidad			37,620.25
Imperial Quechan Torres-Martinez			32,111.83
Inyo Bishop Reservation	73 73	96,040.94 96,040.94	
Kings Santa Rosa Rancheria	272 272	357,851.16 357,851.16	
Lake Big Valley Rancheria Robinson Rancheria	333 153 180	438,104.55 235,755.53 202,349.02	
Lassen Susanville			4,989.69
Madera Picayune			44,610.75

State Controller's Office
 Division of Accounting and Reporting
 Indian Gaming Special Distribution Fund-County and Individual Tribal Casino Accounts
 December 19, 2012

County/Tribe	Grandfathered 1-Sep-99 Exceeding 200	95% Individual Tribal Casino Accounts	5% County Tribal Casino Accounts
Mendocino Hopland Rancheria	107 107	140,772.33 140,772.33	
Modoc Alturas			3,186.48
Placer United Auburn			66,693.81
Riverside Cabazon Reservation Cahuilla Reservation Soboba Reservation Twenty Nine Palms Rsvtn	1,879 541 7 791 540	2,472,067.42 484,622.78 4,335.01 1,638,364.80 344,744.83	
San Bernardino Chemehuevi Reservation San Manuel Reservation			87,047.77
San Diego Barona Reservation Sycuan Reservation	1,176 857 319	1,547,180.03 1,278,729.77 268,450.26	
Santa Barbara Santa Ynez Reservation	560 560	736,752.40 736,752.40	
Shasta Redding Rancheria	201 201	264,441.49 264,441.49	
Sonoma Dry Creek			32,284.74
Tehama Paskenta			20,749.19
Tulare Tule River Reservation	208 208	273,650.89 273,650.89	
Tuolumne Chicken Ranch Rancheria	24 24	31,575.10 31,575.10	
Yolo Rumsey Rancheria			60,765.47
Total	6,571	\$8,645,000.00	\$455,000.00



Tulare County Indian Gaming Local Community Benefit Committee



AGENDA ITEM No. 6

AGENDA DATE: January 24, 2012

SUBJECT: Update on Office of Legislative Counsel Contact

REQUEST(S):
That the Local Community Benefit Committee:

Receive an Update regarding the contacting of the Senator Rubio's office and the Office of Legislative Counsel for interpretation of State statute.

SUMMARY:

On October 18, 2012, the Committee directed staff to contact Senator Rubio's office to request that the Senator contact the Office of Legislative Counsel for assistance on the interpretation of Indian Gaming statute. Staff submitted a letter to Sen. Rubio's office on October 26, 2012 outlining the Committee's questions. The questions were then submitted to the Office of Legislative Counsel (OLC) on November 26, 2012 by Sen. Rubio's office. On January 8, 2013, the OLC and Sen. Rubio's office contacted staff to clarify certain matters regarding the Committee's request.

The OLC wanted to communicate the following to the Committee: they are not providing a legal opinion regarding Tulare County's specific circumstances; they are not providing a finding or statement of fact; that they are not acting on behalf the Committee; they do not represent the Committee; and that they can only provide clarification regarding the construction of certain statutes. The OLC also indicated that they will be providing their information to Sen. Rubio's office, as he is their client, and it will be Sen. Rubio's decision to provide this information to the Committee. The OLC also indicated that there is no attorney-client relationship between the Committee and the OLC or the Committee and Sen. Rubio, and, therefore, any communication between the Committee and the OLC or the Committee and Sen. Rubio is not privileged or confidential.

FISCAL IMPACT/FINANCING:

N/A

Attachment(s)

