

**BYLAWS OF  
THE TULARE COUNTY  
INDIAN GAMING LOCAL COMMUNITY  
BENEFIT COMMITTEE  
April 23, 2004<sup>1</sup>**

**ARTICLE I  
AUTHORIZATION**

**SECTION 1: Jurisdiction**

The Tulare County Indian Gaming Local Community Benefit Committee (“Committee”) serves the geographic area of the County of Tulare (“County”). Within such geographic area currently exists one tribal casino, called Eagle Mountain Casino, owned and operated by the Tule River Indian Tribe (“Tribe”).

**SECTION 2: Purpose**

The Committee is established pursuant to Paragraph (1) of subsection (b) of Section 12715 of the California Government Code. It is the responsibility of the Committee to facilitate the distribution of appropriations from the Indian Gaming Distribution Fund by selecting those grants from each County Tribal Casino Account that will be applied toward the support of local government agencies within the County impacted by tribal gaming.

**SECTION 3: Authority**

The Committee is formed pursuant to Chapter 7.5 (commencing with Section 12710) of Part 2 of Division 3 of Title 2 of the California Government Code). Any conflict between these Bylaws and such sections of Chapter 7.5 shall be resolved in favor of the Government Code.

**SECTION 4: Duration**

Government Code Section 12718 provides that the authority for this Committee (and the Committee’s existence) shall remain in effect only until January 1, 2009, and as of that date, the Committee and its authority are dissolved, unless a later enacted state statute that is enacted before January 1, 2009, deletes or extends that date.

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<sup>1</sup> Revised 9-1-05.

**ARTICLE II  
MEMBERSHIP**

**SECTION 1: Appointment and Representation of Members**

The Committee shall be composed of seven (7) members consisting of the following:

- a. Two (2) representatives from the County, appointed by the County Board of Supervisors;
- b. Three (3) elected representatives from cities located within four (4) miles of a tribal casino in the County, appointed by the County Board of Supervisors or, if no such cities are located within four (4) miles of a tribal casino in the County, then by mutual agreement of the County and a majority of tribes operating casinos in the county; and
- c. Two (2) representatives selected upon the recommendation of a majority of the tribes paying into the Indian Gaming Special Distribution Fund in the County.

**SECTION 2: Appointment and Representation of Alternates**

The Committee shall have three (3) alternates: one for each representative classification. The alternates shall not have voting privileges when the appointed members are present. The alternates shall consist of: one representative appointed by the Board of Supervisors; one representative selected by the Tule River Tribe; and, one representative jointly selected by the Board of Supervisors and the Tule River Tribe.

**SECTION 3: Term of Office**

Terms of office for members and alternates shall be four (4) years expiring on June 30 of the appropriate years and subsequent new terms shall begin July 1 of that year. The terms shall be staggered so that no more than two thirds (2/3) of the terms of the total number of members of the Committee shall expire in any one (1) year period. A member or an alternate whose term of office has expired shall continue to serve in that capacity until a new appointment is made. Committee members appointed by the Board of Supervisors may be removed from the Committee at any time by a majority vote of the County Board of Supervisors. Committee members appointed by the Tule Tribe (the only Tribe currently paying into the Indian Gaming Special Distribution Fund in the County) may be removed from the Committee at any time by a majority vote of Tule River Tribal Council.

**SECTION 4: Election of Chairperson, Vice-Chairperson**

A Chairperson and Vice-Chairperson shall be elected annually from the voting

members of the Committee at the first meeting of each calendar year by a simple majority of the committee members present. The Vice-Chairperson shall assume the responsibilities of the Chairperson in his/her absence. Either the Chairperson or the Vice-Chairperson shall attend each meeting of the Committee.

#### **SECTION 5: Committee Vacancies**

Upon any vacancy within the Committee, appointment of the representative selected to fill the vacancy shall be in the same manner as that used in the original appointment of the departing Committee member. A resigning Committee member or alternate shall submit his/her original written resignation to the Committee Chairperson. The Chairperson is responsible for immediately notifying the County's Clerk of the Board of Supervisors of any unscheduled vacancies. The Chairperson will provide the County's Board of Supervisors and the appropriate appointing authority with written notification of vacancies. The County's Board of Supervisors or the appropriate appointing authority will take the necessary action to declare the position vacant and fill the position.

The absence of a Committee member from two (2) consecutive meetings of the Committee shall be cause for the Chairman of the Committee to contact the Committee member to discuss participation in the meetings. Whenever a Committee member fails to attend two (2) consecutive meetings or three (3) total meetings in a calendar year, without good cause entered into the minutes, the Committee Chairman shall correspond with the Chairman of the County Board of Supervisors or the appropriate appointing authority and recommend that the Committee member be removed from the Committee.

#### **SECTION 6: Quorum**

A quorum shall consist of a minimum of four (4) Committee members. Any action of the Committee shall require affirmative votes of not less than a quorum, except less than a quorum may adjourn a meeting to a specified time and place.

#### **SECTION 7: Voting**

Each Committee member shall have one (1) vote. Committee members shall not have the right to accumulate votes. A matter may only be passed by the affirmative vote of a majority of the members present. In cases where only a quorum is present, all members must vote in the affirmative to take action on the item.

#### **SECTION 8: Official Action**

All official action of the Committee shall be by resolution.

#### **SECTION 9: Committee Staff**

Staff from the County of Tulare Chief Administrative Office and County Counsel shall serve as administrative staff and legal advisor to the Committee. County staff shall be

reimbursed for demonstrated County administrative and legal costs from the aggregate tribal account pursuant to Section 12715(b)(1)(C) of the Government Code.

## **ARTICLE III MEETINGS**

### **SECTION 1: Regular Meetings**

The Committee shall meet at least twice each year to consider grant opportunities and to award selected grants. The Committee may meet more frequently than twice each year if necessary to conduct its business.

### **SECTION 2: Special Meetings**

Special meetings may be called at the discretion of the Chairperson or at the request of a majority of the members. Committee members must be given at least ten (10) working days advance notice, in writing, of all special meetings.

### **SECTION 3: Meeting Announcements**

Pursuant to the Brown Act, all meetings of the Committee shall be open to the public and notices of the meeting posted in a location fully accessible to the public seventy-two (72) hours before the meeting. Nothing herein shall subject the Tribe or any of its officers, affiliates, members, employees or agents to the Brown Act other than when acting in their capacity as members or staff of this Committee.

### **SECTION 4: Meeting Agendas**

Meeting agendas, for all scheduled Committee meetings, shall be transmitted in advance, in writing, to all Committee members and other interested persons who have submitted a request in writing. Proposed agenda items shall be submitted, in writing, to the administrative staff no later than five (5) days prior to a scheduled meeting. Agendas will be prepared by County staff, in cooperation with the Chairperson. Where appropriate and feasible, written backup information material should be submitted concurrently with the proposed agenda items for advance distribution to Committee members. There shall be a notation on the agenda for public comments. Agendas should be mailed to Committee members one (1) week prior to the next scheduled meeting.

### **SECTION 5: Meeting Commencement**

All Committee meetings will begin at precisely the time stated on the agenda. If there is no quorum at the designated starting time of the meeting, the meeting will not be conducted.

### **SECTION 6: Rules of Order and Brown Act**

All meetings will be **conducted in accordance with the Rules of Procedure**

**adopted by the Tulare County Board of Supervisors.** All meetings of the Committee shall be subject to the Brown Act (California Government Code section 54950 et seq.).

**SECTION 7: Review of Bylaws**

Bylaws shall be reviewed every three (3) years.

**ARTICLE IV  
SUBCOMMITTEES**

**SECTION 1: Establishment and Appointment**

Subcommittees may be established and appointed by the Chairperson. The Chairperson, with the concurrence of the Committee, shall appoint the members and the chair of the Subcommittees. Regular and alternate Committee members may be appointed to the Subcommittees. Only appointed members of the Committee shall be allowed to vote on a decision to be presented to the Committee at large.

**SECTION 2: Assignments**

The Chairperson will define, in precise terms, the assignment to be completed, providing a definitive time frame for reporting to the Committee. The Subcommittee will be dissolved once the assignment is completed and a report is submitted for consideration to the Committee.

**ARTICLE V  
COMMITTEE RESPONSIBILITIES**

**SECTION 1: Responsibilities**

The Committee shall perform the duties as stated in the Government Code, Section 12710 et. seq. as follows:

- a. Select all grants for funding from the Individual Tribal Casino Account or County Tribal Casino Account.
- b. Ensure that the following uses shall be the priorities for the receipt of grant money from the Individual 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.
- c. Grants awarded through this Committee shall be limited to addressing service-oriented impacts and providing assistance with one-time large capital projects related to Indian gaming impacts.

- d. Establish all application policies and procedures for grants from the Individual Casino Account or County Tribal Casino Account.
- e. Assess the eligibility of applications for grants from local jurisdictions impacted by tribal gaming operations.
- f. Determine the appropriate amount for reimbursement, from the aggregate County tribal account, of the demonstrated costs incurred by the County for administering the grant programs.
- g. Submit to the State Controller a list of approved projects for funding from Individual Tribal Casino Accounts.
- h. Prepare and submit an annual report to the County Board of Supervisors each year detailing the specific projects funded by all grants from the Indian Gaming Special Distribution Fund.

## **SECTION 2: Additional duties and responsibilities**

The Committee shall perform additional duties and responsibilities as specified in County Code and/or state laws.

## **ARTICLE VI STANDARDS OF ETHICS AND CONDUCT**

### **SECTION 1: Responsibilities of Public Office**

Individuals appointed to the Committee are agents of the public and serve for the benefit of the public. They shall uphold and act in accordance with the Constitution of the United States of America, and the Constitution of the State of California.

### **SECTION 2: Conflict of Interest Forms**

All members of the Committee shall be required to complete the Conflict of Interest forms, entitled "Statement of Economic Interests for Designated Officials and Employees", Form 700 of the Fair Political Practices Commission (FPPC).

## **ARTICLE VII AMENDMENT TO BYLAWS**

### **SECTION 1: Adoption of Bylaws**

The proposed Bylaws shall be circulated to the Committee, in writing, at least five

( 5 ) days in advance of the meeting at which a vote may be called.

**SECTION 2: Required Vote for Adoption**

The Bylaws of the Committee shall be adopted if approved by a majority of the voting Committee members.

**SECTION 3: Proposed Amendments**

Proposed Bylaw amendments shall be circulated to the Committee, in writing, at least thirty (30) days in advance of the meeting at which a vote may be called.

**SECTION 4: Required Vote for Adoption of Amendments**

The Bylaws of the Committee may be amended if approved by a majority of the voting Committee members.

**ARTICLE VIII  
SEVERABILITY AND INVALIDITY**

If any provision of these Bylaws, or any Amendment thereto is found to be invalid, void or unenforceable by any court of competent jurisdiction, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way, and shall be in effect only to the extent that it is in contravention of applicable laws without invalidating the remaining provisions.