

TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE

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COMMUNITY BENEFIT COMMITTEE

APPLICATION FOR
FISCAL YEAR 2013/14 GRANT FUNDING

FEBRUARY 3, 2014



Total Indian Gaming Grant Funding Available:..... \$ 268,177.87

60% Nexus Proximity Grant Funding Available (County of Tulare only):..... \$ 160,906.72

40% Discretionary Grant Funding Available (County, Cities, Special Districts): ... \$ 107,271.15

Grant Application Workshop Date:.....February 20, 2014

Please Note: All applicants are strongly encouraged to attend the Application workshop

Application Due Date:..... March 21, 2014

Committee Members:

Sheriff's Cpt. Robin Skiles, Chair
Kenneth McDarment, Vice-Chair
Supervisor Mike Ennis
County Fire Chief Joe Garcia
Nancy McDarment

Alternate Members:

County Division Fire Chief John Crivello
Rhoda Hunter

Committee Staff:

Jed Chernabaeff
John Hess

Contact Information:

Tulare County Administrative Office
2800 W. Burrel Ave
Visalia, CA 93291
(559) 636-5005

**TULARE COUNTY INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE
FISCAL YEAR 2013/14 GRANT APPLICATION**

INTRODUCTION

The Tulare County Indian Gaming Local Community Benefit Committee (Committee) is pleased to announce the availability of \$268,177.87 in grants for eligible local governmental jurisdictions for qualified purposes.

In addition to the Application for Funding, this announcement packet includes the information listed below. Please review the application thoroughly.

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GRANT APPLICATION WORKSHOP

All applicants are strongly encouraged to attend the Grant Application Workshop. At the workshop, staff will present the grant requirements and will answer any questions regarding the program's requirements.

The Grant Application Workshop will be held at the City of Porterville City Council Chambers. Below is the meeting time and location:

February 20, 2014
10 A.M. – 12 P.M.

City of Porterville
City Council Chambers
291 N. Main Street
Porterville, CA

1. FY 2012/13 Funding Matrix

Funding Amount	Percentage Allocation	Description	Eligible Recipient(s)
\$ 273,650.89	100%	Total Indian Gaming Funding	
\$ 5,473.02	2%	Administrative Expenses	County of Tulare
\$ 268,177.87	98%	Balance Available for Indian Gaming Grants	
\$ 160,906.72	60%	Nexus Proximity Grants	County of Tulare*
\$ 107,271.15	40%	Discretionary Grants	Cities, County, or Special Districts*

**All Grants issued by the Committee must meet the requirements outlined in this Application Packet.*

2. Eligibility Requirements for Nexus Proximity and Discretionary Grant Funds:

Indian Gaming funds are divided into two amounts: 1) 60% of funds are awarded to the County or any City that can demonstrate compliance with the Nexus Proximity Criteria, and 2) 40% of funds are awarded to the County, any City, and any Special District through Discretionary Grants.

60% Nexus Proximity Grants

Sixty percent of Indian Gaming funds are available for Nexus Grants to Cities and Counties impacted by the Eagle Mountain Casino. A Nexus Test based on the geographical proximity of a City or County to the Tule River Indian Reservation shall be used by each county's Indian Gaming Local Community Benefit Committee to determine the priority for grants.

A City or County must meet a minimum of two out of four criteria to be eligible to receive funding from the 60% Nexus Proximity Grant amount. These criteria can be found at California Government Code Section 12715(c)(1)(A), (B), (C), and (D); and are as follows:

- (A) Whether the local government jurisdiction borders the Indian lands on all sides.
- (B) Whether the local government jurisdiction partially borders Indian lands.
- (C) Whether the local government jurisdiction maintains a highway, road, or other thoroughfare that is the predominant access route to a casino that is located within four miles.
- (D) Whether all or a portion of the local government jurisdiction is located within four miles of a casino.

Within this 60% Nexus Proximity amount, funds are awarded as follows:

- 50% to Cities or Counties that meet 4 Nexus Criteria
- 30% to Cities or Counties that meet 3 Nexus Criteria
- 20% to Cities or Counties that meet 2 Nexus Criteria

Where a City or County does not meet a given number of criteria, the amount allocated in that criteria is evenly distributed to the other two criteria. For example, if no City or County meets all 4 criteria, 50% of the 60% funds are evenly distributed to those Cities or Counties that meet 2 or 3 criteria, and so on.

PLEASE NOTE: The Committee has adopted the preceding Funding Matrix that affirms the County of Tulare as the only jurisdiction that meets any of these four criteria.

40% Discretionary Grants

The remaining 40% of grant funds are available for Discretionary Grants to local jurisdictions impacted by the Eagle Mountain Casino. These Discretionary Grants are made available to all local jurisdictions in Tulare County irrespective of any nexus to Eagle Mountain Casino.

All local government jurisdictions (County, Cities, and Special Districts) may apply for 40% Discretionary Grants. Pursuant to Government Code Section 12712(c), a local jurisdiction is defined as any City, County, or Special District (excluding School Districts). Non-profit organizations do not qualify as local jurisdictions for the purpose of receiving grants directly from the Committee. However, a non-profit organization may partner with or apply through a local jurisdiction to receive grant funding. The local jurisdiction would be responsible for submitting the grant. The local jurisdiction would also be responsible to the Committee for the non-profit's use of grant funds.

3. Tribal Sponsorship

Pursuant to Senate Bill (SB) 621 (2003), for a project to be selected for Indian Gaming funding, the Tribe from whose account the project would be funded must sponsor the project. To sponsor a project, the Tule River Indian Tribal Council is required to confirm that the grant application has a reasonable relationship to a casino impact and find that it satisfies at least one of the priorities listed in Section E of the Application Form.

Questions regarding Tribal sponsorship should be directed to:

Charmaine McDarment
Legal Department
Tule River Tribal Council
P.O. Box 589
Porterville, CA 93258
Phone: 559-781-4271
Fax: 559-781-4610
Email: legal2@tulerivertribe-nsn.gov

The date for the presentation to the Tule River Tribal Council will be available at the Grant Application Workshop. All applicants are required to make a presentation at this time.

4. Submission Directions

It is anticipated that the Committee will make grant awards by May 14, 2014, and the State Controller's Office will allocate the money to grant recipients by June 30, 2014.

Please submit one (1) original and two (2) copies of each grant application by 5 P.M. on March 21, 2014, to:

Indian Gaming Application
Tulare County Administrative Office
2800 W. Burrel Ave.
Visalia, CA 93291

Phone (559) 636-5005

Fax: (559) 733-6318

Email: jchernabaeff@co.tulare.ca.us and jhess@co.tulare.ca.us

Each Application Submittal must be received by the time listed above at the address above, and must include all of the required information described in this Application Packet. Each application must be signed by an authorized representative of the local government jurisdiction.

5. Timeline for Fiscal Year 2013/14 Grant Process

Meeting to approve 2013/14 Grant Documents.....	1/29/14
Application Period Opens.....	2/3/14
Notice of Application Period Opening.....	2/3/14
Grant Workshop.....	2/20/14
Grant Application Period Closes	3/21/14
Grant Applications Submitted to Tule River Tribe	3/28/14
Tule River Tribe Sponsored Applications Due to Staff	4/18/14
Meeting to Consider Funding of Sponsored Applicants	5/14/14
Deadline for List of Funded Applications to State Controller	5/30/14
State Controller to Release Funds to Recipients.....	Upon Receipt
Deadline for Applicants to submit Annual Report to Staff.....	8/15/14
Meeting to Adopt Annual Report	9/11/14
Deadline for Annual Report to be Submitted to State.....	10/1/14

GRANT APPLICATION FORM

A. Name of Jurisdiction: _____

B. Mailing Address of Jurisdiction: _____

C. Name of Project: _____

D. **Mitigation of Impacts:** Does this Project mitigate impacts associated with Eagle Mountain casino (circle one)? Yes / No

E. **60% Nexus or 40% Discretionary:** Please check which type of grant you are applying for, as listed on the Cover Page and described in Section 2 of the Application Packet. An applicant can apply for both Nexus and Non-Nexus funds, if eligible.

60% Nexus Grant _____

Please circle the letters that apply and also provide on a separate sheet of paper, a discussion of qualifying for that criteria:

- a. The local government jurisdiction borders the Tule River Indian Reservation on all sides.
- b. The local government jurisdiction partially borders the Tule River Indian Reservation.
- c. The local government jurisdiction maintains a highway, road, or other thoroughfare that is the predominant access route to the Eagle Mountain Casino (must also be located within four miles of the Eagle Mountain Casino to qualify for this criteria).
- d. All or a portion of the local government jurisdiction is located within four miles of the Eagle Mountain Casino.

40% Discretionary Grant _____

These 40% Discretionary Grants are intended for local jurisdictions impacted by casinos of tribes paying into the Special Distribution Fund.

F. **Funding Priorities:** The following uses are the priorities for the receipt of grant money. Please check all of the priorities the project satisfies:

- Law enforcement _____
- Fire Services _____
- Emergency Medical Services _____
- Mitigate Environmental Impacts _____
- Water Supplies _____

Waste Disposal _____
Behavioral Health _____
Planning & Adjacent Land Uses _____
Public Health _____
Roads _____
Recreational & Youth Programs _____
Child Care Programs _____

Other (Briefly describe) _____

G. Gaming Impacts: On a separate sheet of paper, please provide the following:

- a. Describe the project thoroughly;
- b. Discuss and provide evidence of the impacts to your jurisdiction from gaming at the Eagle Mountain Casino;
- c. Explain how the project will mitigate impacts to your jurisdiction from gaming at the Eagle Mountain Casino. Show how the proposed project has a reasonable relationship to a casino impact.

H. Project Cost: What will be the total cost of the project? \$ _____

I. Proportionate Share Requirement: If the project provides benefits to the applicant in addition to mitigating impacts to the applicant from gaming at the Eagle Mountain Casino, the Committee shall only finance the proportionate share of the expenditure that mitigates the impact from the Eagle Mountain Casino. Therefore, please provide the proportionate share of the project expenditure that mitigates the impact to your jurisdiction from gaming at the Eagle Mountain Casino. Grant applicants must explain the method used to determine the proportionate share of funding requested. _____ %

J. Funding Request: Amount of funding requested through this application:
\$ _____

K. Funding Sources: Name the other sources of funding, if any, that will be contributed to the project and the amount provided by each source:

- a. Name and Amount: _____
- b. Name and Amount: _____
- c. Name and Amount: _____

L. Will the project be competitively bid? _____ Yes _____ No

M. Is the project subject to Public Works requirements? _____ Yes _____ No

N. What is the project time frame? _____

O. Federal Tax ID #: _____

P. Contact Information: The contact person listed on the Grant Application should be the individual most knowledgeable about the project and authorized to discuss all aspects of the project.

Contact Person Name: _____

Phone: _____

Fax: _____

Email Address: _____

Q. Funding Recognition: On a separate sheet, please describe how you intend to meet the requirement that grant recipients must provide notice to the public, either through a slogan, signage, or other mechanism, which states that the project has received funding from the Indian Gaming Special Distribution Fund and further identifies the particular Individual Tribal Casino Account from which the grant derives.

R. Grant Signature and Assurance:

Grant recipients must adhere to all requirements as described in this grant application packet.

- a. If a local jurisdiction uses a grant for any unrelated purpose, the grant shall terminate immediately and any moneys not yet spent shall revert to the Indian Gaming Special Distribution Fund.
- b. If a local jurisdiction approves an expenditure that mitigates an impact from a casino on a local jurisdiction and that also provides other benefits to the local jurisdiction, the grant shall be used to finance only the proportionate share of the expenditure that mitigates the impact from the casino.
- c. A grant may not be made for any purpose that would support or fund, directly or indirectly, any effort related to the opposition or challenge to Indian gaming in the state, and, to the extent any awarded grant is utilized for any prohibited purpose by any local government, upon notice given to the county by any tribe from whose Individual Tribal Casino Account the awarded grant went toward that prohibited use, the grant shall terminate immediately and any moneys not yet used shall again be made available for qualified nexus grants.
- d. Upon receipt of an approved listed of grant recipients from the Indian Gaming Local Community Benefit Committee, the State Controller shall release funds directly to the local government entities.
- e. As a condition of receiving further funds under the grant program, a local government jurisdiction, upon request of the County, shall demonstrate to the County that all expenditures made from the account have been in compliance with the requirements of this application packet.
- f. At the request of the County, a local government jurisdiction agrees to submit an annual report that will include the following information: 1) the amount of grant funds received; 2) a description of the project funded; 3) a description of how the project mitigates the impact of tribal gaming; 4) the total expenditures for the project; 5) all administrative costs related to the project; 6) the funds remaining at the end of the fiscal year; 7) an explanation regarding how any remaining funds

will be spent, including the estimated time for expenditure; and 8) a description of whether each project is funded once or on a continuing basis.

- g. A local government jurisdiction that receives a grant from an Individual Tribal Casino Account shall deposit all funds received in an interest bearing account and use the interest from those funds only for the purpose of mitigating an impact from a casino. If any portion of the funds in the account are used for any other purpose, the remaining portion shall revert to the Indian Gaming Special Distribution Fund. As a condition of receiving further funds, a local government jurisdiction, upon request of the County, shall demonstrate to the County that all expenditures made from the account have been in compliance with the requirements of this section.

I agree to adhere to the grant program requirements

Signature

Date