

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

10 A.M. January 29, 2014

MEETING NOTICE

**TULARE COUNTY ADMINISTRATION BUILDING
2800 W. BURREL AVE.
VISALIA, CA 93291**

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 September 18, 2013 Meeting**
- 4. Update on Indian Gaming Committee Membership**
- 5. Legislative report on Indian Gaming funding**
- 6. Discussion and Adoption of 2013-14 Grant Application and Related Documents**
- 7. Update on Attorney General Correspondence**
- 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.

**Tulare County Indian Gaming Local Community Benefit Committee
Minutes
SEPTEMBER 18, 2013**

TULE RIVER INDIAN TRIBAL COUNCIL CHAMBERS

Present: Robin Skiles, Mike Ennis, Joe Garcia, Nancy McDarment, Kenneth McDarment

Absent: John Crivello (County Representative – Alternate), Rhoda Hunter (Tule Representative – Alternate)

Staff: Jed Chernabaeff, John Hess, Will Jackson, Barbara Grunwald

Public: John Lollis, Julia Lew, Rodney Blaco, Charmaine McDarment

1. **Call to Order & Roll Call**
2. **Public Comment:** Tulare County District Attorney staff Rodney Blaco introduced himself and indicated the DA's office is prosecuting illegal gambling-related activities and encouraged members to report illegal gambling activities.
3. **Approve Minutes from the May 15, May 22, June 19, and July 24, 2013 meetings:** A motion to approve was made by Mike Ennis. Joe Garcia seconded the motion to approve. Vote: 5-0
4. **Membership Roster Update:** Staff provided an update regarding the terms for membership.
5. **Consider and Approve By-Law Amendments:** A motion to approve was made by Mike Ennis. Joe Garcia seconded the motion to approve. Vote: 5-0
6. **Review and Direct Staff to Send the Final Draft of the Letter to the State Attorney General, after allowing response by City of Porterville and Tule River Indian Tribe, regarding the Committee's request to the City of Porterville to return \$217,313 in grant funds to the State:** The Committee agreed to delete the second sentence on the first paragraph on the second page and amend the first sentence of first paragraph on second page to read: "On May 9, 2013, Committee Legal Counsel sent a letter to the City of Porterville demanding the repayment of a portion of the 2011 and 2012 Committee grant awards in the amount of \$217,313. A motion to approve was made by Joe Garcia. Nancy McDarment seconded the motion to approve. Vote: 5-0
7. **The meeting adjourned at 11 a.m.**

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

IN THE MATTER OF APPROVE)
MINUTES FROM THE SEPTEMBER)
18, 2014 MEETING) RESOLUTION NO. 2014-

UPON MOTION OF MEMBER _____, SECONDED BY MEMBER
_____, THE FOLLOWING WAS ADOPTED BY THE TULARE COUNTY
INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE, AT AN
OFFICIAL MEETING HELD _____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

BY: _____
Chairman

* * * * *

Approved minutes from the September 18, 2014 meeting.



Tulare County Indian Gaming Local Community Benefit Committee



AGENDA ITEM No. 4

AGENDA DATE: January 29, 2014

SUBJECT: Update on Indian Gaming Committee Membership

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

Receive a presentation regarding Committee membership.

SUMMARY:

The purpose of this item is twofold. First, to provide an update on membership term and expiration dates. Second, to provide an update on several vacancies.

Membership Term and Expiration Dates

At the July 24, 2013 meeting, Committee members raised several questions regarding membership terms and expiration dates. Staff responded and indicated research would be conducted with the Tulare County Clerk of the Board, whose office maintains records of appointments and terms to a wide variety of Boards, Commissions, and Special Districts – including the Tulare County Indian Gaming Local Community Benefit Committee.

Staff reviewed Committee meeting minutes and identified two errors pertaining to current Committee member terms and expiration.

First, Committee members had been appointed or reappointed to two and three year terms rather than serving four year terms after the initial two and three year terms were served. Second, Committee members' terms were ending in June 30 rather than January 1, which contradict previous Committee direction.

Both of these errors were included in a staff report at the September 18, 2013 meeting.

Since the last meeting, the Clerk of the Board's office asked the Board of Supervisors to approve reappointments for each current member so their term reflects the most accurate information. In addition, term ending dates for vacant positions were also changed to reflect accurate terms. The Board of Supervisors approved these changes at its October 22, 2013 meeting. (See Attachment A)

In addition, County representative Joe Garcia was reappointed to the Committee at the December 17, 2013 Board of Supervisors meeting to a term ending January 1, 2018.

SUBJECT: Membership Roster Update

DATE: January 29, 2014

Current Vacancies

There are three vacancies on the Committee. The vacancies include two Mutually Selected Member seats and one Mutually Selected Member-Alternate seat. (See Attachment B)

As a reminder, the process for filling a Mutually Selected Member position is as follows:

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

To address the vacancies, staff worked with the County Clerk of the Board in January 2014 to post notices of scheduled and unscheduled vacancies and solicited Committee applications through press releases, email notifications, and posts to the County's website. So far, three applications have been received. (Attachment C)

In anticipation of his term ending, the County sent correspondence to the Tule River Tribal Council in December 2012 recommending Mutually Selected Member Mike Ennis to be reappointed to an additional four year term. Tule River Tribal Council staff indicated via email on January 6, 2014 that the Tribal Council approved the County's recommendation. The County has not received the letter as of January 24, 2014. However, upon receipt, the Board of Supervisors will consider reappointing Mike Ennis to another four-year term at a future meeting.

FISCAL IMPACT/FINANCING:

N/A

ATTACHMENT(S):

A – Board of Supervisors Resolution

B – Current Roster

C – Membership Applications

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF: TULARE COUNTY)
INDIAN GAMING LOCAL COMMUNITY) Resolution No. 2013-0759
BENEFIT COMMITTEE MEMBERSHIP)**

UPON MOTION OF SUPERVISOR ENNIS, SECONDED BY SUPERVISOR COX, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD OCTOBER 22, 2013, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, VANDER POEL, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: *Jean M. Rousseau*
Deputy Clerk



1. Reappointed the following Tulare County Indian Gaming Local Community Benefit Committee members: Robin Skiles, County Representative for a term ending January 1, 2015; Joe Garcia, County Representative for a term ending January 1, 2014; Mike Ennis, Mutually Selected Member for a term ending January 1, 2014; John Crivello, County Representative-Alternate for a term ending January 1, 2017.
2. Approved revised term ending dates for vacant Tulare County Indian Gaming Local Community Benefit Committee position: Mutually Selected Member for a term ending January 1, 2014; Mutually Selected Member for a term ending January 1, 2015; Mutually Selected Member: Vacant for a term ending January 1, 2017.

IGLCBC
Deputy Clerk

DAY
10/22/13

2014 Indian Gaming Committee - Roster/Status (1/8/2014)

County Representatives	Curent Member	Appointed or Reappointed	Term Ends
County Representative	Joe Garcia	12/17/2013	1/1/2018
County Representative	Robin Skiles	10/22/2013	1/1/2015
County Representative - Alternate	John Crivello	10/22/2013	1/1/2017

Tule Representatives	Curent Member	Appointed or Reappointed	Term Ends
Tule Representative	Kenneth McDarment		
Tule Representative	Nancy McDarment		
Tule Representative - Alternate	Rhoda Hunter		

Mutually Selected Members	Curent Member	Appointed or Reappointed	Term Ends
Mutually Selected Member	Vacant		
Mutually Selected Member	Mike Ennis*	10/22/2013	1/1/2014
Mutually Selected Member	Vacant		
Mutually Selected Member - Alternate	Vacant		

*Mike Ennis' term on the Indian Gaming Local Community Benefit Committee expired on January 1, 2014. However, Mike Ennis will hold the position until it is filled.

TULARE COUNTY BOARD OF SUPERVISORS

APPLICATION / INFORMATION FORM

List the Board/Commission you are interested in serving on:

Indian Gaming/Educational funds

Name: Diana Lee Luxenberg Address: P.O. box 605

Three Rivers, CA 93271

Home Phone: 559 561 1099 Business Phone: n.a.

Indicate the Supervisorial District you live in: District 1 - Ishida's

Indicate if you sit on any other Tulare County Boards, Committees, or Commissions:

n.a.

List any other community involvement: _____

Employment Information: SELF, former professor at CSU LA in

Communication Disorders

Qualification: Have always been financially solvent,

cost conscious, background in education/

disabilities/speech pathology

Reason for Applying: Make sure funds are properly used

Diana Lee Luxenberg
Signature

1/15/2014
Date

Please return application to:
Clerk of the Board of Supervisors, Administration Building,
2800 W. Burrel, Visalia, CA 93291-4582.
(559) 636-5000 * FAX (559) 733-6898

TULARE COUNTY BOARD OF SUPERVISORS

APPLICATION / INFORMATION FORM

List the Board/Commission you are interested in serving on:

TULARE County Indian Gaming Local Community Benefit Committee

Name: Gene Russ Address: 1846 S. Royal Oaks Dr.
Visalia CA. 93277

Home Phone: 559 734 8708 Business Phone: cell 730-8623

Indicate the Supervisorial District you live in: #3

Indicate if you sit on any other Tulare County Boards, Committees, or Commissions:

List any other community involvement: Past Tulare County Grand Juror 2010-2011 &
2011-2012, Current & last year's Tulare County Grand
Jury Chapter President

Employment Information: Retired School District Administrator

Qualification: BA & MA Psychology & School Administrative
Credential, Human Relations Director, State &
Federal projects Director, Psychological Services &
Guidance Director, School Psychologist

Reason for Applying: Recent Experience with Tulare Grand Jury
Allowed me to learn a great deal about Tulare County Gov.
as well as the cities & service districts in our County.
I am aware of many needs within our County.

Gene Russ
Signature

1-17-14
Date

Please return application to:
Clerk of the Board of Supervisors, Administration Building,
2800 W. Burrell, Visalia, CA 93291-4582.
(559) 636-5000 * FAX (559) 733-6898

TULARE COUNTY BOARD OF SUPERVISORS

APPLICATION / INFORMATION FORM

List the Board/Commission you are interested in serving on:

TULARE CO. INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE

Name: MICHAEL SCOTT Address: 17666 AVE 278 EXETER - 93221

Home Phone: 592-4904 Business Phone: N/A

Indicate the Supervisorial District you live in: DISTRICT 1

Indicate if you sit on any other Tulare County Boards, Committees, or Commissions:

NONE

List any other community involvement: PAST PRESIDENT EXETER LIONS, DEP. SHERIFFS ASS., MEMBER OF PORTERVILLE EXCHANGE CLUB, BOARD MEMBER OF THE CENTRAL VALLEY RECOVERY SERVICES.

Employment Information: RETIRED CAPTAIN OF THE TULARE CO. SHERIFF DEPT.

Qualification: IN THE PAST I HAVE WORKED CLOSELY WITH MEMBERS OF THE TULE INDIAN TRIBE WHEN I WAS THE LIEUTENANT IN CHARGE OF THE PORTERVILLE SHERIFFS SUB-STATION.

Reason for Applying: I HAVE WORKED MY ENTIRE ADULT LIFE FOR THE CITIZENS OF TULARE CO. I BENEFIT GREATLY FROM THAT EMPLOYMENT. I WOULD LIKE TO GIVE SOMETHING BACK.

Signature [Handwritten Signature]

Date 1-11-14

Please return application to: Clerk of the Board of Supervisors, Administration Building, 2800 W. Burrel, Visalia, CA 93291-4582. (559) 636-5000 * FAX (559) 733-6898



Tulare County Indian Gaming Local Community Benefit Committee



AGENDA ITEM No. 5

AGENDA DATE: January 29, 2014

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 2012-13 through Assembly Bill 2515. Of the \$9.1 million, the Committee received \$273,650.89 to allocate to local jurisdictions.

This year, the State Legislature appropriated \$9.1 million in SDF funds for Fiscal Year 2013-14 through Assembly Bill 1042. Of the \$9.1 million in SDF funds,

SUBJECT: Legislative report on Indian Gaming funding

DATE: January 29, 2014

\$273,650.89 will be allocated to the Tulare County Individual Tribal and County Tribal Casino Account for distribution. The State Controller's Office and the Gambling Control Commission are charged with calculating allocations to each County benefit committee from the Special Distribution Fund.

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 30, 2014. Funds not allocated by June 30, 2014, 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

January 8, 2014

Indian Gaming Local Benefit Committee Members
County Board of Supervisors
County Chief Administrative Officer

Chapter 746, Statutes of 2013 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. These forms can be found at http://www.sco.ca.gov/ard_local_apportionments.html. 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 30, 2014, 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 30, 2014 to allow time for processing. Please submit your approved list of projects and any changes to the Indian Gaming Local Community Benefit Committee Members to:

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

MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250
STREET ADDRESS 3301 C Street, Suite 740, Sacramento, CA 95816

Indian Gaming Local Benefit Committee Members
County Board of Supervisors
County Chief Administrative Officer
January 8, 2014
Page 2

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 cursive script that reads "Casandra Moore-Hudnall".

CASANDRA MOORE-HUDNALL, 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
 January 8, 2014

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	665,708.42 331,198.48 334,509.94	
Colusa Colusa Rancheria	323 323	424,948.26 424,948.26	
Del Norte Elk Valley Rancheria Smith River Rancheria			\$15,606.66
Fresno Big Sandy Rancheria Table Mountain Rancheria	674 39 635	886,734.13 3,159.24 883,574.89	
El Dorado Shingle Springs Rancheria			49,847.04
Humboldt Rohnerville Rancheria Blue Lake Rancheria Hoopa Valley Tribe Trinidad Rancheria			37,714.04
Imperial Fort Yuma Indian Reservation Torres-Martinez Desert Cahuilla			32,205.80
Inyo Bishop Paiute Tribe	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	438,104.55 246,297.96 191,806.59	
Lassen Susanville Indian Rancheria			5,185.68
Madera Picayune Rancheria			41,634.31

State Controller's Office
 Division of Accounting and Reporting
 Indian Gaming Special Distribution Fund-County and Individual Tribal Casino Accounts
 January 8, 2014

County/Tribe	Grandfathered 1-Sep-99 Exceeding 200	95% Individual Tribal Casino Accounts	5% County Tribal Casino Accounts
Mendocino Hopland Band of Pomo Indians	107 107	140,772.33 140,772.33	
Modoc Aituras Indian Rancheria			3,200.73
Placer Auburn Rancheria			66,619.86
Riverside Cabazon Band Cahuilla Reservation Soboba Band Twenty-Nine Palms Band	1,879 541 7 791 540	2,472,067.42 487,433.40 3,533.01 1,628,596.10 352,504.91	
San Bernardino Chemehuevi Reservation San Manuel Band			91,779.09
San Diego Barona Reservation Sycuan Band of the Kumeyaay Nation	1,176 857 319	1,547,180.03 1,322,353.93 224,826.10	
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 Rancheria			32,131.37
Tehama Paskenta Band			20,841.97
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 Yocha Dehe Wintun Nation			58,233.45
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 29, 2014

SUBJECT: Discussion and Adoption of 2013/14 Grant Application and Related Documents

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

1. Approve the FY 2013/14 Funding Matrix
2. Approve Eligibility Requirements for Nexus Proximity and Discretionary Grants
3. Approve the FY 2013/14 Grant Process Timeline
4. Approve the FY 2013/14 Grant Application Form

SUMMARY:

On January 8, 2014, the State Controller's Office provided notification that the Committee has been allocated \$278,650.89 in Special Distribution Funds (SDF). These funds are given to the Committee to award to jurisdictions for eligible projects. This is the same amount of money that has been allocated to the Committee in the previous two fiscal years.

In order to distribute these funds to jurisdictions for qualifying projects, Committees are required to use a competitive grant application process. Staff has prepared the FY 2013/14 Indian Gaming Special Distribution Fund (SDF) Grant Application and related documents for the Committee's consideration. The proposed Grant Documents have not modified from last year.

Once approved, these documents will be provided to eligible jurisdictions. Staff will conduct a Grant Application Workshop so that interested applicants can learn more about the program and the grant expectations.

FISCAL IMPACT/FINANCING:

N/A

Attachment(s)

A – Grant Application Form

B – Grant Timeline

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

**IN THE MATTER OF DISCUSSION)
AND ADOPTION OF 2013/2014)
GRANT APPLICATION AND)
RELATED DOCUMENTS)** **RESOLUTION NO. 2014-**

UPON MOTION OF MEMBER _____, SECONDED BY MEMBER _____,
THE FOLLOWING WAS ADOPTED BY THE TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE, AT AN OFFICIAL MEETING HELD
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

BY: _____
Chairman

* * * * *

Approved the FY 2013/14 Funding Matrix.
Approved Eligibility Requirements for Nexus Proximity and Discretionary Grants.
Approved the FY 2013/14 Grant Process Timeline.
Approved the FY 2013/14 Grant Application Form.

100% Indian Gaming Funding

- Total Indian Gaming Funding

2% Admin

- Administrative Expenses to the County of Tulare

Balance

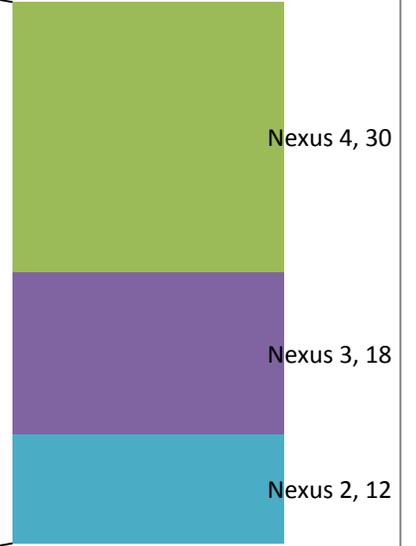
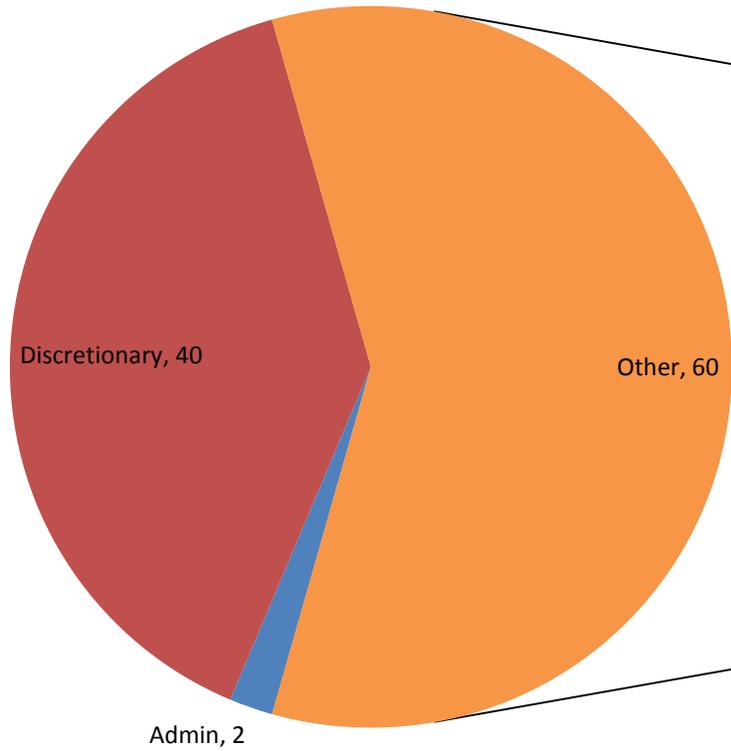
- Available for Indian Gaming Grants

60% Nexus Proximity Grants

- Must be a City or County. Special Districts are not eligible.
- Must clearly show mitigation of impacts of Indian Gaming.
- Must fund only the proportionate share of activity that will mitigate an impact.
- Four-part Nexus Proximity Test Criteria are:
 - 1. Borders Indian Lands on all sides
 - 2. Partially borders Indian Lands
 - 3. Maintains an access road to a casino
 - 4. Is located within four miles of a casino
- 60% funding shall be allocated as follows:
 - 50% to Cities or Counties that meet 4 Criteria
 - 30% to Cities or Counties that meet 3 Criteria
 - 20% to Cities or Counties that meet 2 Criteria
 - For each criteria not met by a City or County, that percentage goes to the other Criteria

40% Discretionary Grants

- Must be a City, County, or Special District.
- Must clearly show mitigation of impacts of Indian Gaming.
- Must fund only the proportionate share of activity that will mitigate an impact.
- There are no nexus proximity criteria.



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

**APPLICATION FOR
FISCAL YEAR 2012/13 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

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

Committee Members:

Captain Robin Skiles, Chair
Kenneth McDarment, Vice-Chair
Supervisor Mike Ennis
Chief Joe Garcia
Nancy McDarment

Alternate Members:

Division 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

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 following information:

1. Fiscal Year 2013/14 Funding Matrix	Page 2
2. Eligibility Requirements for Nexus Proximity and Discretionary Grant Funds.....	Page 3
3. Tribal Sponsorship Requirements	Page 5
4. Submission Directions	Page 6
5. Timeline for Fiscal Year 2013/14 Grant Process	Page 7
6. FY 2013/14 Grant Application Form	Page 8

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 presentation to the Tule River Tribal Council is set for _____ at 10:00 am. 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 5:00 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 2012/13 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



Tulare County
Indian Gaming Local Community Benefit Committee
2013-2014 Special Distribution Fund Grant Program



GRANT CYCLE TIMELINE

Meeting to approve 2013/14 Grant Documents	1/29/14
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Tulare County Indian Gaming Local Community Benefit Committee



AGENDA ITEM No. 8

AGENDA DATE: January 29, 2014

SUBJECT: Election of 2014 Committee Chair and Vice Chair

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

Elect a Committee Chair and Vice Chair for 2014

SUMMARY:
Article II, Section 4 of the Committee's bylaws state:

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. In the event that neither the Chairperson nor the Vice-Chairperson is present, no business will be conducted and a meeting will not be called to order.

FISCAL IMPACT/FINANCING:
N/A

Attachment(s) None

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

IN THE MATTER OF ELECTION OF)
COMMITTEE CHAIR AND VICE-CHAIR)

RESOLUTION NO. 2014-

UPON MOTION OF MEMBER _____, SECONDED BY MEMBER _____, THE FOLLOWING WAS ADOPTED BY THE TULARE COUNTY INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE, AT AN OFFICIAL MEETING HELD JANUARY 29, 2014, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

BY: _____
Chairman

* * * * *

Appointed _____ as Chairman and _____ as Vice-Chair.