

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

226



FROM: EXECUTIVE OFFICE

SUBMITTAL DATE:
December 2, 2003

SUBJECT: Indian Gaming Local Community Benefit Committee

RECOMMENDED MOTION: That the Board of Supervisors establish the Indian Gaming Local Community Benefit Committee, provided for in Senate Bill 621.

BACKGROUND: On October 11, 2003, the Governor approved Senate Bill 621 (Battin and Burton), which establishes a method for distributing \$25 million from the Indian Gaming Special Distribution Fund (SDF) to local government agencies impacted by tribal gaming. The bill reflects the Tribal Alliance of Sovereign Indian Nations' (TASIN) proposal for calculating and appropriating the SDF. Comprised of Riverside, San Bernardino, and Santa Barbara tribes, it is estimated that TASIN alone will contribute \$1 billion to the SDF through 2020, constituting nearly two-thirds of all payments Statewide.

In accordance with the bill, an "Individual Tribal Casino Account" will be established by the State Controller for each casino paying into the SDF, and funded in proportion to the amount the individual tribe paid into the SDF. It is estimated that \$10 million, collectively, will be deposited into casino accounts for distribution to local government agencies in Riverside County.

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Jennifer Sargent
Jennifer Sargent, Senior Management Analyst

Departmental Concurrence

FINANCIAL DATA

Current F.Y. Total Cost:	\$	In Current Year Budget:
Current F.Y. Net County Cost:	\$	Budget Adjustment:
Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30
Requires 4/5 Vote

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature *Barbara Hummer*

Consent
 Policy

 Consent
 Policy

 Dep't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.:

District: ALL

Agenda Number:

3.4

Senate Bill 621 creates a seven (7) member Indian Gaming Local Community Benefit Committee (CBC) in each county where tribal gaming is conducted. The CBC is to be comprised of the following:

- two (2) representatives from the county, selected by the Board of Supervisors;
- three (3) elected representatives from cities located within four miles of a tribal casino in the county (Attachment B), selected by the Board of Supervisors; and
- two (2) representatives selected upon recommendation of a majority of the tribes paying into the SDF.

Local government agencies impacted by tribal casinos may make application, with tribal sponsorship, to the CBC for grant funding from Individual Tribal Casino Accounts. The CBC will forward the list of approved projects to the State Controller for distribution of awarded grant funds directly to the local government agencies. The first priorities for receipt of grant money include: law enforcement, fire services, emergency medical services, environmental impacts, water supplies, waste disposal, behavioral health, planning and adjacent land uses, public health, roads, recreation/youth programs, and child care programs. The County, as lead agency, is responsible for administering the grant process.

In preparation for the January 1 effective date of SB 621, staff has prepared By-laws (attached), in consultation with the TASIN Local Government Committee (LGC), for consideration by the CBC at their first meeting. The CBC is responsible for establishing all policies and procedures for local grant applications. Staff is currently developing a framework for the grant policies and procedures, in consultation with the LGC, for consideration by the CBC.

The bill specifies that funds from an individual tribal casino account not allocated by the end of each fiscal year will revert back to the SDF. Therefore, it is imperative that CBC members are appointed and an initial meeting is scheduled as soon as possible after January 1. The Riverside County casinos and the cities located within a four (4) mile radius of each casino are also attached, for your convenience.

BYLAWS OF
THE RIVERSIDE COUNTY
INDIAN GAMING LOCAL COMMUNITY
BENEFIT COMMITTEE

December 2, 2003

ARTICLE I
AUTHORIZATION

SECTION 1: Jurisdiction

The Riverside County Indian Gaming Local Community Benefit Committee (“Committee”) serves the geographic and political entity known as the County of Riverside.

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 Individual Tribal Account or 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

Chapter 7.5 (commencing with Section 12710) of Part 2 of Division 3 of Title 2 of the California Government Code).

ARTICLE II
MEMBERSHIP

SECTION 1: Appointment and Representation

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. In the event that there are no cities within four (4) miles of a tribal casino in the County, other local representatives may be selected upon mutual agreement by the County Board of Supervisors and a majority of the tribes in the County paying into the Indian Gaming Special Distribution Fund. When there are no cities within four (4) miles of a tribal casino in the County and paying into the Indian Gaming Special Distribution Fund, other local representatives may be selected upon mutual agreement by the County Board of Supervisors and a majority of the 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. If there are no tribes in the County paying into the Indian Gaming Special Distribution Fund, the two representatives may be selected upon the recommendation of the tribes operating casinos in the County.

SECTION 2: Term of Office

Members' terms of office shall be _____ () years expiring on January 31 of the appropriate years and subsequent new terms shall begin February 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 whose term of office has expired shall continue to serve in that capacity until a new appointment is made. Committee members may be removed from the Committee at any time by a majority vote of the County Board of Supervisors, except in cases where the County Board of Supervisors is not the sole appointing authority (in which case such regular appointing authority may exercise this power of removal).

SECTION 3: Election of Chairperson and 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.

SECTION 4: 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 shall submit his/her original written resignation to the Clerk of the Board of Supervisors. The Chairperson is responsible for immediately notifying the Clerk of the Board of Supervisors of any unscheduled vacancies. The Chairperson will provide the Board of Supervisors with written notification of

vacancies and the Board of Supervisors 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 Board of Supervisors and recommend that the committee member be removed from the Committee.

SECTION 5: Quorum

A minimum of four (4) members is required for a meeting to be called. A quorum is requisite for the transaction of any business of this Committee.

SECTION 6: Voting

Each committee member shall have one (1) vote and shall not have the right to accumulate votes. A majority vote with a quorum in attendance shall be required to take action on a matter before the Committee.

ARTICLE III MEETINGS

SECTION 1: Regular Meetings

The Committee shall meet _____, at a time and location to be determined by the Committee.

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.

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 thirty (30) 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. A meeting may be held to discuss views, but no decisions can be made.

SECTION 6: Rules of Order

All meetings will be governed by Robert's Rules of Order, unless otherwise agreed to by the majority of the members present.

SECTION 7: Review of Bylaws

Bylaws shall be reviewed every three (3) years.

ARTICLE IV AD HOC COMMITTEES

SECTION 1: Establishment and Appointment

Ad hoc Committees 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 Ad Hoc Committee(s) Regular, ex officio and non-members may be appointed to the Ad Hoc Committee(s). Only appointed members of the Committee can 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 Ad hoc Committee 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 each 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 Individual Tribal Casino Accounts: 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. Establish all application policies and procedures for grants from the Individual Casino Account or County Tribal Casino Account.
- d. Assess the eligibility of applications for grants from local jurisdictions, within Riverside County, impacted by tribal gaming operations.
- e. 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.
- f. Submit to the State Controller a list of approved projects for funding from Individual Tribal Casino Accounts.

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: County Policies

Committee members shall comply with the current policies approved by the Board of Supervisors.

SECTION 2: 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, the Constitution of the State of California, the Riverside County Code, and other rules, regulations and policies of the County.

**ARTICLE VII
AMENDMENT TO BYLAWS**

SECTION 1: Adoption of Bylaws

The proposed Bylaws 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 2: Required Vote for Adoption

The Bylaws of the Committee shall be adopted if approved by a majority of the voting committee members, and approved by the Board of Supervisors.

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 and approved by the Board of Supervisors.

Attachment B

Cities within Four Miles of Riverside County Casinos

Pechanga Resort and Casino – Temecula

Cahuilla Creek Casino – none

Soboba Casino – San Jacinto and Hemet

Casino Morongo – Banning

Spa Resort Casino – Palm Springs and Cathedral City

Trump 29 Casino – Indio and Coachella

Agua Caliente Casino – Palm Springs, Cathedral City, Rancho Mirage, and Palm Desert

Fantasy Springs Casino – Indio and Coachella

Augustine Casino – La Quinta, Indio, and Coachella