

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



FROM: EXECUTIVE OFFICE

SUBMITTAL DATE:
July 15, 2008

SUBJECT: First Amendment to the Funding Agreement Between the County of Riverside and the Agua Caliente Tribe of Cahuilla Indians

RECOMMENDED MOTION: That the Board of Supervisors

1. Approve the First Amendment to the Funding Agreement between the County of Riverside and the Agua Caliente Tribe of Cahuilla Indians whereby the County assigns all of its rights, obligations, and liabilities under the Funding Agreement approved on June 27, 2006 (Item 3.51) to the City of Rancho Mirage; and
2. Direct the Clerk of the Board to transmit a certified copy of the Board executed First Amendment of the Funding Agreement to the Agua Caliente Tribe of Cahuilla Indians Tribal Clerk for approval by the Tribe.

BACKGROUND:

On June 27, 2006, (Item 3.51), the Board of Supervisors approved a Funding Agreement between the County of Riverside and the Agua Caliente Tribe of Cahuilla Indians. The Funding Agreement established a tourism fee based on nightly paid hotel guest occupancy at the Agua Caliente Hotel which was at that time located in the unincorporated area of the County, adjacent to the City of Rancho Mirage. The revenue generated from the fee is intended to compensate impacted jurisdictions for providing public safety services (police, fire and emergency medical services) to the hotel and casino.

(Continued on Page 2)

Dan Martinez
Deputy County Executive Officer

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2008/09

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: _____
Bill Luna

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY:
JOE S. RANK
DATE: 7/15/08

Departmental Concurrence

Consent Policy
 Consent Policy

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

3.68

Form 11

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BACKGROUND (Continued):

On December 6, 2007, the Local Agency Formation Commission (LAFCO) approved the 38 acre-annexation, including the Hotel and Casino, to the City of Rancho Mirage via LAFCO Resolution No. 139-07. The annexation became effective on February 4, 2008. The City of Rancho Mirage became responsible for providing primary police, fire and emergency medical services to the hotel and casino upon the annexation of the 38 acre site. The hotel opened on April 18, 2008.

The attached Transfer Agreement assigns the County's rights, obligations, and liabilities under the Funding Agreement to the City of Rancho Mirage. Under the terms of the agreement the City of Rancho Mirage will reimburse surrounding jurisdictions (including the County) for any costs associated with providing police, fire and emergency medical services to the 38 acre site if the City is unable to respond or additional resources from the outside the City are required.

In consenting to the assignment of the Funding Agreement, the County does not waive, limit or alter any rights it may have under section 10.8 of the 1999 Tribal-State Gaming Compact or the Amended Compact entered into between the Tribe and the State of California. The County and the Tribe will continue pursuing negotiations to address off-reservation impacts from all of the Tribe's gaming facilities, including those pursuant to Section 10.8 of the First Amendment to the Tribal-State Gaming Compact.

It is recommended that the Board approve the attached First Amendment to the Funding Agreement.

**FIRST AMENDMENT
FUNDING AGREEMENT
AQUA CALIENTE HOTEL AND EXPANDED CASINO PROJECT**

As contemplated by and provided in Section 6 of this Funding Agreement, the County hereby consents to the assignment by the Tribe of all its rights, obligations, and liabilities under this Funding Agreement to the City of Rancho Mirage.

In consenting to the assignment of this Funding Agreement, the County does not waive, limit or alter any rights it may have under Section 10.8 of the 1999 Tribal-State Gaming Compact entered into between the Tribe and the State of California, and/or any other Federal or State rights.

Date

County of Riverside

The Tribe acknowledges and accepts the County's above-consent to the assignment of this Funding Agreement.

Date

Agua Caliente Band of Cahuilla Indians