

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



**FROM:** Executive Office

**SUBMITTAL DATE:**  
August 24, 2015

**SUBJECT:** Policy Direction for Negotiating Intergovernmental Agreements with Tribal Governments

**RECOMMENDED MOTION:** That the Board of Supervisors provide policy direction clarifying roles and responsibilities for negotiating Intergovernmental Agreements with Tribal governments, pursuant to provisions of Tribal-State Compacts.

**BACKGROUND:**

**Summary**

Expansion has been proposed for gaming and associated facilities on some Tribal lands within Riverside County. The Executive Office recommends that the Board of Supervisors provide policy direction for negotiating Intergovernmental Agreements with Tribal governments, pursuant to the provisions of Tribal-State Compacts. This policy would provide uniformity and transparency to the negotiation process, as well as full and timely mitigation of all significant effects on lands near casinos but off of reservations.

(continued on page 2)

Departmental Concurrence

Jennifer L. Sargent  
Principal Management Analyst

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	
SOURCE OF FUNDS: N/A				Budget Adjustment: N/A	
				For Fiscal Year:	FY 2015/16

**C.E.O. RECOMMENDATION:** APPROVE

BY:   
George A. Johnson

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley  
Nays: None  
Absent: None  
Date: September 1, 2015  
xc: E.O.

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District:

Agenda Number:

**3-42**

**BACKGROUND:**

**Summary (continued)**

**History**

In 1999, the State of California entered into agreements (compacts) with federally recognized Tribal governments operating casinos within Riverside County. These compacts reaffirmed exclusivity to Tribes to operate Vegas-style casinos, enabling Tribal self-sufficiency. In addition, the compacts established a maximum of two casinos and 2,000 class III gaming devices per Tribe and required payment into a fund that addressed gaming impacts that affected nearby communities (in addition to other uses).

In 2006, Governor Schwarzenegger signed Amended Tribal-State Compacts with three Riverside County Tribes (ratified by voters in 2008) to allow expanded gaming operations on Tribal land and extend their agreements. In consideration for the right to expand gaming operations, the Tribes were required to pay the equivalent of a state tax, rather than paying into the fund that addressed impacts on nearby communities. Through the amended compacts, these Tribal governments also agreed to provide additional consumer protections and negotiate Intergovernmental Agreements. These agreements would address environmental/public safety impacts and public services, under specific conditions. Intergovernmental Agreements would be negotiated if Tribes wanted to take steps that include: constructing new casinos, expanding existing casinos or support/related facilities, or increasing the number of class III gaming devices beyond the previously approved maximum.

In 2013, an additional Riverside County Tribe entered into a new compact with the State (ratified by the Legislature in 2013) to enable gaming operations on Tribal land. This compact also included similar Intergovernmental Agreement requirements.

**Policy Direction**

All discussion and negotiation with Tribal governments shall be founded on respectful government-to-government relations, conducted in a spirit of cooperation.

The Executive Office will lead the effort and facilitate discussions with Tribal governments to bring Intergovernmental Agreements to fruition. Negotiations will be conducted in consultation and collaboration with County Counsel and the Supervisorial District in which the casino is or will be located. All County departments will be included, in order to identify significant effects outside reservations. Those include impacts on the environment, public safety and public service requirements.

Specifically, the Executive Office will work with the Sheriff, District Attorney, Fire, Emergency Medical Services, Transportation, Mental Health, Planning, Flood and Waste Resources departments to establish a baseline of existing significant effects to the off-reservation environment from existing gaming operations. In addition, the Executive Office will help develop estimates for additional significant effects (including timely mitigation and reasonable compensation) from new or planned expansion of existing gaming or support/related facilities or increasing class III gaming devices beyond the previously approved maximum.

In anticipation of negotiations with several Tribes, County Counsel has been preparing a template or model Intergovernmental Agreement. The Executive Office will work with County Counsel to finalize this template. It can then be used as a framework for required Intergovernmental Agreement negotiations with all Tribal governments operating under these provisions to ensure a fair and consistent approach for all involved parties. Upon completion, Intergovernmental Agreements will be submitted for Board consideration.

**Impact on Residents and Businesses**

Intergovernmental Agreements to address significant effects of new or expanded gaming and/or facilities will benefit residents and businesses by improving the economy and maintaining safe and desirable communities.