



CULBERTSON, ADAMS & ASSOCIATES, INC.

March 1, 2016

County of Santa Barbara
Ad Hoc Subcommittee Regarding Santa Ynez Valley
Band of Chumash Indian Matters
c/o Mona Miyasato, County Executive Office
105 E. Anapamu
Santa Barbara, CA 93101

SUBJECT: Transmittal of Comments on Proposal to Support
Congressional Action as enunciated in the December 10, 2015
County Proposed Term Sheet

Dear Ms. Miyasato:

My message for the upcoming Ad Hoc Committee meeting is simple. I will not repeat the many points I have made in the past.

The County, through its Ad Hoc Committee, has proposed an approach which is in violation of the public trust

It would appear from the approach on fee to trust (FTT) proposed by the Ad Hoc Committee on behalf of the County that at least the members of the Ad Hoc Committee who also hold elected seats on the Board of Supervisors are ready to delegate the responsibility and authority granted them by their constituents to Congress. This is particularly significant since one of the members is an outgoing Supervisor, and one does not represent the Third District.

I refer, of course, to the proposal – first presented in the December 7, 2015 County Term Sheet – that the County would entertain support of FTT through Congressional action. I urge the County to immediately abandon this idea, as it is a complete breach of the trust placed in you by the public. To whatever extent the County wishes to consider FTT, it should be through the established FTT process



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which provides a remedy for the public, and not through Congressional action which eliminates any remedy or input the public may seek to offer.

When a Supervisor seeks election, the candidate represents to potential voters that he or she is ready, willing and able to act in the best interests of the public. It is an important responsibility. An essential dimension of this responsibility is to avoid delegating that duty to another entity – in this case, Congress – where the County will lose complete control.

It is ironic that this notion of asking Congress to act on behalf of the citizens that elected the two Ad Hoc representatives comes at a time when our own outgoing Congresswoman, Lois Capps, argued forcefully and effectively to leave the decision of FTT at the local level.

The protestations of the Ad Hoc members who are also Supervisors are also without merit. Simply saying that the “Board will make the decision” is tantamount to saying that you will set up a situation where there will be no choice but for the Board to acquiesce. In view of the October 15, 2013 action of the full Board against FTT- which has never been rescinded - the Supervisorial members of the Ad Hoc Committee have proposed an extremely dangerous and harmful approach.

Additionally, proposing to delegate to Congress the essential duty to make a decision in the County will eliminate the County’s litigation as well as all other litigation. This means that not only thousands of dollars of private funds will be forfeit, but that also taxpayer funds devoted to the litigation will also have been wasted. The County may very well be exposed to a recovery of fees and costs for encouraging a situation and then abandoning the effort.

The rallying cry for this Congressional approach appears to be that the County cannot prevent gaming. The Chumash have not proposed gaming, and therefore that fear is unfounded. In any event, that fear – if it is legitimate at all – will be addressed when and if such a proposal is ever made. Numerous steps must occur to allow gaming on Camp 4, not the least of which is an amendment to the compact with the State of California. The attempt to foreclose gaming through Congressional action is tantamount to killing an ant with a sledgehammer. In any event, Congress can always pass another bill to change its prior action, so nothing is gained. There is no “forever” aspect to this notion.

The County members of the Ad Hoc Committee seem to be under the illusion that if they do not agree to Congressional action that somehow an agreement cannot be reached. I do not believe this is correct. If Congressional action were imminent it would already have occurred. There is a great deal more to Congressional action



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than an unfounded scolding of a County Executive Officer in a Congressional subcommittee. The County will lose complete control over any Congressional action and there is absolutely no guarantee that the outcome will match whatever agreement has been made. Further, the County will unwittingly set an adverse precedent for other local governments dealing with FTT in their respective areas.

Simply stated, this is an opportunity for County residents to gauge the values of their elected representatives. Any move to delegate power to a Congress in lieu of the responsibility of representing the people who elected the Supervisors should be staunchly opposed.

Sincerely,


M. Andriette Culbertson

cc: Ad Hoc Committee
Board of Supervisors, Santa Barbara County