



**COUNTY OF SANTA BARBARA
LEGISLATIVE PROGRAM COMMITTEE**

AGENDA

Date: Monday, February 2, 2015
Time: **10:30AM – 12:00PM**
Place: **Board of Supervisors Conference Room, Fourth Floor**
105 E. Anapamu Street, Santa Barbara

Committee Members: Salud Carbajal, First District Supervisor
Doreen Farr, Third District Supervisor
Mona Miyasato, County Executive Officer
Robert Geis, Auditor-Controller
Mike Ghizzoni, County Counsel

Public Comment

Agenda Items:

1. Approve minutes from the October 6, 2014, meeting. (*Attachment for Agenda Item 1: 10/6/14 Meeting Minutes*)
2. Receive verbal report on Federal issues of interest to the County and direct staff to take action as necessary.
 - 2A. Receive verbal report on Washington D.C. meetings.
3. Receive report on State issues of interest to the County and direction staff to take action as necessary. (*Attachment for Agenda Item 3: Update from Governmental Advocates*)
 - 3A. Update on bill proposals.
4. Staff Reports:
 - 4A. 2015 Legislative Platform Adopted January 13, 2015. (*Attachment for Agenda Item 4A: 2015 Legislative Platform*)
 - 4B. Fee-to-Trust Resolution in support of CSAC to Board, February 10, 2015. (*Attachment for Agenda Item 4B: Fee-to-Trust*)
5. Consider new Committee business for future meetings.

Next meeting: Monday, March 2, 2015

"Writings that are a public record under Government Code § 54957.5(a) and that relate to an agenda item for open session of a regular meeting of the County Legislative Program Committee and that are distributed to a majority of the members of the County Legislative Program Committee less than 72 hours prior to that meeting shall be available for public inspection at Santa Barbara County Clerk of the Board at 105 E. Anapamu Street, 4th Floor in Santa Barbara, and also on the County's website at: <http://www.countyofsbq.org/ceo/legis.aspx?id=308>"



**COUNTY OF SANTA BARBARA
LEGISLATIVE PROGRAM COMMITTEE**

MINUTES

Date: Monday, October 6, 2014
Time: **10:30AM – 12:00PM**
Place: **Board of Supervisors Conference Room, Fourth Floor**
105 E. Anapamu Street, Santa Barbara

Committee Members: Salud Carbajal, First District Supervisor - **Present**
Doreen Farr, Third District Supervisor - **Present**
Mona Miyasato, County Executive Officer - **Present**
Robert Geis, Auditor-Controller - **Absent**
Mike Ghizzoni, County Counsel - **Present**

Public Comment

No comment.

Agenda Items:

1. Approve minutes from the August 4, 2014, and September 8, 2014 meetings.

- 1A. Approval of Minutes of August 4, 2014
- 1B. Approval of Minutes of September 8, 2014

(Motion to approve Agenda Items 1A & 1B made by Supervisor Carbajal with a statement that he was absent from August 4th but reviewed the minutes, second by Supervisor Farr; 3-0. County Counsel confirmed that the minutes can be approved by either majority present at meeting or by review of minutes).

2. Receive an update on Federal issues of interest to the County and direct staff to take action as necessary. ***(Motion to receive made by Supervisor Farr, second by Supervisor Carbajal; 4-0)***

3. Receive report on State issues of interest to the County and direction staff to take action as necessary. ***(Motion to receive made by Supervisor Farr, second by Supervisor Carbajal; 4-0)***

3A. Advocacy letters sent last month.

Note: Supervisor Farr discussed impacts of SB 498 and SB 801.

4. Staff Reports:
(Motion to approve made by Supervisor Carbajal, second by Supervisor Farr; 4-0)

4A. Review updates to the Legislative Platform Development Process in preparation for 2015 Legislative Platform.

- 4B. Review updates to the proposed 2015 Platform Planks for acceptance into platform for Board of Supervisors discussion on October 21, 2014.

Supervisor Farr commented on Ag/Williamson Act Subvention and asked why applicants have to submit payments to the state if subvention is no longer occurring. Example used was the Cuyama Solar project. Supervisor Carbajal agreed and suggested the payment to state be avoided and discuss the issue further. Glenn Russell, Planning & Development Director, commented that the monies are spent on conservation administration work.

Assistant CEO, Terri Maus-Nisich, notified Committee that Mission Creek-Lower Plank will be added back to the platform.

Committee reviewed the updated planks with comments:

Plank	Note
Improving Local Governance	Unincorporated Powers – edit to reiterate tools available to cities.
Land Use	Enforcement Fines for Land Use Violations – Add language explaining impacts of fines, use example, and discuss economic development framework. Glenn Russell to update.
Safety Net Preservation	Approved.
Senior Services-Older Americans Act Reauthorization	Approved.
Telecommunications Legislation	Supervisor Farr requested that specific health actionable language be added citing Longitudinal studies of health impacts. Supervisor Carbajal agreed.

5. Consider new Committee business for future meetings.
No Comments

Meeting adjourned at 11:20 AM. (Motion to adjourn made by Supervisor Farr, second by County Counsel, M. Ghizzoni; 4-0).

Next meeting: Monday, November 3, 2014

TO: Members, County of Santa Barbara Legislative Committee

FROM: Cliff Berg, Legislative Advocate
Monica Miller, Legislative Advocate

RE: January 2015 State Update

DATE: January 29, 2015

The Legislature returned to Sacramento on January 5, 2015 to get the session started. The Governor was sworn in and gave his annual “State of the State” where he indicated that the state was getting stabilized but cautioned that this is not the time to increase spending and to keep our eyes on the prize.

On January 9, 2015 the Governor released his 2015-16 budget which includes funding for his rainy day fund, the first installment of the water bonds funds and a \$533 million repayment to local governments for pre-2004 mandates repayments. The legislature will now begin their sub-committee process to review his proposed budget and offer alternatives that fit with their priorities, all to go to budget conference committee this summer to get the details ironed out. We will work closely with staff to keep apprised of the budget as it unfolds and determine what the various proposals mean to you and your constituents.

Bills of Interest to the County

AB 3 (Williams) This bill would express the intent of the Legislature to clarify and establish the necessary authority for the creation of the Isla Vista Community Services District within the unincorporated area of Santa Barbara County, and would make legislative findings and declarations relating to that intent. The County has not taken a position, however we continue to work with Assembly Member Williams and his staff on the legislation.

SB 13 (Pavley) This bill would provide a local agency or groundwater sustainability agency 90 or 180 days, as prescribed, to remedy certain deficiencies that caused the board to designate the basin as a probationary basin. This bill would authorize the board to develop an interim plan for certain probationary basins one year after the designation of the basin as a probationary basin. The bill also state that if the department determines that all or part of a basin or subbasin is not being monitored, would require the department to determine whether there is sufficient interest in establishing a groundwater sustainability plan. The bill will also serve as a vehicle for any necessary clean-up to the major ground water bill package passed and signed into law in 2014. The County does not have a position on this bill, but we are watching it as it moves through the process.

SB 122 (Jackson, Hill and Roth) This bill is a vehicle for potential CEQA reform. The bill would require the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects. The bill would state the intent of the Legislature to enact legislation establishing an electronic database clearinghouse of notices and environmental document prepared pursuant to CEQA, establishing a public review period

Agenda Item 3

for a final environmental impact report, and relating to the record of proceedings for a project for which an environmental impact report is prepared pursuant to CEQA.

Conclusion

With the legislature just getting started and 37 new members, we anticipate that there will be a slow bill introduction period. The Legislative Counsel deadline is January 30, 2015 and the bill introduction is February 27, 2015. Now that committee assignments have been made and most of the staff are in place, legislators will carefully consider their legislative packages and priorities for the coming year. We will work with staff and continue to keep you updated on issues that pertain to the County. Additionally, we have briefed your delegation on our legislative platform and priorities for the coming year. Should you or your staff have any questions, please don't hesitate to ask.

Fee-to-Trust Reform Proposed Resolution

The Fee-to-Trust Reform Resolution will be before the Board of Supervisors on February 10, 2015. The recommendation is to adopt a resolution “In the Matter of Urging Congress to Enact Comprehensive Fee-To-Trust Reform that Respects Tribal Sovereignty and Recognizes Local Governments as Meaningful and Constructive Stakeholders” and communicate the County’s position to the California State Association of Counties (CSAC).

In 2015, CSAC will be continuing efforts to reform the federal fee-to-trust process. Many California counties contend with off-reservation impacts from projects on reservation land. CSAC officers and staff will use individual county resolutions in support of their reform proposal at the National Association of Counties (NACo) Legislative Conference and in meetings with California’s congressional delegation.

The existing federal laws and regulations pertaining to tribal gaming fail to adequately address the off-reservation impacts of tribal land development. Reform efforts by CSAC intend to provide counties adequate notice about fee-to-trust applications, provide counties with meaningful consultation, and incentivize judicially enforceable intergovernmental agreements.

CSAC is requesting that Congress fix deficiencies in the Bureau of Indian Affairs’ (BIA) fee-to trust process. Such action should clearly define the roles of Congress and the executive branch in trust land decisions; establish clear and specific congressional trust acquisition standards; and, put in place a more transparent process. CSAC has outlined necessary legislative reforms in the attached policy brief. CSAC’s Comprehensive Fee-to-Trust Reform Proposal is also attached.

The County of Santa Barbara 2015 Legislative Platform includes targeted advocacy of tribal gaming compacts and land use (see attached). The County currently supports the policy and platform positions of CSAC and NACo on this topic, and adoption of this resolution reaffirms this position.

Attachments:

- A. Resolution
- B. CSAC Indian Fee-to-Trust Reform Policy Brief
- C. CSAC Comprehensive Fee-to-Trust Reform Proposal
- D. County of Santa Barbara 2015 Legislative Platform, Tribal Gaming Compacts & Land Use Plank

PROPOSED
**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA STATE OF CALIFORNIA**

**IN THE MATTER OF URGING
CONGRESS TO ENACT
COMPREHENSIVE FEE-TO-TRUST
REFORM THAT RESPECTS TRIBAL
SOVEREIGNTY AND RECOGNIZES
LOCAL GOVERNMENTS AS
MEANINGFUL AND CONSTRUCTIVE
STAKEHOLDERS**

RESOLUTION NO. 15-

WHEREAS, the County of Santa Barbara, State of California, affirms its absolute respect for the authority granted to federally recognized tribes and for the right of Indian tribes to self-governance, and recognizes the need for tribes to preserve their cultural heritage and pursue economic self-reliance; and

WHEREAS, the County of Santa Barbara has a legal responsibility to properly provide for and protect the health, safety, and general welfare of the members of our communities, including tribal members; and

WHEREAS, every Californian, including all tribal members, depend upon county government for a broad range of critical services, ranging from public safety and transportation, to waste management and disaster relief, and California counties are responsible for nearly 700 programs, including, but not limited to, local law enforcement, public health, fire protection, family support, probation, jails, child and adult protective services, roads and bridges, and flood control; and

WHEREAS, the U.S. Department of Interior takes land into trust for the benefit of federally recognized tribes or individual tribal members; and

WHEREAS, uses of tribal trust lands include governmental operations, cultural activities, agricultural or forestry activities, housing, social and community services, health care, educational facilities, tribal casinos and other commercial developments; and

WHEREAS, large tribal development projects, including casinos, can attract large volumes of visitors and lead to a myriad of significant adverse social and environmental impacts on the surrounding community; and

WHEREAS, an informed and objective process for the acquisition of tribal trust lands is important in promoting inter-governmental cooperation, the provision of adequate health and safety services to the community, and in balancing development with related governmental interests such as containing urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services; and

WHEREAS, there are major, long-standing deficiencies in the current fee-to-trust process as it relates to both gaming and non-gaming land acquisitions; and

WHEREAS, the implications of losing jurisdiction over local lands are very significant, including the loss of tax base, loss of planning and zoning authority, and the loss of environmental and other regulatory power; and

WHEREAS, state, county and local governments are afforded inadequate, and often late, notice of a pending trust land application, and, under the current regulations, are asked to provide comments, in a very abbreviated time frame, on only two narrow issues: potential jurisdictional conflicts and loss of tax revenues; and

WHEREAS, studies by both the U.S. Government Accountability Office and independent legal researchers (Extreme Rubber Stamping: The Fee-to-Trust Process of the Indian Reorganization Act of 1934, Pepperdine Law Review, Volume 40 – Issue 1 (2012)) have determined that the current BIA process lacks objective criteria and has become a “rubber-stamp” for tribal fee-to-trust requests; and

WHEREAS, the lack of objective and consistently applied standards has resulted in a broken fee-to-trust land process that fails to meaningfully include legitimate interests, provide adequate transparency to the public, or demonstrate fundamental balance in trust land decisions, thereby creating significant controversy, conflicts between tribes and local governments, costly litigation, and broad distrust of the fairness of the system; and

WHEREAS, on February 24, 2009, the U.S. Supreme Court issued its landmark decision on Indian trust lands in *Carciere v. Salazar*, holding that the Secretary of the Interior lacks authority to take land into trust on behalf of Indian tribes that were not under the jurisdiction of the federal government upon enactment of the IRA in 1934; and

WHEREAS, the responsibility to address the implications of *Carciere* rests with Congress and the decision presents a historic opportunity to address the long-standing issues with the fee-to-trust process; and

WHEREAS, a *Carciere* “fix” does not make sense if the trust process remains broken and the County of Santa Barbara calls on Congress to establish clear and specific congressional standards and processes to guide trust land decisions in the future and to define the respective roles of Congress and the Executive Branch in trust land decisions; and

WHEREAS, it is the adopted policy of both the California State Association of Counties (CSAC) and the National Association of Counties (NACo), as has been conveyed to Congress in oral and written testimony, that a *Carciere* fix should not be undertaken absent comprehensive fee-to-trust reform; and

WHEREAS, the BIA has recently promulgated an amendment to the fee-to-trust regulations (25 CFR 151.12), over the objection of many California local governments, which

allows for land to immediately go into trust despite outstanding valid legal challenges to the BIA trust decision; and

WHEREAS, the coordination of tribal, state, county and local government policies can reduce jurisdictional conflicts and the use of voluntary agreements by tribes and local governments are important to create joint plans for economic growth, long-term land use, transportation, and other aspects of regional planning; and

NOW THEREFORE, BE IT RESOLVED that by the Board of Supervisors of the County of Santa Barbara, State of California, urges Congress to enact comprehensive fee-to-trust reform as part of any *Carcieri* “fix” that simultaneously respects the sovereignty of federally recognized tribes and provides local governments a meaningful role in the trust land process; and

BE IT FURTHER RESOLVED that trust reform should embody a new paradigm where counties are considered meaningful and constructive stakeholders in fee-to-trust decisions which shall include: full disclosure of trust land uses on applications; fair notice to counties and a meaningful opportunity to respond to applications; BIA transparency regarding its process and decision-making; and clear objective standards by which applications are considered; and

BE IT FURTHER RESOLVED that the County of Santa Barbara supports and encourages federal fee-to-trust process reform which provides an incentive for intergovernmental agreements to support constructive government-to-government relationships between counties and federally recognized Indian tribes to ensure that the off-reservation impacts of tribal development are fully mitigated.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this tenth day of February 2015 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST:
Mona Miyasato
Clerk of the Board

Janet Wolf, Chair
Board of Supervisors

BY: _____

APPROVED AS TO FORM:
Michael Ghizzoni
County Counsel

BY: _____

INDIAN FEE TO TRUST REFORM



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REQUESTED ACTION: Congress should fix long-standing deficiencies in the Bureau of Indian Affairs' (BIA) fee-to-trust process as part of any legislation that addresses the U.S. Supreme Court's *Carcieri v. Salazar* decision. In doing so, the respective roles of Congress and the executive branch in trust land decisions must be better defined; clear and specific congressional trust acquisition standards established; and, a more transparent process put into place. Specific legislative reforms must include the following:

Notice and Transparency – As part of the trust application process, local governments should be given immediate notice when an application is filed and should receive a complete description of the proposed trust land acquisition purposes. This level of disclosure should be commensurate with the public information required for planning, zoning, and permitting at the local level. In addition, counties should receive notice of tribal requests for determinations of whether an acquisition is considered "Indian lands" and therefore eligible for casino gaming.

Consultation – Provide sufficient opportunity for public comment and consultation. Under Part 151 fee-to-trust regulations, the BIA does not provide notice to or invite comments from non-jurisdictional parties, even though nearby governments and private parties may experience major negative impacts as a result of tribal development. BIA only invites comments from the affected state and the local governments with legal jurisdiction over the land and, from those parties, only on the narrow question of tax revenue loss and regulatory jurisdictional conflicts. As a result, trust acquisition requests are reviewed under a very one-sided and incomplete record that does not provide real consultation or an adequate representation of the consequences of the decision. Consultation should be encouraged to take place before an application is submitted and efforts should be made to include counties in the NEPA process as "cooperating agencies." Counties further should be provided an opportunity to comment on tribal requests for gaming determinations on whether proposed acquisitions qualify as "Indian lands."

Enforceable Intergovernmental Agreements – Legislation must ensure that significant off-reservation impacts of a project, including environmental and economic impacts from the transfer of land into trust, are sufficiently addressed through Intergovernmental Agreements between tribes and local governments. It should be noted that such an approach is required and working well under recent California State gaming compacts.

BACKGROUND: On February 24, 2009, the U.S. Supreme Court issued its landmark decision on Indian trust lands in *Carcieri v. Salazar*. The decision held that the Secretary of the Interior lacks authority to take land into trust on behalf of Indian tribes that were not under the jurisdiction of the federal government upon enactment of the *Indian Reorganization Act* in 1934.

In the wake of this significant court decision, many tribes have urged Congress to overturn the Supreme Court's ruling. As in previous sessions of Congress, legislation has been introduced in the 113th Congress (HR 279/HR 666) that would reverse the Supreme Court's ruling by providing the Secretary of the Interior with authority to take land into trust for *all* tribes. Unfortunately, the legislation does not include any trust land reform provisions.

Contacts: Joe Krahn/Hasan Sarsour, Waterman & Associates, (202) 898-1444
Kiana Buss/Chris Lee, CSAC, (916) 327-7500, Ext. 566/Ext. 521



COMPREHENSIVE FEE-TO-TRUST REFORM PROPOSAL
OCTOBER 5, 2011

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Section 5 of the Indian Reorganization Act, 25 U.S.C. § 465

The Secretary of the Interior is authorized, in his discretion, to acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed \$2,000,000 in any one fiscal year: Provided, that no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona, nor in New Mexico, in the event that legislation to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes, or similar legislation, becomes law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act or the Act of July 28, 1955 (69 Stat. 392), as amended (25 U.S.C. 608 et seq.) shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

The Secretary may acquire land in trust pursuant to this section where the applicant has identified a specific use of the land and:

- (a) the Indian tribe or individual Indian applicant has executed enforceable agreements with each jurisdictional local government addressing the impacts of the proposed trust acquisition; or
- (b) in the absence of the agreements identified in subsection (a):
 - (1) the Indian tribe or individual Indian demonstrates, and the Secretary determines, that:
 - (A) the land will be used for non-economic purposes, including for religious, cultural, tribal housing, or governmental facilities, and the applicant lacks sufficient trust land for that purpose; or
 - (B) the land will be used for economic or gaming purposes and the applicant has not achieved economic self-sufficiency and lacks sufficient trust land for that purpose;

and

- (2) the Secretary determines, after consulting with appropriate state and local officials, that the acquisition would not be detrimental to the surrounding community and that all significant jurisdictional conflicts and impacts, including increased costs of services, lost revenues, and environmental impacts, have been mitigated to the extent practicable.
- (c) notice and a copy of any application, partial or complete, to have land acquired in trust shall be provided by the Secretary to the State and affected local government units within twenty (20) days of receipt of the application, or of any supplement to it. The Secretary shall provide affected local governmental units at least ninety (90) days to submit comments from receipt of notice and a copy of the complete application to have land acquired in trust.
- (d) a material change in use of existing tribal trust land that significantly increases impacts, including gaming or gaming-related uses, shall require approval of the Secretary under this section, and satisfy the requirements of the National Environmental Policy Act, 42 U.S.C. § 4321 et seq., and, if applicable, the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq.;
 - (1) the Secretary shall notify the State and affected local government units within twenty (20) days of any change in use in trust land initiated by an applicant under this subsection.
 - (2) as soon as practicable following any change in use in trust land initiated prior to review and approval under this section, the Secretary shall take steps to stop the new use, including suit in federal court, upon application by an affected local government;
 - (3) any person may file an action under 5 U.S.C. § 701 et seq. to compel the Secretary to enjoin any change in use in trust land initiated prior to review and approval under this section.
- (e) notwithstanding any other provisions of law, the Secretary is authorized to include restrictions on use in the deed transferred to the United States to hold land in trust for the benefit of the Indian tribe or individual Indian and shall consider restricting use in cases involving significant jurisdictional and land use conflicts upon application of governments having jurisdiction over the land;
- (f) any agreement executed pursuant to subsection (a) of this section shall be deemed approved by the Secretary and enforceable according to the terms of the agreement upon acquisition in trust of land by the Secretary;
- (g) the Secretary shall promulgate regulations implementing these amendments within 365 days of enactment.

TRIBAL GAMING COMPACTS & LAND USE

Principle	
Local Control	
Strategy	Target
Advocacy	Fed/State

SUMMARY OF THE ISSUE

The County of Santa Barbara supports government-to-government relations that recognize the role and unique interests of tribes, states, counties, and other local governments to protect all members of their communities and to provide governmental services and infrastructure beneficial to all. In addition, the County recognizes and respects the tribal right of self-governance to provide for tribal members and to preserve traditional tribal culture and heritage. In similar fashion, the County recognizes and promotes self-governance by counties to provide for the health, safety, and general welfare of all members of our communities. In order to provide for full participation by all community members, the County supports the full involvement of local government agencies on issues and activities taking place on tribal fee or trust lands which may create impacts to public health, safety or the environment.

The County of Santa Barbara recognizes that gaming on tribal land in California is governed by a unique structure that combines federal, state, and tribal law. While the impacts of gaming fall primarily on local communities and governments, policy is largely directed and controlled at the state and federal level. However, consistent with the legislative platform adopted by the California Association of Counties (CSAC), many impacted counties find that the compacts as well as distribution of funds via the Special Distribution Fund (SDF) fail to adequately address these impacts and/or to provide meaningful and enforceable mechanisms to prevent or mitigate impacts.

REQUEST STRATEGY AND ACTION

Strategy:

- Funding Request
 Legislative Proposal
 Targeted Advocacy

Action:

Support the restoration of full funding of the county share as a direct contribution of the annual Indian Gaming Special Distribution Fund with letters of support, as well as, the appearance and testimony of County lobbyists.

In the spirit of developing and continuing government-to-government relationships between federal, tribal, state, and local governments; the County of Santa Barbara will coordinate work with CSAC, NACo, and the legislative delegation to improve existing and future Compact language in the following areas:

1. A Tribal Government constructing or expanding a casino or other related businesses or development that impacts off-reservation land will seek review and approval of the local jurisdiction to construct off-reservation improvements consistent with state law and local ordinances including the California Environmental Quality Act (CEQA).
2. A Tribal Government operating a casino or other related businesses or development will mitigate all off-reservation impacts caused by project. In order to ensure consistent regulation, public participation, and maximum environmental protection, Tribes will promulgate and publish environmental protection laws that are at least as stringent as those of the surrounding local community and comply with CEQA.
3. A Tribal Government operating a casino or other related businesses or development will be subject to the authority of a local jurisdiction over health and safety issues including, but not limited to, water service, sewer service, fire inspection and protection, rescue/ambulance service, food inspection, and law enforcement, and reach written agreement on such points.

4. A Tribal Government operating a casino or other related businesses or development will pay to the local jurisdiction the Tribe's fair share of appropriate costs for local government services. These services include, but are not limited to, water, sewer, fire inspection and protection, rescue/ambulance, food inspection, health and social services, law enforcement, roads, transit, flood control, and other public infrastructure.
5. The Indian Gaming Special Distribution Fund, created by Section 5 of the Tribal-State Compact will not be the exclusive source of mitigation, but will ensure that counties receive some funding to mitigate off-reservation impacts caused by tribal gaming.

The County of Santa Barbara continues to support the policy and platform positions of CSAC and NACo stating that judicially enforceable agreements between counties and tribal governments must be required in order to ensure that potential impacts resulting from projects are fully analyzed and mitigated to the satisfaction of the surrounding local governments. These agreements would fully mitigate local impacts from a tribal government's business and development activities and fully identify the governmental services to be provided by the county to that tribe.

PUBLIC BENEFIT/IMPACT

Involvement of the local government, general public and technical consultants in matters pertaining to future land use and potential development is critical to the overall review of any project to ensure compliance with Community Plans and the County's General Plan. Failure to fully engage critical stakeholders in project development and review impairs the ability of a local government to seek appropriate mitigation and/or provide critical public services which may have long term impacts on a region as a whole.

COST TO GOVERNMENT

The County of Santa Barbara previously enjoyed a distribution from the SDF of approximately \$1.4 million annually. Recent reports from the state Legislative Analysts Office and Controllers office indicate that funds are unlikely to be available for gaming impact mitigation grants. These funds were previously utilized to fund fire, law enforcement, and capital projects. In addition development which occurs on lands taken fee to trust are taken off property tax rolls thus critical revenue to address service and infrastructure related impacts are lost to a local government in perpetuity.

CONTACT

Terri Maus-Nisich, Assistant CEO, County Executive Office, (805) 568-3400