

SANTA BARBARA COUNTY
INDIAN GAMING
LOCAL COMMUNITY
BENEFIT COMMITTEE

MEMBERS:

Tribal Members:

***Santa Ynez Band of
Chumash Indians***

Vincent Armenta
Tribal Chairman

Reginald Pagaling
Enrolled Tribal Member
*Community Benefit Committee
Chair*

**County
Board of Supervisors:**

Steve Lavagnino
5th District Supervisor

Doreen Farr
3rd District Supervisor
*Community Benefit Committee
Vice Chair*

City Council:

City of Solvang:

Joan Jamieson
Council Member

Hans Duus
Council Member
*Community Benefit Committee –
Member at Large*

City of Buellton:

Ed Andrisek
Council Member

Staff:

Terri Maus-Nisich
Assistant County Executive Officer
568-3400

Dennis Bozanich
Assistant to the CEO
568-3400

Sam Cohen
Tribal Administrator
688-7997

Kevin Ready
Deputy County Counsel
568-2950

AGENDA

Friday, May 25, 2012

City of Solvang - City Council Chambers
1644 Oak Street, Solvang, CA

10:00AM - Convene

Roll Call

Public Comment

- I. Approval of Minutes: April 20, 2012 (Attachment 1)
- II. Report from Tribe – Sponsorship Determination (Attachment 2)
- III. Special Distribution Fund Grant Nexus Criteria (Attachment 3)
- IV. Distribution of funds to sponsored projects
- V. Adjourn

ACTION SUMMARY

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Friday, April 20, 2012

City of Solvang - City Council Chambers
1644 Oak Street, Solvang, CA

10:00AM – Meeting called to order by Vice Chair Farr

Roll Call

Present

Tribal Chairman, Vincent Armenta
3rd District Supervisor, Doreen Farr
5th District Supervisor, Steve Lavagnino
Council Member, Joan Jamieson
Council Member, Hans Duus
Council Member, Ed Andrisek

Absent

Committee Chair, Reginald Pagaling

Public Comment

I. Approval of Minutes: February 29, 2012

A motion was made to accept the minutes.

The motion carried unanimously.

II. Presentation of Grant Applicants:

- Buellton City Manager John Kunkel presented on the traffic officer and the Senior Center grant proposals.
- Solvang City Manager Brad Vidro noticed committee of change to past \$330K for bike path across the bridge.
- Santa Barbara County Fire Chief Michael Dyer presented on the 4th Firefighter post position at Station 32 in Santa Ynez adjacent to the Chumash Casino.
- Santa Barbara County Undersheriff Jim Petersen presented on reimbursement for past expenses and the roll forward to FY 2013-14 to cover the position to provide continued Law Enforcement (Deputy Sheriff) coverage (5 FTEs) on a 24-hours a day/7-days a week basis.
- Santa Ynez Community Services District, General Manager, Bobbi Martin presented on the need for manhole covers due to increase in vehicle traffic on main roadways to the casino.

III. Meeting adjourned at 11:00AM.



Santa Ynez Band of Chumash Indians

P.O. Box 517 • Santa Ynez, CA 93460
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www.santaynezchumash.org

ATTACHMENT 2

BUSINESS COMMITTEE

Vincent Armenta, *Chairman*
Richard Gomez, *Vice Chairman*
Kenneth Kahn, *Secretary/Treasurer*
David D. Dominguez, *Committee Member*
Gary Pace, *Committee Member*

May 18, 2012

This letter supersedes the May 17, 2012 letter to the 2011-2012 Santa Barbara County Indian Gaming Local Community Benefit Committee (“SBCIGLCBC”) grant applicants:

The Business Committee of the Santa Ynez Band of Chumash Indians (“Tribe”) has (1) made the decision to affirmatively sponsor the following grants labeled SPONSORED and (2) has decided that the following applications labeled SPONSORED both have a reasonable relationship to a casino impact and satisfy at least one of the priorities listed in Govt. Code Section 12715(g) (hereinafter (1) and (2) collectively referred to as “Sponsored”), subject to the “Conditions of Sponsorship for both Sponsorship and Non-Sponsorship” contained herein:

TOTAL AVAILABLE GRANT FUNDS: \$736,752.00

Additional Background:

It has become apparent that the Tribe is being asked to pay as much for law enforcement and fire protection as the cities of Solvang and Buellton. This year’s funding request from the Sheriff exceeds one million dollars which is comparable to the annual contract fee amount paid by the cities of Solvang and Buellton, each of which pays approximately \$1.4 million and \$1.6 million, respectively.

Historically, the Tribe has fully funded one of the four full-time Deputy Sheriff positions at the Solvang substation in an amount in excess of \$700,000 annually. One full-time Deputy position is filled on a 24/7 basis with five actual officers. **That means the Tribe pays for at least one fourth of all law enforcement from Santa Ynez to Solvang.**

In 2011, there were 6,019 calls for service in the Santa Ynez Valley, of those calls, 660 were for the Chumash Casino; that is about 11 percent of total service calls for last year.

In addition, the County CEO has threatened to remove the fourth firefighter/EMT from Fire Station 32 east of the reservation that serves all of Santa Ynez and east Solvang. While the Chumash Casino maintains a full staff of EMTs, the County CEO’s attempt to remove a fourth firefighter/paramedic is placing every other County resident east of Solvang at risk without any paramedic protection.

Sponsorship:

<u>Decision & Amount</u>	<u>Applicant</u>
Sponsored Amount \$501,000	County of Santa Barbara Firefighter/Paramedic position Michael W. Dyer, Fire Chief Fax: (805) 681-5563
Sponsored Amount \$117,876.20 (\$177,500 requested)	City of Buellton Additional Law Enforcement Services John Kunkel, City Manager Fax: (805) 686-0086
Sponsored Amount \$117,876.20 (\$736,752 requested)	County of Santa Barbara 5 Deputy Sheriff positions Sheriff Bill Brown Fax: (805) 686-5010
NOT Sponsored	City of Buellton Buellton Senior Center John Kunkel, City Manager Fax: (805) 686-0086
NOT Sponsored	Santa Ynez Community Services District Funding for manhole covers, etc. Bobbie Martin, General Manager Fax: (805) 688-3006
No Grant Application (\$380,000 remaining funds) SPONSOR remaining funds	City of Solvang Other portions of Alamo Pintado Bridge on Hwy 246 Brad Vidro, City Manager Fax: (805) 686-2049

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Conditions of Sponsorship for both Sponsorship and Non-Sponsorship

1. Tribal sponsorship is not any type of vested property right and can be withdrawn by the Tribe without cause or notice any time prior to approval of the grant by the SBCIGLCBC. Sponsorship in any one year is no guarantee of sponsorship in any future year and the Tribe reserves the right to review Sponsorship applications for each new grant cycle or as permitted or required herein more frequently.
2. **Any legal challenge or any other contesting of any part of this sponsorship letter, including, but not limited to grant sponsored or grant amount sponsored if applicable, shall immediately void all sponsorships contained herein and all other sponsorships by the Tribe to all other grant applications by the same grant applicant whether prior to or after approval of the grants by the SBCIGLCBC regardless of Condition of Sponsorship No. 1 above.** Any sponsorship or non-sponsorship decision is not subject to any appeal to the Tribe, the General Council, Business Committee or otherwise.
3. Nothing herein shall subject the Tribe, General Council, Business Committee or either of their, officers, employees, agents or members to the jurisdiction of the State of California, County of Santa Barbara, or any city/municipality or otherwise constitute an express or implied waiver of the sovereign immunity of the Tribe, General Council, Business Committee, or either of their, officers, employees, agents or members.
4. The Tribe's determination that an application is reasonably related to casino impact(s) is for grant funding purposes only and shall not be construed as any admission by the Tribe.

Sincerely,



Vincent Armenta,
Tribal Chairman

County Executive Office



Date: May 25, 2012
To: Indian Gaming Local Community Benefit Committee
From: Terri Nisich, Asst. County Executive Officer
Subject: SDF Grants – Nexus Criteria

Attached please find the **Special Distribution Fund Grant Nexus Criteria Worksheet**. This is provided to assist the Committee during deliberations on grant awards. The worksheet provides the following information for the Committee's consideration:

- Column 1 Requesting Agency/Entity Name
- Column 2 Disposition of Tribal Sponsorship for the granting year
- Column 3 Mitigation – This is a recommendation by County staff regarding the agency request and if in fact that request directly mitigates impacts of gaming.
- Columns 4-7 Geographic Nexus – This is a recommendation by County staff regarding the applicants' status per the criteria for nexus funding per Section 12715 of the Government Code (page 3 of Government Code Section 12710-12718). The criteria are as follows:
- Column 4:** the local government jurisdiction borders the Indian lands on all sides **Section 12715(c)(1)(A)**
- Column 5:** the local government jurisdiction partially borders Indian lands **Section 12715(c)(1)(B)**
- Column 6:** the local government jurisdiction maintains a highway, road, or other thoroughfare that is the predominant access route to a casino that is located within four miles **Section 12715(c)(1)(C)**
- Column 7:** all or a portion of the local government jurisdiction is located within four miles of a casino **Section 12715(c)(1)(D)**
- Column 8 Total amount request by agency
- Columns 9 -13 Nexus and discretionary funding criteria to be completed by the Committee during meeting of May 25, 2012
- Column 14 Brief project description
- Column 15 Priorities for the receipt of grant moneys 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.

Per staff's recommendation it is found that the County of Santa Barbara requests meet three of the four nexus criteria. No other entity sponsored by the tribe meet the same nexus criteria. Both agencies that meet and do not meet geographic nexus criteria are eligible for discretionary funding.

The Committee will be requested to confirm staff's recommendation on nexus criteria, conduct allocation nexus funding based on that criteria and allocate the discretionary funding. Finally, the Committee has been requested by the City of Solvang, to reallocate prior year unexpended funds for continuation of the Alamo Pintado Bridge Widening Project.

**Santa Barbara County - SDF Grants
Nexus Criteria**

Entity	Sponsorship	Mitigation	Geographic Nexus					Nexus Funding Criteria			Nexus Funding Allocated	Discretionary Funding Allocated	Project	Section 12715(g)
			the local government jurisdiction borders the Indian lands on all sides Section 12715(c)(1)(A) Y/N	the local government jurisdiction partially borders Indian lands Section 12715(c)(1)(B) Y/N	the local government jurisdiction maintains a highway, road, or other thoroughfare that is the predominant access route to a casino that is located within four miles Section 12715(c)(1)(C) Y/N	all or a portion of the local government jurisdiction is located within four miles of a casino Section 12715(c)(1)(D) Y/N	\$ Requested	\$736,752						
								50%/ 4	30%/ 3	20%/ 2				
								\$221,026	\$132,615	\$88,410				
City of Buellton	Y	Y	N	N	N	N	\$177,500				-		Provide additional law enforcement (traffic officer) services. The City contracts service through the Santa Barbara County Sheriff's Department.	Y
City of Buellton	N	N	-	-	-	-	\$ 25,000				-		Provide and expand services to Buellton Senior Center. The Buellton Senior Center currently provides meals and activities for seniors and citizens services to the Valley Seniors.	--
SY CSD	N	N	-	-	-	-	\$ 21,000				-		Replacement of 24 manhole ring/covers within the streets of Edison, Sanja Cota and Hwy 246.	--
SB County Fire Dept.	Y	Y	Y	Y	N	Y	\$ 501,000						Fund a Firefighter/Paramedic post position (3FTE's) at Station 32 in Santa Ynez adjacent to the Chumash Casino.	Y
SB County Sheriff's Dept.	Y	Y	Y	Y	N	Y	\$736,752						Provide continued law Enforcement (Deputy Sheriff) coverage (5 FTEs) on a 24-hour a day/7-days a week basis.	Y
Totals:								\$0	\$0	\$0	\$0	\$0		
-- Prior Year Funding --														
City of Solvang	Y	Y	N	N	Y	Y	\$ 380,000				-		Widening the Alamo Pintado Bridge on State Hwy 246 to allow additional westbound traffic lane and bike lane as part of intersection improvements. Fund request is for continuing with preliminary engineering work and completing environmental document.	Y

GOVERNMENT CODE

SECTION 12710-12718

12710. This chapter establishes the method of calculating the distribution of appropriations from the Indian Gaming Special Distribution Fund for grants to local government agencies impacted by tribal gaming.

12711. (a) It is the intent of the Legislature to establish a fair and proportionate system to award grants from the Indian Gaming Special Distribution Fund for the support of local government agencies impacted by tribal gaming. It is also the intent of the Legislature that priority for funding shall be given to local government agencies impacted by the tribal casinos that contribute to the Indian Gaming Special Distribution Fund.

(b) It is the intent of the Legislature that in the event that any compact between any tribe and the state takes effect on or after the effective date of this chapter, or that any compact between any tribe and the state that took effect on or before May 16, 2000, is renegotiated and reexecuted at any time after its initial effective date, money provided to the state by a tribe pursuant to the terms of these compacts shall be applied on a pro rata basis to the state costs for the regulation of gaming and for problem gambling prevention programs in the Office of Problem and Pathological Gambling within the State Department of Alcohol and Drug Programs.

(c) It is the intent of the Legislature that if any compact between any tribe and the state takes effect on or after the effective date of this chapter, or if any compact between any tribe and the state that took effect on or before May 16, 2000, is renegotiated and reexecuted at any time after its initial effective date, any revenue sharing provisions of that compact that requires distributions to nongaming or noncompact tribes shall result in a decrease in the amount that the Legislature appropriates pursuant to this chapter.

12712. As used in this chapter:

(a) "County Tribal Casino Account" means an account consisting of all moneys paid by tribes of that county into the Indian Gaming Special Distribution Fund after deduction of the amounts appropriated pursuant to the priorities specified in Section 12012.85.

(b) "Individual Tribal Casino Accounts" means an account for each individual tribe that has paid money into the Indian Gaming Special Distribution Fund. The individual tribal casino account shall be funded in proportion to the amount that the individual tribe has paid into the Indian Gaming Special Distribution Fund.

(c) "Local government jurisdiction" or "local jurisdiction" means any city, county, or special district.

(d) "Special district" means any agency of the state that performs governmental or proprietary functions within limited boundaries. "Special district" includes a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone, district, or area that meets the requirements of this subdivision. "Special district" does not include a city, county, school district, or community college district.

12713. The Department of Finance, in consultation with the California Gambling Control Commission, shall calculate the total revenue in the Indian Gaming Special Distribution Fund that will be available for the current budget year for local government agencies impacted by tribal gaming. The department shall include this information in the May budget revision.

12714. (a) A County Tribal Casino Account is hereby created in the treasury for each county that contains a tribal casino.

(b) The amount to be deposited into each eligible county's County Tribal Casino Account shall be calculated in the following way:

(1) (A) For counties that do not have gaming devices subject to an obligation to make contributions to the Indian Gaming Special Distribution Fund, the total amount to be appropriated by the Legislature for grants to local government agencies impacted by tribal gaming shall be multiplied by 5 percent.

(B) The amount determined pursuant to subparagraph (A) shall be divided by the aggregate number of gaming devices located in those counties that do not have gaming devices subject to an obligation to make contributions to the Indian Gaming Special Distribution Fund.

(C) The amount determined pursuant to subparagraph (B) shall be multiplied by the number of gaming devices located in each county for which an appropriation is being calculated that are not subject to an obligation to make contributions to the Indian Gaming Special Distribution Fund.

(D) The amount determined pursuant to subparagraph (C) shall be deposited into the County Tribal Casino Account for the county for which the appropriation was calculated.

(2) (A) For counties that have gaming devices subject to an obligation to make contributions to the Indian Gaming Special Distribution Fund, the total amount to be appropriated by the Legislature for grants to local government agencies impacted by tribal gaming shall be multiplied by 95 percent.

(B) The amount determined pursuant to subparagraph (A) shall be divided by the aggregate number of gaming devices located in those counties that have gaming devices subject to an obligation to make contributions to the Indian Gaming Special Distribution Fund.

(C) The amount determined pursuant to subparagraph (B) shall be multiplied by the number of gaming devices located in each county for which an appropriation is being calculated that are subject to an obligation to make contributions to the Indian Gaming Special Distribution Fund.

(D) The amount determined pursuant to subparagraph (C) shall be deposited into the County Tribal Casino Account for the county for which the appropriation was calculated.

12715. (a) The Controller, acting in consultation with the California Gambling Control Commission, shall divide the County Tribal Casino Account for each county that has gaming devices that are subject to an obligation to make contributions to the Indian Gaming Special Distribution Fund into a separate account for each tribe that operates a casino within the county. These accounts shall be known as Individual Tribal Casino Accounts, and funds may be released from these accounts to make grants selected by an Indian Gaming Local Community Benefit Committee pursuant to the method established by this section to local jurisdictions impacted by tribal casinos. Each Individual Tribal Casino Account shall be funded in proportion to the amount that each individual tribe paid in the prior fiscal year to the Indian Gaming Special Distribution Fund.

(b) (1) There is hereby created in each county in which Indian

gaming is conducted an Indian Gaming Local Community Benefit Committee. The selection of all grants from each Individual Tribal Casino Account or County Tribal Casino Account shall be made by each county's Indian Gaming Local Community Benefit Committee. In selecting grants, the Indian Gaming Local Community Benefit Committee shall follow the priorities established in subdivision (g) and the requirements specified in subdivision (h). This committee has the following additional responsibilities:

(A) Establishing all application policies and procedures for grants from the Individual Tribal Casino Account or County Tribal Casino Account.

(B) Assessing the eligibility of applications for grants from local jurisdictions impacted by tribal gaming operations.

(C) Determining the appropriate amount for reimbursement from the aggregate county tribal account of the demonstrated costs incurred by the county for administering the grant programs. The reimbursement for county administrative costs may not exceed 2 percent of the aggregate county tribal account in any given fiscal year.

(2) Except as provided in Section 12715.5, the Indian Gaming Local Community Benefit Committee shall be composed of seven representatives, consisting of the following:

(A) Two representatives from the county, selected by the county board of supervisors.

(B) Three elected representatives from cities located within four miles of a tribal casino in the county, selected by the county board of supervisors. In the event that there are no cities located within four 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 paying into the Indian Gaming Special Distribution Fund in the county. When there are no cities within four miles of a tribal casino in the county, and when the Indian Gaming Local Community Benefit Committee acts on behalf of a county where no tribes pay 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. However, if only one city is within four miles of a tribal casino and that same casino is located entirely within the unincorporated area of that particular county, only one elected representative from that city shall be included on the Indian Gaming Local Community Benefit Committee.

(C) Two representatives selected upon the recommendation of a majority of the tribes paying into the Indian Gaming Special Distribution Fund in each county. When an Indian Gaming Local Community Benefit Committee acts on behalf of a county where no tribes pay into the Indian Gaming Special Distribution Fund, the two representatives may be selected upon the recommendation of the tribes operating casinos in the county.

(c) Sixty percent of each Individual Tribal Casino Account shall be available for nexus grants on a yearly basis to cities and counties impacted by tribes that are paying into the Indian Gaming Special Distribution Fund, according to the four-part nexus test described in paragraph (1). Grant awards shall be selected by each county's Indian Gaming Local Community Benefit Committee and shall be administered by the county. Grants may be awarded on a multiyear basis, and these multiyear grants shall be accounted for in the grant process for each year.

(1) A nexus test based on the geographical proximity of a local government jurisdiction to an individual Indian land upon which a tribal casino is located shall be used by each county's Indian Gaming Local Community Benefit Committee to determine the relative priority for grants, using the following criteria:

(A) Whether the local government jurisdiction borders the Indian lands on all sides.

(B) Whether the local government jurisdiction partially borders Indian lands.

(C) Whether the local government jurisdiction maintains a highway, road, or other thoroughfare that is the predominant access route to a casino that is located within four miles.

(D) Whether all or a portion of the local government jurisdiction is located within four miles of a casino.

(2) Fifty percent of the amount specified in subdivision (c) shall be awarded in equal proportions to local government jurisdictions that meet all four of the nexus test criteria in paragraph (1). If no eligible local government jurisdiction satisfies this requirement, the amount specified in this paragraph shall be made available for nexus grants in equal proportions to local government jurisdictions meeting the requirements of paragraph (3) or (4).

(3) Thirty percent of the amount specified in subdivision (c) shall be awarded in equal proportions to local government jurisdictions that meet three of the nexus test criteria in paragraph (1). If no eligible local government jurisdiction satisfies this requirement, the amount specified in this paragraph shall be made available for nexus grants in equal proportions to local government jurisdictions meeting the requirements of paragraph (2) or (4).

(4) Twenty percent of the amount specified in subdivision (c) shall be awarded in equal proportions to local government jurisdictions that meet two of the nexus test criteria in paragraph (1). If no eligible local government jurisdiction satisfies this requirement, the amount specified in this paragraph shall be made available for nexus grants in equal proportions to local government jurisdictions meeting the requirements of paragraph (2) or (3).

(d) Twenty percent of each Individual Tribal Casino Account shall be available for discretionary grants to local jurisdictions impacted by tribes that are paying into the Indian Gaming Special Distribution Fund. These discretionary grants shall be made available to all local jurisdictions in the county irrespective of any nexus to impacts from any particular tribal casino, as described in paragraph (1) of subdivision (c). Grant awards shall be selected by each county's Indian Gaming Local Community Benefit Committee and shall be administered by the county. Grants may be awarded on a multiyear basis, and these multiyear grants shall be accounted for in the grant process for each year.

(e) (1) Twenty percent of each Individual Tribal Casino Account shall be available for discretionary grants to local jurisdictions impacted by tribes that are not paying into the Indian Gaming Special Distribution Fund. These grants shall be made available to local jurisdictions in the county irrespective of any nexus to impacts from any particular tribal casino, as described in paragraph (1) of subdivision (c), and irrespective of whether the impacts presented are from a tribal casino that is not paying into the Indian Gaming Special Distribution Fund. Grant awards shall be selected by each county's Indian Gaming Local Community Benefit Committee and shall be administered by the county. Grants may be awarded on a multiyear basis, and these multiyear grants shall be accounted for in the grant process for each year.

(A) Grants awarded pursuant to this subdivision are limited to addressing service-oriented impacts and providing assistance with one-time large capital projects related to Indian gaming impacts.

(B) Grants shall be subject to the sole sponsorship of the tribe that pays into the Indian Gaming Special Distribution Fund and the recommendations of the Indian Gaming Local Community Benefit Committee for that county.

(2) If an eligible county does not have a tribal casino operated by a tribe that does not pay into the Indian Gaming Special Distribution Fund, the moneys available for discretionary grants under this subdivision shall be available for distribution pursuant

to subdivision (d).

(f) (1) For each county that does not have gaming devices subject to an obligation to make payments to the Indian Gaming Special Distribution Fund, funds may be released from the county's County Tribal Casino Account to make grants selected by the county's Indian Gaming Local Community Benefit Committee pursuant to the method established by this section to local jurisdictions impacted by tribal casinos. These grants shall be made available to local jurisdictions in the county irrespective of any nexus to any particular tribal casino. These grants shall follow the priorities specified in subdivision (g) and the requirements specified in subdivision (h).

(2) Funds not allocated from a county tribal casino account by the end of each fiscal year shall revert back to the Indian Gaming Special Distribution Fund. Moneys allocated for the 2003-04 fiscal year shall be eligible for expenditure through December 31, 2004.

(g) The following uses shall be the priorities for the receipt of grant moneys 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.

(h) In selecting grants pursuant to subdivision (b), an Indian Gaming Local Community Benefit Committee shall select only grant applications that mitigate impacts from casinos on local jurisdictions. If a local jurisdiction uses a grant selected pursuant to subdivision (b) for any unrelated purpose, the grant shall terminate immediately and any moneys not yet spent shall revert to the Indian Gaming Special Distribution Fund. If a local jurisdiction approves an expenditure that mitigates an impact from a casino on a local jurisdiction and that also provides other benefits to the local jurisdiction, the grant selected pursuant to subdivision (b) shall be used to finance only the proportionate share of the expenditure that mitigates the impact from the casino.

(i) All grants from Individual Tribal Casino Accounts shall be made only upon the affirmative sponsorship of the tribe paying into the Indian Gaming Special Distribution Fund from whose Individual Tribal Casino Account the grant moneys are available for distribution. Tribal sponsorship shall confirm that the grant application has a reasonable relationship to a casino impact and satisfies at least one of the priorities listed in subdivision (g). A grant may not be made for any purpose that would support or fund, directly or indirectly, any effort related to the opposition or challenge to Indian gaming in the state, and, to the extent any awarded grant is utilized for any prohibited purpose by any local government, upon notice given to the county by any tribe from whose Individual Tribal Casino Account the awarded grant went toward that prohibited use, the grant shall terminate immediately and any moneys not yet used shall again be made available for qualified nexus grants.

(j) A local government jurisdiction that is a recipient of a grant from an Individual County Tribal Casino Account or a County Tribal Casino Account shall provide notice to the public, either through a slogan, signage, or other mechanism, stating that the local government project has received funding from the Indian Gaming Special Distribution Fund and further identifying the particular Individual Tribal Casino Account from which the grant derives.

(k) (1) Each county's Indian Gaming Local Community Benefit Committee shall submit to the Controller a list of approved projects for funding from Individual Tribal Casino Accounts. Upon receipt of this list, the Controller shall release the funds directly to the local government entities for which a grant has been approved by the committee.

(2) Funds not allocated from an Individual Tribal Casino Account

by the end of each fiscal year shall revert back to the Indian Gaming Special Distribution Fund. Moneys allocated for the 2003-04 fiscal year shall be eligible for expenditure through December 31, 2004. Moneys allocated for the 2008-09 fiscal year shall be eligible for expenditure through December 31, 2009.

(1) Notwithstanding any other law, a local government jurisdiction that receives a grant from an Individual Tribal Casino Account shall deposit all funds received in an interest-bearing account and use the interest from those funds only for the purpose of mitigating an impact from a casino. If any portion of the funds in the account is used for any other purpose, the remaining portion shall revert to the Indian Gaming Special Distribution Fund. As a condition of receiving further funds under this section, a local government jurisdiction, upon request of the county, shall demonstrate to the county that all expenditures made from the account have been in compliance with the requirements of this section.

12715.5. In San Diego County, the Indian Gaming Local Community Benefit Committee shall be comprised of seven representatives, consisting of the following:

(a) Two representatives from the county, selected by the county board of supervisors.

(b) One elected representative from the city located within four miles of a tribal casino in the county, selected by the county board of supervisors.

(c) Three representatives selected upon the recommendation of a majority of the tribes paying into the Indian Gaming Special Distribution Fund in the county.

(d) The sheriff of San Diego County.

12716. (a) Each county that administers grants from the Indian Gaming Special Distribution Fund shall provide an annual report to the Chairperson of the Joint Legislative Budget Committee, the chairpersons of the Senate and Assembly committees on governmental organization, and the California Gambling Control Commission by October 1 of each year detailing the specific projects funded by all grants in the county's jurisdiction in the previous fiscal year, including amounts expended in that fiscal year, but funded from appropriations in prior fiscal years. The report shall provide detailed information on the following:

(1) The amount of grant funds received by the county.

(2) A description of each project that is funded.

(3) A description of how each project mitigates the impact of tribal gaming.

(4) The total expenditures for each project.

(5) All administrative costs related to each project, excluding the county's administrative fee.

(6) The funds remaining at the end of the fiscal year for each project.

(7) An explanation regarding how any remaining funds will be spent for each project, including the estimated time for expenditure.

(8) A description of whether each project is funded once or on a continuing basis.

(b) A county that does not provide an annual report pursuant to subdivision (a) shall not be eligible for funding from the Indian Gaming Special Distribution Fund for the following year.

(c) This section shall become operative on January 1, 2012.

12717. The State Auditor shall conduct an audit every three years regarding the allocation and use of moneys from the Indian Gaming Special Distribution Fund by the recipient of the grant moneys. The State Auditor shall report its findings to the Legislature and to all other appropriate entities.

12718. This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends that date.
