



**RESOURCE  
MANAGEMENT AGENCY  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One  
PETE VANDER POEL  
District Two  
PHILLIP A. COX  
District Three  
J. STEVEN WORTHLEY  
District Four  
MIKE ENNIS  
District Five

**AGENDA DATE:** March 4, 2014 REVISED

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

**SUBJECT:** Authorize the Submittal of a 2013/2014 Indian Gaming Local Community Benefit Committee Grant Fund application

**REQUEST(S):**  
That the Board of Supervisors:  
Review and approve submittal of a 2013/2014 Indian Gaming Local Community Benefit Committee Grant Fund application for the road repair project to repair approximately 1.9 miles at Reservation Road totaling \$265,000 in grant funds.

**SUMMARY:**  
On March 9, 2004 the Board of Supervisors, pursuant to SB 621, created a seven member Indian Local Community Benefit Committee. They are responsible for developing the application policies and procedures for approving grants from the Indian Gaming Special Distribution Fund.

The intent of the Senate Bill 621 legislation is to provide mitigation funding to local government agencies impacted by tribal casino operations. The State Controller has collected revenues from tribal casinos that contribute to the Indian Gaming Special Distribution Fund since 1999 and will disburse grant award funding directly to the local jurisdictions that are successful in receiving grant funding from the Committee. The road project grant application submitted is pursuant and subject to all the terms and provisions of the Indian Gaming Special Distribution Fund and regulations of SB 621.

SB 621 provides the following priorities for the receipt of grant money from Individual Tribal Casino Accounts: law enforcement, fire services, emergency

**SUBJECT:** Authorize the submittal of a 2013/2014 Indian Gaming Local Community Benefit Committee Grant Fund application

**DATE:** March 4, 2014

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.

Eligible grantees are local jurisdictions defined as the County, a city, or a special district. All grant applications must receive a sponsorship letter from the Tule River Indian Tribe in order to be eligible for approval by the committee. The committee will meet on May 14, 2014 to review eligible grant applications and is required to award grants and notify the State Controller of all awards by May 30, 2014.

### **Reservation road repair project**

The Tulare County Resource Management Agency Roads Division seeks permission to apply for \$265,000 in grant funding for roads repairs on Reservation Road (Mountain Road 137), starting at Milepost 0.50 proceeding approximately 1.90 miles to Milepost 2.40. This is the main access road into the Tule River Reservation from State Highway 190.

County engineers analyzed 18-years worth of traffic along Reservation Road, and determined casino-related traffic has increased 400% since 1996, when the Eagle Mountain began operating. Furthermore, analysis indicates 87% of all current traffic on the Reservation Road is due to the increased traffic generated by the casino. These figures were calculated after factoring out traffic generated by the local natives who live on the Reservation, based on the assumptions the Tule Tribes' annual population growth rate is less than 4 percent.

Reservation road is in need of repairs due to high traffic volumes to the casino. These funds will be utilized to improve the conditions of the Reservation roads for travelers and local residents.

### **FISCAL IMPACT/FINANCING:**

The Roads department will utilize existing resources to match a \$41,900 the will come from the Roads Fund.

### **LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The proposed grant funds are linked to the Safety and Security Initiative of the Tulare County Strategic Business Plan. The funds will provide adequate facilities for protection of the public.

### **ADMINISTRATIVE SIGN-OFF:**

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Michael C. Spata  
Associate Director

**SUBJECT:** Authorize the submittal of a 2013/2014 Indian Gaming Local Community Benefit Committee Grant Fund application

**DATE:** March 4, 2014

Cc: Auditor-Controller  
County Counsel  
County Administrative Office (2)

Attachment(s) Attachment A- Reservation Road Grant Application  
Attachment B- Reservation Road Traffic Chart

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF  
CALIFORNIA**

IN THE MATTER OF AUTHORIZING )  
THE SUBMITTAL OF A 2013/2014 ) Agreement No. \_\_\_\_\_  
INDIAN GAMING LOCAL COMMITTEE )  
BENEFIT GRANT FUND APPLICATION )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD MARCH 4,  
2014, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JEAN M. ROUSSEAU  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY:

\_\_\_\_\_  
Deputy Clerk

\*\*\*\*\*

Approved submittal of a 2013/2014 Indian Gaming Local Community Benefit Committee Grant Fund application for the road repair project to repair approximately 1.9 miles at Reservation Road totaling \$265,000 in grant funds.

# Attachment A

TULARE COUNTY INDIAN GAMING  
LOCAL COMMUNITY BENEFIT COMMITTEE

TULARE COUNTY INDIAN GAMING LOCAL  
COMMUNITY BENEFIT COMMITTEE

APPLICATION FOR  
FISCAL YEAR 2013/14 GRANT FUNDING

FEBRUARY 3, 2014



**Total Indian Gaming Grant Funding Available:..... \$ 268,177.87**

60% Nexus Proximity Grant Funding Available (County of Tulare only):.. .... \$ 160,906.72

40% Discretionary Grant Funding Available (County, Cities, Special Districts): \$ 107,271 15

Grant Application Workshop Date: . . . . . February 20, 2014

*Please Note: All applicants are strongly encouraged to attend the Application workshop*

Application Due Date: ..... March 21, 2014

*Committee Members:*

Sheriff's Cpt Robin Skiles, Chair  
Kenneth McDarment, Vice-Chair  
Supervisor Mike Ennis  
County Fire Chief Joe Garcia  
Nancy McDarment

*Alternate Members:*

County Division Fire Chief John Crivello  
Rhoda Hunter

*Committee Staff:*

Jed Chernabaeff  
John Hess

*Contact Information:*

Tulare County Administrative Office  
2800 W Burrel Ave  
Visalia, CA 93291  
(559) 636-5005

**TULARE COUNTY INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE  
FISCAL YEAR 2013/14 GRANT APPLICATION**

**INTRODUCTION**

The Tulare County Indian Gaming Local Community Benefit Committee (Committee) is pleased to announce the availability of \$268,177.87 in grants for eligible local governmental jurisdictions for qualified purposes

In addition to the Application for Funding, this announcement packet includes the information listed below. Please review the application thoroughly

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**GRANT APPLICATION WORKSHOP**

All applicants are strongly encouraged to attend the Grant Application Workshop. At the workshop, staff will present the grant requirements and will answer any questions regarding the program's requirements.

The Grant Application Workshop will be held at the City of Porterville City Council Chambers. Below is the meeting time and location.

February 20, 2014  
10 A M – 12 P.M.

City of Porterville  
City Council Chambers  
291 N. Main Street  
Porterville, CA

**1. FY 2012/13 Funding Matrix**

<b>Funding Amount</b>	<b>Percentage Allocation</b>	<b>Description</b>	<b>Eligible Recipient(s)</b>
\$ 273,650 89	100%	Total Indian Gaming Funding	
\$ 5,473 02	2%	Administrative Expenses	County of Tulare
<b>\$ 268,177.87</b>	<b>98%</b>	<b>Balance Available for Indian Gaming Grants</b>	
\$ 160,906 72	60%	Nexus Proximity Grants	County of Tulare*
\$ 107,271 15	40%	Discretionary Grants	Cities, County, or Special Districts*

*\*All Grants issued by the Committee must meet the requirements outlined in this Application Packet*



**2. Eligibility Requirements for Nexus Proximity and Discretionary Grant Funds:**

Indian Gaming funds are divided into two amounts: 1) 60% of funds are awarded to the County or any City that can demonstrate compliance with the Nexus Proximity Criteria, and 2) 40% of funds are awarded to the County, any City, and any Special District through Discretionary Grants

*60% Nexus Proximity Grants*

Sixty percent of Indian Gaming funds are available for Nexus Grants to Cities and Counties impacted by the Eagle Mountain Casino. A Nexus Test based on the geographical proximity of a City or County to the Tule River Indian Reservation shall be used by each county's Indian Gaming Local Community Benefit Committee to determine the priority for grants.

A City or County must meet a minimum of two out of four criteria to be eligible to receive funding from the 60% Nexus Proximity Grant amount. These criteria can be found at California Government Code Section 12715(c)(1)(A), (B), (C), and (D); and are as follows:

- (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.

Within this 60% Nexus Proximity amount, funds are awarded as follows

- 50% to Cities or Counties that meet 4 Nexus Criteria
- 30% to Cities or Counties that meet 3 Nexus Criteria
- 20% to Cities or Counties that meet 2 Nexus Criteria

Where a City or County does not meet a given number of criteria, the amount allocated in that criteria is evenly distributed to the other two criteria. For example, if no City or County meets all 4 criteria, 50% of the 60% funds are evenly distributed to those Cities or Counties that meet 2 or 3 criteria, and so on

**PLEASE NOTE: The Committee has adopted the preceding Funding Matrix that affirms the County of Tulare as the only jurisdiction that meets any of these four criteria.**

#### *40% Discretionary Grants*

The remaining 40% of grant funds are available for Discretionary Grants to local jurisdictions impacted by the Eagle Mountain Casino. These Discretionary Grants are made available to all local jurisdictions in Tulare County irrespective of any nexus to Eagle Mountain Casino.

All local government jurisdictions (County, Cities, and Special Districts) may apply for 40% Discretionary Grants. Pursuant to Government Code Section 12712(c), a local jurisdiction is defined as any City, County, or Special District (excluding School Districts). Non-profit organizations do not qualify as local jurisdictions for the purpose of receiving grants directly from the Committee. However, a non-profit organization may partner with or apply through a local jurisdiction to receive grant funding. The local jurisdiction would be responsible for submitting the grant. The local jurisdiction would also be responsible to the Committee for the non-profit's use of grant funds.

### **3. Tribal Sponsorship**

Pursuant to Senate Bill (SB) 621 (2003), for a project to be selected for Indian Gaming funding, the Tribe from whose account the project would be funded must sponsor the project. To sponsor a project, the Tule River Indian Tribal Council is required to confirm that the grant application has a reasonable relationship to a casino impact and find that it satisfies at least one of the priorities listed in Section E of the Application Form.

Questions regarding Tribal sponsorship should be directed to.

Charmaine McDarment  
Legal Department  
Tule River Tribal Council  
P O. Box 589  
Porterville, CA 93258  
Phone: 559-781-4271  
Fax: 559-781-4610  
Email: [legal2@tulerivertribe-nsn.gov](mailto:legal2@tulerivertribe-nsn.gov)

The date for the presentation to the Tule River Tribal Council will be available at the Grant Application Workshop. All applicants are required to make a presentation at this time.

#### **4. Submission Directions**

It is anticipated that the Committee will make grant awards by May 14, 2014, and the State Controller's Office will allocate the money to grant recipients by June 30, 2014

Please submit one (1) original and two (2) copies of each grant application by 5 P.M. on March 21, 2014, to:

Indian Gaming Application  
Tulare County Administrative Office  
2800 W. Burrel Ave  
Visalia, CA 93291

Phone (559) 636-5005  
Fax: (559) 733-6318  
Email: [jchernabaeff@co.tulare.ca.us](mailto:jchernabaeff@co.tulare.ca.us) and [jhess@co.tulare.ca.us](mailto:jhess@co.tulare.ca.us)

Each Application Submittal must be received by the time listed above at the address above, and must include all of the required information described in this Application Packet. Each application must be signed by an authorized representative of the local government jurisdiction.

**5. Timeline for Fiscal Year 2013/14 Grant Process**

Meeting to approve 2013/14 Grant Documents.. .. .	1/29/14
Application Period Opens.....	2/3/14
Notice of Application Period Opening. . . . .	2/3/14
Grant Workshop.. . . . .	2/20/14
Grant Application Period Closes .. . . .	3/21/14
Grant Applications Submitted to Tule River Tribe .. . . .	3/28/14
Tule River Tribe Sponsored Applications Due to Staff .. . . .	4/18/14
Meeting to Consider Funding of Sponsored Applicants .. . . .	5/14/14
Deadline for List of Funded Applications to State Controller .. . . .	5/30/14
State Controller to Release Funds to Recipients .. . . .	Upon Receipt
Deadline for Applicants to submit Annual Report to Staff. . . . .	8/15/14
Meeting to Adopt Annual Report . . . . .	9/11/14
Deadline for Annual Report to be Submitted to State.. . . .	10/1/14

## GRANT APPLICATION FORM

A. Name of Jurisdiction: County of Tulare- Resource Management

B. Mailing Address of Jurisdiction: \_\_\_\_\_  
5961 S. Mooney Blvd., Visalia, CA 93277

C. Name of Project. Reservation Road repair improvement project

D. Mitigation of Impacts Does this Project mitigate impacts associated with Eagle Mountain casino (circle one)? Yes / No

E. **60% Nexus or 40% Discretionary:** Please check which type of grant you are applying for, as listed on the Cover Page and described in Section 2 of the Application Packet An applicant can apply for both Nexus and Non-Nexus funds, if eligible.

**60% Nexus Grant**  \_\_\_\_\_

Please circle the letters that apply and also provide on a separate sheet of paper, a discussion of qualifying for that criteria:

- (a) The local government jurisdiction borders the Tule River Indian Reservation on all sides.
- (b) The local government jurisdiction partially borders the Tule River Indian Reservation.
- (c) The local government jurisdiction maintains a highway, road, or other thoroughfare that is the predominant access route to the Eagle Mountain Casino (must also be located within four miles of the Eagle Mountain Casino to qualify for this criteria)
- (d) All or a portion of the local government jurisdiction is located within four miles of the Eagle Mountain Casino

**40% Discretionary Grant**  \_\_\_\_\_

These 40% Discretionary Grants are intended for local jurisdictions impacted by casinos of tribes paying into the Special Distribution Fund

F. **Funding Priorities.** The following uses are the priorities for the receipt of grant money. Please check all of the priorities the project satisfies

Law enforcement	<input checked="" type="checkbox"/>
Fire Services	<input checked="" type="checkbox"/>
Emergency Medical Services	<input checked="" type="checkbox"/>
Mitigate Environmental Impacts	<input checked="" type="checkbox"/>
Water Supplies	<input type="checkbox"/>

Waste Disposal	
Behavioral Health	
Planning & Adjacent Land Uses	
Public Health	✓
Roads	✓
Recreational & Youth Programs	
Child Care Programs	

Other (Briefly describe) \_\_\_\_\_

**G. Gaming Impacts:** On a separate sheet of paper, please provide the following:

- a. Describe the project thoroughly;
- b. Discuss and provide evidence of the impacts to your jurisdiction from gaming at the Eagle Mountain Casino;
- c. Explain how the project will mitigate impacts to your jurisdiction from gaming at the Eagle Mountain Casino. Show how the proposed project has a reasonable relationship to a casino impact

**H. Project Cost** What will be the total cost of the project? \$ 306,900

**I. Proportionate Share Requirement** If the project provides benefits to the applicant in addition to mitigating impacts to the applicant from gaming at the Eagle Mountain Casino, the Committee shall only finance the proportionate share of the expenditure that mitigates the impact from the Eagle Mountain Casino. Therefore, please provide the proportionate share of the project expenditure that mitigates the impact to your jurisdiction from gaming at the Eagle Mountain Casino. Grant applicants must explain the method used to determine the proportionate share of funding requested Analysis shows 87 percent of Reservation Road drive traffic is casino-related %

**J. Funding Request:** Amount of funding requested through this application  
\$ 265,000

**K. Funding Sources** Name the other sources of funding, if any, that will be contributed to the project and the amount provided by each source

- a. Name and Amount: County Roads Fund, \$41,900
- b. Name and Amount: \_\_\_\_\_
- c. Name and Amount: \_\_\_\_\_

**L.** Will the project be competitively bid?  Yes  No

**M.** Is the project subject to Public Works requirements?  Yes  No

**N.** What is the project time frame? Completion June 2015

**O.** Federal Tax ID # 94 6000545

**P. Contact Information** The contact person listed on the Grant Application should be the individual most knowledgeable about the project and authorized to discuss all aspects of the project

Contact Person Name Johnny Wong

Phone 559-624-7010

Fax 559-730-2653

Email Address jwong@co.tulare.ca.us

**Q. Funding Recognition.** On a separate sheet, please describe how you intend to meet the requirement that grant recipients must provide notice to the public, either through a slogan, signage, or other mechanism, which states that the project has received funding from the Indian Gaming Special Distribution Fund and further identifies the particular Individual Tribal Casino Account from which the grant derives.

**R. Grant Signature and Assurance**

Grant recipients must adhere to all requirements as described in this grant application packet.

- a. If a local jurisdiction uses a grant for any unrelated purpose, the grant shall terminate immediately and any moneys not yet spent shall revert to the Indian Gaming Special Distribution Fund.
- b. 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 shall be used to finance only the proportionate share of the expenditure that mitigates the impact from the casino.
- c. 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.
- d. Upon receipt of an approved listed of grant recipients from the Indian Gaming Local Community Benefit Committee, the State Controller shall release funds directly to the local government entities
- e. As a condition of receiving further funds under the grant program, 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 application packet.
- f. At the request of the County, a local government jurisdiction agrees to submit an annual report that will include the following information: 1) the amount of grant funds received; 2) a description of the project funded; 3) a description of how the project mitigates the impact of tribal gaming; 4) the total expenditures for the project, 5) all administrative costs related to the project; 6) the funds remaining at the end of the fiscal year; 7) an explanation regarding how any remaining funds



will be spent, including the estimated time for expenditure, and 8) a description of whether each project is funded once or on a continuing basis.

- g 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 are used for any other purpose, the remaining portion shall revert to the Indian Gaming Special Distribution Fund. As a condition of receiving further funds, 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

I agree to adhere to the grant program requirements

\_\_\_\_\_  
Signature

**March 11, 2014**

\_\_\_\_\_  
Date

**Tulare County Resource Management Agency  
Reservation Road repair project – Indian Gaming Grant Application  
2013/2014**

**Gaming Impacts: On a separate sheet of paper, please provide the following:**

**a. Describe the project thoroughly:**

The Tulare County Resource Management Agency Roads Department seeks permission to apply for \$265,000 in grant funding for roads repairs on Reservation Road (Mountain Road 137), starting at Milepost 0.50 proceeding approximately 1.90 miles to Milepost 2.40. This is the main access road into the Tule River Reservation from State Highway 190. High traffic volumes to the casino have caused extensive damage to the roadway. The funds will be utilized to improve the condition of Reservation Road for travelers to the casino for their gaming activities.

The major maintenance and repairs on Reservation Road will also offer improved access to the reservation by law enforcement and/or fire personnel during an emergency.

**b. Discuss and provide evidence of the impacts to your jurisdiction from gaming at the Eagle Mountain Casino:**

The establishment of the Eagle Mountain Casino direct impacts Tulare County. The impact is from increased traffic volume on the roads surrounding and feeding into the Tule River Reservation. The main casino is located 17 miles east of Porterville. Reservation Road (Mountain Road 137) provides one of the only public access to the reservation and the casino.

**c. Explain how the project will mitigate impacts to your jurisdiction from gaming at the Eagle Mountain Casino. Show how the proposed project has a reasonable relationship to a casino impact:**

County engineers' analyzed 18-years worth of traffic along Reservation Road, and determined casino-related traffic has increased 400% since 1996, when the Eagle Mountain casino began operating. Furthermore, analysis indicates 87% of all current traffic on the Reservation Road is due to the increased traffic generated by the casino. These figures were calculated after factoring out traffic generated by the local natives who live on the Reservation, based on the assumptions the Tule Tribes' annual population growth rate is less than 4 percent.

Reservation roads are in need of repairs due to high traffic volumes to the casino. These funds will be utilized to improve the conditions of the Reservation roads for travelers and local residents. The Tulare County Resource

Management Agency provides a full range of services to the residents of the County; most importantly it serves as a means to having safe completed roads.

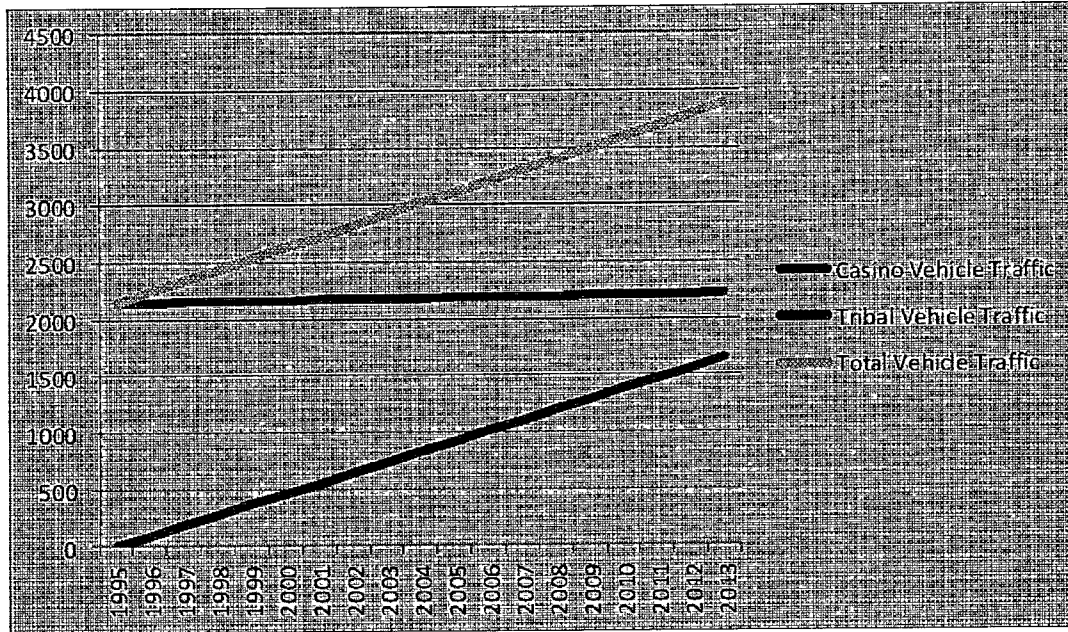
**Q. Funding Recognition:**

County RMA Roads department will create signage that will be posted along the repaired portion of Reservation Road that denotes this project is funded in part with monies generated by the Eagle Mountain Casino, operated by the Tule River Indian Tribe and awarded by the Tulare County Indian Gaming Local Community Benefit Committee.

## Attachment B

Attachment B

# Reservation Road (Average Annual Daily Traffic -AADT)



Source: Tulare County Traffic Engineering, 2013