

## *Application Provisions and Guidelines*

**\*\*\*PLEASE REVIEW CAREFULLY\*\*\***

1. The Indian Gaming Local Community Benefit Committee (Committee) will formally release grant applications on **December 18, 2012**. Local government agencies impacted by tribal gaming will be allowed to submit applications until 5:00 p.m. on **January 22, 2013**. No faxes or other electronically submitted applications will be accepted. Applications may be obtained in person at the Butte County Administrative Office at 25 County Center Drive, Oroville, California 95965, from the Indian Gaming section of Butte County's website at <http://www.buttecounty.net>, or by calling (530) 538-7631.
2. Local government agencies shall submit eight (8) copies of completed applications, with authorized signature, to the address listed on the Application Form, no later than 5:00 p.m. on **January 22, 2013**. Copies will be kept on file, submitted to the Butte County Indian Gaming Local Community Benefit Committee, and submitted to each of the Tribes that pay into the Special Distribution Fund. Facsimile copies will not be accepted.
3. Information and forms can be obtained online at <http://www.buttecounty.net> or at the Butte County Administrative Office, 25 County Center Drive, Suite 200, Oroville, California 95965, Monday through Friday, 8:00 a.m. to 5:00 p.m.
4. On or about **February 5, 2013**, the Butte County Indian Gaming Local Community Benefit Committee will meet to review each application to ensure it meets the priorities and requirements established by State law. Each approved application will then be submitted to the sponsoring tribe. Each Tribe that pays into the Special Distribution Fund will review the applications and determine their reasonable relationship to casino impacts. They are also responsible for certifying that an application satisfies at least one of the priorities identified in California Government Code § 12715(i). The Tribes will forward a list of the applications they will sponsor to the Committee by **February 22, 2013**.
5. On or about **March 7, 2013**, the Committee will review the applications the Tribes have agreed to sponsor and select projects for funding.
6. Upon approval by the Committee, the list of projects approved for funding will be transmitted to the State Controller not later than **May 31, 2013**.
7. The State Controller will disburse funds directly to the local government jurisdictions whose grant applications were selected by the Committee.

8. The Indian Gaming Special Distribution Fund Grant Program has been created for local government agencies impacted by tribal gaming. Please note, also, that the Tribal government from whose account the grant would be funded must confirm that the proposed project has a reasonable relationship to casino impacts.
9. In selecting grants the Indian Gaming Local Community Benefit Committee shall select only grant applications that mitigate impacts from casinos on local jurisdictions.
10. 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.
11. 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.
12. 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.
13. The applicants will determine the type of grant for which they are eligible (Nexus or Non-Nexus) and indicate accordingly on the Grant Application. An applicant can apply for both Nexus and Non-Nexus funds, if eligible.
14. Only cities and the county impacted by tribes that are paying into the Indian Gaming Special Distribution Fund are eligible to apply for the 60% Nexus grant. The applicant must indicate the nexus criteria the jurisdiction meets. Note that a minimum of two nexus criteria is required to be eligible for a Nexus Grant.
15. The amount of grant funding requested for the project through the application must be listed.
16. Applications shall be signed, on page 2, by both the department or agency head and the Chief Executive officer. As an example, applications submitted by County departments shall be signed by the department director and the County's Chief Administrative Officer.
17. The total cost of the project should include costs funded by other sources and the total funding requested through this application. If a project expenditure will mitigate an impact from a casino and provides other benefits to the local agency, the grant application must indicate the proportionate share of that expenditure that is attributed to mitigation of the impact. Grant applicants should explain the method used to determine the proportionate share funding requested.
18. Grants shall be subject to the sole sponsorship of the tribe that pays into the Indian Gaming Special Distribution Fund to which the applicant applies, and the recommendations of the Indian Gaming Local Community Benefit Committee. Grants not sponsored by a tribe will not be eligible for funding.
19. A grant may not be made for any purpose that would support or fund, either directly or indirectly, any effort related to opposition or challenge of Indian gaming in the State, and, to the extent any awarded grant funds are used 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 funds unspent shall be made available for qualified nexus grants.

20. A local government jurisdiction that is a recipient of a grant from the 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 identifies the particular individual Tribal Casino Account from which the grant was derived.
21. 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.
22. 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 portions of the funds in the account are used for any other purpose, the remaining portion shall revert to the Indian Gaming Special Distribution Fund.
23. 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 section.
24. Grant applications for funds expended in Fiscal Year 2012-2013 will follow the same procedure and requirements as grant applications for funds for Fiscal Year 2011-2012.

## *Reference Material*

### **Definitions**

County Tribal Casino Account – An account consisting of all moneys paid by tribes of that county into the Indian Gaming Distribution Fund, after deduction of the amounts appropriated to the priorities specified in Government Code Section 12012.85.

Individual Tribal Casino Accounts – An account for each individual tribe that has paid money into Indian Gaming Special Distribution Fund. The individual tribal casino accounts shall be funded in proportion to the amount that the individual tribe has paid into the Indian Gaming Special Distribution Fund.

Local Government Jurisdiction or Local Jurisdiction – Any city, county, or special district.

Special District – 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.

### **Nexus Grants**

- A. Sixty percent (60%) of each Individual Tribal Casino Account is available for nexus grants to cities and counties impacted by tribes that are paying into the Special Distribution Fund (SDF), based on a four-part nexus test. Butte County Tribes currently paying into the SDF include the Tyme-Maidu Berry Creek Rancheria and the Concow-Maidu Mooretown Rancheria. The nexus test is based on the geographical proximity of the city or county to an individual Indian land upon which a Tribal casino is located, and is used to determine priority for grants, pursuant to the following criteria:
- a. City or County borders the Indian lands on all sides;
  - b. City or County partially borders Indian lands;
  - c. City or County maintains a highway, road, or other thoroughfare that is the predominant access route to a casino that is located within 4 miles;
  - d. All or part of the City or County is located within 4 miles of the casino.
- ✓ Fifty percent (50%) of the Nexus funds shall be awarded in equal proportions to Cities and Counties meeting all four of the nexus test criteria;
  - ✓ Thirty percent (30%) of the Nexus funds shall be awarded in equal proportions to Cities and Counties that meet three of the nexus test criteria;
  - ✓ Twenty percent (20%) of the Nexus funds shall be awarded in equal proportions to Cities and Counties that meet two of the nexus test criteria.

### **Non-Nexus Grants**

- B. Forty percent (40%) of each Individual Tribal Casino Account is available for discretionary grants to local jurisdictions impacted by tribes that are paying into the SDF (tribes noted above). These discretionary grants will be made available to all local jurisdictions in the County, irrespective of any geographical nexus.