



BUTTE COUNTY ADMINISTRATION

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Chief Administrative Officer

March 20, 2012

Indian Gaming Local Community Benefit Committee Members

RE: Agenda material for March 28, 2012 meeting - 2:00 P.M.

Honorable Committee Members:

Enclosed please find the agenda and supporting material for the March 28, 2012 meeting of the Indian Gaming Local Community Benefit Committee for the funding cycle of Fiscal Year 2011-2012.

We have received 12 applications for a total requested amount of \$2,271,649. The available funding is \$665,708.

At this meeting the Committee will be asked to review and approve eligible applications to be submitted to the Tribes for sponsorship. At the May 1, 2012 meeting, this Committee will meet again to determine funding levels for the sponsored applications.

If you have any questions, I can be reached at 538-7052.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Pickett", written over a horizontal line.

Andy Pickett
Deputy Chief Administrative Officer
Staff to the Indian Gaming Local Community Benefit Committee

/vc
Enclosures

County of Butte
Indian Gaming Local Community Benefit Committee
Butte County Board of Supervisors Chambers
25 County Center Drive, Oroville, Ca.
March 28, 2012
2:00 p.m.

Agenda

1. Call to Order
2. Adoption of Minutes – Adoption of Minutes of February 7, 2012. Action by Committee
3. Consideration of Fiscal Year 2011-2012 Special Distribution Fund Grant Applications – eligibility review and approval for received grant applications. Staff Presentation and Action by Committee
4. Public Comment
Comments to the Committee on issues and items not listed on the agenda. Presentations will be limited to five minutes. Please note that pursuant to California state law, the Committee is prohibited from taking action on any item not listed on the agenda.
5. Adjournment

**COUNTY OF BUTTE
INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE
MEETING OF MARCH 28, 2012**

**AGENDA ITEM NO. 2 – APPROVAL OF MINUTES OF FEBRUARY 7,
2012.**

ACTION REQUESTED – APPROVE MINUTES.

The Committee Clerk has prepared, and submits for your consideration and approval, the minutes from the meeting of February 7, 2012.

County of Butte
Indian Gaming Local Community Benefit Committee
Butte County Board of Supervisors Chambers
25 County Center Drive, Suite 200, Oroville, Ca.
February 7, 2012
2:00 p.m.

Minutes

Call to Order

The Indian Gaming Local Community Benefit Committee was called to order by David Pittman, Chair at 2 p.m.

Committee Members Present: (Roll Call taken) Butte County Supervisor Bill Connelly, Butte County Supervisor Steve Lambert, Tribal Chairman Gary Archuleta from Mooretown Rancheria, Councilman David Pittman, City of Oroville Representative. Absent was Tribal Chairman Jim Edwards from Berry Creek Rancheria.

Administration Staff Present: Deputy Chief Administrative Officer Andy Pickett and Clerks Victoria Cowles and Lauren Ruloph.

Adoption of Minutes of September 20, 2011 – Motion by Steve Lambert to adopt the September 20, 2011 minutes with no changes. Second by Gary Archuleta. Motion carried 4-0-1.

Consideration of Fiscal Year 2011-2012 Special Distribution Fund Grant Cycle Application Process and Procedures. Action by Committee for adoption of processes, timeline and forms to begin the FY 2011-2012 Grant Cycle. Motion to adopt processes, timeline and forms by Tribal Chairman Gary Archuleta and Second by Supervisor Steve Lambert. Motion carried 4-0-1.

Discussion: Current year funding level and Bureau of State Audit report

Public Comment – No public comments were made.

Next meeting date – Wednesday, March 28, 2012.

Meeting Adjourned at 2:09 p.m.

**COUNTY OF BUTTE
INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE
MEETING OF MARCH 28, 2012**

AGENDA ITEM NO. 3 – Application Eligibility Review and Approval.

ACTION REQUESTED – REVIEW EACH APPLICATION, MAKE FINDINGS FOR EACH APPLICATION IF APPLICABLE, AND APPROVE OR DENY APPLICATION’S SUBMISSION TO THE APPROPRIATE INDIAN TRIBE FOR SPONSORSHIP.

On February 7, 2012, the Butte County Indian Gaming Local Community Benefit Committee adopted the Fiscal Year (FY) 2011-2012 Grant Application Policies and Procedures. The LCBC adopted grant application policies and procedures that included a requirement for the Committee to review and assess the eligibility of each grant application submitted. The purpose of this meeting will be for that review.

Under these provisions, the Committee is required to ensure that each grant meets the priorities and requirements listed in the law. To assist the Committee in their review of each application, an Application Eligibility Review Form has been created and is attached to each application. The form has a checklist to evaluate the priorities category, and a series of questions intended to help the Committee ascertain whether the application meets the necessary requirements. Use of the assessment tool is not required by the Committee members, but is recommended as a means of documenting the application’s adherence to the priorities and requirements of the program.

It is anticipated that the Committee will review the application, make the necessary findings if applicable, and either refer the application to the appropriate Tribe for sponsorship or find the application did not meet the priorities and requirements. Applications not meeting the priorities and requirements will not continue in the grant process.

Applicants have been notified that they will not be presenting their applications to the Committee, but they have been requested to have a representative present at the meeting that can address any questions the Committee may have.

At the meeting staff will give a presentation that explains the process to be used and the assessment tool provided to the Committee for use in their consideration.

Application Provisions and Guidelines

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

1. The Indian Gaming Local Community Benefit Community Benefit Committee (Committee) will formally release grant applications on **February 8, 2012**. Local government agencies impacted by tribal gaming will be allowed to submit applications until 5:00 p.m. on **March 9, 2012**. 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 latter than 5:00 p.m. on **March 9, 2012**. 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 **March 28, 2012**, 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 **April 12, 2012**.
5. On or about **May 1, 2012**, 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 transmitted to the State Controller not later than **May 31, 2012**.
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 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.
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 2011-2012 will follow the same procedure and requirements as grant applications for funds for Fiscal Year 2010-2011.

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.

**Indian Gaming Local Community Benefit Committee
Application Eligibility Review**

Grant Application No.: _____

Grant Applicant: _____

I. PRIORITIES:

THIS GRANT APPLICATION ADDRESSES AN IMPACT/IMPACTS IN ONE OR MORE OF THE CATEGORIES LISTED BELOW? (check all that apply) _____ YES _____ NO

- | | | |
|--|--|---|
| <input type="checkbox"/> Law Enforcement | <input type="checkbox"/> Environmental Impacts | <input type="checkbox"/> Waste Disposal |
| <input type="checkbox"/> Fire Service | <input type="checkbox"/> Emergency Medical Services | <input type="checkbox"/> Water Supplies |
| <input type="checkbox"/> Behavioral Health | <input type="checkbox"/> Recreation and Youth Programs | <input type="checkbox"/> Public Health |
| <input type="checkbox"/> Child Care Programs | <input type="checkbox"/> Planning & Adjacent Land Uses | <input type="checkbox"/> Roads |
| <input type="checkbox"/> Other | | |
-

II. REQUIREMENTS:

1. MITIGATION OF IMPACTS

- a. What impact does the casino create on the local jurisdiction? _____

- b. How is the impact(s) the result of the casino? _____

- c. How has the impact increased the need for services, training, personnel, equipment or other goods/services from the local jurisdiction? _____

- d. In what way(s) will the funds from the grant reduce the effects of the casino on the local jurisdiction? _____

2. APPROPRIATE PURPOSE OF GRANT FUND EXPENDITURES

- a. Does the grant application include proposed expenditures that are unrelated to mitigating an impact from a casino? _____ YES _____ NO

- b. If the grant includes expenditures unrelated to mitigating an impact from a casino, does the grant application show that grant funds will only be spent on the local jurisdiction's activities that do mitigate an impact from a casino? _____YES _____NO _____N/A
- c. Has the grant applicant signed the application's Attachment F - Acknowledgment of Terms of Grant, indicating their agreement to the grant program's requirements, and the terms and conditions of the grant? _____YES _____NO

3. PROPORTIONATE FUNDING REQUIREMENT

- a. Does the grant application propose a project that both mitigates an impact(s) from a casino on the local jurisdiction and also benefits the local jurisdiction? _____YES _____NO
- b. If yes, has the local jurisdiction developed a method of calculating the proportionate share of expenses that mitigates impacts? _____YES _____NO _____N/A
- c. Is the method of calculation used by the local jurisdiction reasonable and appear to accurately reflect the local jurisdiction's actual costs expended in mitigating impacts from casinos? _____YES _____NO _____N/A
- d. Did the local jurisdiction submit backup documentation to support their proportional funding calculations? _____YES _____NO _____N/A
- e. If the project both mitigates an impact and benefits the local jurisdiction, has the grant application limited its funding request to the proportionate share that mitigates impacts? _____YES _____NO _____N/A
- f. If the grant is a reimbursement grant, did the local jurisdiction submit documentation of actual expenses incurred in mitigating impacts from casinos? _____YES _____NO _____N/A

III. FINDINGS (All must be YES to pass)

- a. I find the grant meets a priority funding category listed in the law. _____YES _____NO
- b. I find the grant application proposes to use funds for purposes related to mitigating an impact(s) from a casino. _____YES _____NO
- c. I find that the applicant has signed "Attachment F - Acknowledgment of Terms of Grant" and is thus aware, and has acknowledged, the requirements, terms and conditions of the grant. _____YES _____NO
- d. I find that the grant includes a proportionate expenditure calculation requirement and that the calculation used appears reasonable and is supported by documentation. _____YES _____NO
- e. I find that the application has met the eligibility requirements of the program and is to be forwarded to the appropriate Tribe(s) for sponsorship. _____YES _____NO