

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

10:00 A.M. MAY 15, 2013

**MEETING NOTICE
TULARE COUNTY ADMINISTRATION BUILDING
2800 W. BURREL AVE.
VISALIA, CA 93291**

NOTICE TO THE PUBLIC - PUBLIC COMMENT PERIOD

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Committee at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for Committee consideration. Any person addressing the Committee will be limited to a maximum of three (3) minutes so that all interested parties have an opportunity to speak. At all times, please state your name and address for the record.

AGENDA

- 1. Call to Order & Roll Call**
- 2. Public Comment**
- 3. Approve Minutes from the February 21, 2013 and March 12, 2013 meetings**
- 4. Review and award Tulare County Indian Gaming grant funding. Authorize Chairman to sign grant agreements subject to County Counsel approval.**
 - **Staff presentation**
 - **Grant applicant presentations**
 - County of Tulare: Fire Department
 - County of Tulare: Resource Management Agency
 - County of Tulare: Resource Management Agency
 - County of Tulare: Sheriff's Department
 - City of Porterville: Fire Department
 - City of Porterville: Transit
 - **Committee Discussion and Action**
- 5. Ratify Letter to City of Porterville Requesting Repayment of Funds**
- 6. Ratify Attorney Conflict Wavier with Tulare County Counsel**
- 7. Next Meeting: TBD**
- 8. Adjourn**

As a courtesy to those in attendance, please turn off or place in alert mode all cell phones and pagers.

Information concerning items on this Agenda is available for public consideration during normal working hours at the Board of Supervisors office at 2800 W. Burrel Ave., Visalia, CA 93291. The staff will assist in answering questions.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board's Office at (559) 636-5000.

Contact Person: Jed Chernabaeff or John Hess, Tulare County Staff (559) 636-5005

CLOSED SESSION

**NOTICE TO THE PUBLIC
CLOSED SESSIONS**

As provided in the Ralph M. Brown Act, Government Code sections 54950 et seq., the Tulare County Indian Gaming Local Community Benefit Committee may meet in closed session with members of its staff, employees, and its attorneys. These sessions are not open to the public and may not be attended by members of the public. The matters the Committee will meet on in closed session are identified below or are those matters appropriately identified in open session as requiring immediate attention and arising after the posting of the agenda. Any public reports of action taken in the closed session will be made in accordance with Government Code sections 54957.1

It is the intention of the Committee to meet in closed session concerning:

ITEM A

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation [(Government Code Section 54956.9 (d)(2)]

ITEM B

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Significant Exposure to Litigation [(Government Code Section 54956.9 (d)(4)]

As a courtesy to those in attendance, please turn off or place in alert mode all cell phones and pagers.

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**BEFORE THE TULARE COUNTY
INDIAN GAMING LOCAL COMMUNITY
BENEFIT COMMITTEE**

IN THE MATTER OF APPROVAL)
OF FEBRUARY 21 AND)
MARCH 12, 2013 MINUTES) RESOLUTION NO. 2013-__

UPON MOTION OF MEMBER _____, SECONDED BY MEMBER _____, THE FOLLOWING WAS ADOPTED BY THE TULARE COUNTY INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE, AT AN OFFICIAL MEETING HELD MAY 15, 2013, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

BY: _____
Chairman

* * * * *

Approved minutes for the February 21 and March 12, 2013 Tulare County Indian Gaming Local Community Benefit Committee Meetings

**Tulare County Indian Gaming Local Community Benefit Committee
Minutes
February 21, 2013**

TULE RIVER INDIAN RESERVATION

Present: Robin Skiles, Gilbert Ynigues, Nancy McDarment, Kenneth McDarment, Mike Ennis, Joe Garcia, Cameron Hamilton, Holly Bella (Tule Representative – Alternate)
Absent: John Crivello (County Representative – Alternate)
Staff: Jed Chernabaeff, John Hess
Public: Yolanda Gibson, Lucy McKay, Clint McKay, Chuck McMillan, Glenn Irish, Victor Silvas, John Lollis, Greg Shelton

1. **Call to Order & Roll Call 10:22 A.M.** – Robin Skiles, Gilbert Ynigues, Nancy McDarment, Kenneth McDarment, Mike Ennis, Joe Garcia, and Cameron Hamilton all announced their names for the record.
2. **Public Comment:** There was no comment from the public.
3. **Approval of minutes from January 24, 2013 meeting:** Cameron Hamilton made a motion to approve the minutes. Joe Garcia seconded the motion. The motion was approved by 4-0-3, with Gilbert Ynigues, Kenneth McDarment, and Nancy McDarment abstaining.
4. **Update on Indian Gaming Committee Membership:** Staff reported In December 2012, an additional application was received from Mike Waters of Visalia. The applicant received a recommendation from the County to the Tule River Tribal Council. The Tribal Council approved the County's recommendation. The Board of Supervisors will consider the appointment of Mr. Waters in March 2013. Therefore, the position remains vacant. Under the Committee's bylaws, there are two representatives selected upon the recommendation of the Tule River Indian Tribe and one alternate. Committee members appointed by the Tribe may be removed from the Committee at any time by a majority vote of the Tule River Tribal Council. In a letter provided by the Tule River Indian Tribe on February 19, 2013, the Tribal Council informed staff that it appointed Kenneth McDarment and Nancy McDarment as Committee Members. In addition, Holly Bella, who was previously appointed as a Tule Representative on the Committee, has been moved to the Tule Representative – Alternate position. This means that Rhoda Hunter, who served as a Tule Representative, and Brian Ward, who served as a Tule Representative – Alternate, have been relieved of service from the Committee.

5. **Update on Office of Legislative Counsel Contact:** Staff reported on October 18, 2012, the Committee directed staff to contact Senator Rubio's office to request that the Senator contact the Office of Legislative Counsel for assistance on the interpretation of Indian Gaming statute. Staff submitted a letter to Sen. Rubio's office on October 26, 2012 outlining the Committee's questions. The questions were then submitted to the Office of Legislative Counsel (OLC) on November 26, 2012 by Sen. Rubio's office. On January 8, 2013, the OLC and Sen. Rubio's office contacted staff to clarify certain matters regarding the Committee's request. On February 8, 2013, Committee Staff received a letter dated February 4, 2013 responding to the Committee's inquiry.

Based off of the response from OLC, staff said they believe that the County of Tulare is the only local government jurisdiction that qualifies for any of the 60% Nexus Proximity Grants, and that the Committee should award funds accordingly. Staff believes that the County qualifies for 3 of the 4 nexus proximity criteria. Staff also believes that any City, County, or Special District that clearly shows that the activity will mitigate impacts of Indian Gaming qualifies for 40% Discretionary Grants. A copy of the letter is attached and Staff's summary of the response is below.

The OLC provided the following disclaimer regarding their analyses: they are not providing a legal opinion regarding Tulare County's past actions; they are not providing a finding or statement of fact; that they are not acting on behalf the Committee; they do not represent the Committee; and that they can only provide clarification regarding the construction of certain statutes. The OLC provided this information to Sen. Rubio's office, as he is their client, and it was Sen. Rubio's decision to provide this information to the Committee. The OLC also indicated that there is no attorney-client relationship between the Committee and the OLC or the Committee and Sen. Rubio, and, therefore, this communication from the OLC is not privileged or confidential.

Question 1: Does property that is held in fee by an Indian tribe, and that is not within the limits of the tribe's reservation under federal law, constitute "Indian lands" for the purposes of Section 12715?

Response 1: No. Property that is held in fee by an Indian tribe, and that is not within the limits of the tribe's reservation under federal law, does not constitute "Indian lands" for purposes of Section 12715.

Therefore, only the Tule River Indian Tribal Reservation land can be used to determine if a City or County qualifies for two of the four Proximity Criteria (Section 12715.c.1.A and B) of the 60% Nexus Grants.

No other property owned by the Tribe, other than its reservation land, can be used for this purpose.

Question 2: What does the term “casino” mean for purposes of Section 12715?

Response 2: For purposes of Section 12715, the term “casino” means a building or room where an Indian tribe conducts lawful gambling.

Therefore, only the buildings and/or rooms used for gambling can be used to determine if a City or County qualifies for two of the four Proximity Criteria (Section 12715.c.1.C and D) of the 60% Nexus Grants. Any building or room that is not used by an Indian tribe to conduct lawful gambling cannot be used for this purpose.

Question 3: What does “borders the Indian lands on all sides” mean for the purposes of Section 12715?

Response 3: For purposes of Section 12715, “borders the Indian lands on all sides” means that the local government jurisdiction touches and forms a border with Indian lands on all sides without interruption.

OLC believes that the intent of this section is to establish that those jurisdictions which fully border Indian lands have greater impacts than those which partially border Indian lands by virtue of this fact alone. OLC further states this priority should apply in all situations, regardless of whether the border between the local jurisdiction and the Indian lands is interrupted by another local jurisdiction or by federal property.

Therefore, for the purposes of Section 12715, any local government jurisdiction that has an uninterrupted boundary with Indian lands can meet requirements of one of the four Proximity Criteria (Section 12715.c.1.A) of the 60% Nexus Grants.

Question 4: Does section 12715 prohibit a Local Community Benefit Committee from awarding a grant for a proposed project if the application does not include or identify the percentage of project costs that can be attributed to the impact caused by the casino?

Response 4: No. Section 12715 does not prohibit a Local Community Benefit Committee from awarding a grant for a proposed project if the application does not include or identify the percentage of project costs that can be attributed to the impact caused by the casino.

However, Section 12715.h states, “...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.” Therefore, the Committee shall only awards funds to the proportionate share of the costs of a funding request that can be demonstrated to mitigate impacts from a casino.

Therefore staff believes that the Committee is not prohibited from awards a grant that does not show a percentage of project costs that can be attributed to the impact caused by the casino, it would be a best practice for the Committee to do so, in order to confidently ensure that the Committee is only funding the “proportionate share of the expenditure that mitigates the impact from the casino.”

No action was taken, as it was an informational item.

- 6. Discussion and possible action regarding Committee Legal Representation:** Joe Garcia made a motion to ask County Counsel come back as its representative. Mike Ennis seconded the motion. The motion was approved 4-2-1. Robin Skiles, Joe Garcia, Mike Ennis and Gilbert Ynigues approved. Cameron Hamilton and Nancy McDarment voted no. Kenneth McDarment was not present.
- 7. Discussion and Adoption of 2012-2013 Grant Application and Related Documents:** Cameron Hamilton motioned to approve the FY 2012/13 Funding Matrix, eligibility requirements for nexus proximity and discretionary grants, the FY 2012/13 grant process timeline, and the FY 2012/13 grant application form. Joe Garcia seconded the motion. The motion was approved 6-0-1. Kenneth McDarment was absent.
- 8. Next meeting – TBD.**
- 9. Adjourned at 11:34 a.m.**

**Tulare County Indian Gaming Local Community Benefit Committee
Minutes
March 12, 2013**

COUNTY ADMINISTRATION BUILDING

Present: Robin Skiles, Gilbert Ynigues, Mike Ennis, Joe Garcia, Cameron Hamilton

Absent: Nancy McDarment, Kenneth McDarment, John Crivello (County Representative – Alternate), Holly Bella (Tule Representative – Alternate)

Staff: Jed Chernabaeff, John Hess

Public: John Lollis, Allison Pierce

1. **Call to Order & Roll Call 10:05 A.M.** – Robin Skiles, Gilbert Ynigues, Mike Ennis, Joe Garcia, and Cameron Hamilton all announced their names for the record.
2. **Public Comment:** There was no comment from the public.
3. **Presentation from Committee Staff and Tulare County Counsel regarding Committee Legal Representation:** No action was taken.
4. **Discussion and possible action regarding Committee Legal Representation:** Mike Ennis made the motion to direct Committee Counsel to send a letter to the City of Porterville requesting the repayment of funds. Joe Garcia seconded the motion. The vote was 4-0-1. Cameron Hamilton abstained.
5. **Next meeting** – May 16, 2013
6. **Adjourned at 10:34 a.m.**



Tulare County Indian Gaming Local Community Benefit Committee



AGENDA ITEM No. 4

AGENDA DATE: May 15, 2013

SUBJECT: Review and award Tulare County Indian Gaming Grant funding.

REQUEST(S):

That the Local Community Benefit Committee:

Award grant funding to applicants based on approved Nexus Proximity and Discretionary Grant Matrix.

SUMMARY:

Funding allocated to the Tulare County Indian Gaming Local Community Benefit Committee (TCLCBC) is provided by Senate Bill 621 (2003), which makes grant funding available to counties, cities and special districts impacted by tribal gaming from the State's Indian Gaming Special Distribution Fund (SDF). Those gaming tribes who operated 200 or more gaming devices on or before September 1, 1999 contribute a variable portion of their net winnings into the SDF. In Tulare County, the Tule River Indian Tribe is the only tribe that contributes winnings into the SDF.

Last year, the State Legislature appropriated \$9.1 million in SDF funds for Fiscal Year 2011-12 through Assembly Bill 1417. This year, the State Legislature appropriated \$9.1 million in SDF funds for Fiscal Year 2012-13 through Assembly Bill 2515. Of the \$9.1 million in SDF funds, \$273,650.89 was allocated to the Tulare County Individual Tribal and County Tribal Casino Account. Of the \$273,650.89, two percent, or \$5,473.02, is retained by the County of Tulare for providing administrative services for the LCBC. Therefore, \$273,650.89 is available for distribution.

In order to disburse these funds, the LCBC must solicit and assess the eligibility of applications for grants from local jurisdictions impacted by tribal gaming. Prior to soliciting grant applicants, the LCBC convened on February 21, 2013 and approved several documents for the Fiscal Year 2012-13 funding cycle, including: funding matrix; eligibility requirements for Nexus Proximity and Discretionary Grants; grant process timeline; and the grant application form.

The grant application period opened on March 1, 2013 and closed on April 5, 2013. On March 20, 2013, staff held a grant writing workshop in Porterville for applicants who had questions regarding the application and process. Upon the application closing period, committee staff received a total of seven grant applications. (See attachments) The applications were then sent to the Tule River Indian Tribe for sponsorship consideration, as required.

Pursuant to SB 621, for a project to be eligible for Indian Gaming funding, the Tribe

SUBJECT: Direction to Staff regarding Committee Counsel

DATE: February 21, 2013

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.

The seven grant applicants were invited to provide a presentation to the Tule River Tribal Council on April 24, 2013 to be considered for sponsorship. At the conclusion of the meeting, the Tule River Indian Tribe sponsored the following applications:

- City of Porterville – Mass Casualty Crash/Rescue Mitigation
- City of Porterville – Transit Sunday Service
- County of Tulare - Fire Department – Personnel Protective Equipment purchase
- County of Tulare - Resource Management Agency – Success Valley Road Improvement Project
- County of Tulare - Resource Management Agency – Reservation Road Safety Enhancement Project
- County of Tulare - Sheriff’s Department – Sheriff’s Air Response Program for Reservation

The sponsored grant applicants will provide the LCBC with a presentation today regarding their proposal. Upon the completion of the presentations, the Committee shall award funding to eligible applicants. The LCBC is not required to provide funding to each eligible applicant.

After the LCBC approves funding allocations, the County shall submit to the State Controller’s Office (SCO) Authorization Forms to Release Funds from the Tribal Casino Accounts. Upon receipt of the authorization forms, the SCO shall release the funds directly to the local government entities for which the Committee has approved a grant. Authorization Forms must be submitted to the SCO by May 31, 2013. Funds not allocated by June 28, 2013, shall revert back to the SDF.

Staff Analysis

Government Code Sections 12710-12718 provide guidelines the LCBC must adhere to when awarding funds to grant applicants. This statute provides rules and qualifications applicants must meet prior to receiving funding. For example, of the \$273,650.89 to be allocated, 60 percent of the funding must be awarded to jurisdictions that meet Nexus Test Criteria.

Based on Committee Counsel opinion and correspondence from the State Office of Legislative Counsel, it has been determined that the County of Tulare is the only jurisdiction that meets the Nexus Test Criteria. Your Committee responded approving a measure to clearly state in the grant application and associated documents that the County of Tulare is the only jurisdiction to receive Nexus Criteria funding. This decision is recorded in LCBC Resolution No. 2013-06 approved on February 21, 2013. For the remaining 40 percent of funds, any City, County, or

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Special District which clearly shows that the proposed activity will mitigate impacts of Indian Gaming are eligible for an allocation.

In addition to Nexus Test Criteria, the applicant must include or identify the percentage of project costs that can be attributed to the impact caused by the casino. Staff has analyzed each grant application and recommends the following applicants be funded:

- Tulare County Resource Management Agency – Reservation Road Safety Enhancement Project.
- City of Porterville – Transit Sunday Service

In reviewing the remainder of the applications, staff did not recommend the applicants for the following reasons:

- **City of Porterville – Mass Casualty Crash/Rescue Mitigation:** Staff was unable to identify what percentage of the uses of Mass Casualty Equipment will be related to impacts of the Eagle Mountain Casino.
- **Tulare County Fire Department – Personnel Protective Equipment purchase:** Staff was unable to identify what percentage of the uses of Mass Casualty Equipment will be related to impacts of the Eagle Mountain Casino.
- **Tulare County Resource Management Agency – Success Valley Road Improvement Project:** Applicant did not provide sufficient supporting documents to evidence the funding request.
- **Tulare County Sheriff’s Department – Sheriff’s Air Response Program for Reservation:** Staff was unable to identify what percentage of the uses of Mass Casualty Equipment will be related to impacts of the Eagle Mountain Casino.

Prior to the meeting, applicants were notified of the lack of supporting documents and the inability to identify what percentage of the project will be related to impacts of the Eagle Mountain Casino. Should the applicants not provide the documents or identify the percentage criteria, staff would recommend that the applicant not receive funding.

FISCAL IMPACT/FINANCING:

N/A

Attachment(s)

Attachment A: City of Porterville – Mass Casualty Crash/Rescue Mitigation Application

Attachment B: City of Porterville – Transit Sunday Service Application

Attachment C: Tulare County Fire Department – Personnel Protective Equipment purchase Application

Attachment D: Tulare County Resource Management Agency – Success Valley Road Improvement Project Application

Attachment E: Tulare County Resource Management Agency – Reservation Road Safety Enhancement Project Application

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Attachment F: Tulare County Sheriff's Department – Sheriff's Air Response Program
for Reservation Application

Attachment G: Sierra View District Hospital – Freedom From Smoking Application

Attachment H: Tule River Indian Tribe Sponsorship Letter

**BEFORE THE TULARE COUNTY
INDIAN GAMING LOCAL COMMUNITY
BENEFIT COMMITTEE**

IN THE MATTER OF REVIEW AND)
AWARD TULARE COUNTY INDIAN) RESOLUTION NO. 2013-
GAMING GRANT FUNDING)

UPON MOTION OF MEMBER _____, SECONDED BY MEMBER _____, THE FOLLOWING WAS ADOPTED BY THE TULARE COUNTY INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE, AT AN OFFICIAL MEETING HELD MAY 15, 2013, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

BY: _____
Chairman

* * * * *

Awarded Tulare County Indian Gaming Grant funding

**TULARE COUNTY INDIAN GAMING LOCAL
COMMUNITY BENEFIT COMMITTEE**

**APPLICATION FOR
FISCAL YEAR 2012/13 GRANT FUNDING**

MARCH 1, 2013



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

Application Due Date:April 5, 2013

Committee Members:

Robin Skiles, Chair
Gilbert Ynigues, Vice-Chair
Nancy McDarment
Kenneth McDarment
Mike Ennis
Joe Garcia
Cameron Hamilton

Alternate Members:

John Crivello
Holly Bella

Committee Staff:

Jed Chernabaeff
John Hess

Contact Information:

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



**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

GRANT APPLICATION FORM

A. **Name of Jurisdiction:** City of Porterville

B. **Mailing Address of Jurisdiction:** 291 N. Main Street, Porterville California 93257

C. **Name of Project:** City Transit Sunday Service

D. **Mitigation of Impacts:** Does this Project mitigate impacts associated with Eagle Mountain casino (Check one box)? 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
- Fire Services
- Emergency Medical Services

**TULARE COUNTY INDIAN GAMING
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- Mitigate Environmental Impacts
- Water Supplies
- Waste Disposal
- Behavioral Health
- Planning & Adjacent Land Uses
- Public Health
- Roads
- Recreational & Youth Programs
- Child Care Programs
- Other (Briefly describe) Traffic Congestion

- 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? \$ 150,000

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. 80 %

J. Funding Request: Amount of funding requested through this application: \$ 120,000

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: Passenger Farebox Revenues - \$30,000
- b. Name and Amount: _____
- c. Name and Amount: _____

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- 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? July 1, 2013 to June 30, 2014
- O. Federal Tax ID #: 94-6000398

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: Richard I. Tree
Phone: (559) 782-7448
Fax: (559) 784-4569
Email Address: rtree@ci.porterville.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

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

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

April 4, 2013

Date



PORTERVILLE TRANSIT

EXHIBIT A

SUNDAY SERVICE

APPLICATION FOR

FISCAL YEAR 2012/2013

INDIAN GAMING GRANT FUNDING

GAMING IMPACTS

1. Porterville Transit History

Public Transportation service in Porterville dates back to 1980 when the City began offering curb-to-curb demand response service to the general public through Dial-A-COLT, or COLT. In reaction to increasing ridership on the COLT service, the City implemented Porterville Transit, a full-time fixed route service, in July of 1997. Porterville Transit began as a two route system, but quickly matured to the nine route system of today. In August of 2006, Porterville's Dial-A-COLT service was changed to a seniors and Americans with Disabilities Act (ADA)-preferred service to better serve residents with the greatest need for mobility assistance in the face of capacity constraints; but has since begun to allow all passenger types again. Porterville continues to provide transit service to the general public through its fixed route system and on COLT.

The City of Porterville operates Porterville Transit as its fixed route service. Porterville Transit and COLT services are provided within the Porterville Urbanized Area. The Porterville Urbanized Area services the City of Porterville, Strathmore, Tule River Indian Reservation, and designated unincorporated urban areas of the county, including "county islands" within the city limits. The County and Tribe compensates the City for fixed route and Dial-A-COLT services provided to these areas, limited to a percentage of the operating costs for Porterville Transit. The compensation is done through a transfer of funds: County LTF, Section 5307 credit, farebox credit, and depreciation.

Route 9 was added in December 2012 and was designed to serve areas of the Porterville Urbanized Area and portions of the County of Tulare that have previously been un-served by any transportation provider. The expanded route 9 was designed to serve the largest employment centers in and around the community to maximize the access for employment related activities.

As of January 2013, Porterville transit operates 9 fixed routes. Each route is a one-way loop, beginning and ending at the Porterville Transit Center. Routes 1 through 6 operate on 40-minute headways. Routes 7 and 8 operate every hour and twenty minutes, alternating one bus between the two routes. Route 9 operates every hour, using 2 buses, to provide transit service to the Tule River Indian Reservation.

Transit Service Operational Profile

Dial-A-COLT currently provides demand response service Monday through Friday 7:00 AM to 10:00 PM, Saturday from 9:00 AM to 5:00 PM, and on Sunday from 8:00 AM to 4:00 PM. Dial-A-COLT averages 12,000 annual passenger trips covering approximately 65,000 revenue miles.

Porterville Transit currently provides transit service Monday through Friday from 6:00 AM to 8:00 PM, Saturday from 9:00 AM to 5:00 PM, with no service on Sunday. Porterville Transit averages 500,000 annual passenger trips covering approximately 300,000 revenue miles.

2. Project Description

As the regional public transportation provider for the Porterville Urbanized Area, which is the only service provider to service both the Tule River Indian Reservation and the Porterville Urbanized Area (approximately 75,000 residents). The City is proposing to implement Sunday service on the Porterville Transit system. Sunday service will be implemented on all nine (9) routes, which will provide service seven days a week, that will directly improve access to transportation services to the City, Reservation, Eagle Mountain Casino, and virtually all regional employment centers and employment related activities.

The City's proposed project, Transit Sunday Service, will also mitigate the gaming impacts of the Eagle Mountain Casino through improved air quality, reduction of greenhouse gas emissions, and a reduction of travel demand throughout the Urbanized Area, the County, and the Reservation.

PROPOSED PROJECT BUDGET

(1) Total Operating Expenses (Itemize)

Total Direct Labor	\$84,000		
<hr/>			
Total Maintenance and Supplies	\$56,000		
<hr/>			
Total Other Direct Costs	\$10,000		
<hr/>			
Total Travel Costs	\$0		
<hr/>			
TOTAL OPERATING EXPENSES	\$150,000		
<hr/>			
TOTAL *INDIRECT EXPENSE (Indirect Rate: ___%)	\$0		
<hr/>			
TOTAL DIRECT & INDIRECT EXPENSE		\$150,000	(1)

(2) Less Fare box and Other Revenue (*For Public Operators Only*)

Farebox Revenue (20%)	\$30,000		
<hr/>			
TOTAL FAREBOX AND OTHER REVENUE			
<hr/>			
APPLIED AGAINST ELIGIBLE EXPENSES	\$30,000	(30,000)	(2)
<hr/>			

(3) NET PROJECT COST (Line 1 – Line 2)		\$120,000	(3)
<hr/>			

3. Gaming Impacts

Eagle Mountain Casino, established in 1996, provides the area with approximately 300 jobs. As one of the largest job centers in the area, Eagle Mountain Casino provides employment to Tribal, City and County residents. These jobs pay a living wage, lifting members of the community out of poverty.

Because Eagle Mountain Casino is one of the larger employers in the area, one of the biggest impacts to the City's jurisdiction caused by gaming at the Eagle Mountain Casino is the increase in traffic on California State Route 190, Avenue 140, Reservation Road, and within the Reservation itself. The Eagle Mountain Casino is located within the isolated Tule River Indian Reservation 18 miles East of Porterville.

Due to its isolation, limited access is available for its residents, employees, and tourists. Because of the limited access, the majority of vehicle traffic occurs through the City of Porterville from California State Route 190 to Avenue 140 to Reservation Road. Reservation Road itself is 36 miles, round trip, of winding two-lane road that travels through the foothills to the Reservation. Most of the road its self is narrow with several sharp turns and steep grades.

Since the opening of Eagle Mountain Casino, within the Tule River Indian Reservation, the City and County have witnessed a dramatic increase in personal and commercial travel demand. Unfortunately, due to the increase in travel, there has also been an increase in congestion, road maintenance, and accidents along this route. Along with these increases, the cost of driving a personal vehicle, to the isolated Casino, has increased as well. On average, the true cost to drive a personal vehicle to the Casino is approximately \$21 per trip.

Additionally, with the increase in travel demand there has also been an impact on the environment which can be attributed to gaming at Eagle Mountain Casino. Air pollution particularly by transport mode (traffic) has been identified as the major source of air pollution in the Central San Joaquin Valley. Unfortunately, the San Joaquin Valley is an area that exceeds the federal governments set of standards. This increase in traffic, directly related to the increase in traffic to the isolated Casino has directly impacted the environment (air pollution) in our jurisdiction.

4. Mitigating Gaming Impacts

The City of Porterville's proposed project, Transit Sunday Service, will mitigate the gaming impacts of the Eagle Mountain Casino by providing cost effective public transportation to the City and Reservation seven days a week while improving air quality, reducing greenhouse gas emissions, and reducing traffic.

Since the City started public transportation services to the Reservation (December 2012), the transit system has averaged approximately 7,000 passenger trips a month. The success of the service has been overwhelming and the system is on pace to transport over 80,000 passengers in its first year of service. By adding one additional day, Sunday, the City's transit system has estimated that it would transport an additional 16,000 monthly passengers and nearly 100,000 passengers annually; continuing to decrease traffic and reducing greenhouse gas emissions to those who would have otherwise driven their personal car to the Reservation.

The City's public transportation system provides the only practical alternative to mitigate the impact of travel to the Reservation and casino. Not only does the transit system transport patrons (50%), the transit system is widely used by tribal residents (10%), employees (25%), seniors and disabled (13%), and school children (2%).

The Porterville Transit system is able to transport more people with fewer vehicles. The American Public transit Association found that "the reduction of auto travel...is much greater than that attributed to the direct replacement of auto travel by bus travel," on the order of a reduction of 4 auto trips for every 1 trip by transit trip. Based on those figures, the daily reduction of auto travel would eliminate over 100 vehicles traveling to the Reservation and Casino.

While reducing traffic to the Reservation, the City's transit service is also reducing greenhouse gases caused by personal vehicles. National averages demonstrate that public transportation produces significantly lower greenhouse gas emissions per passenger mile than personal vehicles. The National averages shows that the average vehicle produces 16.1 lbs. per mile of CO₂, while the average CNG transit bus produces 5.6 lbs. per mile.

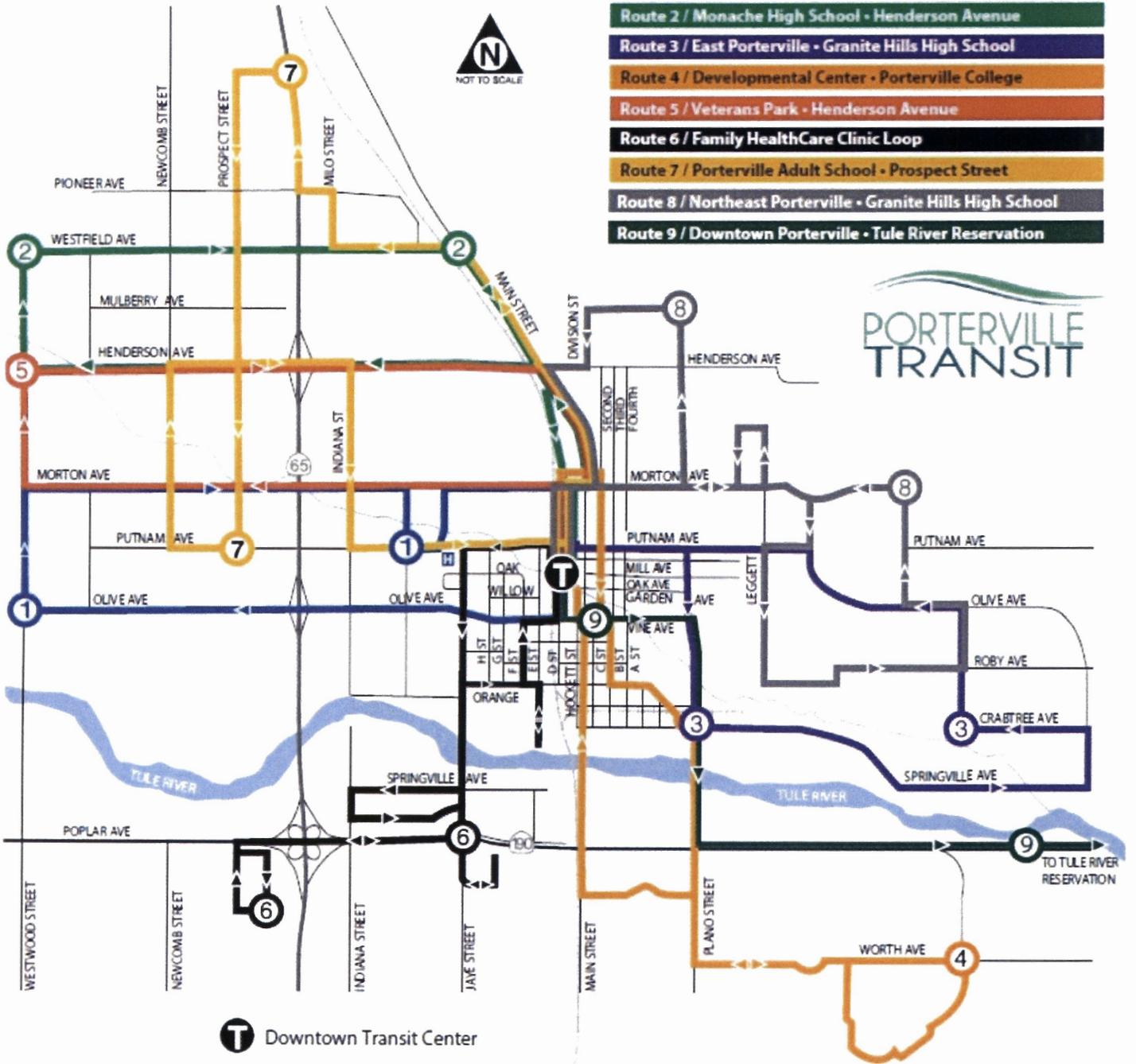
If awarded, the City will be able to develop an innovative "local" program that helps create a sustainable transportation system that will provide real mobility options for residents, and produce collateral benefits to the environment.

PORTERVILLE TRANSIT

Google maps

Porterville Transit System Map

- Route 1 / Sierra View Hospital - Porterville High School
- Route 2 / Monache High School - Henderson Avenue
- Route 3 / East Porterville - Granite Hills High School
- Route 4 / Developmental Center - Porterville College
- Route 5 / Veterans Park - Henderson Avenue
- Route 6 / Family HealthCare Clinic Loop
- Route 7 / Porterville Adult School - Prospect Street
- Route 8 / Northeast Porterville - Granite Hills High School
- Route 9 / Downtown Porterville - Tule River Reservation



T Downtown Transit Center

5. Funding Recognition

If awarded, the City would meet the requirement, that grant recipients must provide notice to the public which states that the project has received funding from the Indian Gaming Special Distribution Fund and identifies the Tule River Indian Reservation, by performing the following:

- Slogan and Tribal logo on all transit vehicles identifying that Sunday Service is funded by the Tribe and Indian Gaming funds.
- Slogan and Tribal logo in all transit publications that Sunday Service is funded by the Tribe and Indian Gaming funds.
- Newspaper article describing the new transit project being funded by Tribe and Indian Gaming funds.

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

4. Submission Directions

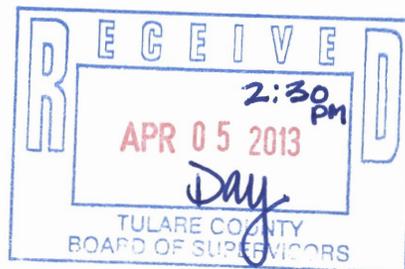
It is anticipated that the Committee will make grant awards by May 17, 2013, and the State Controller's Office will allocate the money to grant recipients by June 30, 2013.

Please submit one (1) original and two (2) copies of each grant application by 5:00 P.M. on April 5, 2013, 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 and 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.



**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

GRANT APPLICATION FORM

- A. **Name of Jurisdiction:** Porterville Fire Department
- B. **Mailing Address of Jurisdiction:** 40 W. Cleveland, Porterville CA,
93257
- C. **Name of Project:** Mass Casualty Crash/Rescue Mitigation
- D. **Mitigation of Impacts:** Does this Project mitigate impacts associated with Eagle Mountain casino (Check one box)? 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
- Fire Services
- Emergency Medical Services

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

- Mitigate Environmental Impacts
- Water Supplies
- 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? \$ 150,000

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. 100 %

J. Funding Request: Amount of funding requested through this application:
\$ 150,000

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: _____
- b. Name and Amount: _____
- c. Name and Amount: _____

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

- 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? 12 months including development of specifications, bid, award of contract, construction and delivery.
- O. Federal Tax ID #: 94-6000398

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: Glenn Irish, Interim Fire Chief

Phone: 559-782-7526

Fax: 559-791-7834

Email Address: gsirish@ci.porterville.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

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

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



Date

Project Description/Gaming Impacts/Mitigation

The 2012-2013 grant project will fund the purchase of a rescue vehicle to transport specialized heavy rescue equipment and fire department personnel trained in heavy rescue techniques to mass casualty vehicle accidents occurring on the roadways between Eagle Mountain Casino and the City of Porterville. This project will replace an aging vehicle scheduled for surplus due to high mileage, extreme use and unreliability. Currently, this vehicle is the only resource in the south county region with rescue equipment capable of lifting and stabilizing heavy commercial vehicles such as transit buses.

Eagle Mountain Casino provides needed employment and recreation for people living in the City of Porterville and contributes significantly toward regional economic development. Large numbers of people migrate through the City of Porterville to and from the casino on a daily basis, taking advantage of the employment and recreational opportunities offered. To reduce the impact on air quality and traffic congestion, Eagle Mountain Casino has developed and operates a regional mass-transit system that carries people throughout the San Joaquin Valley to and from the casino each day.

Current route schedules include daily trips from Porterville, Bakersfield, Kern County, Shafter, Wasco, Delano, Orosi, Visalia, Exeter and Lindsay. More than 15,000 mass-transit vehicle trips per year go through Porterville to and from the casino. No other population center within Tulare County incurs this significant amount of casino-generated transit. Accidents involving mass-transit vehicles present significant problems for emergency responders and require specialized equipment with trained personnel in order to minimize injuries and loss of life.

Recent examples of tragic accidents involving mass-transit vehicles within California include the Fresno Greyhound accident that occurred on July 22, 2010. A Greyhound bus crashed into an SUV that had overturned on Highway 99 in Central Fresno, killing six people including the driver of the bus and injuring 21 others. In Yucaipa, California, on February 3, 2013, a tour bus crashed traveling down a mountain road, killing seven people and injuring 38. In the City of Porterville, on October 16, 2011, an Eagle Mountain Casino bus was rear-ended by a drunk driver, causing seven injuries and one fatality.

Accidents involving buses have the potential to present emergency responders with large numbers of critically injured patients. They pose complex extrication and rescue problems associated with large, heavy vehicles that require quick deployment of specialized equipment and highly trained responders. Critically-injured victims have a far greater probability of survival if they can be extricated, treated and transported to a hospital within the first "golden hour" after an accident.

The Porterville Fire Department provides an emergency vehicle equipped and staffed to mitigate heavy rescue and mass-casualty incidents, capable of responding to casino and transit routes well within the first “golden hour”. Other rescue vehicles, which are only partially equipped for this type of incident, are more than 35 miles from the casino, with an estimated response time greater than one hour.

The Porterville Fire Department has auto and mutual-aid agreements supporting all fire agencies in Tulare County, including the Tule River Fire Department. Additionally, the department is committed to respond at the request of the Tule River Fire Department, its rescue vehicle, fire engines and aerial truck to fire and mass-casualty incidents involving the Eagle Mountain Casino and/or Eagle Mountain transit vehicles.

Taking into account the central location of the Porterville Fire Department’s heavy rescue vehicle, its trained personnel, automatic and mutual-aid agreements and the direct request commitment with the Tule River Fire Department, the Porterville Fire Department will likely be called to respond its heavy rescue resource, to any major accidents involving Eagle Mountain Casino transit within the south county region, regardless of city, county or tribal jurisdictional boundary.

This impact can be attributed in full to the employment and recreation opportunities provided by Eagle Mountain Casino. The unincorporated area between Eagle Mountain Casino and the City of Porterville is lightly populated and absent of any other employer or recreational venue that regularly generates mass-transit vehicular traffic. This project will ensure that risks to public safety from high frequency mass transportation to and from Eagle Mountain Casino can be successfully mitigated by providing a reliable and sufficient emergency vehicle to transport specialized rescue equipment and trained responders quickly to the scene of any incident involving Eagle Mountain Casino-related transit.

Proportionate Share

This project is proposed to be funded one-hundred percent by Indian Gaming Special Distribution funds. Two primary factors were used in development of this proportionate share determination. Mass-transit operations occurring on roadways between the City of Porterville and Eagle Mountain Casino can be attributed in full to impacts of gaming at the casino. The need for a single heavy rescue vehicle that can quickly traverse the variety of terrain and road conditions encountered between the City and the Casino is resultant entirely from operation of the casino and its mass transit system. If complete funding of this project is unavailable, the Porterville Fire Department will consider alternative cost sharing strategies to continue providing this regional service.

Even though the City of Porterville does conduct mass-transit operations within the City, these activities do not necessitate a single heavy rescue vehicle to mitigate the public

safety impact created. In fact, the City of Porterville would be better protected by distributing its cache of heavy rescue equipment between existing fire stations and engine companies for responses within City limits. This would be a more efficient and cost-effective solution for the Porterville Fire Department but would have negative regional impacts on surrounding public safety agencies, including the Tule River Fire Department.

The primary purpose of the department's heavy rescue vehicle is to provide a single unit capable of responding outside of the city limits, supporting other public safety agencies in the region for mitigation of mass-casualty accidents. This includes the equipment, the rescuers, and the ability to get them to the scene within a short response time.

Funding Recognition

The Porterville Fire Department will affix signage to the left and right rear sides of the apparatus, stating the project has received funding from the Indian Gaming Special Distribution Fund, identifying the Tule River Tribe and Eagle Mountain Casino from which the grant is derived. Signage shall be clearly legible from a distance no less than 100' from the vehicle. The Porterville Fire Department will highlight the vehicle on its website, and will include information on funding from the Indian Gaming Special Distribution Fund and Tule River Tribe and Eagle Mountain Casino. The department will highlight the vehicle in its annual report for 2013, including the Indian Gaming Special Distribution Fund and Tule River Tribe and Eagle Mountain Casino from which the grant is derived.

TULARE COUNTY INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE

APPLICATION FOR FISCAL YEAR 2012/13 GRANT FUNDING

MARCH 1, 2013



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
Application Due Date:	April 5, 2013

Committee Members:

- Robin Skiles, Chair
- Gilbert Ynigues, Vice-Chair
- Nancy McDarment
- Kenneth McDarment
- Mike Ennis
- Joe Garcia
- Cameron Hamilton

Alternate Members:

- John Crivello
- Holly Bella

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**

GRANT APPLICATION FORM

A. Name of Jurisdiction: Tulare County Fire Department

B. Mailing Address of Jurisdiction: 907 W. Visalia Road,
Farmersville, CA 93223

C. Name of Project: County Fire Department PPE purchase

D. Mitigation of Impacts: Does this Project mitigate impacts associated with Eagle Mountain casino (Check one box)? 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
- Fire Services
- Emergency Medical Services

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

- Mitigate Environmental Impacts
- Water Supplies
- 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? \$ 74,394

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. 100 %

J. Funding Request: Amount of funding requested through this application:
\$ 74,394

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: Tulare County Fire Department \$40,000
- b. Name and Amount: _____
- c. Name and Amount: _____

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

- 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? FY 2013-2014
- O. Federal Tax ID #: 94-000545

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: Steve King
Phone: 559-747-8233
Fax: 559-747-8242
Email Address: sking@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

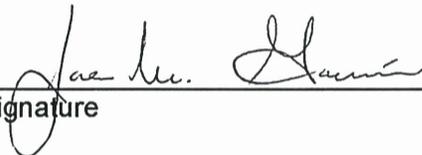
**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

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 20, 2013

Date

Impacts of Indian Gaming on Tulare County Fire Department activities

Cal-Fire 911 service calls to the Reservation from 1995-2006 aren't available for long term service calculations. Tulare County Fire 911 call dispatching information by station is only available for the past year. Tulare County Fire estimates annual call volumes to the Reservation in recent years ranged from 100-115 calls per year. *****Does not reflect multiple units dispatched on a call.**

Breakdown of 911 calls:

Medical Aids:	42
Traffic Accidents	28
Fires	26
Other	8
	104
	<u>17</u>
Adjusted 911 calls	121

Fire calls by type:

Structure:	4	(Typically at least 2 vehicles respond)
Grass/Wildland	11	(Typically at least 2 vehicles respond)
Vehicles	2	(Typically at least 2 vehicles respond)
Other (debris, smoke check, burn comp., power lines)	15	
Types of fires with multiple engine response	17	

Total call volume per station / February 1, 2012 – March 12, 2013		
Station Name	Station #	# of Calls
Strathmore	16	785
West Olive	19	1117
Doyle Colony	20	1217
Terra Bella	21	634
Springville	22	629
	Total Calls	4382

Total call per station to the reservation / February 1, 2012 – March 12, 2013		
Station Name	Station #	# of Calls
Strathmore	16	0
West Olive	19	2
Doyle Colony	20	52
Terra Bella	21	0
Springville	22	50
	Total calls	104*
***Does not reflect multiple units dispatched on a call. Historically this happens perhaps 1 in 4 calls		

Total station staffing		
Station Name	Station #	# of firefighters
Strathmore	16	16
West Olive	19	24
Doyle Colony	20	22
Terra Bella	21	10
Springville	22	15
	Total Personnel	87

Reservation-related calls (121) divide by 4,382 total 911 calls for five stations = 2.76 percent of call volume dispatched to Reservation	
\$2,695,447 x .0276	Annual costs related to five Tulare County stations that respond to the Reservation/Indian Casino Percentage of total 911 calls from the five stations related to Reservation/Indian Casino
\$74,394	Tulare County Fire Department's cost to respond to Reservation/Indian Gaming-related 911 calls (February 1, 2012-March 12, 2013)
\$74,394	Amount Tulare County Fire Department is seeking in 2013 Indian Gaming Grant Application

Impacts of Indian Gaming on Tulare County Fire Department activities

Documenting the historical costs of Tulare County's fire prevention impacts related to Indian Gaming:

The Eagle Mountain Casino began operations in 1996. Tulare County Fire Department began operations on July 1, 2007. Before this date, fire service to the Reservation was provided by Cal-Fire.

This change in service providers makes long term documentation of casino-related fire service difficult for several reasons. Tulare County Fire operates 27 stations total, and does not break down all cost-related items by individual station. County officials have tried to break out most major costs for the relevant fire stations. Tulare County Fire typically handles 911 calls to the Tule River Indian Reservation by dispatching one or more units from five stations: Strathmore; West Olive; Doyle Colony; Terra Bella or Springville. While Doyle Colony, Springville and West Olive stations are the most likely stations to respond to incidents related to the Eagle Mountain Casino, Strathmore and Terra Bella are the next engines to respond if the primary stations are unavailable to respond.

Planning for fire service involves redundancy planning, and is not easy to break down to per incident costs under the Tulare County Fire Department's current fiscal tracking process. The point being that officials must plan for an excess of service capacity in order to make sure that there is always adequate ability to respond to fire emergencies on the Reservation should some engines be called to respond elsewhere. **The metrics below, however, document known fiscal impacts for these five stations:**

Fire engine allocation per station (same at five South County stations):

Engine (Cost ea. \$450,000; industry standard replacement interval 15 years)	\$2.25 million
Water tender (Cost ea. \$350,000; one engine)	\$350,000
Patrol (mini-engine) (Cost ea. \$225,000; standard replacement interval 15 years)	<u>\$1.13 million</u>
Note: These engines are all currently older engines and nearing service retirement*	<u>\$3.723 million (not amortized)</u>

Annual amount of depreciated personal protection equipment	\$19,339
Annual amount of depreciated fire engines (see chart depreciation chart)	\$248,333 (5 stations)
Annual operations cost per station, incl. personnel (\$13 million - 27 stations; \$481, 481 ea.)	\$2,407,405 (5 stations)
Annual capital cost for station maintenance (\$110,000 - 27 stations; \$4,074 ea.)	<u>\$20,370 (5 stations)</u>
Total known annual impacts. (Does not include radio or safety gear replacement**)	<u>\$2,695,447</u>

Reservation calls 121 divide 4,382 total 911 calls for five stations = 2.76 percent of call volume dispatched to Reservation
 \$2,695,447 x .0276 = **\$74,394** = Reservation-related 911 costs to Reservation (February 1, 2012-March 12, 2013)

The Tulare County Fire Department does not routinely budget the full cost of replacement personal protective equipment, pagers or radios in each station's annual operating costs.

Personal protective equipment includes safety apparel such as turnout coats, turnout pants, helmets, Nomex wildland jacket and Nomex pants and helmet shrouds. The industry standard is to replace many of these items every 7 years. Much of the existing Tulare County gear at these stations is already close to 10 years old and a significant amount of this gear has already been repaired at least once. The County replaces personal protective gear as funds become available during the annual budget process, but this annual allocation is often not at the desired level for full programmatic replacement.

Average cost of firefighter turnout gear:			
Turnout Coat:	\$588	Wildland Nomex Jacket:	\$145
Turnout Pants:	\$407	Nomex Pants:	\$170
Structure Helmet:	\$199	Wildland Gloves:	\$17
Structure Gloves	<u>\$30</u>	Total:	<u>\$332</u>
Total:	<u>\$1,224</u>		

\$1,224 Turnout gear
\$332 Wildland gear
 \$1,556 (complete set ea.)

Number of Firefighter staffing five stations: 87 x \$1,556 = costs of PPE @ five stations = \$135,372 (7 yr deprecation)
 \$135,372 divide 7 equals \$19,339 per year depreciated cost for 87 sets of PPE.

Attachment B

Tulare County Fire Department 2013 Indian Gaming Grant Application Fact sheet

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

a. Describe the project thoroughly:

Tulare County Fire Department intends to replace well-worn *personal protective equipment* (PPE) for firefighting personnel at the following stations; Strathmore, West Olive, Doyle Colony, Terra Bella and Springville. While Doyle Colony, Springville and the West Olive stations are the most likely stations to respond to incidents related to the Eagle Mountain Casino, Strathmore and Terra Bella are the next engines to respond if the primary stations are unavailable for response.

PPE includes safety apparel such as turnout coats, turnout pants, helmets, nomex wildland jacket, pants and helmet shrouds. The majority of the turnouts in use by the above-mentioned personnel were placed in service in 2004. The bulk of this PPE is 9 years old. Much of that PPE has been repaired, and it will soon be beyond repair and out of compliance with the National Fire Protection Association recommendation (NFPA 1851, Chapter 8). Industry standards recommend PPE replacement every 7 years.

Tulare County Fire Department is requesting \$74,394 from the 2013 Indian Gaming Grant funds to purchase and replace the equivalent of 47 sets of turnout coats and pants. Turnout coats and pants are basic firefighter protective clothing used when engaging in fire fighting activities, hazardous material incidents, vehicle accidents and other miscellaneous emergency activities.

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 directly 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 (M137) and Success Valley Drive provide the major public access to the reservation and the casino.

County engineers analyzed 18-years-worth of traffic along Reservation Road and Success Valley Drive, the primary access route to the Tule River Indian Reservation, and determined casino-related traffic has increased dramatically since the Eagle Mountain Casino began operating in 1996. As traffic volume increases, especially on windy, remote rural roads, the incidence of associated accidents, vehicle-related fires and medical emergencies also increases.

Officials analyzed fire calls for service in the South Valley to quantify the level of service from the five stations that predominately respond to Reservation/Indian Casino related 911 calls (see attached factsheets).

To partially offset the direct impacts of Indian Gaming activities at Eagle Mountain Casino, County officials intend to purchase safety equipment that will be used during emergency responses to the Reservation/Indian Casino area.

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:

The attached factsheets demonstrate the methodology used to calculate the percentage of fire response to emergencies that occur at the Reservation/Indian Casino. This included calculating the wear and tear on emergency vehicles, staffing costs, and the relevant depreciation on fire safety gear. While the demonstrated costs do not capture all associated fiscal impacts of fire-related Indian Gaming impacts, we believe they do demonstrate the required "reasonable relationship" to casino impacts.

The fiscal impacts demonstrated for County fire responses to the Reservation/Indian Casino areas are intentionally conservative – we do not believe they show true “cost recovery” but rather are presented to minimally establish related impacts. Historical records to demonstrate prior years of 911-related fire responses are no longer available. Anecdotal evidence indicates fire responses in this area have been higher during some recent past years.

The casino has been in operation since 1996. The calculations for vehicle depreciation and other costs used to establish the base percentage of casino-related impacts are for the current year only. The attached factsheets clearly indicate the historical impacts of providing fire response far exceed the calculated impacts for the 12 months immediately preceding this grant application.

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.

County Fire officials will create signage that will be posted at each of the five fire stations that typically respond to 911 calls for service to the Tule River Indian Reservation and Eagle Mountain Casino. These signs will indicate safety equipment used at these stations was funded in part with monies generated by Eagle Mountain Casino, operated by the Tule River Indian Tribe and awarded by the Tulare County Indian Gaming Local Community Benefit Committee.

ATTACHMENT C

FIRE ENGINE DEPRECIATION WORKSHEET

Depreciation Calculation for Fire Equipment

Equipment Description	Station	Acquisition Date*	Life	Acquired Value**	Age (Years)	Annual Amt Depreciated	Ending Accum Depr (Years in Age)	Net Book Value ***
Engine 16	Strathmore	2007	15	450,000	6	30,000	180,000	270,000
Engine 19	West Olive	2009	15	450,000	4	30,000	120,000	330,000
Engine 20	Doyle Colony	1992	15	450,000	21	30,000	630,000	(180,000)
Engine 21	Terra Bella	2007	15	450,000	6	30,000	180,000	270,000
Engine 22	Springville	1997	15	450,000	16	30,000	480,000	(30,000)
Patrol 16	Strathmore	2010	15	225,000	3	15,000	45,000	180,000
Patrol 19	West Olive	2010	15	225,000	3	15,000	45,000	180,000
Patrol 20	Doyle Colony	2008	15	225,000	5	15,000	75,000	150,000
Patrol 21	Terra Bella	1999	15	225,000	14	15,000	210,000	15,000
Patrol 22	Springville	2010	15	225,000	3	15,000	45,000	180,000
Water Tender	West Olive	1995	15	350,000	18	23,333	420,000	(70,000)

NOTE:

*Assumed Acquisition date is equal to model year

**Acquired value amounts provided by E.Coyne 3/19/13

*** Amounts with negative book value would not be recorded, depreciation is complete once max life (15) is reached

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

IN THE MATTER OF AUTHORIZING THE)
SUBMITTAL OF A 2013 INDIAN GAMING) Resolution No. 2013-0182
SPECIAL DISTRIBUTION FUND)
APPLICATION)

UPON MOTION OF SUPERVISOR COX, SECONDED BY SUPERVISOR ENNIS, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 2, 2013, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, VANDER POEL, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



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

BY: *Daniel C. Ybana*
Deputy Clerk

1. Authorized the submission of a grant application for a Tulare County Indian Gaming Local Community Benefit Committee grant to purchase personal protective equipment in the amount of \$74,394.
2. Authorized the Fire Chief to sign the grant application.

Fire

DAY
4/2/13

**TULARE COUNTY INDIAN GAMING LOCAL
COMMUNITY BENEFIT COMMITTEE**

**APPLICATION FOR
FISCAL YEAR 2012/13 GRANT FUNDING**

MARCH 1, 2013



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

Application Due Date:April 5, 2013

Committee Members:

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Gilbert Ynigues, Vice-Chair
Nancy McDarment
Kenneth McDarment
Mike Ennis
Joe Garcia
Cameron Hamilton

Alternate Members:

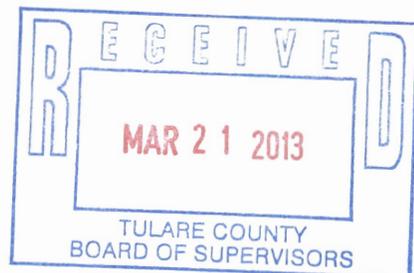
John Crivello
Holly Bella

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**

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: Success Valley Drive road improvement project

D. Mitigation of Impacts: Does this Project mitigate impacts associated with Eagle Mountain casino (Check one box)? 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
- Fire Services
- Emergency Medical Services

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

- Mitigate Environmental Impacts
- Water Supplies
- 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? \$ 260,750

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 72 percent of Success Valley Drive traffic is casino-related %

J. Funding Request: Amount of funding requested through this application:
\$ 188,000

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 funding \$72,750 (28 percent proportional share)
- b. Name and Amount: _____
- c. Name and Amount: _____

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

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 December 2013

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

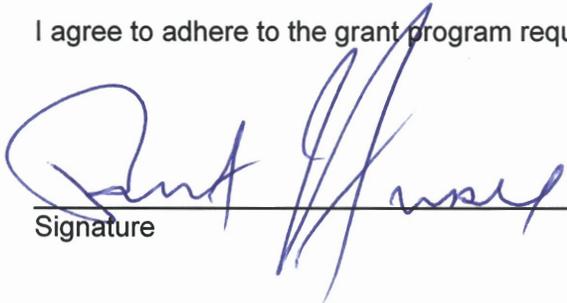
**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

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

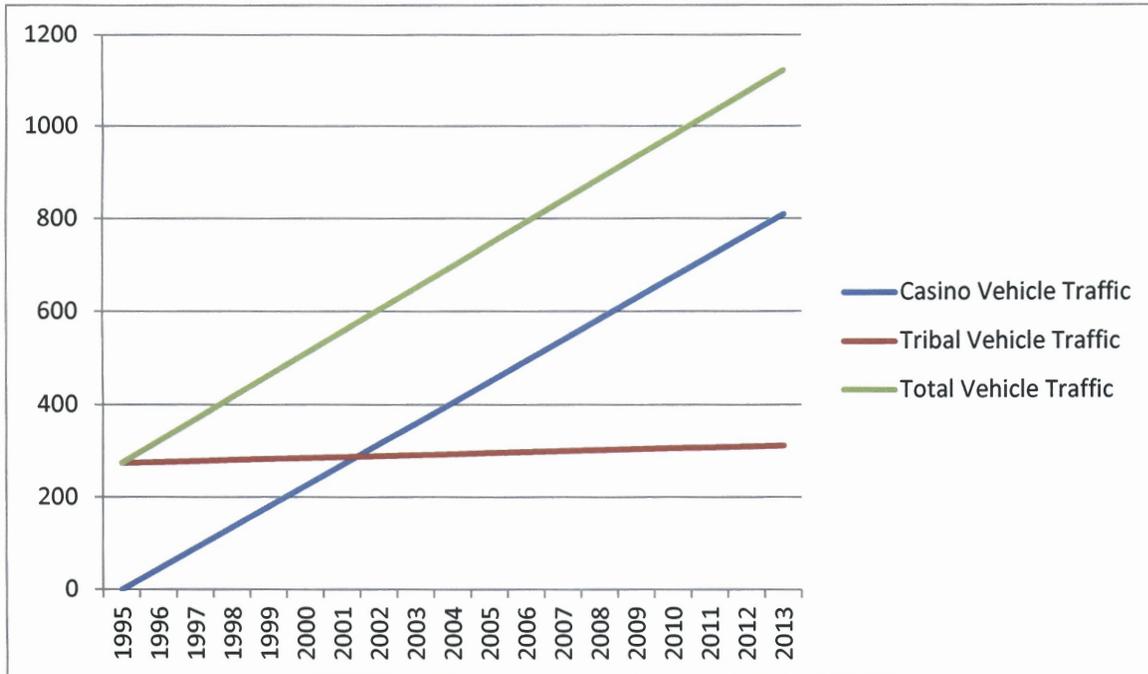


Signature

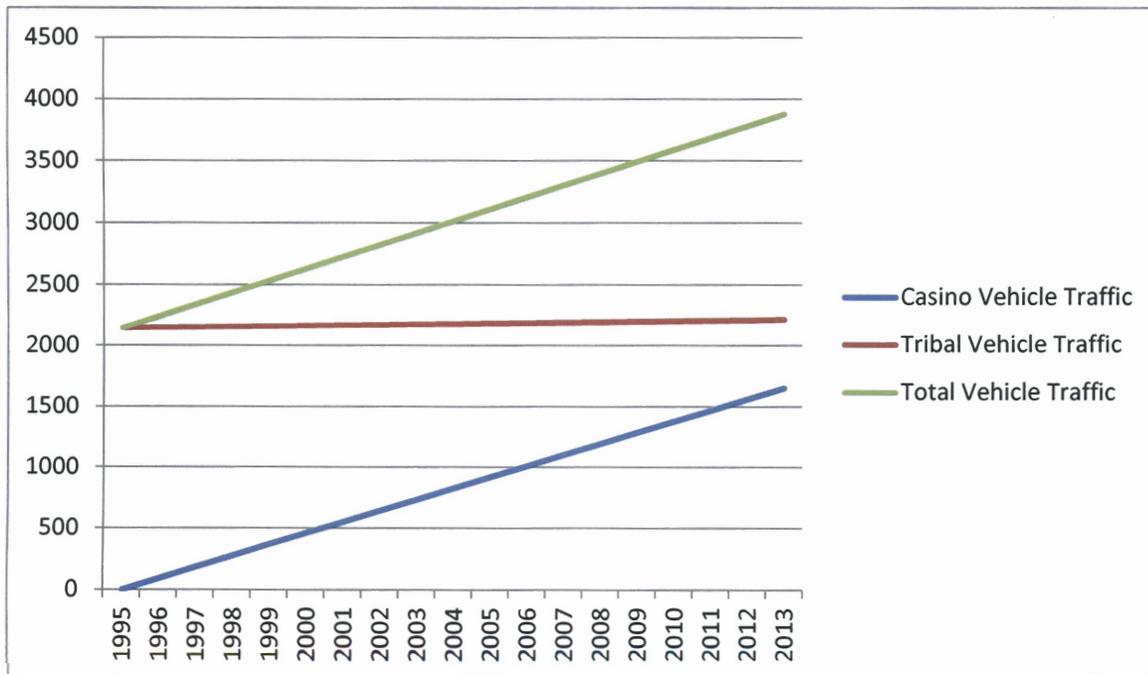
March 11, 2013

Date

Success Valley Road (Average Annual Daily Traffic -AADT)

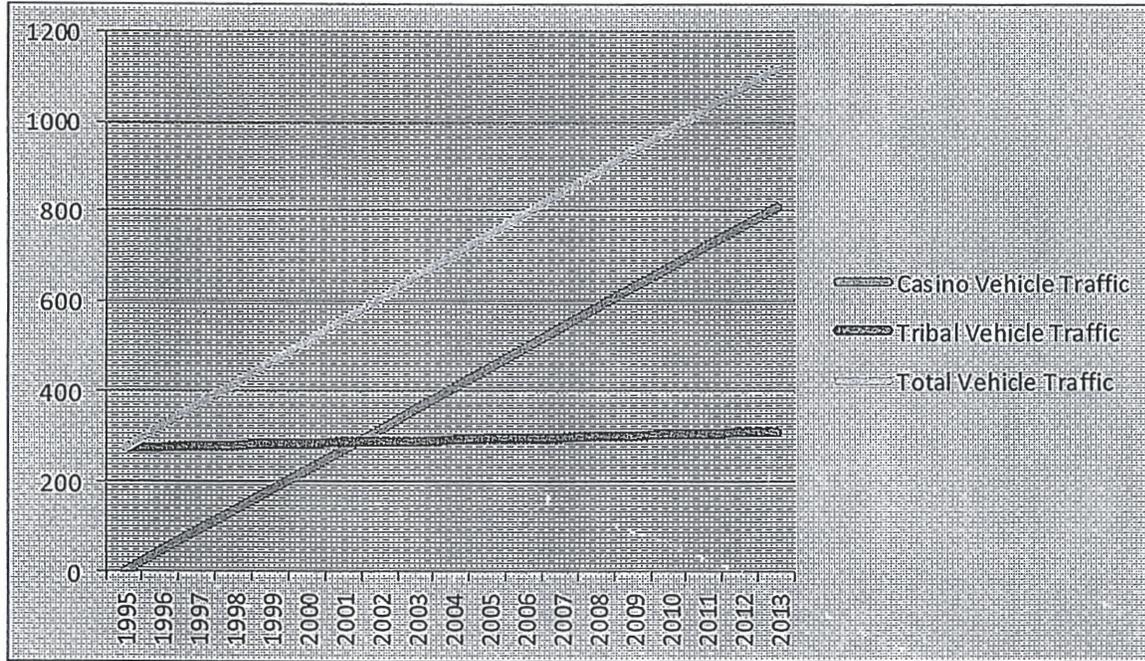


Reservation Road (Average Annual Daily Traffic -AADT)



Attachment A

Success Valley Drive (Average Annual Daily Traffic -AADT)



Source: Tulare County Traffic Engineering, 2013

**TULARE COUNTY INDIAN GAMING LOCAL
COMMUNITY BENEFIT COMMITTEE**

**APPLICATION FOR
FISCAL YEAR 2012/13 GRANT FUNDING**

MARCH 1, 2013



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

Application Due Date:April 5, 2013

Committee Members:

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Alternate Members:

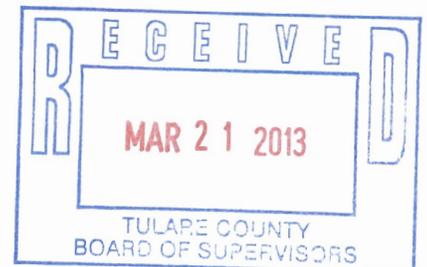
John Crivello
Holly Bella

Committee Staff:

Jed Chernabaeff
John Hess

Contact Information:

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2800 W. Burrel Ave
Visalia, CA 93291
(559) 636-5005



**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

GRANT APPLICATION FORM

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

B. **Mailing Address of Jurisdiction:** _____
5961 S. Mooney Blvd., Visalia, CA 93277

C. **Name of Project:** Reservation Road safety enhancement project

D. **Mitigation of Impacts:** Does this Project mitigate impacts associated with Eagle Mountain casino (Check one box)? 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
- Fire Services
- Emergency Medical Services

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

- Mitigate Environmental Impacts
- Water Supplies
- 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? \$ 791,000

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 47 percent of Reservation Road traffic is casino-related %

J. Funding Request: Amount of funding requested through this application:
\$ 80,000

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: Federal Highway Safety Improvement Project funds - \$711,000
- b. Name and Amount: _____
- c. Name and Amount: _____

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

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? Project to be bid out upon receipt of Indian Gaming grant; Completion anticipated by June 2014

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: 559-624-7170

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

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

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 12, 2013

Date

Tulare County RMA

Reservation Road repair project - Indian Gaming Grant Application

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

a. Describe the project thoroughly:

County RMA officials also seek permission to apply for \$80,000 in Indian gaming grant funds to pay the local match requirement for a \$711,000 Federal Highway Safety Improvement Program grant that has been awarded to the County. The overall project cost of the Reservation Road Safety improvement project is \$791,000. The HSIP grant award is designed to fund safety markers, signage and other safety enhancements along Mountain Road 137 (Reservation Road). The federal grant will pay for the majority of this work.

The major maintenance and repairs on Success Valley Drive 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 (M137) and Success Valley Drive provide 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, the primary access route to the Tule River Indian Reservation, and determined casino-related traffic has increased dramatically since the Eagle Mountain Casino began operating in 1996. Analysis indicates 47.4 percent of all current traffic on Success Valley Drive is casino-related.

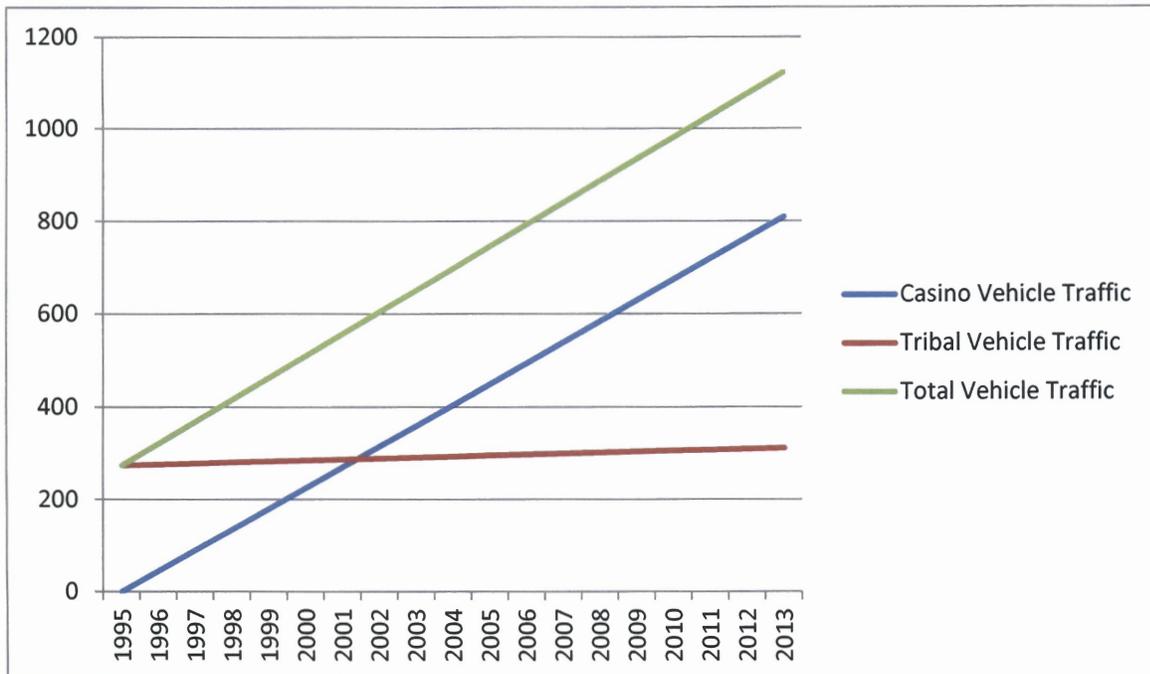
These calculations factor out traffic generated by Native Americans who live on the Reservation, based on assumptions the Tule Tribe's annual population growth rate is less than 4 percent. (see chart B)

The total cost to complete the Reservation Road Safety enhancement project is \$791,000. County RMA officials propose to use a \$711,000 Federal Highway Safety Improvement Program grant award to pay for the portion of the Reservation Road project that is not directly related to impacts of Indian Gaming related activities, pursuant to AB 621 requirements.

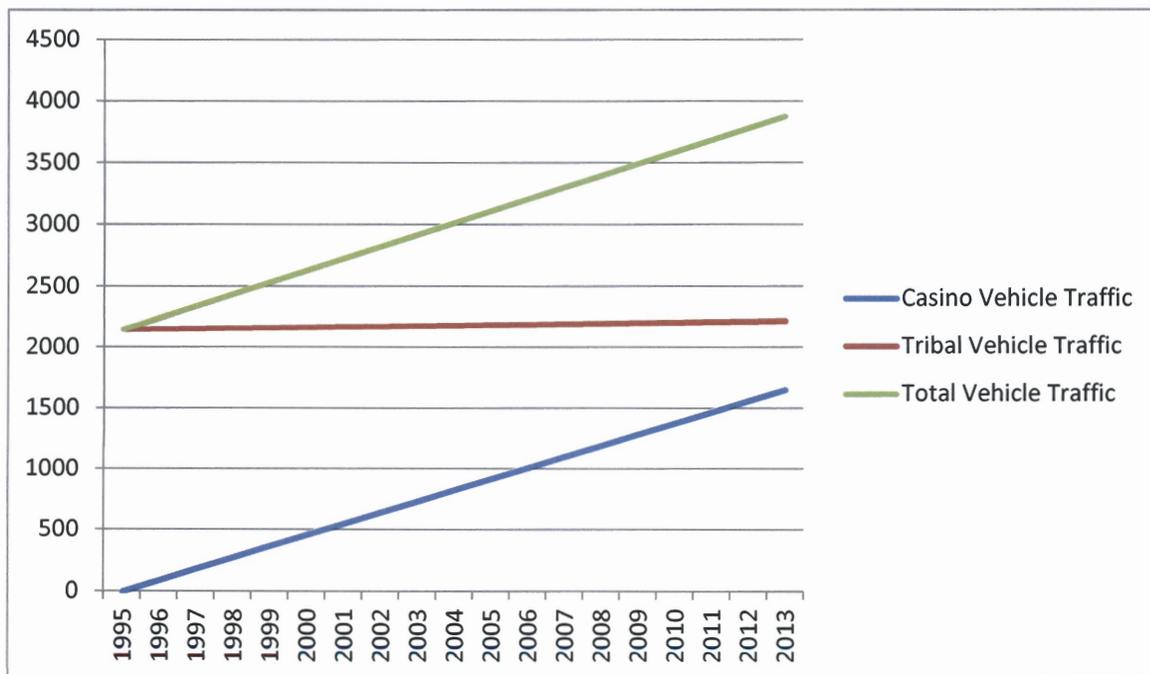
Q. Funding Recognition: On a separate sheet, please describe how you intend to meet the requirement that grant recipients must provide notice to the public, either through a slogan, signage, or other mechanism, which states that the project has received funding from the Indian Gaming Special Distribution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

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

Success Valley Road (Average Annual Daily Traffic -AADT)

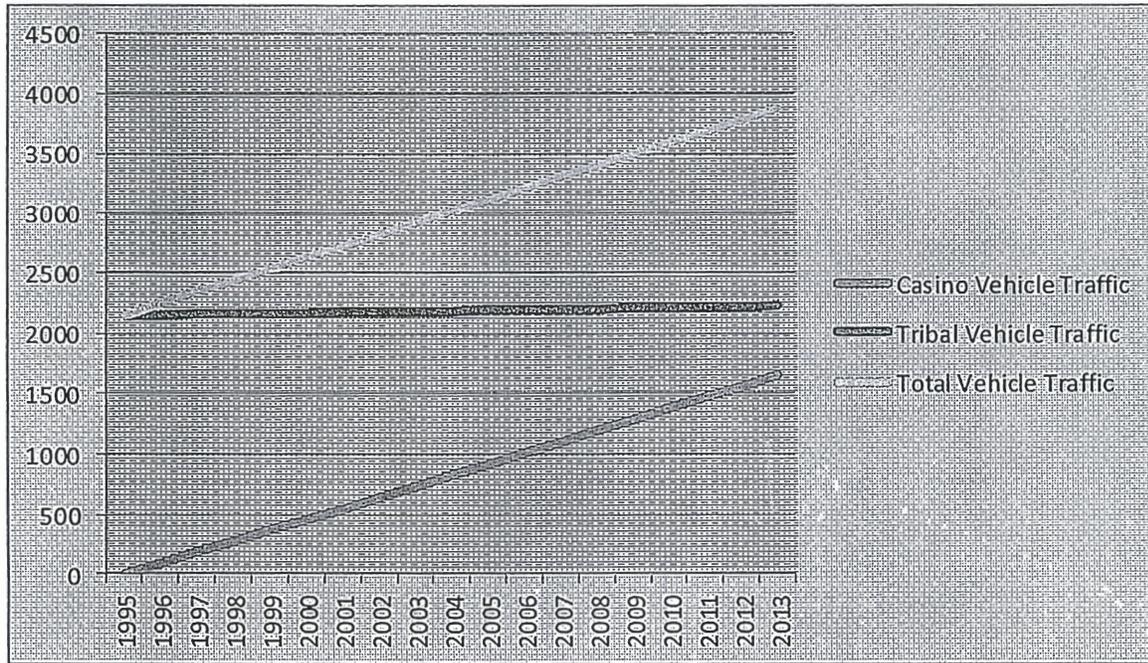


Reservation Road (Average Annual Daily Traffic -AADT)



Attachment B

Reservation Road (Average Annual Daily Traffic -AADT)



Source: Tulare County Traffic Engineering, 2013

**TULARE COUNTY INDIAN GAMING LOCAL
COMMUNITY BENEFIT COMMITTEE**

**APPLICATION FOR
FISCAL YEAR 2012/13 GRANT FUNDING**

MARCH 1, 2013



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Contact Information:

Tulare County Administrative Office
2800 W. Burrel Ave
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**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

GRANT APPLICATION FORM

- A. **Name of Jurisdiction:** County of Tulare
- B. **Mailing Address of Jurisdiction:** 2800 W. Burrel Ave.
Visalia, CA 93291
- C. **Name of Project:** Sheriff's Air Response Program for Reservation
- D. **Mitigation of Impacts:** Does this Project mitigate impacts associated with Eagle Mountain casino (Check one box)? 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
- Fire Services
- Emergency Medical Services

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

- Mitigate Environmental Impacts
- Water Supplies
- 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? \$ 51,703

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. 100 %

J. Funding Request: Amount of funding requested through this application:
\$ 51,703

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: N/A
- b. Name and Amount: N/A
- c. Name and Amount: N/A

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

- 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? 7/1/2013 to 6/30/2014
- 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: Lt. Marsh Carter
Phone: 559-636-4625
Fax: 559-636-4647
Email Address: MCarter@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

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

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

Pete Vander Poel

Digitally signed by Pete Vander Poel
DN: cn=Pete Vander Poel, o=County of Tulare, ou=Tulare County
Board of Supervisors, email=grants@co.tulare.ca.us, c=US
Date: 2013.04.03 10:12:59 -0700

Signature

4-3-2013

Date

60% Nexus Explanation

Tulare County Indian Gaming Local Community Benefit Committee Application for Fiscal Year 2012/12 Grant Funding

Sheriff's Air Response Program for Reservation

Explanation of why a jurisdiction qualifies for 60% nexus grant: The jurisdiction – County of Tulare – meets (b) and (c) of the eligibility requirements for these funds:

(b) The patrol area of the Sheriff's Department borders most of the perimeter of the Tule River Indian Reservation

(c) The Resource Management Agency maintains the road that is the principle access point to the Reservation.

Essay Answers

Tulare County Indian Gaming Local Community Benefit Committee Application for Fiscal Year 2012/12 Grant Funding

Sheriff's Air Response Program for Reservation

Gaming Impacts:

- a. Project description: The Sheriff's Air Response Program for the Reservation will utilize the Sheriff Department's two aircraft in response to requests regarding search-and-rescue situations and appropriate public safety incidents on the Tule River Indian Reservation. The requests will be made by the tribe's Department of Public Safety or Sheriff's deputies on the scene. This aerial support will enhance resolution of these incidents on the Reservation, which spans more than 55,000 acres of rugged terrain. As explained in Answers (b) and (c) below, this project is directly related to an increasing number of visitors to the casino over the years. As an additional benefit, the air unit can greatly assist the efficiency of firefighting on Reservation property, though this activity has not been included in the grant budget.

Background on the Sheriff's air unit: The Sheriff's air unit began in the early 1980's with a donated Cessna 150. This aircraft was a two-seated airplane with little power or aerial capabilities. Its primary function was for limited surveillance and valley floor search-and-rescue operations. Due to the plane's small size, it was not used a great deal. The Department's next aircraft was a 1968 Cessna 206, which had been seized from illegal drug smugglers. This plane was larger and more powerful than the previous plane, allowing Department personnel to fly even in poor visibility conditions and communicate with most of the county's law enforcement agencies.

In 2004 the Sheriff's Department obtained a pressurized, multi-engine, 1974 Cessna 337 Skymaster with state grant funds. The plane was purchased from Tule River Aero Industries, a business of the Tule River Indian Reservation. To enable the plane to function as a vital law enforcement asset, the Department had it fitted with a video camera system capable of zooming in on suspects from thousands of feet above ground during day or night. Communications gear enabled the flight crew to relay location, nearby hazards, and other vital information to Sheriff's deputies on the ground. Two years ago, the Department used Homeland Security funds to purchase a Flight Design light sport aircraft -- a smaller, single-engine plane capable of providing surveillance at lower altitudes. The light sport aircraft also is very cost-efficient to operate. The Department, using grant and County funds, fitted this aircraft with similar surveillance and communications technology to the Skymaster. The Skymaster has the engine power to operate at higher elevations, such as the upper portions of the Reservation.

Details on project: Based on calls for service noted in Answer (b), the Sheriff's Department will devote approximately 180 hours of flight time per year on the Reservation. These flights will be response to calls for service from the tribe's Department of Public Safety and Sheriff's deputies on the Reservation on incidents where use of an law enforcement airplane would increase efficiency of investigations; enhance safety of officers or the public; or reduce possibility of damage to Reservation property. The Sheriff's Department conservatively estimates these calls at 10 percent to 15 percent of calls for service on the Reservation. Typical incidents include pursuit of suspects through the Reservation's rugged terrain where visibility is reduced or even eliminated by trees, shrubs, canyon walls, and other geographic features. Search-and-rescue operations for visitors who become lost in the Reservation's vast backcountry would also be made far more efficient with aerial support.

The Sheriff's Department will use its two aircraft in the following manner to respond to appropriate calls for service on the Reservation: (1) The Skymaster, with its more powerful engine, will be dispatched when an incident is located in the higher reaches of the Reservation. (2) The Flight Design will cover incidents at lower elevations. The air unit also will fly over the Reservation to enhance patrol surveillance; these flights will not follow a regular schedule for security reasons. Each flight will include a pilot and an observer, whose job will be locate suspects or lost people in the rugged landscape of the Reservation and relay the information to Sheriff's deputies and the tribe's Department of Public Safety officers on the ground.

Budget: The Sheriff's Department is requesting \$51,703 to operate the Sheriff's Air Response Program for the Reservation for one year (July 1, 2013, through June 30, 2014). The budget is broken down in the following manner: \$25,875 (fuel, maintenance, and other operating expenses for the airplanes); \$1,748 for 10 percent of funds set aside for major maintenance, such as engine overhauls; \$22,000 for 10 percent of the salaries and fringe benefits of two deputies to serve as observers on flights; \$1,000 for 10 percent of the annual training costs to maintain Federal Aviation Association certification for these deputies; \$500 for 10 percent of flight suits, gloves, and other protective gear worn by the deputies; \$480 for 10 percent of hanger rental for the planes at Visalia Airport; and \$100 for 10 percent of the air unit's office supplies on an annualized basis.

b. Impacts to jurisdiction from gaming at Eagle Mountain Casino:

Since opening in 1996, Eagle Mountain Casino has greatly increased the number of visitors to the Tule River Indian Reservation. At peak periods, those visitors significantly outnumber the Reservation's permanent residents. This presents challenges for the law enforcement partnership of the tribe's Department of Public Safety and Sheriff's Department to maintain public safety. Law enforcement, of

course, faces similar public safety challenges in growing communities across the nation.

The Sheriff's Department responded to an average of 804 calls for service each year on the Reservation between 2008 and 2012. The Department estimates that 10 percent to 15 percent of those calls involved incidents where ground units would benefit from the use of air support to enhance investigation efficiency, and lessen the possibility of injury to officers and the general public. These incidents range from pursuing suspects in the expansive, rough terrain of the Reservation to locating a visitor who gets lost in the backcountry. Such use of law enforcement air units is directly in line with recommendations by the Airborne Law Enforcement Association.

c. Project relationship to casino impacts:

The Sheriff's Air Response Program for the Reservation directly addresses the public safety impacts of Eagle Mountain Casino. Specifically, the project is designed to respond to an estimated 10 percent to 15 percent of calls for service on the Reservation where use of law enforcement aircraft is indicated for the safety of investigating officers and the general public; to protect property; and more quickly resolve the incident in question. Such incidents include suspects fleeing officers through brush, trees, canyons, or other geographic features that obscure or eliminate line-of-sight detection by ground units. The fact that many of these incidents occur at night adds to such visibility problems. Each of the Sheriff's planes is equipped with thermal imaging technology, allowing observers to pinpoint heat signatures of fleeing suspects even in low-light conditions.

The planes are also ideally suited in locating visitors who have gotten lost in the vast backcountry of the Reservation. Such search-and-rescue operations require many officers and volunteers. The Sheriff's airplanes can cover terrain much more quickly than ground units, and, with sophisticated onboard camera and communications equipment, locate lost visitors and relay their location promptly and precisely to ground personnel. Quick detection can often lead to a lost visitor avoiding serious injury, not to mention greatly reduced personnel costs by law enforcement.

The above activities are examples of how the proposed Sheriff's Air Response Program for the Reservation would respond directly to public safety impacts from the operation of Eagle Mountain Casino. The project would also deter incidents from happening because of the high visibility of flights over the Reservation. In fact, national law enforcement surveys have shown that random law enforcement flights over a specific area leads local residents to associate any aircraft flying overhead with law enforcement, thereby lessening any tendency to commit crime.

**TULARE COUNTY INDIAN GAMING LOCAL
COMMUNITY BENEFIT COMMITTEE**

**APPLICATION FOR
FISCAL YEAR 2012/13 GRANT FUNDING**

MARCH 1, 2013



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
Application Due Date:	April 5, 2013

Committee Members:

Robin Skiles, Chair
Gilbert Ynigues, Vice-Chair
Nancy McDarment
Kenneth McDarment
Mike Ennis
Joe Garcia
Cameron Hamilton

Alternate Members:

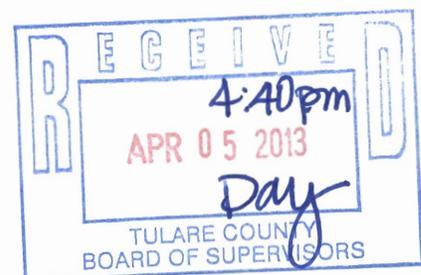
John Crivello
Holly Bella

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**

GRANT APPLICATION FORM

- A. **Name of Jurisdiction:** Sierra View Local Healthcare District
- B. **Mailing Address of Jurisdiction:** 465 West Putnam Avenue
Porterville California 93257
- C. **Name of Project:** Freedom from Smoking (Smoking Cessation Program)
- D. **Mitigation of Impacts:** Does this Project mitigate impacts associated with Eagle Mountain casino (Check one box)? 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
- Fire Services
- Emergency Medical Services

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

- Mitigate Environmental Impacts
- Water Supplies
- 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? \$ 22,158.00

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. 21 %

J. Funding Request: Amount of funding requested through this application:
\$ 22,158.00

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: _____
- b. Name and Amount: _____
- c. Name and Amount: _____

**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

- 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? Sierra View District Hospital will implement the program at the beginning of the new fiscal year (July 2013).
- O. Federal Tax ID #: 94-1397461

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: Ramona Contreras
Phone: (559)788-6104
Fax: (559) 788-6135
Email Address: rcontreras@sierra-view.com

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

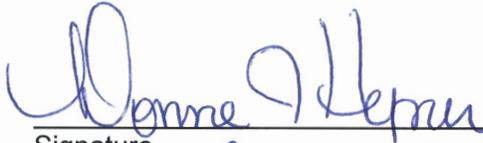
**TULARE COUNTY INDIAN GAMING
LOCAL COMMUNITY BENEFIT COMMITTEE**

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

Interim CEO/President
Sierra View District Hospital

4/6/13

Date

Indian Gaming Local Community Benefit Committee Grant Request 2013-2014

Overview

Sierra View District Hospital (SVDH) was founded in 1958 and is a not for profit government entity. SVDH is a 167- bed, full service healthcare facility; located in Porterville California. SVDH is the only hospital in south eastern Tulare County. In addition to Porterville, SVDH provides services to the Tule River Indian Reservation and the cities of Lindsay, Strathmore, Porterville, Terra Bella, Springville, California Hot Springs and Camp Nelson.

Impacts associated with Eagle Mountain Casino?

Sierra View District Hospital is the primary healthcare provider for the Tule River Indian Reservation and Eagle Mountain Casino staff and patrons. The Sierra View Local Health Care District (SVLHCD) extends East up into the Sequoia National Forest, (ends at the Tulare County/Inyo County line), Southwest to the North Kern/Southern Tulare District, West abuts Tulare Local Health Care District and North abuts Lindsay District (see District map attached).

Smoking Cessation Program (Freedom from Smoking)

Sierra View District Hospital is committed to providing quality healthcare services to our patients and the communities we serve. To further this commitment, the hospital sought certification of four employees to be certified to teach the American Lung Association's Freedom from Smoking program.

According to the Centers for Disease Control, approximately 45,000,000 or 15% of Americans are smokers. More importantly, roughly 126 million or 43% of all Americans are exposed to secondhand smoke.¹ If applying those statistics to our state and city roughly 5,419,822 Californians smoke with 15,536,823 being exposed to second hand smoke. On a more local level, approximately 10,965 members of our community smoke with over 31,000 people being exposed to second hand smoke. Tobacco smoke contains over 7,000 chemicals with over 250 known to be harmful; 69 of which are known to cause cancer. Smoking and secondhand smoke have been linked to causing cancer, heart disease, lung cancer and a number of other health conditions. The American Public Health Association estimates that for every \$1.00 spent on smoking cessation efforts the return on invest amounts to \$1.26 with a potential annual savings for the United States of \$711,000,000.00.²

¹ Centers for Disease Control and Prevention, Data & Statistics, 2007 www.cdc.gov/datastatistics/archive/second-hand-smoke.html

² American Public Health Association, National Public Health Week, 2013
<http://www.youtube.com/user/aphadc?feature=watch>

Sierra View District Hospital's partnership with the American Lung Association for the Freedom from Smoking program enables the hospital to offer a proven course and instruction in assisting the community in quitting smoking and regaining control of their health. The seven week long program comes at a cost of \$110.00 per enrollee. If utilizing the American Public Health Association's estimate for return on investment this program could save the City of Porterville approximately \$1,519,749.00.

Project Description: Smoking Cessation Program (Freedom from Smoking)

One of four Sierra View District Hospital employees certified to teach and administer the American Lung Association's Freedom from Smoking program, will teach four seven week courses on location for the employees of Eagle Mountain Casino and members of the Tule River Indian Tribe. The program provides instruction in proven methods to quit smoking as well as assists smokers with identifying triggers to incite and recur their smoking habits. The program offers tracking

Cost of Services	
Certified Trainer Salary – Six seven week sessions (42 (2 hour)) classes	\$2,378.00
Travel (1 hour)	\$1,189.00
TOTAL INSTRUCTION AND TRAVEL COST	\$3,567.00
Non Salary Expenditures	
Program Materials – Books & CD (\$200.00 per class)	\$1,200.00
Participant Fees (\$110.00 x 10 student max class size)	\$6,600.00
Additional Educational and Support Materials	\$600.00
Office Supplies	\$250.00
Gas (Est. \$4.02/gallon) (17 miles) x 2 x 42 classes	\$5741.00
TOTAL NON SALARY EXPENDITURES	\$14,391.00
Incentives	
Program meals and snacks for participants	\$2,000.00
Prizes and incentives for program completion	\$1,200.00
TOTAL INCENTIVE COST	\$3,200.00
Miscellaneous Expenses	
Additional dollars to offset expenditures based on class size increases or other such occurrences.	\$1000.00
TOTAL MISCELLANEOUS COST	\$1000.00
TOTAL PROGRAM COST	\$22,158.00

Impacts of Sierra View Local Health Care District jurisdiction associated with Eagle Mountain Casino

SVDH is the primary healthcare service provider for members of the Tule River Indian Reservation and Eagle Mountain Casino staff and patrons. According to Eagle Mountain Casino, the facility employs over 500 employees and receives approximately 1,000,000 visitors annually (with many visits not being unique due to the local market). The casino permits smoking on and inside the premises with a non-smoking area located inside the casino. However, due to the location of the non-smoking area it would be fair to say that one hundred percent of all patrons are exposed to secondhand smoke as patrons must travel through the casino to reach the non-smoking area. Moreover, a large portion if not all Eagle Mountain Casino employees working within the casino are also exposed to secondhand smoke. If applying CDC statistics to Eagle Mountain Casino, approximately 150,075 employees and patrons smoke, exposing the remaining 850,000 non-smoking patrons and employees to high concentrations of secondhand smoke while visiting the facility annually. Due to the smoking laws in California, which apply to businesses and workplaces in the City of Porterville, Eagle Mountain Casino is one of the few places where high levels of public secondhand smoke exposure still exists in the area. With the connection of secondhand smoke and smoking to various diseases and illnesses, the hospital treats casino employees and patrons who may have acquired such diagnoses due to exposure at the casino.

Project will assist to mitigate impacts of Eagle Mountain Casino

The Freedom from Smoking/Smoking Cessation program will provide Eagle Mountain Casino employees and community patrons as well as Tule River Tribal members the education and resources to successfully quit smoking. While the hospital and the Smoking Cessation Program may not eradicate smoking at the casino or remove exposure to secondhand smoke, successful completion could reduce the concentration of secondhand smoke emitted within the casino for patrons and employees visiting. This will also reduce overall community healthcare costs associated with treatment of smoking and secondhand smoke related illnesses. The program has the ability to facilitate 10 enrollees per class. The American Lung Association indicates that the average healthcare expenditures per smoker amount to approximately \$4,260.00. If the program were to be one hundred percent successful and reach 60 employees and casino patrons, the healthcare savings could amount to \$255,600.00 for various healthcare services within the district and county. However, we know that between 4-7 % of all cessation attempts are successful. Therefore if we apply the max success rate to the potential savings the program could save Sierra View \$17,892.00 in healthcare costs associated with smoking. In order to account for cost savings for non-smokers positively impacted by the reduction in smoking at the casino, the hospital increased the success rate by two percent to quantify the additional cost savings (It is difficult to quantify the potential savings and impact on non-smoking patrons therefore the hospital modestly requested the 2% increase). This program could potentially save the approximately \$23,000.00 in healthcare service costs which is aligned with the cost to

fund the program. Therefore, Sierra View District Hospital request \$22,158.00 or approximately 21% as the proportionate share to be awarded to the facility.

Funding Recognition

Sierra View District Hospital will acknowledge funding received through an acknowledgement on all marketing materials associated with the program. In addition, the hospital will acknowledge the funding received on the hospital's website www.sierra-view.com and allocate a name plate on the hospital's donor wall in the main lobby of the facility to the Indian Gaming Special Distribution Fund and the Tule River Tribe.



TULE RIVER INDIAN TRIBE OF CALIFORNIA

April 24, 2013

To the 2013-2014 Tulare County Indian Gaming Local Community Benefit Committee (“TCIGLCBC”) and grant applicants:

The Tribal Council of the Tule River Indian Tribe (“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:

APPLICANT	AMOUNT	DECISION
City of Porterville—Mass Casualty Crash/Rescue Mitigation	\$150,000.00	SPONSORED
City of Porterville—Transit Sunday Service	\$120,000.00	SPONSORED
Tulare County Fire Department—Personnel Protective Equipment purchase	\$74,394.00	SPONSORED
County of Tulare Resource Management Agency—Success Valley Road improvement project	\$188,000.00	SPONSORED
County of Tulare Resource Management Agency—Reservation Road safety enhancement project	\$80,000.00	SPONSORED
County of Tulare—Sheriff's Air Response Program for Reservation	\$51,703.00	SPONSORED
Sierra View Local Healthcare District—Freedom from Smoking (Smoking Cessation Program	\$22,158.00	NOT-SPONSORED

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 TCIGLCBC. 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 TCIGLCBC regardless of Condition of Sponsorship No. 1**

above. Any sponsorship or non-sponsorship decision is not subject to any appeal to the Tribe, the Tribal Council, or otherwise.

3. Nothing herein shall subject the Tribe, Tribal Council or either of their, officers, employees, agents or members to the jurisdiction of the State of California, County of Tulare, or any city/municipality or otherwise constitute an express or implied waiver of the sovereign immunity of the Tribe, Tribal Council, 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,

A handwritten signature in black ink, appearing to read "Neil Peyron". The signature is written in a cursive, flowing style.

Neil Peyron, Tribal Chairman



Tulare County Indian Gaming Local Community Benefit Committee



AGENDA ITEM No. 5

AGENDA DATE: May 15, 2013

SUBJECT: Ratify Letter to City of Porterville Requesting Repayment of Funds

REQUEST(S):
That the Local Community Benefit Committee:

Ratify Letter from County Counsel to City of Porterville Requesting the Fiscal Years 2011 and 2012 Grant Award funds be returned to the State Indian Gaming Special Distribution Fund

SUMMARY:
On April 5, 2012, the Committee made several grant awards to a variety of recipients for a variety of activities. Based off of the response from the Office of Legislative Counsel, on March 12, 2013 through Resolution No. 2013-07, the Committee directed County Counsel, the Committee's legal representation, to send a letter to the City of Porterville requesting that the funds awarded to the City by the Committee in Fiscal Years 2010/11 and 2011/12 be repaid to the State of California Indian Gaming Special Distribution Fund. This letter was sent on or approximately May 9, 2013 to the City of Porterville by the Committee's legal representation. Therefore, staff is requesting that the Committee ratify this letter.

FISCAL IMPACT/FINANCING:
N/A

Attachment(s)
Letter to City of Porterville

**BEFORE THE TULARE COUNTY
INDIAN GAMING LOCAL COMMUNITY
BENEFIT COMMITTEE**

IN THE MATTER OF RATIFYING)
A LETTER TO CITY OF) RESOLUTION NO. 2013-
PORTERVILLE REQUESTING)
REPAYMENT OF FUNDS)

UPON MOTION OF MEMBER _____, SECONDED BY MEMBER _____, THE FOLLOWING WAS ADOPTED BY THE TULARE COUNTY INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE, AT AN OFFICIAL MEETING HELD MAY 15, 2013, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

BY: _____
Chairman

* * * * *

Ratified Letter from County Counsel to City of Porterville Requesting the Fiscal Years 2011 and 2012 Grant Award funds be returned to the State Indian Gaming Special Distribution Fund

TULARE COUNTY COUNSEL

County Counsel
Kathleen Bales-Lange

Chief Deputies
Julia J. Roberts
John A. Rozum
Deanne H. Peterson
Harold W. Wood, Jr.
Crystal E. Sullivan



Attorneys
Carol L. Laird
Judith D. Chapman
Kathleen A. Taylor
Julia C. Langley
Amy-Marie Costa
Clinton O. Sims, II
Nina F. Dong
Arlene F. Silva
Barbara B. Grunwald
Carol E. Holding
Jason G. Chu
Desiree Y. Serrano
Abel C. Martinez
Jennifer L. Mendoza
Diana L. Perez
Jennifer Henry
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 11200 Avenue 368, Room 102, Visalia CA 93291

Telephone: (559) 636-4950 Fax: (559) 737-4319
Telephone: (559) 735-1505 Fax: (559) 713-3240

May 9, 2013

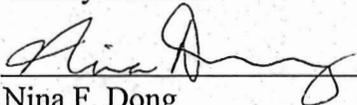
City of Porterville, City Council
c/o Mayor Virginia Gurrola
291 North Main Street
Porterville, CA 93257

Re: Tulare County Local Community Benefit Committee 2011 and 2012 Grant Awards to the City of Porterville. Indian Gaming Special Distribution Fund.

Dear Porterville City Council:

Upon further review, the Tulare County Indian Gaming Local Community Benefit Committee (LCBC) has determined that the City of Porterville (City) is not eligible to receive the 60% geographical proximity grants pursuant to California Government Code Section 12715 (c). The City does not meet any of the nexus test criteria based on the geographical proximity of the City to an individual Indian land upon which a tribal casino is located. As such, the LCBC requests that the City return its 2011 and 2012 LCBC grant awards totaling \$217,313, with any interest earned, back to the LCBC for distribution to the State Indian Gaming Special Distribution Fund. Please write a check to: State Controller's Office, Indian Gaming Special Distribution Fund. Please mail this check to: Indian Gaming Staff, Tulare County Administrative Office, 2800 W. Burrel Ave., Visalia, CA 93291, by June 10, 2013. Thank you in advance for your cooperation.

Very truly yours,
KATHLEEN BALES-LANGE
County Counsel

By 
Nina F. Dong
Deputy County Counsel
Attorney for LCBC

Cc: Porterville City Clerk
Tulare County Local Community Benefit Committee Members



Tulare County Indian Gaming Local Community Benefit Committee



AGENDA ITEM No. 6

AGENDA DATE: May 15, 2013

SUBJECT: Ratify Conflict Waiver

REQUEST(S):
That the Local Community Benefit Committee:

Ratify Conflict Waiver with County Counsel

SUMMARY:

Tulare County Counsel advises the Tulare County Local Community Benefit Committee (LCBC) regarding the distribution of grants from the Indian Gaming Special Distribution Fund, pursuant to SB 621(California Government Code Section 12710, et. seq). Tulare County Counsel also represents the Tulare County Board of Supervisors, who submits applications on behalf of Tulare County to receive monies from these grants.

The interests of the two parties involved in this matter is potentially adverse, since the LCBC is interested in advice pertaining to the distribution of the grant monies, while the Tulare County Board of Supervisors and may apply to the LCBC so the County may receive these grant monies to mitigate impacts from the casino. Therefore, the same attorney cannot advise both the LCBC and the County Board of Supervisors in this matter.

Tulare County Counsel has asked that the LCBC Chairperson and Board of Supervisors Chairman sign a Conflict Waiver which acknowledges this conflict and acknowledges that County Counsel has created an ethical wall which prohibits staff within the office from having access to the files or information of the other on the matter.

FISCAL IMPACT/FINANCING:

N/A

Attachment(s)
Conflict Waiver

**BEFORE THE TULARE COUNTY
INDIAN GAMING LOCAL COMMUNITY
BENEFIT COMMITTEE**

IN THE MATTER OF RATIFYING)
CONFLICT WAIVER) RESOLUTION NO. 2013-

UPON MOTION OF MEMBER _____, SECONDED BY MEMBER _____, THE FOLLOWING WAS ADOPTED BY THE TULARE COUNTY INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE, AT AN OFFICIAL MEETING HELD MAY 15, 2013, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

BY: _____
Chairman

* * * * *

Ratified Conflict Waiver with County Counsel

TULARE COUNTY COUNSEL

County Counsel

Kathleen Bales-Lange

Chief Deputies

Julia J Roberts
John A Rozum
Deanne H Peterson
Harold W Wood, Jr.
Crystal E Sullivan



Attorneys

Carol L Laird	Carol E Holding
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CONFIDENTIAL: ATTORNEY-CLIENT PRIVILEGE¹

Disclosure and Consent to Dual Representation

To: Chairman, Tulare County Local Community Benefit Committee
Chairman, Tulare County Board of Supervisors

From: Julia J. Roberts, Chief Deputy County Counsel, Resource Team
Deanne H. Peterson, Chief Deputy County Counsel, Labor & Employment Team

Date: March 12, 2013

Re: Indian Gaming Special Distribution Fund Grants, SB 621

Our office has been asked to advise the Tulare County Local Community Benefit Committee regarding the distribution of grants from the Indian Gaming Special Distribution Fund, pursuant to SB 621 (California Government Code Section 12710, et. seq). Our office also represents the Tulare County Board of Supervisors, who submits applications on behalf of Tulare County to receive monies from these grants.

We take seriously our duty of loyalty to our clients, especially when two or more clients are involved. Moreover, our ethical duties prevent us from providing dual representation to two clients in a legal matter whose interests are potentially or actually adverse without the written consent of each client. The interests of the two clients involved in this matter are potentially adverse, since the LCBC is interested in advice pertaining to the distribution of the grant monies to mitigate impacts from casinos, while the Tulare County Board of Supervisors may apply to the LCBC to receive these grants. Therefore, the same attorney cannot advise both the LCBC and the County Board of Supervisors in this matter.

Accordingly, the Resource Team in our office will advise the LCBC on this matter, and the Labor & Employment Team will remain available to advise the County Board of Supervisors, upon signing this written disclosure and consent for dual representation by both clients. An ethical wall has been created within this office between these two teams, which will prevent either team from having access to the files or information of the other on this matter.

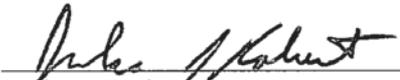
¹ This communication is within the attorney-client privilege and is confidential unless disclosed by the Client. The governing body is considered the client and the holder of the privilege, and only the holder of the privilege may waive it. Waiver of the privilege could occur if this letter is discussed by the governing body at an open meeting, or the information contained herein is otherwise disclosed to the public or another person.

Once you have had an opportunity to review this letter, if you consent, please sign and date a copy of this letter where indicated below, and return the signed copy to me. Your signature will indicate that you understand the disclosures made above, and that you agree to our office providing advice and representation to both the LCBC and the Tulare County Board of Supervisors in the distribution of grants from the Indian Gaming Special Distribution Fund. In the event of a specific conflict, we will return to both clients and obtain further written permission related to that particular matter.

This written consent may be executed in counterparts. Signatures obtained via facsimile, photocopy, or by a computer scan of the original document in PDF format shall be deemed valid as if they were inked originals.

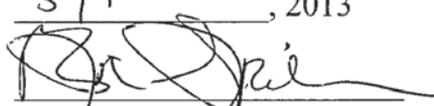
Please let me know if you have any questions about this matter, or there is anything you do not understand. Thank you.

Kathleen Bales-Lange, County Counsel

by 
Julia J. Roberts
Chief Deputy County Counsel

by 
Deanne H. Peterson
Chief Deputy County Counsel

I have read the contents of this letter and consent to the Tulare County Counsel representing my committee or my board on the terms set forth in this letter.

3/12, 2013

Robin Skiles, Chairman
Tulare County Local Community
Benefit Committee

_____, 2013

Pete Vander Poel, Chairman
Tulare County Board of Supervisors