



BILL HORN
VICE-CHAIRMAN
SUPERVISOR, FIFTH DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM

DATE: September 28, 2010

09

TO: Board of Supervisors

SUBJECT: ADOPT A RESOLUTION CONCERNING MITIGATION OF OFF-RESERVATION GAMING RELATED IMPACTS (DISTRICTS: 2 & 5)

SUMMARY:

Overview

San Diego County is home to 18 Indian Reservations and 17 Tribal governments, more than any other county in the nation. To date, 14 Tribal governments have signed a Tribal-State Gaming Compact with the State of California, allowing up to two Class III casinos on their tribal lands. In San Diego County, each of these casinos is located on tribal land within the unincorporated area.

Access to these tribal lands and Indian gaming and resort facilities depends upon county and state-maintained roads, and it is necessary to mitigate the environmental, public safety and health related impacts associated with Indian gaming activities. The San Diego County Board of Supervisors has a longstanding policy to reach agreements with Tribes to mitigate fiscal impacts on local governments, significant off-Reservation environmental and public safety impacts caused by gaming-related improvements or operations, and prevention and treatment of gambling addiction.

Recommendation(s)

SUPERVISOR HORN

1. Adopt a resolution entitled "Resolution of the San Diego County Board of Supervisors Concerning Mitigation of Local Gaming Related Impacts."

Fiscal Impact

N/A

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

SUBJECT: ADOPT A RESOLUTION CONCERNING MITIGATION OF OFF-RESERVATION GAMING RELATED IMPACTS (DISTRICTS: 2 & 5)

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Access to these tribal lands and Indian gaming and resort facilities depends upon County and State-maintained roads, and it is necessary to mitigate the environmental, public safety, health, and other related impacts associated with Indian gaming activities. The San Diego County Board of Supervisors has a longstanding policy to reach agreements with Tribes to mitigate fiscal impacts on local governments, significant off-Reservation environmental and public safety impacts caused by gaming-related improvements or operations, and prevention and treatment of gambling addiction.

The lands owned and governed by the Rincon Band of Luiseno Indians are located in 5th Supervisorial District of the County of San Diego. In a 2-1 decision by the 9th Circuit Court of Appeals, the Rincon Band recently won a decision that stated that Governor Schwarzenegger, negotiating on behalf of the state, could not require Indian tribes to turn over gaming revenue to the state's general fund as a condition of expansion because it would amount to a tax that federal law prohibits. The Schwarzenegger Administration was seeking approximately \$38 million of the projected \$40 million annual profit of the Rincon Band's proposed addition of 900 slot machines to the 1,600 it already operates at their casino. The State has appealed the 9th Circuit Court of Appeals ruling. If the ruling stands however, the dispute will go to a court appointed mediator, who will have the last word if the two sides cannot agree.

It is the Rincon Band's legal position that gaming revenues ought to be shared with local and county governments in order to mitigate the impacts of their gaming operations and provide mutual benefits for tribes and local governments, rather than be given to the state's general fund. This preference is consistent with the San Diego County Board of Supervisors' longstanding policy regarding Indian gaming operations.

In light of the recent court decision, there could soon be an opportunity to create a new policy in the State of California, whereby tribal/state compacts would require tribal gaming revenues to be set aside for county and local government to mitigate the impacts associated with gaming operations. Adopting the proposed resolution will allow the County of San Diego to work with the Rincon Band to develop a mutually agreed upon proposal for sharing gaming revenue with local governments for mitigating the impacts of tribal gaming operations.

Linkage to the County of San Diego Strategic Plan

N/A

Respectfully submitted,

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BILL HORN
Supervisor, Fifth District

ATTACHMENT(S)
Attachment A – Resolution

SUBJECT: ADOPT A RESOLUTION CONCERNING MITIGATION OF OFF-RESERVATION GAMING RELATED IMPACTS (DISTRICTS: 2 & 5)

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):
N/A

ORIGINATING DEPARTMENT: District 5, Board of Supervisors

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

Christopher Champine	_____	_____
Name	_____	Name
(619) 531-5555	_____	
Phone	_____	Phone
(619) 685-2662	_____	
Fax	_____	Fax
A-500	_____	
Mail Station	_____	Mail Station
_____	_____	_____
E-mail	_____	E-mail