

Riverside County
Indian Gaming Local Community Benefit Committee (CBC)

May 2, 2011
3:00 p.m. to 5 p.m.
City of Banning Council Chambers
99 East Ramsey Street, Banning

AGENDA

- | | |
|---|------------------------------------|
| I. Call to Order and Pledge of Allegiance
Roll call | Chairman Supv. Benoit
CBC Staff |
| II. Adoption of Meeting Minutes – January 25, 2010
(Action item) | Committee |
| III. Appointment of Tribal Alternate, Scott Cozart, Soboba Tribal Chair
(Consent item) | CBC Staff |
| IV. FY 2009/10 Annual Report to the Legislature
(Consent item) | CBC Staff |
| V. Update on FY 2008/09 Bureau of State Audits' Report
(Consent item) | CBC Staff |
| VI. Proposed re-allocation of unspent Special Distribution Funds
(Action item) | CBC Staff |
| VII. FY 2010/11 Indian Gaming Mitigation Grant Awards
(Action item) | CBC Staff |
| VIII. Public Comment | |

The meeting of the CBC is open to the public. A member of the public may address the Committee on any agenda item. Requests to address the Committee must be submitted, in person, to County staff (preferably) prior to the start of the meeting.

**INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Community Benefit Committee Staff

SUBMITTAL DATE: May 2, 2011

SUBJECT: Adoption of the minutes of the meeting held January 25, 2010

RECOMMENDED MOTION: That the Community Benefit Committee adopt the attached minutes of the meeting held January 25, 2010.

BACKGROUND: The minutes are submitted for your adoption, either as presented or modified by the committee.

Jennifer Sargent
CBC Staff

MINUTES:

Previous References:

**Agenda Date: 5/2/11
Agenda Item No. II**

Riverside County
Indian Gaming Local Community Benefit Committee (CBC)

City of Banning Council Chambers
99 East Ramsey Street, Banning

January 25, 2010
3:00 p.m.

MINUTES

Members present: Supervisor John J. Benoit, Acting Chair; Banning City Council Member John Machisic; Indio City Council Member Gene Gilbert, City Alternate; Supervisor Marion Ashley, County Alternate.

Members absent: Supervisor Jeff Stone, Pechanga Tribal Council Member Butch Murphy, Morongo Tribal Council Member Maurice Lyons, Temecula City Council Member Ron Roberts, Palm Springs Mayor Steve Pougnet.

I. Call to Order, roll call and Welcome

Lacking a quorum, Supervisor Benoit opened a subcommittee meeting at 3:22 p.m. Supervisor Ashley arrived, providing a quorum, and the CBC meeting was called to order at 3:32 p.m. Supervisor Benoit led the Pledge of Allegiance and CBC staff called the committee's roll.

II. Adoption of Minutes – July 20, 2009

The minutes of the July 20, 2009 meeting were approved as submitted.

III. Election of Officers

Supervisor Ashley nominated Supervisor Benoit to serve as committee Chairman. Gene Gilbert seconded the nomination. No other nominations were made and the committee voted to approve Supervisor Benoit as Chairman.

IV. Special Liability Insurance Program (SLIP) Renewal

Staff reported on the routine processing of the committee's errors and omissions insurance renewal. The committee voted to ratify the renewal.

V. Proposed Grant Application, Procedures and Schedule

During the committee meeting of July 20, 2009, staff was asked to initiate a call for mitigation applications to expedite award of funds in the event the Legislature appropriated Special Distribution Funds at a later date. In response, staff presented a proposed grant application template, procedures and schedule. The committee voted to approve the documents, procedure and schedule.

VI. Statement of Economic Interests, CA Form 700

Staff provided the link to the Statement of Economic Interest (Form 700) and reminded committee members that completed and signed forms are due on April 1 each year to avoid penalties. The committee voted to receive and file the information.

VII. Public Comment

VIII. Adjournment

The meeting was adjourned at 4:05 p.m.

The next regular meeting will be scheduled following an appropriation of Special Distribution Funds.

**INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Community Benefit Committee Staff

SUBMITTAL DATE: May 2, 2011

SUBJECT: Appointment of Tribal Alternate, Scott Cozart, Soboba Tribal Chair, to the Community Benefit Committee

RECOMMENDED MOTION: That the Community Benefit Committee receive and file this report.

BACKGROUND: In accordance with the Community Benefit Committee By-laws, tribal governments paying into the Special Distribution Fund selected Scott Cozart, Chairman of the Soboba Band of Luiseno Indians to serve as Tribal Alternate.

Jennifer Sargent
CBC Staff

MINUTES:

Previous References:

**Agenda Date: 5/2/11
Agenda Item No. III**

**INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Community Benefit Committee Staff

SUBMITTAL DATE: May 2, 2011

SUBJECT: FY 2009/10 Annual Report to the Legislature

RECOMMENDED MOTION: That the Community Benefit Committee receive and file the attached annual report.

BACKGROUND: Annual reporting on the use of Special Distribution Funds (SDF) was required in SB 621 (Battin) on April 1 of each year. SB 288 (Battin) changed the annual reporting deadline on Indian gaming grant projects from April 1 to October 1 of each year. Another change outlined in SB 288 was the entities to which the annual report was to be submitted. In accordance with these changes, the attached report was provided to:

Chairperson of the Joint Legislative Budget Committee
Chairperson of the Senate Committee on Governmental Organization
Chairperson of the Assembly Committee on Governmental Organization
Director of the California Gambling Control Commission


Although not required to do so, an informational copy was also provided to the California State Association of Counties.

Jennifer Sargent
CBC Staff

MINUTES:

Previous References:

**Agenda Date: 5/2/11
Agenda Item No. IV**



Riverside County
Indian Gaming Local Community Benefit Committee

Committee Members

September 29, 2010

John J. Benoit, Chairman
4th District Supervisor

Steve Pougnet
Mayor, Palm Springs

Jeff Stone
3rd District Supervisor

Maurice Lyons
*Morongo Band of
Mission Indians*

Ron Roberts
Council Member, Temecula

Butch Murphy
*Council Member, Pechanga
Band of Luiseno Indians*

John Machisic
Council Member, Banning

Alternates

Vacant
Tribal Alternate

Marion Ashley
5th District Supervisor

Gene Gilbert
Council Member, Indio

Senator Denise Ducheny, Chairperson
Joint Legislative Budget Committee
1020 N Street, Room 553
Sacramento, CA 95814

Dear Senator Ducheny,

In accordance with Senate Bill 621/288 (Battin) and AB 158 (Torrico), attached is Riverside County's Indian Gaming Special Distribution Fund (SDF) Annual Report for fiscal year 2009/10.

On behalf of the Community Benefit Committee, I would like to express our sincere appreciation for your continued support and we look forward to the restoration of this very important funding for mitigating impacts of Tribal gaming.

If additional information is needed, please do not hesitate to call me at (951) 955-1115.

Sincerely,

Jennifer L. Sargent
Principal Management Analyst, County Executive Office
Staff, Community Benefit Committee

CC: Senator Roderick Wright, Governmental Organization
Assembly Member Joe Coto, Governmental Organization
Terri Cia, California Gambling Control Commission
Kiana Buss, California State Association of Counties

**INDIAN GAMING SPECIAL DISTRIBUTION FUND ANNUAL REPORT
FISCAL YEAR 2009/10**

County: Riverside

Contact Person: Jennifer Sargent

Phone: 951.955.1115 (Direct)

E-mail: JSargent@RCEO.org

Total Amount of SDF Grant Funds Allotted to Riverside County in FY 2009/10: \$0

County Administrative Costs in FY 2009/10: \$

Total SDF Grant Funds Disbursed by IGLCBC in FY 2009/10: Not applicable

Amount (if any) of SDF Grant Funds Not Disbursed by IGLCBC in FY 2009/10: Not applicable

Tribes Sponsoring LCBC Grants in FY 2009/10: Not applicable

Section 1: SDF Grants Allocated in Fiscal Year 2008/09

DESCRIPTION OF PROJECT	TOTAL GRANT FUNDING AWARDED TO PROJECT IN FY 2008/09	DESCRIPTION OF PROJECT'S ROLE IN MITIGATING THE IMPACTS OF LOCAL TRIBAL GAMING	TOTAL EXPENDITURES FOR PROJECT Y-T-D FY 2009/10	ADMINISTRATIVE COSTS INCURRED BY PROJECT IN FY 2009/10 (excludes County share of administrative fees)	PROJECT FUNDS REMAINING AT THE END OF FY 2009/10 (if any)	EXPLANATION OF PLANNED EXPENDITURE OF REMAINING FUNDS	ESTIMATED TIME FOR EXPENDITURE OF ANY REMAINING FUNDS	WAS THE PROJECT FUNDED ON A ONE-TIME OR CONTINUOUS BASIS?
Not applicable								

Section 2: Grants Awarded in Previous Fiscal Years but Expended in Fiscal Year 2009/10:

DESCRIPTION OF PROJECT	BASE FISCAL YEAR IN WHICH GRANT FUNDING WAS FIRST AWARDED	TOTAL GRANT FUNDING AWARDED TO PROJECT TO DATE	DESCRIPTION OF PROJECT'S ROLE IN MITIGATING THE IMPACTS OF LOCAL TRIBAL GAMING	TOTAL EXPENDITURES FOR PROJECT IN FY 2009/10	ADMINISTRATIVE COSTS INCURRED BY PROJECT IN FY 2009/10 (excludes County share of administrative fees)	PROJECT FUNDS REMAINING AT THE END OF FY 2009/10 (if any)	EXPLANATION OF PLANNED EXPENDITURE OF REMAINING FUNDS	ESTIMATED TIME FOR EXPENDITURE OF ANY REMAINING FUNDS	WAS THE PROJECT FUNDED ON A ONE-TIME OR CONTINUOUS BASIS?
Fund five percent of one officer 24 hours a day, 7 days a week.	FY 2008/09	69,868	Increase law enforcement presence around Fantasy Springs Casino.	53,012.60	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.

**INDIAN GAMING SPECIAL DISTRIBUTION FUND ANNUAL REPORT
FISCAL YEAR 2009/10**

DESCRIPTION OF PROJECT	BASE FISCAL YEAR IN WHICH GRANT FUNDING WAS FIRST AWARDED	TOTAL GRANT FUNDING AWARDED TO PROJECT TO DATE	DESCRIPTION OF PROJECT'S ROLE IN MITIGATING THE IMPACTS OF LOCAL TRIBAL GAMING	TOTAL EXPENDITURES FOR PROJECT IN FY 2009/10	ADMINISTRATIVE COSTS INCURRED BY PROJECT IN FY 2009/10 (excludes County share of administrative fees)	PROJECT FUNDS REMAINING AT THE END OF FY 2009/10 (if any)	EXPLANATION OF PLANNED EXPENDITURE OF REMAINING FUNDS	ESTIMATED TIME FOR EXPENDITURE OF ANY REMAINING FUNDS	WAS THE PROJECT FUNDED ON A ONE-TIME OR CONTINUOUS BASIS?
Purchase communication equipment for fire and emergency medical response.	FY 2008/09	54,000	Enhance fire and emergency services for Fantasy Springs Casino.	38,000.00	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Fund safety equipment needed for fire / emergency medical response vehicles.	FY 2008/09	30,688.45	Enhance fire and emergency services for Fantasy Springs Casino.	30,688	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Fund a portion of the Tribal Prosecution Unit, to investigate and prosecute crimes related to Tribal gaming.	FY 2008/09	209,862.28	Prosecutes Indian gaming/casino related crimes.	190,183.28	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.
Fund a variety of youth and adult activities targeted at casino employees and their families.	FY 2008/09	100,000	Provides positive activities in a safe environment for casino employees and their families.	25,000	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Contributes toward a trauma and injury prevention program.	FY 2008/09	100,000	Provides emergency medical services for casino related accidents and injuries.	91,449	\$0	8,550.58	Continued expenses related to trauma and injury program.	By Dec. 31, 2010	One-time.
Fund police services, including vehicles and associated costs.	FY 2008/09	499,500	Increase law enforcement presence around Casino Morongo.	243,329	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.

**INDIAN GAMING SPECIAL DISTRIBUTION FUND ANNUAL REPORT
FISCAL YEAR 2009/10**

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Refurbish and rehabilitate the Beaumont Women's Club (property of the Park District) targeted use by female casino employees.	FY 2008/09	7,839.76	Provides community services for female casino employees.	7,839.76	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Meals for casino seniors on fixed income.	FY 2008/09	50,000	Provides meals for casino seniors (employees and visitors) on fixed income.	50,000	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Fund a dedicated driving under the influence patrol program.	FY 2008/09	60,000	Enhances law enforcement's effectiveness in reducing drunk driving.	60,000	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Fund a crime scene investigation vehicle and part time staff.	FY 2008/09	27,500	Enhances law enforcement's effectiveness in solving crimes and conducting investigations.	12,500	\$0	15,000.00	Continued expenses related to a crime scene investigation program.	By Dec. 31, 2010	One-time.
Fund legal defense for those charged with a casino related crime who cannot afford an attorney.	FY 2008/09	112,223	Provides required defense for those convicted of a casino-related crime who cannot afford an attorney.	88,973	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.

**INDIAN GAMING SPECIAL DISTRIBUTION FUND ANNUAL REPORT
FISCAL YEAR 2009/10**

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Fund a portion of the Tribal Prosecution Unit, to investigate and prosecute crimes related to Tribal gaming.	FY 2008/09	340,979	Prosecutes Indian gaming/casino related crimes.	309,066	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.
Fund dispatch services and mobile data equipment for fire vehicles stationed at the casino.	FY 2008/09	390,000	Enhances fire and emergency medical response for Pechanga Casino.	2,038	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Fund gambling addiction and substance abuse programs.	FY 2008/09	142,867.68	Assists those with addiction issues related to gambling and substance abuse.	113,840.75	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Fund 12 percent of the Ramona Expressway rehabilitation project, from State Street to Lake Park Drive	FY 2008/09	238,671	Road improvements around Soboba Casino.	238,671	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Fund a portion of the Tribal Prosecution Unit, to investigate and prosecute crimes related to Tribal gaming.	FY 2008/09	289,298.36	Gaming related criminal prosecution.	262,278.36	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.

**INDIAN GAMING SPECIAL DISTRIBUTION FUND ANNUAL REPORT
FISCAL YEAR 2009/10**

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Fund a portion of the Tribal Prosecution Unit, to investigate and prosecute crimes related to Tribal gaming.	FY 2008/09	121,656.15	Gaming related criminal prosecution	110,359.35	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.
Partially fund one police officer 24 hours a day, 7 days a week.	FY 2008/09	74,345.50	Increase law enforcement for Spotlight 29 Casino.	56,409.92	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.
Fund a portion of the Tribal Prosecution Unit, to investigate and prosecute crimes related to Tribal gaming.	FY 2008/09	79,680.32	Gaming related criminal prosecution	72,149.12	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.
Fund safety equipment needed for fire / emergency medical response vehicles.	FY 2008/09	1,802.31	Enhance fire and emergency medical services for Spotlight 29 Casino.	1,802.31	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Purchase communication equipment for fire and emergency medical response.	FY 2008/09	2,586.32	Enhanced fire and emergency medical response for Spotlight 29 Casino	2,586.32	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.

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Fund a portion of the Tribal Prosecution Unit, to investigate and prosecute crimes related to Tribal gaming.	FY 2008/09	95,648.75	Gaming related criminal prosecution.	86,713.75	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.
Partially fund Police officer coverage 24 hours a day, 7 days a week.	FY 2008/09	1,035,125.17	Increase law enforcement presence for Augustine Casino.	785,405.00	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.
Fund law enforcement services.	FY 2008/09	915,782.31	Increase law enforcement presence for Augustine Casino.	841,531.41	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.
Partially fund a ladder truck program, including staff, operations and equipment, in a joint effort with the Cities of Indio and La Quinta and the County Fire Department.	FY 2008/09	167,385.32	Enhance fire and emergency medical services for Augustine Casino.	125,538.99	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	Continuous.
Fund tiller truck operator.	FY 2008/09	\$158,328	Enhances fire and emergency services for the Agua Caliente casinos.	67,387.12	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.

**INDIAN GAMING SPECIAL DISTRIBUTION FUND ANNUAL REPORT
FISCAL YEAR 2009/10**

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Partially fund construction to widen Bob Hope Drive between Casino Drive and Dinah Shore Drive.	FY 2008/09	441,000	Improve road conditions and safety around the Agua Caliente Casino.	106,192.38	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Fund after school day care program for children of employees of Agua Caliente Casinos.	FY 2008/09	85,000	Provides structure and a safe environment for children of casino employees.	85,000	\$0	0.00	The project has been completed and there are no remaining funds.	Not applicable	One-time.
Funds a portion of the Interstate 15 / State Route 79 South interchange.	FY 2006/07	\$1,614,798	Improves road safety and traffic congestion around the casino.	\$0	\$0	\$1,614,798	Planning and construction Interstate 15 / State Route 79 South interchange.	By June 30, 2011	One-time.
Installation of strategically placed closed circuit television cameras and fiber optic backbone along Pechanga Parkway and State Route 79.	FY 2006/07	\$214,670	Improves road safety around Pechanga Casino.	\$51,862	\$0	\$162,808	Installation of closed circuit television cameras and fiber optic backbone.	By Dec. 31, 2010	One-time.

**INDIAN GAMING SPECIAL DISTRIBUTION FUND ANNUAL REPORT
FISCAL YEAR 2009/10**

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Reconstruction of traffic signals at Harrison Street and Avenue 54.	FY 2006/07	\$350,000	Improves road safety and traffic congestion around Augustine Casino.	\$0	\$0	\$350,000	Reconstruction of traffic signals at Harrison Street and Avenue 54.	Negotiations with Augustine for easements and right-of-way are on-going; hope for completion by December 2011.	One-time.
Interstate 15 / State Route 79 South Interchange Project	FY 2005/06	\$2,500,000	Improves road and traffic conditions around Pechanga Casino .	\$0	\$0	\$2,500,000	Project construction.	By June 30, 2011	One-time
Interstate 15 / State Route 79 South Interchange Project	FY 2005/06	\$1,746,999	Improves roads and traffic conditions around Pechanga Casino.	\$0	\$0	\$1,746,999	Project construction.	By June 30, 2011	One-time

**INDIAN GAMING SPECIAL DISTRIBUTION FUND ANNUAL REPORT
FISCAL YEAR 2009/10**

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Fund a portion of staff and/or contribute toward the purchase of equipment for: a satellite laboratory and ultrasound and stat-scan for the Emergency Department; an infant abduction and security system for the Newborn Nursery, Neonatal Intensive Care and Pediatrics.	FY 2005/06	\$909,818.11	Enhances emergency medical services.	\$409,567	\$0	\$0	The project has been completed and there are no remaining funds.	Not applicable	One-time
Closed circuit TV cameras, including a fiber optic backbone, to assist with traffic monitoring adjacent to the casino and reservation.	FY 2005/06	\$183,679	Enhances traffic enforcement capabilities around Pechanga Casino.	\$49,039	\$0	\$0	The project has been completed and there are no remaining funds.	Not applicable	One-time
Construction of a second right turn lane from Highway 79 south-east bound to southbound, and associated land acquisition.	FY 2005/06	\$400,000	Improves roads and traffic conditions around Pechanga Casino.	\$278,600	\$0	\$0	The project has been completed and there are no remaining funds.	Not applicable	One-time

**INDIAN GAMING SPECIAL DISTRIBUTION FUND ANNUAL REPORT
FISCAL YEAR 2009/10**

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Increase the square footage of the San Jacinto Police Station by 2,000 square feet to accommodate increased staffing.	FY 2005/06	\$345,455	Enables law enforcement personnel increases in the area of the Soboba Casino.	\$345,455	\$0	\$0	The project has been completed and there are no remaining funds.	Not applicable	One-time
Street planning, design and construction project contiguous with Avenue 54 near Harrison Street.	FY 2005/06	\$2,288,750.81	Improve roads conditions around Augustine Casino.	\$0	\$0	\$2,288,751	Street planning, design and construction project.	Negotiations with Augustine for easements and right-of-way are on-going; hope for completion by December 2011.	One-time
Funds a portion of the I-15 Interchange project.	FY 2004/05	\$2,309,343	Improves road and traffic conditions leading to and coming from the Pechanga Casino.	\$1,287,399	\$0	\$145,312	Interchange construction.	By December 2010	One-time
Funds a portion of the Main Street interchange in Banning.	FY 2003/04	\$756,842	Improve flow of traffic in the area surrounding Casino Morongo.	0	\$0	\$444,578	Main Street interchange project.	Unknown-- Tribal input required for the next phase of the construction.	One-time
		19,521,992.83		6,579,867.18		9,276,796.61			

INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Community Benefit Committee Staff

SUBMITTAL DATE: May 2, 2011

SUBJECT: Update on FY 2008/09 Bureau of State Audits' report

RECOMMENDED MOTION: That the Community Benefit Committee receive and file the following update regarding the FY 2008/09 Bureau of State Audits' report titled *Indian Gaming Special Distribution Fund: Local Governments Continue to Have Difficulty Justifying Distribution Fund Grants*.

BACKGROUND: On July 26 and 27, 2010 the Bureau of State Audits (BSA) conducted a review of six jurisdictions selected by the BSA, representing a sample of grant recipients. The jurisdictions that participated in the audit included: San Geronio Memorial Hospital District, the Cities of Calimesa, Desert Hot Springs and Rancho Mirage, County Fire Department and District Attorney's office.

On February 15, 2011, the State Auditor released a report titled *Indian Gaming Special Distribution Fund: Local Governments Continue to Have Difficulty Justifying Distribution Fund Grants*. Following is a summary of the Auditor's findings:

1. Local governments did not receive as much grant money as was set aside for them in the law;
2. Members of the Indian Gaming Local Community Benefit Committees do not always make the required financial disclosures;
3. Local governments could not provide evidence of or could not quantify the impact of local casinos;
4. An ineligible jurisdiction received grant funds from an eligible jurisdiction;

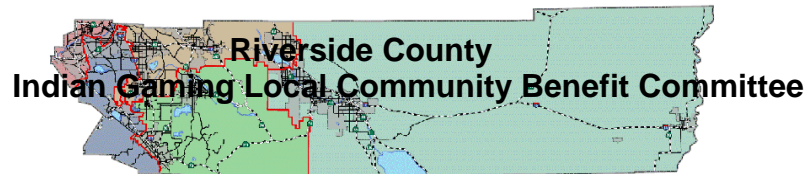
In accordance with the Auditor's instruction, the attached 60-day response to the final audit report was submitted on April 15, 2011. The 60-day report included our efforts to implement the Auditor's recommendations and a timeline for full implementation.

Jennifer Sargent
CBC Staff

MINUTES:

Previous References:

Agenda Date: 5/2/11
Agenda Item No. V



April 15, 2011

Committee Members

John J. Benoit, Chairman
4th District Supervisor

Steve Pougnet
Mayor, Palm Springs

Jeff Stone
3rd District Supervisor

Maurice Lyons
*Morongo Band of
Mission Indians*

Ron Roberts
Council Member, Temecula

Butch Murphy
*Council Member, Pechanga
Band of Luiseno Indians*

John Machisic
Council Member, Banning

Alternates

Vacant
Tribal Alternate

Marion Ashley
5th District Supervisor

Vacant
City Alternate

Elaine M. Howle
California State Auditor
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle,

In accordance with your letter of February 15, 2011, attached is Riverside County's 60-day response to your report titled *Indian Gaming Special Distribution Fund: Local Governments Continue to Have Difficulty Justifying Distribution Fund Grants*.

As requested, the response includes: our efforts to implement the recommendations, a timetable for implementing the recommendations and the name of the person responsible for implementation.

As with the prior audit, Riverside County continues to be disappointed about the exclusion of the positive attributes of this program, which has made significant improvements in communities surrounding the casinos. I would be pleased to provide a list of those positive attributes, perhaps for use as an appendix, if you think that would help make your report more comprehensive.

Sincerely,

Jennifer Sargent
Principal Management Analyst, Riverside County Executive Office
Community Benefit Committee staff

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly

In accordance with the State Auditor's letter of February 15, 2011, following is Riverside County's 60 day report.

The Auditor's specific requirements for this report include:

1. The County's efforts to implement the recommendations within statutory authority;
2. A timetable for implementing the recommendations;
3. The name of the person or persons responsible for implementing the Auditor's recommendations.

1. Although Riverside County does not agree with all the interpretations and statements included in the Auditor's report, following is a list of the Auditor's recommendations and Riverside County's implementation efforts:

- *Ensure that eligible cities and counties receive the proportional share of funding they are set aside, according to the nexus test, by making the governments aware of available distribution fund grants and of the minimum grant amounts that are set aside for them under the nexus test.*

As stated in the Auditor's report, (only) Riverside County informed local governments of the amounts set aside for them, based on the nexus test. This practice will continue.

- *Require benefit committee filing officers avail themselves of the free training provided by the Fair Political Practices Commission (FPPC) so that they are aware of and follow their responsibilities under the Political Reform Act of 1974. Counties should also adhere to FPPC guidelines for notifying committee members of the need to submit statements of economic interest.*

The Riverside County Indian Gaming Local Community Benefit Committee adopted the Standard Code of the FPPC as the Conflict of Interest Code and requires committee members complete Form 700 annually. As stated in the Auditor's report, all Committee members filed their report; however, in one case, the member (actually the alternate city representative) failed to indicate his position serving as an alternate on the Community Benefit Committee. The form was filed 20 days following his appointment to the Committee. The subsequent year, the member correctly listed this position.

- *Ensure that benefit committees' conflict of interest codes comply with state law.*

The Riverside County Indian Gaming Local Community Benefit Committee adopted the Standard Code of the FPPC as the Conflict of Interest Code.

- *Require the County Auditor review each grant application to ensure a rigorous analysis of a casino's impact and the proportion of funding for the project provided by the grant. Benefit committees should consider a grant application only when the County Auditor certifies the applicant has quantified the impact of the casino and verifies that the grant funds requested will be proportional to the casino's impact.*

In Riverside County, the Auditor is an elected official who neither reports to the County Executive Officer nor the Board of Supervisors. As such, the Auditor cannot be "required" to provide this assistance, but will be asked to participate if Special Distribution Funds are appropriated in the future.

- *Review the law for changes that may affect applicants' eligibility for distribution fund grants before awarding the grants so that ineligible entities do not receive grants.*

Riverside County will continue to be vigilant in ensuring grants are only awarded to eligible entities and will impress the same upon local jurisdictions that may consider subcontracting services.

- *Encourage eligible local governments to submit multiple applications so benefit committees can choose appropriate projects while ensuring local governments are awarded the amount defined in law.*

During the next request for Indian gaming mitigation grant applications, eligible entities will be encouraged to submit multiple funding applications.

- 2 It is anticipated that all recommendations will be implemented by December 31, 2011.
- 3 Jennifer Sargent, staff to the Community Benefit Committee, is the individual responsible for implementing the Auditor's recommendations.

**INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Community Benefit Committee Staff

SUBMITTAL DATE: May 2, 2011

SUBJECT: Proposed re-allocation of unspent Special Distribution Funds

RECOMMENDED MOTION: That the Community Benefit Committee approve the re-allocation of \$716.28 to the City of La Quinta for a motor officer to assist with traffic around the Augustine Casino, in conjunction with proposed project AU04-10.

BACKGROUND: In FY 2008/09, the City of La Quinta received Special Distribution Funds, in the amount of \$169,537.42, to fund a motor officer to assist with traffic around the Augustine Casino (project AU07-09). Due to the timing of the receipt of funds, the City was unable to spend the full allocation on the project and returned \$716.28 to the County for re-allocation. Staff recommends these funds be applied toward proposed project AU04-10, which would be a use consistent with the original sponsorship and award.

Jennifer Sargent
CBC Staff

MINUTES:

Previous References:

**Agenda Date: 5/2/11
Agenda Item No. VI**

INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Community Benefit Committee Staff

SUBMITTAL DATE: May 2, 2011

SUBJECT: FY 2010/11 Indian Gaming Mitigation Grant Awards

RECOMMENDED MOTION: That the Community Benefit Committee (CBC) consider the attached FY 2010/11 sponsored Indian gaming mitigation grant applications and allocate Special Distribution Funds to selected projects.

BACKGROUND: Pursuant to SB 856, the CBC is responsible for recommending Indian gaming mitigation grant awards from applications sponsored by tribal governments paying into the Special Distribution Fund (SDF). Attached is a summary of the FY 2010/11 sponsored applications for your consideration. Your recommendations will be forwarded to the State Controller's Office for release of funds.

Jennifer Sargent
CBC Staff

MINUTES:

Previous References:

Agenda Date: 5/2/11
Agenda Item No. VII

**Riverside County Indian Gaming Local Community Benefit Committee
FY 2006/07 SB 621 Sponsored Grant Applications for Consideration**

**FY 2010/11 Agua Caliente Band of Cahuilla Indians - Spa Casino & Agua Caliente Casino
60% Nexus - Sponsored Grant Applications**

Identifier	Jurisdiction	Category	Requested	Sponsored
AG01-10	Cathedral City Fire Department	Fire services	\$512,910	\$216,140
AG02-10	Cathedral City Fire Department	Fire services	\$13,593	\$13,593
AG03-10	Cathedral City Police Department	Law enforcement	\$298,640	\$40,000
AG04-10	Palm Springs Fire Department	Fire/EMS	\$428,703	\$200,000
AG05-10	Palm Springs Fire Department	Fire services	\$45,178	\$45,178
AG06-10	City of Rancho Mirage	Fire/EMS	\$291,500	\$291,500
AG07-10	County Sheriff's Department	Law enforcement	\$153,255	\$153,255
Total Agua Caliente 60% Nexus Applications				\$959,666.00

**FY 2010/11 Agua Caliente Band of Cahuilla Indians - Spa Casino & Agua Caliente Casino
20% Non-Nexus SDF Paying Tribe - Sponsored Grant Applications**

AG08-10	Palm Springs Fire Department	Fire/EMS	\$25,000	\$25,000
AG09-10	Palm Springs Police Department	Law enforcement	\$710,445	\$252,689
AG10-10	Palm Springs Police Department	Law enforcement	\$42,200	\$42,200
Total Agua Caliente 20% Non-Nexus, SDF Paying Tribe Applications				\$319,889.00

**FY 2010/11 Agua Caliente Band of Cahuilla Indians - Spa Casino & Agua Caliente Casino
20% Non-Nexus, Non-SDF Paying Tribe - Sponsored Grant Application**

AU05-10	County District Attorney	Law enforcement	\$1,673,013	\$319,888
Total Agua Caliente 20% Non-Nexus, Non-SDF Paying Tribe Application				\$319,888.00

**FY 2010/11 Cabazon Band of Mission Indians - Fantasy Springs Casino
60% Nexus - Sponsored Grant Applications**

CA01-10	County District Attorney	Law enforcement	\$1,673,013	\$259,731.55
Total Cabazon 60% Nexus				\$259,731.55

**FY 2010/11 Cabazon Band of Mission Indians - Fantasy Springs Casino
20% Non-Nexus SDF Paying Tribe - Sponsored Grant Application**

CA02-10	County District Attorney	Law enforcement	\$1,673,013	\$86,577.18
Total Cabazon 20% Non-Nexus, SDF Paying Tribe				\$86,577.18

**FY 2010/11 Cabazon Band of Mission Indians - Fantasy Springs Casino
20% Non-Nexus, Non-SDF Paying Tribe - Sponsored Grant Application**

AU05-10	County District Attorney	Law enforcement	\$1,673,013	\$86,577.18
Total Cabazon 20% Non-Nexus, Non-SDF Paying Tribe Application				\$86,577.18

**Riverside County Indian Gaming Local Community Benefit Committee
FY 2006/07 SB 621 Sponsored Grant Applications for Consideration**

FY 2010/11 Morongo Band of Mission Indians - Casino Morongo

60% Nexus - Sponsored Grant Applications

Identifier	Jurisdiction	Category	Requested	Sponsored
MO1-10	County Transportation Department	I-10 alt. by-pass	\$1,848,529	\$1,355,727
MO2-10	County Sheriff's Department	Law enforcement	\$513,298	\$500,000
MO3-10	Banning Police Department	Law Enforcement	\$564,951	\$564,951
MO4-10	Banning Fire Department	Fire/EMS	\$830,020	\$500,000
Total Morongo 60% Nexus Applications				\$2,920,677.97

FY 2010/11 Morongo Band of Mission Indians - Casino Morongo

20% Non-Nexus SDF Paying Tribe - Sponsored Grant Applications

MO5-10	County Transportation Department	I-10 alt. by-pass	\$500,000	\$839,559
MO6-10	Beaumont-Cherry Valley Rec & Park	Rec/youth programs	\$134,000	\$134,000
Total Morongo 20% Non-Nexus, SDF Paying Tribe				\$973,559.32

FY 2010/11 Morongo Band of Mission Indians - Casino Morongo

20% Non-Nexus, Non-SDF Paying Tribe - Sponsored Grant Applications

AU05-10	County District Attorney	Law enforcement	\$1,673,013	\$225,000
	Augustine's recommendations			\$748,559
Total Morongo 20% Non-Nexus, Non-SDF Paying Tribe Application				\$973,559.32

FY 2010/11 Pechanga Band of Luiseno Mission Indians - Pechanga Resort

60% Nexus - Sponsored Grant Applications

PE01-10	City of Temecula	I-15/SR 79 Interchnge	\$5,000,000	\$2,990,028.77
Total Pechanga 60% Nexus Grants				\$2,990,028.77

FY 2010/11 Pechanga Band of Luiseno Mission Indians - Pechanga Resort

20% Non-Nexus SDF Paying Tribe - Sponsored Grant Applications

PE02-10	City of Temecula	I-15/SR 79 Interchnge	\$5,000,000	\$620,628.09
PE03-10	City of Temecula	Law enforcement	\$1,000,000	\$185,000
PE04-10	County Sheriff's Department	Law enforcement	\$474,797	\$191,048
Total Pechanga 20% Non-Nexus SDF Paying Tribe Grants				\$996,676.26

FY 2010/11 Pechanga Band of Luiseno Mission Indians - Pechanga Resort

20% Non-Nexus, Non-SDF Paying Tribe - Sponsored Grant Applications

PE05-10	City of Temecula	I-15/SR 79 Interchnge	\$5,000,000	\$389,343.14
AU05-10	County District Attorney	Law enforcement	\$1,673,013	\$275,000
	Augustine's recommendations			\$332,333
Total Pechanga 20% Non-Nexus, Non-SDF Paying Tribe Application				\$996,676.26

**Riverside County Indian Gaming Local Community Benefit Committee
FY 2006/07 SB 621 Sponsored Grant Applications for Consideration**

**FY 2010/11 Soboba Band of Luiseno Indians - Soboba Casino
60% Nexus - Sponsored Grant Applications**

Identifier	Jurisdiction	Category	Requested	Sponsored
SO1-10	City of San Jacinto	Esplanade Ave. proj.	\$250,000	250,000.00
SO2-10	City of San Jacinto	Fire/EMS	\$140,747	175,894.92
SO3-10	County Sheriff's Department	Law enforcement	\$153,255	219,841.32
SO4-10	County Transportation Department	SR 79 widening proj.	\$300,000	300,000.00
Total Soboba 60% Nexus Grants				945,736.24

**FY 2010/11 Soboba Band of Luiseno Indians - Soboba Casino
20% Non-Nexus SDF Paying Tribe - Sponsored Grant Applications**

SO5-10	County Transportation Department	SR 79 widening proj.	\$200,000	200,000.00
SO2-10	City of San Jacinto	Fire/EMS	\$140,747	115,245.41
Total Soboba 20% Non-Nexus, SDF Paying Tribe Grants				315,245.41

**FY 2010/11 Soboba Band of Luiseno Indians - Soboba Casino
20% Non-Nexus, Non-SDF Paying Tribe - Sponsored Grant Applications**

AU05-10	County District Attorney	Law enforcement	\$1,673,013	231,438.40
AU07-10	County Sheriff's Department	Law enforcement	\$218,463	83,807.01
Total Soboba 20% Non-Nexus, Non-SDF Paying Tribe Application				315,245.41

**FY 2010/11 Twenty-Nine Palms Band of Mission Indians- Spotlight 29 Casino
60% Nexus - Sponsored Grant Applications**

TW01-10	City of Coachella	Road improvements	705,225	\$71,000.63
TW02-10	City of Coachella	Law enforcement	2,071,476	\$58,842.98
TW03-10	County Sheriff's Department	Law enforcement	141,802.77	\$46,563.77
TW04-10	County District Attorney	Law enforcement	1,673,013	\$34,406.13
TW05-10	County Mental Health Department	Behavioral health	263,300	\$22,248.48
TW06-10	City of Coachella	Fire services	420,046	\$10,090.84
Total Twenty-Nine Palms 60% Nexus Grant				243,152.83

**FY 2010/11 Twenty-Nine Palms Band of Mission Indians- Spotlight 29 Casino
20% Non-Nexus SDF Paying Tribe - Sponsored Grant Applications**

TW07-10	So. Coachella Valley Comm Svcs Dist	Law enforcement	Not specified	\$27,016.98
TW08-10	City of Coachella	Law enforcement	\$2,071,476	\$21,613.58
TW09-10	County Mental Health Department	Behavioral health	\$684,500	\$16,210.19
TW10-10	City of Coachella	Fire services	\$420,046	\$10,806.79
TW11-10	City of Coachella	Road improvement	\$268,000	\$5,403.40
Total Twenty-Nine Palms 20% Non-Nexus, SDF Paying Tribe Grants				\$81,050.94

**Riverside County Indian Gaming Local Community Benefit Committee
FY 2006/07 SB 621 Sponsored Grant Applications for Consideration**

**FY 2010/11 Twenty-Nine Palms Band of Mission Indians- Spotlight 29 Casino
20% Non-Nexus, Non-SDF Paying Tribe - Sponsored Grant Applications**

Identifier	Jurisdiction	Category	Requested	Sponsored
	Augustine's recommendations			\$81,050.94
Total Twenty-Nine Palms 20% Non-Nexus, Non-SDF Paying Tribe Applications				\$81,050.94

FY 2010/11 20% Non-Nexus, Non-SDF Paying Tribe Grant Applications

**Sponsored by: Agua Caliente, Cabazon, Cahuilla, Morongo, Pechanga, Soboba and Twenty-Nine Palms;
Supported by Augustine**

Identifier	Jurisdiction	Category	Requested	Sponsored	Aug.'s Rec
AU01-10	City of Coachella	Law enforcement	\$2,071,476	\$868,660.95	\$2,016,593
AU02-10	City of Coachella	Fire services	\$420,046	\$60,312.40	\$140,015
AU03-10	City of Coachella	Planning/adj land use	\$100,000	\$0	\$0
AU04-10	City of La Quinta	Law enforcement	\$245,716	\$105,844	\$245,716
AU05-10	County District Attorney	Law enforcement	\$1,673,013	\$1,137,904.56	\$76,518
AU06-10	County Mental Health Department	Behavioral Health	\$684,500	\$0	\$0
AU07-10	County Sheriff's Department	Law enforcement	\$218,463	\$177,911.43	\$218,463
AU08-10	So. Coachella Valley Comm Srvs Dist	Law enforcement	\$281,556.20	\$33,021.81	\$76,660
Total 20% Non-Nexus, Non-SDF Paying Tribe Applications				\$2,383,654.96	\$2,773,965

Additional sponsored project:

PE05-10	City of Temecula	I-15/SR 79 Interchnge	\$5,000,000.00	\$389,343.14
Total all 20% Non-Nexus, Non-SDF Paying Tribe Sponsorships				\$2,772,998.10

Total for mitigation for Non-SDF paying tribe (Augustine)				\$2,773,965.00
Variance				\$966.90
Amount not sponsored by Cahuilla				\$966.90