

Indian Gaming Mitigation Grant Application Procedures
Revised 1/28/2014

Application Process

- I. The Indian Gaming Local Community Benefit Committee (CBC) will formally request grant applications on March 5, 2014. Applications may be obtained by calling the Riverside County Executive Office at (951) 955-1110 or through the CBC website (www.Riverside-TribalCBC.org).
- II. Application submission
 - a. 60% Nexus Grants and 20% Non-Nexus Grants – (Refer to page 4, Definition of Terms, for grant types) Eligible jurisdictions shall submit completed application(s), with authorized signature, to the appropriate Tribal government by April 4, 2014 (if hand-carrying applications, please check days and hours of operation in advance). The Tribal contact list is available on the CBC website under Grant Application.
 - b. 20% Non-Nexus, Non-Paying Tribe – (Refer to page 4, Definition of Terms, for grant type) Eligible jurisdictions shall submit their completed application(s), with authorized signature, by 5 p.m., April 4, 2014 to:

Riverside County Executive Office
Jennifer Sargent, Principal Management Analyst
4080 Lemon Street, 4th Floor
Riverside, CA 92501

Twenty percent non-nexus, non-paying Tribe applications will be forwarded to all paying and non-paying Tribal governments.

Complete and concise applications will enable a thorough evaluation and ensure that proposal(s) are given full consideration.

- III. Tribal governments will conduct a review of the applications received and determine their relationship to casino impacts. If appropriate, the Tribe will certify that the application satisfies at least one of the priorities identified in AB 158 (Government Code § 12715 (g)).

Following receipt of grant applications, it is recommended that Tribal governments not paying into the SDF develop a list of prioritized applications and forward the list to the County Executive Office. Non-paying tribe recommendations will be provided to all paying tribes for their information in determining sponsorships.

It is recommended that Tribal governments paying into the Special Distribution Fund (SDF) develop a prioritized list of sponsored applications and forward the list, the sponsored applications and the sponsorship letters to the County Executive Office by May 12, 2014.

Pursuant to Indian Gaming Mitigation grant legislation, a letter signed by the authorized Tribal representative indicating Tribal sponsorship must accompany each sponsored application.

- IV. The CBC will assess the eligibility of jurisdictions applying for grant funding and will review/rank sponsored applications. Project services are not to be subcontracted without the express written approval of the CBC. The date for release of projects recommended for funding by the CBC will be provided at a later date.
- V. A list of approved projects for funding will be transmitted to the State Controller upon recommendation by the CBC.
- VI. The State Controller will disburse funds directly to the local government jurisdiction for which grant funding has been recommended by the CBC.

Application Review

First page

- I. The applicant will determine the type of grant for which they are eligible (60 percent nexus or either of two 20 percent non-nexus grants¹). As noted on the application, only Cities and County departments are eligible for 60 percent nexus grants. Please refer to the 60 Percent Nexus Eligibility table for the amount of funding available to cities and the County in this funding category. Cities and County departments are encouraged to submit multiple applications and to work with Tribal governments to determine projects that satisfy legislation requirements and are likely to receive Tribal sponsorship. The applicant indicates the pertinent nexus criteria by placing a circle around the letters (a minimum of two nexus criteria are required).
- II. Cities, County departments and Special Districts are eligible for 20 nexus grants to mitigate impacts of both SDF paying and non-paying Tribes.
- III. The amount of grant funding being requested through the application must be listed. Please do not list any other sources of funding in this area.

¹ See the reference material following this document for an explanation of nexus and non-nexus grants.

- IV. The authorized signor of the application is the individual who has been authorized by the local jurisdiction's governing body to apply for grant funding.

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- IV. The legal address of the jurisdiction is required.
- V. The contact persons listed should be the individuals most knowledgeable about the project and authorized to discuss all aspects, should additional information be required.
- VI. Priority uses for grant funds are listed in Government Code § 12715 (g). Please note that a portion of the Tribal government's review includes certification that the application satisfies at least one of the priorities.
- VII. When describing impacts associated with Tribal gaming and/or a casino, it is important to remember that this question does not pertain to reservation impacts.
- VIII. A complete description of the project is required.
- IX. Only the proportionate share of the project that mitigates impacts of Tribal gaming will receive funding. This information and acknowledgement of the requirement is required.
- X. Awarded funding will be sent to the jurisdiction directly by the State. Government Code §12715 (L) requires these funds are held in an interest bearing account until spent. Further, interest earned must be used for mitigation measures.
- XI. Government Code §12710 (1) requires awarded jurisdictions demonstrate to the County that all expenditures made from the account were made in accordance with the above provisions.
- XII. Information is requested on applications for the same project submitted to other Tribal governments.
- XIII. The total cost of the project should include costs funded by other sources, as well as the funding requested through the application (this may differ from the amount of mitigation funding requested through the application on page 1).

Third page

- XIV. Information is requested on competitive bidding and public works requirements.

- XV. In accordance with Indian gaming mitigation legislation, awarded projects should be fully expended during the time frame documented.

Reference Material

Definition of terms

County Tribal Casino Account – An account consisting of monies paid by County Tribes into the SDF, after deduction of amounts appropriated to the priorities specified in Government Code Section 12012.85.

Individual Tribal Casino Accounts – An account for each individual Tribal casino that has paid money into the SDF. The individual Tribal casino accounts are funded in proportion to the amount individual Tribes paid into the SDF.

Local Jurisdiction – City, County or Special District.

Local Government Jurisdiction – City or County.

Nexus Grants

- A. 60% Nexus Grants - Sixty percent (60%) of each Individual Tribal Casino Account is available for nexus grants to Cities and County departments impacted by Tribes paying into the SDF, based on a four-part nexus test. The nexus test is based on the proximity of the local government jurisdiction to the individual Tribal land upon which a casino is built. The following criteria are used to determine priority for grant projects:
- a. City or County borders the Indian land on all sides;
 - b. City or County partially boards Indian land;
 - c. City or County maintains a highway, road or other thoroughfare that is a predominant access route to a casino located within 4 miles;
 - d. All or part of the City or County is located within 4 miles of the casino.
 - ✓ Fifty percent (50%) shall be awarded to local government jurisdictions meeting all four of the nexus test criteria;
 - ✓ Thirty percent (30%) awarded to jurisdictions that meet three of the nexus test criteria;
 - ✓ Twenty percent (20%) awarded to jurisdictions that meet two of the nexus test criteria.

- B. 20% Non-Nexus Grants - Twenty percent (20%) of each Individual Tribal Casino Account is available for discretionary grants to local jurisdictions impacted by Tribes that are paying into the SDF. These discretionary grants will be made available to all local jurisdictions in the County, regardless of geographic nexus to a Tribal casino.
- C. 20% Non-Nexus, Non-Paying Tribes - Twenty percent (20%) of each Individual Tribal Casino Account is available for discretionary grants to local jurisdictions impacted by Tribes that are not paying into the SDF. These grants will be made available to local jurisdictions in the County, regardless of geographic nexus to a Tribal casino. Similar to Nexus grants, these grants are subject to the sponsorship of the Tribes that pay into the SDF and the recommendations of the CBC.

Grants are limited to addressing service-oriented impacts and assistance with one-time large capital projects specifically related to Indian gaming impacts.

Special Notes:

- I. A grant may not be made for any purpose that would support or fund, either directly or indirectly, any effort related to opposition or challenge of Indian gaming in the State. To the extent any awarded grant funds are used for any prohibited purpose by any local government, upon notice given to the County by any Tribe from whose Individual Tribal Casino Account the awarded grant was used for a prohibited use, the grant shall terminate immediately and any funds unspent shall be made available for qualified nexus grants.
- II. A local government jurisdiction that is a recipient of a grant from an Individual County Tribal Casino Account or a County Tribal Casino Account shall provide notice to the public, either through a slogan, signage or other mechanism, stating that the local government project received funding from the Indian Gaming Special Distribution Fund and further identifies the Individual Tribal Casino Account from which the grant was derived.