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August 5, 2014

Board of Supervisors
County of El Dorado
330 Fair Lane
Placerville, CA 95667

Re: Item #30 Road Maintenance Program
(Use of Tribal Funds)

Chair and Members:

I support the use of "Tribal Funds" for the maintenance and improvement of the roadways included in Exhibit A {Leg # 14-0228 2B} (also Option A Leg # 14-0228 A 6 of 15).

The "AGREEMENT BETWEEN THE COUNTY OF ELDORADO AND SHINGLE SPRINGS BAND OF MIWOK INDIANS" as amended October 20, 2012 states as follows :

1. Qualifying Public Improvement Projects. In lieu of making the HOV Payment required under Section A of the Memorandum of Understanding, the Tribe will hereafter make one (1) payment annually of Five Million Two Hundred Thousand Dollars (\$5,200,000) to the County for the duration of the Agreement to be used by the County for public improvements located within the designated boundaries as depicted on the attached map of El Dorado County, including, but without limitation, to road improvements and/or maintenance ("Qualifying Public Improvements"). Attached at Exhibit A is a map of El Dorado County defining the location of the Qualifying Public Improvements. The first payment of Five Million Two Hundred Thousand Dollars (\$5,200,000) is due on December 1, 2012, with remaining payments due on the same date for each of the following years through the duration of the Agreement. Such payment shall be increased by two percent (2%) every year, beginning on December 1, 2017.

In my opinion, the words and format used above ("*Qualifying Public Improvements*"), define the *road improvements and/or maintenance* as THE qualifying public improvements! This certainly was the intent of the parties. These road improvements and/or maintenance were intended to enhance the existing road improvement and maintenance in the area designated; NOT to supplant the existing programs, BUT to enhance those programs in order to mitigate the increased traffic to and from the Casino!

By letter dated November 7, 2012 on agenda November 13, 2012 item 31 (Leg # 12-1409 C on page 3 of 3, County Counsel states:

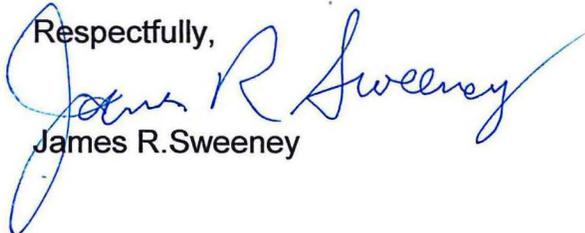
FISCAL IMPACT:

The County will continue to receive the \$5.2 million annual payment from the Tribe under paragraph A, except that the amount will increase at 2% per year starting in 2017, and the payments will continue for the duration of the Tribe's compact with the State. The use of those funds will no longer be limited to the Highway 50 HOV project but can be used by the County for any "qualifying public improvement" projects located within the delineated geographic area near the casino, which will allow the County to mitigate the impacts of the casino more broadly than the original MOU. No particular projects are specified at this time. The County will spend \$2.6 million annually, increasing at 2% per year in 2017, towards the tribal health clinic, which has been impacted by the casino and which serves all citizens of El Dorado County. All of the other payments from the Tribe to the County in the 2006 MOU will remain in full force and effect and are not changed by the proposed amendment.

In my opinion the Tribal funds can only be used within the map area shown on Exhibit A and only for road improvements and maintenance!

As I have always encouraged the completion of the Diamond Springs Parkway, I continue to do so here. The Parkway is within the area depicted on the Exhibit A and will help relieve traffic through the area! It will relieve the impacts on the Diamond Springs area and facilitate the movement of traffic from South County. If we are to encourage economic development in the Missouri Flat area we should keep the Diamond Springs Parkway high on the CIP list of projects and keep it funded. Economic Development in the area will pay for the parkway in five to eight years! Such development will bring increased funding for many years to come and such funding will certainly be available for any General Fund use that future Boards deem appropriate.

Respectfully,



James R. Sweeney