

L. Parlin #25 BOS 3/31/15

3-31-15 BOS

Tribe Funds originally for HOV Lanes

Amended MOU so that County returns half of \$5.2 million back to Tribe for Health Facility

Question: What is remaining \$2.6 million supposed to be used for? It seems that it is all going to the Missouri Flat Road projects and interchange.

County Counsel's November 7, 2012 letter states that the money is to be used 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."

Today's agenda item states that staff recommends keeping the money in savings and not utilizing it for road maintenance. But that money is already allocated in the current CIP. See attached page from 13 or 15 from the 2014 Cash Performas for the CIP.

Staff's recommendation leads me to believe that the Tribe money is now supposed to go to road maintenance. Is that correct? Is that money no longer for projects?

This Tribe money has been argued over many times over the past several years. I would like to know exactly what the current purpose is for allocating that money.

Has anyone asked the residents and taxpayers of our county how the money should be spent. I often hear people say that they would like more money spent on maintenance and not new roads.

We need clarity on the purpose and plans for this money.

1 of 3

designated on a map made Exhibit A to the Amendment. The County agrees to pay the Tribe an annual payment of \$2.6 million per year, increasing by 2% every year beginning in December 2017, to be applied to the health programs at the Tribal Health Clinic which serves both tribal members and non-tribal persons. The Amendment specifically recites that all of the other terms and condition in the MOU remain in full force and effect.

The consideration for the Amendment is that both parties resolve any uncertainty concerning the continuation of the payments in paragraph A once the HOV lane project is completed, and both parties benefit from the County's ability to use that annual payment for "qualifying public improvements" in the vicinity of the casino, including roads that have been impacted by casino-related traffic which will allow easier access to the casino. The Tribe and its members will benefit from the public improvements funded with the money paid pursuant to paragraph A and thus the proposed Amendment will benefit all parties. The amendment furthers the parties' mutual interests in the same manner as the original MOU, and thus the amendment is supported by the same consideration as the original MOU.

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.

ACTION TO BE TAKEN FOLLOWING APPROVAL:

The Chairman will execute duplicate originals of the "Amendment of Memorandum of Understanding and Intergovernmental Agreement Between the County of El Dorado and Shingle Springs Band of Miwok Indians." One original will be given to the Tribe and the other will be filed by the Board Clerk.

Very Truly Yours,

LOUIS B. GREEN
County Counsel

By: 
Edward L. Knapp
Chief Ass't. County Counsel

2 & 3

**Community Development Agency
Capital Improvement Program
Local Funds-Tribe Cash Proforma
(by Revenue Grouping)**

			<u>Prior*</u>	<u>14/15</u>	<u>15/16</u>	<u>16/17</u>	<u>17/18</u>	<u>18/19</u>	<u>19/20-23/24</u>	<u>24/25-33/34</u>	<u>Total</u>
Local Funds - Tribe			(LOCAL FUNDING)								
	Cash		14,176,859	0	0	0	0	0	0	0	14,176,859
	Revenue		2,600,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000	13,000,000	26,000,000	54,600,000
	Total Sources		16,776,859	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000	13,000,000	26,000,000	68,776,859
72375	Diamond Springs Parkway - Phase 1A - SR-49 Realignment	% Funded: 28.9%	0	0	2,835,763	0	0	0	0	0	2,835,763
72334	Diamond Springs Parkway - Phase 1B	% Funded: 60.5%	0	0	1,775,000	3,745,000	8,637,945	5,520,000	0	0	19,677,945
53116	U.S. 50 HOV Lanes (Phase 3) - Ponderosa Road to Greenstone Road	% Funded: 100.0%	0	615,000	0	0	0	0	0	0	615,000
53124	U.S. 50 HOV Lanes Phase 0	% Funded: 17.2%	3,219,106	5,000	0	0	0	0	0	0	3,224,106
	Total Expense		3,219,106	620,000	4,610,763	3,745,000	8,637,945	5,520,000	0	0	26,352,814
	Change In Cash		13,557,753	1,980,000	-2,010,763	-1,145,000	-6,037,945	-2,920,000	13,000,000	26,000,000	42,424,045
	Ending Balance		13,557,753	15,537,753	13,526,990	12,381,990	6,344,045	3,424,045	16,424,045	42,424,045	

3
043

*Prior FY include actual revenue and expenditures through 06/30/13, plus amounts budgeted through 06/30/14.