



Legislation Details (With Text)

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Title: Chief Administrative Office recommending the Board approve and authorize the Chair to execute Amendment 3 to the Memorandum of Understanding and Intergovernmental Agreement between the County and Shingle Springs Band of Miwok Indians to modify and streamline the County's administrative process for the funding currently paid by the Tribe to the County for qualifying public improvement projects and the County to the Tribe for qualifying healthcare contributions, resulting in no net change to the amount of funding the County receives from the Tribe for qualifying public improvement projects.

FUNDING: Shingle Springs Band of Miwok Indians.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Blue Route.pdf, 2. B - Draft MOU Amendment 3, 3. C - Executed MOU_Amendment 2.pdf, 4. D - Executed MOU_Amendment 1.pdf, 5. E - Executed MOU_Original.pdf, 6. Executed Amd III MOU

Date	Ver.	Action By	Action	Result
11/8/2022	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board approve and authorize the Chair to execute Amendment 3 to the Memorandum of Understanding and Intergovernmental Agreement between the County and Shingle Springs Band of Miwok Indians to modify and streamline the County's administrative process for the funding currently paid by the Tribe to the County for qualifying public improvement projects and the County to the Tribe for qualifying healthcare contributions, resulting in no net change to the amount of funding the County receives from the Tribe for qualifying public improvement projects.

FUNDING: Shingle Springs Band of Miwok Indians.

DISCUSSION / BACKGROUND

In 2006, the County and the Tribe entered into an MOU (Attachment E) in settlement of then-pending litigation related to the Tribe's proposed construction of the Red Hawk Casino on Tribe land. In exchange for the County's agreement to drop all pending lawsuits and cease its opposition to the construction of the casino, the Tribe would provide compensation to the County to mitigate anticipated impacts of the casino, including traffic.

The MOU was amended in 2012 (Attachment D) to require the Tribe to pay the County \$5.2 million annually, in lieu of the HOV payment previously required, for "qualifying public improvement projects" defined in the MOU as road improvements and maintenance within a specific geographic area designated on a map incorporated into the MOU. The amendment also required the County to pay the Tribe an annual contribution of \$2.6 million for qualifying healthcare contributions in consideration of increased expenses to the Tribe's Health Program for caring for non-Indian citizens of the County.

The amendment resulted in a net payment of \$2.6 million from the Tribe to the County qualifying public improvement projects.

On June 6, 2017, the Board amended the MOU a second time (Attachment C) to remove the geographic restrictions on the County's use of Tribe funding for qualifying public improvement projects, thus allowing the County to use the funding more effectively and efficiently for the benefit of all County residents.

If approved today, this third Amendment (Attachment B) would modify and streamline the County's administrative process for the funding currently paid by the Tribe to the County for qualifying public improvement projects and the County to the Tribe for qualifying healthcare contributions. The amendment would remove the requirement for the County to pay the Tribe an annual contribution of \$2.6 million for qualifying healthcare contributions and correspondingly reduce the Tribe's payment to the County for qualifying public improvement projects from \$5.2 million to \$2.6 million, thus resulting in a net payment of \$2.6 million from the Tribe to the County for qualifying public improvement projects. The amendment would result in no net change to the amount of funding the County receives from the Tribe for qualifying public improvement projects.

The Tribal Council approved this Amendment at their October 20, 2022, Council meeting.

ALTERNATIVES

If the amendment is not approved, the existing MOU will remain in effect and unchanged.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Shingle Springs Band of Miwok Indians

FINANCIAL IMPACT

The amendment would result in no net change to the amount of funding the County receives from the Tribe.

CLERK OF THE BOARD FOLLOW UP ACTIONS

The Clerk will obtain the Chair's signature on the MOU and provide one original to the CAO for distribution and administration.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Tiffany Schmid, Assistant CAO