



## Legislation Details (With Text)

**File #:** 12-1409 **Version:** 3  
**Type:** Agenda Item **Status:** Approved  
**File created:** 11/6/2012 **In control:** Board of Supervisors  
**On agenda:** 6/6/2017 **Final action:** 6/6/2017  
**Title:** Chief Administrative Office recommending the Board approve and authorize the Chair to execute Amendment 2 to the Memorandum of Understanding and Intergovernmental Agreement between the County and Shingle Springs Band of Miwok Indians, removing restrictions on the County's use of Tribe funding for public improvements. (Est. Time: 15 Min.)

**FUNDING:** Shingle Springs Band of Miwok Indians.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 3A - Amendment II, 2. 3B - AMD II blue route 6-6-17, 3. Executed MOU, 4. 2A - Letter from Nick Fonseca.PDF, 5. 2B - Budget transfer.PDF, 6. A - Shingle Springs Rancheria MOU Amendment Resolution, 7. B - Original MOU-Agreement, 8. C - Letter from County Counsel, 9. D - Document Validation attached 11-13-12.pdf, 10. E - Info regarding Bureau of Indian Affairs attached 11-13-12.pdf, 11. F - Declaration of William Miles Wirtz attached 11-13-12.pdf, 12. G - Amendment to MOU with SS Band of Miwok Indians.pdf

Date	Ver.	Action By	Action	Result
6/6/2017	3	Board of Supervisors	Approved	Pass
12/11/2012	2	Board of Supervisors	Approved	Pass
11/13/2012	1	Board of Supervisors	Approved	Pass

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### DEPARTMENT RECOMMENDATION

Chief Administrative Office recommending the Board approve and authorize the Chair to execute Amendment No. 2 to the Memorandum of Understanding (MOU) and Intergovernmental Agreement between the County and Shingle Springs Band of Miwok Indians, removing restrictions on the County's use of Tribe funding for public improvements.

### DISCUSSION / BACKGROUND

In 2006, the County and the Tribe entered into an MOU 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. As amended in 2012, the MOU currently requires the Tribe to pay the County \$2.6 million dollars annually, which must be used for "qualifying public improvement projects,"

which are defined in the MOU as road improvements and maintenance within a specific area designated on a map incorporated into the MOU. In recognition of the fact that the Pavement Condition Index (PCI) is higher in the map area than in the rest of the County, and that the Tribe has agreed to remove the requirement that the funds be used on projects only within the map area. This will allow the County to use the funding more effectively and efficiently for the benefit of all residents.

### **ALTERNATIVES**

If the amendment is not approved, the MOU will remain in effect and unchanged, with the current geographic restrictions on the use of the funding.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Transportation, Shingle Springs Band of Miwok Indians

### **FINANCIAL IMPACT**

This amendment will not provide additional revenue; however it will provide the County with much more discretion over how it spends the \$2.6 million dollars paid by the Tribe annually for public improvements.

### **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**

Don Ashton, CAO