



## Legislation Details (With Text)

**File #:** 19-1279      **Version:** 1

**Type:** Agenda Item      **Status:** Time Allocation

**File created:** 8/19/2019      **In control:** Board of Supervisors

**On agenda:** 9/17/2019      **Final action:** 9/17/2019

**Title:** Department of Transportation recommending the Board receive and file a presentation regarding utilization of Tribe Funds within the Department of Transportation. (Est. Time: 30 Min.)

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - DOT Tribe Funds Presentation, 2. B - Agreement and MOU, 3. C - Tribe Agreement Payments, 4. Public Comment BOS Rcvd 9-12-19, 5. Public Comment BOS Rcvd 9-13-19, 6. Public Comment BOS Rcvd 9-13-19, 7. Public Comment BOS Rcvd 9-17-19

Date	Ver.	Action By	Action	Result
9/17/2019	1	Board of Supervisors	Received and Filed	

Department of Transportation recommending the Board receive and file a presentation regarding utilization of Tribe Funds within the Department of Transportation. (Est. Time: 30 Min.)

**FUNDING:** N/A

### DISCUSSION / BACKGROUND

The Department of Transportation is recommending the Board receive a presentation regarding the Tribe Funds spent to-date on maintenance and capital improvements; the Tribe Fund revenue and expenditures and the projected surplus and fund balance per Fiscal Year. Please note that this presentation only addresses that portion of Tribe Funds that have historically been budgeted in the Department of Transportation.

On September 28, 2006, the Board entered into a Memorandum of Understanding (MOU) and Intergovernmental Agreement between the County of El Dorado and Shingle Springs Band of Miwok Indians (Tribe) in settlement of the 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.

Compensation included the provision of funding in the amount of \$5.2 million annually for 20 years for the construction of High Occupancy Vehicle (HOV) lanes on Highway 50. The Tribe also agreed to pay \$500,000 annually for law enforcement; \$500,000 annually for sales and hotel tax; as well as the provision of discretionary funds in the amount of \$2 million annually for the first seven years; \$1.3 million annually for the eighth through twentieth year or the life of the Tribe's compact with the State; and an additional \$2.5 million annually, beginning the last day of the eighth year with a 2% escalator every year that the County can use at its own discretion to address the County's concerns regarding the Tribe's projects.

On October 20, 2012, the Board and the Tribe amended the MOU to reallocate certain amounts paid by the Tribe to the County. In lieu of making the HOV payment, the Tribe agreed to pay \$5.2 annually, with a 2% increase every year after December 1, 2017, to the County for "Qualifying Public Improvements" which are defined in the MOU to include, but not be limited to, road improvements and maintenance, located within specific designated boundaries. Also, the County agreed to pay the Tribe \$2.6 annually for qualifying healthcare for caring for non-Indian citizens of the County. This payment also has a 2% increase.

On June 6, 2017, the Board and the Tribe amended the MOU again to remove the geographical restrictions on where "Qualifying Public Improvements" can be located.

On July 16, 2019 the Board requested a presentation to discuss the history and utilization of Tribe Funds.

## **ALTERNATIVES**

N/A

## **PRIOR BOARD ACTION**

12-1409

19-0890

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

CAO - Central Services

## **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board receive the presentation and direct staff to record Tribe Agreement funding as revenue in the General Fund - General Revenues and Other Operations budget unit (Department 15) beginning with the Fiscal Year 2020-21 Budget. Because the agreement states that payments "be used by the County for public improvements, as determined by the Board of Supervisors," the Board could choose to allocate funding for purposes not limited to road projects, including parks, buildings, or other public improvements.

## **FINANCIAL IMPACT**

There is no financial impact with this informational agenda item.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

## **STRATEGIC PLAN COMPONENT**

Infrastructure and Good Governance

## **CONTACT**

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