



Legislation Text

File #: 12-1409, **Version:** 3

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.

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