



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### BOARD OF SUPERVISORS

GREG COX  
First District

DIANNE JACOB  
Second District

PAM SLATER  
Third District

RON ROBERTS  
Fourth District

BILL HORN  
Fifth District

**DATE:** Tuesday, October 16, 2001

**TO:** Board of Supervisors

**SUBJECT:** Reservation Transportation Authority Legislative Proposal (District: All)

### **SUMMARY:**

This report requests Board support for legislation that will be proposed for introduction in 2002 at the request of the Reservation Transportation Authority (RTA), a consortium of Southern California tribes. The proposed legislation would dedicate a fixed percentage of the Indian Gaming Special Distribution Fund to transportation and mitigation projects on and off the tribal lands of gaming tribes. Gaming tribes will begin to make deposits into this fund on July 1, 2002. Successful passage of the proposed RTA legislation could provide a dependable source of revenue to help Indian gaming tribes address significant transportation and related issues that will arise as casinos are constructed.

### **Recommendation(s)**

#### **SUPERVISOR HORN:**

1. Direct the Chief Administrative Officer to provide assistance to the Reservation Transportation Authority to develop legislation to be sponsored by the RTA that would require revenues deposited in the Indian Gaming Special Distribution Fund be earmarked by the county from which the funds were generated for use by the gaming tribes within each affected county, with a fixed percentage of the total earmarked funds set aside for transportation projects selected by the tribes that would mitigate the impact of Indian gaming operations on local roads.
2. Authorize the Chairman and the Board's representative to CSAC to advocate for CSAC's active support and advocacy for this proposal sponsored by the RTA.
3. Authorize the Chief Administrative Officer and County's Sacramento Representative to advocate for passage of this legislation to be sponsored by the RTA.

### **Fiscal Impact**

There is no fiscal impact associated with this action.

### **BACKGROUND:**

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**Indian Gaming Special Distribution Fund**

The Indian Gaming Special Distribution Fund, required as part of the compacts between the State of California and Native American tribes, will begin receiving deposits from gaming tribes on July 1, 2002. Currently, this fund is subject to legislative appropriation for the following statewide purposes:

- Reimbursement for state regulatory costs associated with implementation of Indian gaming compacts;
- Grants for gambling addiction treatment programs;
- Grants to state and local agencies affected by tribal government gaming;
- Payment of shortfalls that may occur in the Revenue Sharing Trust Fund; and
- Any other purpose specified by the Legislature.

Section 5.1. (a) of the standard compact between the state and each gaming tribe states that "The Tribe shall make contributions to the Special Distribution Fund created by the Legislature, in accordance with the following schedule, but only with respect to the number of Gaming Devices operated by the Tribe on September 1, 1999:"

<u>Number of Terminals in Quarterly Device Base</u>	<u>Percent of Average Gaming Device Net Win</u>
1 - 200	0%
201 – 500	7%
501 – 1000	7% applied to the excess over 200 terminals, up to 500 terminals, plus 10% applied to terminals over 500 terminals, up to 1000 terminals.
1000+	7% applied to excess over 200, up to 500 terminals, plus 10% applied to terminals over 500, up to 1000 terminals, plus 13% applied to the excess above 1000 terminals.

**Reservation Transportation Authority Proposal**

Incorporated in 1998, the Reservation Transportation Authority (RTA) is a non-profit inter-tribal consortium providing transportation planning, construction and maintenance services to 23 member tribal governments in Southern California. In October 2000, Caltrans assigned a senior transportation planner to assist the RTA in planning and building road systems for the 23 reservations it serves.

The RTA proposes to request that legislation be introduced to require a percentage of funds deposited into the special distribution fund be earmarked county by county, with a fixed percentage of the total earmarked funds to be set aside for transportation and related offsite mitigation, such as environmental issues in those counties. Funds would be allocated within each

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affected county on a competitive basis, and a tribal review committee would be established at the state level to oversee the distribution of the fund to ensure grant allocations meet the criteria.

RTA has discussed this proposal with the California Transportation Commission, Caltrans and the Native American Advisory Board of Caltrans.

**Impacts in San Diego County**

San Diego County contains 18 separate Native American reservations, covering over 125,000 acres, and providing home to 17 tribal bands. Of these 17 tribes, 12 bands have signed the state gaming compact that allows each reservation to develop up to two casinos each on tribal lands. Currently eight casinos operate in San Diego County. All of these casinos are in rural areas of San Diego County. A recent study conducted by County staff found that over 40 miles of County-maintained arterials, and possibly up to 17 miles of state highways, need improvement to accommodate traffic generated by the casinos. The County and Indian tribes both have an interest in improving these rural roads.

However, the cost estimates far exceed the amount the County receives annually in gas tax funds, which fund County road maintenance and construction. The new casinos will also have environmental impacts in the areas of air quality, biology, community character, cultural resources, dark skies, hydrology and water quality, and water resources. A stable revenue source, such as a fixed share of the Special Distribution Fund as proposed by the RTA, will assist in this effort.

**CSAC Advocacy**

CSAC support and advocacy for the RTA proposal is important because numerous counties have one or more Indian casinos. The California Gambling Control Commission reports that 44 Indian casinos operate in the state. These casinos are located in the following counties: Amador, Butte, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Mendocino, Placer, Riverside, San Bernardino, San Diego, Santa Barbara, Shasta, Sonoma, Tehama, Tulare, Tuolumne, and Yolo. The collective voice of CSAC on behalf of counties where Indian casinos operate would provide added assistance to the effort to enact the RTA proposal.

Respectfully submitted,

BILL HORN  
Chairman

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**AGENDA ITEM INFORMATION SHEET**

**CONCURRENCE(S)**

<b>COUNTY COUNSEL REVIEW</b>	<input checked="" type="checkbox"/> Yes	
<b>GROUP/AGENCY FINANCE DIRECTOR</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
<b>CHIEF FINANCIAL OFFICER</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
<b>CHIEF TECHNOLOGY OFFICER</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
<b>DEPARTMENT OF HUMAN RESOURCES</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A

**Other Concurrence(s):** N/A

**ORIGINATING DEPARTMENT:** District 5

**CONTACT PERSON(S):**

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**AUTHORIZED REPRESENTATIVE:** \_\_\_\_\_

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**AGENDA ITEM INFORMATION SHEET**  
(continued)

**PREVIOUS RELEVANT BOARD ACTIONS:**

N/A

**BOARD POLICIES APPLICABLE:**

N/A

**BOARD POLICY STATEMENTS:**

N/A

**CONTRACT NUMBER(S):**

N/A