



# Mendocino County

## Legislation Text

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**File #:** 17-0984, **Version:** 1

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**To:** Board of Supervisors

**From:** Board of Supervisors

**Meeting Date:** October 24, 2017

**Department Contact:** Supervisor McCowen

**Phone:** 463-4441

**Item Type:** Consent Agenda

**Time Allocated for Item:** N/A

**Agenda Title:**

Approval of Intergovernmental Agreement Between the County of Mendocino, Redwood Valley - Calpella Fire Protection District and the Coyote Valley Band of Pomo Indians Concerning Mitigation for Off-Reservation Impacts Resulting from the Tribe's Casino Expansion and Hotel Project Amended and Restated as the Intergovernmental Agreement Concerning the Mitigation of All Off-Reservation Impacts Directly Related to the Operation of Class III Gaming Activities By and Among The County of Mendocino and The Redwood Valley - Calpella Fire District and The Coyote Valley Band of Pomo Indians  
(Sponsor: Supervisor McCowen)

**Recommended Action/Motion:**

Approve the Intergovernmental Agreement Between the County of Mendocino, Redwood Valley - Calpella Fire Protection District and the Coyote Valley Band of Pomo Indians Concerning Mitigation For Off-Reservation Impacts Resulting From the Tribe's Casino Expansion and Hotel Project Amended and Restated as The Intergovernmental Agreement Concerning the Mitigation of All Off-Reservation Impacts Directly Related to the Operation of Class III Gaming Activities By and Among The County of Mendocino and The Redwood Valley - Calpella Fire District and The Coyote Valley Band of Pomo Indians; and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

The Board of Supervisors approved the original agreement on October 16, 2017. The original agreement was amended on May 26, 2008, May 12, 2009, and by letter agreements on January 23, 2009, June 7, 2012 and by an addenda dated August 7, 2012. The primary effect of the amendments was to delay implementation of the agreement subject to the making of agreed upon payments to the Redwood Valley - Calpella Fire District. On February 7, 2017 the Board appointed Supervisors Brown and McCowen as an ad hoc committee to work with staff on an amended Intergovernmental Agreement.

**Summary of Request:**

The County of Mendocino (County), the Redwood Valley - Calpella Fire District (District) and the Coyote Valley Band of Pomo Indians (Tribe) entered into an Intergovernmental Agreement on October 16, 2007 for the mitigation of off-reservation impacts related to the Tribe's proposed casino expansion project (Original Agreement). Due to changing economic conditions the casino expansion and related development was never constructed. The Original Agreement was amended, as stated under Previous Board/Board Committee Actions. The primary effect of the amendments was to delay implementation of the provisions of the Original Agreement subject to the Tribe making agreed upon payments to the District. These payments enabled the

District to have the capability to respond to emergency situations related to the Tribe's proposed development activities and to pay for a fourth paid fire fighter position. The Tribe has made all agreed upon payments and continues to make monthly payments of \$5,000 dollars to the District.

On January 10, 2017 the Tribe notified the County that they wished to initiate negotiations for a revised Intergovernmental Agreement. Supervisors Brown and McCowen were appointed as an ad hoc committee to work with staff on an amended agreement. The currently proposed casino development provides for a relatively modest expansion in contrast to the 2007 proposal which was never constructed. The final negotiating position of the County was approved by the Board of Supervisors on May 23, 2017 (see attachment) and forms the basis for the mitigation payments that are incorporated into the proposed Intergovernmental Agreements.

The Tribe's casino expansion project and related development will improve the socioeconomic status of the Tribe; separate the Tribe's commercial and residential zones; open up space for development of a new 50 unit low income housing development; fund a variety of social, governmental, administrative, educational, health, and general welfare services to improve the quality of life of Tribal members; provide capital for other Tribal economic development and investment opportunities; increase the number of job opportunities for local residents; and create more efficient water and wastewater services that will decrease demand on local agencies. The Tribe has agreed to construct the new casino to a comparable level of aesthetic values and quality as the Tribe's existing convenience store and fueling station. Although not required by this proposed agreement, the Tribe and the County agree that certain road improvements at the intersection of Coyote Valley Boulevard and North State Street could benefit the project, the Tribe and the local community. While construction of such improvements is not required, they are included within the Tribe's master plan for development and the Tribe intends to make a good faith effort to construct the improvements subject to funding availability and securing the necessary permits.

The proposed Intergovernmental Agreement provides that the Tribe shall pay the District an initial annual amount of \$65,641.32 payable quarterly and subject to an annual adjustment for inflation. The agreement also provides for payment of an initial annual amount of \$55,000 to the County payable quarterly and subject to an annual adjustment for inflation. Provided the Tribe constructs a hotel, the annual amount payable to the County shall be increased by \$20,000 which will also be payable quarterly and subject to adjustment for inflation. Provided the Tribe maintains a Tribal Police Department, there shall be no additional payment for law enforcement services. If the Tribal Police Department becomes inactive for any reason the Tribe shall make pro rata payments to the County at a rate of \$90,000 annually, payable quarterly and subject to adjustment for inflation. This additional payment, if any, shall only be applicable until such time as a Tribal Police Department is re-established.

Supervisors Brown and McCowen believe that the proposed agreement is consistent with the negotiating position approved by the Board on May 23, 2017 and are therefore recommending approval of the 2017 Intergovernmental Agreement as presented.

**Alternative Action/Motion:**

Do not approve the agreement and/or give further direction to staff.

**Supplemental Information Available Online at:** N/A

**Fiscal Impact:**

**Source of Funding:** N/A

**Current F/Y Cost:** N/A

**Budgeted in Current F/Y:** N/A

**Annual Recurring Cost:** N/A

**Supervisory District:** District 2

**Vote Requirement:** Majority

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Janelle Rau, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**



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**FOR COB USE ONLY**

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Executed By: Nadia Tipton

Final Status :**Approved**

Date: October 25, 2017

Executed Item No.: **Agreement** Number: 17-135

Note to Department:

Executed Documents Returned to

Department: Originals \_\_\_\_\_ Copies

\_\_\_\_\_ Hand Delivered \_\_\_\_\_ Interoffice

Mail \_\_\_\_\_ Executed Agreement Sent to

Auditor? Y/N