

**County of San Diego
Indian Gaming Local Community Benefit Committee (IGLCBC)
FY2013-2014 Grants**

Frequently Asked Questions

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What types of grants are available?

There are three categories of grants: Nexus Grants (based on geographic criteria), SDF Non-Nexus Grants, and Non-Nexus Grants:

Nexus Grants - Based on a nexus test of a County or City's geographical proximity to tribal lands upon which a tribal casino is located. A County or City may apply for nexus grants provided at least two of the following criteria are met: 1) City or County borders the tribal land on all sides; 2) City or County partially borders tribal land; 3) City or County maintains a highway or road that is predominant access to a casino that is located within 4 miles of the casino; and 4) All or a portion of the City or County jurisdiction is located within a 4-mile radius of a tribal casino.

SDF Non-Nexus Grants – Grants to mitigate impacts from the casinos of Tribes that pay into the SDF - Barona Valley Ranch Resort & Casino and Sycuan Resort & Casino. Applications for SDF Non-Nexus Grants must demonstrate the jurisdiction applying is impacted by one or more of these casinos and the projects to be funded by the grants would mitigate the impacts from these casinos.

Non-Nexus Grants – Grants to mitigate service-oriented impacts from the casinos of Tribes not paying into the SDF and for assistance to a County, City or Special District for one-time large capital projects. Tribes operating casinos in San Diego County that do not pay into the SDF are: Campo, Pala, Pauma, Rincon, San Pasqual and Viejas Bands.

Who can apply for SB 621 local government mitigation grants?

Nexus Grants: In San Diego, the only jurisdiction that meets at least two of the specified minimum criteria is the County of San Diego; therefore only County Departments and Offices are eligible to apply for Nexus Grants.

SDF Non-Nexus Grants - The County of San Diego, Cities, and Special Districts may apply for SDF Non-Nexus Grants for projects that would mitigate the impacts from the casinos of Barona and Sycuan Bands.

Non-Nexus Grants - The County of San Diego, Cities, and Special Districts may apply for Non-Nexus Grants for projects that would mitigate the impacts from the casinos of the Campo, Pala, Pauma, Rincon, San Pasqual and Viejas Bands. The County of San Diego, Cities and Special Districts may also apply for one-time large capital projects.

What is a Special District?

Special Districts are defined in State law (Government Code Section 12712(d) and established for a specific purpose, such as Hospital, Fire, Water and Sewer Districts. Government Code Section 56036 (a) (4) includes a County Service Area (CSA) but excludes a school district or a community college district from the definition of "Special District." Division 9 of the California Public Resources Code also defines a Resource Conservation District (RCD) as a Special District.

Can a County, City or Special District apply on behalf of a non-eligible entity?

No. The State Audit conducted in 2007 and again in 2010 clarified that the intent of the Legislature was the mitigation of impacts on Counties, Cities and Special Districts and that only these jurisdictions were eligible to receive grant funding.

What types of projects can grant funds be used for?

The San Diego IGLCBC has indicated a preference for funding one-time only projects rather than projects that would depend on continued funding from the SDF. Additionally, State law states the following priorities for approval of grant funds:

- ✓ Law Enforcement
- ✓ Fire Services
- ✓ Emergency Medical Services
- ✓ Environmental Impacts
- ✓ Water Supplies
- ✓ Waste Disposal
- ✓ Behavioral Health
- ✓ Planning and Adjacent Land Uses
- ✓ Public Health
- ✓ Roads
- ✓ Recreation and Youth Programs
- ✓ Child Care Programs

What happens after an eligible applicant submits an application?

Each member of the Committee will receive one copy of each eligible application about a week after the application period deadline (March 26, 2014). On April 9, 2014, each applicant will have the opportunity to make a presentation of no more than two (2) minutes to the Committee and answer questions from the Committee members.

After the Committee has heard the applicants' presentations, the Tribes will have about 2 weeks to review the applications and prepare a list of projects they wish to sponsor. As part of their review, they will determine the projects' reasonable relationships to casino impacts and certify that each of the selected projects satisfies at least one of the priorities identified in SB 621 (Government Code § 12715 (g), as shown in Section E of the Application Form. The Tribes will then forward a list of the applications they want to sponsor to the County for distribution to the Committee, which will review the projects selected by the Tribes.

The Committee will review the applications the Tribes have agreed to sponsor; assess the eligibility of each jurisdiction applying for grant funds and the recommended projects' mitigation of casino impacts; determine the appropriate amount for reimbursement of the costs incurred by the County to administer the grant program; and adopt a resolution approving a list of projects for funding.

Upon final selection of projects by the Committee at the May 14, 2014 meeting, County will transmit the list of projects approved for funding to the State Controller's Office (SCO), which will then disburse the funds directly to the local government jurisdictions whose grant applications were selected by the Committee.

The County will require grant agreements to the County of San Diego by each granting authority by May 23, 2014, the agreements will be made available to all successful applicants within 2 days of the decision by the IGLCBC. The county of San Diego will submit all applicable paperwork to the State of California Controllers Office, and agencies will receive a check directly from the State Controller.

Are there restrictions on the use of the grant funding?

Yes.

- a. **Grant funding may only be used to mitigate a proportional share of the impacts from tribal casinos** - it may not be used to mitigate impacts of non-gaming tribal land uses or enterprises and it may not be used to fund a project that only partially mitigates impacts of a tribal casino.

This component has been highlighted specifically in the State Audits conducted in 2007 and again in 2010 from the State controller and in the new law AB 2515 (2012) which amended Government Code Section 12715(b)(1)(A) Establishing all application policies and procedures for grants from the Individual Tribal Casino Account or County Tribal Casino Account. *Each grant application shall clearly show how the grant will mitigate the impact of the casino on the grant applicant.* Maps, tables, data and/or a descriptions should be attached to the application to provide an explanation and documentation for the Indian Gaming Local Community Benefit Committee. This information is necessary for the IGLCBC to review and to make a determination of how the grant mitigates proportional share and compliance with all requirements established in Government Code Section 12715(b)(1)(A).

- b. A grant **may not** be made for any purpose that would support or fund, either directly or indirectly, any effort related to opposition or challenge of Indian gaming in the State, and, to the extent any awarded grant funds are used for any prohibited purpose by any local government, upon notice given to the County by any Tribe from whose Individual Tribal Casino Account the awarded grant went toward that prohibited use, the grant shall terminate immediately and any funds unspent shall be made available for qualified nexus grants.
- c. A local government jurisdiction that is a recipient of a grant from an Individual County Tribal Casino Account or a County Tribal Casino Account **shall** provide notice to the public, either through a slogan, signage, or other mechanism, stating that the local government project has received funding from the Indian Gaming Special Distribution Fund and further identifies the particular Individual Tribal Casino Account from which the grant was derived.
- d. Grant funding **must** be placed in a separate interest-bearing account and upon completion of the project, interest and any cost savings must be returned to the County for reallocation by the Committee.

Is a separate grant application required for each project?

Yes, a separate grant application is required for each project. An application may however be submitted for more than one type of grants.

How many grant applications can be submitted?

There is no limit to the number of applications that can be submitted by a County, City or Special District.

What is the deadline for grant applications?

The deadline for FY2013/2014 grant proposals is March 26, 2014 by 5:00 pm.

How much money is available for grants that mitigate Tribal casino impacts?

The State Controller's Office has allocated \$1,547,180.03 for FY2013-14 grants in San Diego.

How much money is available for each type of grants?

Funding in Tribal Casino Accounts must be allocated according to the following percentages: 60% for Nexus grants (\$928,308.02); 20% for SDF Non-Nexus grants (\$309,436.01); and 20% Non-Nexus grants (\$309,436.01). The County may also submit a request for administrative costs* which may not exceed 2% (\$30,943.6).

* Final County costs will be submitted for approval prior to the final actions of the Committee.