

SB 621 Tribal Gaming Grant Application Process and Procedures

- I. The Indian Gaming Local Community Benefit Committee (Committee) will formally release grant applications on March 23, 2004. Jurisdictions will be allowed to submit applications until April 23, 2004. Applications may be obtained by calling Ellen Wu, Chief Administrative Office, at (619) 531-6256 or through the Committee's website, which will be operational on March 17, 2004: <http://www.sdcounty.ca.gov/lueg/>
- II. Eligible jurisdictions shall submit four (4) copies of completed applications, with authorized signature, to the address listed on the Application Form, by March 22, 2004. One copy will be kept on file and one copy will be sent to each of the Tribes that pay into the Special Distribution Fund.
- III. Guidelines for applicants, supplemental information and agendas for Committee meetings are available on the Committee's website.
- IV. The Barona, Sycuan and Viejas tribal governments will review the applications and determine their reasonable relationship to casino impacts. They are also responsible for certifying that an application satisfies at least one of the priorities identified in SB 621 (Government Code § 12715 (g)) and Section E of the Application Form. The Tribal governments will forward a list of the applications they will sponsor to the Committee by May 17, 2004.
- V. On or about May 26, 2004, the Committee will review the applications the Tribes have agreed to sponsor; assess the eligibility of each jurisdiction applying for grant funds; determine the appropriate amount for reimbursement of the costs incurred by the County to administer the grant program; and select projects for funding.
- VI. Upon approval by the Committee, the list of projects approved for funding will be immediately transmitted to the State Controller.
- VII. The State Controller will disburse funds directly to the local government jurisdictions whose grant applications were selected by the Committee.

Application Provisions and Guidelines

- I. The Indian Gaming Special Distribution Fund Grant Program has been created for local government agencies impacted by tribal gaming. When describing the impacts associated with tribal casinos, it is important to note that this question does not pertain to impacts of Tribal uses not related to gaming. Please note, also, that the Tribal government from whose account the grant would be funded must confirm that the proposed project has a reasonable relationship to casino impacts.
- I. The applicants will determine the type of grant for which they are eligible (60% Nexus, or either of two 20% Non-Nexus Grants¹), and indicate accordingly on the Application Form.
- II. Only cities and the county are eligible to apply for the 60% Nexus grant. The applicant must indicate the nexus criteria the jurisdiction meets. Note that a minimum of two nexus criteria is required to be eligible for a Nexus Grant.
- II. The amount of SB 621 grant funding requested for the project through the application must be listed.
- V. The signature at the bottom of the application should be that of the individual who has been authorized by the local jurisdiction's governing body to represent the agency.
- VII. The contact person listed should be the individual most knowledgeable about the project and authorized to discuss all aspects of the project.
- X. The total cost of the project should include costs funded by other sources and the total funding requested through this application.

¹ See the reference material attached to this document for an explanation of nexus and non-nexus grants.

Reference Material

Definition of Terms

County Tribal Casino Account – An account consisting of all monies paid by tribes of that county into the Indian Gaming Special Distribution Fund, after deduction of the amounts appropriated to the priorities specified in Section 12012.85 of SB 621.

Individual Tribal Casino Accounts – An account for each individual Tribal casino that has paid money into the Indian Gaming Special Distribution Fund. The individual Tribal casino accounts shall be funded in proportion to the amount that the individual Tribe paid into the Indian Gaming Special Distribution Fund.

Local Jurisdiction – Any city, county, or special district.

Local Government Jurisdiction – Any city or county.

Nexus Grants

- A. Sixty percent (60%) of each Individual Tribal Casino Account is available for nexus grants to cities and counties impacted by the gaming facilities of Tribes that pay into the Special Distribution Fund (SDF), based on a four-part nexus test. San Diego County Tribes paying into the SDF include: Barona, Sycuan and Viejas. The nexus test is based on the geographical proximity of a Local Government Jurisdiction to Tribal land upon which a Tribal casino is located, and is used to determine priority for grants, pursuant to the following criteria:
- a. City or County borders the Tribal land on all sides;
 - b. City or County partially borders Tribal land;
 - c. City or County maintains a highway, road, or other thoroughfare that is the predominant access route to a casino that is located within 4 miles;
 - d. All or part of the City or County is located within 4 miles of the casino.
- ✓ Fifty percent (50%) shall be awarded to local government jurisdictions meeting all four of the nexus test criteria;
 - ✓ Thirty percent (30%) awarded to jurisdictions that meet three of the nexus test criteria;
 - ✓ Twenty percent (20%) awarded to jurisdictions that meet two of the nexus test criteria.

Non-Nexus Grants

- B. Twenty percent (20%) of each Individual Tribal Casino Account is available for discretionary grants to local jurisdictions impacted by Tribes that are paying into

the SDF (three Tribes noted above). These discretionary grants will be made available to all local jurisdictions in the County, irrespective of any geographical nexus.

- C. Twenty percent (20%) of each Individual Tribal Casino Account is available for discretionary grants to local jurisdictions impacted by Tribes that are not paying into the SDF. In San Diego County, these Tribes are: Campo, La Jolla, Pala, Pauma, Rincon and San Pasqual. These grants will be made available to local jurisdictions in the County, irrespective of any nexus to impacts from any particular Tribal casino, and irrespective of whether the impacts are from a Tribal casino that is not paying into the Indian Gaming Special Distribution Fund. Grants awarded are limited to addressing service-oriented impacts and providing assistance with one-time large capital projects related to Indian gaming impacts.

Special Notes

- I. 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.
- II. 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.