

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only
Meeting Date / / **Held Until** / /
Agenda Item No: _____ **Agenda Item No:** _____

Department: County Administrator

() **4/5 Vote Required**

Contact:
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Phone:
(707) 568-3345

Board Date:
04/21/2009

Deadline for Board Action:

AGENDA SHORT TITLE:

Sonoma County Indian Gaming Local Community Benefit Committee (LCBC) Membership

REQUESTED BOARD ACTION:

1. Agree to the selection of two local representatives to the Sonoma County Indian Gaming Local Community Benefit Committee for 2009:
 - a. Pete Parkinson, Permit Resource Management Department Director, or his designee
 - b. Don Kittson, Director of Executive Services, Dry Creek Rancheria, or his designee

CURRENT FISCAL YEAR FINANCIAL IMPACT

EXPENDITURES

ADD'L FUNDS REQUIRING BOARD

Estimated Cost \$

Contingencies \$
(Fund Name:)

Amount Budgeted \$

Unanticipated Revenue \$
(Source:)

Other Avail Approp. \$
(Explain below)

Other Transfer(s) \$
(Source:)

Additional Requested: \$

Add'l Funds Requested: \$

Explanation (if required):

Prior Board Action(s):

3/2/04 Board approved a resolution activating the Sonoma County LCBC. Annually, the Board has appointed members to serve on the LCBC. 3/24/09 Board repealed Resolution 04-0200 and adopted Resolution 09-0266 to reflect changes in State law and local practices.

Alternatives - Results of Non-Approval:

The Board could take no action in which case the LCBC would have fewer than the statutorily required members.

Background:

In March 2004 the Board adopted Resolution 04-0200 activating the Sonoma County Indian Gaming Local Community Benefit Committee (LCBC). Since 2004 the Sonoma County LCBC has distributed approximately \$1.3 million in grant funding to local jurisdictions to offset the impacts of tribal gaming activities.

On September 30, 2008, AB 158 was signed by the Governor. AB 158 requires LCBC's to implement a number of program changes, including a change in composition of an LCBC, in certain Counties, including Sonoma County. As a result, the Board repealed Resolution 04-0200 and enacted Resolution 09-0266 to reflect statutory changes in the membership of the LCBC.

Historically, the Sonoma County LCBC was comprised of the following seven statutorily required regular members:

- Two representatives from the County, selected annually by the County Board of Supervisors
- Three elected representatives nominated by the City of Healdsburg and selected by the County Board of Supervisors, and;
- Two Tribal Representatives.

In addition, Sonoma County's LCBC bylaws provide for one alternate representative of the county, city, and tribe. Alternate members are appointed in the same manner as regular members, and may vote only if a regular member representing the same entity is unable to attend a meeting and vote.

AB 158 modifies the LCBC composition in counties in which only one city is within four miles of a tribal casino and that same casino is located entirely within the unincorporated areas of that particular county. As amended, AB 158 allows for only one elected representative from the city. Sonoma County falls within this category, and as a result must change the composition of the LCBC. In place of the two additional city representatives, AB 158 requires two representatives to be selected upon mutual agreement by the County Board of Supervisors and the Tribe.

Staff met and discussed various representatives with the Tribal Chairman and agreed to propose that the county and the Tribe mutually agree to the following two representatives:

- a. Pete Parkinson, Permit Resource Management Department Director, or his designee
- b. Don Kittson, Director of Executive Services, Dry Creek Rancheria, or his designee

Attachments:

On File With Clerk:

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Background: (Continued)

The recommendation to agree to these individuals is based on the following:

- As planners the individuals are uniquely qualified to understand the impacts of the casino which the LCBC is charged with granting funds to mitigate.
- The PRMD Director is unlikely to submit a grant application for consideration by the LCBC. Some other potential representatives discussed (Sheriff, OES Director, TPW Director) are much more likely to submit grant applications which would result in a conflict and require them to recuse themselves from voting. If their vote was required to meet the minimum vote threshold this could result in the committee not being able to allocate funds as desired.
- In years past the LCBC has had difficulty achieving a quorum. This is due in part to its past composition which includes numerous elected representatives, all with very compacted schedules. The proposed individuals are staff positions and both are available to attend the annual LCBC meeting which is scheduled for May 7, 2009.

If approved as recommended the 2009 LCBC will have the following regular and alternate members for 2009:

Category	Regular Members	Alternate Members
County Representatives	Valerie Brown, Supervisor Paul Kelley, Board Chair	Shirlee Zane, Supervisor
City Representatives	Eric Ziedrich, Mayor	Mike McGuire, Councilmember
Tribal Representatives	Harvey Hopkins, Chairman Betty Arterberry, Vice Chairman	None designated
Local Representatives	Don Kittson, Executive Services Dir. Pete Parkinson, PRMD Dir.	or designee or designee