



Board Agenda Item 33

DATE: February 22, 2022

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, County Administrative Officer
Margaret Mims, Sheriff-Coroner
Lisa Smittcamp, District Attorney

SUBJECT: Reallocation of Unexpended Indian Gaming Special Distribution Funds

RECOMMENDED ACTION(S):

- 1. Direct that the unexpended District Attorney FY 2014-15 Indian Gaming Special Distribution Fund grant carryover (\$142,653 plus accrued interest) be reallocated to the Fresno Sheriff-Coroner's Office;**
- 2. Adopt Budget Resolution increasing FY 2021-22 appropriations for the Indian Gaming Special Distribution Fund 0020, IGSDF District Attorney - Org 2868 Subclass 10021 to transfer \$142,653 plus accrued interest (4/5 vote); and**
- 3. Adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues for the Sheriff-Coroner Org 3111 in the amount of \$142,653 plus accrued interest, for law enforcement services (4/5 vote).**

Approval of the recommended actions will reallocate unexpended funds to the Sheriff's Office for law enforcement services to mitigate the impacts of tribal gaming, in alignment with Indian Gaming Special Distribution Fund (SDF) priorities. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the FY 2014-15 Indian Gaming SDF funding will remain unexpended.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions, which will reallocate \$142,653 plus accrued interest from Org 2868 - IGSDF District Attorney to the Sheriff's Office Org 3111 for law enforcement services, in alignment with SDF priorities. The small amount of residual interest from prior Administrative Fees in the amount of \$15.48 will be expended by the County Administrative Office.

DISCUSSION:

Government Code section 12710, et. seq., created an Indian Gaming Local Community Benefit Committee (Committee) in each county in which Indian gaming is conducted, to determine the selection of grants from each individual Tribal Casino Account. The priorities for the receipt of grant moneys include 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, and childcare programs.

On March 11, 2014, the Board approved receipt of \$886,973 in FY 2013-14 from the SDF to be expended in FY 2014-15.

On April 1, 2014, the Board approved the submission of applications from the District Attorney and Sheriff. Funds were received for the District Attorney (\$359,108.50), Sheriff (\$362,133.50), Waterworks District #18 (\$153,168), and Administrative fees of (\$12,324).

The Committee held its last meeting on May 8, 2015, where the Committee approved the District Attorney to carry over FY 2014-15 funding to continue investigation and prosecution of cases with a nexus to Indian Gaming in FY 2015-16 and distribute prior years' accrued interest (\$10,330) in the local Indian Gaming Special Revenue Fund that was not specifically attributed to prior period grants or administrative fees received and held by the County. No funding was awarded to any other entity in FYs 2015-16, 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21.

Effective January 1, 2021, the statute that created the Indian Gaming Local Community Benefit Committee, and created the allocations of Special Distribution Funding to each County, was repealed. The SDF, which is an appropriation for the support of local government agencies impacted by tribal gaming, was not repealed.

As of January 6, 2022, the District Attorney has \$125,577.40 in remaining funds. No expenditures were made during FYs 2019-20 or 2020-21, and the funds earned interest in the amount of \$17,075.48, bringing the total remaining amount, as of January 6, 2022, to \$142,652.88. There also remains a small amount of residual interest from prior Administrative Fees in the amount of \$15.48.

The District Attorney's Office is unable to meet the required nexus to impacts of tribal gaming, so is unable to use these funds at this time. Because the enabling statute was repealed, the County's Indian Gaming Committee no longer has authority to reallocate the remaining funds, so staff requests that your Board reallocate these funds to the Sheriff's Office, which has a need for these funds to mitigate the impacts of tribal gaming, in accordance with the SDF priorities and guidelines.

It is recommended that your Board reallocate the funds to the Sheriff's Office for law enforcement services to mitigate the impact of tribal gaming, in alignment with SDF priorities. The County will need to make the required report to the Chairperson of the Joint Legislative Budget Committee, the chairpersons of the Senate and Assembly committees on governmental organization, and the California Gambling Control Commission by October 1 of each year, detailing the specific projects funded by all grants in the County's jurisdiction in the previous fiscal year, including amounts expended in that fiscal year, but funded from appropriations in prior fiscal years. It is anticipated that this report will come before your Board for approval prior to October 1 every year that these grant funds are expended.

REFERENCE MATERIAL:

BAI #55, December 15, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution (Org 2868)

On file with Clerk - Resolution (Org 3111)

CAO ANALYST:

Sonia M. De La Rosa