

SANTA BARBARA COUNTY AD HOC COMMITTEE/CHUMASH

October 19, 2015

MODERATOR: Good morning, everybody. Thank you for being here today for the second meeting of the County of San Barbara Ad Hoc Subcommittee with the Santa Ynez Band of Chumash Indians. By previous agreement, I will be going ahead and chairing this meeting again today and I do want to turn to Vice Chairman of the Tribe, Kenneth Kahn, to make an introduction here.

KENNETH KAHN: Yes, Kenneth Kahn, Vice-Chair, Santa Ynez Chumash Indians. Many of you who were here last month, I got to introduce myself to you. Mike Lopez is here in place of Chairman Armenta. Mike Lopez is one of our council members and we all work closely on these issues so Mike will be here to take on in his place. Mike, do you have anything else to add to that?

MIKE LOPEZ: It's a pleasure being here and we're looking forward for this conversation to keep it going so, thank you very much.

MODERATOR: And thank you for being here. We appreciate you participating today. And we have the same staff here as we had last time and so it's basically the same team as it was in the first meeting. To go ahead and open it up, I do want to remind everybody that we do have a website that's specific to this where all the documents are posted. Before the meeting, any letters that come in or any letters that go back and forth are also posted so that is a good resource for the community to have all of the documents that we have prior to these meetings. I do have a number of speakers for general public comment. I am going to allow up to three minutes. The timer is there. The microphone is there. We do have a full agenda today. We have some great presentations filled with a lot of really good and important information and so we want to go ahead and get started. So for general public comment, I'm going to first call Terry Harmon.

TERRY HARMON: Good morning. I'm a resident of Los Olivos. I am not a politician. I am not an attorney, just someone that's, I've been following all of these discussions for the last few years and it appears we have a court case that's pending in Santa Barbara. The Motion to Dismiss was denied and it just appears that everything we're talking about today might be for naught if the case goes in one direction and so I'm just politely requesting that we not decide anything important today, that we wait and see what the outcome is because that could change the dynamics of what we're talking about. So plain and simple, I think if that case is coming up in November, we should wait and see which side, if the judge decides to uphold the 1906 decision or not. If he does uphold it, then a lot of what we're talking about is a waste of time so whichever way it goes, I would just say we're all pretty busy people and we think we might want not waste a lot of time. Thank you.

MODERATOR: Thank you. Next, Nancy Crawford-Hall.

NANCY CRAWFORD-HALL: Good morning. My name is Nancy Crawford-Hall and I've been a resident of the Santa Ysabel like for over 60 years. My family came to Santa Barbara County in 1901 when my great-grandfather along with a partner purchased Santa Rosa Island. In 1924, my grandmother purchased San Lucas Ranch and in the 1930s purchased Camp 2, otherwise known as the triangle property and Camp 4 that is the topic of concern today. And what are we considering today? You are being asked to approve a lesser tax burden for a group of people who are multimillionaires. You're being asked to approve a different and less onerous set of rules for this same group of people. You're being asked to approve of the wholesale destruction of lives and livelihoods of the rest of the people. You're being asked to destroy every environmental legislation you have passed for the last 30 years. And, finally, you're being asked to ignore all the history and all facts related to the people asking for these exceptions that will destroy everything you have stood for since the beginning of this country. Liberty and justice for all, that is what you swore to uphold when you took office, not liberty and justice just for a few people, but all people. It is what differentiates us from the rest of the world and why millions flock to our shores every year. Are you willing to give all that up to destroy this part of the country? Is it worth it to you to sacrifice everything and everybody for a few? This is not the American way. Let's stop pretending we're talking about housing here for a destitute group of people. Surely you are aware that recent actions by the Governor have allowed additional casinos to be built, so common sense would tell you that this is a far more likely scenario than housing for people who don't even live in the valley. Also, recent legislation has allowed for certain people to grow marijuana on their properties. If you take these two things together, what do you have? You have lawless chaos, much greater than you have now. When I was publishing The Valley Journal, I reported three instances of criminal activity at the current casino, including drugs, prostitution and gunshots in the parking garage. Shortly thereafter, I received three letters threatening lawsuits from an attorney hired by Mr. Armenta. I replied that if he sent factual information refuting those claims, I would be happy to publish them. I did not hear from him again. Those of us who have worked, many for generations to keep this valley healthy and productive, do not and will not ever accept the bully tactics being used here. Building a hotel tower that is within the area of safety for pilots of the Santa Ynez Airport is the height of arrogance in my mind. Using reclaimed water on property that drains across other fertile properties to the river is the height of insanity.

MODERATOR: Thank you, Ms. Hall.

NANCY CRAWFORD-HALL: I have one more sentence. Can I finish?

MODERATOR: One more sentence.

NANCY CRAWFORD-HALL: All of the public agencies who remain silent or have lied to you about the impact of these projects have endangered all of us, including you— traffic, break-ins, assaults, car crashes due to alcohol or drugs and whole self-destruction of this county will be the result if you go down, any further down this road.

MODERATOR: Thank you.

NANCY CRAWFORD-HALL: Your first instinct ---

MODERATOR: That was more than one sentence, Ms. Hall. Thank you.

NANCY CRAWFORD-HALL: You're really rude.

MODERATOR: Next speaker is Mel Dove.

MEL DOVE: Mel Dove of Santa Ynez. I'd just like to know about the hotel under construction. Would it be possible, has it been engineered to add additional stories to that hotel in the future?

MODERATOR: During general public comment, we generally are not responding to questions, but we will see if we can get an answer for you.

MEL DOVE: Sometime during the period, okay.

MODERATOR: Thank you. Alright, Kelly Rose.

KELLYROSE: Good morning, Supervisors Farr and Adam, Vice-Chairman Kahn and Councilmember Lopez. My name is Kelly Rose. I've lived in Los Olivos for the past 15 years. First, I want to say that we are very fortunate to have such qualified representatives acting on behalf of the County and citizens and the Tribe and its members. I don't think we could ask for a more committed and talented group of people to deal with these tough issues. I read the recent letter from Chairman Armenta to the County's CEO and the response from Supervisors Farr and Adam. While those letters pointed out a number of differences in position, they also identified a number of areas of agreement. I'd like to suggest that you first focus on those areas where there are areas of agreement because I think it's critical to this process to flush out the areas that you don't have contingent because you need to show progress to the community, both communities. You need to demonstrate your ability to work together and to establish positive momentum so that when you do need to deal with the more contentious items, that there is a better field to deal with. Also, while it is important to look forward and not get caught up in the past, to paraphrase the Spanish philosopher, George Santayana, "Those who forget the past are doomed to repeat it." I would suggest that it would benefit all of you to review the public documents and newspaper articles from the period 2000 through 2004 to understand the process that got us to where we are today. Fortunately, Google is very easy to use in that regard. One of the things that you'll discover in this process is that in early January, 2002, the Tribe was quoted in Santa Barbara News-Press saying, "There are no plans for a hotel." Six months later, there were detailed plans for 106-room hotel, which was disclosed to the public and the hotel opened in 2004. Less than 15 years later, we are now on the edge of seeing the hotel expand by over 200%, including a 12-story tower. Things can change very quickly. 15 years may seem like a lifetime in the political world, but it's a very short time in the community. We really need for you to make sure that you

preserve those things about the Valley that make it a great place to live, to raise our families. Thank you.

MODERATOR: Thank you. Richard Crutchfield.

RICHARD CRUTCHFIELD: Morning. As the Tribe feels, senses a feeling of cooperation. I'm hopeful they will be more forthcoming about their plans for land development. I think that would really up the process. There may have been a time when that would not have been in their best interests, but I think slowly as they sense a feeling of cooperation, that would be in their best interest now. I'd also like to know and I'm not sure exactly legally how this would be done, but I will leave that to the attorneys, to request that any litigation involving the Tribe and the County be stayed or put on temporary hold to give this process a chance. Thank you.

MODERATOR: Thank you. Jean Hollingsworth, did you want to speak during general public comment or doing another item? She's not here.

MALE: An item.

MODERATOR: On an item? Okay. #2, alright, thank you. Sam Burke, you will be our last public speaker.

SAM BURKE: Could I have the first visual, please; it's called Crane One? My name is Sam Burke. By the way, good morning, ladies and gentlemen. I appreciate this opportunity to dialogue with the Tribe and the citizens of the Santa Ynez and Santa Ysabel. It's delightful. I'm a private pilot. I fly out of Santa Maria. I fly an antique US Air Force Liaison aircraft and I was at Santa Ynez Airport and took this picture of a couple of weeks ago and I was kind of, it kind of scared me. The active runway is on the left where one would take off and the reason I'm speaking this morning is I would like to ask the crane operator to take that crane and move the boom so it's in line with the runway so it's not much, as much of a danger to departing flights or flights coming in from the west, which is the normal path for instrument approaches to the runway, especially in foggy areas. If someone has errors and their altimeter is too low on the approach, they could run right into that crane. I questioned whether or not the FAA okayed this, the process of building that structure there and having that crane at the end of the active runway and I was told that the FAA has no authority to regulate buildings in the area. The only thing the FAA requires is that if you're going to build a building, you have to file an FAA Form 7460 and I assume the Tribe did that before the construction. So I realize I can't have a dialogue with you. You may not have that information and your council may not, but I'm curious to get that answered. According to the Code of Federal Regulations, Chapter 14, Part 77.9, there, any structure that's near an airport that exceeds a ratio of 50:1 from the runway is subject to, it means that the people that are building this, putting the structure up need to notify the FAA. Now the FAA doesn't have any authority. Only the US Congress can, has authority here in this case so I'm kind of confused, but just for the record, the runway at Santa Ynez is 3,800 feet. The end of

the runway to the crane is 2,300 feet and the crane sits about 82 feet above the top of the hotel.

MODERATOR: Mr. Burke, your time is about up. If you have another visual that you wanted to close with.

SAM BURKE: Yes, why don't you finish with that second one.

MODERATOR: And then your time will be up.

SAM BURKE: That just shows, the next visual, if you will, just shows them where the crane comes from. That's the other side of the hill, the downside, the other side of the runway.

MODERATOR: Thank you very much. Alright, that concludes the general public comment time. We're going to go ahead and take up our first agenda item, which is the adoption of the minutes for the September 24 meeting. They are action minutes. They will be approved by consensus so I'll just go ahead and open this up and ask if there are any members here of the subcommittee, of the tribal members, whether they have any changes or corrections that they want us to entertain.

MALE: No change to the minutes and I will move there can be a motion to be approved.

MODERATOR: Okay, well I think if we just have four head nods, I think we're in good shape.

MALE: Perfect.

MODERATOR: Alright, accepted by consensus, here by all four of us. I don't have any speaker slips for Agenda Item #1 for public comment so we'll go ahead and go into Agenda Item #2. We will be taking public comment after both A and B presentations and then after Agenda Item #3 after all A, B, C and D have been discussed. So at this time, I'm going to turn to Assistant CEO, Terri Maus-Nisich, who has a presentation on the review for Santa Ynez Valley Property Tax and Assessments and Distribution, which was an attachment here that you all should be able to have a copy of. Ms. Nisich?

TERRI MAUS-NISICH: Good morning; thank you. There are copies of the presentation in the back of the room and the spreadsheets are also in the packet that was provided online and those are also in the back of the room as well. To begin, the question arose at the last meeting regarding the distribution of property tax within the Santa Ynez Valley and Camp #4 specifically. I'll go to the first slide here. There you go. If you can see everything up on the screen, I'd like to walk you through the allocation. This is the allocation of the 1% of taxes provided via the distribution of property tax. Across the top is the individual parcels that comprise Camp #4 and the total assessed valuation for the 2013 taxing year. As broken out, the total taxes, the total assessed valuation, excuse me, fully enjoying all the benefits of the Williamson Act are 8.2 million and the total 1% then

to be distributed among all the taxing agencies is approximately \$82,000. Moving down the spreadsheet, the first allocation of the 1%, 22% of the 1% goes to general government or general purposes needs within the County. 13% of the 1% is allotted to the Fire Protection District. We then move to .3 or .31% allocated to the Flood Control and Water Conservation District for general purposes throughout the County. We then move to the Santa Ynez Flood Zone #1, which is a .5% allocation of the 1%. The Santa Ynez Flood Zone District provides for specialty services within the Santa Ynez Valley, above and beyond what is provided as part of the overall allocation to the Flood Control District. We then move to the .396 to the Water Agency. That, again, is for general purposes provided countywide for specific water purposes, such as hydrologic studies, various groundwater management plans and review. We then move to the specific allocation to fund the Oak Hill Cemetery District, which is .35% of this total 1% and then another special district, the Mosquito and Vector Management District. We then move into the various fundings for the school districts and special needs, such as the College Elementary School District at 22% of the total 1% of property tax, the High School District at 17%, Allan Hancock College at 6%, the County School Services, which is a little over 4%. That is specifically for the County Superintendent of Schools to make, to have funding to work countywide to align services throughout the school districts to provide for the overall enhancement of education countywide and then the last allocation of the total 1% is 11% for the Educational Revenue Augmentation Fund of ERAF, which is the split that was made from city and for cities and county governments to the state for enhancement of schools.

We then move down to the assessments on top of the 1%, which are pertinent to the Santa Ynez Valley. That includes a bond issue for the College Elementary, the College District in 2004 and you can see those allocations along the side, the Allan Hancock City College bond back in 2006 and then a specialty allocation voted in in 1980 for enhancements to the Santa Ynez Flood Zone Benefit Assessment District.

The next slide has the exact same allocation. Nothing has changed. What I'm showing here though is, however, Camp #4 coming out of Williamson Act. You can see along the top the increase in the property tax for the four parcels rising to \$330,000 from the original \$87,000 with a new assessed valuation of \$33 million. This is because of the filing of nonrenewal of the Williamson Act so it begins to move out of the full benefit or discount for Williamson Act and begins to grow over the term of nonrenewal and the property taxes then will increase till its full AV over the course of the next nine years so, again, all of the property tax allocations and percentages remain the same. However, the assessed valuation overall is changing.

Same thing in 2015, we then move to a new assessed valuation of the 35 million growing from 33 million and the 1% of taxes now distributed is \$355,000, again, among all the taxing entities. I won't do into each of the individual numbers, but I just wanted to show the overall progression over the course of the most recent years. I'm happy to answer any questions.

MODERATOR: Any questions from the business committee.

MALE: No, no questions, just a comment that the Tribe is following the process violating nonrenewal as you can see so I just want to restate that.

MODERATOR: Any other comments or questions? Alright, so and we had hoped to have the county auditor-controller, Bob Geist, here today to talk more about municipal finance, how those monies that come to the County are used, but he wasn't able to do that, but we are planning to have him come at the next subcommittee meeting in November so that will be something we will be talking about later on the next month's agenda. So with that, we want to go into Agenda Item 2B, which is potential items for inclusion in a Cooperative Agreement and there was an attachment that gave five general headings. These were proposed by the County in looking at Cooperative Agreements and, again, we're not intending to try to populate the various headings with any bullet points at this point in time, but we did want to start out by going over each one of them and making sure that we have consensus between the County members and the Tribal members as to those general topics that would make up a framework. Ms. Nisich, did you want to go ahead and.

TERRI MAUS-NISICH: Thank you, good morning again. As mentioned, per the discussion of the September 24 meeting of the Ad Hoc Committee, and the Santa Ynez of the Chumash Indians, the following headings are suggested by the County to begin discussions regarding components of the potential Cooperative Agreement. The key headings that the County is setting forward involve the following. They're up on the screen. And they also, again, are in your packet. The first is consideration of waiver of sovereign unity. The second is a specific term for the Agreement. The third is municipal finance or overall costs of services and associated revenues. The next is mitigation of impacts and the last for consideration is the future use of land and potential limits on that use of land. As noted by Supervisor Farr, these are put forward to begin the discussion of various items. We have not indicated items under which, but rather these are provided to gain consensus on a way forward so that we can have continued discussions on each of the areas at future meetings. Thank you.

MODERATOR: Thank you. So just to kind of further comment at least from my perspective and we certainly want to hear from everybody else that's up here, but I think number one, the waiver of sovereign immunities is pretty self-explanatory. Number two, the term, that would be the number of years that any agreement might be in effect. Three, on the municipal finances, I said Mr. Geist, we're hoping to have next month to talk about that more in depth, but sometimes this is also called a PILT, payment in lieu of taxes. The mitigation of impacts, this gets to other issues besides financial, strictly financial issues and then future use of land and limits, I think we brought that up last time as far as vision and re-openers if things should change in the future. So that's kind of what we're looking at and I think I'd like to go ahead and turn to the Vice Chairman for any comments on these and Mr. Lopez as well.

KENNETH KAHN: Well I think we certainly covered a majority of these in the proposal, the 2011 Agreement, proposed Agreement and so as far as the waiver of sovereign

immunity, we have a couple of different examples, one in our agreement, but also the other in our compact. We have shown we are willing to put into an agreement. I guess really those examples, the question is is that acceptable to the County from a County perspective and then, obviously, the term we have to work on and we also proposed a term, which we have had based on our compact term and so if we were to do that again that might be something similar to look at, but mo other comments unless Sam would like to add anything to that.

SAM: Nothing to add.

MODERATOR: Well thank you for that and I think the hope today was just to get a general agreement and consensus on these various headings and then next time we would be coming back with more specific language, as you mentioned, with what you have already written in proposed and previous agreements, the County would come back with language that we would be looking for and kind of see how those two agree or don't. The same for the various other topics, but it sounds like we do have a general agreement and consensus then on these five general headings that might be in any agreement that we would come up with.

KENNETH KAHN: That's correct.

MODERATOR: Okay, thank you. Supervisor Adam.

SUPERVISOR ADAM: Well, I was just going to restate that with a little different word and see and I just wanted to make sure that you guys understand my thinking on this document is a list of components of a potential deal and maybe at some point it gets expanded and I'm kind of looking to you guys to see if you think that this is a complete list at this point.

MALE: I think a complete list is something that will never really be achieved for every year and from this point forward, we're going to be finding these things that we like in this agreement, but I think it's a good start.

SUPERVISOR ADAM: Fair enough, fair enough.

MODERATOR: Thank you. We're going to go ahead and go then into public comment on Items under Agenda Item #2, both A and B. Again, each speaker will have up to three minutes and the timer is there. You can check where you are. First speaker is Jeanie Hollingsworth.

JEANIE HOLLINGSWORTH: Hi, thank you for giving me an opportunity to speak and thank you for having this forum. I think you're doing a really great job in conducting this. You were just talking about a complete list and he said that every year it's changing so the County has a lot of considerations for the long term because actually what we're dealing with here is a quarter of a billion dollar business. Right now there's lawsuits in Congress that the rules of the BIA may change, how tribes are considered and what

considerations they get in the future and the Tribe itself is changing because as everybody gets older, there's attrition and maybe some people in the Tribe themselves won't qualify to be in the Tribe anymore, I don't know, but they said if that happens, in the last meeting, that they could modify their tribal compact, which means it's really changeable so I think that there should be a real understanding of what makes the Tribe and I understand that its articles of incorporation and so what would happen in the future, let's say they would no longer qualify as a tribe, then does that article of incorporation provide for privatization or what would happen to that \$250 million a year at this point. So in the cooperative agreements, considering the term, I think the term should also consider the population and attrition of the Tribe and the waiver of sovereign immunity should consider the qualifications that this whole thing is under in the future and where that's going so I think that when you think of no action, your alternatives and other in your alternatives and maybe others should be 20 years in the future, 10 what's, 50 for our Valley, what will happen then and would we look at what it says now, not in the changeability of the compact. Thank you very much.

MODERATOR: Doug Herthel.

DOUG HERTHEL: Could we throw up the pictures of Mr. Burke? Probably the other one. I just threw that up because this is Federal Indian policy has brought us to and I don't how we could look at that and not all gasp, but anyway, good morning, Supervisor Farr, Supervisor Adam. Thank you for having this open hearing. My name is Doug Herthel. I've lived with my wife in Los Olivos for over 43 years. Thousands of us who live, work, raise families and pay taxes in Santa Barbara County, look at this Valley and County as a beautiful, sensitive child that needs and deserves constant care and protection. Unfortunately, what we are now witnessing is the rapid, painful and inhumane destruction of a magnificent Santa Ynez Valley by a handful of people. Several pay-to-play congressmen, a large, multibillion dollar bank and a couple of businessmen who are looking to parlay the funds from their gambling monopoly expansion into controlling the hospitality industry and drastically disrupting the real estate market of the Santa Ynez Valley. The main key to ensuring the rapid destruction of the Santa Ynez Valley's people and property values seems to have Congress continue threatening to pass H.R. 1157. This bill is sponsored by Congressman Doug LaMalfa. Congressman LaMalfa's District is 500 miles north of Santa Barbara County. Congressman LaMalfa has absolutely zero connection to the knowledge of the Santa Ynez Valley. He has received many thousands of campaign dollars related to this bill. Lobbyists retained by the Valley Citizen Groups have monitored H.R.1157 and have continually registered the Valley's opposition to this bill to Congressional leadership for over one year. The same lobbyists have continued to report that H.R.1157's passage is extremely unlikely only if our local Congressperson or the Santa Barbara Board of Supervisors were to reverse their opposition to Fee-to-Trust over H.R.1157 could there be a risk of the bill moving forward. That is why any kind of County support to enter into a proposed cooperative agreement or support Fee-to-Trust on Camp #4 could actually be viewed by Congress as a signal that the County supports Fee-to-Trust. This signal could actually embolden Congress to try to pass this bill. The Board of Supervisors and Congresswoman Capps opposition to H.R.1157 has been crucial in protecting the Santa Barbara County Santa Ynez Valley from an out-of-control,

small group of pay-to-play congressmen. Therefore, we are requesting that the Santa Barbara County Board of Supervisors write Congressman LaMalfa, the man that H. R. 1157 be canceled with continuing to oppose Fee-to-Trust.

MODERATOR: Thank you, Mr. Herthel. Your time is up. And, you know, I just want to remind those people that I have speakers slips in for Item #2 that this is an opportunity to comment on these two items, A and B, the review, the property tax assessments and their change over the three-year period and then these items, the potential items for inclusion in a cooperative agreement. Next speaker is Jim Marino.

JIM MARINO: Good morning, Committee Members. I represent a group called No More Slots. I'd like to just point out a few things. There's obviously not enough time to address specifically all the things that are covered by these two topics. I furnished the County some time ago a rather extensive review of the so-called Waiver of Sovereign Immunity that was contained in the original Cooperative Agreement that was proposed and my conclusion was that it was woefully inadequate and probably unenforceable. The Waiver of Sovereign Immunity, by the way, should go with the land. It has nothing to do with the Tribal State Compact. So, for example, if there is a waiver for the Cooperative Agreement, it should be for the life of the land as long as it's owned by the Tribe, any tribal member or any tribal entity. The municipal finance, which is one of the topics obviously from the colloquially I heard last time at the 24th meeting, this seemed to be a sense of the tribal folks that they could cherry pick the services and so on that they wished to pay something toward, whether it was adequate or not when, in fact, as you all well know from the County, there's a great deal of expense for which the Tribe should pay a pro rata share so that if somebody's arrested at the casino and put in jail, that means they're using the jail so some pro rata costs to the jail should be included in any assessment against the Tribe or any money that is provided in that Cooperative Agreement. The same sort of issue applies to the future use of land and limits of the future use that any tax assessment would be based on what that land could be used for in the future and presumably taking the Tribe at their word that it's going to be 143 homes, you need to assess what the tax base would be for 143 homes situated on large parcels of land and probably valued in the Valley today at roughly \$1 million apiece and what that would be assessed for, including the increases under Proposition 13, which would occur annually. In addition to that, again, this needs to be an agreement to last for the life of the land as long as it's owned by the Tribe or these homes are owned by tribal members as we were told was the intent and it would be limited in that sense then to the 143 homes that the Tribe says they want to build for tribal members even though that's more than the number of enrolled members in the Tribe and, as I mentioned at the last meeting, the Tribe is a shrinking entity and not a growing entity, unless the Tribe is willing to change their enrollment requirements from a quarter lobby quantum down to a one-eighth, but then expand the tribal membership by about fivefold so they really would need about 800 homes if they intended to provide those homes to each of the newly enrolled members who would be then one-eighths and not just one-fourths. Anyway, I think I'm running out of time. I think those are the key things that I would point out and I'm looking forward to the next meeting when we'd be more specific. Thank you.

MODERATOR: Thank you, Mr. Marino. Just for the record, we do have your letter with the documentation. I believe that was also posted on the website.

JIM MARINO: Yes, I didn't go into that. Thank you.

MODERATOR: Alright. I have two speaker slips for Steve Pappas, one where you want to speak for yourself and one where you want to speak for Save the Valley. That's a little unusual.

STEVE PAPPAS: I will just interrupt you. I want to speak for myself only.

MODERATOR: Okay. So, Steve Pappas.

STEVE PAPPAS: Good morning. I want to bring everyone's attention refocus the County on Item 5 on its suggested headings, Future Use of Land and Limits and I want to remind the County and the Board that the future use has already been decided. It's called the Santa Ynez Community Plan and there are many people in this room that worked years, personally nine years for me, others I see 10 and 12 years, to develop this plan, which was adopted by the Board a couple years ago. This plan's in place for I believe 10 or 20 years and it dictates the land use for the Santa Ynez Valley. Camp #4 is in this plan and it's zoned agriculture. That's it. So I would bring to your attention if you're going to be discussing future use of land, you need to go back to this plan and you need to revisit it in terms of amending it and going through the proper legal process to do so before we move forward on any future use that would require rezoning, which I believe I looked at the Coop Agreement for 2011 and that is a rezone and requires an amendment of this plan. Back in 2011 regarding the Coop Agreement, I worked with the law firm of Barry Capello & Noel and submitted a letter to the Board evaluating the Coop Agreement and I would just like to reiterate at that time the evaluation made by Barry Capello and I'll be brief and it says here, this is an extract from page 5, second because the Agreement exempts the property from any compliance for the setting of this plan. It would be at very least constitute a de facto amendment to the Santa Ynez plan. However, the statutes governing preparation and adoption of the general plan are also applicable to amendments, which is what this would be, and that's Government Code 65350 and I suspect that Barry Capello may be doing a follow-up letter to this so at least the Board and the Tribe is aware of the legal guidelines for amending the plan, which would be required to move forward with this Coop Agreement. Thank you.

MODERATOR: Thank you. Next speaker is Bob Field to be followed by Andy Culbertson, who will be our last speaker for this particular part of the agenda.

BOB FIELD: Good morning, all. I don't really have prepared comments. I scribbled some notes here. I'm going to focus on the economics that were brought up in this section although personally I think the land use issues might be the biggest issues. I want to call on the supervisors here and remind them of their fiduciary responsibilities to 400,000 people in the county and I want to call on the Tribe's better nature on this issue of economics. The Tribe is and, congratulations, among the most economically advantaged

people in the County, in fact in the country. You may recall some years ago there was a big stink about the 1%-ers and how evil they were. The Tribe members are grossing \$1 million a year each from the casino. This puts them in the top 10% of the top 1%, congratulations. I have no resentment, congratulations. But as the economic analysis showed, most of the tax money that's raised by government goes to serve the less privileged in America; half of the property tax goes to our children, goes to our schools. It goes to fire protection, but most of your general fund money is spent on the less-privileged people in our community. So there's a major disconnect in what's going on here and I guess, again, appealing to the better nature of the Tribe, I think you should count your blessings from be proud of the self-reliance you've achieved. I got to say it, stop trying to shirk paying your fair share of the expenses of this community. And to the County, I want to say thank you for standing up what's right and fair for the other 400,000 of us. Thank you.

MODERATOR: Thank you, Mr. Field. Andy Culbertson.

ANDY CULBERTSON: Thank you, Madam Chair, Members of the Committee, first, a housekeeping item. I noticed some correspondence and exchange correspondence on the website. It related to whether the June 1, 2011 Agreement had been submitted to the County. I wanted to share a personal observation. In 2012, late 2012 or early 2013, Sam Cohen requested a meeting with me and it was at that point that I learned from Sam Cohen that an agreement had been turned in or he said an agreement had been turned in to the County. I immediately contacted Dennis Bozanich of the CEO's office to ask for a copy and he said he didn't have it. So I am not the only who has asked for that agreement and not gotten it. I don't know what happened to it, but I don't believe it was ever in the County records. Now, I'm not wanting to throw a wet blanket on these glimmers of cooperation that are coming up. I believe that I thought this conversation was going to start a bit differently. We seem to be starting the conversation with a concession that this land will go into trust status and that is not something that I was expecting. Now I understand the trust process. Someone suggested that litigation should be stayed. The Band can easily do that by asking Kevin Washburn to suspend his decision on Camp #4 right now, but right now this is a decision about County land that should be taken through the County entitlement process, initiating an amendment for consideration to the Santa Ynez Community Plan. This agreement concedes the trust issue, in my view, and that is inappropriate in this case. We mustn't concede the trust issue before we explore, as I said at the last meeting, before we explore the options for an entitlement process through the County, looking at the entire plan. I've also suggested in the past a master plan for all the Band's property so that we, both sides, have the future in certainty. In closing, I wanted to point out that two points. It's been suggested in the past, mostly by the Band, that they're willing to pay \$1 million and I understand that, but you shouldn't pay any more than you owe. That's just because you're not developing anything; when you place the burden, that's when you should pay. Mr. Burke testified on the FAA and I am also an instrument-rated private pilot. I contacted the FAA. I do not know looking at those photos and without checking my records, whether that crane's in the position approved by the FAA in the 7460 obstruction clearance. So and there was an error in the FAA's materials

that I corrected and it caused the FAA to correct so I think that should be checked by the County. Thank you very much.

MODERATOR: Thank you, Ms. Culbertson. And that includes the public comment for Agenda Items 2A and B. Supervisor Adam.

SUPERVISOR ADAM: I just wanted to comment on that. I don't want anybody to get the idea that I have walked in here with the predisposition to agree to Fee-to-Trust. All I'm saying is I'm here to talk about all of the options and is that fair? I mean I think that's as fair as I can be and I have to say this is totally dependent on what the intent of the Tribe is long term and we're going to try to flush that out and there very well be some concessions that can be made on both sides that make a deal palatable and maybe there's not, but I want to dispel the idea that anybody's conceded to anything by walking in these doors. Everything is on the table until everything is agreed to, is that fair? I mean is that your understanding as well?

MALE: We're having an open dialogue.

SUPERVISOR ADAM: Right, we're having an open dialogue and nothing more and nothing less.

MODERATOR: And just to add to that and thank you for that, Supervisor Adam, because I concur wholeheartedly with your comments, but I think it's important to remember that all of our elected representatives at the federal level, at the state level and certainly at the most recent subcommittee meeting have all said this is a local issue and locally we should be engaging in conversations so that was what precipitated this and I do think it's a good thing to be doing, a good process and we'll just see what happens from here. With that, we're going to go ahead and go to Agenda Item #3, Preparation in Agenda Setting for that next meeting and, Ms. Nisich, I just want to clarify Action Items, that's from today to review?

TERRI MAUS-NISICH: Yes, it's just in terms of any items that may have occurred during the meeting that you want to list as a specific action item for next time for follow up by either the Tribe or County.

MODERATOR: Okay, well I think we had the presentation on the property tax assessments. We've had a unanimous agreement on the topics and the suggested headings. I'm going to go ahead and go to D first, the topics for discussion meeting #3 because I think that will lead into A, which is what our information needs are. So with that, I think what I would suggest is taking two of these five that we can focus on at the next meeting, the municipal finance because we should have Mr. Geist here to do an in-depth presentation on that and also the Waiver of Sovereign Immunity as Vice Chairman Kahn mentioned, they have several examples of language that they have used and the County can come back with language that we think might be appropriate and kind of dive more into those two specific topics out of the five, so that's a suggestion, but I'd like to hear from my colleagues up here.

MALE: I think for timing and just overall structure, I think the two items is probably plenty to discuss for the next meeting.

MODERATOR: Alright, so if we're agreed on that, those two, then just the information needs that we might have, starting with municipal finance, again, a presentation from Mr. Geist, our auditor/controller and I'm not sure if we have then some, if we want to go into more depth as far as what each side might be saying on that, but it seems like having the information up there first is most important so that we can better define the follow-up on that and then, again, the Waiver of Sovereign Immunity, that each side would come back with suggested language or samples of language to see whether we can come to some concurrence there and I will look to staffs from both the Tribe and the County if there are, anything specific there that you want to add. Mr. Cohen, do you have anything?

MR. COHEN: Yeah, we'll provide research on sovereign immunity.

MODERATOR: Okay. Ms. Nisich?

TERRI MAUS-NISICH: We have information from the last meeting, specifically outlining the request under municipal finance, some specific requests from the Tribe so we're going to go ahead and follow up on those as well as part of the presentation.

MODERATOR: Okay and was that the UCSB and some of these other agreements that the Tribe had requested information on?

TERRI MAUS-NISICH: Yes, ma'am. It's a discussion of municipal finance overall, cost of services, how revenue is derived, the formula for cost of services for annexations as well as the process with UCSB, the LRGP, Labco and that type of discussion, yes.

MODERATOR: Okay, so it will be a very full meeting. Okay, so I think we have covered C, D and A and now we just are down to the meeting location. We're not able to meet here for the November meeting, but, Mr. Cohen, I think that you might have a suggestion.

MR. COHEN: Madam Chair, Members of the Board, the Tribe maintains an office building right next door to the Buellton Marriot, the Chumash Employee Resource Center. They have a very large conference and training room there. The address is 585 McMurray Road and the Tribe is pleased to make that available for the next meeting.

MODERATOR: Okay, so, and, again, the time would be the same as the one today. We blocked out three hours, so the meeting would start at 9:00 at that location and then I believe that for the December meeting, we will be back here at the Marriot. Okay, so then we're just going to wrap this section with another opportunity for public comment. I have, again, a speaker slip from Ms. Culbertson:

MS. CULBERTSON: Thank you, Madam Chair. Andy Culbertson again. In topics to be discussed, I want to continue to reiterate that the important topic to be discussed is a way forward under the County process, which begins with the initiation by the Board on request of demand or on some initiative of a consideration of an amendment in the Santa Ynez County planning. In order to make that type of step a useful one, the Band needs to share with us and with the County its full plan for its properties, inclusive of Camp #4. That has not yet been done. It was requested at the last meeting. I'm surprised not to see it on information needs that have not been met at this time and I would urge the committee to request that for it's probably too soon for the November meeting, but for the December meeting. I'm encouraged that it isn't a foregone conclusion for trust, but I want to call the Board members' attention to the fact that the Cooperative Agreement is currently written and it may be rewritten, requires that you concede to the trust matter if you reach agreement on other matters. So I believe my concerns are well founded in that regard. I would urge the County to start with a memorandum of agreement about how you approach the entitlement issue on this property. You do it all the time. It's a very laborious process in the County. I think that there are people I know as a professional practitioner as I am in this field that would rather go through the California Coastal Commission than go through the County of Santa Barbara on land use and that's saying something so I don't blame the Band for having misgivings about that, but you can make that process easier legally and quicker and more certain of accomplishment by taking control of the situation and laying out the parameters and how you get there and I believe that I, as a taxpayer and a member of the Santa Barbara County community are entitled to that. Mr. Pappas is right. The Santa Ynez Community Plan is currently the policy statement for that property. Should we open our minds, have an open dialogue on whether it should be different? I'm in support of that, but I think that that needs to be a process that goes through the County and not some sidebar agreement that eventually leads us down the path to trust. Thank you.

MODERATOR: Thank you and, again, I think that at least some of your concerns I'm sure we will bring up under the heading Item #5, Future Use of Land and Limits, and I will remind the audience that when we talked about this, we weren't just talking about Camp #4, but also the Mooney and Escobar properties, which the Tribe has filed a Fee-to-Trust application on as well as what we call the Triangle Property, 350 acres, which the Tribe has purchased, but has not filed a Fee-to-Trust application on at this time. Our next public speaker is Sam Burke.

SAM BURKE: Thank you. I just wanted to remind everyone that at the last, a month ago, I asked the question about water use and the fact that I personally in Solvang have been trying to reduce my water use by 20% and I just wondered if the Tribe was following suit and I never did get an answer to that. I wanted to add an item to the agenda for next meeting #3. I think I talked to you, Mr. Farr, about water usage. If the County could do an analysis on the water table impact with the new hotel being populated and Camp #4 with the 140 homes or 500 homes, I think that would be very useful in the discussion in the future.

MODERATOR: Okay, thank you. I think under the heading Mitigation of Impacts, looking at various environmental, potentially environmental impacts, including the use of water and at least for me personally, that was where I thought that discussion might come up. I did remember that issue and I know that's one that's on everybody's mind right now during the drought. And the last speaker slip I have for this is Doug Herthel.

DOUG HERTHEL: Thank you, Supervisor Farr. I'm just going to finish up my earlier presentation and I'll start where we are requesting the Santa Barbara Board of Supervisors write Congressman La Malfa and demand that H.R.1157 be canceled. The combined deleterious actions of the lending bank involved here and the Congress must be stopped because they are damaging lives, jobs, health, safety and property and would please continue to protect the citizens and taxpayers of this County by continuing to oppose H. R.1157 and Fee-to Trust. There is a great danger not doing so and in entertaining a Cooperative Agreement, which requires that you support Fee-to-Trust, right there you've given the whole store away. It is extremely dangerous to get involved with this Cooperative Agreement and it's totally unfair to the public. It is well known and well documented that the main intent of the San Ynez Band Fee-to-Trust's request is to solely avoid County regulations and taxation. It is also well documented that there are plans to build 500 homes for a lease to the public and a 300-room hotel and two golf courses and all kinds of other large buildings on Camp #4. There's also an attempt to get the two acres Mooney and Escobar in the trust in order to help connect the casino to Camp #4 property. These two small parcels are in a very strategic location. The original Fee-to-Trust request on these two parcels was opposed by the citizens of the Valley and opposed by the Santa Barbara County Board of Supervisors and the Governor of California. The 6.9 annexation request is also presently being litigated in the Ninth Circuit Court as we speak and is another reason why any Board action regarding Mooney and Escobar should be postponed. Thank you for your time.

MODERATOR: Thank you. Supervisor Adam.

SUPERVISOR ADAM: Unless you guys have a comment, in which case.... Okay, the elephant in the room here is what is it that we're talking about and what is it because see, in my opinion, this is a waste of time if we're not doing something in a global way. Just trying to piecemeal it and do a Camp #4 thing, I don't know if that's in your mind or not. I can't read it, but I'm here to try to make some kind of a broader deal with ones to be had. I think in December and I understand the reason that we need to go to the Municipal Finance and the Waiver of Sovereign Immunity first, but I think we really need to get to sooner than later this whole future land use and what the Tribe's intent is and what their desires are and so we can determine how that all would work and what we would need to be able to offset and, as I said earlier, make it palatable to the County to be able to support. So I think we just really have to get this elephant in the room dealt with. Otherwise, it's just going to be a recurring issue that's going to be surrounding everything else you're trying to do and we're going to have to get to it anyway at some point so I would say sooner than later would be better.

MODERATOR: Thank you, Supervisor Adam. Vice Chairman.

KENNETH KAHN: I heard the same comments as last month. I understand your perspective, but again the parcels are all different. Some of them are pending applications pending federal legislation, some of them are just recent purchases that we own under the County jurisdiction and some of them have been granted trust status, but are in litigation and then also the current property that seems to be most contentious is the current reservation. Now, we understand the need for an overall plan, but when it comes to a dialogue, we have properties that are different in jurisdictional issues and so we want to make sure that we treat those fairly. I mean if we've got an agreement for Camp #4, that's our primary focus is housing. Your October 9 letter points to the fact that it's changed. It has not changed. In the last 4-1/2 years since we submitted a draft agreement, Cooperation Agreement, as a discussion item. We didn't put that on your desk and say sign this. It was a discussion item. So I mean that project specifically has not changed. Yes, there are 350 acres as a new purchase and, yes, the Mooney Escobar is a new application, but from our perspective, they are all different properties. You have contiguous, noncontiguous, off reservation; you have properties that are held in Fee. The Fee-to-Trust process is the Tribe's right. It's in order for us to maintain a sound, economic foundation. It's, the process was put in place to strengthen, encourage and perpetuate the tribes and their historical traditions and culture and I think that is something that is not being considered, not being recognized and that's a challenge. That's our survivability and our right and even with that, we want to respect the right of our community members and those that surround us by sitting here and coming up with an opportunity to mitigate and I just want to make that clear. That's why we're here.

MODERATOR: Thank you. Mr. Lopez, did you want to make any comments at this time? Okay. Thank you. Well, I mean, I think that it sounds like #5 on our headings is something that maybe after we have a better understanding of how the County has handled other annexations in the Municipal Finance and the Waiver of Sovereign Immunity that that might be an item that we want to look at at our December meeting because I do think then that's going to be an opportunity for the Tribe to talk about the properties that they think are involved, for us to talk about the properties that we think are involved and I think that that's going to set the stage for moving forward if we're talking about terms and other mitigations of impacts and payment in lieu of taxes. So that's why we're having these discussions so that we can get solid information out there and we can have this discussion and talk about what our concerns are and what we're looking for to try to move forward in some fashion. So that would be my suggestion. Let me say at this point in time that be the topic for the December meeting. In any event, that was, we've come to the end of the agenda. I'll give the, we don't have any other opportunities or comments at this time. Otherwise, I'm just going to thank everybody for being here today and all this information is up on the website. The video of it is on the website. Our next meeting is going to be November 12, which is a Thursday, Thursday, November 12 at 9:00 AM at 585 McMurray Road, which is right next door here and we'll look forward to seeing you all there then. Thank you very much.