

BYLAWS OF
THE MENDOCINO COUNTY
INDIAN GAMING LOCAL COMMUNITY
BENEFIT COMMITTEE

Adopted June 2, 2004
Revised on July 14, 2009
Revised on February 14, 2012

Deleted: June 4

ARTICLE I
AUTHORIZATION

SECTION 1: Jurisdiction

The Mendocino County Indian Gaming Local Community Benefit Committee (“Committee”) serves the geographic and political entity known as the County of Mendocino (“County”).

SECTION 2: Purpose

The Committee is established pursuant to Paragraph (1) of subsection (b) of Section 12715 of the California Government Code. It is the responsibility of the Committee to facilitate the distribution of appropriations from the Indian Gaming Distribution Fund by selecting those grants from each Individual Tribal Account or County Tribal Casino Account that will be applied toward the support of local government agencies within the County impacted by tribal gaming.

SECTION 3: Authority

The Committee is formed pursuant to Chapter 7.5 (commencing with Section 12710) of Part 2 of Division 3 of Title 2 of the California Government Code).

SECTION 4: Duration

Government Code Section 12718 provides that the authority for this Committee (and the Committee’s existence) shall remain in effect only until January 1, 2021~~2010~~, and as of that date, the Committee and its authority are dissolved, unless a later enacted state statute that is enacted before January 1, 2021~~2010~~, deletes or extends that date.

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ARTICLE II MEMBERSHIP

SECTION 1: Appointment and Representation of Members

The Committee shall be composed of seven (7) members consisting of the following:

- a. Two (2) representatives from the County, appointed by the County Board of Supervisors;
- b. Three (3) elected representatives from cities located within four (4) miles of a tribal casino in the County, appointed by the County Board of Supervisors. In the event there are no cities within four (4) miles of a tribal casino in the County, other local representatives may be selected upon mutual agreement by the County Board of Supervisors and a majority of the tribes paying into the Indian Gaming Special Distribution Fund in the County; However, if only one city is within four miles of a tribal casino and that same casino is located entirely within the unincorporated area of that particular county, only one elected representative from that city shall be included on the Indian Gaming Local Community Benefit Committee and
- c. Two (2) representatives selected upon the recommendation of a majority of the tribes paying into the Indian Gaming Special Distribution Fund in the County.

SECTION 2: Appointment and Representation of Alternates

The Committee may have one (1) alternate. The alternate shall not have voting privileges when the appointed members are present. The alternate shall consist of one (1) representative selected upon the recommendation of a majority of the tribes paying into the Indian Gaming Special Distribution Fund in the County.

SECTION 3: Term of Office

Terms of office for members and alternate shall be four (4) years expiring on June 30 of the appropriate years and subsequent new terms shall begin July 1 of that year. The terms shall be staggered so that no more than two thirds (2/3) of the terms of the total number of members of the Committee shall expire in any one (1) year period. A member or an alternate whose term of office has expired shall continue to serve in that capacity until a new appointment is made. Committee members appointed by the Board of Supervisors may be removed from the Committee at any time by a majority vote of the County Board of Supervisors. Committee members appointed by a majority of the tribes paying into the Indian Gaming Special Distribution Fund in the County may be removed from the Committee at any time by a majority vote of the tribes who appointed the member.

SECTION 4: Election of Chair, Vice-Chair

A Chair and Vice-Chair shall be elected annually from the voting members of the Committee at the first meeting of each calendar year by a simple majority of the committee members present. The Vice-Chair shall assume the responsibilities of the Chair in his/her absence. Either the Chair or the Vice-Chair shall attend each meeting of the Committee.

SECTION 5: Committee Vacancies

Upon any vacancy within the Committee, appointment of the representative selected to fill the vacancy shall be in the same manner as that used in the original appointment of the departing Committee member. A resigning Committee member or alternate shall submit his/her original written resignation to the Committee Chair. The Chair is responsible for immediately notifying the County's Clerk of the Board of Supervisors of any unscheduled vacancies. The Chair will provide the County's Board of Supervisors with written notification of vacancies. The County's Board of Supervisors will take the necessary action to declare the position vacant and fill the position.

The absence of a Committee member from two (2) consecutive meetings of the Committee shall be cause for the Chair of the Committee to contact the Committee member to discuss participation in the meetings. Whenever a Committee member fails to attend two (2) consecutive meetings or three (3) total meetings in a calendar year, without good cause entered into the minutes, the Committee Chair shall correspond with the Chair of the County Board of Supervisors and recommend that the Committee member be removed from the Committee.

SECTION 6: Quorum

A quorum shall consist of a minimum of four (4) Committee members. Any action of the Committee shall require affirmative votes of not less than a quorum, except less than a quorum may adjourn a meeting to a specified time and place.

SECTION 7: Voting

Each Committee member shall have one (1) vote. Committee members shall not have the right to accumulate votes. A matter may only be passed by the affirmative vote of a majority of the members present. In cases where only a quorum is present, all members must vote in the affirmative to take action on the item.

SECTION 8: Committee Staff

Staff from the County of Mendocino County Executive Office and County Counsel shall serve as administrative staff and legal advisor to the Committee. County staff shall be reimbursed for demonstrated County administrative and legal costs from the aggregate tribal account pursuant to Section 12715(b)(1)(C) of the Government Code.

ARTICLE III MEETINGS

SECTION 1: Regular Meetings

The Committee shall meet to consider grant opportunities and to award selected grants. The Committee may meet more frequently if necessary to conduct its business.

SECTION 2: Special Meetings

Special meetings may be called at the discretion of the Chair or at the request of a majority of the members. Committee members must be given at least three (3) working days advance notice, in writing, of all special meetings.

SECTION 3: Meeting Announcements

Pursuant to the Brown Act, all meetings of the Committee shall be open to the public and notices of the meeting posted in a location fully accessible to the public seventy-two (72) hours before the meeting.

SECTION 4: Meeting Agendas

Meeting agendas for all scheduled Committee meetings shall be transmitted in advance, in writing, to all Committee members and other interested persons who have submitted a request in writing. Proposed agenda items shall be submitted, in writing, to the administrative staff no later than ten (10) days prior to a scheduled meeting. Agendas will be prepared by County staff, in cooperation with the Chair. Where appropriate and feasible, written backup information material should be submitted concurrently with the proposed agenda items for advance distribution to Committee members. There shall be a notation on the agenda for public comments. Agendas should be mailed to Committee members one (1) week prior to the next scheduled meeting.

SECTION 5: Meeting Commencement

All Committee meetings will begin at precisely the time stated on the agenda. If there is no quorum at the designated starting time of the meeting, the meeting will not be conducted.

SECTION 6: Rules of Order and Brown Act

All meetings will be governed by Robert's Rules of Order, unless otherwise agreed to by the majority of the members present. All meetings of the Committee shall be subject to the Brown Act (California Government Code section 54950 et seq.).

ARTICLE IV SUBCOMMITTEES

SECTION 1: Establishment and Appointment

Subcommittees may be established and appointed by the Chair. The Chair, with the concurrence of the Committee, shall appoint the members and the chair of the Subcommittees. Regular Committee members may be appointed to the Subcommittees. Only appointed members of the Committee shall be allowed to vote on a decision to be presented to the Committee at large.

SECTION 2: Assignments

The Chair will define the assignment to be completed, providing a definitive time frame for reporting to the Committee. The Subcommittee will be dissolved once the assignment is completed and a report is submitted for consideration to the Committee.

ARTICLE V COMMITTEE RESPONSIBILITIES

SECTION 1: Responsibilities

The Committee shall perform the duties as stated in the Government Code, Section 12710 et. seq. as follows:

- a. Select all grants for funding from each Individual Tribal Casino Account or County Tribal Casino Account.
- b. Ensure that the following uses shall be the priorities for the receipt of grant money from Individual Tribal Casino Accounts: 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 child care programs.
- c. Establish all application policies and procedures for grants from the Individual Casino Account or County Tribal Casino Account.
- d. Assess the eligibility of applications for grants from local jurisdictions, within Mendocino County, impacted by tribal gaming operations.
- e. Determine the appropriate amount for reimbursement, from the aggregate County tribal account, of the demonstrated costs incurred by the County for administering the grant programs.
- f. Submit to the State Controller a list of approved projects for funding from Individual Tribal Casino Accounts.

- g. Prepare and submit an annual report to the County Board of Supervisors each year detailing the specific projects funded by all grants from the Indian Gaming Special Distribution Fund.
- h. Grant monies received by recipients of grants should be deposited in an interest bearing account which can be used to mitigate an impact from a casino.

SECTION 2: Additional duties and responsibilities

The Committee shall perform additional duties and responsibilities as specified in County Code and/or state laws.

ARTICLE VI STANDARDS OF ETHICS AND CONDUCT

SECTION 1: Responsibilities of Public Office

Individuals appointed to the Committee are agents of the public and serve for the benefit of the public. They shall uphold and act in accordance with the Constitution of the United States of America, and the Constitution of the State of California.

SECTION 2: Conflict of Interest Forms

All members of the Committee shall be required to complete the Conflict of Interest forms, entitled "Statement of Economic Interests for Designated Officials and Employees", Form 700 of the Fair Political Practices Commission (FPPC). Committee members shall file Conflict of Interest forms within thirty (30) days of assuming a position on the Committee, and annually thereafter. Committee members shall also be required to file Conflict of Interest forms upon leaving the Committee.

ARTICLE VII BYLAWS

SECTION 1: Adoption of Bylaws

The proposed Bylaws shall be circulated to the Committee, in writing, at least five (5) days in advance of the meeting at which a vote may be called.

SECTION 2: Required Vote for Adoption

The Bylaws of the Committee shall be adopted if approved by a majority of the voting Committee members.

SECTION 3: Proposed Amendments

Proposed Bylaw amendments shall be circulated to the Committee, in writing, at least thirty (30) days in advance of the meeting at which a vote may be called.

SECTION 4: Required Vote for Adoption of Amendments

The Bylaws of the Committee may be amended if approved by a majority of the voting Committee members.

SECTION 5: Review of Bylaws

The Bylaws shall be reviewed every three (3) years, beginning June 2007.

ARTICLE VIII SEVERABILITY AND INVALIDITY

If any provision of these Bylaws, or any Amendment thereto is found to be invalid, void or unenforceable by any court of competent jurisdiction, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way, and shall be in effect only to the extent that it is in contravention of applicable laws without invalidating the remaining provision