



Supplemental Agenda Related Writings/ Documents Provided To A Majority Of The Ridgecrest City Council / Redevelopment Agency Board Members After Distribution Of The April 20, 2016 Agenda Packet

1. Add Supporting Documents To Item No. 12 - Approve a Resolution to Authorize the City Manager, or his designee, to execute a Municipal Service Agreement (MSA) with the Timbisha Shoshone Tribe Parsons

This information is available for viewing on
The City of Ridgecrest web page

<http://ci.ridgecrest.ca.us>

City Council Agendas

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EXHIBIT B

The following uses may be developed in conjunction with the gaming facility specifically authorized under this agreement. All uses shall be supportive uses to the gaming facility and shall include but are not limited to:

- Hotel
- Small-scale Amusement Park, including video arcades and miniature golf
- Bowling Center
- Restaurants/Coffee Shops/Snack Bars
- Night Clubs or Bars (includes live entertainment)
- Entertainment Venue
- Tribal Gaming Commission Offices
- Tribal Government Offices

The following uses are expressly prohibited at the Tribal Lands, unless otherwise consented to in writing by the Ridgecrest City Council:

- Gas stations
- Retail establishments
- Residential housing
- Other uses not related to or furthering Tribe's gambling activities at the Tribal Lands

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EXHIBIT C

**GENERAL COUNCIL
of the
TIMBISHA SHOSHONE TRIBE**

**Approving the Limited Waiver of the Tribe's Immunity from Suit
Set Forth in the Municipal Services Agreement
Entered into with the City of Ridgecrest, California**

WHEREAS, The Timbisha Shoshone Tribe is a federally recognized Indian Tribe (the "Tribe"), whose recognition was acknowledged through the 25 C.F.R. 83 process effective January 3, 1983;

WHEREAS, The Tribe is organized under a constitution which was ratified by a vote of the Tribe in an election held on March 29, 2014, and approved by the Secretary of the Interior on May 12, 2014 (the "Constitution");

WHEREAS, The General Council is the governing body of the Tribe, pursuant to Article IV, Section 2 of the Constitution;

WHEREAS, The Constitution provides at Article V, Section 1(c)(5) that the power to waive the Tribe's immunity from suit is reserved to the General Council;

WHEREAS, The Constitution provides at Article V, Section 2(a) that the Tribal Council is empowered to consult, negotiate, contract or conclude agreements with local governments on behalf of the Tribe;

WHEREAS, The General Council finds that it is in the best interests of the Tribe to pursue the development of a gaming facility in order to provide economic development to support the sovereignty and self-determination of the Tribal Government and to provide support to the Tribal membership;

WHEREAS, The General Council finds that it is in the best interests of the Tribe to enter into a municipal services agreement with the City of Ridgecrest, California, to mitigate the off-reservation impacts of the gaming facility;

WHEREAS, The General Council acknowledges that the Tribal Council has negotiated and executed a Municipal Services Agreement dated _____ (the "MSA"), consistent with the Tribal Council's authority pursuant to Article V, Section 2(a);

NOW, THEREFORE, BE IT RESOLVED, The General Council hereby approves the limited waiver of the Tribe's immunity from suit set forth in the MSA attached hereto as Exhibit A;

EXHIBIT C

BE IT FURTHER RESOLVED, the General Council hereby authorizes the officers of the Tribal Council to execute the MSA on behalf of the Tribe.

CERTIFICATION

We the undersigned duly elected officials of the Timbisha Shoshone Tribe do hereby certify under penalty of perjury that on this the ___ day of _____, 2016, the foregoing resolution was adopted by the General Council in accordance with the provisions of the Constitution, by a vote of:

_____ FOR, _____ AGAINST, and _____ ABSTAINING.

Chairperson

Secretary/Treasurer

EXHIBIT D

Regional Director
Pacific Region
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA

Re: Timbisha Shoshone Tribe Fee to Trust Application

Dear Regional Director,

We are writing this letter in support of the fee to trust application submitted by the Timbisha Shoshone Tribe (the "Tribe") for the parcel described in the Exhibit A attached hereto (the "Trust Parcel") which is located within the exterior boundaries of the City of Ridgecrest (the "City").

The Tribe has approached the City in a cooperative manner to seek our endorsement for the development of a gaming facility on the Trust Parcel. The City has examined the off reservation impacts and benefits of the proposed project. The Tribe and the City have entered into a Municipal Services Agreement ("MSA") which we believe addresses the off reservation impacts of the proposed project and puts into a binding agreement the framework for a mutually beneficial government-to-government relationship between the City and the Tribe.

The MSA will provide for payments to the City to mitigate the impact of the removal of the Trust Parcel from the property tax rolls, and also to mitigate the costs the City will incur to provide law enforcement and fire protection services to the Trust Parcel. In addition, the MSA requires the Tribe to negotiate with the City in good faith concerning future proposed developments on the Trust Parcel, and contains an enforceable waiver of the Tribe's immunity from suit.

The gaming facility, located within the Tribe's ancestral territory, will provide the Tribe with a foundation for its self-sufficiency and sustainability as a government able to provide services to its citizens.

We value the cooperative and respectful relationship with the Tribe that we have developed. The City whole-heartedly endorses the Tribe's fee to trust application for the Trust Parcel. If you have any questions concerning this matter, please do not hesitate to contact us for more information.

Sincerely yours,

Mayor of Ridgecrest

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