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February 12, 2009

Via Fax to:

Ms. Pam Walls, Esq.
Assistant Riverside County Counsel
3535 Tenth Street, Suite 30
Riverside, California 92501

RE: Meeting with Supervisor Roy Wilson
and retired State Senator Robert Presley

Dear Ms. Walls:

On Tuesday, February 3, 2009, the undersigned met with Supervisor Roy Wilson and retired California State Senator Robert Presley. The purpose of this meeting was to discuss the Colorado River Indian Tribes (CRIT) and Riverside County policy as it relates to land adjacent to the Colorado River in Riverside County. Supervisor Wilson suggested that I outline the issues and forward this information to your office for further review.

CRIT has asserted control over this land since the early 1970's. Until the mid 1980's, Riverside County exercised authority over the issuance of building permits, and related building inspections. Sometime in the 1980's, CRIT assumed control over these activities and Riverside County inspectors no longer performed these duties. CRIT's control over the building process has allowed it to control access to electrical power. Neither, Southern California Edison, nor the Bureau of Indian Affairs (BIA) will energize new electrical installations without CRIT approval. It is asserted that CRIT has used this ostensible authority to control access to electrical sources to compel the residents to acquiesce to unreasonable contract demands and land use fee renegotiations. CRIT's treatment of the residents has often been harsh. Electrical and sewage disposal systems have been disconnected by CRIT in an effort to force the residents to vacate certain properties. CRIT has refused the BIA permission to energize certain residents' electrical power until they renegotiated their leases with CRIT. Both the BIA and Edison refused to allow new power without CRIT's permission. This is often arbitrarily denied.

We are seeking written clarification of the County's policy as it relates to CRIT's authority to exercise control over this land. We believe that State policy pertaining to property taxes, sales taxes, and State income taxes is not being consistently applied. The amount of revenue lost to the State and County could easily be in the tens, if not hundreds, of millions of dollars.

The State of California has consistently maintained that this land is not part of the CRIT Reservation. The State opposed CRIT's claim to this land in all three of the *Arizona v. California* cases. On January 14, 1999, the State executed a Stipulation and Agreement resolving the third *Arizona v. California* case. CRIT and the U.S. Government asserted that this land was in the CRIT reservation. The State of California did not agree. The document recited that:

"The State of California disagrees, and expressly reserves the right to challenge the validity, correctness, and propriety of the 1969 Secretarial Order."

The Secretarial Order is CRIT's only authority for its assertion of control over this land. Clearly, the State of California does not agree with CRIT's arguments. The United States Supreme Court has also refused to accept the unauthorized Secretarial Order as controlling authority. The Stipulation and Agreement is enclosed for your review.

I've also enclosed a copy of the State of California Interrogatories dated January 25, 1985, filed in the second *Arizona v. California* case. CRIT and the U.S. Government had sought to increase CRIT's water rights based on the 1969 Secretary's Order. The State's position on the boundary dispute was made clear in its answers to these Interrogatories.

In Interrogatory Number 1, the following question was asked: "Do you contend that the Order of the Secretary of the Interior on January 17, 1969 was not based on substantial evidence and/or erroneously interprets the 1876 Order?" Answer to Interrogatory Number 1. "Yes". In Interrogatory Number 4, the following question was asked: "Please define in detail the location which you contend is the proper location of the western boundary of the Colorado River Indian Reservation." Answer to Interrogatory Number 4. "Subject to continuing investigation, the State contends that the proper

location of the western boundary of the Colorado River Indian Reservation in the area in dispute, from the point where the line from Riverside Mountain intersects the bank of the river down said west bank to a point opposite the place of beginning, is the median line of the Colorado River in its last natural location.” In Interrogatory Number 7, the following question was asked: “Please state your definition of the term “west bank” as used in the 1876 Order.” Answer to Interrogatory Number 7. “Subject to continuing investigation, the State defines “west bank” as used in the 1876 Order to be the median line of the Colorado River in its last natural location.”

Clearly, the State was of the opinion that the Secretary’s Order was not valid and that the reservation’s boundary was at the current bank of the river. This would not include land in Riverside County. I have also attached additional information pertaining to the State of California’s participation in the CRIT boundary dispute. This information is entitled: **“THE STATE OF CALIFORNIA AND THE COLORADO RIVER INDIAN TRIBE’S WESTERN BOUNDARY DISPUTE. An Inconsistent Application of State Policy and Taxpayer’s Resources”**, dated February 13, 2008.

Riverside County’s deferral to CRIT in essential municipal services, such as building permits, and inspections, is contrary to the State’s consistent position that this land is not part of the CRIT Reservation. This has resulted in inconsistent policy of property taxation where some residents pay possessory interest taxes, and most do not pay any property taxes at all. CRIT, as an Arizona Tribe, collects sales taxes and business license fees from California residents, but does not render any municipal services in this area. All Municipal service costs are borne by Riverside County taxpayers. Further, CRIT pays no California income tax on millions of dollars of revenue from California business activities on land that is not part of its reservation. These off-reservation business activities do not appear to be exempt from California income taxation.

There are no consistently applied land use rules or regulations. Some residents have long-term leases, while others have short term rental arrangements. Many residents have no legal occupancy agreements. Occupancy and building disputes with CRIT are frequent and often place the Riverside County Sheriff in a difficult position with little formal guidance on how to deal with these sometimes very emotional problems. CRIT has attempted evictions without a court order or affording the residents any due-process rights. The residents are increasingly reluctant to follow CRIT’s self-serving attempts to control the residents and their activities.

CRIT is currently aggressively attempting to expand the jurisdiction of its tribal court; and thus, increase its control over this area and its residents. Several California residents have been sued in CRIT’s tribal court in Parker, Arizona in CRIT’s attempts to force these residents to pay sales taxes and business license fees to CRIT. CRIT is also attempting to assert that its tribal court is the exclusive forum to resolve land use disputes in Riverside County between CRIT and non-tribal residents. CRIT has also stated that it intends to establish a police station in California. If successful in these endeavors, CRIT most certainly will attempt to reopen the water rights issue notwithstanding the execution of the Stipulation and Agreement mentioned above.

Riverside County’s policy in this matter is strictly a County issue. It is not a federal matter. The State of California has expressly disagreed with the position asserted by CRIT and supported by the Federal Government. The Federal Government’s conflict of interest has been noted by the United States Supreme Court. Complete citations can be supplied if requested. San Bernardino County faces similar problems which we intend to address immediately. There is a real need for a comprehensive policy that is consistent with California’s long-standing legal position on the location of the CRIT Reservation’s western boundary. The consistent application and enforcement of property tax, sales tax, and income tax rules must be addressed in a manner that is in compliance with the applicable law. Such a policy will provide much needed guidance to the residents, the County, and law enforcement personnel. By way of a copy of this letter, we seek Southern California Edison Company’s participation in the solution of this long-standing problem. Thank you in advance for your courtesy. We await your response.

Sincerely,
LAW OFFICES OF TIM MOORE

TIM MOORE
Attorney At law

/tm
Enclosure(s)
cc: Supervisor Roy Wilson
Retired State Senator Robert Presley
Andrea Hoch
Southern California Edison Company
Metropolitan Water Company
E Drive, CCR4J Folder
2-10-09 Ltr. to County Counsel