

# ***Stand Up For California!***

"Citizens making a difference"

standupca.org

P.O. Box 355  
Penryn, CA 95663

July 1, 2004

Honorable Mayor Dale  
Honorable City Council Members  
City of Barstow  
220 East Mountain View St. Suite A  
Barstow, CA. 92311-2888

## **RE: Proposed Off Reservation Tribal Casino and Related Developments**

Dear Mayor Dale and City Council Members:

Stand Up For California is an organization which acts as an advocate to community groups and a resource to local, state, and federal policy makers addressing statewide gaming issues. I write today on behalf of community groups in Barstow, the Coalition for Responsible Growth, a community group of civic minded Barstow citizens, and the Barstow Christian Ministerial Association, an organization representing 40 churches with an attendance of 5,000 plus members in this small community. These groups have expressed their concern about the off-reservation casino proposal by Los Coyotes Band of Mission Indians and BarWest investors from Michigan.

The City has worked long and hard to produce a Municipal Service Agreement (MSA) which addresses a number of legitimate impacts that have been identified statewide anytime a tribal casino is established in a community. Yet the city has not addressed a number of issues related to the introduction of a gaming facility in Barstow.

- There is the longstanding California public policy of a general prohibition on gaming which allows for a vote of the citizens when a new facility or expansion of an existing gaming facility is introduced. Failure to address this could affect the Governor's necessary concurrence.
- Proposition 1A allowed for slot machines on California tribal lands, the newly re-negotiated tribal state compact bars slot machines on lands taken into trust after July 1, 2004. It has been openly stated that the Governor is not negotiating with tribes who do not have land in trust.
- The city has not addressed its own ordinances which prohibit gaming other than charitable bingo. Clearly, here is an opportunity for the city to test the acceptance of expanded gaming on the public.
- Moreover, the City's adoption of the resolution approving the MSA between the Los Coyotes Band of Mission Indians and BarWest investors will require a superior legislative and administrative power. The Secretary of the Interior has stated many times she is opposed to off reservations casinos. Can the City submit documented evidence to the contrary?

- The Secretary of the Interior will view the revenue sharing of the net win as a tax on the tribal government, as the City has not offered and cannot offer the tribe any form of exclusivity. Exclusivity of gaming is provided by the State of California and the state alone.
- Section 23 of the MSA – No third party beneficiaries. This is a component of the MSA that must be revised to be consistent with the newly re-negotiated tribal state compacts. The new compacts provide for third party dispute resolution through JAMS. The new compact stresses patron and employee protections. This section 23 is inconsistent with state policy.

There is also the issue of the Cities <sup>ys</sup> failure to comply with the California Environmental Quality Act, (CEQA). The proposed MSA constitutes a “project” under the California Environmental Quality Act and yet no CEQA analysis has been undertaken, much less completed or made available for public review. **While the Tribe is not subject to CEQA, the City is.**

The proposed MSA contains provision legally binding the City to several definite courses of actions that will involve physical changes to the environment. The City cannot bind itself to provide additional services at the Tribe’s or Bar West’s request where the City presently lacks the capacity to provide them and must complete both an environmental impacts analysis and consider discretionary approvals in order to upgrade its service facilities.

- **Because no analysis has been done the public is not able to identify an exhaustive list of all possible actions required by the proposed MSA. That would necessitate an environmental analysis.**

Therefore, on behalf of the community groups in Barstow and as a matter of responsible government Stand Up For California respectfully requests that the City of Barstow complete a full Environmental Impact Study on the proposed project. Your constituents clearly are aware of the issues surrounding the proposed tribal casino including the immense adverse impact on the quality of their life in this glorious city. These voters elected you to protect that quality of life and represent their interests above all others.

We respectfully request that you place a referendum petition in the next regular election and submit to the voters of the City of Barstow the question; “do you want a tribal casino?” Citizens must be able to exercise their rights consistent with California gaming policy to vote to adopt or reject casino style gaming in Barstow.

Please advice and act on our simple but fundamental requests at your next regular council meeting.

Sincerely,

  
 Cheryl A. Schmit- Director  
 916-663-3207