

Stand Up For California!

"Citizens making a difference"

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P.O. Box 355
Penryn, CA 95663

June 3, 2004

Honorable Peter Siggins
Secretary of Legal Affairs
Office of the Governor
Sacramento, CA. 95814

RE: The Exercise of the Governor's Executive Power "Establishing Objective Criteria"

Dear Secretary Siggins:

Citizens in the community of Barstow have expressed concerns about their local government signing and voting to approve a Municipal Service Agreement (MSA) with the Los Coyotes tribal government without community input or consultation. I have been advised that the City of Barstow is planning to vote and approve the (MSA) with the Los Coyotes Band for a casino this June. Citizens in the City of Barstow are asking for the opportunity for public debate at the very minimal equal to other projects less significant than a tribal casino.

This will be the first off reservation casino proposal presented to the Governor. The Governor's concurrence on off reservation gaming must be a model not only for the State of California but the nation. There is no doubt serious scrutiny by state and national media will follow. The request of local government for the exercise of the Governor's executive power to permit off reservation gaming must not be abused. In order for decision-makers to do their job, they must be able to do so without wondering whether the next person in the job will spend time reversing things they have done. The very integrity of the decision-making and policy-making process must be respected.

A positive model to emanate regarding agreements between tribal governments and local government for the State of California can be found in Yolo County. Elected officials in Yolo County are committed to responsible government. Counties or cities usually hold workshops to gather public input on large development issues. These issues could include something as simple as a stop sign or more often large commercial plans or residential developments which will affect the character and quality of life of the community residents. Clearly, tribal gaming facilities and the development of trust lands out of the regulatory authority of the State and the nature of tribal sovereignty affect not only the local neighbors but the regional neighbors and governments as well.

The Supervisors of Yolo County recognized the need for the citizens they represent to be consulted in the development of the Yolo County Agreement with the Rumsey tribe. The County promoted two workshops to explain the terms and conditions of the agreement in different locations of the county to

accommodate all of the affected parties. Public comment was accepted and the agreement was modified in a manner which was acceptable to the tribe, the County and the majority of concerned citizens. There were three public hearings before the Board of Supervisors allowing for public comment and debate.

If Governor Schwarzenegger is going to accept the local agreement by the City of Barstow as evidence of widespread support, he must require the City of Barstow to demonstrate their decision making process. The process must indicate that all affected parties were included and it must be more than a letter from the developers who stand to make money on the sale of the property, or the signatures of citizens who have received free tee-shirts, Frisbees and cups from City Hall. Is the support unsolicited and non-paid?

How can the MSA between the City of Barstow and the Los Coyotes Band be considered a legitimate agreement supported by the larger population if there has not been any public comment accepted in its development, public hearings with an opportunity to debate the agreement or more significantly a vote of the electorate to amend the cities own ordinances on the prohibition of gaming expansion beyond charitable Bingo.

As a matter of decision-making in his office, the Governor must rely upon objective criteria for the exercise of his executive power for concurrence of an off reservation casino in agreement with the Secretary of the Interior. Criteria must include evidence of public comment received and public debate engaged in of the affected communities and local governments at large. The objective criteria must include meaningful evidence that the Cities/Counties have provided the opportunity for public comment and allowed for the public to engage in debate. Evidence of this kind of local public support should be a prerequisite to the Governor's concurrence in the federal determination of no detrimental impacts to the surrounding community or in the contractual agreement of a tribal state compact. The decision-making criteria of the Governor's determination will then be supported by evidence of responsible government actions representing the majority of their constituents and regional neighbors.

On behalf of those whom I work with in Barstow, we respectfully ask Governor to discuss the need for evidence of public debate and input with the City officials of Barstow as actions of responsible government necessary for the concurrence of the Governor. Please accept these ideas for your greatest consideration.

Sincerely,



Cheryl Schmit – Director
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CC: Attorney Daniel Kolkey
Tribal State Negotiator