

Ralph Cordova Jr.
County Counsel

Joanne L. Yeager
Assistant County Counsel

Jeffrey L. Cox
Senior Deputy County Counsel

Gustavo A. Roman
Senior Deputy County Counsel



County Administration Center
940 Main Street, Suite 205
El Centro, CA 92243
Telephone: (760) 482-4400
Fax No. (760) 353-9347
countycounsel@imperialcounty.net

Deputies:

Thomas V. Barrington
Kris Malec Becker
Linda S. Tucker
Liza Barraza
Geoffrey P. Holbrook
Monica Lepe-Negrete

November 21, 2007

Honorable Anita Rae Shapiro
American Arbitration Association
6795 North Palm Ave, 2nd Floor
Fresno, CA 93704

All Parties Served via email
& US Mail

Brenda L. Tomaras
Tomaras & Ogas, LLP
10755-F Scripps Poway Parkway #281
San Diego, CA 92131

Lawrence R. Stidham, Esq.
Stidham Law Offices
210 5th Street
Ramona, CA 92065

RE: 73 181 00395 07 LOPE - Response to Quechan Tribe Brief
Matter of Quechan Tribe of the Fort Yuma Indian Reservation and County of
Imperial

The County of Imperial hereby respectfully submits this letter brief in response to the Quechan Tribe of the Fort Yuma Indian Reservation's brief in this matter.

The County of Imperial ("County") concurs with the issue in question as presented by the Quechan Tribe of the Fort Yuma Indian Reservation ("Tribe") in its brief in this matter – "...whether the language added by the County concerning enforcement of earnings can be interpreted to be a matter subject to negotiation as

required by..” and pursuant to 1999 Compact and the Amendment to Tribal-State Compact between the State of California and the Quechan Indian Tribe of the Fort Yuma Indian Reservation (“Compact”). (Page 9, Tribe Brief).

However, the County disagrees with the Tribe and maintains that the issue in question is properly a subject matter of negotiations required by the Compact and should be included in the Intergovernmental Agreement as presented by the County for the following reasons.

Requiring the Tribe to comply with a lawfully issued earnings withholding order including one for support of a child, spouse and former spouse issued against any proposed casino employee is on the whole consistent with the terms and spirit of the Compact.

In particular, the third “WHEREAS” of the Amendment to the Compact states in part that the Tribe “agrees to mitigate to the extent practicable the off-reservation environmental *and direct fiscal impacts of its Gaming Facility on local communities and local government* , and to offer additional consumer protections... ” (emphasis added). Furthermore, Section 10.8.8. of the Compact requires the Tribe to negotiate with the County and enter into an enforceable written agreement with respect to several matters including “Compensation for law enforcement, fire protection, emergency medical services *and other public services to be provided by the County to the Tribe for the purposes of the Tribe’s Gaming Operation as a consequence of the Project.*” (Section 10.8.8 (ii))

Failure to require the Tribe to comply with any lawfully issued earnings withholding order will very likely result in the beneficiary of the withholding order requesting assistance from the County’s Department of Social Services including the Children and Family Services Division. The County has more than thirteen thousand open child support cases with the vast majority enforced via an earnings withholding order; many child support orders include spousal support. Unfortunately, without the ability to garnish wages many child/spousal support orders would go unpaid month to month. Many families rely solely upon child and spousal support to survive. When support is not paid many families turn to the County Department of Social Services assistance. Consequently, with more than an estimated 900 employees, the Tribe’s

failure to comply with earnings withholding orders will have a significant impact on County public services.

For the above reasons, the County respectfully requests the inclusion of language requiring the Tribe to comply with any earnings withholding order including but not limited to child and spousal support orders lawfully issued against any proposed Gaming Facility employee.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ralph Cordova, Jr.', written over the typed name below.

Ralph Cordova, Jr.
County Counsel