

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THE "INTERGOVERNMENTAL AGREEMENT" BETWEEN THE PECHANGA BAND OF LUISEÑO INDIANS AND THE CITY AND APPROVING THE "MEMORANDUM OF UNDERSTANDING CONCERNING LAW ENFORCEMENT SERVICES AT PECHANGA CASINO" BETWEEN THE PECHANGA BAND OF LUISEÑO INDIANS, CITY, COUNTY OF RIVERSIDE AND THE SHERIFF OF THE COUNTY OF RIVERSIDE

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Temecula does hereby find, determine and declare as follows:

(a) The Pechanga Band of Luiseño Indians ("Tribe") is a federally-recognized Indian Tribe located on federal Trust Lands which are located just south of the City boundaries.

(b) Under the federal Indian Gaming Regulatory Act ("IGRA"), the Tribe may engage in gaming as a means of promoting Tribal economic development, self-sufficiency and strong Tribal government. IGRA generally requires that Class III gaming (Las Vegas style) be conducted pursuant to a Tribal-State Class III gaming compact.

(c) On September 10, 1999, and effective in May, 2000, the Tribe entered into a gaming compact with the State of California, as contemplated under IGRA.

(d) In August 2006 the 1999 Compact was amended by the Legislature and approved by a vote of the people of California at a referendum election in February, 2008 and effective in March 2008 ("2008 Amended Compact").

(e) The original 1999 Compact authorized the Tribe to have 2,000 of the Class III (Las Vegas style) gaming devices in the Casino plus an additional 1,600 Class II (bingo style gaming devices).

(f) The 2008 Amended Compact authorizes the Tribe to provide up to 7,500 of the Class III gaming devices. Recognizing the potential off-reservation impacts of an expansion of the gaming, Section 10.8.8 of the 2008 Amended Compact requires that the Tribe enter into "intergovernmental agreements" with cities and counties affected by the gaming operations of the tribe. The Tribe now has approximately 4,200 gaming devices in the Casino. Staff has been working with Tribal representatives to develop the mitigation measures described in the Intergovernmental Agreement and the Law Enforcement MOU in order to fulfill the mandates of the 2008 Amended Compact and to enable the Tribe to continue its existing gaming operations.

Section 2. The City Council of the City of Temecula hereby approves that certain agreement entitled "Intergovernmental Agreement" between the Pechanga Band of Luiseño Indians and the City of Temecula ("Intergovernmental Agreement") with such changes in such Intergovernmental Agreement as may be mutually agreed upon by the Tribe and the City Manager as are in substantial conformance with the form of such Intergovernmental Agreement on file in the Office of the City Clerk.

1) The Mayor is hereby authorized to execute the Intergovernmental Agreement on behalf of the City in said form.

2) A duplicate original of the final Intergovernmental Agreement when executed by the Mayor and the Tribe shall be placed on file in the Office of the City Clerk.

3) The City Manager (or his designee), is hereby authorized, on behalf of the City, to take all actions necessary and appropriate to carry out and implement the Intergovernmental Agreement and to administer the City's obligations, responsibilities and duties to be performed under the Intergovernmental Agreement and related documents, including, but not limited to, the approval and execution on behalf of the City of such certifications, approvals of traffic data collection and traffic studies and such other operating agreements and documents as contemplated in the Intergovernmental Agreement or as otherwise necessary and convenient for the implementation of the City's right and obligations under the Intergovernmental Agreement.

Section 3. The City Council of the City of Temecula hereby approves that certain agreement entitled "Memorandum of Understanding Concerning Law Enforcement Services at Pechanga Casino" between the Pechanga Band of Luiseño Indians, City of Temecula, County of Riverside and the Sheriff of the County of Riverside ("Law Enforcement MOU") with such changes in such Law Enforcement MOU as may be mutually agreed upon by the Tribe and the City Manager as are in substantial conformance with the form of such Law Enforcement MOU on file in the Office of the City Clerk.

1) The Mayor is hereby authorized to execute the Law Enforcement MOU on behalf of the City in said form.

2) A duplicate original of the final Law Enforcement MOU when executed by the Mayor and the other parties shall be placed on file in the Office of the City Clerk.

3) The City Manager (or his designee), is hereby authorized, on behalf of the City, to take all actions necessary and appropriate to carry out and implement the Law Enforcement MOU and to administer the City's obligations, responsibilities and duties to be performed under the Law Enforcement MOU and related documents, including, but not limited to, the approval and execution on behalf of the City of such certifications, approvals of traffic data collection and traffic studies and such other operating agreements and documents as contemplated in the Law Enforcement MOU or as otherwise necessary and convenient for the implementation of the City's right and obligations under the Law Enforcement MOU.

Section 4. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 9th day of March, 2010.

Jeff Comerchero, Mayor

ATTEST:

Susan W. Jones, MMC
City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Susan W. Jones, MMC, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 10- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 9th day of March, 2010, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Susan W. Jones, MMC
City Clerk