

Intergovernmental Services Agreement (ISA)

Q: What are the options before the Amador Board of Supervisors with regard to the proposed Buena Vista casino?

A: The County Board of Supervisors has spent years opposing the construction of a casino at Buena Vista. The County has been forced to bear the burden of this opposition by itself and is now left with few remaining legal options because the Buena Vista Tribe has been assisted by the federal government and has negotiated an agreement (compact) with the state government. The County has been waiting nearly three years for the federal court in Washington D.C. to decide if the County has a legal claim to challenge the Tribe's agreement with the State. Because of this delay and the lack of cooperation from the federal and state governments, the Board faces a fundamental decision: whether it makes sense to continue to fight in court, OR whether it should approve an Intergovernmental Services Agreement (ISA) that will protect the County's fundamental interests in law enforcement, traffic circulation, environmental protection, groundwater resources, fire protection, and other issues. The State did not address the County's concerns in its Indian Gaming Compact negotiations, but left it up to the County to seek mitigation for impacts from the Tribe's construction of a casino. The risk for the County is that if we cannot stop the casino in court, our ability to provide necessary services throughout the County will be severely compromised because we will have to dedicate the County's limited resources to address problems generated by the casino.

Q: What is the timeline of litigation or negotiation of an ISA between the County and the Buena Vista Tribe?

A: The County has been negotiating with the Tribe since May 2007. The parties are currently operating under an agreement to continue negotiations until one party informs the other that it wishes to cease negotiations. At that time, the parties will exchange their final offers to one another and proceed to arbitration, which is expected to be completed within 60 to 90 days. The negotiators have gone as far as they can, and the County Board of Supervisors has scheduled public workshops to inform the public about the proposed agreement. The Board currently expects to make a decision on the ISA at the end of February.

Q: How will ISA funds be distributed in the County?

A: Other than funds that are to be paid directly to the City of Ione and certain state agencies such as CalTrans and the CHP, the County will manage the funds in order to provide the services that will be necessary.

Q: Can the ISA be nullified?

A: No, but it can be enforced in state court.

Q: Does this agreement extend to other tribes in Amador County?

A: No. The circumstances of each tribe are very different. The agreement does set a baseline for tribal commitments that the County would expect from any tribe operating a

casino, but the County's position in opposing any new casino gaming (including the proposed Ione Casino in the City of Plymouth) is the same.

Q: Did the County get all that it wanted out of the Tribe?

A: No. We didn't want the casino in the first place. We did get an agreement that we feel is the best effort yet in addressing fundamental local concerns about casino gaming.

Q: What would you do about issues not addressed in the agreement with the Buena Vista Tribe?

A: If the agreement is approved, the County and the Tribe will create a County-Tribal Advisory Committee that will meet regularly, and publicly to discuss issues and concerns. Our hope is that by creating an ongoing relationship with the Tribe, the most pressing needs of the community will be addressed. Further, if the casino chooses to expand its operations in the future, the ISA requires the Tribe to renegotiate its agreement with the County.

Q: How could we go from the County fighting gaming at every turn and now be in a position where the County is faced with a decision point to approve an agreement with the Buena Vista Tribe?

A: This process has never worked on the basis of rules or laws set by the County. If that were the case, there would be no gaming in Amador County. We are now playing out the hand that was left to us by federal and state government. This is not a position of our choosing, but it is the reality of where we are today.

Q: There is overwhelming opposition to gaming. What do you say to those who say this is about principle and we just need to oppose any expansion of gaming?

A: Again, there aren't many in this County who want any more gaming. That's not what this agreement is about. A statement that more accurately reflects the County's position is: "*We've been dealt a bad hand by decisions made by both the state and federal government. Do we risk continued litigation and an arbitrator's decision prescribing the terms for mitigation, OR do we try to get funding for key county programs, get better control of how big the casino is going to be, get the environmental impacts covered and get more accountability over how that casino works?*" That's what we tried to do in this agreement.

Q: Wouldn't an agreement be a slap in the face to 85% of Amador County residents that voted to oppose any expansion of gaming in the County?

A: We all have the same position here, but we have no choice. The County has steadfastly opposed the casino in Buena Vista. We don't want it. The problem is that the County has very limited authority to act on its own. Our interests have not been addressed by the State or federal government and now what's at risk is what happens to the County because there isn't anyone or any part of state or federal government that is backing us up here. The County has tried to make a bad situation better. It was never the

County's decision whether there would be a casino or not. The County's interests in not having a casino built were not acknowledged by the State.