

COUNTY OF COLUSA CONDADO DE COLUSA

ADVISORY MEASURE D PROPUESTA CONSULTIVA D

Should the County oppose off-reservation Indian casinos in Colusa County?

Yes _____ No _____

¿Debe de oponerse el Condado a casinos en el Condado de Colusa que esten fuera de la reser-
vación?

Sí _____ No _____

IMPARTIAL ANALYSIS OF ADVISORY MEASURE D

This ballot measure: "Should the County oppose off-reservation Indian casinos in Colusa County?" is advisory only. Elections Code section 9603 allows the County to place an advisory measure on a regular or special election ballot for the purpose of "allowing voters within the jurisdiction ... to voice their opinions on substantive issues, or to indicate to the local legislative body approval or disapproval of the ballot proposal." Being advisory only, however, section 9603 goes on to state: "The results of the advisory vote will in no manner be controlling on the sponsoring legislative body."

The Colusa County Board of Supervisors is the "sponsoring legislative body." The issue of "reservation shopping" and the resulting off-reservation Indian casinos addressed by this ballot measure was first brought to the Board's attention by the Cachil Dehe band of Wintun Indians, the tribe currently operating a casino in Colusa County. After consulting with the leadership of the Cortina band of Wintun Indians, the other federally recognized tribe in Colusa County, the Board noticed a special meeting for a public hearing and at its conclusion directed the County Clerk place the advisory measure on this election ballot.

Reservation shopping is the practice in which Indian tribes having no ancestral ties or roots in a county will attempt to have taken into federal trust lands which would not normally be recognized as ancestral lands. This is done for the purpose of establishing casino operations on such lands. In other words, casinos which are "off their reservations."

Some citizens are concerned with the proliferation of Indian casinos in California, particularly when the siting of the casinos has, at best, a tenuous tie to the tribe operating the facility. Similarly, the position of many recognized tribes, including the two in Colusa County, is that reservation shopping undermines the principles of Indian sovereignty and the sanctity of tribal status.

Governor Arnold Schwarzenegger in May 2005 issued a Proclamation regarding Indian gaming compacts and gubernatorial concurrence in the permitting of Class III Indian gaming (slot machines, blackjack, roulette, craps, etc.) on newly acquired tribal land. Included in the Governor's statements as to his general policies relating to tribal gaming was the need for a general showing of support for the project between the tribe and the "affected local community." This, the Governor suggested, could be shown by "a local advisory vote." Measure D could be considered such an advisory vote.

Should this advisory measure be approved and thereafter acted upon in a manner consistent with that vote by the Colusa County Board of Supervisors, it is not believed it would adversely impact the two federally recognized Indian tribes in Colusa County. It could, however, adversely impact tribes having no ancestral ties to Colusa County.

Dated: March 15, 2006

s/ Henry E. Rodegerdts
Colusa County Counsel