

CALIFORNIA GAMBLING CONTROL COMMISSION

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*Memorandum*

DATE: January 23, 2020

TO: Chairman Evans
Commissioner LaBrie
Commissioner Lacy
Commissioner To

VIA: Stacey Luna Baxter
Executive Director

FROM: Rachelle Ryan
Associate Analyst, Administration Division

SUBJECT: Revenue Sharing Trust Fund (RSTF) Report of Distribution of Funds to Eligible Recipient Indian Tribes for the Quarter Ended December 31, 2019

All eligible Tribes will be allocated a total of \$275,000.00, which consists entirely of RSTF payments and interest income; therefore, no shortfall funds have been transferred into the RSTF from the Special Distribution Fund (SDF) as shown in Exhibit 1.

RSTF payments of \$30,935,957.07 and interest income of \$706,176.42, for a total of \$31,642,133.49, was deposited into the RSTF for the quarterly period ended December 31, 2019. A portion of the interest income is allocated to previously approved distributions held in the RSTF on behalf of one (1) Tribe in the amount of \$75,296.20.

Staff continues to recommend that the distribution to the California Valley Miwok Tribe be allocated but withheld. On December 30, 2015, Kevin Washburn, the Assistant Secretary (of the Department of the Interior) for Indian Affairs (AS-IA), issued a final agency decision that unequivocally states that the United States does not recognize leadership for the California Valley Miwok government. A decision by AS-IA is final for the Department, effective immediately, and unlike decisions rendered by subordinate Bureau of Indian Affairs (BIA) officials, is not automatically stayed upon appeal. Accordingly, there continues to be no California Valley Miwok Tribal government to which the Commission can make a RSTF payment.

Commissioners
January 23, 2020

Staff recommends continuing distributions to the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation. In a court action filed August 18, 2018, the Yavapai Apache Nation seeks to receive the distributions allocated to the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation. The Sacramento Superior Court DENIED Yavapai Apache Nation's preliminary request for an injunction ordering the Commission to pay RSTF distributions to them. The case is ongoing, but the Commission will continue the distributions to the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation until required to do otherwise by the Court.

Staff also recommends continuing distributions to the Resighini Rancheria. The Commission received a letter demanding that RSTF distributions allocated to the Resighini Rancheria be paid to CalNev Partners, LLC pursuant to the California Uniform Commercial Code to satisfy a debt. However, the Commission has not received a court order to redirect distributions.

A listing of the amount of revenue received from each Compact Tribe is attached as Exhibit 2. The receipts are equally distributed to seventy (70)¹ of the eighty-nine (89) Tribes listed in Exhibit 1 as eligible recipient Tribes (pending receipt of outstanding eligibility certification forms, if any).

At the end of the calendar quarter, all RSTF payments were collected and deposited accordingly.

A fund condition statement for the RSTF through December 31, 2019 for the fiscal year 2019-20 is attached as Exhibit 3.

Attachments:

- Exhibit 1 – RSTF Distribution List
- Exhibit 2 – RSTF Received From Compacted Tribes
- Exhibit 3 – RSTF Fund Condition Statement

¹ Distributions to the California Valley Miwok Tribe are withheld pending resolution of Tribal leadership dispute.

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended December 31, 2019**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to December 31, 2019
1	Alturas Indian Rancheria	\$275,000.00	\$0.00	\$275,000.00	\$19,938,385.42
2	Augustine Band of Cahuilla Indians ²	.00	.00	.00	1,238,385.42
3	Bear River Band of the Rohnerville Rancheria	275,000.00	.00	275,000.00	19,938,385.42
4	Big Lagoon Rancheria	275,000.00	.00	275,000.00	19,938,385.42
5	Big Pine Paiute Tribe of the Owens Valley	275,000.00	.00	275,000.00	19,938,385.42
6	Big Sandy Rancheria of Western Mono Indians of California	275,000.00	.00	275,000.00	19,938,385.42
7	Big Valley Band of Pomo Indians of the Big Valley Rancheria	275,000.00	.00	275,000.00	12,650,000.00
8	Bishop Paiute Tribe	275,000.00	.00	275,000.00	19,938,385.42
9	Blue Lake Rancheria ²	.00	.00	.00	1,788,385.42
10	Bridgeport Indian Colony	275,000.00	.00	275,000.00	19,938,385.42
11	Buena Vista Rancheria of Me-Wuk Indians of California ²	0.00	.00	0.00	19,113,385.42
12	Cahto Tribe	275,000.00	.00	275,000.00	19,938,385.42
13	Cahuilla Band of Indians	275,000.00	.00	275,000.00	19,938,385.42
14	California Valley Miwok Tribe ¹	275,000.00	.00	275,000.00	19,938,385.42
15	Campo Band of Diegueno Mission Indians of the Campo Indian Reservation ²	.00	.00	.00	538,034.21
16	Cedarville Rancheria	275,000.00	.00	275,000.00	19,938,385.42
17	Chemehuevi Indian Tribe of the Chemehuevi Reservation	275,000.00	.00	275,000.00	19,938,385.42
18	Cher-Ae Heights Indian Community of the Trinidad Rancheria	275,000.00	.00	275,000.00	19,938,385.42
19	Chicken Ranch Rancheria of Me-Wuk Indians of California	275,000.00	.00	275,000.00	19,938,385.42
20	Cloverdale Rancheria of Pomo Indians of California	275,000.00	.00	275,000.00	19,938,385.42
21	Cold Springs Rancheria of Mono Indians of California	275,000.00	.00	275,000.00	19,938,385.42
22	Colorado River Indian Tribes of the Colorado River Indian Reservation	275,000.00	.00	275,000.00	19,938,385.42
23	Cortina Indian Rancheria	275,000.00	.00	275,000.00	19,938,385.42

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended December 31, 2019**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to December 31, 2019
24	Coyote Valley Reservation	275,000.00	.00	275,000.00	15,950,000.00
25	Dry Creek Rancheria of Pomo Indians of California ²	.00	.00	.00	1,513,385.42
26	Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria	275,000.00	.00	275,000.00	19,938,385.42
27	Elk Valley Rancheria	275,000.00	.00	275,000.00	19,938,385.42
28	Enterprise Rancheria of Maidu Indians of California ²	.00	.00	.00	19,663,385.42
29	Ewiiapaayp Band of Kumeyaay Indians	275,000.00	.00	275,000.00	19,938,385.42
30	Federated Indians of Graton Rancheria ²	.00	.00	.00	12,642,594.03
31	Fort Bidwell Indian Community of the Fort Bidwell Reservation of California	275,000.00	.00	275,000.00	19,938,385.42
32	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation	275,000.00	.00	275,000.00	19,938,385.42
33	Fort Mojave Indian Tribe of Arizona, California & Nevada	275,000.00	.00	275,000.00	19,938,385.42
34	Greenville Rancheria	275,000.00	.00	275,000.00	19,938,385.42
35	Grindstone Indian Rancheria of Wintun-Wailaki Indians of California	275,000.00	.00	275,000.00	19,938,385.42
36	Guidiville Rancheria of California	275,000.00	.00	275,000.00	19,938,385.42
37	Habematolel Pomo of Upper Lake	275,000.00	.00	275,000.00	19,938,385.42
38	Hoopa Valley Tribe	275,000.00	.00	275,000.00	19,938,385.42
39	Hopland Band of Pomo Indians of the Hopland Rancheria	275,000.00	.00	275,000.00	7,866,306.53
40	Iipay Nation of Santa Ysabel	275,000.00	.00	275,000.00	19,938,385.42
41	Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation	275,000.00	.00	275,000.00	19,938,385.42
42	Ione Band of Miwok Indians of California	275,000.00	.00	275,000.00	19,938,385.42
43	Jamul Indian Village of California ²	.00	.00	.00	16,363,385.42
44	Karuk Tribe	275,000.00	.00	275,000.00	19,938,385.42

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended December 31, 2019**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to December 31, 2019
45	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	275,000.00	.00	275,000.00	19,938,385.42
46	Koi Nation of Northern California	275,000.00	.00	275,000.00	19,741,646.29
47	La Jolla Band of Luiseno Indians	275,000.00	.00	275,000.00	19,938,385.42
48	La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation	275,000.00	.00	275,000.00	19,938,385.42
49	Lone Pine Paiute-Shoshone Tribe	275,000.00	.00	275,000.00	19,938,385.42
50	Los Coyotes Band of Cahuilla and Cupeno Indians	275,000.00	.00	275,000.00	19,938,385.42
51	Lytton Rancheria of California	275,000.00	.00	275,000.00	19,938,385.42
52	Manchester Band of Pomo Indians of the Manchester Rancheria	275,000.00	.00	275,000.00	19,938,385.42
53	Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation	275,000.00	.00	275,000.00	19,938,385.42
54	Mechoopda Indian Tribe of Chico Rancheria	275,000.00	.00	275,000.00	19,938,385.42
55	Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation	275,000.00	.00	275,000.00	19,938,385.42
56	Middletown Rancheria of Pomo Indians of California ²	.00	.00	.00	482,578.08
57	Northfork Rancheria of Mono Indians of California	275,000.00	.00	275,000.00	19,938,385.42
58	Pala Band of Mission Indians ²	.00	.00	.00	482,578.08
59	Paskenta Band of Nomlaki Indians of California ²	.00	.00	.00	688,385.42
60	Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation ²	.00	.00	.00	482,578.08
61	Picayune Rancheria of Chukchansi Indians of California ²	.00	.00	.00	1,513,385.42
62	Pinoleville Pomo Nation	275,000.00	.00	275,000.00	19,938,385.42

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended December 31, 2019**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to December 31, 2019
63	Pit River Tribe (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias)	275,000.00	.00	275,000.00	19,938,385.42
64	Potter Valley Tribe	275,000.00	.00	275,000.00	19,938,385.42
65	Quartz Valley Indian Community of the Quartz Valley Reservation of California	275,000.00	.00	275,000.00	19,938,385.42
66	Quechan Tribe of the Fort Yuma Indian Reservation ²	.00	.00	.00	7,838,385.42
67	Ramona Band of Cahuilla	275,000.00	.00	275,000.00	19,938,385.42
68	Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California	275,000.00	.00	275,000.00	19,938,385.42
69	Resighini Rancheria	275,000.00	.00	275,000.00	19,938,385.42
70	Rincon Band of Luiseno Mission Indians of the Rincon Reservation ²	.00	.00	.00	441,306.53
71	Robinson Rancheria	275,000.00	.00	275,000.00	6,050,000.00
72	Round Valley Indian Tribes, Round Valley Reservation	275,000.00	.00	275,000.00	19,938,385.42
73	San Pasqual Band of Diegueno Mission Indians of California ²	.00	.00	.00	482,578.08
74	Santa Rosa Band of Cahuilla Indians	275,000.00	.00	275,000.00	19,938,385.42
75	Scotts Valley Band of Pomo Indians of California	275,000.00	.00	275,000.00	19,938,385.42
76	Sherwood Valley Rancheria of Pomo Indians of California	275,000.00	.00	275,000.00	19,938,385.42
77	Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract) ²	.00	.00	.00	7,563,385.42
78	Susanville Indian Rancheria	275,000.00	.00	275,000.00	19,938,385.42
79	Tejon Indian Tribe	275,000.00	.00	275,000.00	8,784,890.00

Exhibit 1**Revenue Sharing Trust Fund Distribution****Total Amount of Distribution for the Quarter Ended December 31, 2019**

	Recipient Indian Tribe	Quarterly Distribution from Revenue Received	Quarterly Shortfall	Total Potential Quarterly Distribution	Distributions Inception to December 31, 2019
80	Timbisha Shoshone Tribe (previously listed as the Death Valley Timbi-sha Shoshone Tribe and the Death Valley Timbi-Sha Shoshone Band of California)	275,000.00	.00	275,000.00	19,938,385.42
81	Tolowa Dee-Ni' Nation (previously listed as the Smith River Rancheria)	275,000.00	.00	275,000.00	19,938,385.42
82	Torres Martinez Desert Cahuilla Indians	275,000.00	.00	275,000.00	19,938,385.42
83	Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California ²	.00	.00	.00	482,578.08
84	United Auburn Indian Community of the Auburn Rancheria of California ²	.00	.00	.00	1,513,385.42
85	Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation	275,000.00	.00	275,000.00	19,938,385.42
86	Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)	275,000.00	.00	275,000.00	19,938,385.42
87	Wilton Rancheria	275,000.00	.00	275,000.00	11,619,505.49
88	Wiyot Tribe	275,000.00	.00	275,000.00	19,938,385.42
89	Yurok Tribe of the Yurok Reservation	275,000.00	.00	275,000.00	19,938,385.42
	Total	\$19,250,000.00	\$0.00	\$19,250,000.00	\$1,433,612,694.56

Footnotes:

¹ Distribution to the Tribe is withheld pending resolution of Tribal leadership dispute.² No longer an eligible recipient Tribe; however, previously received RSTF distributions.

Exhibit 2**Revenue Sharing Trust Fund****Amount of Revenue from Each Compact Tribe Received by the Commission through the Quarter Ending December 31, 2019**

	Compact Tribe	Revenue Received Fiscal Year to Date	Revenue Received Inception to Date
1	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation	\$ -- ²	\$ -- ²
2	Alturas Indian Rancheria	0.00	375,000.00
3	Augustine Band of Cahuilla Indians	45,000.00	1,261,741.27
4	Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation	-- ²	-- ²
5	Bear River Band of the Rohnerville Rancheria	0.00	0.00
6	Berry Creek Rancheria of Maidu Indians of California	64,800.00	2,135,470.68
7	Big Sandy Rancheria of Western Mono Indians of California	0.00	0.00 ¹
8	Big Valley Band of Pomo Indians of the Big Valley Rancheria	0.00	748,171.23
9	Blue Lake Rancheria	46,350.00	1,055,031.63
10	Buena Vista Rancheria of Me-Wuk Indians of California	503,915.76	503,915.76
11	Cabazon Band of Mission Indians	687,075.00	23,378,831.91
12	Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria	180,000.00	3,685,808.22
13	Cahto Tribe	0.00	0.00
14	Cahuilla Band of Indians	0.00	125,000.00
15	Campo Band of Diegueno Mission Indians of the Campo Indian Reservation	11,250.00	871,921.23
16	Chemehuevi Indian Tribe of the Chemehuevi Reservation	0.00	0.00 ¹
17	Cher-Ae Heights Indian Community of the Trinidad Rancheria	0.00	0.00
18	Chicken Ranch Rancheria of Me-Wuk Indians of California	0.00	0.00
19	Dry Creek Rancheria of Pomo Indians of California	0.00	20,003,928.13
20	Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria	0.00	0.00
21	Elk Valley Rancheria	0.00	62,500.00
22	Ewiiapaayp Band of Kumeyaay Indians	0.00	2,437,433.22

Exhibit 2**Revenue Sharing Trust Fund****Amount of Revenue from Each Compact Tribe Received by the Commission through the Quarter Ending December 31, 2019**

	Compact Tribe	Revenue Received Fiscal Year to Date	Revenue Received Inception to Date
23	Federated Indians of Graton Rancheria	4,352,050.00	59,832,464.18
24	Hoopa Valley Tribe	0.00	0.00
25	Hopland Band of Pomo Indians of the Hopland Rancheria	0.00	3,368,042.68
26	Jackson Band of Miwuk Indians	-- ²	-- ²
27	Jamul Indian Village of California	0.00	1,726,250.00
28	La Jolla Band of Luiseno Indians	0.00	0.00
29	Manchester Band of Pomo Indians of the Manchester Rancheria	0.00	0.00
30	Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation	0.00	0.00
31	Middletown Rancheria of Pomo Indians of California	0.00	437,500.00
32	Mooretown Rancheria of Maidu Indians of California	0.00	2,658,772.36
33	Morongo Band of Mission Indians	4,500,000.00	36,100,490.75
34	Bishop Paiute Tribe	0.00	0.00
35	Pala Band of Mission Indians	-- ²	-- ²
36	Paskenta Band of Nomlaki Indians of California	67,500.00	1,606,085.13
37	Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation	157,500.00	8,503,661.72
38	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation	6,000,000.00	54,094,120.11
39	Picayune Rancheria of Chukchansi Indians of California	1,102,500.00	43,330,869.86
40	Pit River Tribe (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias)	0.00	0.00
41	Quechan Tribe of the Fort Yuma Indian Reservation	0.00	360,000.00
42	Redding Rancheria	0.00	2,148,272.64
43	Resighini Rancheria	0.00	0.00
44	Rincon Band of Luiseno Mission Indians of the Rincon Reservation	1,169,812.50	35,564,979.46
45	Robinson Rancheria	0.00	337,500.00

Exhibit 2**Revenue Sharing Trust Fund****Amount of Revenue from Each Compact Tribe Received by the Commission through the Quarter Ending December 31, 2019**

	Compact Tribe	Revenue Received Fiscal Year to Date	Revenue Received Inception to Date
46	San Manuel Band of Mission Indians	9,500,000.00	69,700,240.41
47	San Pasqual Band of Diegueno Mission Indians of California	-- ²	-- ²
48	Santa Rosa Indian Community of the Santa Rosa Rancheria	1,272,150.00	49,934,501.51
49	Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation	-- ²	-- ²
50	Sherwood Valley Rancheria of Pomo Indians of California	0.00	0.00
51	Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract)	-- ²	-- ²
52	Soboba Band of Luiseno Indians	432,525.00	16,401,955.59
53	Susanville Indian Rancheria	0.00	0.00
54	Sycuan Band of the Kumeyaay Nation	-- ²	-- ²
55	Table Mountain Rancheria (<i>previously listed as the Table Mountain Rancheria of California</i>)	584,625.00	22,947,732.53
56	Tolowa Dee-Ni' Nation (<i>previously listed as the Smith River Rancheria</i>)	0.00	0.00
57	Tule River Indian Tribe of the Tule River Reservation	0.00	12,785,048.32
58	Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California	375,000.00	8,649,733.61
59	Twenty-Nine Palms Band of Mission Indians of California	1,000,000.00	27,175,978.77
60	United Auburn Indian Community of the Auburn Rancheria of California	4,500,000.00	58,700,312.20
61	Viejas Band of Kumeyaay Indians	-- ²	-- ²
62	Yocha Dehe Wintun Nation	4,500,000.00	53,409,746.42
63	Aggregate Total for Tribes	19,909,134.72 ²	370,178,583.33 ²
	Totals	\$60,961,187.98	\$996,597,594.86
	Interest	1,371,313.67	13,238,815.62
	Grand Totals	\$62,332,501.65	\$1,009,836,410.48

Footnotes:

1. Prepayment receipts were returned to payor Tribes for the return of unused putative gaming device licenses issued by Sides Accountancy Corporation. Licenses in equal number were issued by the Commission on September 5, 2002 resulting in \$2,137,500 in prepayment fees to the Fund.
2. RSTF Revenues from the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, the Jackson Band of Miwuk Indians, the Pala Band of Mission Indians, the San Pasqual Band of Diegueno Mission Indians of California, the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, the Shingle Springs Band of Miwuk Indians, Shingle Springs Rancheria (Verona Tract), the Sycuan Band of the Kumeyaay Nation, and the Viejas Band of Kumeyaay Indians are not individually identified, as their payments are based on net win and/or gross gaming revenue that are confidential under the Tribal-State Gaming Compacts. AB 2914 (Committee on Governmental Organization, 2016) would, in part, allow the Commission to aggregate RSTF payments made by individual tribes that contribute on a net win or gross gaming revenue basis. The bill passed the Legislature on June 30, 2016 and was approved by the Governor on July 25, 2016. To preserve the confidentiality of the information, consistent with the State's compact obligations, the total revenue from these tribes is aggregated in the totals as Item 63.

EXHIBIT 3
CALIFORNIA GAMBLING CONTROL COMMISSION
0366 - INDIAN GAMING REVENUE SHARING TRUST FUND
FUND CONDITION STATEMENT
As of the Quarter Ended December 31, 2019
Cash Basis

BEGINNING BALANCE	\$ 123,220,903.43
REVENUES AND TRANSFERS - Current Year	
Revenues:	
250300 Income from Surplus Money Investment Fund	1,371,313.67
216900 License fees held in trust	60,961,187.98
Transfer from the SDF to the RSTF for shortfall per Item 0855-111-0367, Budget Act of 2019	-
Totals, Revenues	<u>62,332,501.65</u>
Totals, Resources	<u>185,553,405.08</u>
EXPENDITURES AND TRANSFERS	
Disbursements to Eligible Indian Recipient Tribes	38,500,000.00
Transfer from the RSTF to the TNGF per Item 0855-111-0366, Budget Act of 2019	<u>45,308,000.00</u>
Totals, Expenditures and Transfers	<u>83,808,000.00</u>
FUND BALANCE, prior to distribution	<u>101,745,405.08</u>
Pending distribution	18,975,000.00
Disbursements held on behalf of the California Valley Miwok Tribe	16,463,001.99
Interest due to Tribes ¹	1,259,834.69
FUND BALANCE, after distribution ²	<u><u>\$ 65,047,568.40</u></u>

Footnotes:

¹. Accrued interest on previously held distributions in the amount of \$1,259,834.69 for California Valley Miwok Tribe.

². The fund balance represents the cash basis balance as identified by the Commission since inception of the Fund. This balance may not agree with the State Controller's fund balance, which is reported on an accrual basis. Additional reconciling items may exist that have not been identified.