

RESOLUTION NO. 2017-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, SUPPORTING THE FEE-TO-TRUST APPLICATION OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR THAT CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF CATHEDRAL CITY AND ACCEPTING A FIRE STATION CONTRIBUTION FROM THE CITY URBAN REVITALIZATION CORPORATION FOR THE RELOCATION OF EXISTING FIRE STATION 411

WHEREAS, the City of Cathedral City ("**City**") desires to cooperate with the Agua Caliente Band of Cahuilla Indians ("**Tribe**") in the redevelopment of approximately 12.5 acres of real property located at the northwest corner of Date Palm Drive and Palm Canyon Drive within the City of Cathedral City (the "**Site**") and an additional 14,009 square feet of real property located adjacent to the Site (the "**Adjacent Parcels**") (collectively, the "**Site**" and "**Adjacent Parcels**" shall be referred to herein as the "**Development Site**"); and

WHEREAS, the Tribe will provide funds to the City Urban Revitalization Corporation ("**CURC**") to assist with the relocation of the existing Fire Station 411 currently located on a parcel within the Site and subsequent construction of a new Fire Station 411 on a parcel outside the boundaries of the Site (the "**Fire Station Contribution**"); and

WHEREAS, in order to promote the significant economic benefits that redevelopment of the Development Site will bestow, the Tribe will develop in phases, construct and operate an entertainment and gaming facility on the Development Site, together with related amenities that may include a hotel, food and beverage facilities, retail outlets, and ancillary buildings and enterprises all of which may provide an incidental benefit to the gaming facility; and

WHEREAS, in order for the Tribe to operate a gaming facility at the Development Site, the Tribe is required to submit and obtain approval of the United States Secretary of the Interior (the "**Secretary**") or his designee of a fee-to-trust application for gaming purposes; and

WHEREAS, the Tribe desires to submit a fee-to-trust application for gaming purposes to the Secretary or his designee in accordance with the requirements of the Indian Gaming Regulatory Act (25 U.S.C. §§ 2701-2721), the Indian Reorganization Act (codified as amended at 25 U.S.C. §§ 5101 et seq., previously codified at 25 U.S.C. §§ 461 et seq.), and 25 CFR Parts 151 and 292; and

WHEREAS, the City desires to support the Tribe's fee-to-trust application for gaming purposes and accept the Fire Station Contribution for the purposes set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City of Cathedral City supports the Tribe's fee-to-trust application for gaming purposes in that the Tribe's application will not negatively affect the regulatory jurisdiction of the City, City tax revenues or any special assessment and that the net financial impact of Secretarial approval will be positive to the City.

SECTION 2. The City of Cathedral City will accept the Fire Station Contribution from CURC to use in accordance with the purposes set forth herein.

SECTION 3. The City of Cathedral City acknowledges and agrees that the Fire Station Contribution constitutes "a payment to support operating expenses and capital improvements for non-tribal governmental agencies or facilities operating within [the City of Cathedral City]" pursuant to Sections 5.3(a)(i) and (iii) of the 2016 Tribal-State Compact between the State of California and the Agua Caliente Band of Cahuilla Indians. The City further acknowledges and agrees that (i) the Fire Station Contribution is mutually beneficial to CURC, the City and Tribe in that it will allow improved fire protection that serves the off-Reservation needs of City residents as well as on-Reservation needs of the Tribe, (ii) the Fire Station Contribution does not constitute "mitigation" or "compensation" required under an intergovernmental agreement or as a result of environmental review related to any proposed project for the Development Site, and (iii) to the extent the Fire Station Contribution is determined to constitute "mitigation" or "compensation" as set forth above, the amount of the Fire Station Contribution is adequate mitigation or compensation in that it specifically contemplates an increased demand for fire protection services that may be required as a result of future development of the Development Site as an entertainment and gaming facility.

SECTION 4. The City Clerk shall certify and attest that the forgoing is a true and full copy of a Resolution of the City Council of the City of Cathedral City adopted at a duly convened meeting on May 10, 2017, which has not been altered, amended or repealed; shall certify and attest to the passage and adoption of this Resolution; shall enter the same in the book of original resolutions of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City, in the minutes of the meeting at which this Resolution is passed and adopted.

SECTION 5. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Cathedral City held this 10th day of May, 2017.

[SIGNATURES ON FOLLOWING PAGE]

Stanley E. Henry, Mayor

ATTEST:

Gary F. Howell, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

I, GARY F. HOWELL, CITY CLERK of the City of Cathedral City, do hereby certify that the foregoing Resolution was introduced and adopted at a regular meeting of the City Council held on the 10th day of May, 2017 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Gary F. Howell, City Clerk