

## FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

THIS FIRST AMENDMENT is to that Intergovernmental Agreement ("IGA") by and between the County of Siskiyou ("County") and the Karuk Tribe ("Tribe") and is entered into this 10<sup>th</sup> day of October, 2019 and is effective for the period beginning and including the first quarter of the second year of Casino operations.

WHEREAS, the Tribe has developed the Rain Rock Casino in the County of Siskiyou; and,

WHEREAS, the Parties are subject to the above referenced IGA, which provides for the mitigation of impacts of the Casino on the County's criminal justice system; and,

WHEREAS, following the Casino's first year of operations, the Parties met and conferred pursuant to the IGA (Section 3, Alternative 2 and Subsection 3.b.) on criminal justice impacts, each reviewing the first year arrest records and making their respective determinations regarding the number of arrests attributable to the Casino; and,

WHEREAS, both Parties found the administrative burdens associated with the Parties' respective end-of-year reconciliation processes to be excessively time consuming and undesirable; and,

WHEREAS, with recognition of the average cost to the County for each arrest, and the Parties' differing views on the number of arrests attributable to the Casino, the Tribe and County have negotiated a quarterly criminal justice mitigation payment that is not subject to the end-of-year reconciliation process for the Casino's second and third years of operation; and,

WHEREAS, the IGA provides for written modification or amendment of the IGA when executed by both Parties; and,

WHEREAS, the Parties, following negotiations, now desire to amend the IGA to provide for a quarterly \$31,250.00 criminal justice mitigation payment that is not subject to the end-of-year reconciliation process.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

Section 3 of the IGA shall be amended to add a subsection 3.d., which shall read as follows:

**d. Negotiated Quarterly Criminal Justice Mitigation Payment Following First Year of Operations.** In light of the administrative burdens associated with the Parties' end-of-year reconciliation process pursuant to Alternative 2 and Subsection 3.b. for the Casino's first year of operations, and with recognition of the Parties' differing views on the number of arrests

attributable to the Casino, the Parties agree, notwithstanding other provisions herein, that in the second and third year of the Casino's operations, the Tribe shall make quarterly criminal justice mitigation payments to the County in the amount of \$31,250.00. Payments made pursuant to this subsection shall be paid no later than the last day of each calendar quarter and shall not be subject to reconciliation pursuant to Subsection 3.b. Extraordinary events and felony cases will continue to be subject to subsection 3.c.

Prior to the first quarter of the Casino's fourth year of operations, the Parties shall meet and confer on whether to extend this provision. Should the County determine through the County's additional record keeping that there are greater impacts to its criminal justice system than reflected in the County's first year determination of arrests, the Parties shall reopen negotiations on the Tribe's criminal justice mitigation payment for any extension of this subsection. If agreement between the Parties cannot be reached on an extension, this provision shall sunset at the end of the fourth quarter of the third year of the Casino's operations.

All other terms and conditions of the IGA shall remain in full force and effect.

IN WITNESS WHEREOF, County and Tribe have executed this First Amendment on the dates set forth below, and each signatory represents that he/she has the authority to execute this agreement and to bind the Party on whose behalf his/her execution is made.

COUNTY OF SISKIYOU

Date: 12/2/2019

Brandon A. Criss  
BRANDON A. CRISS, CHAIR  
Board of Supervisors  
County of Siskiyou, State of California

ATTEST:  
LAURA BYNUM  
Clerk, Board of Supervisors

By: Wendy Dyer  
Deputy

KARUK TRIBE

Date: 10-10-19

Russell A. Attebery  
Russell "Buster" Attebery, Chairman  
Karuk Tribe