

CLARK COUNTY STAFF REPORT

DEPARTMENT: Board of County Councilors

DATE: February 14, 2017

REQUESTED ACTION:

Approval of Amended RESOLUTION NO. 2016-05-08, authorizing all County Departments and Agencies to enter into discussion with the Cowlitz Tribe regarding issues impacting County citizens related to the construction and operation of a casino in northern Clark County

Consent Hearing County Manager

BACKGROUND

At Board Time on February 1, 2017 the Board requested legal staff draft an Amended Resolution 2016 -05-08 to authorize all county departments and agencies to enter into and discussion of the Cowlitz tribe regarding potential services, as well as to repeal Resolution 2015-12-13, and bring it to the Board for further consideration.

COUNCIL POLICY IMPLICATIONS

This resolution would change existing County policy by authorizing all County departments and encouraging County agencies to enter into discussions with the Cowlitz Tribe about potential services those departments and agencies could offer to the Cowlitz Tribe regarding the operation of the Cowlitz casino located in trust lands in northern Clark County. This action requires a change in County policy.

ADMINISTRATIVE POLICY IMPLICATIONS

Yes, please see above.

BUDGET IMPLICATIONS

YES	NO	
x		Action falls within existing budget capacity.
		Action falls within existing budget capacity but requires a change of purpose within existing appropriation
		Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

BUDGET DETAILS

Local Fund Dollar Amount	
Grant Fund Dollar Amount	
Account	
Company Name	

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

Jane E. Vetto

Jane E. Vetto
Senior Deputy Prosecuting Atty.

APPROVED: *[Signature]*
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: Feb. 14, 2017

SR# 032-17



APPROVED: _____
Mark McCauley, County Manager

DATE: _____

BUDGET IMPACT ATTACHMENT

Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information

Part II: Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
Total						

II. A – Describe the type of revenue (grant, fees, etc.)

Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		GF	Total	GF	Total	GF	Total
Total							

III. B – Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
Total						

Amended RESOLUTION NO. 2016-05-08

An amended resolution authorizing all County Departments and Agencies to enter into discussion with the Cowlitz Tribe regarding issues impacting County citizens related to the construction and operation of a casino in northern Clark County.

1 WHEREAS, the Board of County Councilors is charged by state law and the Washington
2 Constitution with enforcing laws to protect the public health, safety, and welfare; and

3 WHEREAS, the United States issued a final decision federally acknowledging the
4 Cowlitz Indian tribe in 2002; and

5 WHEREAS, the Cowlitz Indian Tribe historical connection to its reservation land in
6 Clark County has been recognized by the federal government, and upheld by the U.S. district
7 court for the District of Columbia; and

8 WHEREAS, the issue of whether the United States Department of the Interior, through
9 the Bureau of Indian Affairs, lawfully took the Cowlitz Indian Tribe's land into trust as a
10 reservation for a gambling casino has been resolved in the United States Court of Appeals for the
11 District of Columbia, affirming the district court decision; and

12 WHEREAS, the planned gambling casino complex, including hotel, RV park, conference
13 center and other facilities will create significant impacts on Clark County. These include a need
14 for increased law enforcement in the vicinity of the casino either directly or indirectly, impact to
15 the transportation systems in the area and increased demand for social and health services
16 related to the casino, an increased demand for affordable housing, all of which the Cowlitz
17 Indian Tribe has indicated its intention to mitigate; and

18 WHEREAS, the United States Environmental Protection Agency authorized without
19 public hearing the onsite sewer system and the Cowlitz Indian Tribe is currently constructing
20 this system; and

21 WHEREAS, the environmental effects of the casino will also include the storm water
22 impacts of newly-developed and very large impervious surfaces and potential water quality
23 effects on the East Fork of the Lewis River, a stream bearing endangered salmon; and

24 WHEREAS, the Cowlitz Indian tribe is continuing construction and will operate
25 commercial establishments which will impact County property interests and resources; and

26 WHEREAS the County desires to engage the Cowlitz Indian Tribe on the issues
27 identified in the Recitals set forth above for the benefit of the citizens of Clark County; and

28 WHEREAS on December 2015 the Board adopted Resolution 2015-12-13 which
29 precludes the County from facilitating agreements with the Tribe regarding the Tribe's
30 planned operations on the reservation property; and

31 WHEREAS subsequently the County recognized the need for County departments
32 and agencies to enter into discussions with the Tribe regarding the construction of roads in,
33 or impacting county road and right-of-ways, the construction of sewage systems impacting
34 the aquifer which supplies water to County residents, and public safety and security issues,
35 all related to the construction and operation of a casino, to safeguard the safety, health and
36 wellbeing of county residents; and

37 WHEREAS on May 24, 2016 the County adopted Resolution 2016-05-08, which
38 directs the Directors of Public Works, Public Health and Community Development to enter
39 into discussions with the Tribe regarding the above enumerated issues and requests that the
40 Sheriff and Prosecuting Attorney also engage in discussions with the Tribe related to the
41 public safety and security issues related to the potential operation of a casino; and

42 WHEREAS, the Board of County Councilors is considering this matter at a duly-advertised
43 open public meeting and, , the Board finds and concludes that this Resolution is necessary to
44 further the public health and welfare of Clark County citizens; now, therefore,

45 IT IS HEREBY ORDERED AND RESOLVED by the Board of County Councilors
46 of Clark County, State of Washington, as follows:

47 **Section 1. Findings.** The Board hereby adopts as findings and conclusions those
48 facts and conclusions contained in the recitals above.

49 **Section 2. The Board hereby repeals Resolution 2015-12-13.**

50 **Section 3.** The Board of County Councilors, in and for the County of Clark, State of
51 Washington, recognizes the need for all County departments and agencies to be able to enter
52 into discussions with the Tribe regarding the impacts of the casino operations on County
53 departments' and agencies' services. .

54 **Section 3.** The Board hereby Amends Resolution 2016-05-08 to authorize the
55 Directors of all County departments to, as needed, and with Board oversight, enter into
56 discussion with the Tribe regarding the above enumerated issues. The Board requests that
57 elected officials also engage in discussions with the Tribe as needed to facilitate resolution of
58 issues related to the public safety and security issues related to the potential operation of a
59 casino. In so directing, the Board recognizes that all agreements with the Tribe will be
60 overseen, approved and entered into by the Board.

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ADOPTED on this 14th day of February, 2017.

Attest:

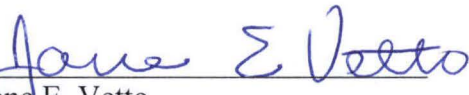
CLARK COUNTY BOARD OF HEALTH
CLARK COUNTY, WASHINGTON


Clerk of the Board


Marc Boldt, Chair

ANTHONY F. GOLIK
Prosecuting Attorney

Jeanne E. Stewart, Councilor

By: 
Jane E. Vetto
Sr. Deputy Prosecuting Attorney

Julie Olson, Councilor

John Blom, Councilor

Eileen Quiring, Councilor

