



# CITY COUNCIL STAFF REPORT

Date: May 7, 2014

CONSENT CALENDAR

Subject: MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM SPRINGS AND THE AGUA CALIENTE BAND OF CAHUILLA INDIANS REGARDING TRIBAL TRANSPORTATION PROGRAM FUNDING FOR THE SECTION 14 ROADWAYS IMPROVEMENTS PROJECT

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

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## SUMMARY

The Tribal Transportation Program (TTP), previously known as the Indian Reservation Roads (IRR) Program addresses transportation needs of tribes by providing funds for planning, designing, construction, and maintenance activities. The program is jointly administered by the Federal Highway Administration's (FHWA) Federal Lands Highway Office and the Bureau of Indian Affairs (BIA) in accordance with an interagency agreement. Approval of a Memorandum of Understanding (MOU) between the City and the Agua Caliente Band of Cahuilla Indians (Tribe) allocating the Tribe's TTP funds to a specific project is required by the Tribe's Program Agreement with FHWA.

## RECOMMENDATION:

Adopt Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM SPRINGS AND THE AGUA CALIENTE BAND OF CAHUILLA INDIANS REGARDING TRIBAL TRANSPORTATION PROGRAM FUNDING FOR THE SECTION 14 ROADWAYS IMPROVEMENTS PROJECT."

## STAFF ANALYSIS:

On April 1, 2014, Tribal Council approved the attached MOU allocating \$1,800,000 of matching TTP funds to go toward roadway improvements in Section 14. This amount is cumulative through September 30, 2016 as stated in the MOU. The Council has recently authorized going to bid on a Tahquitz Canyon Way paving project to use the first \$510,700 of the \$1.8 Million. Approval of the attached MOU is necessary to show

ITEM NO. 2m

FHWA that the Tribe has committed to the City this portion of its TTP funds, and that the City will match those funds at a 1:1 ratio.

**FISCAL IMPACT:**

Approval of the MOU will allow the City to indirectly receive up to \$1,800,000 of federal TTP funds from the Agua Caliente Band of Cahuilla Indians.

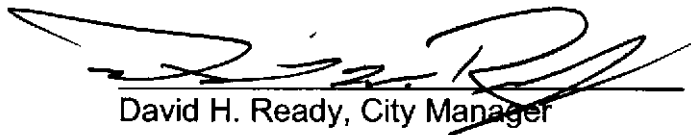
Submitted:



Savat Khamphou  
Assistant Director of Public Works/  
Assistant City Engineer



David J. Barakian  
Director of Public Works/City Engineer



David H. Ready, City Manager

**ATTACHMENTS:**

1. Resolution
2. Memorandum of Understanding

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM SPRINGS AND THE AGUA CALIENTE BAND OF CAHUILLA INDIANS REGARDING TRIBAL TRANSPORTATION PROGRAM FUNDING FOR THE SECTION 14 ROADWAYS IMPROVEMENTS PROJECT

WHEREAS, the Agua Caliente Band of Cahuilla Indians (the "Tribe") is a federally-recognized Indian Tribe governing itself according to a Constitution and By-Laws and exercising sovereign authority over the lands of the Agua Caliente Indian Reservation; and

WHEREAS, the City, acting through its City Council, is a political subdivision of the State of California, established pursuant to the Constitution and general laws of the State of California; and

WHEREAS, the Tribe receives funding through the federal Tribal Transportation Program (TTP) for the planning, design, construction, and maintenance of public roads that provide access to and within the Reservation and serve the cultural, social, economic, and/or governmental needs of the Tribe; and

WHEREAS, the Tribe and the City desire to work together in good faith to complete the planning, design, and construction of the Section 14 Roadways Improvements Project (the "Project"); and

WHEREAS, the Project shall be comprised of one or more roadway improvement projects on the public roads within and bordering Section 14, Township 4 South, Range 4 East that are eligible for the TTP funding, as identified in Exhibit A.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Tribal Transportation Program funding MOU included, and the terms thereof, are hereby approved; and
2. The City Manager is hereby authorized and directed to execute the above MOU on behalf of the City, and enter into a Subcontractor Services Agreement(s) with the Tribe, as necessary, for the planning, design, and construction of specific public roadway projects funded by the MOU.

ADOPTED this 7th day of May, 2014.

\_\_\_\_\_  
David H. Ready, City Manager

ATTEST:

\_\_\_\_\_  
James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on May 7, 2014, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California

**INTERGOVERNMENTAL  
MEMORANDUM OF UNDERSTANDING  
By and Between  
THE AGUA CALIENTE BAND OF CAHUILLA INDIANS  
and  
THE CITY OF PALM SPRINGS  
Regarding  
TRIBAL TRANSPORTATION PROGRAM FUNDING  
for the  
SECTION 14 ROADWAYS IMPROVEMENTS PROJECT**

THIS INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING ("MOU") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the AGUA CALIENTE BAND OF CAHUILLA INDIANS, a federally-recognized Indian Tribe, (the "Tribe") and the CITY OF PALM SPRINGS, a California municipal corporation (the "City").

I.

RECITALS

WHEREAS, the Agua Caliente Band of Cahuilla Indians is a federally-recognized Indian Tribe governing itself according to a Constitution and By-Laws and exercising sovereign authority over the lands of the Agua Caliente Indian Reservation (the "Reservation"), acting through its duly elected Tribal Council, pursuant to Federal law; and

WHEREAS, the City, acting through its City Council, is a political subdivision of the State of California, established pursuant to the Constitution and general laws of the State of California; and

WHEREAS, the Tribe receives funding through the federal Tribal Transportation Program (TTP) for the planning, design, construction, and maintenance of public roads

that provide access to and within the Reservation and serve the cultural, social, economic, and/or governmental needs of the Tribe;

WHEREAS, the Tribe and the City desire to work together in good faith to complete the planning, design, and construction of the Section 14 Roadways Improvements Project (the "Project"); and

WHEREAS, the Project shall be comprised of one or more roadway improvement projects on the public roads within and bordering Section 14, Township 4 South, Range 4 East that are eligible for TTP funding, as identified on Exhibit A.

## II.

### COMMITMENTS:

1. The Tribe will make payments to the City from the TTP funding allocations it's received from the Federal Highway Administration, up to \$1,800,000, for use toward the planning, design, and construction of the Project, based on records of work performed and progress estimates submitted to the Tribe.

2. The City, in consultation with the Tribe prior to presentation of projects to the Measure J Subcommittee, will be responsible for selecting the public roads that will be improved as part of the Project from the public roads identified on Exhibit A, and will contribute up to \$1,800,000 in City match funding toward the Project at a 1:1 ratio to the amount of TTP funding received from the Tribe toward the Project.

3. The Tribe and the City mutually agree that the \$3,600,000 in total funding authorized by this MOU shall be used exclusively on public roadway projects within and bordering Section 14, including the resurfacing of Tahquitz Canyon Way which shall be accomplished using this funding.

4. The City and the Tribe will enter into Subcontractor Services Agreement(s) and other such other contracts or agreements as may be required to fulfill their respective commitments as memorialized in this MOU, and as required by federal regulations for the use of TTP funding.

III.

GENERAL TERMS AND CONDITIONS:

1. Recitals. All of the above recitals are true and correct and the Tribe and City so find and determine, and incorporate such recitals as part of this MOU by this reference.

2. Modifications. This MOU may only be modified in writing, signed and duly approved by both the Tribal Council and the City Council.

3. Approval. This MOU shall be approved by formal action of the City Council and the Tribal Council.

4. Authority. The individuals signing this MOU warrant and represent that pursuant to their respective governing laws, constitutions, and/or bylaws they have the full power and authority to enter into this MOU and fully perform in accordance with the terms hereof, and the Tribe and the City acknowledge that their respective legal counsels have advised that this MOU is not subject to approval of the authorized representative of the Secretary of the Interior under 25 U.S.C. §81.

5. Effective Date. This MOU shall take effect on the date first set forth above.

6. Termination Date. This MOU shall remain in effect until the Project is completed, or until September 30, 2016, whichever is sooner.


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IN WITNESS WHEREOF, the Tribe and the City have executed this MOU as of the date first written above.

"TRIBE"  
Agua Caliente Band of Cahuilla Indians  
A Federally-Recognized Sovereign Indian Tribe

  
\_\_\_\_\_  
Jeff L. Grubbe  
Tribal Council Chairman

Approved as to Form

  
\_\_\_\_\_  
Tribal Attorney

"CITY"  
City of Palm Springs  
A California Municipal Corporation

ATTEST

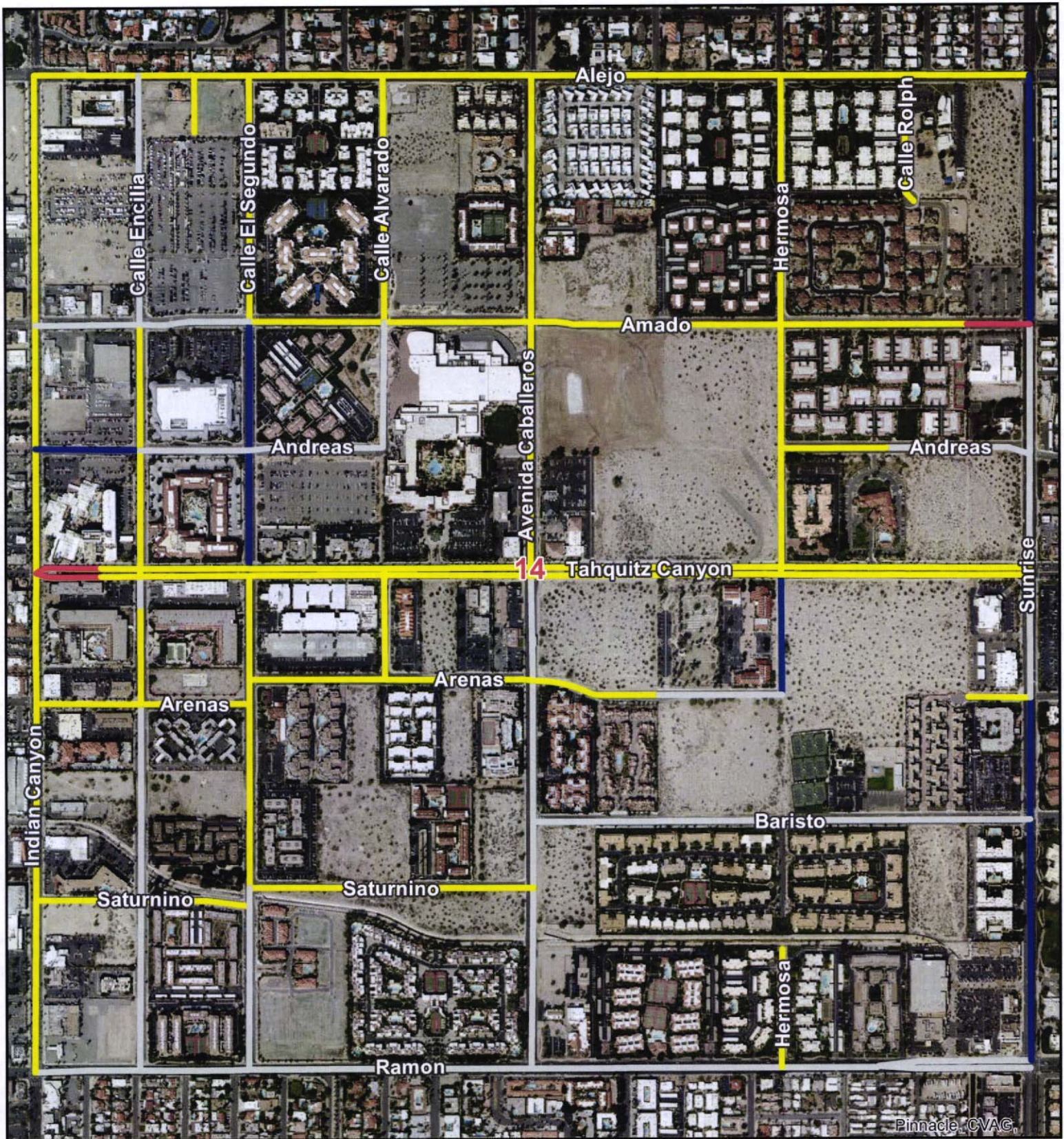
\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Clerk

Approved as to Form

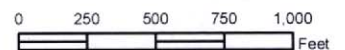
\_\_\_\_\_  
City Attorney





# AGUA CALIENTE INDIAN RESERVATION T4SR4E SECTION 14 CITY STREET PAVEMENT CONDITON SURVEY\*

- Total Reconstruction Needed
- 2" Asphalt Grind & Overlay
- Slurry Seal
- No Rehab Needed



Boundary data in this map is for representation purposes only. It does not cover questions of location which a survey map may disclose.

\*May 2008 survey updated to include recently complete road resurfacing projects.