



# TOWN OF FAIRFAX

## STAFF REPORT

January 19, 2022

**TO:** Mayor and Town Council

**FROM:** Jonathon Goldman, Interim Public Works Director

**SUBJECT:** Adopt a Resolution Authorizing an Agreement with the Federated Indians of Graton Rancheria for Treatment of Tribal Cultural Resources and Tribal Monitoring for the Pavilion Project

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### **RECOMMENDED MOTION**

Adopt a Resolution Authorizing an Agreement with the Federated Indians of Graton Rancheria for Treatment of Tribal Cultural Resources and Tribal Monitoring for the Pavilion Project.

### **BACKGROUND**

A summary of the history of the Pavilion retrofit project (the “Project”) is provided on the Town’s website here: <https://www.townoffairfax.org/pavilion-retrofit-project/>. Staff continues to pursue a short-term project delivery plan intended to deliver the foundation, structural improvements and certain accessibility improvements with a first phase of work (foundation and archeology support contract). Entering into an agreement with the Federated Indians of Graton Rancheria for treatment of tribal cultural resources and monitoring during construction is a requirement for construction that the Town accepted with Programmatic Agreement approved by Council at its December 6, 2017 meeting.

### **DISCUSSION**

Staff respectfully requests adoption of a resolution authorizing an agreement with the Federated Indians of Graton Rancheria for Treatment of Tribal Cultural Resources and Tribal Monitoring for the Pavilion Project in further compliance with the Programmatic Agreement approved by Council at its December 6, 2017 meeting.

### **FISCAL IMPACT**

Funds for Pavilion seismic retrofit were appropriated in the Town’s FY 20-21 budget. Staff recommends a budget of \$5,000 for the initial authorization under the agreement. Any subsequent change in budget will require further approval of an amendment by the Town Council.

### **ENVIRONMENTAL IMPACT**

Compliance with the National Environmental Policy Act (“NEPA”) was documented under the Programmatic Agreement and related documents approved by the Town Council at its December 6, 2017 meeting.

### **ATTACHMENT**

Resolution Authorizing an Agreement with the Federated Indians of Graton Rancheria

**RESOLUTION 22-\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
AUTHORIZING AN AGREEMENT WITH THE FEDERATED INDIANS OF GRATON  
RANCHERIA FOR TREATMENT OF TRIBAL CULTURAL RESOURCES AND  
TRIBAL MONITORING FOR THE PAVILION PROJECT**

**WHEREAS**, the Town of Fairfax is obligated to enter into an agreement for treatment of tribal resources and tribal monitoring (an "Agreement") associated with any and all ground disturbance associated with the Pavilion Project (the "Project") in compliance with the Programmatic Agreement approved by Council at its December 6, 2017 meeting (the "PA"); and

**WHEREAS**, The Federated Indians of Graton Rancheria are a signatory to the PA and have proposed the attached and incorporated by reference herein Agreement as modified by Staff; and

**WHEREAS**, the Town's current adopted budget appropriated \$80,000 for outside services associated with the Project (51-909); and

**WHEREAS**, Staff's estimated budget for The Federated Indians of Graton Rancheria's monitoring services under the Agreement is \$5,000; and

**WHEREAS**, the services to be provided by The Federated Indians of Graton Rancheria are intended to allow the Town to avoid and mitigate for potentially adverse impacts to cultural resources associated with the Project.

**NOW, THEREFORE, BE IT RESOLVED**, that the Fairfax Town Council hereby approves and authorizes the execution of an Agreement between the Town and The Federated Indians of Graton Rancheria with compensation for tribal monitoring on a time- and materials reimbursable basis with a not to exceed budget of \$5,000 unless subsequently amended by Town Council.

The foregoing Resolution was adopted by the Town Council of the Town of Fairfax, at a regular meeting held on the 19th day of January 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

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Stephanie Hellman, Mayor

Attest: \_\_\_\_\_  
Michele Gardner, Town Clerk