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

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

AGENDA ITEM #6
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 associate 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: _______________________

________________________________
Stephanie Hellman, Mayor

Attest: _________________________
Michele Gardner, Town Clerk