

**INTERGOVERNMENTAL
MEMORANDUM OF UNDERSTANDING
By and Between
THE AGUA CALIENTE BAND OF CAHUILLA INDIANS
and
THE CITY OF CATHEDRAL CITY
Regarding
TRIBAL TRANSPORTATION PROGRAM FUNDING FOR RESERVATION ROADS**

THIS INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into this 28th day of August 2019, by and between the AGUA CALIENTE BAND OF CAHUILLA INDIANS, a federally recognized Indian tribe, (the “Tribe”) and the CITY OF CATHEDRAL CITY, a California charter city (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, subject to federal law; and

WHEREAS, the City, acting through its duly elected City Council, is a charter city , established pursuant to the Constitution and laws of the State of California; and

WHEREAS, the Tribe receives funding through the federal Tribal Transportation Program (TTP) via the Federal Highway Administration’s (FHWA) Federal Lands Highway (FLH) Office 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, hereinafter referred to individually as a “Reservation Road” and collectively as “Reservation Roads”; and

WHEREAS, the Tribe and the City desire to continue to work together in good faith to complete the planning, design, and construction of Reservation Roads within the City; and

WHEREAS, only Reservation Roads that are listed in the official National Tribal Transportation Facility Inventory (NTTFI) and included in the Tribe's Tribal Transportation Improvement Program (TTIP) are eligible for TTP funding.

WHEREAS, attached to this MOU and incorporated herein by reference as Exhibit "A" is a list of the Reservation Roads already included in the NTTFI that are eligible for TTP funding during the term of this MOU.

II.

COMMITMENTS:

1. The City will continue to be responsible for planning, contracting engineering design services, construction, and construction engineering and inspection services for those Reservation Roads within the City that are designated in Exhibit "A" as being eligible for TTP funding. At such times as City identifies a road project which it reasonably determined will benefit a Reservation Road, it may submit it to the Tribe with a request for TTP funding pursuant to this MOU. The Tribe will consider the road project and if it determines the road project to be eligible for TTP funding, then the Tribe will not unreasonably refuse to add the road project to the TTIP for FHWA administrative approval of funding, subject to the funding limits subject to Section 2 of this MOU.

2. The Tribe will make total payments to the City, as necessary from its annual TTP funding allocations, of up to five million dollars (\$5,000,000) over the term of this MOU. In the event that TTP funding allocations are insufficient to meet this obligation, the Tribe and City will enter into good faith negotiations to determine alternative funding methods. The Tribe's funding commitment shall have an annual maximum cap of two million dollars (\$2,000,000), for use

toward the planning, design, and construction of Reservation Roads within the City that are listed in the NTTFI and included the Tribe's TTIP, based on work performed and progress estimates submitted to the Tribe.

3. The City will credit the Tribe the amount of TTP funds received toward Reservation Roads designated on Exhibit "A" as advance payment for any Tribally recognized traffic mitigation costs and/or fees associated with the development of Tribal projects as identified through the appropriate environmental review process. Nothing in the Section is intended to entitle the Tribe to credit against mitigation payments or other compensation the Tribe has paid or agreed to pay City under that Intergovernmental Agreement dated August 28, 2019.

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 all Reservation Road project(s) identified in the NTTFI and TTIP located within the City are completed, or until September 30, 2029, whichever is sooner.

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

“TRIBE”

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

Approved as to Form

Jeff L. Grubbe
Tribal Council Chairman

John T. Plata
General Counsel

“CITY”

City of Cathedral City, California
A Municipal Corporation

ATTEST

Mark Carnevale
City Mayor



Tracey Martinez, City Clerk

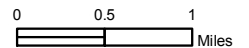
Approved as to Form

Eric S. Vail, City Attorney



EXHIBIT A – RESERVATION ROADS ELIGIBLE FOR TRIBAL TRANSPORTATION PROGRAM FUNDING

-  Reservation Roads
-  Cathedral City



Agua Caliente Band of Cahuilla Indians
 5401 Dinah Shore Drive Palm Springs CA, 92264
 Geospatial Information Services
 (760) 883-1911/Fax (760) 883-1937

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

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