

FORM APPROVED COUNTY COUNSEL 11/5/14
 BY: GREGORY P. PRIAMOS DATE

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

255A



FROM: TLMA – Transportation Department

SUBMITTAL DATE:
 October 14, 2014

SUBJECT: Cultural Resources Monitoring Expenditures for State Route 79 Widening Project with the Soboba Band of Luiseño Indians, 3rd/3rd District; [\$63,798], Measure A Funds

RECOMMENDED MOTION: That the Board of Supervisors:

Approve Amendment No. 1 to the agreement with the Soboba Band of Luiseño Indians for an additional \$63,798 for monitoring costs during construction of the State Route 79 Widening Project.

BACKGROUND:

Summary

On March 12, 2013, the County of Riverside (County) Board of Supervisors (Board) approved the Cultural Resources Monitoring Agreement for the State Route 79 (SR-79) Widening Project with the Soboba Band of Luiseño Indians in the amount of \$350,000. The County is in the process of widening SR-79 from two to four lanes between Domenigoni Parkway and Thompson Road for approximately eight miles. This project will improve safety and travel through the corridor and ease congestion caused by the significant increase in traffic volume.

Patricia Romo
 Assistant Director of Transportation
 for Juan C. Perez
 Director of Transportation and Land Management

JCP:PR:RW:ah

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (Per Exec. Office)
COST	\$ 63,798	\$ 0	\$ 63,798	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Measure A Funds. There are no General Funds used in this project
Budget Adjustment: No
For Fiscal Year: 2014/2015

C.E.O. RECOMMENDATION:

APPROVE

BY:
 Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Departmental Concurrence

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Cultural Resources Monitoring Expenditures for State Route 79 Widening Project with the Soboba Band of Luiseño Indians. 3rd/3rd District; [\$63,798], Measure A Funds

DATE: October 14, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

The project environmental document was approved on December 28, 2010. On November 3, 2011, the Board awarded the construction contract for Phase 1 of the project, Domenigoni Parkway to Scott Road, to SEMA Construction, Inc., and construction began in March 2012. Construction of Phase 2 of the project, from Scott Road to Thompson Road, was awarded on January 15, 2013, and began in February 2013. The project is anticipated to be completed in the fall of 2014.

During the course of construction, unanticipated cultural resources were discovered within the project area. It was determined through the California Department of Transportation (Caltrans) and the State Historic Preservation Office that full-time cultural monitoring is needed during ground disturbing activities, like grading and excavation, to identify and protect any additional resources, such as archeological sites, mineral and plant gathering areas, burial sites, and rock art sites that may be encountered. The cultural monitors actively monitor excavation activities and inspect the excavated material for cultural resources of significance that may otherwise be destroyed. Monitors evaluate items discovered and determine final disposition of the resources in cooperation with Caltrans.

Impact on Residents and Businesses

Tribal monitoring fulfills a County requirement under Section 106 of the National Historic Preservation Act. As a result, improvements to the SR-79 Widening Project can proceed, which will improve safety and travel through the corridor, benefitting both residents and businesses in the area.

SUPPLEMENTAL:

Additional Fiscal Information

Due to unforeseen field conditions, grading and excavation activities exceeded the expected schedule. This delay resulted in additional time that the cultural monitors needed to be on site. The additional cost is \$63,798 over the \$350,000 authorized in the Cultural Resources Monitoring Agreement.

Contract History and Price Reasonableness

The Soboba Band of Luiseño Indians submitted monitoring invoices, which totaled \$146,000 above the \$350,000 contract amount. County staff worked with Soboba Band of Luiseño Indians to reduce this to \$63,798, which was determined to be a reasonable settlement amount (see attached letter).



Soboba Band of Luiseno Indians

P.O. BOX 487 • SAN JACINTO, CA 92581 • TELEPHONE (951) 654-2765
mcastello@soboba-nsn.gov

OFFICE OF TRIBAL ADMINISTRATOR

August 18, 2014

Andrew Huneck
Senior Transportation Planner
Riverside County Transportation Department
County of Riverside
3525 14th Street
Riverside, CA 92501

Dear Mr. Huneck:

This letter is in response to your correspondence to Joseph Ontiveros of the Soboba Cultural Department, requesting a compromise of the amount owed to the Soboba Band by the County of Riverside for monitoring services in relation to the widening of Route 79 project between June 2012 and March 2014. After review of the work completed on this project, the Soboba Tribal Council has determined that the amount of \$63,798 is a reasonable settlement. This offer is conditioned upon the Soboba Band receiving this amount within sixty (60) days from the date of this letter, if possible.

If this amount is agreeable to the County of Riverside, please forward the amount of \$63,798 as final settlement of any and all amounts owing on this project, to the Soboba Band within sixty (60) days, to the following address:

Soboba Band of Luiseno Indians
PO Box 487
San Jacinto, CA 92581
Attn: Xochitl Ramos, Chief Financial Officer

Thank you in advance for your prompt cooperation in expediting this payment. If you have any questions, please contact me via phone at 951-654-2765, ext. 4101 or email at mcastello@soboba-nsn.gov.

Sincerely,

Michael Castello
Tribal Administrator

**FIRST AMENDMENT TO
CULTURAL RESOURCE MONITORING AGREEMENT BETWEEN THE
SOBOBA BAND OF LUISEÑO INDIANS AND
THE COUNTY OF RIVERSIDE**

RECITALS:

- A. WHEREAS, the County of Riverside (COUNTY) and the Soboba Band of Luiseño Indians (SOBOBA TRIBE) entered into the above referenced Agreement on March 12, 2013 with regard to the construction of improvements by COUNTY to State Route 79, from Thompson Road to Domenigoni Parkway; and
- B. WHEREAS, due to the discovery of an unanticipated number of cultural resources within the project area, it was necessary to have full-time cultural monitoring during all ground disturbing activities.

NOW, THEREFORE, THE PARTIES DO HEREBY AGREE TO AMEND THE AGREEMENT AS FOLLOWS:

Section 7. Fee of the Agreement is modified to read as follows:

“7. Fee. Monitoring shall be provided for a not-to-exceed fee of \$413,798.”

All other terms and conditions of the Agreement not modified herein remain in full force and effect.

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APPROVALS
COUNTY Approvals
RECOMMENDED FOR APPROVAL:

SOBOBA BAND OF LUISEÑO INDIANS



Dated: 11/6/14
Juan C. Perez
Director of Transportation
and Land Management
Patricia Romo
Assistant Director of Transportation

Dated: _____
Chairperson

APPROVED AS TO FORM:
GREGORY P. PRIAMOS



Dated: 11/4/14
By Deputy

APPROVAL BY THE BOARD OF SUPERVISORS

Dated: _____
Jeff Stone, Chairperson

ATTEST:

Dated: _____
KECIA HARPER-IHEM
Clerk of the Board