

**COUNTY OF SONOMA  
AGENDA ITEM  
SUMMARY REPORT**

**Clerk of the Board Use Only**  
**Meeting Date** / / **Held Until** / /  
**Agenda Item No:** \_\_\_\_\_ **Agenda Item No:** \_\_\_\_\_

**Department:** County Counsel/ CAO

( ) **4/5 Vote Required**

**Contact:**

Jeff Brax  
Lori Norton

**Phone:**

565 2421  
565 3345

**Board Date:**

04/07/09

**Deadline for Board Action:**

**AGENDA SHORT TITLE:**

Amendment to Memorandum of Understanding by and between the County of Sonoma and the Federated Indians of Graton Rancheria

**REQUESTED BOARD ACTION:**

1. Approve and authorize the Board Chair to execute Amendment No. 1 to the Memorandum of Understanding By and Between the County of Sonoma and the Federated Indians of Graton Rancheria.

**CURRENT FISCAL YEAR FINANCIAL IMPACT**

**EXPENDITURES**

**Estimated Cost** \$

**Amount Budgeted** \$

**Other Avail Approp.** \$  
(Explain below)

**Additional Requested:** \$

**Explanation (if required):**

**ADD'L FUNDS REQUIRING BOARD**

**Contingencies** \$  
(Fund Name:)

**Unanticipated Revenue** \$  
(Source:)

**Other Transfer(s)** \$  
(Source:)

**Add'l Funds Requested:** \$

**Prior Board Action(s):**

11/01/04 Board approved the subject MOU.

**Alternatives - Results of Non-Approval:**

The MOU would continue to apply, and would require the County and Tribe to submit complete, last and best offers for a Comprehensive Intergovernmental Agreement by April 13, 2009.

**Background:**

Effective November 1, 2004, the County of Sonoma and the Federated Indians of Graton Rancheria (Tribe) entered a Memorandum of Understanding (MOU) regarding, among other things, mitigation of the significant impacts of the Graton Rancheria Casino and Hotel Project (proposed project).

The MOU requires each party to submit to the other their complete, last, and best offer of a Comprehensive Intergovernmental Agreement not later than forty-five (45) days after the date of publication of the Final Environmental Impact Statement (Final EIS), "or such later date as the Parties may mutually agree in writing." The MOU also authorized either party to demand binding arbitration during the period from fifty-five (55) days until seventy-five (75) days after publication of the Final EIS, "or such later date as the Parties may mutually agree in writing."

The Final EIS was published on or about February 27, 2009, triggering the 45-day time period to submit final mitigation offers, and the 55- to 75-day period to demand arbitration.

The County and Tribe have mutually agreed to toll the time periods until such time as either party requests in writing to lift the tolling period. The written request would trigger a new, 90-day period to submit last, best offers of a comprehensive agreement. The proposed tolling would thus allow additional time for staff and the Tribe to negotiate the many issues implicated by the proposed project. Amendment 1 to the MOU formalizes this agreement.

The recommendation before you is to approve and authorize the Board Chair to execute Amendment No. 1 to the MOU. Staff have obtained signatures from the Tribal chairperson and counsel for the Tribe.

**Attachments:**

**On File With Clerk:** Amendment 1 to the Memorandum of Understanding By and Between the County of Sonoma and the Federated Indians of Graton Rancheria

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**