



City Hall Council Chamber  
1515 Sixth Street, Coachella, California  
(760) 398-3502 ♦ [www.coachella.org](http://www.coachella.org)

# AGENDA

OF A REGULAR MEETING  
OF THE  
CITY OF COACHELLA  
DILLON ROAD JOINT POWERS AUTHORITY

**October 02, 2024**  
10:00 AM

<p>In-Person Meeting Location:</p> <p>Coachella City Hall Council Chamber 1515 Sixth Street Coachella, CA</p>	<p><b>If you would like to attend the meeting via Zoom, here is the link:</b></p> <p><a href="https://us02web.zoom.us/j/88457271898?pwd=REdzU1NoOmpVSFhWTDVaZ0VCekYxdz09">https://us02web.zoom.us/j/88457271898?pwd=REdzU1NoOmpVSFhWTDVaZ0VCekYxdz09</a> Or One tap mobile : 16699006833,,88457271898#,,,,*606140# Or Telephone: US: +1 669 900 6833 <b>Webinar ID: 884 5727 1898</b> <b>Passcode: 606140</b></p> <p><b>Spanish:</b> El idioma español está disponible en Zoom seleccionado la opción en la parte de abajo de la pantalla</p>
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- Public comments may be received **either in person, via email, telephonically, or via Zoom** with a limit of **250 words, or three minutes:**
  - **In Real Time:**

If participating in real time via Zoom or phone, during the Public Comment Period, use the “**raise hand**” function on your computer, or when using a phone, participants can raise their hand by pressing \*9 on the keypad.
  - **In Writing:**

Written comments may be submitted to the City Council electronically via email to [cityclerk@coachella.org](mailto:cityclerk@coachella.org). Transmittal **prior to the start** of the meeting is required. All written comments received will be forwarded to the City Council and entered into the record.
  - If you wish, you may leave a message at (760) 262-6240 before 5:30 p.m. on the day of the meeting.
- The **live stream** of the meeting may be **viewed online** by accessing the city's website at [www.coachella.org](http://www.coachella.org), and clicking on the "**Watch Council Meetings**" tab located on the home page, and then clicking on the "live" button.

**CALL TO ORDER:**

**ROLL CALL:**

**APPROVAL OF AGENDA:**

“At this time the Authority may announce any items being pulled from the agenda or continued to another date or request the moving of an item on the agenda.”

**APPROVAL OF THE MINUTES:**

NONE.

**PRESENTATIONS:**

NONE

**CONSENT CALENDAR:**

NONE

**NEW BUSINESS CALENDAR (LEGISLATIVE AND ADMINISTRATIVE):**

1. Adopt Resolution DR-2024-01 Federal Highway Bridge Project (HBP) 5294(018): Relinquish Project Management and Project Lead Rights and Responsibilities of HBP 5294-018 from the City of Coachella to the Twenty-Nine Palms Band of Mission Indians, Per Assembly Bill AB 2261
2. Adopt Resolution DR-2024-02 Authorizing the Termination of the Joint Exercise Powers Agreement and the Dissolution of the Dillon Road Joint Powers Authority

**PUBLIC COMMENTS:**

“The public may address the Authority on any item of interest to the public that is not on the agenda, but is within the subject matter jurisdiction thereof. Please limit your comments to three (3) minutes.”

**REPORTS AND REQUESTS:**

**ADJOURNMENT:**

*Complete Agenda Packets are available for public inspection at the  
City Clerk's Office at 53-462 Enterprise Way, Coachella, California, and on the  
City's website [www.coachella.org](http://www.coachella.org).*

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES

# Dillon Road Joint Powers Authority

*Cabazon Band of Mission Indians  
City of Coachella  
Twenty-Nine Palms Band of Mission Indians*

**STAFF REPORT**  
**10/2/2024**

**TO:** Dillon Road Joint Powers Authority Chair and Board Members

**FROM:** Andrew Simmons, City Engineer, City of Coachella

**SUBJECT:** ADOPT RESOLUTION DR-2024-01 FEDERAL HIGHWAY BRIDGE PROJECT (HBP) 5294(018): RELINQUISH PROJECT MANAGEMENT AND PROJECT LEAD RIGHTS AND RESPONSIBILITIES OF HBP 5294-018 FROM THE CITY OF COACHELLA TO THE TWENTY-NINE PALMS BAND OF MISSION INDIANS, PER ASSEMBLY BILL AB 2261.

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## **STAFF RECOMMENDATIONS:**

Adopt resolution DR-2024-01 Federal Highway Bridge Project (HBP) 5294(018): Relinquish project management and project lead rights and responsibilities of HBP 5294-018 from The City of Coachella to the Twenty-Nine Palms Band of Mission Indians, Per Assembly Bill AB 2261.

## **BACKGROUND:**

The City of Coachella (City), The Cabazon Band of Mission Indians, Twenty Nine Palms Band of Mission Indians and the Coachella Valley Association of Governments (CVAG) have worked successfully and cooperatively to advance a Federal Transportation project for the replacement of the Dillon Road Bridge over the Coachella Valley Storm Channel, Project 5294(018), hereafter referred to as “Project”.

In November of 2018, The Dillon Road Joint Powers Authority was established and a Joint Exercise of Powers Agreement was entered into to help advance the Project. The JPA empowered and authorized the City of Coachella to enter into contracts for the JPA and authorized the City to execute and administer professional services with Angenious Engineering Services to update CEQA, complete NEPA and complete the PA-ED phase of the Project. In addition, in January 2020 per Resolution No. DR-2020-01, the JPA authorized the City utilize its Local Code to apply for Highway Bridge Program Funds (HBP), act as the “Lead Agency” under the California Environmental Quality Act, and administer the project.

## **DISCUSSION/ANALYSIS:**

The JPA, with financial assistance from CVAG and the cooperation of CALTRANS has successfully completed the Federal NEPA process and the PA-ED portions of the Project. However, during the NEPA process and prior to authorization of the PS&E phase of the project, some clarity was required relative to the ownership of the actual bridge structure and the easement

containing the bridge structure. These issues have been successfully resolved and it has been determined that the bridge structure, the underlying land and easements are all owned by Twenty Nine Palms Band of Mission Indians. In 2023 The City of Indio passed a resolution officially relinquishing any rights of ownership or responsibility towards the bridge structure.

Since the bridge and the underlying land are both owned by Twenty Nine Palms Band of Mission Indians, the JPA has sought to allow Twenty Nine Palms to act as a lead agency in lieu of the City of Coachella. However, this was not allowed under current state law. In order to remedy this situation, the Twenty Nine Palms Band of Mission Indians successfully lobbied the state to pass Assembly Bill AB-2261, which was summarized by the California Senate Transportation Committee as follows:

*The Problem. The Dillon Road Joint Powers Authority (DRJPA) was created by the City of Coachella, the Cabazon Band of Mission Indians and the Twenty-Nine Palms Band of Mission Indians. The DRJPA authorized the City of Coachella to apply for federal funding to widen Dillon Road between State Route 86 and Avenue 48, including the bridge over the Coachella Valley Stormwater Channel. The City successfully obtained \$49 million in federal and local funding which covers the entire project cost. However, construction has been held up because of Caltrans concerns over fund distribution because the bridge is owned by the tribes. This bill is intended to resolve those concerns and allow construction to proceed.*

The Bill modified Division 3 of the Street and Highways Code, Chapter 18: Federal Aid for Tribes, section 2702 by adding the following language:

*To the extent permitted by federal and state law, a federally recognized Native American tribe shall be eligible for federal funding for a transportation project and may be the lead agency for a transportation project that receives federal funding.*

**SEC. 2.**

*This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:*

*Twenty-Nine Palms Band of Mission Indians is embarking on a series of transportation improvement projects, including safety projects. Providing opportunity for federally recognized tribes to receive independent transportation funding is essential to the success of critical projects and will help ensure the timely delivery of transportation safety projects.*

Given the successful completion of the PA-ED portions of the project and the successful resolution of ownership questions related to the property and the structure, and given the passage of Assembly Bill AB 2261 it is recommended that this JPA adopt Resolution DR-2024-01 to relinquish lead agency and project management rights and responsibilities from the City of Coachella and empower those rights and responsibilities to Twenty Nine Palms Band of Mission Indians.

**RESOLUTION NO. DR-2024-01**

**A RESOLUTION OF THE DILLON ROAD JOINT POWERS AUTHORITY AUTHORIZING THE CITY OF COACHELLA RELINQUISH AUTHORITY AS THE LEAD AGENCY UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE HIGHWAY BRIDGE PROGRAM FUNDS, PROJECT NO. 5294-(018), AND DELEGATING AUTHORITY TO THE TWENTY NINE PALMS BAND OF MISSION INDIANS TO ACT AS LEAD AGENCY FOR THE HIGHWAY BRIDGE PROGRAM FUNDS, PROJECT NO. 5294(018) INCLUDING ADMINISTRATION OF ALL CONTRACTS AND PROJECT MANAGEMENT RESPONSIBILITIES THEREIN.**

**WHEREAS**, the Board of Directors of the Dillon Road Joint Powers Authority (“Board of Directors”) desire to advance The Dillon Road Bridge Replacement over the Coachella Valley Stormwater Channel Project (Project) listed as Project 5294-(018) with the State of California Highway Bridge Program (“HBP”); and,

**WHEREAS**, the Board of Directors had previously authorized and empowered the City of Coachella (“City”) to utilize its Local Code (“Locode”) for applying for HBP funds, and be the applicant and administrator for HBP funds; and ,

**WHEREAS**, Consistent with the authority empowered upon the City, the City has successfully secured HBP funds for the project and completed a final NEPA document for the advancement of the project; and,

**WHEREAS**, during the Project Approval and Environmental Documentation phases of the project it was determined and resolved that the bridge structure and the underlying land are the property of Twenty Nine Palms Band of Mission Indians; and,

**WHEREAS**, the State of California has passed Assembly bill 2261, which modified the State Street and Highways Code Chapter 18 such that: To the extent permitted by federal and state law, a federally recognized Native American tribe shall be eligible for federal funding for a transportation project and may be the lead agency for a transportation project that receives federal funding; and,

**WHEREAS**, the Board of Directors desires to allow Twenty Nine Palms Band of Mission Indians to act as Lead Agency for the HBP funds associated with the Project in accordance with Assembly bill 2261,

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Dillon Road Joint Powers Authority, as follows:**

**SECTION 1.** The Board of Directors hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

**SECTION 2.** The Dillon Road Joint Powers Authority hereby relinquishes the City as the CEQA lead agency for the Project, and relinquishes the authority of the City of Coachella to act as administrator of the Dillon Road bridge over the Coachella Valley Storm Water Channel, Project # 5294 (018)

**SECTION 2.** The Dillon Road Joint Powers Authority hereby designates the Twenty Nine Palms Band of Mission Indians as the appropriate CEQA lead agency for the Project, authorizes the Twenty Nine Palms Band of Mission Indians to administer the Dillon Road bridge over the Coachella Valley Storm Water Channel, Project # 5294 (018)

**SECTION 3.** This Resolution shall take effect immediately upon its adoption by the Board of Directors, and the Clerk of the Dillon Road Joint Powers Authority shall attest to and certify the vote adopting this Resolution.

**PASSED, APPROVED and ADOPTED** this 2<sup>nd</sup> day of October 2024.

\_\_\_\_\_  
Darrell Mike  
Chair

**ATTEST:**

\_\_\_\_\_  
Delia Granados  
Secretary of the Authority

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carlos Campos  
Authority Attorney

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF COACHELLA            )

**I HEREBY CERTIFY** that the foregoing Resolution No. DR-2020-01 was duly adopted by the Board of Directors of the Dillon Road Joint Powers Authority at a regular meeting thereof, held on the 3<sup>rd</sup> day of October 2024, by the following vote of the Authority:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Delia Granados  
Secretary of the Authority

## Assembly Bill No. 2261

### CHAPTER 102

An act to add Chapter 18 (commencing with Section 2702) to Division 3 of the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor July 15, 2024. Filed with Secretary of State July 15, 2024. ]

## LEGISLATIVE COUNSEL'S DIGEST

AB 2261, Garcia. Transportation: federal funding: tribes.

Existing law provides for the use and allocation of various federal transportation funding sources, including, but not limited to, the Federal-Aid Secondary Highways Act, the Federal-Aid Combined Road Plan Act, and the Federal Aid for Safer Off-System Roads Act.

This bill would, to the extent permitted by federal and state law, require a federally recognized Native American tribe to be eligible for federal funding for a transportation project and authorize the tribe to be the lead agency for a transportation project that receives federal funding.

This bill would declare that it is to take effect immediately as an urgency statute.

### Digest Key

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

### Bill Text

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Chapter 18 (commencing with Section 2702) is added to Division 3 of the Streets and Highways Code, to read:

#### CHAPTER 18. Federal Aid for Tribes

2702. To the extent permitted by federal and state law, a federally recognized Native American tribe shall be eligible for federal funding for a transportation project and may be the lead agency for a transportation project that receives federal funding.

**SEC. 2.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Twenty-Nine Palms Band of Mission Indians is embarking on a series of transportation improvement projects, including safety projects. Providing opportunity for federally recognized tribes to receive independent transportation funding is essential to the success of critical projects and will help ensure the timely delivery of transportation safety projects.



# Dillon Road Joint Powers Authority

*Cabazon Band of Mission Indians  
City of Coachella  
Twenty-Nine Palms Band of Mission Indians*

**STAFF REPORT**  
**10/2/2024**

**TO:** Dillon Road Joint Powers Authority Chair and Board Members

**FROM:** Andrew Simmons, City Engineer, City of Coachella

**SUBJECT: ADOPT RESOLUTION DR-2024-02 AUTHORIZING THE TERMINATION OF THE JOINT EXERCISE POWERS AGREEMENT, AND THE DISSOLUTION OF THE DILLON ROAD JOINT POWERS AUTHORITY.**

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**STAFF RECOMMENDATIONS:**

Adopt Resolution DR-2024-02 Authorizing the Termination of the Joint Exercise Powers Agreement (agreement), and the dissolution of the Dillon Road Joint Powers Authority, per Article 7 of the agreement.

**BACKGROUND:**

The City of Coachella (City), The Cabazon Band of Mission Indians, Twenty Nine Palms Band of Mission Indians and the Coachella Valley Association of Governments (CVAG) have worked successfully and cooperatively to advance a Federal Transportation project for the replacement of the Dillon Road Bridge over the Coachella Valley Storm Channel, Project 5294(018), hereafter referred to as “Project”.

In November of 2018, The Dillon Road Joint Powers Authority was established and a Joint Exercise of Powers Agreement was entered into to help advance the Project. The JPA empowered and authorized the City of Coachella to enter into contracts for the JPA and authorized the City to execute and administer professional services with Angenious Engineering Services to update CEQA, complete NEPA and complete the PA-ED phase of the Project. In addition, in January 2020 per Resolution No. DR-2020-01, the JPA authorized the City utilize its Local Code to apply for Highway Bridge Program Funds (HBP), act as the “Lead Agency” under the California Environmental Quality Act, and administer the project.

The City thru its empowerment from the JPA has successfully secured HBP funding for the completion of the project and has successfully completed the PA ED administrative needs of the project, including adoption of a federally approved NEPA document. The City and the Tribes have also worked successfully to clarify all property right disputes within the project boundaries and the California State assembly has successfully passed AB 2261, which empowers federally

recognized tribal organizations with the ability to administer and act as lead agencies for federally funded projects.

Given the completion of the PA ED phase of project, the resolution of ownership disputes and given the adoption of the final NEPA documentation, it has been determined that future participation in the Dillon Road Joint Powers Authority is no longer necessary. The Twenty Nine Palms Band of Mission Indians has the full rights and responsibilities under Assembly bill 2261 to pursue the completion of the project as the lead agency and engage in the project management and delivery of the project at their discretion.

### **DISCUSSION/ANALYSIS:**

Per Article 7: Termination / Agreement,

**7.1 Duration and Termination.** This Agreement shall become effective as of the Effective Date and shall continue in full force and effect until terminated by the mutual written consent of all Member Agencies; provided, however, that this Agreement and the Authority shall continue to exist for the purpose of disposing of all claims, distribution of assets, and all other functions necessary to conclude the affairs of the Authority. The withdrawal of a Member Agency pursuant to Section 7.3 shall not terminate that Member Agency's responsibility to contribute to its share of any obligation incurred by the Board, including amounts determined by the Board for (1) liabilities and claims accrued during the time the agency was a Member Agency or (2) budgeted expenses for the Fiscal Year in which notice of intent to withdraw is given. Notwithstanding the above, the Parties hereto agree and acknowledge that this Agreement may only be terminated during the first year of its term if approved by the governing boards of each Member Agency.

**7.2 Amendment.** This Agreement may be amended at any time by the written consent of the governing bodies of the Member Agencies. The purpose of any such amendment can be the addition of new Member Agencies to the Authority.

**7.3 Withdrawal.** Notwithstanding any other provision of this Agreement, any Member Agency may withdraw from the Authority by providing the Authority with written notice of its intent to withdraw within the first seven (7) days after the commencement of each Fiscal Year. Such notice shall not become effective until the last day of the Fiscal Year in which notice was given; provided, however, that any Member Agency may withdraw, effective on the first anniversary of the Effective Date, by providing the Board of Directors with written notice of such withdrawal at least thirty (30) days before the first anniversary of the Effective Date. A withdrawal from the Authority constitutes a withdrawal of that Member Agency's representatives from the Board of Directors.

**7.4 Effect of Withdrawal.** The Authority consists of three (3) Member Agencies. When there is a withdrawal by two Member Agencies, this Agreement shall terminate, subject to the provisions of Section 7 .1. Upon termination of this Agreement by withdrawal and after payment of all liabilities, costs, expenses, and charges validly incurred under this Agreement pursuant to Section 7 .1, all remaining assets of the Authority shall be disbursed among Member Agencies. All assets shall be divided among the Member

Agencies in accordance with and proportionate to their cash contributions (including property at market value when received) made during the term of this Agreement, if it is feasible to do so. However, the Board may, in its discretion and by a majority vote of the then-current Directors of the Board of Directors, distribute assets without regard to a Member Agency's contribution.

Per sections 7.1 and 7.4, no liabilities claims or assets exist against the JPA. No distribution of liabilities or assets is required since no such liabilities or assets exist. In addition, per section 7.4, if two member agencies wish to withdraw from the JPA, then the Joint Powers Authority Agreement shall terminate.

By adoption of this Resolution and approval of this staff recommendation, this staff report shall serve as written notification of each agencies wish to withdraw from the JPA and terminate the Joint Powers Authority Agreement.

**RESOLUTION NO. DR-2024-02****A RESOLUTION OF THE DILLON ROAD JOINT POWERS AUTHORITY  
AUTHORIZING THE TERMINATION OF THE JOINT EXERCISE  
POWERS AGREEMENT, AND THE DISSOLUTION OF THE DILLON  
ROAD JOINT POWERS AUTHORITY.**

**WHEREAS**, the Board of Directors of the Dillon Road Joint Powers Authority (“Board of Directors”) desire to advance The Dillon Road Bridge Replacement over the Coachella Valley Stormwater Channel Project (Project) listed as Project 5294-(018) with the State of California Highway Bridge Program (“HBP”); and,

**WHEREAS**, the Board of Directors of the The Dillon Road Joint Powers Authority has designated the Twenty Nine Palms Band of Mission Indians as the appropriate CEQA lead agency for the Project, and authorized the Twenty Nine Palms Band of Mission Indians to administer the Dillon Road bridge over the Coachella Valley Storm Water Channel, Project # 5294 (018); and,

**WHEREAS**, the State of California has passed Assembly bill 2261, which modified the State Street and Highways Code Chapter 18 such that: To the extent permitted by federal and state law, a federally recognized Native American tribe shall be eligible for federal funding for a transportation project and may be the lead agency for a transportation project that receives federal funding; and,,

**WHEREAS**, during the Project Approval and Environmental Documentation phases of the project it was determined and resolved that the bridge structure and the underlying land are the property of Twenty Nine Palms Band of Mission Indians; and,

**WHEREAS**, the Board of Directors desires to allow Twenty Nine Palms Band of Mission Indians to act as Lead Agency for the HBP funds associated with the Project in accordance with Assembly bill 2261, and,

**WHEREAS**, the Board of Directors recognizes the legal authority of Twenty Nine Palms Band of Mission Indians to pursue completion of the project under its own management and lead responsibilities separate from the Dillon Road Joint Powers Authority; and,

**WHEREAS**, Article 7 of the Joint Exercise Powers Agreement establishes provisions for the withdrawal of member agencies from the JPA and the termination of the agreement

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Dillon Road Joint Powers Authority, as follows:**

**SECTION 1.** The Board of Directors hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

**SECTION 2.** The Dillon Road Joint Powers Board have received notice of desire to withdraw by two or members of the Board per Article 7 of the Joint Exercise Powers Agreement.

**SECTION 3.** The Dillon Road Joint Powers Authority hereby orders the dissolution of the Dillon Road Joint Powers Authority and the Termination of the Joint Exercise Powers Agreement, in accordance with Article 7 of the agreement.

**SECTION 4.** This Resolution shall take effect immediately upon its adoption by the Board of Directors, and the Clerk of the Dillon Road Joint Powers Authority shall attest to and certify the vote adopting this Resolution.

**PASSED, APPROVED and ADOPTED** this 2<sup>nd</sup> day of October 2024.

\_\_\_\_\_  
Darrell Mike  
Chair

**ATTEST:**

\_\_\_\_\_  
Delia Granados  
Secretary of the Authority

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carlos Campos  
Authority Attorney

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

**I HEREBY CERTIFY** that the foregoing Resolution No. DR-2024-02 was duly adopted by the Board of Directors of the Dillon Road Joint Powers Authority at a regular meeting thereof, held on the 3<sup>rd</sup> day of October 2024, by the following vote of the Authority:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Delia Granados  
Secretary of the Authority