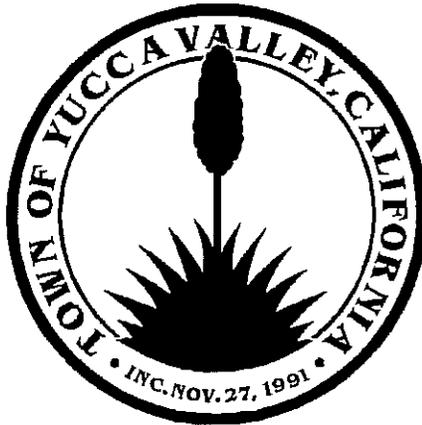


TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING



*The Mission of the Town of Yucca Valley is to
provide a government that is responsive to its citizens
to ensure a safe and secure environment
while maintaining the highest quality of life.*

**TUESDAY, MAY 17, 2011
CLOSED SESSION: 5:00 P.M.
TOWN COUNCIL: 6:00 P.M.
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

**CLOSED SESSIONS
YUCCA VALLEY TOWN HALL CONFERENCE ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

* * * *

TOWN COUNCIL
*George Huntington, Mayor
Frank Luckino, Mayor Pro Tem
Isaac Hagerman, Council Member
Dawn Rowe, Council Member*

* * * *

**TOWN ADMINISTRATIVE OFFICE:
760-369-7207
www.yucca-valley.org**

**AGENDA
MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY, MAY 17, 2011, 6:00 P.M.**

The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's Office at 760-369-7209 at least 48 hours prior to the meeting.

An agenda packet for the meeting is available for public view in the Town Hall lobby and on the Town's website, www.yucca-valley.org, prior to the Council meeting. Any materials submitted to the Agency after distribution of the agenda packet will be available for public review in the Town Clerk's Office during normal business hours and will be available for review at the Town Council meeting. Such documents are also available on the Town's website subject to staff's ability to post the documents before the meeting. For more information on an agenda item or the agenda process, please contact the Town Clerk's office at 760-369-7209 ext. 226.

If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Town Clerk. The Mayor/Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Subsection (a) of Section 54956.9(a), Ronald Green and Sharon Green vs. County of San Bernardino, City of Yucca Valley, Case No. CIVMS 800111.
2. CONFERENCE WITH LABOR NEGOTIATORS
Government Code Section 54957.6(a), Negotiators: Mark Nuaimi, Dani Lassetter
Employee Organization(s), Unrepresented Exempt, Unrepresented Non-Exempt

(WHERE APPROPRIATE OR DEEMED NECESSARY, ACTION MAY BE TAKEN ON ANY ITEM LISTED IN THE AGENDA)

OPENING CEREMONIES

3. Oath of office to newly appointed Council Member Abel

CALL TO ORDER

ROLL CALL: Council Members Abel, Hagerman, Luckino, Rowe and Mayor Huntington.

PLEDGE OF ALLEGIANCE

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

- P1 4. Proclamation commemorating the 10th Anniversary of Yucca Valley's California Welcome Center
- P2 5. Proclamation commemorating the 75th Anniversary of the Joshua Tree National Park

AGENCY REPORTS

Fire Department

- P3 6. Monthly Report for May 2011

Chamber of Commerce

- 7. Monthly Report for May 2011

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Voice Vote _____

CONSENT AGENDA

- P5 8. Special Town Council Meeting Minutes of April 25, 2011, Regular Town Council Meeting Minutes of May 3, 2011.

Recommendation: Approve minutes as presented.

- 9. Waive further reading of all ordinances (if any in the agenda) and read by title only.

Recommendation: Waive further reading of all ordinances and read by title only.

- P18 10. FY 2010-11 Audit Engagement Authorization

Recommendation: Review the attached engagement letter between the Town of Yucca Valley and RAMS (Rogers, Anderson, Malody & Scott, LLP) related to audit services for the year ending June 30, 2011 and authorize the Town's Director of Administrative Services to sign the

engagement letter.

- P27 11. Del Monte Avenue Improvements, Town Project No. 8344, San Andreas Road to Santa Barbara Drive, Final Project Report and Acceptance of Improvements, FY 2010-11 Budget Amendment

Recommendation: Accept the construction of the Del Monte Avenue Improvements, Town Project No. 8344 by William Kanayan Construction as substantially complete and (a) Authorize Town staff to file the Notice of Completion with the County Recorder, (b) Authorize Town staff to release the Performance Bond in the amount of \$260,911.20, (c) Authorize staff to release retention monies in the amount of \$27,749.82 to the contractor thirty five days from date of acceptance of improvements, and (d) Amend the FY 2010-11 LTF 516 Adopted Budget by adding project 516 55 59 8310 8351 Fortuna Avenue and transfer \$20,000 from project 516 55 59 8310 8344 Del Monte Avenue Improvements to the new project.

- P38 12. Assessment Districts Update Resolution

A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF YUCCA VALLEY, CALIFORNIA CAUSING AN ENGINEER'S REPORT TO BE PREPARED FOR ASSESSMENTS TO BE LEVIED WITHIN EXISTING ASSESSMENT DISTRICTS DURING THE 2011-2012 TAX YEAR AND PRELIMINARILY APPROVING THE ASSESSMENT ENGINEERING REPORTS AND SETTING A PUBLIC HEARING DATE TO CONSIDER THE LEVY OF ASSESSMENTS WITHIN THE EXISTING ASSESSMENT DISTRICTS FOR THE 2011-12 TAX YEAR

Recommendation: Adopt the Resolution amending the FY 2010-11 budget and adopt a Resolution, Approve the Resolution (a) directing the preparation of an assessment engineer's report describing any new improvements or any substantial changes in the existing improvements in the existing assessment districts, (b) preliminarily approving the engineering reports for the existing assessment districts and directing the filing of such reports with the Town Clerk, and (c) setting the date for conducting a public hearing on Tuesday, June 21, 2011, at 6:00 P.M. in the Yucca Valley Community Center, 57909 29 Palms Highway, Yucca Valley, CA 92284 pursuant to California Streets and Highways Code Sections 22552 and 22553 and Government Code Section 53753.5, to consider the levy of annual assessments upon real property.

- P87 13. December 2010 Storm Events, Second Amendment to the Street Sweeping Services Agreement, Storm Recovery Contract Compensation Increase to \$77,000

Recommendation: Approve the second Amendment to the Service Agreement with Quality Street Services, Inc., dated September 27, 2005, increasing the Storm Recovery Compensation from \$50,000 to \$77,000, authorizing the Town Manager to sign all necessary documents.

P100 14. LTF Claim for Local Streets & Roads

Recommendation: Authorize the Director of Administrative Services to file and claim with the San Bernardino County Associated Governments (SANBAG) for Local Transportation Funds (LTF) in the amount of \$112,723.00.

P104 15. Sales Tax Analysis Professional Services Authorization

Recommendation: (a) Authorize the Town Manager to execute a professional services contract with Fieldman/Rolapp & Associates to perform a review, analysis and other services related to a potential local transaction and use tax measure. (b) Amend the FY 2010-11 Adopted Budget by appropriating \$25,000 from General Fund Undesignated Reserves to project 001 10 10 7110 8013 000 Professional Services.

P154 16. First Amendment to the Town of Yucca Valley Employment Agreement Dated June 17, 2010 between the Town of Yucca Valley and Mark Nuaimi

Recommendation: Approve the first amendment to the Town of Yucca Valley Employment Agreement dated June 17, 2010 between the Town of Yucca Valley and Mark Nuaimi.

P157 17. Warrant Register – May 17, 2011.

Recommendation: Ratify the Warrant Register total of \$399,231.21 for checks dated May 5, 2011. Ratify Payroll Registers total of \$125,165.67 for checks dated April 29, 2011.

All items listed on the consent calendar are considered to be routine matters or are considered formal documents covering previous Town Council instruction. The items listed on the consent calendar may be enacted by one motion and a second. There will be no separate discussion of the consent calendar items unless a member of the Town Council or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting. Public requests to comment on consent calendar items should be filed with the Town Clerk/Deputy Town Clerk before the consent calendar is called.

Recommendation: Adopt Consent Agenda (items 8-17)(roll call vote)

Action: Move_____2nd_____Roll Call Vote_____

PUBLIC HEARING

- P164 18. Environmental Assessment, EA 01-11, Conditional Use Permit, CUP 03-11, Specific Plan S 01-11, Senior Affordable Housing Project

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING SPECIFIC PLAN S 01-11, YUCCA VALLEY SENIOR affordable HOUSING SPECIFIC PLAN

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT, CUP 01-11 FOR ASSESSOR PARCEL NUMBERS 595-371-11 AND A PORTION OF 595-361-21

Staff Report

Open Public Hearing

Recommendation: As recommended by the Planning Commission at their meeting of May 12, 2011: (a) Approve the Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Assessment, EA 01-11; (b) Approve the Specific Plan, S 01-11 based on the findings contained within the staff report and the recommended Conditions of Approval, and introduces the accompanying Ordinance; (c) Approve the Conditional Use Permit, CUP 03-11, based on the findings contained within the staff report and the recommended Conditions of Approval and the accompanying Resolution.

Action: Move_____2nd_____Roll Call Vote_____.

DEPARTMENT REPORTS

- P246 19. FY 2011-12 Proposed Budget – Personnel Benefits Review

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO
CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE TOWN
COUNCIL TOWN OF YUCCA VALLEY

Staff Report

Recommendation: (a) Review and discuss the proposed benefit changes, and direct staff to incorporate the identified changes, with any modifications, into the FY 2011-12 Proposed Budget returning to Council in June 2011; and (b) Introduce the Ordinance amending the Town's Contract with the California Public Employees Retirement System (CalPERS) establishing a new retirement benefit formula for new full-time employees hired on or after July 16, 2011; (c) Adopt a corresponding resolution amending the Town's contract with the California Public Employees Retirement System (CalPERS) establishing a new retirement benefit formula for new full-time employees hired on or after July 16, 2011.

Action: Move _____ 2nd _____ Roll Call Vote _____.

POLICY DISCUSSION

FUTURE AGENDA ITEMS

PUBLIC COMMENTS

In order to assist in the orderly and timely conduct of the meeting, the Council takes this time to consider your comments on items of concern which are on the Closed Session or not on the agenda. When you are called to speak, please state your name and community of residence. Notify the Mayor if you wish to be on or off the camera. Please limit your comments to three (3) minutes or less. Inappropriate behavior which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting will result in forfeiture of your public comment privileges. The Town Council is prohibited by State law from taking action or discussing items not included on the printed agenda.

STAFF REPORTS AND COMMENTS

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

20. Council Member Abel
21. Council Member Hagerman

22. Council Member Rowe
23. Mayor Pro Tem Luckino
24. Mayor Huntington

ANNOUNCEMENTS

Time, date and place for the next Town Council meeting.

Next Town Council Meeting, Tuesday, June 7, 2011, 6:00 p.m.

CLOSING ANNOUNCEMENTS

ADJOURNMENT

Yucca Valley Town Council

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Town of Yucca Valley Town Council in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Yucca Valley Town Council, Commissions and Committees.

Agendas - All agendas are posted at Town Hall, 57090 Twentynine Palms Highway, Yucca Valley, at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the Town Hall offices located at 57090 Twentynine Palms Highway, Yucca Valley.

Agenda Actions - Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Town Council will generally consider items in the order listed on the agenda. However, items may be considered in any order. Under certain circumstances new agenda items can be added and action taken by two-thirds vote of the Town Council.

Closed Session Agenda Items - Consideration of closed session items, *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Mayor will announce the subject matter of the closed session. If final action is taken in closed session, the Mayor shall report the action to the public at the conclusion of the closed session.

Public Testimony on any Item - Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Town Council should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Town Clerk prior to the Council's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak. When recognized by the Mayor, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Council, speakers are limited to up to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Council at any one meeting. The Mayor or a majority of the Council may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Council member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times - The Council is concerned that discussion takes place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment - At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject with Council's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in Rule #4 still apply.*

Disruptive Conduct - If any meeting of the Council is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Mayor may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Council without first being recognized, not addressing the subject before the Council, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or other wise preventing the Council from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for all Town of Yucca Valley meetings. Your cooperation is appreciated!*

ACRONYM LIST

ADA	Americans with Disabilities Act
CAFR	Comprehensive Annual Financial Report
CALTRANS	California Department of Transportation
CEQA	California Environmental Quality Act
CCA	Community Center Authority
CDBG	Community Development Block Grant
CHP	California Highway Patrol
CIP	Capital Improvement Program
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COP	Certificates of Participation
CPI	Consumer Price Index
ED	Economic Development
EIR	Environmental Impact Report (pursuant to CEQA)
GAAP	Generally Accepted Accounting Procedures
GASB	Governmental Accounting Standards Board
IIEP	Inland Empire Economic Partnership
IIPP	Injury and Illness Prevention Plan
IRC	Internal Revenue Code
LAIF	Local Agency Investment Fund
LLEBG	Local Law Enforcement Block Grant
LTF	Local Transportation Fund
MBTA	Morongo Basin Transit Authority
MBYSA	Morongo Basin Youth Soccer Association
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MUSD	Morongo Unified School District
PARSAC	Public Agency Risk Sharing Authority of California
PERS	California Public Employees Retirement System
PPA	Prior Period Adjustment
PVEA	Petroleum Violation Escrow Account
RDA	Redevelopment Agency
RSA	Regional Statistical Area
RTP	Regional Transportation Plan
SANBAG	San Bernardino Associated Governments
SCAG	Southern California Association of Governments
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TEA-21	Transportation Enhancement Act for the 21 st Century
TOT	Transient Occupancy Tax

COUNCIL COMMITTEE MEETING TIMES

<u>COMMITTEE</u>	<u>REPRESENTATIVE</u>	<u>TIMES</u>	<u>LOCATION</u>
SANBAG	HUNTINGTON ROWE (ALT)	9:30am 1st Wed	San Bernardino
MEASURE I	HUNTINGTON ROWE (ALT)	9:00 a.m. 3rd Fri.	Apple Valley
DESERT SOLID WASTE JPA	HUNTINGTON LUCKINO (ALT)	10:00am 2nd Thurs March, June, Sept, Dec.	Victorville
LEAGUE OF CALIFORNIA CITIES DESERT/MOUNTAIN DIVISION	HAGERMAN ROWE	10:00am. 4th Fri quarterly	Various Locations
MORONGO BASIN TRANSIT AUTHORITY	LUCKINO HUNTINGTON ROWE (ALT)	3:30pm 4th Thurs	Joshua Tree
MOJAVE AIR QUALITY DISTRICT	HAGERMAN ROWE (ALT)	10:00am 4th Mon	Victorville
LEAGUE OF CALIFORNIA CITIES LEGISLATIVE DELEGATE	MAYOR		
SANBAG PLANS AND PROGRAMS (appointed by Sanbag Board)	HUNTINGTON	12:00 p.m. 3 rd Wed.	San Bernardino
LEGISLATIVE TEAM	MAYES HUNTINGTON	Proposed for Council Member to work with Town Manager meeting with legislators when necessary.	
FLOOD CONTROL ZONE 6	MAYOR		
CITY/COUNTY ANIMAL SERVICES JPA	HUNTINGTON HAGERMAN	10:00 a.m. last Thurs.	Yucca Valley

A PROCLAMATION OF THE TOWN COUNCIL OF THE
TOWN OF YUCCA VALLEY, CALIFORNIA,
COMMEMORATING THE 10TH ANNIVERSARY
OF YUCCA VALLEY'S CALIFORNIA WELCOME CENTER

WHEREAS, the Yucca Valley Foundation made a successful application to the State of California that resulted in awarding the state's ninth California Welcome Center to Yucca Valley in 2001; and

WHEREAS, following the initial start-up years, the Yucca Valley Foundation expanded its scope and became the Basin Wide Foundation, which in turn created the Desert Regional Tourism Agency which has operated Yucca Valley's California Welcome Center and promoted the assets of the Morongo Basin to visitors since 2005; and

WHEREAS, the Welcome Center is firmly established as a key community partner focusing primarily on providing information and services to travelers; and

WHEREAS, the Agency's board, staff and volunteers have worked diligently with the area Chambers of Commerce, municipalities, public agencies and non-profit organizations to maximize the Welcome Center's role in promoting our communities; and

WHEREAS, the Town of Yucca Valley recognizes the community benefit and positive impact of the California Welcome Center;

Now therefore, I, George Huntington, Mayor of the Town of Yucca Valley, on behalf of the Town Council, do hereby join the Desert Regional Tourism Agency and other community agencies in celebrating the 10th anniversary of the California Welcome Center, and convey the community's appreciation for the work done through the center to promote the assets and quality of life we enjoy in Yucca Valley.

Signed this 17th Day of May, 2011

MAYOR

ATTEST:

TOWN CLERK

A PROCLAMATION OF THE TOWN COUNCIL OF THE
TOWN OF YUCCA VALLEY, CALIFORNIA,
COMMEMORATING THE 75TH ANNIVERSARY
OF THE JOSHUA TREE NATIONAL PARK

WHEREAS, the Joshua Tree National Park is an 800,000-acre, ecologically diverse natural asset that provides unparalleled opportunities for nature study and outdoor recreation; and

WHEREAS, more than 1.3 million people visit the Park each year to enjoy camping, rock climbing, scenic drives, hiking, birding and other pursuits in an environment of stunning scenery and incredible night skies; and

WHEREAS, the Park's staff and volunteers have established conscientious standards of stewardship and interpretive programs that greatly add to our education and understanding of the region's rich cultural history, fascinating geology, and abundant flora and fauna; and

WHEREAS, the Morongo Basin's status as a relevant component of the Southern California region is enhanced by the Park's presence and participation as a partner in tourism, regional planning, and community programs; and

WHEREAS, the reputation of "Southern California's National Park" is an appropriate designation to salute the majestic setting and the dedication of the Park's staff and volunteers who have established and maintained high quality opportunities and conscientious Park stewardship;

Now therefore, I, George Huntington, Mayor of the Town of Yucca Valley, on behalf of the Town Council, do hereby extend our congratulations and join the staff, volunteers and others in celebrating the Joshua Tree National Park's 75th anniversary, and convey our appreciation for the contribution of the Park to our community's quality of life.

Signed this 17th Day of May, 2011

MAYOR

ATTEST:

TOWN CLERK



SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

April 2011 Summary

ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to 4 fires and 354 non-fire incidents for a total of 358 requests for assistance within our town boundaries.

EMERGENCY RESPONSES

ESTIMATED FIRE LOSS (In dollars)

Total Loss	\$	5,500	Value	\$	5,500
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RESPONSES OTHER THAN FIRES

Fires	4
Rupture / Explosion	0
EMS / Rescue	283
Hazardous Condition	0
Service Calls	23
Good Intent Calls	37
False Call	7
Other – Severe Weather	0

ALARMS – ALL TYPES

Yucca Valley Response Area

TOTAL NON-FIRE RESPONSE	354
TOTAL FIRE RESPONSES	4
TOTAL ALARMS	358

Significant Events:

- Yucca Valley resources assisted the City of Needles with a Brush Engine response for a vegetation fire that burned over 200 ac. Along the Colorado River. One structure (vacant) was lost during the initial onset of the fire’s activity.
- Grubstake’s Day is nearing...County Fire with have equipment in the parade along with members of the Morongo Basin CERT as demonstration of their growth and committee to the Morongo Basin.



**SAN BERNARDINO COUNTY FIRE DEPARTMENT
SERVING YUCCA VALLEY**

COMMUNITY SAFETY MESSAGE

Wildland Fire Safety

Each year in May, County Fire personnel begin their annual refresher training in preparation for the upcoming fire season. This is an activity that should be embraced by all in each and every community. How can you train like the firefighters you ask? By taking note of the risks that surround your businesses and homes. Like firefighters, you can mitigate a potential hazard long before it becomes a threat by taking action!

As you know, Southern California is a nation hotspot for wildland fires that threaten and often destroy millions of dollars in private homes, commercial property, and valuable real estate lands each year. Our communities, here in the High Desert, are no exception to the potential for fire. Past history is evidence – the SawTooth Complex, and the Acoma Incident are only but a few.

Below are some tips to make your place fire safe:

- Keep plants watered and green
- Natural vegetation should be trimmed and thinned out to remove a continuous fuel source...this will slow any fire that could develop
- Keep a clearance of 30ft around the home
- Remove debris and leaf litter from your roof tops
- Consider hard landscape use around the home (this will also help reduce water usage)
- Make sure your home has a reflective address and that streets are marked for identification
- Have an evacuation plan and a to-go-kit ready

**TOWN OF YUCCA VALLEY
SPECIAL TOWN COUNCIL MEETING MINUTES
APRIL 25, 2011**

Mayor Huntington called the special meeting of the Town of Yucca Valley Town Council to order at 6:00 p.m.

ROLL CALL

Council Members Present: Hagerman, Luckino, Rowe, and Mayor Huntington.

PLEDGE OF ALLEGIANCE

Mayor Huntington led the Pledge of Allegiance.

DISCUSSION ITEMS

1. Town Council Vacancy – Discussion

Town Manager Nuaimi advised that, due to the resignation of Council Member Mayes, Council has 60 days to either appoint or hold a special election to fill the seat for the remainder of Council Member Mayes' term. A special election could cost between \$25,000 and \$50,000. The appointment or calling of a special election would have to be made by June 4, 2011. Council may want to consider providing direction as to whether an ordinance should be considered that would provide future Town Councils more flexibility, giving them the option to fill a vacancy and at the same time call a special election to fill the remainder of the term.

Charles McHenry, Yucca Valley, spoke in favor of either a special election to fill the vacancy or appointment of the next runner up on the ballot.

Sigrid McAllister, Yucca Valley, spoke in favor of appointing Lori Herbel to the seat.

Phyllis Swinnerton, Yucca Valley, spoke in favor of appointing the next person in line in the last election.

Carl Gorham, Yucca Valley, spoke in favor of appointing Lori Herbel.

Bonnie Brady, Yucca Valley, spoke in support of appointing Lori Herbel to the vacated seat.

Sylvia White, Business owner in Yucca Valley, spoke in support of Lori Herbel being appointed to the Council.

Lori Herbel, Yucca Valley, spoke regarding her qualifications and experience to be appointed to the Council.

Curt Duffy, Yucca Valley, spoke in support of appointing someone who has backing of the people. Added that if it does come down to a special election \$25,000 to \$50,000 is well worth the money.

Margo Sturges, Yucca Valley, spoke in favor of appointing the runner up in the last election.

William Swinnerton, Yucca Valley, spoke in favor of appointing Ms. Herbel.

Wade White, Yucca Valley, commented he voted for Lori Herbel and would like his vote to matter.

Mayor Huntington advised that Clay Donnell, Dorothy DeGennaro, Laurine Silver, and Barbara Renton submitted cards in support of appointing Lori Herbel, but did not wish to speak.

Council Member Luckino questioned if there is an option to appoint someone to fill the vacancy until the next scheduled election in 2012. Town Manager Nuaimi advised that currently the Council does not have that flexibility because there is no ordinance, adding that there is not enough time to do that before the vacancy must be filled. It was noted that some have passed urgency ordinances, however it is not clear if urgency findings can be made. Council Member Luckino questioned if the Council can adopt an ordinance that would be retroactive. Town Manager Nuaimi advised that Council can adopt an ordinance for future procedures, but it would not have an effect on this vacancy.

Upon discussion, none of the Council Members were in favor of holding a special election to fill the vacancy. The consensus was to take applications and interview interested candidates.

Council Member Luckino questioned how Council would go through the interview process. Town Manager Nuaimi advised it would be in a public meeting.

Upon further discussion staff was directed to advertise the opening, have applications ready by Wednesday, April 27th. Council agreed that the appointment will be made no later than the 2nd meeting in May. Mayor Huntington suggested a special meeting on May 10, 2011 to review the applications and decide at that time how to move forward. Ten questions were selected from the 38 sample questions provided in the staff report.

Town Manager Nuaimi advised that staff will put the ten selected questions together with an application, advertise the vacancy and place a deadline of May 5th for submittal of the

applications.

ADJOURNMENT

There being no further business the meeting was adjourned at 6:43 p.m.

Respectfully submitted

Jamie Anderson
Town Clerk

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
MAY 3, 2011**

Mayor Huntington called the regular meeting of the Town of Yucca Valley Council to order at 6:00 p.m.

Council Members Present: Hagerman, Luckino, Rowe and Mayor Huntington.

Staff Present: Town Manager Nuaimi, Deputy Town Manager Stueckle, Town Attorney Laymon, Community Services Director Schooler, Administrative Services Director Yakimow, Police Capt. Miller, and Town Clerk Anderson

PLEDGE OF ALLEGIANCE

Led by Mayor Huntington

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Proclamation for May, 2011 as Motorcycle Awareness Month.

Mayor Huntington read and presented the proclamation to Marty Rapp, ABATE 29.

2. Employee of the Quarter

Presented to Lead Skilled Maintenance Worker II Rusty Scott

3. Presentation to Chad Mayes

Mayor Huntington, Deputy Town Manager Stueckle and Town Clerk Anderson presented a Town plaque, road sign, left over business cards and Council name plates naming Chad Mayes' positions as Council Member, Mayor Pro Tem and Mayor.

Mr. Mayes commented that the Town of Yucca Valley has had a great impact on his life and has meant a great deal to him. He still plans to serve this community in any way he can.

4. Presentation to Gary Benedict

Council Member Rowe presented a proclamation from Assemblyman Cook for Gary Benedict's service to the Fire Service.

Mayor Huntington presented a Town of Yucca Valley plaque.

Mr. Benedict thanked the Council and community for allowing him to serve for so

many years.

APPROVAL OF AGENDA

Council Member Luckino moved to approve the agenda. Council Member Hagerman seconded. Motion carried 4-0 on a voice vote.

CONSENT AGENDA

- 5. **Approve**, Regular Town Council Meeting Minutes of April 5, 2011, Special Joint Town Council/Hi Desert Water District Meeting of April 11, 2011, as presented.
- 6. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
- 7. **Adopt**, Ordinance No. 224, Traffic Speed Surveys.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 12 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING SECTION 12.20.020 ENTITLED "CHANGES IN STATE LAW SPEED LIMITS" OF CHAPTER 12.20 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE ESTABLISHING SPEED LIMITS

- 9. **Ratify**, Warrant Register total of \$541,179.95 for checks dated April 7, 2011 through April 21, 2011. Ratify Payroll Registers total of \$297,406.91 for checks dated April 1, 2011 through April 15, 2011.

Council Member Hagerman requested to pull Item Number 8.

Council Member Luckino moved to adopt Consent Agenda Items 5-7 and 9. Council Member Hagerman seconded. Motion carried 4-0 on a roll call vote.

AYES: Council Member Hagerman, Luckino, Rowe and Mayor Huntington.
NOES: None
ABSTAIN: None
ABSENT: None

8. AB 1234 Reporting Requirements

Council Member Hagerman commented that he was unable to attend the City County Conference. Administrative Services Director Yakimow advised that staff will make that correction.

Council Member Rowe moved to receive and file the AB 1234 Reporting Requirement Schedule as amended for the months of March and April 2011. Council Member Hagerman seconded. Motion carried 4-0 on a voice vote.

PUBLIC HEARING

10. Conditional Use Permit, CUP 01-11 T-Mobile Hutchins, Planning Commission Recommendation

Associate Planner Kirschmann presented the specifics of the project along with a PowerPoint presentation regarding the tower to be located at the Hutchins Motorsports location.

Mayor Huntington opened the public hearing, and as no one appeared to speak he closed the Hearing.

Council Member Luckino moved to approve as recommended by the Planning Commission to the Town Council, based on the findings in the staff report, and the Conditions of Approval, (a) That the Town Council determines the project to be categorically exempt from CEQA under Section 15332, class 32, In-fill Development; and (b) Recommend approval of Conditional Use Permit, CUP 01-11, for the construction of a roof mounted cellular tower consisting of nine panel antennas, 6TMA antennas and 2 GPS antennas completely screened behind an extended parapet wall with four (4) equipment cabinets on the ground behind a block wall. Council Member Hagerman seconded. Motion carried 4-0 on a roll call vote.

- AYES:** Council Member Hagerman, Luckino, Rowe and Mayor Huntington.
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

DEPARTMENT REPORTS

11. Youth Commission Recommendation: Social Host Ordinance

Community Services Director Schooler advised the Youth Commissioners from the 2009-2010 term expressed concern about drug use and underage drinking within the local teen community prompting the 2010-2011 to add the issue to their work plan.

Ana Goddard, Youth Commission Chair and Krista Blevins, Vice Chair presented information regarding the need for a Social Host Ordinance that covers more than the current State and County Ordinances. They noted the State ordinance only applies where there is damage, injury or death involved as a result of underage drinking and

the County ordinance only covers alcohol and no other controlled substances. The Youth Commission as a whole wanted to propose a stronger ordinance for Yucca Valley to include controlled substances in addition to alcohol.

Bonnie Shaffer, Yucca Valley, advised that her group did supply statistics to the Youth Commission, and offered their services to the Town also.

Council Member Hagerman questioned if the property owner or the adult who is present during the party is the responsible party. Ms. Blevins and Goddard advised the Youth Commission put the responsibility on the person who lives at the property.

Council Member Luckino questioned if the Sheriff's department endorses this proposed ordinance. Capt. Miller advised the ordinance gives the department another tool in their tool bag to write citations to the person in charge of the residence. Council Member Luckino noted that people expect actions like this from the Town, but it means more when the request comes from the Commission, and noted he would endorse including all controlled substances in the ordinance.

Council Member Rowe commented it takes a lot of courage to get up in front of the Council and expressed her appreciation to the Commissioners. She is in favor of adding controlled substances to the ordinance also. She noted that anyone found guilty will have a criminal charge, so the Town has a certain cost to prosecute the issue. Town Manager Nuaimi advised the cost to the Town will depend on the frequency in which we have to enforce the law, noting he hopes this tool will be a deterrent.

Mayor Huntington agreed this is a great tool, noting the Council consensus is to include controlled substances to the ordinance.

Council Member Hagerman moved to receive and file the Youth Commission recommendation regarding the establishment of a local Social Host Ordinance, and direct staff and the Town Attorney to draft a local ordinance. Council Member Rowe seconded. Motion carried 4-0 on a voice vote.

12. Youth Commission Recommendation: Smoke-Free Parks Ordinances

Community Services Director Schooler introduced the item for the Youth Commission.

Ana Goddard, Chair, and Krista Blevins, Vice Chair advised that last year the Commission noticed the problems in the park being caused by the same group of people smoking in the parks, noting an ordinance would be another tool to help deter people from smoking. The Commission debated this issue long and hard and concluded the activity had a negative impact on people trying to enjoy the parks. It was noted that

about 90 cities in California have enacted smoke free parks ordinances. The Parks, Recreation and Cultural Commission indicated general support for an ordinance when the Youth Commission presented it, but noted concern regarding the rights of smokers, the ability to enforce the ordinance and alternatives that would permit smoking in designated areas.

Council Member Rowe thanked the Youth Commission for going through this process. She has given the issue a lot of thought and noted that smoking is legal in this country and town for adults. It is however illegal for young people so there is already an avenue for enforcement.

Council Member Hagerman requested clarification regarding whether or not the commission is asking for smoke free or tobacco free parks. It was noted the recommendation is for smoke free. Council Member Hagerman noted that he has a difficult time banning the entire park to smoking for adults, noting that many parks have designated smoking areas and he is all for having signs showing designated smoking areas, but is not comfortable banning smoking completely out of our parks.

Council Member Luckino commented that people should not smoke, but they do, and a part of what we as a country have is our freedoms. However, something we can do is designate areas where smoking is permitted. He does not want to put the burden on law enforcement to have to enforce the ordinance, taking them away for more serious issues.

Mayor Huntington concurred with supplying designated areas, noting that people have rights that have to be respected.

Community Services Director Schooler advised that staff does run into some issues at the concerts for example, but voluntary compliance is usually the norm. It may be possible to amend the Parks Use Ordinance rather than adopt a whole new ordinance.

Town Manager Nuaimi advised of past experiences when people are waiting in line for various activities and staff has been asked to place temporary no smoking signs. Conceptually creating a setting for compliance such as placement of a fairly visible sign, without enforcement may get the desired results. Council agreed and directed staff to develop a proposal for compliance.

13. Brehm Sports Park Update

Town Manager Nuaimi gave the staff report and background of the project to date. The Brehm Park Committee has requested assurance that the Town will accept the completed park and provide ongoing maintenance and operation of the facilities. Based on design concepts and current utility rates, staff estimates the annual cost of

maintenance to be approximately \$180,000. Such a maintenance obligation would not occur until a one year “growing in” period is completed. This gives staff some time to identify potential revenue sources for the maintenance of the project.

Town Manager Nuaimi indicated that staff and the Brehm Park Committee representatives had met to discuss development of a Prop 84 grant application for the Brehm Youth Sports Complex. Staff indicated that a grant writer who was brought on during our Phase I application for Southside was proposed to be brought on in support of this effort, at a cost of \$20,000.

Council Member Luckino spoke in support of the idea of going after the grant noting that the expenditure of \$20,000 is money well spent if the result turns out positive. He questioned the long term maintenance issue. Town Manager Nuaimi advised the Town will support and commit to provide for the maintenance which is a requirement the Basin Wide Foundation and State will want.

Council Member Hagerman questioned if the commitment letters go with the packet for the Prop 84 Grant. Community Services Director Schooler advised the State wants to be sure the Town and nonprofit group have a relationship that secures the land for the Town for the long term 30 plus year commitment, and don't want to leave anything to chance that the relationship is formal enough. Council Member Hagerman questioned if a letter will affirm that. Town Manager Nuaimi advised that staff will be bringing items before the Council to show that commitment.

Mayor Huntington commented that since this is the second time around for the grant application, we have better chance because we know rules and regulations. This is a good public/private commitment.

Council Member Luckino stated it is time for the Council to look at budget and reprioritize.

Council Member Rowe questioned the time frame for results. Town Manager Nuaimi advised the application is due July 1st and the cycle takes about 6 months.

Council Member Luckino questioned the amount of the Grant. Community Services Director Schooler advised that \$5,000,000 is the maximum amount, and we expect our application to be fairly close to that.

Council Member Hagerman moved to authorize Town Manager to provide required commitment letter(s) to the BWF for future maintenance of the improvements; amend the FY 2010-11 Amended budget by appropriating \$20,000 from General Fund Undesignated Reserves to the Community Services Administration – Professional Services line item; and authorize Town Manager to enter into a Professional Services

agreement with a grant specialist for the preparation of a Round 2 submittal, amount not to exceed \$20,000. Council Member Luckino seconded. Motion carried 4-0 on a roll call vote.

- AYES: Council Member Hagerman, Luckino, Rowe and Mayor Huntington.
- NOES: None
- ABSTAIN: None
- ABSENT: None

14. Old Town Specific Plan Sign Regulations, Consideration of Implementing Town Wide Sign Regulations in the Old Town Specific Plan (OTSP) Boundaries

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, IMPLEMENTING TOWN-WIDE SIGN REGULATIONS WITHIN THE OLD TOWN SPECIFIC PLAN BOUNDARIES

Deputy Town Manager Stueckle advised that with adoption of the Old Town Specific Plan, sign standards and regulations were enacted that were applicable only within the specific plan boundaries. Based upon factors such as the regional economy and wastewater treatment implementation, very few actions, both private and public have occurred inside the specific plan area that assist in implementation of the pedestrian oriented district as envisioned in the plan. Recent permit applicants have identified constraints with the requirement of channel letters for wall signs and the Town was requested to review the specific plan sign regulations for determining alternatives.

Eric Muller, Old Town Merchant’s Association, spoke in favor of relaxing the restrictions as they are now.

Council Member Luckino questioned when the Sign Regulations within the Specific Plan will be revisited. Deputy Town Manager Stueckle advised that review will occur with the Development Code Update. Phase 1 of the report will be brought to a joint meeting with the Council and Planning Commission after the new Council Member has been appointed.

Council Member Luckino moved to adopt Resolution No. 11-18, suspending applicability of the Old Town Specific Plan Sign Regulations, and implementing the Town-wide Sign Regulations, Ordinance No. 158, within the OTSP boundaries. Council Member Rowe seconded. Motion carried 4-0 on a roll call vote.

POLICY DISCUSSION

15. 29 Palms Marine Corps Air Ground Combat Center (Combat Center), Environmental Impact Statement (EIS), Land Acquisition and Airspace

Establishment, Johnson Valley Off Highway Vehicle Area

Deputy Town Manager Stueckle reported the Council requested this matter be placed on an agenda to consider taking additional action, if necessary in relationship to the proposed Combat Center expansion into the Johnson Valley Off Highway Vehicle area. He gave a Power Point presentation regarding the proposal noting that Alternative No. 6 is the proposed preferred alternative. The Johnson Valley OHV area contains 189,470 acres, and the proposal is to take 108,530 of those acres for exclusive military use, and another 60 ± day loss of an additional 38,137 acres. It was noted that Staff disagrees somewhat with the proposed impacts stated in the EIS, and feels they are understated.

Eric Muller, OTMA, commented that once the OHV area is closed off to the public there will be a noticeable impact on the Town.

Ray Pessa, Yucca Valley, thanked the Town for taking a proactive approach on this issue, noting the cumulative impact of the base going into the Johnson Valley area is huge and not just economic. He suggested that Alternative 3 expansion to the east would better.

Krista Bevins, Yucca Valley, thanked the Council for talking about this issue and its impacts.

Council Member Luckino commented he is a big supporter of the military, and would do anything we can do for them, however the Council represents the Town and people of Yucca Valley, and needs to have a strong statement to let them know how we feel about this and the impacts it will have. He suggested the need to involve our Legislators in the issue.

Council Member Hagerman stated he loves living in a military community and is also an off road enthusiast. He noted he has a problem with the last line of the EIS stating the impacts to the area are "less than significant". This is going to be a huge impact not only on the Town but the entire basin. He strongly supports sending a letter.

Council Member Rowe suggested the letter should strongly state the importance of the King of the Hammers event. Town Manager Nuaimi stated staff will put something on the website for folks to submit their comments, and suggested that Council Members should encourage the community to make comments.

Council Member Hagerman commented this is not going to be the only land grab attempt to the area, noting it will take a group effort to keep these areas open.

Mayor Huntington commented he felt the economic model was greatly flawed, noting

the filming industry moving away doesn't help us in Yucca Valley, He questioned what the feedback is regarding the proposed airspace restrictions. Deputy Town Manager Stueckle advised the aviation community would like the altitude to be raised to 3,000' rather than 1,500' above ground level. Mayor Huntington added information also doesn't take into account the impact and losses the Feinstein bill will cause, and requested a briefing from Senator Feinstein's office on her current bill.

Council directed staff to forward a letter identifying the Town's concerns.

FUTURE AGENDA ITEMS

Council Member Luckino requested a Strategic Planning session with an outside facilitator after the new Council Member is appointed. Mayor Huntington advised it would be more of a workshop than an agenda item. Council Member Rowe advised she is not opposed to that.

Council Member Rowe requested consideration of an ordinance for future Council vacancies. The council directed staff to bring back such an ordinance.

PUBLIC COMMENT

Mike Roddy, Yucca Valley, commented regarding pending solar expansion in the area.

Cindy Melland, Basin Wide Foundation, thanked Council and staff for stepping up to the plate with them to move forward with the Brehm Sports Park.

Eric Muller, Yucca Valley, commented regarding the letter to be sent to the Marine Corps suggesting the tone of the letter needs to recognize what valuable partners they are.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

16. Council Member Hagerman

Congratulated Lead Skilled Maintenance Worker II Rusty Scott

Commented it was nice to see Chad Mayes and Gary Benedict back for recognitions

Advised he heard the announcement about capturing and killing Bin Laden with 60,000 Stagecoach fans.

17. Council Member Rowe

Congratulated Lead Skilled Maintenance Worker II Rusty Scott.

18. Mayor Pro Tem Luckino

Thanked Lead Skilled Maintenance Worker II Rusty Scott, Chad Mayes and Gary Benedict for their service to the Community.

Commented regarding attendance at the City County Conference. Noted that Governor Perry from Texas spends more time in California than in Texas taking our jobs. He hopes our State can change some of their ways.

19. Mayor Huntington

Echoed kudos to Lead Skilled Maintenance Worker II Rusty Scott Gary Benedict and Chad Mayes.

Commented that discussions out of the City County Conference were not too positive. The economic forecast was bad, the County has budget woes, as do most of the cities in the county, and the legislative outlook was horrible. The only bright spot is the fact that Caltrans says that State Route 330 will be open again by July 4th.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, May 17, 2011, 6:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Kathy Ainsworth, Sr. Accountant
Date: May 2, 2011
For Council Meeting: May 17, 2011

Subject: FY 2010-11 Audit Engagement Authorization

Prior Council Review: Town Council appointment of RAMS (Rogers, Anderson, Malody & Scott, LLP), as the Town's Independent Auditor in May 2008, and renewal in March 2011.

Recommendation: Review the attached engagement letter between the Town of Yucca Valley and RAMS (Rogers, Anderson, Malody & Scott, LLP) related to audit services for the year ending June 30, 2011 and authorize the Town's Director of Administrative Services to sign the engagement letter.

Summary: Attached for the Council's review and authorization is the annual engagement letter requested by the Town's appointed Independent Auditor. The annual engagement letter identifies the terms concerning the audit of the financial statements of the Town of Yucca Valley and related audits for the fiscal year ending June 30, 2011.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Roll Call Vote (Consent Agenda Item)

Discussion: In May 2008, the Town of Yucca Valley appointed RAMS (Rogers, Anderson, Malody & Scott LLP) as the Town's Independent Auditor in accordance with Town Code, and entered into a three-year professional services contract for audit services. This contract was subsequently renewed in March 2011. To date, Rogers, Anderson, Malody & Scott have performed annual audits of the Town's financial

Reviewed By:
Town Manager Town Attorney Admin Services Dept Head

Department Report Ordinance Action Resolution Action Public Hearing
 Consent Minute Action Receive and File Study Session

statements and other related audit services to the satisfaction of the Town Council. Annually, the Auditor requests a formal engagement letter clarifying the scope of work, roles and responsibilities, and terms concerning the current audit.

There are no significant changes proposed in the current engagement letter, and the letter reflects a no cost increase over prior year costs. Total costs associated for the fiscal year 2010-11 audit and reporting activities (including the RDA) are \$45,750. The fee includes the additional cost associated with assistance in the preparation of the government-wide financial statements on the accrual basis of accounting.

The final audit for fiscal year ending June 30, 2011 is scheduled for August 2011, with interim field work scheduled for May 2011. Presentation of the comprehensive annual financial report is tentatively scheduled for December 6, 2011.

Alternatives: No alternative is recommended.

Fiscal impact: The FY 2011-12 Proposed Budget will provide \$45,750 in the Finance Division line item 001-10-10-7110 Professional Services for audit professional services.

Attachments: RAMS (Rogers, Anderson, Malody & Scott LLP)
Engagement Letter



ROGERS, ANDERSON, MALODY & SCOTT, LLP
CERTIFIED PUBLIC ACCOUNTANTS

ROBERT B. MEMORY, C.P.A. (1945-2009)

OF COUNSEL
JAY H. ZERCHER, C.P.A.

April 8, 2011

Town Council
Town of Yucca Valley
57090 Twentynine Palms Highway
Yucca Valley, CA 92284

We are pleased to confirm our understanding of the services we are to provide the Town of Yucca Valley and the Yucca Valley Redevelopment Agency (collectively, the Town) for the year ended June 30, 2011. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of the Town as of and for the year ended June 30, 2011. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis.
2. PERS/OPEB schedule of funding progress.
3. Major fund budgetary comparison schedules.

We have also been engaged to report on supplementary information other than RSI that accompanies the Town's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Schedule of expenditures of federal awards, if applicable.
2. Combining and individual fund and budget comparison schedules.

MEMBERS

AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS

PCPS THE AICPA ALLIANCE FOR CPA FIRMS

CALIFORNIA SOCIETY OF
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(909) 889-0871 • (909) 824-6736 • FAX (909) 889-5361
Website: www.ramscpa.net

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will not provide an opinion or any assurance.

1. Introductory section.
2. Statistical section.

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on –

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, if applicable.

The reports on internal control and compliance will each include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. If our opinions on the financial statements or the Single Audit compliance opinions are other than unqualified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. Management is also responsible for identifying government award programs and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards, and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements, schedule of expenditures of federal awards, and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and schedule of expenditures of federal awards and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any non-audit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met and that there is reasonable assurance that government programs are administered in compliance with compliance requirements. You are also responsible for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Town and the respective changes in financial position and, where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for ensuring that management and financial information is reliable and properly recorded. Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon.

Management is responsible for establishing and maintaining a process for tracking the status of any audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures-General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures-Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

Audit Procedures-Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the Town's major programs. The purpose of these procedures will be to express an opinion on Town's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

If a single audit is necessary, at the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Rogers, Anderson, Malody and Scott, LLP and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to any cognizant or oversight agencies or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Rogers, Anderson, Malody and Scott, LLP personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of seven years after the report release or for any additional period requested by the any cognizant agency, oversight agency for audit, or pass-through entity. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

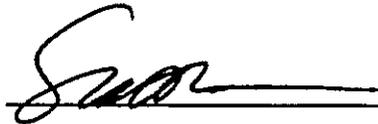
Scott Manno is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be \$45,750. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. Our fees are based on the current audit scope and on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2008 peer review report accompanies this letter.

We appreciate the opportunity to be of service to the Town and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

ROGERS, ANDERSON, MALODY & SCOTT, LLP



This letter correctly sets forth the understanding of the Town of Yucca Valley and the Yucca Valley Redevelopment Agency.

By: _____

Title: _____

Date: _____

System Review Report

September 2, 2009

To the Owners of
Rogers, Anderson, Malody & Scott, LLP
and the Peer Review Committee of the
California Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of **Rogers, Anderson, Malody & Scott, LLP** (the firm) in effect for the year ended November 30, 2008. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a *System Review* are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of **Rogers, Anderson, Malody & Scott, LLP** in effect for the year ended November 30, 2008, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. **Rogers, Anderson, Malody & Scott, LLP** has received a peer review rating of *pass*.

Timpson Garcia, LLP

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council
From: Duane Gasaway, Consulting Project Manager
Date: May 3, 2011
For Council Meeting: May 17, 2011

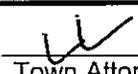
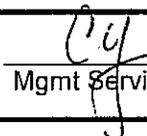
Subject: Del Monte Avenue Improvements, Town Project No. 8344
San Andreas Road to Santa Barbara Drive
Final Project Report and Acceptance of Improvements.
FY 2010-11 Budget Amendment

Prior Council Review: None for this specific action. On August 3, 2010 the Town Council approved the improvement drawings and specifications and authorized the advertisement for competitive bids. On December 7, 2010 Town Council authorized award of construction contract to William Kanayan Construction.

Recommendation: That the Town Council accepts the construction of the Del Monte Avenue Improvements, Town Project No. 8344 by William Kanayan Construction as substantially complete and that the Town Council:

1. Authorizes Town staff to file the Notice of Completion with the County Recorder.
2. Authorizes Town staff to release the Performance Bond in the amount of \$260,911.20
3. Authorizes staff to release retention monies in the amount of \$27,749.82 to the contractor thirty five days from date of acceptance of improvements.
4. Amend the FY 2010-11 LTF 516 Adopted Budget by adding project 516 55 59 8310 8351 Fortuna Avenue and transfer \$20,000 from project 516 55 59 8310 8344 Del Monte Avenue Improvements to the new project.

Executive Summary: The project consists of the reconstruction of Del Monte Avenue including but not limited to survey and construction staking, placement of 4" AC pavement over compacted native ground, installation of asphalt concrete, pulverizing of existing A.C./P.C.C., grading, and widening of the existing pavement, installation of asphalt concrete hot mix pavement and 6" A.C. traversable dike, installation of Portland cement concrete driveways, a concrete asphalt berm on a portion of Santa Barbara Drive to prevent surface storm water runoff from eroding behind the new berm on Del Monte Avenue, and appurtenant labor, materials and equipment from San Andreas Road to Santa Barbara Drive.

Reviewed By:	 Town Manager	 Town Attorney	 Mgmt Services	SRS Dept Head
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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

Driveway repair on Fortuna Avenue, which was completed in April 2010, was necessary as a result of the asphalt berm to driveway connections. The failures occurred following the completion of the project and use of the driveways. The Town was unable to accomplish this repair before the Fortuna Avenue contractor demobilized. The Town made commitments to the owners to repair the driveways once the Del Monte project was underway. One repair was also necessary to prevent storm water erosion of the landowner's driveway and property and to prevent storm water erosion behind the newly installed street berm and the resulting flows onto adjacent privately owned properties. The second repair has yet to be completed as the scheduling could not be coordinated with the property owner during the Del Monte project.

Order of Procedure: Request Staff Report
Request Public Comment
Council Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (Roll Call Vote, Consent Agenda)

Discussion: The project experienced delay due to inclement and cold weather but was completed on time and within budget. Two change orders were made during construction of the project.

Change order no. 1: Additional driveway concrete, AC paving, AC dike, and mailbox relocation to meet US postal service requirements.

Change order no. 2: Driveway repair on Fortuna Avenue, which was completed in April 2010, was necessary as a result of the asphalt berm to driveway connections. The failures occurred following the completion of the project and use of the driveways. The Town was unable to accomplish this repair before the Fortuna Avenue contractor demobilized. The Town made commitments to the owners to repair the driveways once the Del Monte project was underway. One repair was also necessary to prevent storm water erosion of the landowner's driveway and property and to prevent storm water erosion behind the newly installed street berm and the resulting flows onto adjacent privately owned properties. The second repair has yet to be completed as the scheduling could not be coordinated with the property owner during the Del Monte project.

The staff recommendation includes the necessary budgetary authorization for the establishment of a Fortuna Avenue project to accommodate these repairs. The funds required will be transferred out of the existing Del Monte project, thus having no net increase to Fund 516.

Alternatives: No alternatives are recommended.

Fiscal impact: The Town capital projects budget for FY2010-2011 allocated \$340,000 of Fund 524 Measure I-Local Roads funds and \$78,750 of Local Transportation Fund

516 for the rehabilitation of Del Monte Avenue. With the proposed action, \$20,000 will be transferred from the Del Monte Avenue project to the Fortuna Avenue project to accommodate the completed and pending repair work. Upon project closeout, there will be a remaining a balance of budged funds of \$125,752.50, with \$11,187.20 allocated to the Fund 516 Fortuna Avenue project.

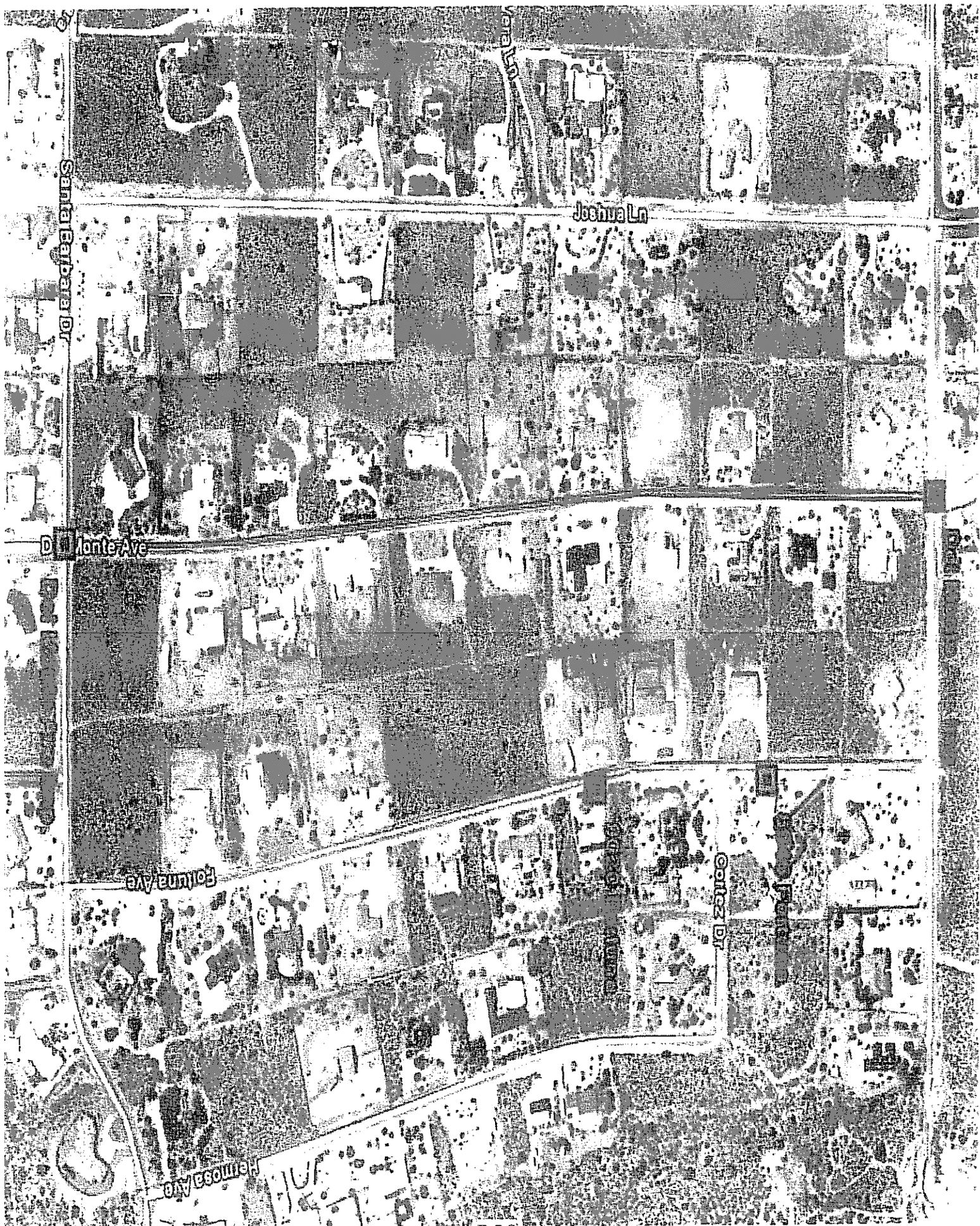
Project Funding

\$340,000	Measure I-2010 Unrestricted-Fund 524 Del Monte
58,750	Local Transportation Fund 516 Del Monte
20,000	Local Transportation Fund 516 Fortuna
<u>\$418,750</u>	

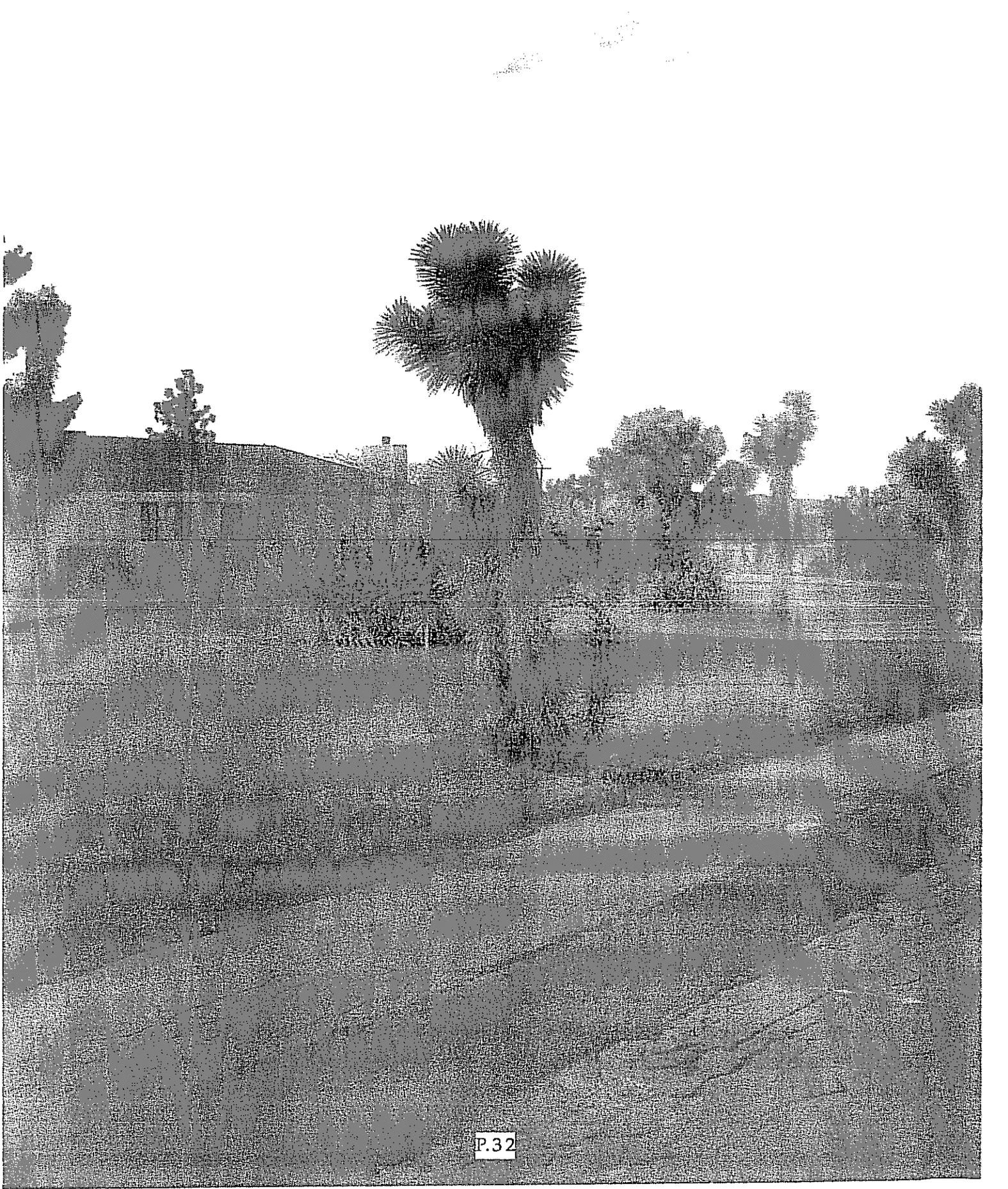
Project Expenditures

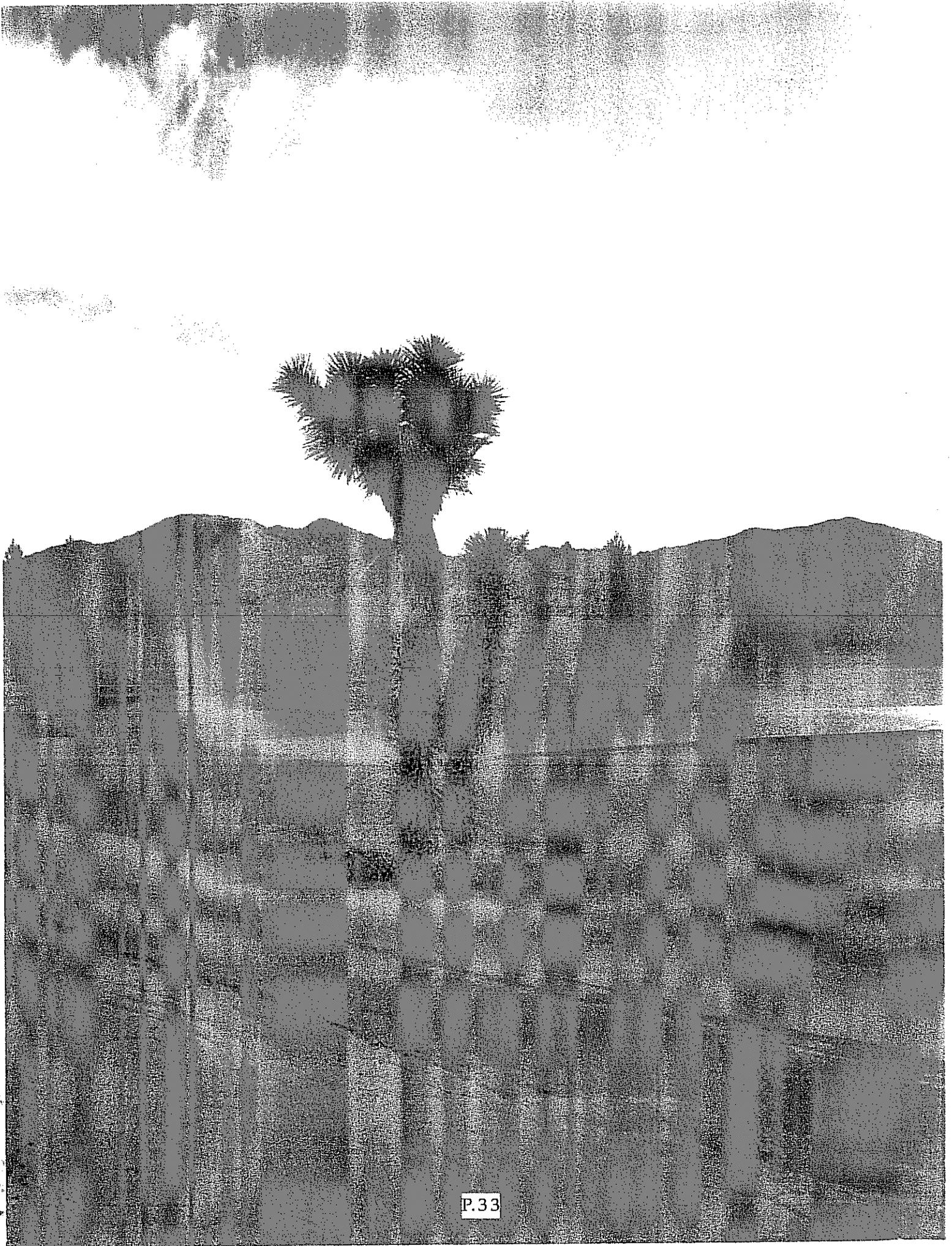
Construction Contract	\$260,911.60
Change Order No. 1	8,073.95
Change Order No. 2	8,812.71
Construction Engineering	1,897.50
*Administration (includes project admin, legal, Notices, delivery/mail service, compaction/soils testing, etc.)	<u>13,302.04</u>
Total Project Expenditures	\$292,997.80
Remaining balance of budgeted funds	\$125,752.20

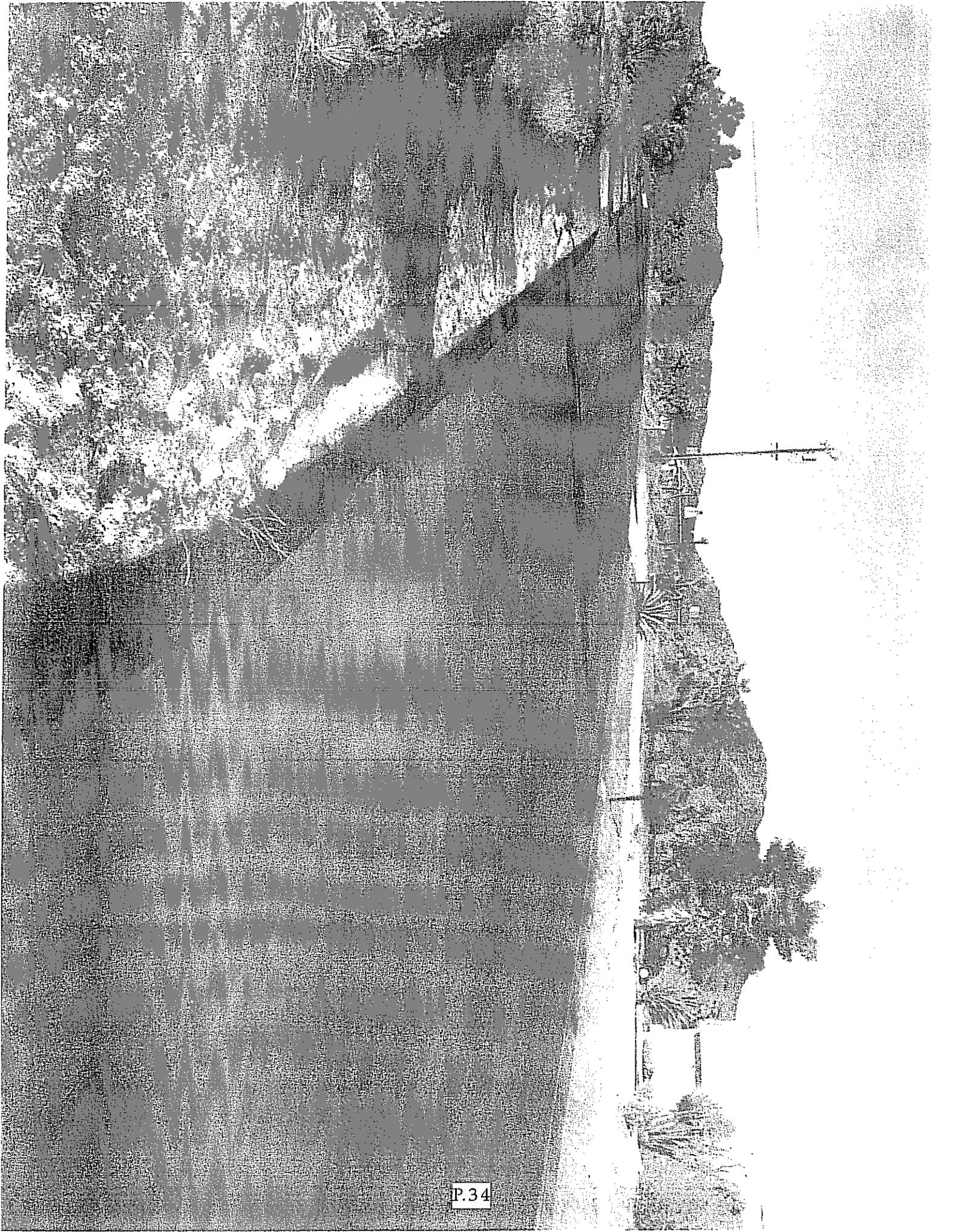
Attachments: None

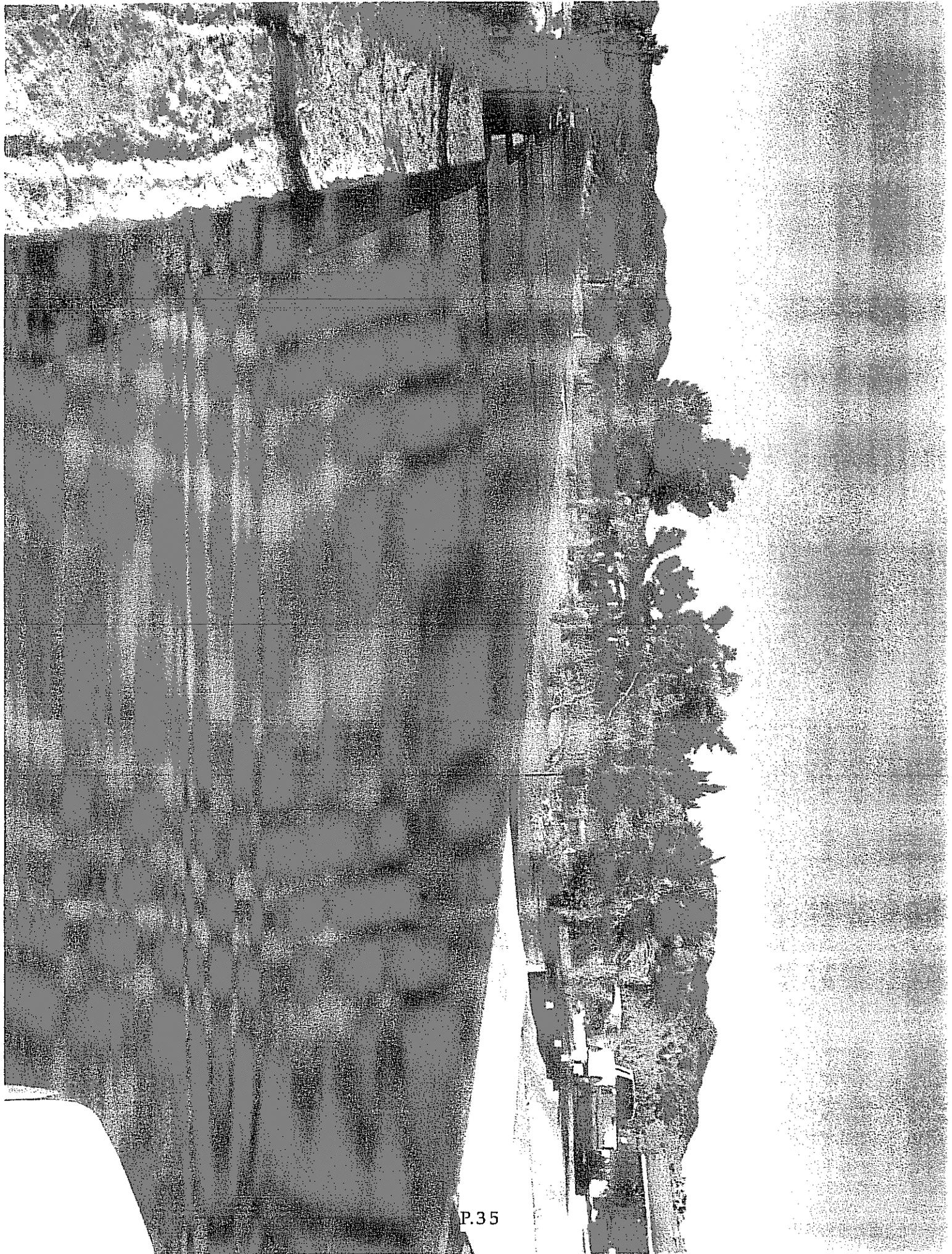


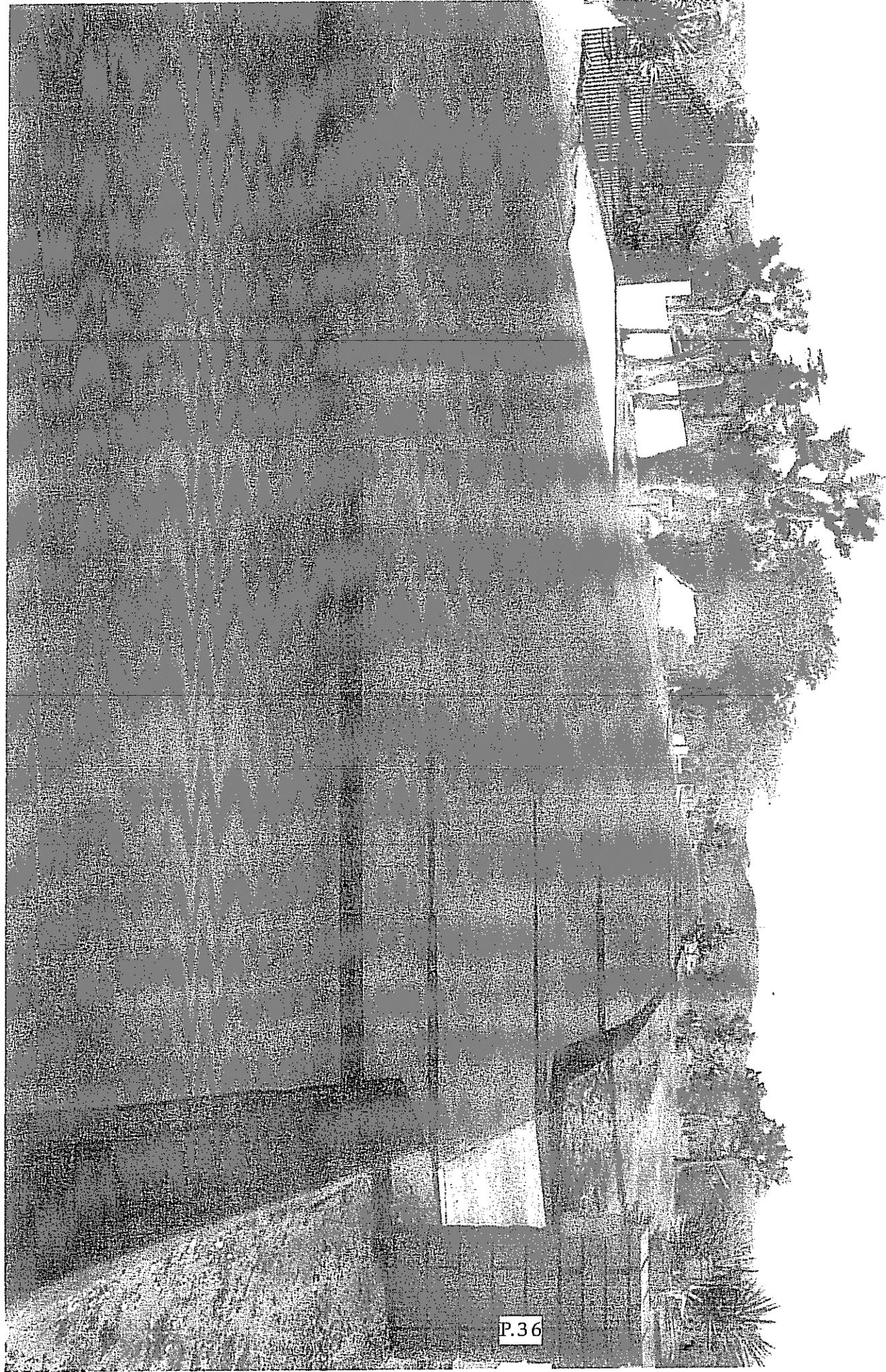




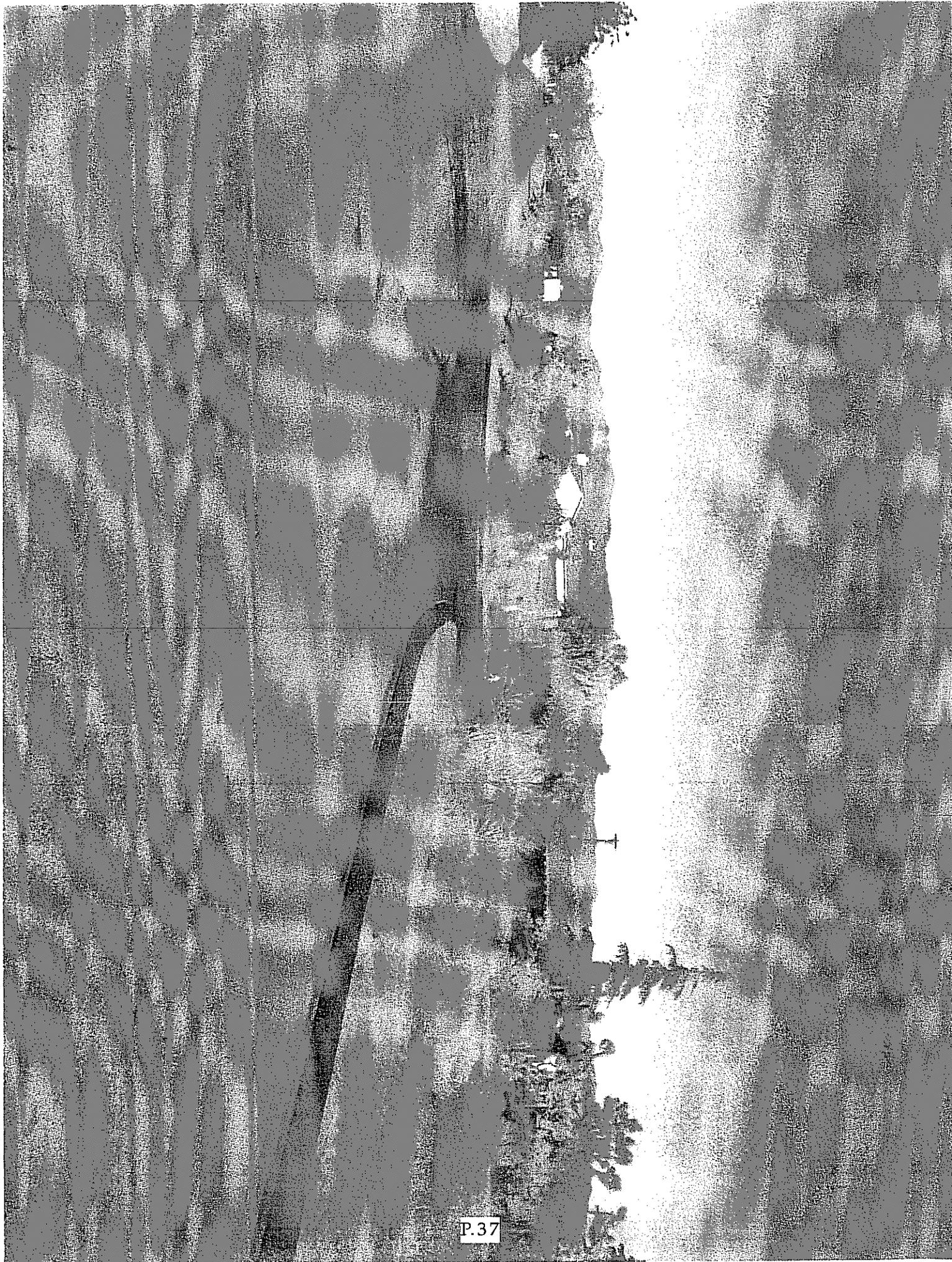








P.36



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council
From: Duane Gasaway, Consulting Project Manager
Date: May 9, 2011
For Council Meeting: May 17, 2011

Subject: Resolution No. 11-
Updating the Assessment Engineer's Report for Previously Formed Street and Drainage and Landscape and Lighting Maintenance Districts.

Prior Council Review: There has been no prior review of this specific item. The Town Council previously approved the formation of Landscape and Lighting Maintenance Districts and Street and Drainage Maintenance Districts which must be updated and approved by the Town Council annually pursuant to State law.

Recommendation: That the Town Council approves the Resolution 1) directing the preparation of an assessment engineer's report describing any new improvements or any substantial changes in the existing improvements in the existing assessment districts, 2) preliminarily approving the engineering reports for the existing assessment districts and directing the filing of such reports with the Town Clerk, and 3) setting the date for conducting a public hearing at 6:00 PM on Tuesday, June 21, 2011, at 6:00 P.M. in the Yucca Valley Community Center, 57909 29 Palms Highway, Yucca Valley, CA 92284 pursuant to California Streets and Highways Code Sections 22552 and 22553 and Government Code Section 53753.5, to consider the levy of annual assessments upon real property.

Executive Summary: The Town Council has previously formed Landscape and Lighting Maintenance Districts and Street and Drainage Maintenance Districts as a condition of private subdivision development projects. The Assessment Engineer's report, which establishes the amount of annual assessment in each of the Districts, must be updated annually and approved by the Town Council, following a public hearing, in order to levy the annual assessment(s).

Order of Procedure: Request Staff Report
Request Public Comment
Council Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (Roll Call Vote, Consent Agenda)

Discussion: Subdivision development projects are approved subject to conditions of approval that require the formation of Landscape and Light Maintenance Assessment

Reviewed By:	 Town Manager	Town Attorney	 Mgmt Services	SRS Dept Head
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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input checked="" type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

Districts and Street and Drainage Maintenance Districts. The assessment of an annual fee upon properties within the District provides the revenue to offset the cost of maintenance of the public improvements necessary to serve the development.

The California Streets and Highways Code §22620 et. seq. with respect to Landscape and Lighting Districts and Government Code §53750 et. seq. with respect to Street and Drainage Maintenance Districts require that the Assessment Engineer's report for each of the Districts be updated and approved by the legislative body prior to the levy of any annual assessment on properties within the an assessment district.

The tentative schedule for the annual update of the assessment districts which is prepared based on information provided by the San Bernardino County Auditor-Controller-Recorders office is as follows:

May 17, 2011: Town Council 1) direction of preparation of an assessment engineer's report describing any new improvements or any substantial changes in the existing improvements in the existing assessment districts, 2) preliminarily approving the engineering reports for the existing assessment districts and directing the filing of such reports with the Town Clerk, and 3) setting the date for the conduct of a public hearing at 6:00 PM on Tuesday, June 21, 2011, at 6:00 P.M. in the Yucca Valley Community Center, 57909 29 Palms Highway, Yucca Valley, CA 92284 pursuant to California Streets and Highways Code Sections 22552 and 22553 and Government Code Section 53753.5 to consider the levy of annual assessments upon real property

June 21, 2011: Town Council public hearing and approval of the levy of assessments upon real property within each of the Districts for fiscal year 2011-2012.

June 30, 2011: Deadline for submission of preliminary notice of assessments to San Bernardino County.

August 10, 2011: Deadline for submission of final notice of assessments to San Bernardino County.

September 2, 2011-Last day for submission of corrections to San Bernardino County.

The Town has formed nine (9) such assessment districts which are described as follow:

TM 16957 (Living Space Subdivision)

Location: 800 feet south of Joshua Drive on the east side of Acoma Trail

No. of Lots: 34 residential lots

Map Recorded: Yes

District type:

1. Benefit Assessment Act of 1982; Street and Drainage Maintenance District

2. Landscape and Lighting Act of 1972; Landscape and Lighting Maintenance District

TM 16587 Mesquite 55 Subdivision (formerly Danmark Development)

Location: Northeast corner of Acoma Trail and Zuni Trail

No. of Lots: 55 Residential lots

Map Recorded: Yes

District type:

1. Benefit Assessment Act of 1982; Street and Drainage Maintenance District
2. Landscape and Lighting Act of 1972; Landscape and Lighting Maintenance District

TM 17328 Yucca Valley Estates Subdivision

Location: Southwest corner of Emerson Avenue and Yucca Trail.

No. of Lots: 17 residential lots.

Map Recorded: Yes

District type:

1. Benefit Assessment Act of 1982; Street and Drainage Maintenance District.
2. Landscape and Lighting Act of 1972; Landscape and Lighting Maintenance District.

TM 17455 Home Depot Parcel Map

Location: East of the Avalon Avenue on the south side of SR62

No. of Lots: Four (4) commercial parcels.

Map Recorded: Yes

District Type:

- Benefit Assessment Act of 1982; Street and Drainage Maintenance District.

TM 17633 Burnt Mountain Haciendas Subdivision-Phase I

Location: Southwest corner of Palomar Avenue and Onaga Trail

No. of Lots: 61 total residential lots; Phase 1

Map Recorded: No

District Initiated and Levy Assessed: District initiated and levy approved by Town Council. Final map and supporting documents not yet submitted for approval and recording.

District type:

1. Benefit Assessment Act of 1982; Street and Drainage Maintenance District
2. Landscape and Lighting Act of 1972; Landscape and Lighting Maintenance District

Alternatives: No alternatives are recommended.

Fiscal impact: The assessment on properties within the assessment districts provides revenue to offset the cost of maintenance of public improvement to serve the development project. The engineering reports set forth the "Maximum Allowable Assessment" for each parcel (page 5 of the Engineering Report for Street and Drainage Maintenance Districts 1 through 5 and page 4 of the Engineering Report for Landscape and Lighting Maintenance Districts 1-4). These tables demonstrate the Maximum Allowable Assessment has increased only a few cents from the prior year's assessment.

The assessment engineer notes that with the exception of Street and Drainage Maintenance District No. 5 (Home Depot), the projects have not been constructed. Therefore, the assessment engineer's report recommends a levy in the amount to recover administrative costs of these districts.

Attachments: Resolution
Benefit Assessment District Engineering Reports
Landscape and Lighting Assessment District Engineering Reports
Assessment District Summary Table

RESOLUTION NO 11-

A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF YUCCA VALLEY, CALIFORNIA CAUSING AN ENGINEER'S REPORT TO BE PREPARED FOR ASSESSMENTS TO BE LEVIED WITHIN EXISTING ASSESSMENT DISTRICTS DURING THE 2011-2012 TAX YEAR AND PRELIMINARILY APPROVING THE ASSESSMENT ENGINEERING REPORTS AND SETTING A PUBLIC HEARING DATE TO CONSIDER THE LEVY OF ASSESSMENTS WITHIN THE EXISTING ASSESSMENT DISTRICTS FOR THE 2011-12 TAX YEAR

WHEREAS, the Town Council previously caused to be prepared and approved the original engineer's report in the formation of the following assessment districts pursuant to Streets and Highways Code Section 22565 et.seq., and Government Code Section 54716 and Section 4(b) of Article 13D of the Constitution of the State of California:

Street and Drainage Maintenance District No. 1 and Landscape and Lighting Maintenance District No. 1 both districts comprised of Tract Map 16957;

Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2 and Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2 both districts comprised of Tract Map 16587;

Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 and Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3 both districts comprised of Tract Map 17328;

Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4 and Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4 both districts comprised of Tract Map 17633-Phase I;

Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5 comprised of Parcel Map 17455; and

WHEREAS, the improvements in the aforementioned Landscape and Lighting Maintenance Districts include Regular maintenance, repair and replacement of all facilities within the public rights-of-ways or easements which shall include, but not be limited to, the landscaping, irrigation system, signage, perimeter wall, retaining walls, pedestrian path and erosion control plantings within or adjacent to the detention basins and drainage swale; Operation, maintenance, repairs, replacement of and power for the street lighting; Regular maintenance, repair and replacement of the landscape parkway strip and street trees; Regular maintenance, repair and replacement of landscaping within public rights-of-ways or easements, and perimeter walls, including graffiti removal; Regular maintenance, repair and replacement of pedestrian pathways, within the

public rights-of-ways or easements; and administrative services to operate the District; and

WHEREAS, the improvements in the aforementioned Street and Maintenance Districts Maintenance and operation of streets, roads and highways shall include but not be limited to pavement rehabilitation, restriping, slurry sealing, signing, street sweeping, traffic control devices and other repairs needed to keep the streets in a safe condition and to preserve the street network; and

Maintenance and operation of drainage and flood control facilities, including but not limited to floodways, channels, percolation pond, storm drain systems including pipes and catch basins and appurtenant facilities; and administrative services to operate the district; and

WHEREAS, the Town Council has received and reviewed the engineering assessment reports which reviews and updates the original engineer's report for the aforementioned Districts for purposes of determining the levy of assessments for the 2011-2012 tax year, and

WHEREAS, there are no changes to the existing or planned improvements nor are there any items being added to the list of improvements previously approved at the formation of each District.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA DOES RESOLVE AS FOLLOWS:

Section 1. The Town Council of the Town of Yucca Valley directs the Town Engineer to cause and engineer's report to be prepared and filed with the Town Clerk for submission to the Town Council for the following assessment districts for the fiscal year commencing July 1, 2011 and ending June 30, 2012:

Street and Drainage Maintenance District No. 1 and Landscape and Lighting Maintenance District No. 1 both districts comprised of Tract Map 16957;

Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2 and Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2 both districts comprised of Tract Map 16587;

Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 and Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3 both districts comprised of Tract Map 17328;

Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4 and Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4 both districts comprised of Tract Map 17633-Phase I;

Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5
comprised of Parcel Map 17455.

Section 2. The Town Council has received and reviewed the engineering reports
and hereby preliminarily approves said engineering reports.

Section 3. The Town Council hereby sets date for the conduct of a public
hearing at 6:00 PM on Tuesday, June 21, 2011 in the Yucca Valley Community
Center, 57090 29 Palms Highway, Yucca Valley, CA 92284 pursuant to
California Streets and Highways Code Sections 22552 and 22553 and
Government Code Section 53753.5 to consider the levy of annual assessments
upon real property within the existing assessment districts.

APPROVED AND ADOPTED this 17th day of May, 2011.

Town of Yucca Valley

Mayor

**ENGINEER'S REPORT FOR
STREET AND DRAINAGE
MAINTENANCE DISTRICT NO. 1
BENEFIT ZONES 1-5**

Fiscal Year 2011-12

Prepared for:

**TOWN OF YUCCA VALLEY
San Bernardino County, California**

Prepared by:

***K. Dennis Klingelhofer
Assessment Engineer***

April, 2011

PRELIMINARY ENGINEER'S REPORT

TOWN OF YUCCA VALLEY

STREET AND DRAINAGE MAINTENANCE DISTRICT No. 1, BENEFIT ZONES 1-5

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Appendix A - Assessment Roll	

PRELIMINARY ENGINEER'S REPORT
TOWN OF YUCCA VALLEY
STREET AND DRAINAGE MAINTENANCE DISTRICT No. 1
BENEFIT ZONES 1-5

The undersigned respectfully submits the enclosed Engineer's Report as directed by the Town Council.

Dated: May 4, 2011

By: _____
K. Dennis Klingelhofer, P.E.
Assessment Engineer

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram thereto attached was filed with me on the _____ day of _____, 2011.

Janet M. Anderson, Town Clerk
Town of Yucca Valley
San Bernardino County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram thereto attached was approved and confirmed by the Council of the Town of Yucca Valley, San Bernardino County, California, on the _____ day of _____, 2011.

Janet M. Anderson, Town Clerk
Town of Yucca Valley
San Bernardino County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram thereto attached was filed with the County Auditor of the County of San Bernardino, on the _____ day of _____, 2011.

Janet M. Anderson, Town Clerk
Town of Yucca Valley
San Bernardino County, California

By _____

SECTION I - INTRODUCTION

To ensure a flow of funds for the operation, maintenance and servicing of specified improvements within new development, the Town Council adopted Resolution No. 05-61 on October 27, 2005 to establish the Town of Yucca Valley Street Maintenance District No. 1 in accordance with the provisions of the Government Code and the provisions of Article XIID of the State Constitution (Proposition 218) and the Benefit Act of 1082 of the Government Code.

Since the formation of the District, additional benefit zones have been established as part of the conditions of property development and approved by the original property owner(s) and the proposed assessments are based upon the costs of maintenance, repair and servicing of the improvements that provide special benefit to properties within each benefit zone in the District. The annual levy includes all proposed expenditures, fund balances, revenues and reserves; and is set aside in a Special Fund by the Town. The assessment to be levied within each benefit zone upon the parcels within it are proportionate to the special benefit they receive as set forth in the method of apportionment established at the time the time each benefit was established.

Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

As required by the Benefit Assessment Act of 1982, the Engineer's Report prepared for the formation of the District described the improvements to be maintained and serviced by the District which included:

1. Maintenance and operation of streets, roads and highways including but not limited to pavement rehabilitation, restriping, slurry sealing, signing, street sweeping, traffic control devices and other repairs needed to keep the streets in a safe condition and to preserve the street network;
2. Maintenance and operation of drainage and flood control facilities, including but not limited to floodways, channels, percolation pond, storm drain systems including pipes and catch basins and appurtenant facilities.

This annual update provides an estimated budget for each benefit zone within the District for fiscal year 2011-12 and lists the proposed assessments to be levied upon each assessable lot or parcel within the District.

The Town Council may order amendments to the budget as presented herein or confirm the report as submitted. Following final approval of the report and confirmation of the assessments, the Town Council may order the levy and collection of the assessment for Fiscal Year 2011-12. Upon approval, the assessments will be submitted to the San Bernardino County Auditor-Controller's Office to be included on the FY 2011-12 tax roll.

SECTION II - PLANS AND SPECIFICATIONS

The facilities, which are to be constructed within the Street and Drainage Maintenance District No. 1, and those which maybe subsequently constructed, will be operated, maintained and serviced as generally described as follows:

DESCRIPTION OF IMPROVEMENTS **TOWN OF YUCCA VALLEY** **STREET AND DRAINAGE MAINTENANCE DISTRICT NO. 1**

Zone 1(Tract 16957) - Improvements within this zone consist of streets, roads and highways, public alleyways and the storm drain system within Tract No. 16957. The District may maintain and operate these improvements including but not limited to pavement repair and rehabilitation, restriping, slurry sealing, street sweeping, signing, concrete repair, maintenance of storm drain pipes, catch basins and percolation ponds within the subdivision, personnel, electrical energy, utilities such as water, materials, contractual services and other items necessary for the satisfactory operation of the improvements which shall also include; vandalism abatement.

Zone 2 (Tract 16857) - Improvements within this zone consist of streets, roads and highways, public alleyways and the storm drain system within Tract No. 16587. The District may maintain and operate these improvements including but not limited to pavement repair and rehabilitation, restriping, slurry sealing, street sweeping, signing, concrete repair, maintenance of storm drain pipes, catch basins and percolation ponds within the subdivision, personnel, electrical energy, utilities such as water, materials, contractual services and other items necessary for the satisfactory operation of the improvements which shall also include; vandalism abatement.

Zone 3 (Tract 17328) - Improvements within this zone consist of streets, roads and highways, public alleyways and the storm drain system within Tract No. 17328. The District may maintain and operate these improvements including but not limited to pavement repair and rehabilitation, restriping, slurry sealing, street sweeping, signing, concrete repair, maintenance of storm drain pipes, catch basins and percolation ponds within the subdivision, personnel, electrical energy, utilities such as water, materials, contractual services and other items necessary for the satisfactory operation of the improvements which shall also include; vandalism abatement.

Zone 4 (Tract 17633) - Improvements within this zone consist of streets, roads and highways, public alleyways and the storm drain system within Tract No. 17633. The District may maintain and operate these improvements including but not limited to pavement repair and rehabilitation, restriping, slurry sealing, street sweeping, signing, concrete repair, maintenance of storm drain pipes, catch basins and percolation ponds within the subdivision, personnel, electrical energy, utilities such as water, materials, contractual services and other items necessary for the satisfactory operation of the improvements which shall also include; vandalism abatement.

Zone 5 (Tract 17328) - Improvements within this zone consist of streets, roads and highways, public alleyways and the storm drain system within Tract No. 17328. The District may maintain and operate these improvements including but not limited to pavement repair and rehabilitation, restriping, slurry sealing, street sweeping, signing, concrete repair, maintenance of storm drain pipes, catch basins and percolation ponds within the subdivision, personnel, electrical energy, utilities such as water, materials, contractual services and other items necessary for the satisfactory operation of the improvements which shall also include; vandalism abatement.

The plans and specifications for the improvements within each benefit zone are on file in the Office of the Town Engineer, Community Development/Public Works Department of the Town of Yucca Valley.

TOWN OF YUCCA VALLEY
Street and Drainage Maintenance District No. 1
Benefit Zones 1-5

SECTION III - ESTIMATE OF COST

The 1982 Act provides that the total cost of maintenance and operation of the streets and drainage facilities can be recovered by the District including administration of the District, engineering fees, legal fees, printing, posting, and mailing of notices, and all other costs associated with the annual levy and collection of assessments can also be included.

The following operation, maintenance and servicing costs for Fiscal Year 2011-12 are proposed to be included in the Street and Drainage Maintenance District No.1, including contributions to reserves.

The 1982 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. Any balance remaining on July 1 must be carried over to the next fiscal year.

Town of Yucca Valley Street and Drainage Maintenance District No. 1 Estimated Annual Costs					
Fiscal Year 2010-11	Benefit Zone 1 (Tract 16957)	Benefit Zone 2 (Tract 16587)	Benefit Zone 3 (Tract 17328)	Benefit Zone 4 (Tract 17633)	Benefit Zone 5 (PM 17455)
Maintenance & Servicing					
Surfacing	\$ -	\$ -	\$ -	\$ -	\$ 1,255.00
Street Sweeping	\$ -	\$ -	\$ -	\$ -	\$ 100.00
Vandalism Abatement	\$ -	\$ -	\$ -	\$ -	\$ 300.00
Storm Drain Maintenance	\$ -	\$ -	\$ -	\$ -	\$ 4,600.00
Rehabilitation Reserve	\$ -	\$ -	\$ -	\$ -	\$ 3,800.00
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ 10,055.00
Incidental Expenses					
City Administration	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Assessment Engineering	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
County Administration Fee	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Reserve	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Annual Levy					
Total Maintenance and Incidental Expenses	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 12,055.00
Less Contribution from Reserves					
Operating	\$ -	\$ -	\$ -	\$ -	\$ (2,000.00)
Capital Replacement	\$ -	\$ -	\$ -	\$ -	\$ -
Balance to Levy	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 14,055.00
Total EDU's /BU's	34	55	17	61	7,184
Proposed Levy per EDU	\$ 58.82	\$ 36.36	\$ 117.65	\$ 32.79	\$ 1.96
Maximum Allowable Levy per EDU	\$ 782.85	\$ 450.51	\$ 682.3	\$ 467.61	\$ 2.07
Fund Balance Summary					
Operating Reserve (Projected as of July 1, 2011)	\$ 4,186.43	\$ 4,186.43	\$ 4,186.43	\$ 4,186.43	\$ 4,442.04
Contribution to Operating Reserve	\$ -	\$ -	\$ -	\$ -	\$ 2,000.00
Projected Operating Reserve as of June 30, 2012	\$ 4,186.43	\$ 4,186.43	\$ 4,186.43	\$ 4,186.43	\$ 6,442.04
Capital Replacement Reserve (Projected as of July 1, 2011)	\$ -	\$ -	\$ -	\$ -	\$ 26,083.33
Contribution to Capital Replacement Reserve	\$ -	\$ -	\$ -	\$ -	\$ 3,800.00
Projected Capital Replacement Reserve as of June 30, 2012	\$ -	\$ -	\$ -	\$ -	\$ 29,883.33

Since construction of the improvements in several of the benefit zones has not been completed, a reduced assessment is proposed to be levied in several of the benefit zones for 2011-12. However, the Maximum Annual Assessment per EDU will be increased as established at the time of formation by the change in Consumer Price Index for all Urban Consumers for the Los Angeles Area (December – December) to provide sufficient revenues for the maintenance of the improvements in future years. The Maximum Allowable Assessment by Benefit Zone for 2011-12 shall be as shown below:

Maximum Allowable Assessments

Benefit Zone	Fiscal Year						
	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
	% Change in CPI						
	N/A	4.46%	3.29%	4.17%	0.11%	1.83%	1.23%
1 (Tract 16957)	\$ 675.00	\$ 705.08	\$ 728.25	\$ 758.59	\$ 759.44	\$ 773.35	\$ 782.85
2 (Tract 16587)	N/A	N/A	\$ 419.09	\$ 436.55	\$ 437.04	\$ 445.04	\$ 450.51
3 (Tract 17328)	N/A	N/A	\$ 634.71	\$ 661.15	\$ 661.89	\$ 674.01	\$ 682.30
4 (Tract 17633)	N/A	N/A	\$ 435.00	\$ 453.12	\$ 453.63	\$ 461.93	\$ 467.61
5 (Tract -17455)	N/A	N/A	\$ 1.93	\$ 2.01	\$ 2.01	\$ 2.05	\$ 2.07

The Town shall have no obligation to commit funds in excess of the assessment revenues collected for the maintenance of the improvements within each benefit zone and the level of maintenance provided shall be adjusted to match the funds available. In addition, funds collected may be used to reimburse the Town for any funds advanced, including funds advanced for district administration.

The funds in the Rehabilitation Reserve for each Benefit Zone will be set aside annually and shall only be used for the replacement or rehabilitation of the improvements within that Benefit Zone unless the Town determines that there is a surplus based upon expected future replacement costs.

Funds raised by the assessments shall be used only for the purpose as stated herein. Any balance remaining on July 1 must be carried over to the next fiscal year unless the funds are being accumulated for future capital improvements and operating reserves. The District may accumulate an operating reserve which shall not exceed the annual estimated costs of maintenance and servicing.

The 1982 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. Any balance remaining on July 1 must be carried over to the next fiscal year.

SECTION IV - ASSESSMENT ROLL

The proposed assessment for Fiscal Year 2011-12 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, is shown in Appendix A.

The description of each lot or parcel is part of the records of the Assessor of the County of San Bernardino and these records are, by reference, made part of this Report.

The total Assessment to be levied for 2011-12 Fiscal Year as approved by the Town Council per EDU/BU is shown below.

Zone	Number of EDU's/Trips	Rate per EDU/BU's	Total FY11-12 Assessment
Benefit Zone 1 (Tract 16957)	34	\$58.82	\$2,000.00
Benefit Zone 2 (Tract 16587)	55	\$36.36	\$2,000.00
Benefit Zone 3 (Tract 17328)	17	\$117.65	\$2,000.00
Benefit Zone 4 (Tract 17633)	61	\$32.79	\$2,000.00
Benefit Zone 5 (PM 17455)	7,184	\$1.96	\$14,055.00

SECTION V - METHOD OF APPORTIONMENT OF ASSESSMENT

Chapter 6.4, Division 2, Title 5, of the Government Code, the Benefit Assessment Act of 1982, permits the establishment of assessment districts by Cities for the purpose of financing the maintenance and operation of certain public improvements including streets and drainage facilities.

Section 54711 of the Benefit Assessment Act of 1982 requires that maintenance assessments be levied according to benefit rather than according to assessed value. This Section states:

- (a) No benefit assessment shall be levied pursuant to this chapter unless it meets all of the following requirements:
 - (1) The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of the service. Except as provided in subdivision (d) or (e) of Section 54715, in the case of a benefit assessment for flood control services, the benefit must be determined on the basis of the proportionate storm water runoff from each parcel. In the case of an assessment for the maintenance of streets, roads, or highways, the benefit shall be in proportion to the estimated traffic volume to be generated by each parcel assessed, or by any other reasonable basis as determined by the legislative body.
 - (2) The annual aggregate amount of the assessment shall not exceed the estimated annual cost of providing the service.
 - (3) The revenue derived from the assessment shall not be used to pay the cost of any service other than the service for which the assessment was levied.
- (b) This section does not limit or prohibit the levy or collection of any other fee, charge, or tax for the provision of services, except that a maintenance district formed pursuant to Chapter 7 (commencing with Section 1550) of Division 2 of the Streets and Highways Code shall impose an assessment pursuant to this chapter only as an alternative to imposing a property tax for the provision of street lighting services.

Excepted from the assessment would be the areas of all public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, all easements and rights-of-ways, all public parks, greenbelts and parkways, public school property and all other publicly owned property.

The costs for the operation, maintenance and servicing of the improvements maintained for each zone are apportioned in accordance with the methodology which was established by the Town Council upon formation of the District and is shown below:

Method of Assessment – Zones 1- 4

Benefit Zones 1-4 were established to provide a funding source for the maintenance and servicing of streets, roads, highways and storm drain facilities within the boundaries of each Benefit Zone which consist of single family residential parcels. The services within each of

these Benefit Zones consist of the maintenance of public roads which provide access and drainage to those parcels of land within each Benefit Zone.

Parcels benefiting from the street and storm drainage maintenance within each of these Benefit Zones have been determined to be predominantly of the same land use type, specifically, single family detached home sites. Therefore, each home within each Benefit Zone receives the same benefit from the maintenance of the streets and drainage improvements and shall be treated equally in determining the method of spreading assessments.

The assessment costs for the operation; maintenance and servicing of the improvements are apportioned in accordance with the methodology as established by the Town Council upon formation of the District and the establishment of each benefit zone. It was determined at that time that the most equitable method for spreading the estimated benefit received by each parcel should be based on the Equivalent Dwelling Unit (EDU) method. Each residential parcel will be assessed on the basis of one EDU per parcel. The formula for each of the Benefit Zones 1-4 is as follows:

$$\text{Assessable budget} \div \text{total EDUs} = \text{rate per EDU}$$

Benefit Zone	Landuse	Parcels	Dwelling Units	EDU Factor	Total EDUs	Rate/EDU	Total Asmt.
1	Residential	34	34	1.00/DU	34	\$58.82	\$2,000.00
2	Residential	55	55	1.00/DU	55	\$36.36	\$2,000.00
3	Residential	17	17	1.00/DU	17	\$117.65	\$2,000.00
4	Residential	61	61	1.00/DU	61	\$32.79	\$2,000.00

Method of Assessment - Zone 5

Benefit Zone 5 was established to provide a funding source for the maintenance and servicing of streets, roads, highways and storm drain facilities within the boundaries of Benefit Zone 5. As a condition of development, the developer was required to construct Palisades Drive from the boundary of Parcel Map 17455 to Avalon Street. Palisades Drive is the primary access to the area within Parcel Map 17455. Parcel No. 0601-201-37-0000 located adjacent to Parcel Map 17455 takes primary access from Avalon Street, and therefore only receives an incidental benefit from the improvements to be maintained by the District.

The assessment costs for the operation; maintenance and servicing of the improvements are apportioned on the basis of the trips estimated to be generated by each parcel in accordance with the methodology as established by the Town Council upon formation of the Benefit Zone. The parcels will be assessed on the basis of one Benefit Unit (BU) per trip generated. Trip generation rates were based upon land use and the trip generation rates shown in the AGR Traffic Study prepared at the time of development approval. The formula is as follows:

$$\text{Assessable budget} \div \text{total BU's} = \text{rate per BU}$$

TOWN OF YUCCA VALLEY
Street and Drainage Maintenance District No. 1
Benefit Zones 1-5

Benefit Zone	Landuse	Building Sq Ft	Avg Daily Trips	Total BU's	Rate/BU	Total Asmt.
5	Parcel 1 - Home Depot	139,656	4,162	4,162	\$1.96	\$14,055.00
	Parcel 2 - Specialty Retail	27,110	1,202	1,202	\$1.96	
	Parcel 3 - Specialty Retail	7,500	332	332	\$1.96	
	Parcel 4 - Fast Food	3,000	1,488	1,488	\$1.96	

SECTION VI - PROPERTY OWNER LIST

A list of names and addresses of the owners of all parcels within the Street and Drainage Maintenance Districts shown on the last equalized Property Tax Roll of the Assessor of the County of San Bernardino, which by reference is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll in Appendix A.

APPENDIX A

**TOWN OF YUCCA VALLEY
STREET AND DRAINAGE MAINTENANCE DISTRICT No. 1
ASSESSMENT ROLL
Fiscal Year 2011-12**

Benefit Zone 1 - Tract 16957

585621010000	\$782.85	\$58.82
585621020000	\$782.85	\$58.82
585621030000	\$782.85	\$58.82
585621040000	\$782.85	\$58.82
585621050000	\$782.85	\$58.82
585621060000	\$782.85	\$58.82
585621070000	\$782.85	\$58.82
585621080000	\$782.85	\$58.82
585621090000	\$782.85	\$58.82
585621100000	\$782.85	\$58.82
585621110000	\$782.85	\$58.82
585621120000	\$782.85	\$58.82
585621130000	\$782.85	\$58.82
585621140000	\$782.85	\$58.82
585621150000	\$782.85	\$58.82
585621160000	\$782.85	\$58.82
585621170000	\$782.85	\$58.82
585621180000	\$782.85	\$58.82
585621190000	\$782.85	\$58.82
585621200000	\$782.85	\$58.82
585621210000	\$782.85	\$58.82
585621220000	\$782.85	\$58.82
585621230000	\$782.85	\$58.82
585621240000	\$782.85	\$58.82
585621250000	\$782.85	\$58.82
585621260000	\$782.85	\$58.82
585621270000	\$782.85	\$58.82
585621280000	\$782.85	\$58.82
585621290000	\$782.85	\$58.82
585621300000	\$782.85	\$58.82
585621310000	\$782.85	\$58.82
585621320000	\$782.85	\$58.82
585621330000	\$782.85	\$58.82
585621340000	\$782.85	\$58.82
Total:	\$26,616.90	\$1,999.88

Benefit Zone 2 - Tract 16587

587441010000	\$450.51	\$36.36
587441020000	\$450.51	\$36.36
587441030000	\$450.51	\$36.36
587441040000	\$450.51	\$36.36
587441050000	\$450.51	\$36.36
587441060000	\$450.51	\$36.36
587441070000	\$450.51	\$36.36
587441080000	\$450.51	\$36.36
587441090000	\$450.51	\$36.36
587441100000	\$450.51	\$36.36
587441110000	\$450.51	\$36.36
587441120000	\$450.51	\$36.36
587441130000	\$450.51	\$36.36
587441140000	\$450.51	\$36.36
587441150000	\$450.51	\$36.36
587441160000	\$450.51	\$36.36
587441170000	\$450.51	\$36.36
587441180000	\$450.51	\$36.36
587441190000	\$450.51	\$36.36
587441200000	\$450.51	\$36.36
587441210000	\$450.51	\$36.36
587441220000	\$450.51	\$36.36
587441230000	\$450.51	\$36.36
587441240000	\$450.51	\$36.36
587441250000	\$450.51	\$36.36
587441260000	\$450.51	\$36.36
587441270000	\$450.51	\$36.36
587441280000	\$450.51	\$36.36
587441290000	\$450.51	\$36.36
587441300000	\$450.51	\$36.36
587441310000	\$0.00	\$0.00
587451040000	\$450.51	\$36.36
587451050000	\$450.51	\$36.36
587451060000	\$450.51	\$36.36
587451070000	\$450.51	\$36.36
587451080000	\$450.51	\$36.36
587451090000	\$450.51	\$36.36
587451100000	\$450.51	\$36.36
587451110000	\$450.51	\$36.36
587451120000	\$450.51	\$36.36
587451130000	\$450.51	\$36.36
587451140000	\$450.51	\$36.36
587451150000	\$450.51	\$36.36
587451160000	\$450.51	\$36.36
587451170000	\$450.51	\$36.36
587451180000	\$450.51	\$36.36
587451190000	\$450.51	\$36.36
587451200000	\$450.51	\$36.36
587451210000	\$450.51	\$36.36
587451220000	\$450.51	\$36.36
587451230000	\$450.51	\$36.36
587451240000	\$450.51	\$36.36
587451250000	\$450.51	\$36.36
587451260000	\$450.51	\$36.36
587451270000	\$450.51	\$36.36
587451280000	\$450.51	\$36.36
TOTAL ASSEMENT	\$24,778.05	\$1,999.80

Benefit Zone 3 - Tract 17328

58831110000	\$661.89	\$235.28
58831111000	\$661.89	\$235.28
58831112000	\$661.89	\$235.28
58831113000	\$661.89	\$235.28
58831114000	\$661.89	\$235.28
58831115000	\$661.89	\$235.28
58831116000	\$661.89	\$235.28
58831117000	\$661.89	\$235.28
58831118000	\$661.89	\$235.28
58831119000	\$661.89	\$235.28
58831120000	\$661.89	\$235.28
58831121000	\$661.89	\$235.28
58831122000	\$661.89	\$235.28
58831123000	\$661.89	\$235.28
58831124000	\$661.89	\$235.28
58831125000	\$661.89	\$235.28
58831126000	\$661.89	\$235.28
TOTAL ASSEMENT	\$11,252.13	\$3,999.76

Benefit Zone 4 - Tract 17633

17633	1	\$467.61	\$32.78	32	\$467.61	\$32.78
17633	2	\$467.61	\$32.78	33	\$467.61	\$32.78
17633	3	\$467.61	\$32.78	34	\$467.61	\$32.78
17633	4	\$467.61	\$32.78	35	\$467.61	\$32.78
17633	5	\$467.61	\$32.78	36	\$467.61	\$32.78
17633	6	\$467.61	\$32.78	37	\$467.61	\$32.78
17633	7	\$467.61	\$32.78	38	\$467.61	\$32.78
17633	8	\$467.61	\$32.78	39	\$467.61	\$32.78
17633	9	\$467.61	\$32.78	40	\$467.61	\$32.78
17633	10	\$467.61	\$32.78	41	\$467.61	\$32.78
17633	11	\$467.61	\$32.78	42	\$467.61	\$32.78
17633	12	\$467.61	\$32.78	43	\$467.61	\$32.78
17633	13	\$467.61	\$32.78	44	\$467.61	\$32.78
17633	14	\$467.61	\$32.78	45	\$467.61	\$32.78
17633	15	\$467.61	\$32.78	46	\$467.61	\$32.78
17633	16	\$467.61	\$32.78	47	\$467.61	\$32.78
17633	17	\$467.61	\$32.78	48	\$467.61	\$32.78
17633	18	\$467.61	\$32.78	49	\$467.61	\$32.78
17633	19	\$467.61	\$32.78	50	\$467.61	\$32.78
17633	20	\$467.61	\$32.78	51	\$467.61	\$32.78
17633	21	\$467.61	\$32.78	52	\$467.61	\$32.78
17633	22	\$467.61	\$32.78	53	\$467.61	\$32.78
17633	23	\$467.61	\$32.78	54	\$467.61	\$32.78
17633	24	\$467.61	\$32.78	55	\$467.61	\$32.78
17633	25	\$467.61	\$32.78	56	\$467.61	\$32.78
17633	26	\$467.61	\$32.78	57	\$467.61	\$32.78
17633	27	\$467.61	\$32.78	58	\$467.61	\$32.78
17633	28	\$467.61	\$32.78	59	\$467.61	\$32.78
17633	29	\$467.61	\$32.78	60	\$467.61	\$32.78
17633	30	\$467.61	\$32.78	61	\$467.61	\$32.78
17633	31	\$467.61	\$32.78			
TOTAL ASSEMENT					\$28,524.21	\$1,999.58

Benefit Zone 5 - Map 17455

601201450000	Parcel 1 - Home Depot	139,656	4,162	4,162	\$1.96	\$ 8,142.67
601201460000	Parcel 2 – Specialty Retail	27,110	1,202	1,202	\$1.96	\$ 2,351.63
601201470000	Parcel 3 – Specialty Retail	7,500	332	332	\$1.96	\$ 649.54
601201480000	Parcel 4 – Fast Food	3,000	1,488	1,488	\$1.96	\$ 2,911.17
Total						\$14,055.00

**ENGINEER'S REPORT FOR
LANDSCAPE AND LIGHTING
MAINTENANCE DISTRICT NO. 1
BENEFIT ZONES 1-4**

Fiscal Year 2011-12

Prepared for:

**TOWN OF YUCCA VALLEY
San Bernardino County, California**

Prepared by:

***K. Dennis Klingelhofer, P.E.
Assessment Engineer***

April, 2011

PRELIMINARY ENGINEER'S REPORT
TOWN OF YUCCA VALLEY
LANDSCAPE & LIGHTING MAINTENANCE DISTRICT No. 1, BENEFIT ZONES 1-4

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SECTION I - INTRODUCTION

To insure a flow of funds for the maintenance, repair and servicing of specified improvements within Tract 16957; the Town Council adopted Resolution No. 05-60 on October 27, 2005 to establish the District in accordance with the provisions of Part 2 of Division 15 of the California Streets and Highways Code, Sections 22500 through 22679, and the provisions of Article XIII D of the State Constitution (Proposition 218).

The District was established as part of the conditions of property development and approved by the original property owner(s) and the proposed assessments are based upon the costs of maintenance, repair and servicing of the improvements that provide special benefit to properties within the District. The annual levies includes all proposed expenditures, fund balances, revenues and reserves, and are set aside in a Special Fund by the Town. The assessment to be levied upon the parcels within each Benefit Zone are proportionate to the special benefit they receive as set forth in the method of apportionment established at the time the Benefit Zone was formed.

Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

As required by the Landscaping and Lighting Act of 1972, this Engineer's Report describes the improvements to be maintained by the District, provides an estimated budget for the District, sets the Maximum Allowable Assessment which may be levied upon each parcel and lists the proposed assessments to be levied upon each assessable lot or parcel within the District for 2011-12.

The Town will hold a Public Hearing on _____, to provide an opportunity for any interested person to be heard. Following consideration of public comments and review of this report, the Town Council may order amendments to the Report or confirm the report as submitted. Following final approval of the report and confirmation of the assessments, the Town Council may order the levy and collection of the assessment for Fiscal Year 2011-12. Upon approval, the assessments will be submitted to the San Bernardino County Auditor-Controller's Office to be included on the FY 2011-12 tax roll.

SECTION II - PLANS AND SPECIFICATIONS

The facilities, which will be constructed, maintained, repaired and serviced each Benefit Zone within Landscaping and Lighting Maintenance District No. 1 and which provide special benefits to parcels and properties within each Benefit Zone may include the following:

- Regular maintenance, repair and replacement of all facilities within the public rights-of-ways or easements which shall include, but not be limited to, the landscaping, irrigation system, signage, perimeter wall, retaining walls, pedestrian path and erosion control plantings within or adjacent to the detention basins and drainage swale.
- Operation, maintenance, repairs, replacement of and power for the street lighting.
- Regular maintenance, repair and replacement of the landscape parkway strip and street trees.
- Regular maintenance, repair and replacement of landscaping within public rights-of-ways or easements, and perimeter walls, including graffiti removal.
- Regular maintenance, repair and replacement of pedestrian pathways, within the public rights-of-ways or easements.
- Administrative services to operate the District.

Services include, but are not limited to: personnel; electrical energy; utilities such as water; materials; contractual services; grading; clearing; removal of debris; installation or construction of curbs, gutters, walls, sidewalks, paving, irrigation, drainage, hardscapes, trees, furnishings such as pots, bollards, tree grates, and appurtenant facilities as required to provide an aesthetically pleasing environment throughout the District; and other items necessary for the maintenance or servicing or both including the facilities described below.

Maintenance means the furnishing of services and materials for the ordinary and usual operations, maintenance and servicing of the landscaping, public park facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public park or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; and the removal of trimmings, rubbish, debris and other solid waste. Servicing means the furnishing of water for the irrigation of the landscaping, and recreational facilities or appurtenant facilities.

Plans and specifications for the improvements within each Benefit Zone shall be as approved by the Town of Yucca Valley and upon approval shall be placed on file in the Office of the Town Engineer, Community Development/Public Works Department, Town of Yucca Valley. Town staff will determine the frequency and specific maintenance activities required to maintain these improvements.

SECTION III - ESTIMATE OF COST

The 1972 Act provides that the total cost of installation, construction, operation, maintenance and servicing of landscaping and appurtenant facilities can be recovered by the District. Maintenance can include the repair and replacement of existing facilities. Servicing can include electrical and associated costs from a public utility. Incidental expenses, including administration of the District, engineering fees, legal fees, printing, posting, and mailing of notices, and all other costs associated with the annual collection process can also be included.

The projected costs for the maintenance, repair and servicing costs of the improvements within each Benefit including contributions to reserves for Fiscal Year 2010-11 are summarized below.

Town of Yucca Valley Lighting and Landscape Maintenance District No. 1 Estimated Annual Costs				
Fiscal Year 2010-11	Benefit Zone 1 (Tract 16957)	Benefit Zone 2 (Tract 16587)	Benefit Zone 3 (Tract 17328)	Benefit Zone 4 (Tract 17633)
Direct Costs				
Electricity for Street Lights	\$ -	\$ -	\$ -	\$ -
Acoma Trail Parkway Maintenance	\$ -	\$ -	\$ -	\$ -
Irrigation Water	\$ -	\$ -	\$ -	\$ -
Landscape Maintenance	\$ -	\$ -	\$ -	\$ -
Retention Basin Landscape & Irrigation	\$ -	\$ -	\$ -	\$ -
Capital Replacements	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ -	\$ -	\$ -	\$ -
Administration Costs				
Town Administration	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Assessment Engineering	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
County Administration Fees	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Annual Levy				
Total Direct and Administration Costs	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Capital Replacement Reserve Contribution	\$ -	\$ -	\$ -	\$ -
Operating Reserve Contribution	\$ -	\$ -	\$ -	\$ -
Less Contribution from Reserves	\$ -	\$ -	\$ -	\$ -
Operating	\$ -	\$ -	\$ -	\$ -
Capital Replacement	\$ -	\$ -	\$ -	\$ -
Balance to Levy	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Total EDU's	34	55	17	61
Proposed Levy per Edu	\$ 58.82	\$ 36.36	\$ 117.65	\$ 32.79
Maximum Allowable Levy	\$ 198.32	\$ 225.26	\$ 389.84	\$ 192.42
Fund Balance Summary (Projected as of June 30, 2011)				
Operating Reserve (Projected as of July 1, 2011)	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00
Contribution to Operating Reserve	\$ -	\$ -	\$ -	\$ -
Projected Operating Reserve as of June 30, 2012	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00
Capital Replacement Reserve (Projected as of July 1, 2011)	\$ -	\$ -	\$ -	\$ -
Contribution to Capital Replacement Reserve	\$ -	\$ -	\$ -	\$ -
Projected Capital Replacement Reserve as of June 30, 2012	\$ -	\$ -	\$ -	\$ -

Since construction of the improvements in several of the benefit zones have not been completed, a reduced assessment is proposed to be levied for 2011-12. However, as established at the time of District Formation, the Maximum Allowable Annual Assessment

per EDU which may be levied in future years will be increased by the Consumer Price Index for all Urban Consumers for the Los Angeles Area (December – December) to provide sufficient revenues for the maintenance of the improvements in future years. The Maximum Allowable Annual Assessment for 2011-12 shall be as shown below:

Maximum Allowable Assessments

Benefit Zone	Fiscal Year						
	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
	% Change in CPI						
	N/A	4.46%	3.29%	4.17%	0.11%	1.83%	1.23%
LLMD - 16957	\$ 171.00	\$ 178.62	\$ 184.49	\$ 192.18	\$ 192.39	\$ 195.91	\$ 198.32
LLMD - 16587	N/A	N/A	\$ 209.55	\$ 218.28	\$ 218.53	\$ 222.52	\$ 225.26
LLMD - 17328	N/A	N/A	\$ 362.65	\$ 377.76	\$ 378.18	\$ 385.10	\$ 389.84
LLMD - 17633	N/A	N/A	\$ 179.00	\$ 186.46	\$ 186.67	\$ 190.08	\$ 192.42

The Town shall have no obligation to commit funds in excess of the assessment revenues collected for the maintenance of the improvements and the level of maintenance provided shall be adjusted to match the funds available.

The funds in the Capital Replacement Reserve will be used for the replacement or rehabilitation of landscaping, irrigation systems, signage, perimeter walls, retaining walls, streetlights, pathways or other improvements maintained by the District. The funds will be set aside annually and shall only be used for the replacement or rehabilitation of the improvements unless the Town determines that there is a surplus based upon expected future replacement costs.

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by the assessments shall be used only for the purpose as stated herein. Any balance remaining on July 1 must be carried over to the next fiscal year unless the funds are being accumulated for future capital improvements and operating reserves. The District may accumulate an operating reserve which shall not exceed the annual estimated costs of maintenance and servicing.

SECTION IV - ASSESSMENT DISTRICT DIAGRAM

The boundaries of each Benefit Zone within Landscape and Lighting Maintenance District No. 1 are on file in the Office of the Town Clerk and are incorporated in this Report by reference.

A detailed description of the lines and dimensions of each lot or parcel within the assessment District are those lines and dimensions shown on the maps of the Assessor of the County of San Bernardino for FY 2011-12.

SECTION V - METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by Agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of landscaping and street lighting improvements for the purpose of:

- improving the livability, appearance, and economic conditions within the boundaries of the District, and
- ensuring that improvements do not reach a state of deterioration or disrepair so as to cause the depreciation of surrounding property or be materially detrimental to nearby properties and improvements; and
- protecting the health, safety and general welfare of occupants and visitors to properties.

Section 22573 of the Landscape and Lighting Act of 1972 requires that maintenance assessments must be levied according to benefit rather than according to assessed value. This Section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefit to be received by each such lot or parcel from the improvements."

The determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000) [of the Streets and Highways Code, State of California])."

In addition, Article XIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property.

Because assessments are levied on the basis of benefit, they are considered a user's fee, not a tax, and, therefore, are not governed by Article IIIA of the California Constitution.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22547).

Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax." Article XIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways.

LANDSCAPING BENEFIT DETERMINATION

Trees, landscaping, irrigation system, hardscaping and appurtenant facilities, if well maintained, provide beautification, shade and enhance the desirability of the surroundings, and therefore increase property values of the parcels within each Benefit Zone.

STREET LIGHTING BENEFIT DETERMINATION

The proper functioning of street lighting is imperative for the welfare and safety of the property owners within the District. Proper operation, maintenance, and servicing of a street lighting system benefits properties with each Benefit Zone by providing increased illumination for ingress and egress, safety traveling at night, improved security, protection of property and the reduction of traffic accidents.

PARCEL CLASSIFICATIONS

Single Family Residential - The single-family residential parcel classification will be per the *Town of Yucca Valley* land use designation and will be assessed on a per parcel basis. Each single family residential parcel will be assigned 1 Equivalent Dwelling Unit (EDU).

Exempt - Exempted from the assessment would be the areas of all public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, all easements and rights-of-ways, all public parks, greenbelts and parkways and all other public property designated open space.

Other parcel classifications will be included as necessary to accommodate future annexations.

ZONE CLASSIFICATION

Benefit Zone No. 1 through 4 have been established to provide a funding source for the operation, maintenance and servicing of landscaping and lighting improvements within the boundaries of each benefit zone. Future benefit zones will be established in the future as development occurs and improvements are constructed in those benefit zone which will provide a specific and special benefit to the parcels within each benefit zone.

BENEFIT SPREAD METHODOLOGY

The total operation, maintenance and servicing cost for the landscaping, street lighting, and open space improvements within each Benefit Zone are apportioned in accordance with a methodology that is consistent with standard assessment engineering practices.

Since the assessments are levied on the owners of properties as shown on the secured property tax rolls, the final charges must be assigned by Assessor's Parcel Number. If assessments were to be spread by parcel, not considering land use, this would not be equitable, because a single-family parcel would be paying the same as a 50-unit apartment parcel or a large commercial establishment. Therefore, as previously stated, the total assessment costs are spread to each parcel of land based on the benefit received by each particular parcel.

BENEFIT ZONE NO. 1-4

The costs for the operation; maintenance and servicing of the improvements are apportioned in accordance with the methodology as established by the Town Council upon formation of the District and the establishment of each benefit zone. It was determined at that time that the most equitable method for spreading the estimated benefit received by each parcel should be based on the Equivalent Dwelling Unit (EDU) method. Each residential parcel will be assessed on the basis of one EDU per parcel. The formula for each of the Benefit Zones 1-4 is as follows:

$$\text{Assessable budget} \div \text{total EDUs} = \text{rate per EDU}$$

Benefit Zone	Landuse	Parcels	Dwelling Units	EDU Factor	Total EDUs	Rate/EDU	Total Asmt.
1	Residential	34	34	1.00/DU	34	\$58.82	\$2,000.00
2	Residential	55	55	1.00/DU	55	\$36.36	\$2,000.00
3	Residential	17	17	1.00/DU	17	\$117.65	\$2,000.00
4	Residential	61	61	1.00/DU	61	\$32.79	\$2,000.00

SECTION VI- PROPERTY OWNER LIST & ASSESSMENT ROLL

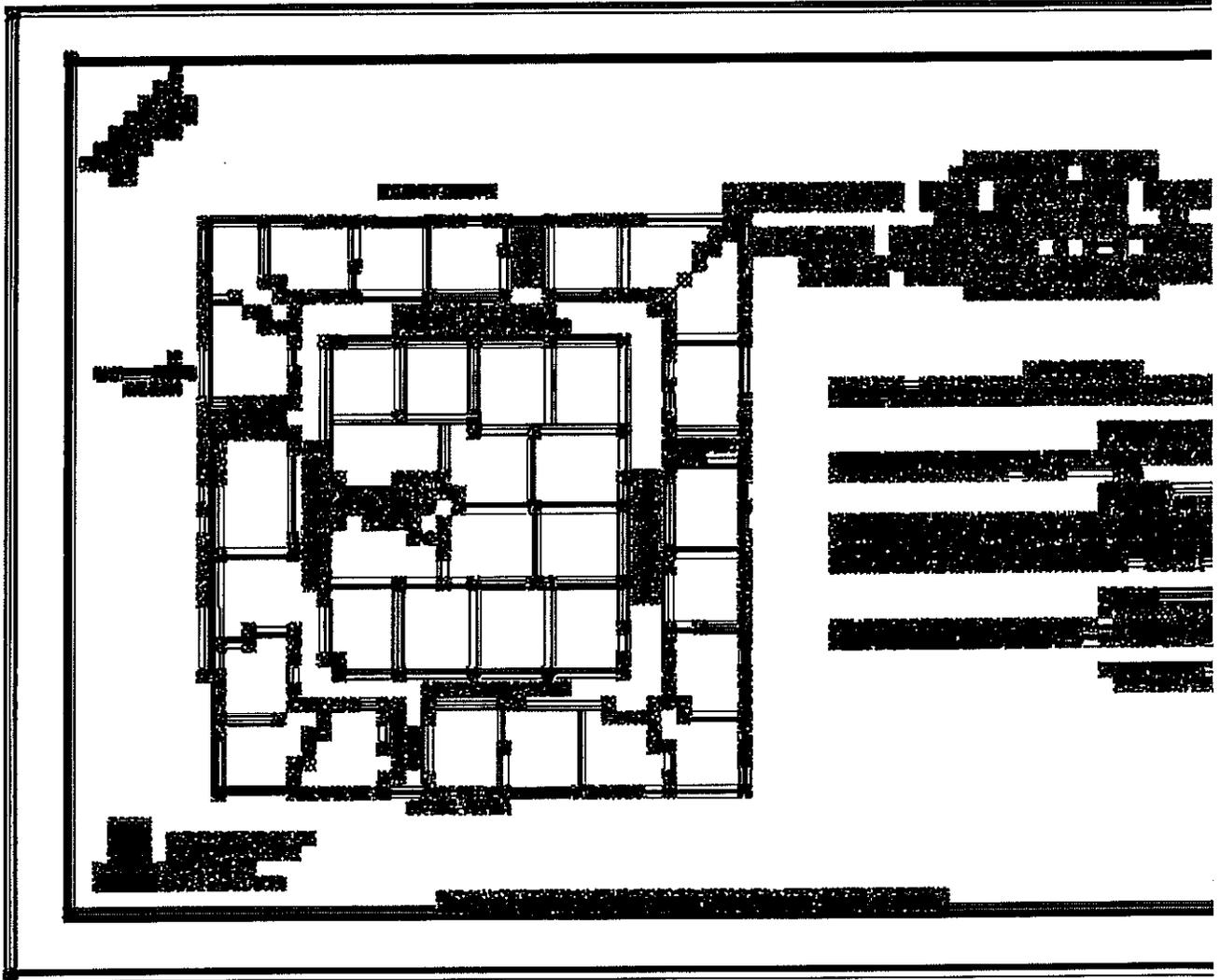
A list of names and addresses of the owners of all parcels within the Town of Yucca Valley's Landscape and Lighting Maintenance District No. 1 is shown on the last equalized Property Tax Roll of the Assessor of the County of San Bernardino, which is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the Office of the Town Clerk

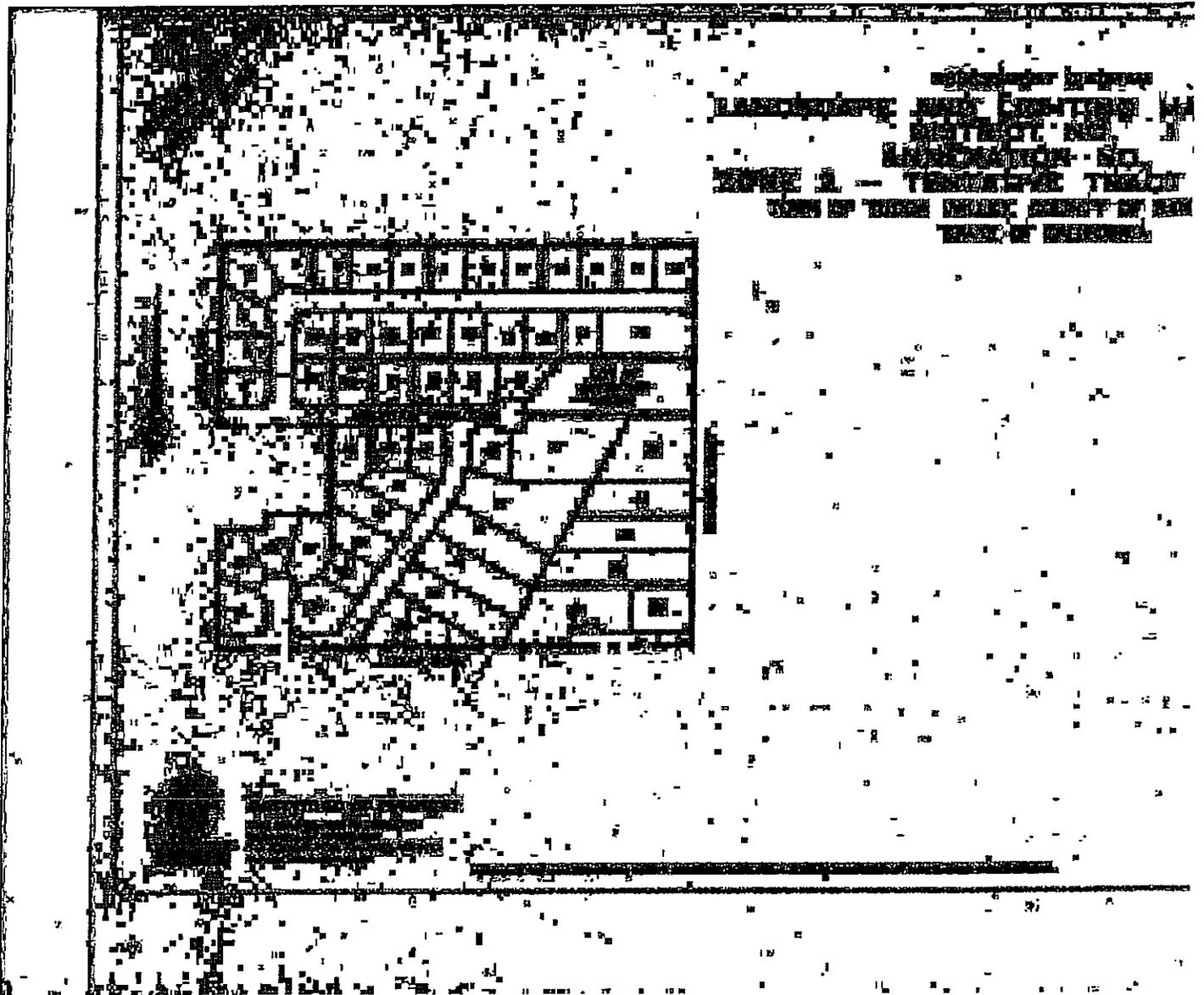
The proposed assessments and the amount of assessments for FY 2011-12 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, are on file in the Office of the Town Clerk. The description of each lot or parcel is part of the records of the Assessor of the County of San Bernardino and these records are, by reference, made part of this Report.

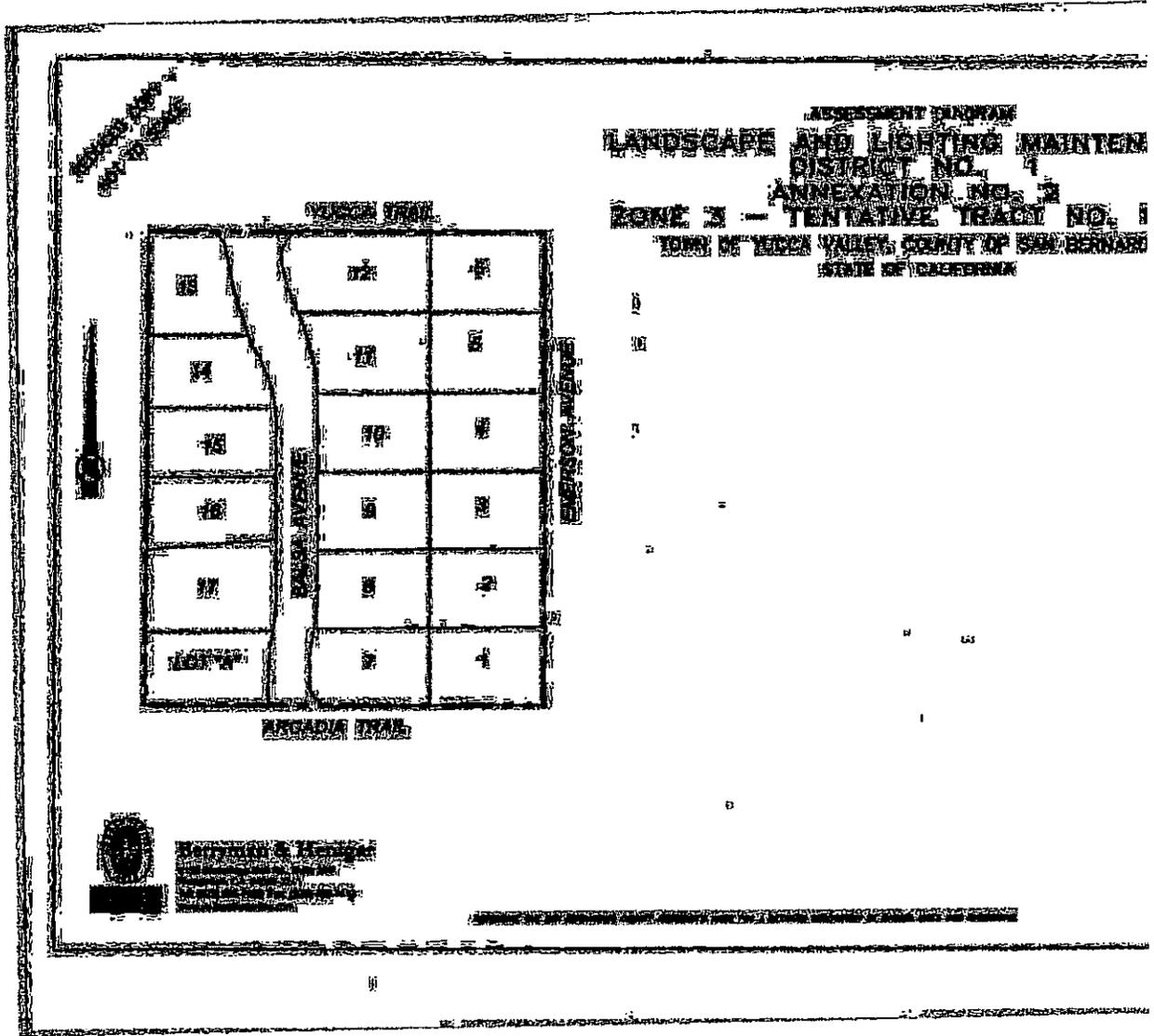
The Assessment Roll for FY 2011-12 is included in Appendix A of this Report and is on file in the Office of the Town Clerk.

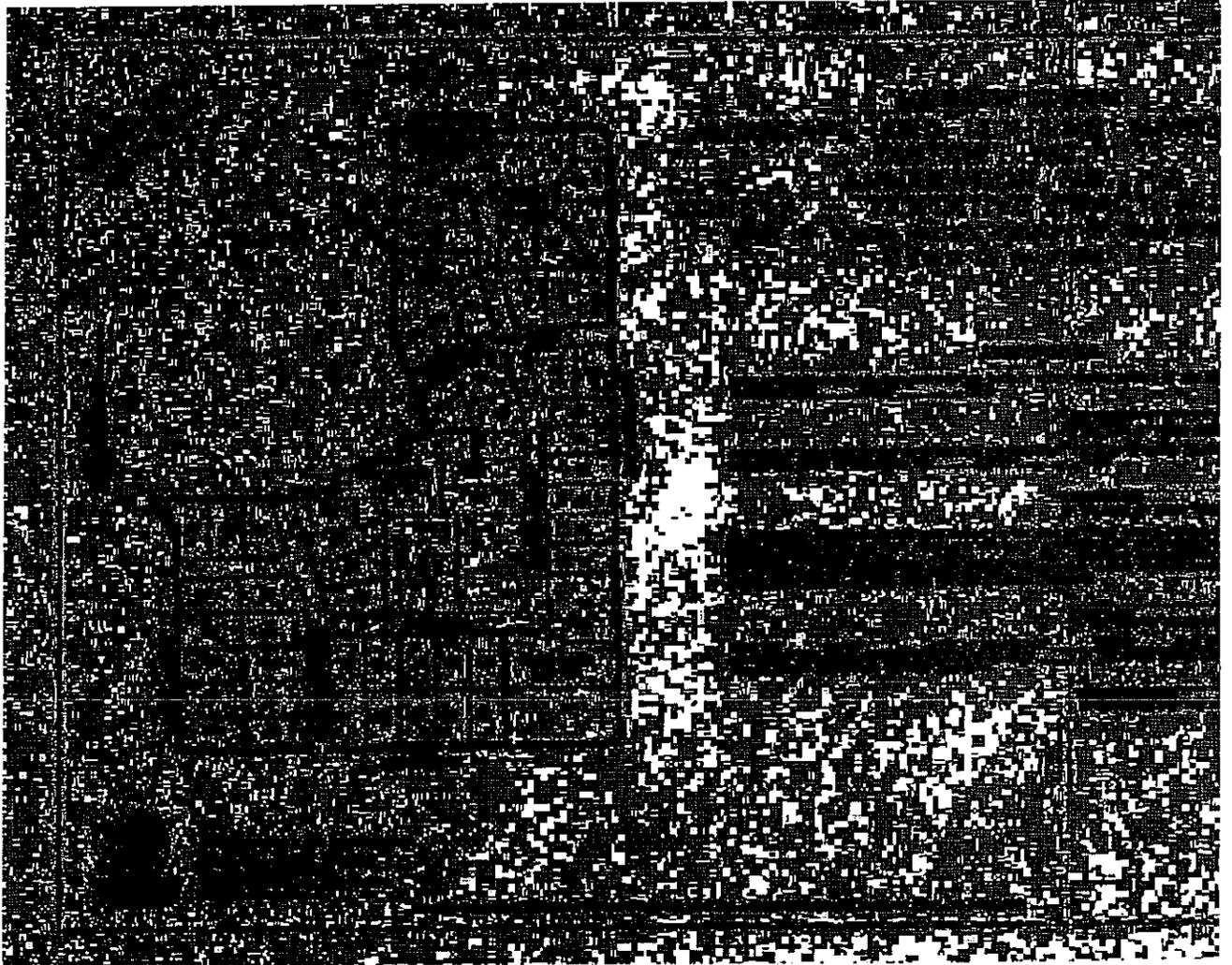
APPENDIX A

Assessment Diagrams









APPENDIX B
FY 2011-12
ASSESSMENT ROLL

Benefit Zone 1 - Tract 16957

585621010000	\$198.32	\$58.82
585621020000	\$198.32	\$58.82
585621030000	\$198.32	\$58.82
585621040000	\$198.32	\$58.82
585621050000	\$198.32	\$58.82
585621060000	\$198.32	\$58.82
585621070000	\$198.32	\$58.82
585621080000	\$198.32	\$58.82
585621090000	\$198.32	\$58.82
585621100000	\$198.32	\$58.82
585621110000	\$198.32	\$58.82
585621120000	\$198.32	\$58.82
585621130000	\$198.32	\$58.82
585621140000	\$198.32	\$58.82
585621150000	\$198.32	\$58.82
585621160000	\$198.32	\$58.82
585621170000	\$198.32	\$58.82
585621180000	\$198.32	\$58.82
585621190000	\$198.32	\$58.82
585621200000	\$198.32	\$58.82
585621210000	\$198.32	\$58.82
585621220000	\$198.32	\$58.82
585621230000	\$198.32	\$58.82
585621240000	\$198.32	\$58.82
585621250000	\$198.32	\$58.82
585621260000	\$198.32	\$58.82
585621270000	\$198.32	\$58.82
585621280000	\$198.32	\$58.82
585621290000	\$198.32	\$58.82
585621300000	\$198.32	\$58.82
585621310000	\$198.32	\$58.82
585621320000	\$198.32	\$58.82
585621330000	\$198.32	\$58.82
585621340000	\$198.32	\$58.82
Total:	\$6,742.88	\$1,999.88

Benefit Zone 2 - Tract 16587

587441010000	\$225.26	\$36.36
587441020000	\$225.26	\$36.36
587441030000	\$225.26	\$36.36
587441040000	\$225.26	\$36.36
587441050000	\$225.26	\$36.36
587441060000	\$225.26	\$36.36
587441070000	\$225.26	\$36.36
587441080000	\$225.26	\$36.36
587441090000	\$225.26	\$36.36
587441100000	\$225.26	\$36.36
587441110000	\$225.26	\$36.36
587441120000	\$225.26	\$36.36
587441130000	\$225.26	\$36.36
587441140000	\$225.26	\$36.36
587441150000	\$225.26	\$36.36
587441160000	\$225.26	\$36.36
587441170000	\$225.26	\$36.36
587441180000	\$225.26	\$36.36
587441190000	\$225.26	\$36.36
587441200000	\$225.26	\$36.36
587441210000	\$225.26	\$36.36
587441220000	\$225.26	\$36.36
587441230000	\$225.26	\$36.36
587441240000	\$225.26	\$36.36
587441250000	\$225.26	\$36.36
587441260000	\$225.26	\$36.36
587441270000	\$225.26	\$36.36
587441280000	\$225.26	\$36.36
587441290000	\$225.26	\$36.36
587441300000	\$225.26	\$36.36
587441310000	\$0.00	\$0.00
587451040000	\$225.26	\$36.36
587451050000	\$225.26	\$36.36
587451060000	\$225.26	\$36.36
587451070000	\$225.26	\$36.36
587451080000	\$225.26	\$36.36
587451090000	\$225.26	\$36.36
587451100000	\$225.26	\$36.36
587451110000	\$225.26	\$36.36
587451120000	\$225.26	\$36.36
587451130000	\$225.26	\$36.36
587451140000	\$225.26	\$36.36
587451150000	\$225.26	\$36.36
587451160000	\$225.26	\$36.36
587451170000	\$225.26	\$36.36
587451180000	\$225.26	\$36.36
587451190000	\$225.26	\$36.36
587451200000	\$225.26	\$36.36
587451210000	\$225.26	\$36.36
587451220000	\$225.26	\$36.36
587451230000	\$225.26	\$36.36
587451240000	\$225.26	\$36.36
587451250000	\$225.26	\$36.36
587451260000	\$225.26	\$36.36
587451270000	\$225.26	\$36.36
587451280000	\$225.26	\$36.36
TOTAL ASSEMENT	\$12,389.30	\$1,999.80

Benefit Zone 3 - Tract 17328

588311100000	\$389.84	\$117.64
588311110000	\$389.84	\$117.64
588311120000	\$389.84	\$117.64
588311130000	\$389.84	\$117.64
588311140000	\$389.84	\$117.64
588311150000	\$389.84	\$117.64
588311160000	\$389.84	\$117.64
588311170000	\$389.84	\$117.64
588311180000	\$389.84	\$117.64
588311190000	\$389.84	\$117.64
588311200000	\$389.84	\$117.64
588311210000	\$389.84	\$117.64
588311220000	\$389.84	\$117.64
588311230000	\$389.84	\$117.64
588311240000	\$389.84	\$117.64
588311250000	\$389.84	\$117.64
588311260000	\$389.84	\$117.64
TOTAL ASSEMENT	\$6,627.28	\$1,999.88

Benefit Zone 4 - Tract 17633

17633	1	\$192.49	\$32.78	32	\$192.49	\$32.78
17633	2	\$192.49	\$32.78	33	\$192.49	\$32.78
17633	3	\$192.49	\$32.78	34	\$192.49	\$32.78
17633	4	\$192.49	\$32.78	35	\$192.49	\$32.78
17633	5	\$192.49	\$32.78	36	\$192.49	\$32.78
17633	6	\$192.49	\$32.78	37	\$192.49	\$32.78
17633	7	\$192.49	\$32.78	38	\$192.49	\$32.78
17633	8	\$192.49	\$32.78	39	\$192.49	\$32.78
17633	9	\$192.49	\$32.78	40	\$192.49	\$32.78
17633	10	\$192.49	\$32.78	41	\$192.49	\$32.78
17633	11	\$192.49	\$32.78	42	\$192.49	\$32.78
17633	12	\$192.49	\$32.78	43	\$192.49	\$32.78
17633	13	\$192.49	\$32.78	44	\$192.49	\$32.78
17633	14	\$192.49	\$32.78	45	\$192.49	\$32.78
17633	15	\$192.49	\$32.78	46	\$192.49	\$32.78
17633	16	\$192.49	\$32.78	47	\$192.49	\$32.78
17633	17	\$192.49	\$32.78	48	\$192.49	\$32.78
17633	18	\$192.49	\$32.78	49	\$192.49	\$32.78
17633	19	\$192.49	\$32.78	50	\$192.49	\$32.78
17633	20	\$192.49	\$32.78	51	\$192.49	\$32.78
17633	21	\$192.49	\$32.78	52	\$192.49	\$32.78
17633	22	\$192.49	\$32.78	53	\$192.49	\$32.78
17633	23	\$192.49	\$32.78	54	\$192.49	\$32.78
17633	24	\$192.49	\$32.78	55	\$192.49	\$32.78
17633	25	\$192.49	\$32.78	56	\$192.49	\$32.78
17633	26	\$192.49	\$32.78	57	\$192.49	\$32.78
17633	27	\$192.49	\$32.78	58	\$192.49	\$32.78
17633	28	\$192.49	\$32.78	59	\$192.49	\$32.78
17633	29	\$192.49	\$32.78	60	\$192.49	\$32.78
17633	30	\$192.49	\$32.78	61	\$192.49	\$32.78
17633	31	\$192.49	\$32.78			
TOTAL ASSEMENT					\$11,741.89	\$1,999.58

**TOWN OF YUCCA VALLEY
ASSESSMENT DISTRICTS**

PROJECT	DISTRICT NO. 1 BENEFIT ZONE 1	MAX. 2010-11 ALLOWED ASSESSMENT PER EDU	MAX. 2011-12 ALLOWED ASSESSMENT PER EDU	RECOMMENDED ANNUAL ASSESSMENT & LEVY PER EDU
TM #16957	Street & Drainage	773.35	782.85	58.82
TM #16957	Landscape & Lighting	195.91	198.32	58.82
TOTAL:		\$969.26	\$981.17	\$117.64
PROJECT	DISTRICT NO. 1 BENEFIT ZONE 2	MAX. 2010-11 ALLOWED ASSESSMENT PER EDU	MAX. 2011-12 ALLOWED ASSESSMENT PER EDU	RECOMMENDED ANNUAL ASSESSMENT & LEVY PER EDU
TM #16587	Street & Drainage	445.04	450.53	36.36
TM #16587	Landscape & Lighting	222.52	225.26	36.36
TOTAL:		\$667.56	\$675.79	\$72.72
PROJECT	DISTRICT NO. 1 BENEFIT ZONE 3	MAX. 2010-11 ALLOWED ASSESSMENT PER EDU	MAX. 2011-12 ALLOWED ASSESSMENT PER EDU	RECOMMENDED ANNUAL ASSESSMENT & LEVY PER EDU
TM #17328	Street & Drainage	674.01	682.30	117.65
TM #17328	Landscape & Lighting	385.10	389.84	117.65
TOTAL:		\$1,059.11	\$1,072.14	\$235.30
PROJECT	DISTRICT NO. 1 BENEFIT ZONE 4	MAX. 2010-11 ALLOWED ASSESSMENT PER EDU	MAX. 2011-12 ALLOWED ASSESSMENT PER EDU	RECOMMENDED ANNUAL ASSESSMENT & LEVY PER EDU
TM #17633	Street & Drainage	461.93	467.61	32.79
TM #17633	Landscape & Lighting	190.08	192.42	32.79
TOTAL:		\$652.01	\$660.03	\$65.58
PROJECT	DISTRICT NO. 1 BENEFIT ZONE 5	MAX. 2010-11 ALLOWED ASSESSMENT PER EDU	MAX. 2011-12 ALLOWED ASSESSMENT PER EDU	RECOMMENDED ANNUAL ASSESSMENT & LEVY PER EDU
PM #17455	Street & Drainage	2.05	2.07	1.96
TOTAL:		\$2.05	\$2.07	\$1.96

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: April 25, 2011
For Council Meeting: May 17, 2011

Subject: December 2010 Storm Events.
Second Amendment to the Agreement for Street Sweeping Services between
The Town of Yucca Valley and Sean T. McElvy, doing business as Quality
Street Sweeping Services, Inc.,
Storm Recovery Contract Compensation Increase to \$77,000

Prior Council Review: There has been no prior review of this specific matter. The Town Council approved the First Amendment to the Agreement at its meeting on January 18, 2011.

Recommendation: That the Town Council approves the second Amendment to the Service Agreement with Quality Street Services, Inc., dated September 27, 2005, increasing the Storm Recovery Compensation from \$50,000 to \$77,000, authorizing the Town Manager to sign all necessary documents.

Summary: The Town Council appropriated \$200,000 for storm recovery efforts for the December 2010 storm event. No additional appropriations are necessary or recommended. The recommended action only increases the contract amounts to reflect the work necessary to complete the Town's street sweeping efforts.

Town Council approval for professional services is required for services which exceed \$25,000. Town Council action is necessary to amend maximum contract amounts as approved the Town Council.

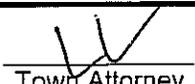
Order of Procedure:

Request Staff Report
Request Public Comment
Council Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (Roll Call Vote, Consent Agenda)

Discussion: On January 18, 2011, the First Amendment to the contract increased storm recovery compensation to \$50,000 for the December 2010 storm cleanup. However, due

Reviewed By:


Town Manager


Town Attorney


Mgmt Services


Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

to the severity of cleanup from this storm, it is necessary to increase the storm recovery compensation to \$77,000, an increase of \$27,000.

Also, as part of the First Amendment, \$25,000 was added to the base level services portion of the contract with Quality Street Services, Inc., bringing the total base level services to \$75,000. No amendments are recommended for non-storm sweeping services.

Alternatives: Staff recommends no alternative actions.

Fiscal impact: The Town Council appropriated \$200,000 from the Catastrophic Events Fund for storm recovery efforts for the December 2010 storm event. No additional appropriations are necessary or recommended. The recommended action only increases the contract amounts to reflect the necessary work to complete the Town's street sweeping efforts.

The Street Division annually budgets \$50,000 for street sweeping services (non-storm related) and these costs are paid from Gas Tax funds. The Storm Recovery funds in the amount \$77,000 are for cleanup efforts from the December, 2010 storm event.

Storm Recovery Funds in Base Contract	\$25,000
Amount added with First Amendment	<u>\$25,000</u>
Total amended contract for storm recovery	\$50,000
Additional Storm Recovery Sweeping Costs	<u>\$27,000</u>
New total amount for Storm Recovery Costs	\$77,000

Base Contract (non-storm related)	\$50,000
Additional amount added with First Amendment	<u>\$25,000</u>
Total amended contract for base level services	\$75,000

No Amendments to base level services recommended.

Attachments: Second Amendment
Contract

SECOND AMENDMENT TO THE AGREEMENT FOR STREET SWEEPING SERVICES DATED SEPTEMBER 27, 2005 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION ("TOWN"), AND SEAN T. MCELVY, DOING BUSINESS AS QUALITY STREET SERVICES, INC., AS PURCHASED AND ASSUMED FROM JACK AND ELIZABETH KING ("CONTRACTOR")

RECITALS

1. On September 27, 2005 TOWN and CONTRACTOR entered in an Agreement for the provision of Street Sweeping Services (the "Agreement").
2. The Agreement has previously been amended one time (January 18, 2011) when it was found that additional funding for storm recovery and an increase for Base Level Services were necessary.
3. This Amendment increases the amount of funding for Storm Recovery Compensation provided in Section 17 from \$50,000 to \$77,000, an increase of \$27,000.
4. This Amendment does not modify the base level service compensation hourly rate set forth in Section 5 of the contract.

That certain Agreement for Street Sweeping Services between the TOWN and the CONTRACTOR dated September 27, 2005 and attached hereto is amended in the following respects only:

Section 2. Agreement Section 17 pertaining to "Storm Recovery Compensation" is hereby amended to read as follows:

Section 17, Storm Recovery Compensation.

"17. Storm Recovery Compensation. In addition to base level service compensation, the Town Manager is authorized to approve additional compensation to CONTRACTOR, in an amount not exceeding \$77,000, for Storm Recovery efforts expended during the July 1, 2010 through June 30, 2011 fiscal year. Town Council authorization is required for increases above \$77,000."

Section 3. Except as specifically amended herein, all of the terms and conditions of the original Agreement shall continue in full force and effect without revision.

Dated: _____, 2011.

TOWN OF YUCCA VALLEY

QUALITY STREET SERVICES, INC.

By _____
Mark Nuaimi
Town Manager

By _____
Sean T. McElvy

K:\TC\2011\05-17-11 TC Meeting\Quality Street Sweeping Contract Amendment\05-17-11 tc Second Contract Amen - Quality Street Sweeping - Storm Cleanup.doc

TOWN OF YUCCA VALLEY

AGREEMENT FOR STREET SWEEPING SERVICES

This agreement is made this 27 day of September, 2005 by and between the Town of Yucca Valley, a municipal corporation, hereinafter called "TOWN" and Jack and Elizabeth King doing business as Quality Street Services, Inc., hereinafter called "CONTRACTOR."

1. **Services to be Performed.** CONTRACTOR hereby agrees to perform the street sweeping services subject to a weekly schedule provided by the Town. In addition, to routine scheduled street sweeping programs, and at the direction of the TOWN, Contractor shall provide street sweeping services on a 24 hour per day, on-call basis for emergencies.
2. **Schedule of Performance.** CONTRACTOR shall begin services upon execution of this contract and continue the same under the terms of this contract. TOWN shall provide CONTRACTOR a weekly schedule of street sweeping services to be performed.
3. **Assignment.** CONTRACTOR shall not assign this Agreement or sublet or subcontract any portion of the services to be performed hereunder without the prior written consent of the Town Manager. All subcontracts and related documents, including but not limited to, the level of required insurance, shall be approved by the Town Manager prior to initiation of work.
4. **Facilities and Records.** Unless otherwise approved by the Town Manager, CONTRACTOR shall assemble and maintain such records as are customarily maintained including hours and dates of work performed, equipment used and hours worked at specific locations. Upon request by the TOWN, CONTRACTOR shall make such records shall available to the TOWN for inspection.
5. **Compensation.** Compensation shall be paid at the hourly rate of \$90.00 per hour.
6. **Billing and Payment.** CONTRACTOR shall submit itemized weekly invoices for services rendered in a form acceptable to the TOWN, and shall at a minimum, include locations and lane miles swept, the time required for those specific lane miles, number of hours worked, and the equipment used at each location. TOWN shall pay said invoices as soon thereafter as TOWN regular procedures provide, typically within 30 days, unless the TOWN provides written justification for a longer period.
7. **General Conditions.**
 - (a) TOWN shall not be called upon to assume and CONTRACTOR shall defend (with attorneys approved by TOWN) and indemnify and hold harmless TOWN against any liability for the direct payment of any salary, wage or other compensation to any person employed by CONTRACTOR performing services hereunder for TOWN or for any employee-related claims, including but not limited to worker's compensation claims. The parties understand and agree that CONTRACTOR is acting strictly as an independent contractor under the terms of this Agreement, and this

Agreement is not intended to establish an employer-employee relationship between the TOWN, on the one hand, and CONTRACTOR or any of its employees or subcontractors, on the other hand.

(b) All officers, agents, employees, subcontractors (and their agents, officers, and employees) who are hired by or engaged by CONTRACTOR in the performance of this Agreement shall be deemed officers, agents and employees and subcontractors of CONTRACTOR, and TOWN shall not be liable or responsible to such personnel for anything whatsoever other than the liability to CONTRACTOR as set forth in this Agreement. CONTRACTOR agrees to defend (with attorneys approved by TOWN), indemnify, save, keep and hold harmless TOWN and all of its officers, agents, representatives and employees from all damages, costs or expenses in law and equity, including but not limited to costs of suit and expenses for legal services that may at any time arise or be set up because of damage to property or injury to persons received or suffered by reason of any wrongful or negligent act or omission on the part of CONTRACTOR or any of its agents, officers, and employees and subcontractors in the performance of this Agreement. Payment to CONTRACTOR of compensation hereunder shall not be deemed to waive Town's rights or Contractor's obligations hereunder.

(c) CONTRACTOR shall not be deemed to assume any liability for wrongful or negligent acts of TOWN or its officers, agents, representatives and employees, wherein CONTRACTOR, and its agents, officers, employees, subcontractors or representatives engaged in no wrongful or negligent acts or omissions of any kind, and TOWN shall defend and hold CONTRACTOR harmless against any such claims to the extent permitted by law. In the event that CONTRACTOR is sued in its official capacity for reasons other than any wrongful or negligent acts or omissions of CONTRACTOR or Contractor's officers, agents, representatives, employees or subcontractors, TOWN shall defend and hold harmless CONTRACTOR.

(d) CONTRACTOR agrees to and shall at its own cost and expense procure and maintain during the term of this Agreement from an admitted insurer general liability insurance in an amount of not less than one million dollars (\$1,000,000.00) per occurrence and annual aggregate, and comprehensive automobile liability insurance in an amount of not less than one million dollars (\$1,000,000.00). Such insurance shall be procured from an insurer approved by Town Manager and admitted in and authorized to do business in California. TOWN, its officers, employees, agents, and volunteers shall be named as an additional insured and the insurance required hereunder shall be primary and not contributing with any other insurance available to or obtained by the Town. CONTRACTOR shall also obtain a policy of Worker's Compensation Insurance covering all of its employees as required by law. No insurance shall be cancelled without thirty (30) days prior written notice to TOWN. CONTRACTOR shall provide to TOWN on or before July 1st of each year, Certificates of Insurance; evidencing all insurance in the amounts required under this paragraph.

(e) Upon termination of this Agreement, CONTRACTOR shall within such reasonable period as may be directed by the Public Works Director/Town Engineer or his designee, complete those items of work which are in various stages of completion and which the Public Works Director/Town Engineer or his designee determines are necessary to be completed by CONTRACTOR to allow the project to be completed in a timely, logical and orderly manner. Further, upon such termination, and provided CONTRACTOR has not been in material breach of the Agreement, the compensation to CONTRACTOR for services effective on the date of

termination shall be proportionately allocated according to the amount of work performed on the projects then in progress, within the limits of the provisions of this Agreement.

(f) The rights and remedies of the TOWN provided in this Agreement are not intended to be exclusive, and are in addition to any other rights and remedies permitted by law.

(g) Notices or correspondence relating to this Agreement shall be in writing. Any notices to be given hereunder shall be effective when personally delivered, or two days after placing in the United States Mail by certified mail, postage prepaid, and addressed to the party to whom the notice is directed. The current addresses of the parties are as follows:

TOWN:

Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284
Attention: Public Works Director/Town Engineer

CONTRACTOR:

Elizabeth King
Quality Street Service
~~74-885 Joni Drive, Suite 4~~
~~Palm Desert, CA 92260~~

(h) CONTRACTOR agrees that TOWN or any of its duly authorized representatives shall have access to and the right to examine, audit, excerpt, copy or transcribe any pertinent transaction, activity, time and work records, employment records or other records relating to this Agreement. Such material, including all pertinent cost accounting, financial records and proprietary data, must be kept and maintained by CONTRACTOR for a period of at least four years after completion of Contractor's performance hereunder, unless Town's written permission is given to dispose of same prior to that time, unless a longer period is required by law.

(i) TOWN will provide or make available to CONTRACTOR, such documents, plans, schedules, as appropriate and necessary for the provision of Contractor's services contemplated under this Agreement.

(j) Any invalidity, in whole or in part, of any provision hereof shall not void or affect the validity of any other provision.

(k) No waiver of breach of any provision hereof by either party shall constitute a waiver of any other or future breach. Failure of either party to enforce any provision hereof at any time or from time to time shall not be construed as a waiver thereof.

(l) This Agreement is intended to be binding on the parties, and their respective successors and assigns. The plural shall include the singular, and the singular shall include the plural and neuter wherever the context so requires.

(m) In accordance with the provisions of Division 2, Part 7, Chapter 1, Article 5 (commencing with Section 1860) and Division 4, Part 1, Chapter 4 (commencing with Section 3700) of the Labor Code of the State of California, the Contractor is required to secure the payment of compensation to his employees and shall for that purpose obtain and keep in effect adequate Workers Compensation Insurance.

8. Scope of Work.

(a) Standard of Performance

Contractor street sweeping shall collect all leaves, paper, dirt, sand, rocks, cans and all other debris to ensure the free flow of water in the gutter, to ensure clear travel lanes for the motoring public, and to maintain Town streets in a state of cleanliness. The Public Works Director/Town Engineer or his designee will determine whether the work has been satisfactorily completed and, where necessary, direct the Contractor to re-sweep areas not swept in a satisfactory manner.

Where the Public Works Director/Town Engineer or his designee directs the re-sweeping of an area, the Contractor shall re-sweep the area within two calendar days from notification, without interruption in the regular street sweeping schedule and at no cost to the Town.

(b) Sweeping

The Contractor shall sweep and clean all public streets and areas as directed by the Public Works Director/Town Engineer or his designee. The sweeping shall include the following as a minimum:

- (1) Sweeping along all curbs. Where gutters exist the sweeping path shall include the gutter area.
- (2) Sweeping of the edges of pavement on streets without curbs.
- (3) Sweeping of median island curbs and pockets.
- (4) Sweeping of accumulations of dust sand and debris within paved intersections.
- (5) Sweeping of cul-de-sacs and, where designated, alleys and parking lots.
- (6) Hand cleaning of areas not accessible by the power sweeping equipment, including narrow cul-de-sacs, median noses and portions of left turn pockets.

Sweeping shall normally consist of a single pass over the area to be swept at a speed of not less than three (3) nor more than five (5) miles per hour. Additional sweeping shall be done where accumulation of sand, silt, debris, or other conditions are such that a single pass over the area is insufficient to collect the accumulation.

Water shall be used in sweeping to minimize creation of fugitive dust and prevent tracking of mud or dirt behind the sweeper. Contractor shall furnish and pay for all water necessary for sweeping operations.

(c) Disposal of Refuse and Debris

- (1) Clean material collected during sweeping operations shall be the property of the Town and shall be disposed of at the direction of the Public Works Director/Town Engineer or his designee.
- (2) The Contractor shall transport and dispose of all contaminated refuse and debris collected during sweeping operations at no cost to the Town. Contaminated debris shall be disposed of only at a County-approved landfill.

(d) **Hours of Sweeping Operation.** Except for emergency street sweeping conducted at the direction of the Public Works Director/Town Engineer or his designee, the Contractor shall conduct street sweeping operation during the hours of 7:00 AM to 4:00 PM, Monday through Friday, excluding legal holidays. Said legal holidays are as set forth in Exhibit A attached hereto and made a part of this Agreement. Further provided, the hours of street sweeping are subject to the following limitations:

- (1) Arterials and highways shall not be swept during peak traffic hours of 7:00 AM to 9:00 AM; and 11:30 AM to 1:30 PM, unless directed to do so by the Public Works Director/Town Engineer or his designee.
- (2) Streets adjacent to apartments or condominiums or other areas where all night on-street parking is prevalent shall be swept after 8:00 AM, unless directed to do so by the Public Works Director/Town Engineer or his designee.

(e) **Reports.** The Contractor shall provide periodic reports of work performed in a format and frequency to be determined by the Public Works Director/Town Engineer or his designee.

(f) **Raindays.** In the event of inclement weather, the Contractor shall contact the Public Works Director/Town Engineer or his designee who shall determine if street sweeping is necessary on that day.

9. **Utilities.**

The Contractor shall exercise due care to prevent damage to public improvements and utility facilities in the public right of way.

10. **Air Quality.** Street sweeping services, the equipment used in the course of street sweeping, and the disposal of any debris collected in the course of street sweeping activity shall comply with all applicable Town, State, Federal and District regulations, including the regulations and requirements of the Mojave Desert Air Quality Management District (MDAQMD).

11. **Complaints.** The Contractor shall notify the Public Works Director/Town Engineer or his designee as soon as possible of any complaint received by the Contractor regarding the performance of the services under this Agreement.

12. **Use of Appropriate Equipment.** The Contractor shall employ street sweeping equipment that is commensurate and appropriate to the nature of the work. Due to the unique topography within the Town, weather conditions, the Town's desire to comply with MDAQMD advisory and mandatory

regulations, or Town adoption of elective air quality regulation, the Town reserves the right to direct that a particular type of equipment be used, including but not limited to a "PM 10" sweeper or a mobile "bottom dump" sweeper.

13. **Term.** This Agreement shall be for a term of twelve months and shall automatically renew for an additional twelve-month term unless either party gives thirty (30) days written notice to the other party of intent not to renew. TOWN may terminate this Agreement without cause upon thirty (30) days written notice to CONTRACTOR, or with cause at any time upon material breach of this Agreement by CONTRACTOR. In the event of termination without cause, CONTRACTOR shall be compensated for services under the terms of this Agreement up to the date of termination. CONTRACTOR may terminate this Agreement by providing TOWN with at least thirty (30) days written notice.

14. **Public Records Disclosure.** All information received by the Town from CONTRACTOR or any source concerning this Agreement, including the Agreement itself, may be treated by the TOWN as public information subject to disclosure under the provisions of the California Public Records Act, Government Code §6250 et seq. (the "Public Records Act"). CONTRACTOR understands that although all materials received by the TOWN in connection with this Agreement are intended for the exclusive use of the TOWN, they are potentially subject to disclosure under the provisions of the Public Records Act. In the event a request for disclosure of any part or all of any information which CONTRACTOR has reasonably requested TOWN to hold in confidence is made to the TOWN, the TOWN shall notify CONTRACTOR of the request and shall thereafter, disclose the requested information unless TOWN, within five (5) days of receiving notice of the disclosure request, requests nondisclosure, provides the TOWN a legally sound basis for the nondisclosure, and agrees to indemnify, defend, and hold TOWN harmless in any/all actions brought to require disclosure. CONTRACTOR waives any and all claims for damages, lost profits, or other injuries of any and all kinds in the event TOWN fails to notify CONTRACTOR of any such disclosure request and/or releases any information concerning the contract received from CONTRACTOR or any other source.

15. **Compliance with Applicable Laws.** In performing all services hereunder, CONTRACTOR shall comply with all applicable Federal and State laws and regulations and all applicable laws and regulations of the Town and/or all other relevant government agencies. Also, CONTRACTOR certifies and agrees that all persons employed by CONTRACTOR, its affiliates, subsidiaries and related entities, if any, will be treated equally by CONTRACTOR, without unlawful discrimination based upon creed, sex, race or national origin. If TOWN finds that any of the provisions of this paragraph have been violated, such violation shall constitute a material breach of this Agreement upon which TOWN may determine to cancel, terminate, or suspend the Agreement. While TOWN reserves the right to determine independently that the antidiscrimination provisions of the Agreement have been violated, in addition, a determination by the California Fair Employment Practices Commission, or successor agency, or the Federal Equal Employment Opportunity Commission, that CONTRACTOR has violated State or Federal antidiscrimination laws shall constitute a finding by TOWN that CONTRACTOR has violated the antidiscrimination provisions of this Agreement.

16. **Compensation, Base Level Services:** Maximum compensation under this contractor to CONTRACTOR shall be a maximum of \$50,000.00 annually. Town Council authorization is required for increases above \$50,000.00 for annual services.

FIRST AMENDMENT TO THE AGREEMENT FOR STREET SWEEPING SERVICES DATED SEPTEMBER 27, 2005 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION ("TOWN"), AND SEAN T. MCELVY, DOING BUSINESS AS QUALITY STREET SERVICES, INC. , AS PURCHASED AND ASSUMED FROM JACK AND ELIZABETH KING ("CONTRACTOR")

RECITALS

1. On September 27, 2005 TOWN and CONSULTANT entered in an Agreement for the provision of Street Sweeping Services (the "Agreement").
2. Due to the December 2010 storms and the resultant costs thereof, it is necessary to increase the amount of funding for Storm Recovery Compensation provided for in Section 17 of the Agreement from \$25,000 to \$50,000, an increase of \$25,000.
3. This Amendment increases the amount of Compensation for Base Level Services provided in Section 16 of the Agreement from \$50,000 to \$75,000, an increase of \$25,000.
4. This Amendment does not modify the base level service compensation hourly rate set forth in Section 5 of the contract.

That certain Agreement for Street Sweeping Services between the TOWN and the CONTRACTOR dated September 27, 2005 and attached hereto is amended in the following respects only:

Section 1. Agreement Section 16 pertaining to "Compensation, for Base Level Services" is hereby amended to read as follows:

"Section 16. Compensation, Base Level Services. Maximum compensation under this contract to CONTRACTOR shall be a maximum of \$75,000 for the fiscal year July 1, 2010 through June 30, 2011.

Compensation for the fiscal year commencing July 1, 2011 and for each subsequent fiscal year thereafter, the compensation to the CONTRACTOR shall not exceed \$50,000. Town Council authorization is required for increases above \$50,000 for annual services.

Section 2. Agreement Section 17 pertaining to "Storm Recovery Compensation" is hereby amended to read as follows:

Section 17, Storm Recovery Compensation.

"17. Storm Recovery Compensation. In addition to base level service compensation, the Town Manager is authorized to approve additional compensation to CONTRACTOR, in an amount not exceeding \$50,000.00, for Storm Recovery efforts expended during the July 1, 2010 through June 30, 2011 fiscal year. Town Council authorization is required for increases above \$50,000.00."

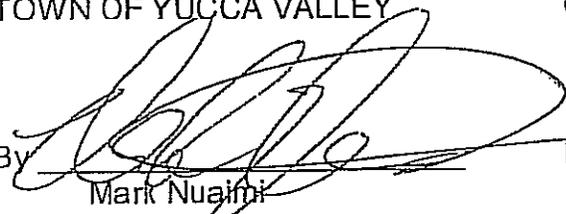
Section 3. Except as specifically amended herein, all of the terms and conditions of the original Agreement shall continue in full force and effect without revision.

Dated: 3/10/, 2011.

TOWN OF YUCCA VALLEY

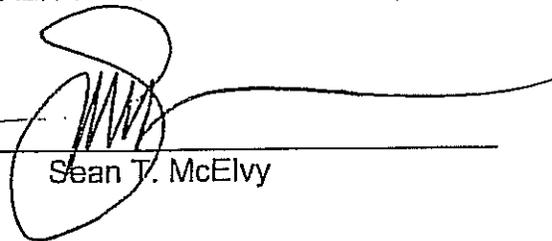
QUALITY STREET SERVICES, INC.

By



Mark Nuaini
Town Manager

By



Sean T. McElvy

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Kathy Ainsworth, Senior Accountant
Date: May 11, 2011
For Council Meeting: May 17, 2011
Subject: LTF Claim for Local Streets & Roads

Prior Council Review:

Recommendation: Authorize the Director of Administrative Services to file a claim with the San Bernardino County Associated Governments (SANBAG) for Local Transportation Funds (LTF) in the amount of \$112,723.

Order of Procedure:

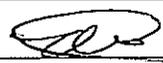
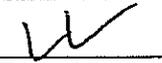
- Department Report
- Request Staff Report
- Request Public Comment
- Council Discussion
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call)

Discussion: Each year a portion of the ¼ cent State retail sales tax is made available to local associations of governments for distribution to member municipalities. SANBAG has notified the Town of Yucca Valley the amount available this year for use on local streets and roads is \$112,723. In order for the funds to be made available to the Town of Yucca Valley, a claim has to be filed with SANBAG requesting the funds. Once the funds are available, they must be utilized in strict compliance with LTF Article 8, PUC Section 99400a guidelines, (Local Streets and road improvements only).

Alternatives: None Recommended

Fiscal impact: Upon filing the claim with SANBAG, the Town's Local Transportation Fund (516) will recognize revenues in the amount of \$112,723 for fiscal year 2010-11, \$72,723 higher than the FY 2010-11 Adopted Budget amount of \$40,000.

Attachments: LTF Claim Form materials

Reviewed By:    
Town Manager Town Attorney Admin Services Dept Head

- | | | | |
|---|---|--|---|
| <input checked="" type="checkbox"/> Department Report | <input type="checkbox"/> Ordinance Action | <input type="checkbox"/> Resolution Action | <input type="checkbox"/> Public Hearing |
| <input checked="" type="checkbox"/> Consent | <input checked="" type="checkbox"/> Minute Action | <input type="checkbox"/> Receive and File | <input type="checkbox"/> Study Session |

**San Bernardino Associated Governments
Local Transportation Fund - Article 8
Other Puposes Claim**

Fiscal Year: 2010-2011

Claimant: Town of Yucca Valley
57090 29 Palms Highway
Yucca Valley, CA 92284

Attention: Curtis Yakimow
Phone #: 760-369-7207

Amount: \$ 112,723

PURPOSE: () Article 8, PUC Section 99400a Local Streets & Roads	\$ 112,723
() Article 8, PUC Section 99400a Bicycle & Pedestrian Facilities	\$ -
() Article 8, PUC Section 99400.5 Multimodal Transportation Terminals	\$ -

Authorizing Signature:
(Claimant's Chief Administrator or Financial Officer)

(Signature)

Curtis Yakimow - Director of Admin Services
(Type Name & Title)

Condition of Approval:

Approval of this claim and payment by the County Auditor to this claimant are subject to monies being available and to the provision that such monies will be used only in accordance with the allocation instruction.

San Bernardino Associated Governments
Local Transportation Fund - Article 8
Other Purposes Claim
Financial Reporting Form

Claimant: Town of Yucca Valley		Audited FY 2009-10	Proposed FY 2010-11
Revenue			
Intergovernmental allocations LTF Article 8 Other Purposes			
Local Streets & Roads - PUC 99400(a)	\$ 59,340	\$ 112,723	
Bicycle & Pedestrian Facilities - PUC 99400(a)	\$ -	\$ -	
Multimodal Transportation Terminals - PUC 99400.5	\$ -	\$ -	
Miscellaneous			
Interest	\$ 3,358	\$ 2,000	
Lease occupancy	\$ -	\$ -	
Miscellaneous	\$ -	\$ -	
Total Revenues:	\$ 62,698	\$ 114,723	
Expenditures			
Construction, Maintenance and Engineering	\$ 288,446	\$ 123,750	
Multimodal Transportation Terminals	\$ -	\$ -	
Total Expenditures	\$ 288,446	\$ 123,750	
Excess of Revenue over(under) Expenditures	\$ (225,748)	\$ (9,027)	
Fund Balance At Beginning of Year	\$ 652,153	\$ 426,405	
Fund Balance at End of Year	\$ 426,405	\$ 417,378	

Town of Yucca Valley
LTF Project List
10-11

1. Town wide Slurry Seal Program
2. Del Monte Overlay
3. Southside Design – Traffic
4. Fortuna Avenue



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: May 12, 2011
For Council Meeting: May 17, 2011

Subject: Sales Tax Analysis Professional Services Authorization

Recommendation: It is recommended that Town Council:

- Authorize the Town Manager to execute a professional services contract with Fieldman|Rolapp & Associates to perform a review, analysis and other services related to a potential local transaction and use tax measure.
- Amend the FY 2010-11 Adopted Budget by appropriating \$25,000 from General Fund Undesignated Reserves to project 001 10 10 7110 8013 000 Professional Services.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Roll Call Vote (Consent)

Discussion:

At the April 11, 2011 joint meeting of the Yucca Valley Town Council and the Hi Desert Water District, Town and Agency staff presented a conceptual infrastructure financing framework based upon a potential Town 1% transaction and use tax. Upon review and extended discussion by both elected bodies, it was unanimously determined that the concept was an innovative approach to financing some of the critical infrastructure needs in the community, including the \$125m regional wastewater treatment facility. Staff was given direction to engage an independent financial consultant who could objectively evaluate and expand on the sales tax framework. This would be a joint review project for both the Town and District, and the cost for the study would be equally shared.

Reviewed By:
Town Manager Town Attorney Admin Services Dept Head

Department Report Ordinance Action Resolution Action Public Hearing
 Consent Minute Action Receive and File Study Session

Request for Qualifications

Town and District staff jointly developed a Request for Qualifications (attached) and distributed the RFQ to 12 firms. The following four firms responded:

- C.M. de Crisis & Company
- Glenn M. Reiter & Associates
- Fieldman|Rolapp & Associates
- RSG, Inc.

Evaluation

Town and District staff met to review and discuss the responses, and the proposed approach of each firm in addressing the scope of work as identified in the RFQ. After some discussion, it was clear that based on the experience, breadth, personnel and technical capacity, the proposal developed by Fieldman|Rolapp & Associates was most closely aligned to the vision that Town and District staff had in performing the independent review and analysis of the conceptual financing framework. Accordingly, both Town and District staff unanimously recommended the selection of Fieldman|Rolapp & Associates as the financial consultant to evaluate the sales tax proposal.

Based upon this recommendation, staff contacted the various references listed by Fieldman|Rolapp & Associates and received confirmation that the firm is professional, competent, timely and effective in the work as governmental financial consultants.

Cost

The fee associated with the recommended proposal is in a range of \$22,500 to \$43,200 depending on the final work scope as directed between the Town, District and consultant. Based on the direction from the Town Council and District Board, this cost will be borne equally by both agencies.

Alternatives: None recommended.

Fiscal impact: Based upon the recommended action, a general fund budget amendment in the amount of \$25,000 will be required to fund the Town's portion of this study.

Attachments: RFQ
Fieldman|Rolapp & Associates Proposal



April 27, 2011

Subject: Request for Qualifications

Dear Consultant,

The Town of Yucca Valley is requesting qualifications for professional consulting services to perform a review, analysis and other services related to a potential local transaction and use tax measure, tentatively scheduled for Fall 2011.

This review is somewhat unique in that much of the revenue raised in the measure is contemplated for use by another public agency, namely the Hi Desert Water District. It is anticipated that the District will be utilizing the revenue to assist in the delivery of a regional wastewater system. Both Town and District staff have done significant work in developing a preliminary financial model of the sales tax and related flow of funds to analyze the feasibility of such an approach. While the general framework is developed, the Town and District recognize the need for professional review and advise in finalizing the model and understanding the various implications and nuances of the proposed approach.

While the review and analysis will be for the benefit of both the Town and the District, Town staff will serve as the primary point of contact for the engagement. The selected consultant must be able to work at an accelerated pace as the Town and District have had preliminary discussions regarding a tentative Fall 2011 ballot measure.

Background

The Town of Yucca Valley is a general law City incorporated in 1991 and operates under the City Council/Town Manager form of government. The Town is spread over 39 square miles, and provides a variety of municipal services administered by the following departments:

Town Manager
Community Services
Public Works

Community Development
Administrative Services

Yucca Valley contracts with the San Bernardino County Sherriff's Department for public safety, and fire services are provided directly by the County of San Bernardino.

The Town has approximately 48 regular and 13 part-time employees. The Town's General Fund Budget is approximately \$9.0 million with Special Revenue/RDA Funds of an additional \$10.0 million. While Town revenues have decreased significantly over the past

three years, the Town remains financially strong due to the Council's conservative budgetary policies.

Water service is provided by the Hi Desert Water District. The Town of Yucca Valley does not have a regional sewer system in place and is under a pending regulation from the California Regional Water Quality Control Board to address this deficiency by as early as 2016. While the Hi Desert Water District is the lead agency charged with the delivery of a wastewater system per the Local Agency Formation Commission (LAFCO) authorization, the Town is acutely aware of the importance of the project, and desires to assist in whatever way possible.

The High Desert Water District provides water service to the Town of Yucca Valley and portions of the unincorporated area of San Bernardino County. Through approximately 10,000 service connections the District serves a population of approximately 24,000 people. HDWD is a public agency/special district governed by a five member board, elected by the people.

The HDWD has developed a sewer master plan that estimates the cost of Phase 1 of the wastewater treatment system at \$125 million. Preliminary analysis of formation of an assessment district yields an assessment of \$10,220 per equivalent dwelling unit. The proceeds from such an assessment would be used to secure a loan from the State Water Resources Control Board through their financial assistance programs.

Preliminary Financing Plan

Given the scope and cost of the regional wastewater project, Town and District staff have worked to identify the best financing options available to the community. A three-pronged approach was developed that includes imposition of a Transaction and Use tax, increase in the local Transient Occupancy Tax (TOT) rate, and loans from the Town/Redevelopment Agency.

- ***Town-Sponsored, 30 year, 1% Transaction and Use Tax.*** The general framework identifies three primary uses for the revenue generated by the measure:
 - Town Parks 5%
 - Town Streets and Roads 20%
 - Hi Desert Water District (e.g.- Regional Wastewater Project) 75%

- ***Transient Occupancy Tax Increase (from 7% to 10%).*** The Town has offered to increase the TOT and loan the increase in TOT from the first 15 years of the measure. These proceeds to the HDWD would be used to offset the connection costs for existing hotel/motel operations in Town. Once the connection costs are covered, any residual proceeds would be made available for assistance programs that the HDWD would develop (low-income, non-profits, etc.)

- ***Town / Redevelopment Agency Loan(s).*** The Town Council/Redevelopment Agency board have authorized a loan to the HDWD to support their cash-flow needs as the detailed design of the system is being completed, prior to any imposition of an assessment district or future funding from potential measures.

The financing plan is unique in that the Town would essentially become a source of financing to the Hi Desert Water District, recapturing much of the proceeds over an extended repayment time from the District.

The financial model is structured around the Town and District Management Teams' understanding of the needs of the community, the limited resources available to the public agencies, and the limited economic resources of Town residents. In early April 2011, the elected bodies of both agencies voiced their support of the proposal in concept, and directed staff to proceed with the due diligence necessary to draft a necessary ballot measure(s).

Accordingly, the Town and District are interested in obtaining the services of a professional financial consultant to provide a comprehensive review of the work completed to date, and assist the Town and District as needed in the development of a reasonable, defensible and successful ballot measure(s).

It is not the objective of this study to provide a thorough analysis of the Wastewater project funding alternatives as that work is already underway with the District. The primary objective of this analysis is to focus on the impact, both positive and negative, of a proposed Transaction and Use Tax as a financing alternative in assisting the District in the delivery of a regional wastewater project. To achieve this analysis, the consultant should be prepared to engage in the following scope of work.

SCOPE OF WORK

The scope of work shall include, but not be limited to, the following features:

1. Review the developed financial model for the potential transaction and use tax measure with regard to the reasonableness of assumptions, the ability of the model to clearly and accurately reflect the financial results, accurately identify cash flow streams, and identify potential improvements to streamline the analysis. Further, the advisor should provide input and suggested modifications to the model as needed to provide the most accurate forecast reasonably possible.
2. Enhancement of the financial model with proposed terms and timing of passage. Furthermore, the advisor should review the model and revise to reflect refined dates, timing, implementation factors, and other facts as provided by the Town and the District in the course of the review.
3. Identification of the risks associated with the proposed financing model from the perspectives of the Town and the District.

4. Advise Town and District staff on the feasibility of the various proposed scenarios of transaction and use tax with respect to the current financing alternatives the District has publicly disclosed. Identify alternatives that the Town or District have not considered, if applicable.
5. Identify the impact of the transaction and use tax measure on the rate payer as part of the District's rate structure, both with and without utilization of the tax measure.
6. Analyze the transaction and use tax measure in conjunction with the District's other available funding sources, including the State Water Resources Control Board funding opportunities, and identify strengths and weaknesses of the various potential funding sources.
7. Work collaboratively with staff of the Town and the District to assist in the development of a policy foundation to support a revenue based financing program, including the review and revision of the existing debt management policies, focus on concepts of affordability, acceptance of risk parameters, and intersection between finance and operating policies.
8. Provide the Town and the District with a roadmap of critical events leading to the implementation of the financing structure to fund the improvements, from development through election.
9. Be prepared to work at an aggressive and fast pace as the Town and District will be operating under a compressed schedule with a tentative fall election.
10. Presentation to each of the elected bodies as to the results of the analysis, review and potential recommendations.
11. Other minor review and analysis tasks as jointly developed and identified by the Town and the District.

RESPONSE REQUIREMENTS

A. Name and Telephone Number of Contact Person

Any questions regarding this response or additional information required by the respondents should be directed to:

Curtis Yakimow, Director of Administrative Services

Town of Yucca Valley
57090 Twenty-nine Palms Hwy.
Yucca Valley, CA 92284

cyakimow@yucca-valley.org (*preferred method*)
(760) 369-7207, extension 232

B. Availability of Financial Model and Work Papers

The selected consultant will have access to all financial models that the Town has developed to date. This model will be available for review, modification and enhancement as appropriate. A background and status presentation is included as Attachment A to this RFQ to provide an overview of the model and the framework developed to date. The selected consultant will have access to the financial models of the District inasmuch as they are not proprietary to other professional consultants.

C. Proposal Calendar

The following is a list of key dates up to, and including, the date qualifications are to be submitted:

<u>Date</u>	<u>Activity</u>
April 27, 2011	Request for Qualification issued
May 5, 2011	Due date for proposals (Due by 5:00 p.m.)
May 8, 2011	Town and District Review
May 17, 2011	Council Action
May 18, 2011	Selected firm notified
May 23, 2011	Contract Executed
July 2011	Presentation to District and Council Bodies

D. General Requirements

1. Inquiries concerning the request for proposals and the subject of the request for proposals may be made to Curtis Yakimow, Director of Administrative Services.
2. Submission of Response. An original and six (6) copies of the Response must be received **by 5:00 p.m. on May 5, 2011** for a response to be considered. The formal response should address the items listed below.

E. Format for Response

The format of the Response shall be as follows:

1. Title Page
Show the RFQ subject, name of the firm, local address, telephone number, name and title of contact person, and date of submission.
2. Table of Contents
Include a clear and complete identification of the materials submitted by section and page number.
3. Transmittal Letter
General introduction and briefly stating that the proposer understands the audit services to be performed; a positive commitment to perform the service within the time period specified; the name(s) of the person(s) authorized to represent the proposer, title, address, and telephone number.
4. Detailed Proposal
The detailed proposal should follow the format set out below.

F. Contents of the Response

The purpose of the response is to demonstrate the qualifications, competence and capacity of the firms seeking to undertake this assignment. The response should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement.

The response should address all the points outlined in the scope. The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the request for proposal. While additional data may be presented, the areas detailed below must be included. They represent the criteria against which the proposal will be evaluated.

1. Independence
The firm should provide an affirmative statement that it is independent of Town of Yucca Valley and the Hi Desert Water District as defined by generally accepted auditing standards.
2. Insurance
The selected firm will maintain the minimum insurance requirements during the entire term of their engagement. To confirm this requirement, within 15 days from the execution of the Agreement, the selected firm shall furnish the Town satisfactory evidence of the insurance requirement and evidence that each carrier is required to give at least 30 days prior written notice of the cancellation of any policy during the effective period of the Agreement. The Town, its elected or appointed officers, officials, employees, and agents shall be named as an additional named insured under the selected firm's policies as noted in the Agreement.
3. Firm Qualifications and Experience
To qualify, the firm must have extensive experience providing financial consulting to local governments. The proposer should state the size of the firm, the size of the firm's governmental financial consultancy staff, the location of the office from which the work on this engagement is to be performed, the number and nature of the professional staff to be employed in this engagement on a full-time basis, and the number and nature of the staff to be so employed on a part-time basis.
4. Partner, Supervisory and Staff Qualifications and Experience
Identify the principal staff, including engagement partners, managers, and other supervisors and specialists, who would be assigned to the engagement. Also, provide information on the government consulting experience of each person.
5. Similar Engagements with Other Government Entities
Identify a list of similar type consulting engagements, with particular emphasis on revenue measure analysis. Please identify the most current engagements first, as well as the most closely related to the identified scope.

Please provide a list of not less than three (3) client references for which services similar to those outlined in this RFQ are currently being provided. For each reference listed provide the name of the organization, approximate gross cost of the contract, dates for which the service(s) are being provided, type of service(s) being provided and the name, address and telephone number of the responsible person within the reference's organization. The Town of Yucca Valley reserves the right to contact any or all of the listed references regarding the audit services performed by the proposer.

6. Total All-Inclusive Maximum Price

The dollar cost bid should contain all pricing information relative to performing the consulting engagement as described in the request for proposal. The total all-inclusive maximum price to be bid is to contain all direct and indirect costs including all out-of-pocket expenses.

The Town of Yucca Valley will not be responsible for expenses incurred in preparing this response.

7. Rates by Partner, Supervisory and Staff

The response should include detailed information regarding the estimated number of hours to be dedicated to the Town's engagement, delineated by staffing level.

8. Manner of Payment

Progress payments will be made on the basis of pro-rated analysis completed during the course of the engagement and out-of-pocket expenses incurred in accordance with the firm's proposal.

G. Selection of Firm

The Town of Yucca Valley and the Hi Desert Water District will jointly select a firm for Council consideration based upon the recommendation of the respective management teams. It is anticipated that a firm will be selected on May 17th, 2011. Following notification of the firm selected, it is expected a contract will be executed between both parties by within 5 days from notification.

ATTACHMENT A

Summary and background presentation dated April 12, 2011 and
distributed as separate attachment

Firm & Contact Name	Address	City	St-Zip Code	Phone Number	Fax Number	Email Address
CSG Advisors Jack Wiggins	1 Post Street, Suite 2130	San Francisco	CA 94104	415)956-2454	415)956-2875	jwiggins@csgadvisors.com
Fieldman, Rolapp & Associates Tom De Mars	19900 MacArthur Blvd, Suite 1100	Irvine	CA 92612	949)660-7300	949)474-8733	tde mars@fieldman.com
HDL-Hinderliter, DeLamas & Assoc. Andy Nickerson	1340 Valley Vista Dr. #200	Diamond Bar	CA 91765	909)861-4335		anickerson@hdlcompanies.com
RSG Daniel Gilbert	309 W. 4th Street	Santa Ana	CA 92701	714)541-4585	714)541-1175	dgilbert@webrsg.com
Stone & Youngberg	515 S. Figueroa Street Suite 1800	Los Angeles	CA 90071	213)443-5000		info@syllc.com
Northcross Hill Ach Mark Northcross	999 Fifth Ave Suite 560	San Rafael	CA 94901	415)506-3400		www.nhainc.net mark@nhainc.net
B&V Wells Associates Doug Dove				510)653-3399		www.bartlewells.com ddove@bartlewells.com
Keyser Marston James Rabe	500 S. Grand Avenue Suite 1480	Los Angeles	CA 90071	213)622-8095		info@keysermarston.com jrabe@keysermarston.com
Economic & Planning Systems Mary Schroeder	2295 Gateway Oaks Dr Suite 250	Sacramento	CA 95833	916)649-8010		mschroeder@epsac.com
Willdan Financial Services Joanie Reynolds	27368 Via Industria Suite 110	Temecula	CA 92590	951)587-3500		jreynolds@willdan.com
C.M.deCRINIS & Co.Inc Paul McDonnell	15300 Ventura Blvd Suite 404	Sherman Oaks	CA 91403	818)385-4900		paul@cmdecrinis.com
Glenn M. Reiter & Assoc. Marilyn Adams	2535 Kettner Blvd, Suite 2A5	San Diego	CA 92101	619) 231-1730		madams@gmrfinance.com



STATEMENT OF QUALIFICATIONS

FINANCIAL CONSULTING SERVICES

May 5, 2011



TOWN OF YUCCA VALLEY



There is no substitute for experience.

May 5, 2011

Mr. Curtis Yakimow, Director of Administrative Services
Town of Yucca Valley
57090 Twenty-Nine Palms Hwy.
Yucca Valley, CA 92284

Re: Request for Qualifications – Financial Consulting Services

Dear Mr. Yakimow:

We are pleased to submit this proposal to Town of Yucca Valley for financial consulting services. We believe we have a firm grasp of the area's need for the regional wastewater system, the system's financial requirements, and the feasible options to achieve project implementation. Our experience includes in-depth analysis of sales tax backed financing, particularly in your region. Moreover, we have been highly interested in working with the Town and this engagement is a perfect fit between our capabilities and the Town's needs. Our proposal will demonstrate that Fieldman, Rolapp & Associates is:

- ✓ Highly experienced in providing financial consulting services to California cities & water districts
- ✓ Highly experienced in creating financial models, including models analyzing sales tax revenue and developing sales tax backed financings
- ✓ Proposing a team of professionals with highly relevant experience prepared to work at a fast pace

In terms of experience, we will highlight our on-going engagement with Riverside County Transportation Commission. We have provided the Commission analysis and modeling of estimated sales tax revenues, advised on financial aspects of sales tax ballot measures, and served as financial advisor on bond transactions. In terms of financial modeling, our proposed team has recently created complex models for Mesa Consolidated Water District and Rancho California Water District. These have factored in the need to access capital markets through bond issuance and have integrated financial metrics used by the credit rating agencies. Our team has also created a model to inform the feasibility of creating an Assessment District for Los Angeles County for energy-efficiency improvements.

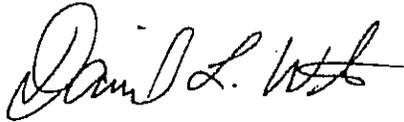
The Town, and its partner Hi-Desert Water District (HDWD), will benefit from our combination of financial modeling and capital market expertise. This proposal will provide our initial observations and detailed approach to each element of the Town's Scope of Services. Generally our approach to advising the Town is as follows:

- ✓ Conduct a rigorous financial analysis of the proposed options, including revenue projections
- ✓ Create enhancements to the financial model and assist with creation of tables, charts, and graphs
- ✓ Incorporate our knowledge of the capital markets to the analysis and assessment of options
- ✓ Work as an integrated team with the Town and its partner HDWD at a fast pace

We look forward to discussing our thoughts and qualifications with you in the near future. We can help the Town move confidently towards a successful conclusion on this important project. We greatly welcome the opportunity and are prepared to begin work immediately.

Respectfully submitted,

FIELDMAN, ROLAPP & ASSOCIATES

A handwritten signature in black ink, appearing to read "Daniel L. Wiles". The signature is fluid and cursive, with a large initial "D" and "W".

Daniel L. Wiles
Principal
(949) 660-7315
dwiles@fieldman.com



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APPENDIX A

CITIES TRANSACTIONS, WATER TRANSACTIONS, 1915 ACT ASSESSMENT DISTRICT TRANSACTIONS



INDEPENDENCE & COMMITMENT

Fieldman, Rolapp & Associates is a full service, independent, financial advisor focused on California public finance. We only work directly for public agencies including many in San Bernardino and Riverside counties. Fieldman is independent of the Town of Yucca Valley and the Hi Desert Water District as defined by generally accepted auditing standards. We have no existing relationships or engagements in the area that would constitute any conflicts of interest in working for the Town.

FRA provides sound, unbiased, and creative consulting services to our clients. We accomplish this through interaction with our client by assigning a team of professional staff with a variety of talents. We propose to assign the team described in the next section, each of whom will assume different duties and responsibilities, but remain focused on your objectives through the Engagement Manager, Dan Wiles. Using a team approach assures the Town that several individuals will be familiar with the Town's needs and requirements. This approach offers superior service, better turnaround times and more efficient use of the Town's staff time.

As an independent advisor, FRA neither underwrites bonds nor has a relationship, direct or otherwise, with any municipal bond underwriter, broker/dealer or financial institution. We represent public entities and non-profit organizations only. We do not accept engagements representing developers or other private, for profit enterprises. Furthermore, due to the recent passage of the Dodd-Frank Financial Reform Act, the firm is registered with both the Securities and Exchange Commission ("SEC") and the Municipal Securities Rulemaking Board ("MSRB").

INSURANCE

FRA will maintain the minimum insurance requirements during the entire term of its engagement and we will furnish the Town with satisfactory evidence of such.

THE FIRM AND EXPERIENCE

Fieldman, Rolapp & Associates is a full service, independent, financial advisory firm focused on California public finance. We provide our clients sophisticated analysis and service equal to the large investment banks, but with a focus solely on our clients' interests. Our practice has always involved the most complex financing structures and, as public finance evolved, our capabilities have expanded to meet the challenge of providing clients the technical knowledge and expertise required to implement complex financial plans. The depth of our capabilities match the Town's need for thoughtful and comprehensive financial analysis.

FRA entered the public finance advisory business in 1966 and has a long history of successful service to California municipalities. Since 1966, one of our core strengths has been the development and implementation of financial plans for water and wastewater infrastructure improvements. We have a staff of 20 employees (13 financial advisors), all based in Irvine, readily available to the Town. Through our Employee Stock Ownership Program (ESOP), our employees, as beneficial owners of the Firm, participate in an ownership culture. Each of us has a strong interest in being efficient and providing responsive service to each client on each and every assignment. Our professionals come from a broad range of backgrounds, from law to public administration, real estate development and investment banking.

In terms of overall government financial consulting, we have provided in Exhibit A lists of financial engagements for public agencies completed over the prior 5 years. We have highlighted our 99 engagements with California cities, our 85 engagements with California water agencies, and our 30 engagements to complete 1915 Act Assessment District financings. We believe these selected engagements are the most relevant in terms of showing our experience and expertise in working for *both* cities and water agencies. In



addition, we will later highlight our most recent and relevant experience in financial modeling and analysis for public agencies, our work modeling sales tax revenue, and our capital market expertise related to issuing sales tax revenue bonds.

FRA is the best choice for providing the services described in the RFQ for the Town because of our intimate knowledge the issues that face the Town. Our experience with sales tax measures accompanied by our extraordinary modeling capabilities and market insight is a unique combination that will benefit the Town in a multitude of areas.

Our history for delivering high quality products and providing creative advice with our clients' best interests at heart speaks for itself. Our clients know our commitment and responsiveness. The Town will always have access to its entire FRA team and we can meet the Town's needs on short notice. We are experts in Southern California public agency issues, we are creative and reliable, we communicate with our clients and their boards in plain English, we serve as extension of staff and we provide continuity based on long-tenured, senior professional management. Our strength is our people and experience. We are dedicated to the Town and are committed to meeting and exceeding the Town's needs.

PARTNER, SUPERVISORY AND STAFF QUALIFICATIONS AND EXPERIENCE

We propose to serve the Town with a team of four of the firm's most experienced consultants. Dan Wiles, a Principal of the firm, will serve as the primary contact and overall director our engagement. He will be actively involved in the day-to-day contact with the Town and our work products. Paul Pender, Vice President, will act as co-project manager with Mr. Wiles and take the lead in directing the financial analysis. Ruth Matthews, Senior Associate, will provide detailed review of all financial models and work to enhance the model capabilities and useful outputs and reports. Robert Porr, Senior Vice President, will review all financial analysis and will focus on bond structuring and capital market considerations.

Mr. Wiles has managed hundreds of financing engagements which have funded billions of dollars of public improvements, and will ensure the optimum level of the firm's resources are allocated and available to meet the Town's needs. Mr. Pender's background in public policy, economics and finance will prove useful in the forecasts and analyses of the impact of economic and market conditions on the Town. Ms. Matthews' background in Mathematics will be reflected in the modeling and other quantitative efforts of our team. It is our diversity of practice, our diversity of background and our commitment to in-depth technical and quantitative analysis that allow us to develop and implement solutions to problems that are both creative and practical. Mr. Porr has over 25 years experience in structuring public agency financings. The resumes of each team member are included below.



Mr. Daniel L. Wiles, Esq., CIPFA, Principal, has over 20 years experience as a financial advisor and 8 more as bond counsel and underwriters counsel. His experience includes the complete spectrum of financing structures, including general obligation, revenue and lease backed financings for transportation, general governmental operations, capital improvements, utilities, pension liabilities and higher education facilities, encompassing complex revenue and derivative based financing structures and related credit enhancement/rating issues.

Recent experience relevant to the Town's Engagement:

- ✓ Riverside County Transportation Commission – Sales Tax Revenue analysis and modeling
- ✓ Riverside County Transportation Commission – Sales Tax Revenue Bonds



- ✓ Los Angeles County – financial model of feasibility of creating energy efficiency Assessment District

Currently Mr. Wiles is the engagement and project manager for Fieldman Rolapp & Associates clients including Riverside County Transportation Commission, Riverside County, Los Angeles County, the City of Los Angeles, Ventura County, San Joaquin County, the City of Phoenix and the State Treasurer's Office of California.

Mr. Wiles received his Bachelor of Science degree in Economics, magna cum laude, from the University of Minnesota, College of Liberal Arts and received his Juris Doctor, magna cum laude, from the University of Minnesota Law School. He is a member of the Order of the Coif and was an editor for the Minnesota Law Review and a National Merit Scholar. He is an author and speaker in the field of public finance, with numerous presentations in the areas of public policy development, financial techniques and employee benefits financings. Mr. Wiles currently is licensed to practice law in Minnesota and Colorado. He is a Board and Audit Committee member for the Child Abuse Prevention Center of Orange County. He is also a registered investment advisor representative (Series 65), Chief Compliance Officer of Fieldman Rolapp Financial Services LLC and a Certified Independent Public Finance Advisor.



Mr. Paul D. Pender, Vice President, joined the firm in January 2005. Since joining the firm, Mr. Pender has completed over fifty financing engagements. Mr. Pender specializes in the following financial advisory services: long-term capital improvement finance plans, refinancing of existing debt analyses, special district formation, transaction management, and debt policy analysis.

Recent experience relevant to the Town's Engagement:

- ✓ Los Angeles County – financial model of feasibility of creating energy efficiency Assessment District
- ✓ Assessment District feasibility, formation, and bond issuance – over 25 districts in prior 5 years
- ✓ Financial modeling engagements for Castaic Lake Water Agency, Orange County Water District, Vallecitos Water District, and Mojave Water Agency

Mr. Pender has also completed engagements for a wide variety of municipal clients, including Castaic Lake Water Agency, Orange County Water District, Olivenhain Municipal Water District, Mojave Water Agency, and the water-enterprise funds of the Cities of Azusa, Tustin, and San Juan Capistrano, the City of Long Beach, the City of Irvine, the City of Moreno Valley, the J. Paul Getty Trust, the State of California, and the City of San Diego.

For these clients, Mr. Pender specializes in analyzing the economics of variable-rate transactions, interest rate swap agreements, and overall bond structuring alternatives. He also manages the creation of credit materials presented to the rating agencies and manages interactions with bond insurance companies, including solicitation of bids for insurance and ultimate selection of the best overall bid. In the case of competitive bond sales, Mr. Pender manages the technical aspects of the process, including drafting the terms of the sale, setting up the electronic bidding platform, and soliciting bids from potential underwriters.

Mr. Pender has a Masters of Public Policy degree from the University of Southern California and a Bachelor's degree in History from Grinnell College (Iowa). He is a registered investment advisor representative of Fieldman, Rolapp Financial Services.



Mr. Robert A. Porr, Senior Vice President, returned to the firm in May 2005 after spending eight years as a public finance investment banker. Since re-joining the firm, he has focused on serving the firm's utility clients. He has been advisor to Eastern Municipal Water District, Rancho California Water District, Orange County Water District, Western Municipal Water District, Mesa Consolidated Water District, Castaic Lake Water Agency, Azusa Light & Water, and Olivenhain Municipal Water District. Mr. Porr leads the swap advisory practice at the Firm and has served as swap advisor to Riverside County Transportation Commission, Eastern Municipal Water District, Castaic Lake Water Agency, the County of Riverside, Hemet Unified School District, and Western Municipal Water District.

Recent experience relevant to the Town's Engagement:

- ✓ Project Manager for financial modeling engagements for Mesa Consolidated Water District, Rancho California Water District, San Diego County Water Authority, and Western Municipal Water District

His experience as an investment banker includes working with numerous local agencies in connection with the issuance of more than \$1.2 billion in debt. Mr. Porr has assisted issuers with the structure and sale of many forms of debt including general obligation, special tax, assessment, revenue and lease backed debt. He structured nearly \$100 million of complex tax-backed refunding debt for the County of Riverside and developed a novel lease revenue bond structure for the Alaska Industrial Development and Export Authority. Mr. Porr's experience includes investment banking assignments for Anaheim Public Utilities, the County of Los Angeles and the Cities of Murrieta, Norco, Palmdale and Redlands. During his previous employment with Fieldman, Rolapp & Associates, Mr. Porr worked with Central Coast Water Authority, Coachella Valley Water District, Eastern Municipal Water District, East Valley Water District, Elsinore Valley Municipal Water District, Orange County Water Agency, Palmdale Water District and Santa Margarita Water District.

Mr. Porr earned his undergraduate degree in Psychology from Pace University in New York, NY and his Juris Doctorate from New York Law School in New York, NY.

Mr. Porr holds the CIPFA designation as a Certified Independent Public Finance Advisor from the National Association of Investments Advisors and is admitted to practice law in the State of New York.



Ms. Ruth C. Matthews, Senior Associate, joined Fieldman, Rolapp & Associates in June 2009. Since joining the firm, Ms. Matthews has focused her quantitative skills working with the Orange County Water District, Rancho California Water District, Mesa Consolidated Water District, among others. Ms. Matthews is currently involved in several enterprise fund revenue bond issues. She provides project support and compiles general market information, providing insight into clients' financing activities and analyzing operating and capital budgets. She also provides complex and comprehensive cash flow modeling for clients, including San Diego County Water Authority and Rancho California Water District.

Recent experience relevant to the Town's Engagement:

- ✓ Riverside County Transportation Commission – Sales Tax Revenue analysis and modeling
- ✓ Financial modeling engagements for Mesa Consolidated Water District, Rancho California Water District, San Diego County Water Authority, and Western Municipal Water District

Prior to joining the firm, Ms. Matthews worked for a special tax consulting firm. While there, she was involved with CFD formations, preparation of annual special tax levies, and the CFD administration.



Ms. Matthews received an Allaway Scholarship to attend the University of California, Berkeley for undergraduate studies and has a Masters of Mathematics from the University of Sussex, England.

SCOPE OF SERVICES

1. *Review the developed financial model for the potential transaction and use tax measure with regard to the reasonableness of assumption, the ability of the model to clearly and accurately reflect the financial results, accurately identify cash flow streams, and identify potential improvements to streamline the analysis. Further, the advisor should provide input and suggested modifications to the model as needed to provide the most accurate forecast reasonably possible.*

Approach to Scope

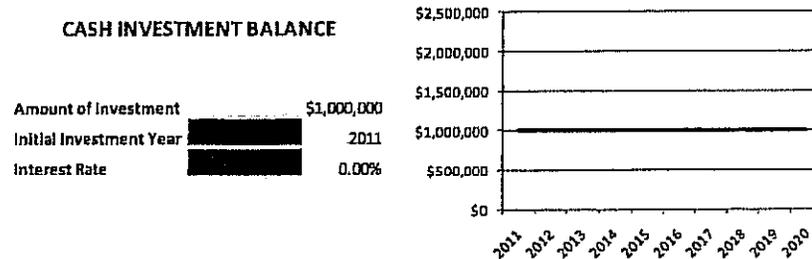
Our team, steeped in years of experience in assisting numerous local agencies in making policy decisions, future cash planning and long-range strategic planning, will make the recommendations and modeling clear and concise for the Town's staff and policymakers. We view validation of the financial model as part of our assignment. As our first validation step for the model and its inputs, we will run multiple scenarios using the model to verify critical calculations and assumptions and to determine the ease of use for staff. Then we will provide the model to the Town for its own testing and review, specifically focusing on the ease of interface and ability to operate. If problems are uncovered in either set of validation tests, we will make appropriate model revisions and re-run the validation process. After developing an understanding of the model, we will work closely with staff to understand the assumptions underlying the model. Once we understand the assumptions and rationale behind such, we will test the accuracy, soundness and reasonability of the assumptions.

We will also work alongside staff and Board members, if desired, to select the appropriate metrics to include in the model to aide in tracking key elements in monitoring the projections.

The degree of functionality incorporated in the model will vary depending on the set of input variables and assumptions engineered for the user to modify. Our intent is to develop a scenario generator, with a series of "toggles" and "slider bars" that allow choices from a pre-determined menu of options as well as allowing the user to modify the model and see the varying impact of changes in assumptions. We also understand that the interface with the model should allow for the production of pre-determined formatted reports and graphs selected by the user.

It is important that the scope of the menu and the range of formatted reports be developed as early as possible to allow for the most efficient development of the model. While we anticipate changes during the actual development phase, prior planning can avoid the need to backtrack on our work.

We will enhance the input pages to include staff's desired variables as well as replacing current drop down boxes with slider bars. This method can be used in each of the models and allows the user to see the immediate effects of a changing variable on a graphical output. The pictures below show an example of how the slider bars work.



Our similar modeling engagements are described in the References section below. One of these references is the San Diego County Water Authority for whom we created a detailed monthly cash flow model to aid the Authority in assessing their core and liquid investment of reserves based on projected revenues, expenses and capital needs. The model took into account the seasonality and payment timing of water sales, conservation efforts from customers, the engineering department’s capital improvement program, as well as the ability to perform sensitivity analysis to assess the possibility of reduced revenues from specific customers, i.e. agriculture. Our experience with this notion will allow us to assist the Town in developing a model that reflects the seasonality of sales tax revenues and Transient Occupancy Taxes.

Another of our modeling engagements was for the City of Phoenix for whom we created an interactive comparison between two proposers for a utility scale solar plant. Our model allowed comparison between the proposers based on their stated assumptions and, simultaneously, on assumptions to be input by the City. This level of functionality will help the Town evaluate the sensitivity of results depending on a range of potential tax revenues.

Relevant Experience

Within the last year, we have verified, enhanced and developed financial models for the following public agencies:

- San Diego County Water Authority
- Rancho California Water District
- Mesa Consolidated Water District
- Western Municipal Water District

2. *Enhancement of the financial model with proposed terms and timing of passage. Furthermore, the advisor should review the model and revise to reflect refined dates, timing, implementation factors, and other facts as provided by the Town and District in the course of the review.*

Approach to Scope

We will review the proposed terms and timing incorporated into the model and provide to staff ideas in connection with enhancements. We will review the model and work with staff to determine optimal dates, and identify the most appropriate assumptions to be “inputs” so that the model’s output can be readily understood for decision-makers. We will amend the model if necessary to analyze different financing alternatives by simply changing one or two inputs.



Relevant Experience

Within the last year, we have worked with staff to determine the optimal financing combinations for projects for the following public agencies:

- Riverside County Transportation Commission
- Rancho California Water District
- Mesa Consolidated Water District
- Western Municipal Water District

3. *Identification of the risks associated with the proposed financing model from the perspectives of the Town and the District*

Approach to Scope

We believe it will be critical the funding plan is based on assumptions that are prudent and reflect reasonable, not overly conservative, assumptions. We would make it a primary focus to ensure the financial model is “stress-tested” by looking at a variety different scenarios. The base-case scenario and any information presented to the voters should be thoroughly vetted and contain assumptions which are logical and easily explained to voters. For instance, instead of specific year-by-year sales tax projections for the next 30 years, it could be more prudent to project a trend line which factors in expected peaks and valleys over the long term.

- Run multiple projections for the 1% Sales Tax Revenue
- Develop “best-base-worst” case scenarios for Sales Tax Revenue
- Undertake independent review of all key assumptions
- Assess the project construction timeline and cost inflation risk
- Assess the risks from all perspectives --the benefiting residents, the Town, and the Water District
- Assess various bond market scenarios and impacts caused by changes in interest rates

Relevant Experience

Riverside County Transportation Commission – developed differing risk scenarios and extensive modeling for their approved Sales Tax – Measure A. Analyzed impact of differing scenarios on impact to net proceeds from bond transactions.

4. *Advise Town and District Staff on the feasibility of the various proposed scenarios of transaction and use tax with respect to the current financing alternatives the District has publicly disclosed. Identify alternatives that the Town or District have not considered, if applicable.*

Approach to Scope

Our initial approach will be to understand the current proposed alternative and subject the assumptions and conclusions to a rigorous independent analysis. This will include enhancements to the existing financial model. We believe additional factors to consider as either alternatives or enhancements to the existing financial plan *may* include:

- The creation of a JPA between the Town and the Water District which could issue revenue bonds backed by a combination of sales tax, assessments, and Water District revenues
- Interim financings such as bond anticipation notes to provide seed money to the project



- A parcel tax or other tax measures which would raise similar revenue to the Sales and TOT taxes (our initial take is the Sales Tax is the most feasible voting threshold)
- Public-private partnerships to construct and / or operate the new facilities

Relevant Experience

San Joaquin County – Jail Funding Alternatives Analysis In 2009 we analyzed options for the County to fund \$25 million per year to expand their jail facilities. This included an exploration of all options to raise new revenues, including sales taxes, a parcel tax, a community facilities district. We additionally assessed the feasibility of certain ballot measures passing.

5. *Identify the impact of the transaction and use tax measure on the rate payer as part of the District's rate structure, both with and without utilization of the tax measure.*

Approach to Scope

We will identify what revenues can be generated from the tax measure to support a debt issuance. We will complete various economic scenarios and prepare a matrix that will advise policy-makers of the likelihood of tax revenue generation. From those assumptions we will be able to measure the financing gap that the Water District will need to provide in order to fully fund the Project.

Relevant Experience

In recent years we have analyzed the impact of varying rate and tax structures for the following public agencies:

- Riverside County Transportation Commission
 - Mesa Consolidated Water District
 - City of Tustin
 - City of Redlands
6. *Analyze the transaction and use tax measure in conjunction with the District's other available funding sources, including the State Water Resources Control Board funding opportunities, and identify strengths and weaknesses of the various potential funding sources.*

Approach to Scope

After identifying the funding capability of the use tax, we will work with staff at both the Town and the Water District to identify other possible funding sources. Our next step would be to work closely with the respective staffs of both entities to ascertain the reasonableness and likelihood of such additional funding sources. Lastly we will prioritize each funding source based upon its financial strengths and weaknesses and determine with the respective staffs, which should be incorporated into the model to be utilized as a funding source.



Relevant Experience

We have analyzed the use of other funding sources, such as State funding and grants, for the following public agencies:

- Orange County Water District
- Riverside County Transportation Commission
- Lake Arrowhead Community Services District
- Santa Ana Watershed Project Authority

7. *Work collaboratively with staff of the Town and District to assist in the development of a policy foundation to support a revenue-based financing program, including the review and revision of the existing debt management policies, focus on concepts of affordability, acceptance of risk parameters, and intersection between finance and operating policies.*

Approach to Scope

Fieldman, Rolapp & Associates has extensive experience in the development of financial management policies for *both* water agencies and cities. Our approach in working with the Town and the District jointly would be to create a set of policies which draw from both agency's existing policies and practices. However, we would seek to develop new policies which are tailored specifically to the financial resources and framework for funding the sewer improvements. The policies could cover:

- Financial risk management
- Basis for undertaking any bond financings
- Establish processes to ensure low administrative and issuance costs
- Procedures to comply with securities regulations and bond issue covenants
- Establish accountability for managing any outstanding bond financing

Relevant Experience

In the previous 3 years, we have developed or enhanced the debt management or reserve policies for the following public agencies:

- City of San Diego
- City of Moreno Valley
- Olivenhain Municipal Water District
- Eastern Municipal Water District

8. *Provide the Town and District with a roadmap of critical events leading to the implementation of the financing structure to fund the improvements, from development through election.*

Approach to Scope

Fieldman, Rolapp & Associates typically acts as the project manager on behalf of our public agency clients. We take the lead in establishing a financing schedule and working to ensure key work products are provided on time. Project management, in particular the development and on-going monitoring of financing timelines, is at the core of our consulting expertise. We would make it our priority in working with the Town, the District, and any election consultants, Assessment Engineers, or other parties to ensure their desired timeline is met by everyone working on their behalf.



Relevant Experience

Over the prior 5 years, we have completed 99 transactions for cities and 85 transactions for water districts. We have acted as the project manager on nearly all of these engagements.

9. *Be prepared to work at an aggressive and fast pace as the Town and District will be operating under a compressed schedule with a tentative fall election.*

Approach to Scope

We are assigning a deep team of professionals which will ensure we have sufficient resources available to the Town and the District. We are prepared to start immediately upon being given direction by staff. We would work diligently but efficiently with the goal of being able to thoroughly vet the financial plan within 3-4 weeks, starting the week of May 23rd. We would then work to help prepare presentations to District and Town elected officials and stakeholders by the end of June.

10. *Presentation to each of the elected bodies as to the results of the analysis, review and potential recommendations.*

Approach to Scope

We would assist or take the lead in preparing a presentation to the District and Town elected officials. We will attend Board and Council meetings to make presentations, or assist staff in making the presentations.

Relevant Experience

In the past 3 years we have made detailed presentations to the elected bodies for the following selected public agencies:

- Riverside County Transportation Commission
- Mesa Consolidated Water District
- City of Moreno Valley
- Mojave Water Agency
- Castaic Lake Water Agency
- Olivenhain Municipal Water Agency

11. *Other minor review and analysis tasks as jointly developed and identified by the Town and District*

We are willing and able to assist the Town and Water District in any additional review and analysis tasks as identified.



SIMILAR ENGAGEMENTS WITH OTHER GOVERNMENT ENTITIES AND REFERENCES

We believe that the number of transactions and assignments that we have completed and the diversity of our clients have given our professionals a better understanding of the business side of governmental agencies. It is this understanding which permits us to approach challenges with practicality and develop effective financial advice. The list below is an example of the similar type consulting engagements.

Government Agency	Years of Service	Service Description
Riverside County Transportation Commission	2003 - Present	Sales tax measure planning and bond issuance.
Rancho California Water District	Late 1970's - Present	Long-range planning and modeling as well as bond issuances and project feasibility analysis.
Western Municipal Water District	2000 - Present	Long-range planning and modeling as well as bond issuances and project feasibility analysis.
Mesa Consolidated Water District	2009 - Present	Long-range planning and modeling as well as bond issuances and project feasibility analysis.
City of San Diego	1999 - Present	Formation of one Assessment District ("AD") and three Community Facilities Districts ("CFD") with multiple improvement areas as well as AD and CFD bond issuances.
City of Irvine	1980's - Present	AD formation and bond issuances
City of Newport Beach	1990's - Present	AD formation and bond issuances
County of Los Angeles	2009 - Present	AD formation feasibility analysis
City of Inglewood	2009-Present	CFD formation feasibility analysis
City of Del Mar	2009-2010	AD formation feasibility analysis
County of Monterey	2009-2011	AD formation feasibility analysis
San Diego County Water Authority	2010	Cash flow modeling

We focus on exceeding the expectations of each client. The values of our Firm push us to strive for excellence and build long term relationships based on trust. The references below are examples of different types of transactions that may need to be incorporated into the Town's proposed project. These references will confirm our professionalism and commitment to high quality service. We urge you to contact them.



References Related to Sales Tax



Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92502

Theresia Trevino, Chief Financial Officer, 951-787-7926
ttrevino@rctc.org

Since 2003, we have had an ongoing engagement as the financial advisor to the Commission. As financial advisor, we have advised the Commission in its entire spectrum of financing issues.

RCTC is a self-help county sales tax supported transportation agency. Measure A, a 0.50% sales and use tax, provides the primary support for the local funding of its programs. The authorizing Ordinance provides for a 30 year tax collection period (through 2039) and a cap on total outstanding debt of \$500 million based on sales tax. The voters approved last November an increase to this cap to \$975 million (Measure K).

RCTC has a small staff tasked with managing a large, complex and multi-faceted program to develop transportation improvements across a wide variety of modes. RCTC has also experienced a significant decrease in sales tax revenues, presenting challenges to maintaining ratings in the face of an active capital program. During our tenure, we have had active roles to:

- Develop a Plan of Finance for the succeeding Measure A sales tax program (2004 and updates)
- Implement a commercial paper financing program for access to funds prior to the effective date of the new Measure A, with a maximum authorization of \$185 million (2005)
 - Procure liquidity support (commercial bank letter of credit)
 - Coordinate the assembly of a financing team (bond counsel, disclosure counsel, underwriter syndicate, other vendors)
- Provide annual valuation reports on floating to fixed interest rate swaps (2007, 2008, 2009 and ongoing) that meet GASB 53 requirements (the first report that implemented GASB 53 was completed in 2010)
- Refinance outstanding commercial paper on a bond anticipation note basis (prior to the new Measure effective date) with a principal amount of \$126,395,000 to provide liquidity funding for commuter rail capital costs to be reimbursed from federal "Small Starts" grants (2008)

Each of these activities over the past seven years has built an intimate relationship between Fieldman, Rolapp & Associates and the Commission. The Commission's financial activities have encompassed the wide range of financial structures and products available, but we have encouraged the Commission to implement each of them with features and terms that reflect their essential conservative nature. We have also continued to stress the "suitability" of each action, that is, the ability of the staff and the Commission itself to understand the transaction, how it fits into the overall financial plan and context and appreciates the risks inherent in the structure. The result has been that the staff is comfortable with the financial position and the Commission is well informed.



References Related to Financial Modeling



San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123

David Shank, Financial Planning Manager, 858-522-6676
shank@dscwa.org

San Diego County Water Authority engaged Fieldman, Rolapp & Associates to develop a cash flow model to assist in the allocation of investment of liquid and core funds of the Authority. The model factored in seasonal revenues and expenditures and created ease of use by allowing the Authority to run scenarios based on alternative revenue and expense alternatives. The model took into consideration the Authority's current investments and maturities as well as projected capital improvements. We worked in conjunction with the Authority to compile data from multiple departments to create an effective model that allows for data updates on a regular basis, by using advanced excel modelling capabilities along with customized programmed macros. Once the model was complete, we compiled a user manual that outlines the structure, functionality, use and data interpretation of the model.



Rancho California Water District
42135 Winchester Road
Temecula, CA 92590

Jeff Armstrong, Chief Financial Officer/Treasurer, 951-296-6928
armstrongj@ranchowater.com

We are recently crafted a complex financial model for Rancho California Water District ("RCWD") as part of the district's approximate \$100 million capital improvement program that priced at the end of 2010. The 2010 capital program encompasses different projects: solar energy generating projects, water improvements, wastewater treatment plant expansion, reimbursements and a novel restructuring of \$44 million in floating rate debt. Because of the plethora of financing alternatives, and the type of projects the model is designed to calculate specific credit metrics that are being used by the finance team to evaluate potential impacts to that district's credit ratings (Aa1/AA/AA+). The model permits the user to analyze results to the credit metrics from scenarios that use alternative financing options; scenarios can be viewed readily through inserting the numbered scenario into the appropriate cell in the Excel spreadsheet. Currently the model can compare and contrast credit metrics from using either: tax-exempt bonds, Build America Bonds, or a State Revolving Fund Loan for the wastewater treatment plant expansion. The model can compare and contrast the use of tax-exempt bonds, Build America Bonds, or Qualified Energy Conservation Bonds for the energy projects.

We began working on the model in anticipation of the 2010 bond transaction, but the District, recognizing the value and flexibility of the financing model, assigned us the task of converting the financing model into a more comprehensive existing long-range financial model. We were given the RCWD Long-Range Financing Plan and were able to combine that model with the FRA developed financing model. The combined model is able to predict based upon interest rate assumptions and the final maturities of the obligations which financing structures will provide the District with the strongest credit metrics, and thus, maintain or enhance that district's credit ratings. The combined model uses updated projections of revenues, expenses and existing debt service amounts to estimate operating results for forty years. New debt issuances are overlaid every fifth year to meet the long-term capital improvement plan and credit metrics are calculated over the entire forty year period. The model divides the results into the three separate operating divisions of the District to



calculate available cash and outstanding debt balances to allow RCWD to manage their cash flow on a divisional basis in addition to a holistic approach to their cash and debt management.

References related to Special District Financings

Over the past five years, Fieldman, Rolapp & Associates has served as financial advisor on 127 (reflecting the total number of underlying districts) land secured transactions totaling over \$1.7 billion. 31 of these transactions amounting to over \$165 million were for water/wastewater financings. We have assisted California public agencies in issuing land secured bonds to fund new capital projects and to refund existing bonds to provide debt service savings. We have experience working through the legal issues required to structure land secured transactions, assessing the credit concerns and assisting clients to negotiate fair pricing based on current market conditions. Provided below is a sampling of such transactions that we feel, in particular, evidences our expertise and experience completing land secured transactions over the last two (2) years.



Jurupa Community Service District
11201 Harrel Street
Mira Loma, CA 91752

Ken Waring, Finance Manager, 951-685-7434 ext. 515
kwaring@jcsd.us

Fieldman, Rolapp & Associates has assisted Jurupa Community Services District with all its CFD financings for over 12 years. In this role, we have assisted in the issuance of twenty-five Community Facilities District Bonds (these transactions include the July 2010 Jurupa Public Financing Authority refunding, with a small new money component, of 8 outstanding CFDs). Currently, there is an additional CFD underway and several more in the queue. As part of our service to the District we serve as the project manager for these CFDs and coordinate with all other professionals on the finance team to ensure tasks are completed within the scheduled timeframe and cost effectively. We also assist in the review of all disclosure documents for the District, as well as in the coordination and pricing of the bonds. Over the past 2 years, we have completed 11 CFD financings (reflecting the total number of underlying districts) for the District with a par amount of over \$105 million.



Riverside County Executive Office
4080 Lemon Street, 4th Floor
Riverside, CA 92501

Stephanie Persi, Associate Management Analyst, 951-955-1141
spersi@rcco.org

Fieldman, Rolapp and Associates initially began working with the County when our chairman, Larry Rolapp, was asked to serve on the County's Debt Advisory Committee. Since then we have assisted the County in developing a comprehensive land secured financing program, Pension Obligation Bonds, restructuring outstanding variable rate transactions and other general fund debt offerings. We have served as Financial Advisor to the County of Riverside for their land secured financings for more than ten years.

During the late 1990's and early 2000's the County identified critical transportation facilities that needed to be constructed to service the rapidly growing number of residents moving to the County. In conjunction with assessing new fees on new development the County amended its land secured goals and polices such that it would form financing districts that would assist in getting its transportation facilities sooner. In order to get



the County-identified facilities sooner, the County encouraged large financing districts that would include all the developments that would benefit from the new road infrastructure. The entire financing district would secure the bonds when issued. In order to encourage developers who were in the early stages of development to voluntarily include their property in the financing district the County agreed to form smaller financing districts that would finance public improvements that the developer wanted financed. By taking such an approach the County has been able to finance large road improvements in advance of development with a relatively low assessment while allowing a developer to issue bonds for other improvements closer to their completion of their development. In October 2010, we were able to restructure a variable rate CFD, secure a very strong underlying rating from S&P and successfully price a nearly \$8 million par amount refunding CFD issue for the County that generated 7.98% (\$638,000) in net present value savings.



Eastern Municipal Water District
2270 Trumble Road
Perris, CA 92570

Chuck Rathbone, Chief Financial Officer, 951-928-3777 ext. 6154
rathbonec@emwd.org

In the late 1970's and early 1980's EMWD's land-secured debt financings were mostly limited to small 1911 or 1915 Act Assessment Districts ("AD's) or small General Obligation Bond issues that met the needs of specific improvements in various areas of the District or Improvement Districts within the District boundaries. Some of these earlier financings have already matured. As the District entered the late 1980's and early 1990's more of the land-secured financings were required. As a result of this increased demand for land-secured financings, Fieldman, Rolapp & Associates ("FRA") assisted the District in developing policies for assessment district financings that would meet the credit requirements of the non-rated tax-exempt credit markets. In addition, the firm developed a system of administering the districts in order to insure the continuing credit worthiness of land-secured financings. This administration system is now embodied in the regular activities of Special District Financings Administration within the Customer Services Department. In the early 2000's, as residential development started to expand within the District, the land-secured policies needed to be amended and expanded to include Community Facilities Districts ("CFD's") which allowed for a more flexible financing mechanism for infrastructure improvements. The Firm was instrumental in assisting the District in revising the land-secured policies to meet this growing demand for development infrastructure financing. From 1992 through 2010 the District issued approximately 54 issues totaling over \$367 million in bonds on behalf of the various AD's and CFD's formed by EMWD. The Firm served as the District's financial advisor on all of these financings to insure the compliance with District policies and implemented structuring mechanisms that improved the credit quality of the CFD's. As a result of these structuring mechanisms, despite the housing decline over the last 3-4 years, EMWD has not yet had to use the Reserve Funds to make debt service payments. In 2010 the firm assisted EMWD again in revising the District's land-secured policies to meet the changing credit requirements of the market. In addition, we assisted EMWD with the private placement of CFD No. 2006-52. The firm is currently assisting the District with CFD No. 44 for the potential issuance of bonds.



TOTAL ALL-INCLUSIVE MAXIMUM PRICE

We expect the cost of our hourly time for this project will be in the range of \$22,500 to \$43,200; however if the scope of our engagement requires the development of a new and separate model, the maximum price will be renegotiated to accommodate the time required to deliver a professional level of service. A more precise determination will require additional interaction and further description of the Town's goals and expectations for our services, including expected number of meetings attended, etc. When we have come to a mutually agreeable and more refined scope of our engagement in terms of the estimated time requirements, we are amenable to providing a fixed not-to-exceed cap on our hourly compensation.

We bill for our out of pocket expenses with per mile travel costs at the IRS maximum allowance. Those costs include travel (mileage and required meals), telecommunications and costs of outside vendors, such as printing services.

RATES BY PARTNER, SUPERVISORY AND STAFF

Below are our proposed hourly fees. With a more refined not-to-exceed cap for the total hourly services we would work with the Town to provide an estimate of the delineation of that time by personnel involved.

Hourly Fees Effective January 1, 2005	
Executive Officer	\$300 Per Hour
Principal (<i>Daniel Wiles</i>)	\$290 Per Hour
Senior Vice President (<i>Robert Porr</i>)	\$275 Per Hour
Vice President (<i>Paul Pender</i>)	\$225 Per Hour
Assistant Vice President	\$195 Per Hour
Senior Associate (<i>Ruth Matthews</i>)	\$150 Per Hour
Associate	\$125 Per Hour
Analyst	\$85 Per Hour
Administrative Assistant	\$65 Per Hour
Clerical	\$35 Per Hour

COST PROPOSAL

(on following page)

Proposal for Long Range Finance Plan
 Town of Yucca Valley
 May 5, 2011

Cost Proposal



Phase Task	Number of Hours				Total
	Engagement Manager	Project Manager	Technical Consultants	Administrative Support	
Phase 1 - Review Developed Financial Model	8	7	10	1	32
Phase 2 - Enhancement of Model	8	9	12	2	31
Phase 3 - Identification of Risks	3	5	7	0	15
Phase 4 - Advice on Feasibility/Identify Alternatives	7	14	30	4	55
Phase 5 - Identify Impacts of Transaction and Use Tax	4	9	15	2	30
Phase 6 - Analyze Transaction and Use Tax Along with other sources	4	3	5	2	14
Phase 7 - Develop Policies	5	6	12	3	26
Phase 8 - Provide Roadmap of Critical Events	2	2	4	0	8
Phase 10 - Board Presentations	4	4	6	2	16
TOTAL	41	55	95	14	211

	Cost				Total
	Engagement Manager	Project Manager	Technical Consultants	Administrative Support	
	2,200	1,575	1,500	150	5,425
	2,200	2,025	1,800	300	6,325
	825	1,125	1,050	0	3,000
	1,925	3,150	4,500	600	10,175
	1,100	2,025	2,250	300	5,675
	1,100	675	750	300	2,825
	1,375	1,350	1,800	450	4,975
	550	450	600	0	1,600
	1,100	900	900	300	3,200
TOTAL	11,475	11,375	14,550	2,100	43,200



APPENDIX A

All Cities Transactions
(January 2006 to Present)

All Water Transactions
(January 2006 to Present)

All 1915 Act Assessment Districts Transactions
(January 2006 to Present)

Fieldman, Rolapp & Associates

All Cities Transactions

January 2006 to Present

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
City of Concord	Energy Efficient Improvements (Lease Purchase)	\$8,434,970	04/07/2011	Lease
City of Petaluma	2011 Wastewater Revenue Bonds	\$22,465,000	02/23/2011	Revenue Bonds RB
City of Moreno Valley	2011 Lease Agreement (Private Placement)	\$3,272,000	02/01/2011	Lease
City and County of San Francisco	General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010) Series 2010E	\$79,520,000	12/01/2010	General Obligation GO
City of Newport Beach	Certificates of Participation, 2010B (Federally Taxable Direct Pay Build America Bonds) (Civic Center Project)	\$106,575,000	11/17/2010	Build America Bonds BAB
City of Newport Beach	Certificates of Participation, 2010A (Tax Exempt) (Civic Center Project/Central Library Refunding)	\$20,085,000	11/17/2010	Certificates of Participation COP
City of Tustin	Community Facilities District No. 06-1 (Tustin Legacy/Columbus Villages) Special Tax Bonds, Series 2010	\$1,675,000	10/28/2010	Community Facilities District CFD
City of Irvine	Assessment District No. 07-22 Limited Obligation Improvement Bonds, Fixed Funding Series Bonds, Group One	\$20,415,000	10/28/2010	1915 Act AD
City of Tustin Community Redevelopment Agency	(MCAS Tustin Redevelopment Project Area) Series 2010 Tax Allocation Bonds	\$44,170,000	10/27/2010	Tax Allocation TA
City of Newport Beach	Assessment District No. 100 (13th St/Balboa Blvd/Adams St/Ocean Front) Limited Obligation Bonds	\$2,670,000	08/03/2010	1915 Act AD
City of Orange	Community Facilities District No. 06-1 (Del Rio Improvements) 2010 Special Tax Bonds	\$24,975,000	07/28/2010	Community Facilities District CFD
City of San Luis Obispo	Fire Ladder Truck Private Placement Financing	\$1,080,000	07/06/2010	Lease

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
City of Concord	2010 Private Placement - Refi's 1993 & 1999 Bonds Lease Agreement with Bank of America N.A.	\$5,073,500	06/09/2010	Lease
Thousand Oaks Public Financing Authority	2010 Refunding Lease Revenue Bonds (Municipal Facilities Projects)	\$16,405,000	06/03/2010	Lease
City of Irvine	Assessment District No. 03-19 Limited Obligation Improvement Bonds, Group Six	\$4,275,000	01/13/2010	1915 Act AD
City of San Juan Capistrano	General Obligation Bonds, Election of 2008, Series 2009A	\$30,000,000	01/12/2010	General Obligation GO
Adelanto Public Utility Authority	Fixed Rate Refunding Revenue Bonds 2009 Series A	\$76,825,000	12/10/2009	Revenue Bonds RB
Mission Viejo Community Development Financing Authority	Lease Revenue Refunding Bonds, 2009 Series A (Bank Qualified)	\$17,305,000	12/09/2009	Lease
City of Los Angeles	Solid Waste Resources Revenue Bonds Series 2009-B	\$49,485,000	12/09/2009	Revenue Bonds RB
City of Los Angeles	Solid Waste Resources Revenue Bonds Series 2009-A	\$65,020,000	12/09/2009	Revenue Bonds RB
City of Newport Beach	Assessment District No. 103, 2009 Limited Obligation Improvement Bonds	\$3,295,700	10/01/2009	1915 Act AD
City of Culver City	Wastewater Facilities Refunding Revenue Bonds 2009 Series A	\$20,085,000	07/09/2009	Revenue Bonds RB
City of Laguna Beach	Underground Utility Assessment District No. 07-2 Limited Obligation Bonds (Mar Vista Avenue/Eagle Rock Way/3rd Avenue)	\$929,296	04/19/2009	1915 Act AD
City of San Juan Capistrano	Revenue Certificates of Participation, Series 2009	\$11,140,000	03/31/2009	Certificates of Participation COP
City of San Luis Obispo Capital Improvement Board	2009 Lease Revenue Bonds (Public Safety Communications and Emergency Operations Center Project)	\$10,705,000	03/12/2009	Lease
City of Newport Beach	Assessment District No. 99-2 Limited Obligation Bonds	\$1,953,952	11/20/2008	1915 Act AD
City of Baldwin Park	2002 Variable Rate Certificates of Participation	\$3,022,000	10/07/2008	Certificates of Participation COP

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
City of Newport Beach	Assessment District No. 101, Limited Obligation Improvement Bonds	\$2,467,597	09/16/2008	1915 Act AD
Community Facilities District No. 4 (City of San Diego)	Black Mountain Ranch Villages Special Tax Bonds Series A of 2008	\$12,365,000	08/07/2008	Community Facilities District CFD
City of Sparks, Nevada	Tourism Improvement District No. 1 (Legends at Sparks Marina)	\$83,290,000	06/19/2008	Other
City of Sparks, Nevada	Local Improvement District No. 3 (Legends at Sparks Marina) Local Obligation Improvement Bonds	\$26,120,000	06/19/2008	Other
City of Dana Point	CFD No. 2006-1, 2008 Special Tax Bonds	\$8,710,000	06/18/2008	Community Facilities District CFD
City of San Luis Obispo	Sewer Fund Private Placement-Sun Trust	\$2,050,000	05/21/2008	Revenue Bonds RB
San Luis Obispo, City of	Sewer Fund Private Placement - Sun Trust	\$2,050,000	05/21/2008	Other
San Juan Capistrano Community Redevelopment Agency	2008 Tax Allocation Bonds Subordinate Taxable Series B Bonds (Housing)	\$10,540,000	05/20/2008	Tax Allocation TA
San Juan Capistrano Community Redevelopment Agency	2008 Tax Allocation Bonds Tax-Exempt Series A Bonds	\$9,780,000	05/20/2008	Tax Allocation TA
City of Newport Beach	Assessment District No. 92, Limited Obligation Improvement Bonds, Series A	\$1,425,000	04/30/2008	1915 Act AD
Compton Public Finance Authority	Lease Revenue Bonds (Refunding and Various Capital Projects) Series 2008	\$46,860,000	04/17/2008	Lease
City of Rialto	2008 Tax Allocation Bond (merged Project Area) Series C	\$21,965,000	04/17/2008	Tax Allocation TA
City of Rialto	2008 Tax Allocation Bonds (Merged Project Area) Series B Housing	\$29,600,000	04/17/2008	Tax Allocation TA
San Diego, City of	CFD 3, (Liberty Station) Special Tax Bonds Series A for 2008	\$3,950,000	03/27/2008	Community Facilities District CFD
Temecula Public Financing Authority	2008 Temecula Civic Center Financing	\$24,535,000	02/26/2008	Certificates of Participation COP
Carlsbad, City of	Community Facilities District No. 3, 2008 Special Tax Bonds	\$18,175,000	02/07/2008	Community Facilities District CFD

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
City of Laguna Beach	Underground Utility Assessment District No. 06-2 (Harold Drive/Poplar Street/Lookout Drive/High Drive/Linden Street/Olive Street	\$669,000	01/08/2008	1915 Act AD
City of Santa Ana	Gas Tax Revenue Certificate of Participation (2007 Local Street Improvement Project)	\$68,010,000	12/19/2007	Certificates of Participation COP
City of Santa Cruz	2007 Lease Revenue Bonds Public Library and Water Dept Project	\$6,880,000	12/04/2007	Lease
City of Rialto	2007 Refunding Certificates of Participation Private Placement	\$3,500,000	12/03/2007	Certificates of Participation COP
City of Vista	2007 Certificates of Participation (2007 Community Projects)	\$116,480,000	11/29/2007	Certificates of Participation COP
City of Aliso Viejo	Community Facilities District No. 2005-1 (Glenwood at Aliso Viejo) 2007 Special Tax Bonds	\$34,070,000	11/15/2007	Community Facilities District CFD
Bell Public Financing Authority	Taxable Lease Revenue Bonds, Series 2007	\$35,000,000	10/26/2007	Revenue Bonds RB
Concord, City of	Certificates of Participation (2007 Wastewater System Improvements)	\$12,820,000	10/18/2007	Certificates of Participation COP
City of Crescent City	Sewer System Improvements	\$15,000,000	09/13/2007	Revenue Bonds RB
Bell, City of	General Obligation Bonds (Election 2003) Series 2007	\$35,000,000	08/22/2007	General Obligation GO
Hayward, City of	Certificates of Participation, 2007 Refunding	\$31,820,000	08/01/2007	Certificates of Participation COP
Hayward, City of	2007 Sewer Revenue Refunding Bonds	\$9,880,000	08/01/2007	Revenue Bonds RB
Irvine, City of	Reassessment District No. 85-7, Limited Obligation Improvement Bonds, Adjustable Rate, Series A	\$51,500,000	07/26/2007	1915 Act AD
Long Beach, City of	Community Facilities District 2007-1 (Douglas Park) Special Tax Bonds, Series 2007-A	\$15,115,000	07/10/2007	Community Facilities District CFD
San Clemente, City of	Reassessment Refunding Revenue Bonds	\$14,235,000	06/26/2007	1915 Act AD

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
San Marcos Public Financing Authority	Special Tax Revenue Refunding Bonds, Series 2007	\$26,405,000	06/22/2007	Community Facilities District CFD
Irvine, City of	Assessment District 07-22 Limited Obligation Improvement Bonds, Series A	\$40,000,000	06/14/2007	1915 Act AD
Irvine, City of	Assessment District 03-19 Limited Obligation Improvement Bonds, Group Five	\$17,875,000	06/07/2007	1915 Act AD
Irvine, City of	Assessment District 93-14 Limited Obligation Improvement Bonds, Group 5	\$1,335,000	06/07/2007	1915 Act AD
Irvine, City of	Assessment District 04-20 Limited Obligation Improvement Bonds, Group One	\$37,885,000	06/07/2007	1915 Act AD
Moreno Valley, City of	Community Facilities District 5 (Stoneridge Ranch) 2007 Special Tax Bonds	\$5,870,000	05/17/2007	Community Facilities District CFD
Corona, City of	Community Facilities District 2002-1 (Dos Lagos) 2007 Special Tax Bonds, Area 1	\$10,280,000	03/20/2007	Community Facilities District CFD
Laguna Beach, City of	Underground Utility Assessment District 06-0, Limited Obligation Improvement Bonds (Cerritos/Dunning)	\$2,609,000	02/13/2007	1915 Act AD
Azusa, City of	Community Facilities District 2005-1 (Rosedale) Area 1, 2007 Special Tax Bonds	\$71,125,000	01/25/2007	Community Facilities District CFD
Rancho Cucamonga, City of	Community Facilities District 2006-02 (Amandor on Route 66)	\$2,980,000	01/11/2007	Community Facilities District CFD
Rancho Cucamonga, City of	Community Facilities District 2006-01 (Vintner's Grove)	\$5,800,000	01/11/2007	Community Facilities District CFD
Carlsbad Public Financing Authority	Revenue Bonds, 2006 Series A (Municipal Golf Course)	\$18,540,000	12/20/2006	Revenue Bonds RB
Azusa Public Financing Authority	Parity Revenue Bonds (Water System Capital Improvements) Series 2006	\$54,850,000	12/13/2006	Revenue Bonds RB
Corona Public Financing Authority	2006 Lease Revenue Bonds, Series C (Corporation Yard Expansion)	\$37,180,000	12/06/2006	Revenue Bonds RB
Mered, City of	Community Facilities District No. 2006-1 (Moraga) 2006 Special Tax Bonds	\$5,840,000	11/30/2006	Community Facilities District CFD

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
Marina Joint Powers Financing Authority	Multi-Family Housing Revenue Bonds (Abrams B Apts) Series 2006	\$14,360,000	11/15/2006	Revenue Bonds RB
Bell Public Financing Authority	Taxable Bond Anticipation Notes, Series 2006	\$26,330,000	11/08/2006	Short Term Note STN
Los Angeles, City of	Solid Waste Resources Revenue Bonds, Series 2006A	\$58,370,000	09/21/2006	Revenue Bonds RB
Irvine, City of	Assessment District No. 03-19, Group 4, Limited Obligation Improvement Bonds	\$15,725,000	08/24/2006	1915 Act AD
Irvine, City of	Assessment District No. 04-20 Limited Obligation Improvement Bonds, Adjustable Rate Series B	\$60,000,000	08/24/2006	1915 Act AD
Irvine, City of	Assessment District No. 87-8 (Group Eight) Limited Obligation Improvement Bonds	\$11,015,000	08/09/2006	1915 Act AD
Irvine, City of	Assessment District No. 93-14 (Group Four) Limited Obligation Bonds	\$2,120,000	08/09/2006	1915 Act AD
Temecula, City of	Community Facilities District No. 01-2 (Harveston) 2006 Special Tax Refunding Bonds, Subordinate Series B	\$3,075,000	08/08/2006	Community Facilities District CFD
Temecula, City of	Community Facilities District No. 01-2 (Harveston) 2006 Special Tax Refunding Bonds, Series A	\$14,470,000	08/08/2006	Community Facilities District CFD
San Luis Obispo, City of	2006 Water Revenue Bonds	\$16,905,000	08/08/2006	Revenue Bonds RB
Aliso Viejo, City of	2006 Certificates of Participation (City Hall Acquisition) Series B	\$1,910,000	07/27/2006	Certificates of Participation COP
Aliso Viejo, City of	2006 Certificates of Participation (City Hall Acquisition) Series A	\$6,245,000	07/27/2006	Certificates of Participation COP
Rialto, City of	Community Facilities District 2006-1 (Elm Park) Special Tax Bonds, 2006 Series	\$5,035,000	07/19/2006	Community Facilities District CFD
Corona, City of	Community Facilities District 2003-2 (Highlands Collection) 2006 Special Tax Bonds	\$4,735,000	07/19/2006	Community Facilities District CFD
Irvine, City of	Community Facilities District 2005-2 (Columbus Grove) 2006 Special Tax Bonds	\$24,375,000	07/13/2006	Community Facilities District CFD

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
Merced, City of	Community Facilities District 2005-1 (Bellevue Ranch West). 2006 Special Tax Bonds, Area I	\$7,410,000	07/12/2006	Community Facilities District CFD
San Diego, City of	Community Facilities District 3 (Liberty Station)	\$16,000,000	06/29/2006	Community Facilities District CFD
Rancho Cucamonga, City of	Community Facilities District 2004-01 (Rancho Etiwanda) 2006 Special Tax Bonds	\$43,545,000	06/27/2006	Community Facilities District CFD
Chula Vista, City of	Community Facilities District 07-J (Otay Ranch Village Eleven) 2006 Special Tax Bonds	\$16,950,000	06/01/2006	Community Facilities District CFD
Irvine, City of	Assessment District 05-21 Limited Obligation Improvement Bonds Adjustable Rate Series A	\$80,000,000	05/24/2006	1915 Act AD
Los Alamitos, City of	2006 Certificates of Participation (Laurel Park Acquisition)	\$3,365,000	05/09/2006	Certificates of Participation COP
San Bench, City of	Community Facilities District 2005-1 Pacific Gateway Busines Center	\$8,800,000	05/09/2006	Community Facilities District CFD
Chula Vista, City of	Community Facilities District 13-I Otay Ranch Village Seven	\$16,620,000	05/02/2006	Community Facilities District CFD
San Luis Obispo, City of	2006 Lease Revenue Bonds	\$16,160,000	04/12/2006	Revenue Bonds RB
Corona, City of	Community Facilities District 2004-1 (Buchanan Street) 2006 Special Tax Bonds	\$3,805,000	03/29/2006	Community Facilities District CFD
Irvine, City of	Assessment District No. 03-19 Limited Obligation Improvement Adjustable Rate Series B	\$37,600,000	03/28/2006	1915 Act AD
TOTAL TRANSACTIONS:		99		
TOTAL PAR:		\$2,258,217,015		

Fieldman, Rolapp & Associates

All Water Districts

January 2006 to Present

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
Porterville Irrigation District	Revenue Certificates of Participation, Series 2011A	\$5,190,000	01/19/2011	Certificates of Participation COP
Mesa Consolidated Water District	2010 Revenue Certificates of Participation	\$21,535,000	12/08/2010	Certificates of Participation COP
Saucelito Irrigation District	Revenue Certificates of Participation, Series 2010A	\$6,445,000	11/18/2010	Certificates of Participation COP
Lindsay-Strathmore Irrigation District	Revenue Certificates of Participation, Series 2010A	\$6,060,000	11/03/2010	Certificates of Participation COP
Lindmore Irrigation District	Revenue Certificates of Participation, Series 2010A	\$6,820,000	11/03/2010	Certificates of Participation COP
Lower Tule River Irrigation District	Revenue Certificates of Participation, Series 2010A	\$22,200,000	11/03/2010	Certificates of Participation COP
Delano-Earlimart Irrigation District	Revenue Certificates of Participation, Series 2010A	\$26,025,000	11/02/2010	Certificates of Participation COP
East Valley Water District Financing Authority	Refunding Revenue Bonds, Series 2010	\$33,545,000	10/20/2010	Revenue Bonds RB
Western Municipal Water District Financing Authority	Water Revenue Bonds, Series 2010A (Tax-Exempt)	\$8,485,000	10/19/2010	Revenue Bonds RB
Western Municipal Water District Financing Authority	Water Revenue Bonds, Series 2010B (Build America Bonds)	\$42,755,000	10/19/2010	Build America Bonds BAB
Rancho California Water District Financing Authority	Fixed Rate Revenue Bonds, Series of 2010A (Federally Taxable Direct Pay Build America Bonds)	\$100,785,000	10/13/2010	Build America Bonds BAB
Goleta Water District	Revenue Certificates of Participation, Series 2010A	\$33,915,000	08/10/2010	Certificates of Participation COP
Castaic Lake Water Agency	Refunding Revenue Certificates of Participation, Series 2010A (2001 Refunding Project)	\$70,595,000	06/08/2010	Certificates of Participation COP
Castaic Lake Water Agency	Retail System Revenue Certificates of Participation Series 2010B (Santa Clarita WD)	\$14,475,000	04/15/2010	Certificates of Participation COP

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
Eastern Municipal Water District	Community Facilities District No. 2006-52 (Nelson) 2010 Series Special Tax Bonds	\$1,690,000	04/06/2010	Community Facilities District CFD
Beaumont Cherry Valley Water District	Private Placement Financing	\$5,000,000	03/31/2010	Short Term Note STN
Carpinteria Valley Water District	Refunding Revenue Certificates of Participation, Series 2010A (Capital Appreciation Certificates)	\$8,475,844	03/23/2010	Certificates of Participation COP
Monterey Water District	Refunding Revenue Certificates of Participation, Series 2010A	\$13,360,000	03/23/2010	Certificates of Participation COP
Elsinore Valley Municipal Water District	Community Facilities District No. 2004-1 (Woodmoor)	\$2,130,000	12/18/2009	Community Facilities District CFD
Las Virgenes Municipal Water District	2009 Sanitation System Refunding Revenue Bonds	\$29,415,000	12/03/2009	Revenue Bonds RB
Santa Margarita Water District/Dana Point Authority	Revenue Bonds, Series 2009B (Santa Margarita Water District Improvement Districts Nos. 2, 2A, 3 and 4 General Obligation Bonds)	\$36,205,000	11/10/2009	Revenue Bonds RB
Olivenhain Municipal Water District (OMWD Financing Authority)	Water Revenue Bonds (Water Treatment Project) Series 2009	\$19,175,000	10/21/2009	Revenue Bonds RB
Mojave Water Agency	Revenue Certificates of Participation, Series 2009A	\$39,355,000	10/15/2009	Certificates of Participation COP
Western Municipal Water District	2009 Administrative Office Financing (Private Placement)	\$11,000,000	09/28/2009	Certificates of Participation COP
Padre Dam Municipal Water District	Certificates of Participation (2009 Capital Improvement and Refunding Project), Series A	\$53,695,000	09/17/2009	Certificates of Participation COP
Orange County Water District	Revenue Refunding Certificates of Participation, Series 2009A	\$130,080,000	08/05/2009	Certificates of Participation COP
Western Riverside Water and Wastewater Financing Authority	Revenue Bonds, Series 2009 (Eastern Municipal Water District Improvement Districts General Obligation Bond Financing)	\$31,625,000	07/29/2009	Revenue Bonds RB
Mesa Consolidated Water District	2009 Refunding Certificates of Participation	\$14,700,000	07/22/2009	Certificates of Participation COP

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
San Juan Water District	Revenue Certificates of Participation, Series 2009A	\$30,510,000	06/17/2009	Certificates of Participation COP
City of Compton	Water Revenue Bonds, Series 2009	\$44,040,000	05/20/2009	Revenue Bonds RB
City of Compton	Sewer Revenue Bonds, Series 2009	\$18,710,000	05/20/2009	Revenue Bonds RB
Western Municipal Water District Facilities Authority	Adjustable Rate Water Revenue Refunding Bonds Series of 2009A	\$48,000,000	05/07/2009	Revenue Bonds RB
Western Municipal Water District Facilities Authority	Water Revenue Bonds Series of 2009B	\$54,340,000	05/07/2009	Revenue Bonds RB
Carpinteria Sanitary District	Assessment District No. 2007-1 Limited Obligation Improvement Bonds, Series A	\$6,053,439	02/26/2009	1915 Act AD
Santa Margarita/Dana Point Authority	Revenue Bonds, Series 2009A (Santa Margarita Water District Improvement Districts Nos. 2, 3 and 4 General Obligation Bonds)	\$38,490,000	01/22/2009	Revenue Bonds RB
Water Replenishment District of Southern California	2008 Revenue Certificates of Participation	\$18,365,000	12/02/2008	Certificates of Participation COP
Community Facilities District No. 2003-20 (Corman Leigh Communities) of Eastern Municipal Water District	Improvement Area C 2008 Special Tax Bonds	\$1,250,000	12/01/2008	Community Facilities District CFD
Elsinore Valley Municipal Water District	Variable Rate Refunding Certificates of Participation Series 2008B	\$54,655,000	10/21/2008	Certificates of Participation COP
Rancho California Water District	CFD No. 89-5 (Rancho Business Center) Special Tax Refunding Bonds, Series 1998	\$17,900,000	09/17/2008	Community Facilities District CFD
Eastern Municipal Water District	Water and Sewer Revenue Fixed Rate Certificates of Participation, Series 2008H	\$140,035,000	08/19/2008	Certificates of Participation COP
Elsinore Valley Municipal Water District	Refunding Certificates of Participation, Series 2008A	\$65,665,000	08/06/2008	Certificates of Participation COP
Eastern Municipal Water District	Water and Sewer Revenue Refunding Variable Rate Certificates of Participation, Series E	\$64,110,000	07/28/2008	Certificates of Participation COP
Eastern Municipal Water District	Water and Sewer Revenue Variable Rate Certificates of Participation, Series 2008F	\$50,000,000	07/28/2008	Certificates of Participation COP

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
Eastern Municipal Water District	Water and Sewer Revenue Variable Rate Certificates of Participation, Series G	\$50,000,000	07/28/2008	Certificates of Participation COP
Eastern Municipal Water District	Water and Sewer Revenue Refunding Variable Rate Certificates of Participation, Series 2008D	\$54,760,000	07/28/2008	Certificates of Participation COP
Eastern Municipal Water District	Water and Sewer Revenue Refunding Variable Rate Certificates of Participation, Series C	\$54,400,000	06/12/2008	Certificates of Participation COP
Castaic Lake Water Agency	Adjustable Rate Refunding Revenue Certificates of Participation, Series 2008A (1994 Refunding Project)	\$39,930,000	05/05/2008	Certificates of Participation COP
Rancho California Water District Financing Authority	Adjustable Rate Refunding Revenue Bonds, Series 2008B	\$44,625,000	04/01/2008	Revenue Bonds RB
Rancho California Water District Financing Authority	Fixed Rate Refunding Revenue Bonds, Series 2008A	\$159,580,000	03/19/2008	Revenue Bonds RB
Eastern Municipal Water District	Water and Sewer Revenue Variable Rate COPs, Series 2008B	\$54,575,000	03/17/2008	Certificates of Participation COP
Eastern Municipal Water District	Community Facilities District No. 2005-47 (The Lakes)	\$5,110,000	03/13/2008	Community Facilities District CFD
Yorba Linda Water District	Revenue Certificates of Participation Series 2008	\$34,995,000	02/12/2008	Certificates of Participation COP
Eastern Municipal Water District	Water and Sewer Revenue Variable Rate COPs, Series 2008A	\$56,885,000	01/30/2008	Certificates of Participation COP
R.E. Badger Water Facilities Financing Authority	2007 Water Revenue Refunding Bonds	\$20,685,000	11/08/2007	Revenue Bonds RB
Elsinore Valley Municipal Water District	Certificates of Participation, Series 2007B	\$40,825,000	08/06/2007	Certificates of Participation COP
Eastern Municipal Water District	Community Facilities District 2003-15 (Morgan Valley) 2007 Special Tax Bonds	\$8,170,000	07/27/2007	Community Facilities District CFD
Elsinore Valley Municipal Water District	Certificates of Participation, Series 2007A	\$75,720,000	07/17/2007	Certificates of Participation COP
Olivenhain Municipal Water District	Reassessment District 96-1, Limited Obligation Improvement Bonds	\$17,965,000	07/11/2007	1915 Act AD

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
Eastern Municipal Water District	Community Facilities District 2004-35 (Mountain Gate) Improvement Area C, 2007 Special Tax Bonds	\$1,180,000	06/28/2007	Community Facilities District CFD
Rancho California Water District Financing Authority	Revenue Bonds Series 2002A	\$60,200,000	06/26/2007	Revenue Bonds RB
Vallecitos Water District	Water and Wastewater Enterprise Certificates of Participation Series 2005A, 2007 Fixed Rate Conversion	\$63,800,000	06/21/2007	Certificates of Participation COP
Eastern Municipal Water District	Community Facilities District 2004-32 (Rancho San Jacinto) Improvement Area B, Special Tax Bonds	\$1,435,000	06/07/2007	Community Facilities District CFD
Eastern Municipal Water District	Community Facilities District 2004-32 (Rancho San Jacinto) Improvement Area A, 2007 Special Tax Bonds	\$2,060,000	06/07/2007	Community Facilities District CFD
Eastern Municipal Water District	Community Facilities District 2005-42 (Belicia Ranch/Mosaico)	\$3,175,000	05/18/2007	Community Facilities District CFD
Eastern Municipal Water District	Certificates of Participation Water and Sewer Revenue Refunding, Series 2007A	\$20,710,000	05/02/2007	Certificates of Participation COP
CSDA Finance Corporation	CSDA COPs Series UJU 2007 (Montecito Sanitary District)	\$14,765,000	03/13/2007	Certificates of Participation COP
Elsinore Valley Municipal Water District	Community Facilities District 99-1 (La Gonda) Refunding Special Tax Bonds, Series 2006 (1999)	\$4,315,000	12/28/2006	Community Facilities District CFD
Eastern Municipal Water District	Community Facilities District No. 2005-40 (Mahogany/Promontory Pointe) 2006 Special Tax Bonds	\$3,500,000	10/27/2006	Community Facilities District CFD
Eastern Municipal Water District	Community Facilities District No. 2003-25 (Pacific Communities), Improvement Area D, Special Tax Bonds	\$3,975,000	10/12/2006	Community Facilities District CFD
Central Coast Water Authority	Refunding Revenue Bonds (State Water Project Regional Facilities), Series 2006A	\$123,190,000	09/28/2006	Revenue Bonds RB
Eastern Municipal Water District	Community Facilities District No. 2004-27 (Cottonwood Ranch)	\$9,350,000	09/14/2006	Community Facilities District CFD
Cucamonga Valley Water District	2006 Certificates of Participation	\$21,610,000	09/08/2006	Certificates of Participation COP

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
Eastern Municipal Water District	Community Facilities District No. 2004-29 (Sun Ranch) 2006 Special Tax Bonds	\$6,000,000	08/25/2006	Community Facilities District CFD
Eastern Municipal Water District	Community Facilities District No. 2001-01 (French Valley)	\$13,445,000	08/24/2006	Community Facilities District CFD
Western Riverside Water and Wastewater Financing Authority	Local Agency Revenue Refunding Bonds, 2006 Series A	\$40,615,000	08/16/2006	Revenue Bonds RB
Western Riverside Water and Wastewater Financing Authority	Local Agency Revenue Refunding Bonds, 2006 Series B	\$4,400,000	08/16/2006	Revenue Bonds RB
Western Municipal Water District Facilities Authority	Adjustable Rate Revenue Bonds, Series 2002A (Auction Rate Certificates)	\$45,700,000	07/26/2006	Revenue Bonds RB
Eastern Municipal Water District	Community Facilities District 2005-38 (Autumn Ridge) Improvement Area B, Special Tax Bonds	\$890,000	06/21/2006	Community Facilities District CFD
Eastern Municipal Water District	Community Facilities District 2005-38 (Autumn Ridge) Improvement Area A, Special Tax Bonds	\$3,750,000	06/21/2006	Community Facilities District CFD
Sonoma County Water Agency	Water Revenue Bonds 2006, Series A	\$11,500,000	06/15/2006	Revenue Bonds RB
Eastern Municipal Water District	Community Facilities District 2004-34 (Faircrest) 2006 Special Tax Bonds	\$6,785,000	05/31/2006	Community Facilities District CFD
Eastern Municipal Water District	Water and Sewer Revenue Certificates of Participation, Series 2006B	\$54,025,000	02/22/2006	Certificates of Participation COP
Belmont Joint Powers Financing Authority	Sewer Revenue Bonds, Series 2006	\$7,500,000	02/15/2006	Revenue Bonds RB
Olivenhain Municipal Water District	2006A Water Revenue Refunding Bonds	\$38,940,000	02/14/2006	Revenue Bonds RB
Eastern Municipal Water District	Water and Sewer Revenue Certificates of Participation, Series 2006A	\$106,320,000	01/31/2006	Certificates of Participation COP
TOTAL TRANSACTIONS:		85		
TOTAL PAR:		\$2,838,219,283		

Fieldman, Rolapp & Associates

All 1915 Act Assessment Districts

January 2006 - Present

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
City of Irvine	Assessment District No. 07-22 Limited Obligation Improvement Bonds. Fixed Funding Series Bonds. Group One	\$20,415,000	10/28/2010	1915 Act AD
City of Newport Beach	Assessment District No. 100 (13th St/Balboa Blvd/Adams St/Ocean Front) Limited Obligation Bonds	\$2,670,000	08/03/2010	1915 Act AD
City of Irvine	Assessment District No. 03-19 Limited Obligation Improvement Bonds, Group Six	\$4,275,000	01/13/2010	1915 Act AD
City of Newport Beach	Assessment District No. 103, 2009 Limited Obligation Improvement Bonds	\$3,295,700	10/01/2009	1915 Act AD
City of Laguna Beach	Underground Utility Assessment District No. 07-2 Limited Obligation Bonds (Mar Vista Avenue/Eagle Rock Way/3rd Avenue)	\$929,296	04/19/2009	1915 Act AD
Carpinteria Sanitary District	Assessment District No. 2007-1 Limited Obligation Improvement Bonds, Series A	\$6,053,439	02/26/2009	1915 Act AD
City of Newport Beach	Assessment District No. 99-2 Limited Obligation Bonds	\$1,953,952	11/20/2008	1915 Act AD
City of Newport Beach	Assessment District No. 101. Limited Obligation Improvement Bonds	\$2,467,597	09/16/2008	1915 Act AD
County of Madera	Assessment District No. 2007-1 (CSA No. 19. Rolling Hills Water Improvements) Limited Obligation Improvement Bonds, Series 2008 Bank Qualified	\$3,410,677	09/04/2008	1915 Act AD
City of Newport Beach	Assessment District No. 92. Limited Obligation Improvement Bonds, Series A	\$1,425,000	04/30/2008	1915 Act AD
City of Laguna Beach	Underground Utility Assessment District No. 06-2 (Harold Drive/Poplar Street/Lookout Drive/High Drive/Linden Street/Olive Street)	\$669,000	01/08/2008	1915 Act AD
County of Orange	Newport Coast Phase IV Group Three AD 01-1	\$13,680,000	10/25/2007	1915 Act AD

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
Irvine, City of	Reassessment District No. 85-7, Limited Obligation Improvement Bonds, Adjustable Rate, Series A	\$51,500,000	07/26/2007	1915 Act AD
Olivenhain Municipal Water District	Reassessment District 96-1, Limited Obligation Improvement Bonds	\$17,965,000	07/11/2007	1915 Act AD
San Clemente, City of	Reassessment Refunding Revenue Bonds	\$14,235,000	06/26/2007	1915 Act AD
Irvine, City of	Assessment District 07-22 Limited Obligation Improvement Bonds, Series A	\$40,000,000	06/14/2007	1915 Act AD
Irvine, City of	Assessment District 04-20 Limited Obligation Improvement Bonds, Group One	\$37,885,000	06/07/2007	1915 Act AD
Irvine, City of	Assessment District 03-19 Limited Obligation Improvement Bonds, Group Five	\$17,875,000	06/07/2007	1915 Act AD
Irvine, City of	Assessment District 93-14 Limited Obligation Improvement Bonds, Group 5	\$1,335,000	06/07/2007	1915 Act AD
Laguna Beach, City of	Underground Utility Assessment District 06-0, Limited Obligation Improvement Bonds (Cerritos/Dunning)	\$2,609,000	02/13/2007	1915 Act AD
Irvine, City of	Assessment District No. 03-19, Group 4, Limited Obligation Improvement Bonds	\$15,725,000	08/24/2006	1915 Act AD
Irvine, City of	Assessment District No. 04-20 Limited Obligation Improvement Bonds, Adjustable Rate Series B	\$60,000,000	08/24/2006	1915 Act AD
Irvine, City of	Assessment District No. 87-8 (Group Eight) Limited Obligation Improvement Bonds	\$11,015,000	08/09/2006	1915 Act AD
Irvine, City of	Assessment District No. 93-14 (Group Four) Limited Obligation Bonds	\$2,120,000	08/09/2006	1915 Act AD
Sonoma, County of	Limited Obligation Improvement Bonds Canon Manor West Assessment District	\$4,866,576	06/07/2006	1915 Act AD
Orange, County of	Assessment District 01-1 Limited Obligation Improvement Bonds Adjustable Rate Series 2006A (Newport Coast)	\$21,500,000	06/01/2006	1915 Act AD

AGENCY	DESCRIPTION	PAR AMOUNT	DATE OF SALE	TYPE OF FINANCING
Irvine, City of	Assessment District 05-21 Limited Obligation Improvement Bonds Adjustable Rate Series A	\$80,000,000	05/24/2006	1915 Act AD
Orange, County of	Assessment District 01-1 Limited Obligation Bonds Group Two	\$11,655,000	05/11/2006	1915 Act AD
Irvine, City of	Assessment District No. 03-19 Limited Obligation Improvement Adjustable Rate Series B	\$37,600,000	03/28/2006	1915 Act AD
TOTAL TRANSACTIONS:			29	
TOTAL PAR:		\$489,130,237		



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: George Huntington, Mayor
Date: May 10, 2011
For Council Meeting: May 17, 2011

Subject: **FIRST AMENDMENT to the TOWN OF YUCCA VALLEY EMPLOYMENT AGREEMENT DATED JUNE 17, 2010 BETWEEN THE TOWN OF YUCCA VALLEY AND MARK NUAIMI**

Prior Review: Approval of the original agreement.

Recommendation: Approve the first amendment to the Town of Yucca Valley Employment Agreement dated June 17, 2010 between the Town of Yucca Valley and Mark Nuaimi

Order of Procedure:

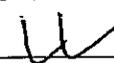
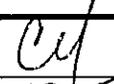
- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Roll Call Vote (Consent Agenda Matter)

Background: According to the current agreement with the Town Manager Section 6.3, subsection (a)

Section 6.3 Other Benefits.

- (a) Employee shall receive the same PERS benefit provided to non-sworn department heads. Employee agrees to pay two percent (2.0%) towards the employee portion of PERS premiums. The amount of Employee's share toward PERS benefit shall be reviewed during the annual salary review.

Discussion: During the Town Manager's annual salary review the Town Council has the opportunity to review the Town Manager's contribution toward the PERS benefit.

Reviewed By:	 Town Manager	 Town Attorney	 Mgmt Services	 Dept Head
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<input type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Item

During current budget preparation and benefits evaluations, the recommendation is to have all employees, including the Town Manager contribute their full share of the employee's portion of the CalPERS benefit which is eight percent (8.0%).

The recommendation is that the Town Manager's contribution to the employee portion of the PERS benefit be revised to reflect the full eight percent (8%).

Alternatives: No alternative is recommended.

Fiscal impact: This reduces the cost of the Town Manager's salary by \$11,400 annually. \$3,500 of this savings will be offset by the proposed increase in Cafeteria benefits being brought forward for all employees, for a net savings to the Town of \$7,900.

Attachments: [Proposed] *First Amendment* to the Town of Yucca Valley Employment Agreement dated June 17, 2010 Between the Town of Yucca Valley and Mark Nuaimi

**FIRST AMENDMENT
to the TOWN OF YUCCA VALLEY EMPLOYMENT AGREEMENT DATED
JUNE 17, 2010 BETWEEN
THE TOWN OF YUCCA VALLEY AND
MARK NUAIMI**

That certain Employment Agreement dated June 17, 2010 is amended in the following respects only.

1. Sub-section 6.3 (a) of Section 6 OTHER BENEFITS of the agreement is amended in its entirety to read as follows:

"Employee shall receive the same PERS benefit provided to non-sworn department heads. Employee agrees to pay eight percent (8%) towards the employee portion of PERS premiums. The amount of Employee's share toward PERS benefit shall be set at the same amount as other non-sworn department heads.

2. Except as specifically amended herein, all of the terms and conditions of the original Employment Agreement dated June 17, 2010, shall continue in full force and effect without revision.

APPROVED AS TO FORM:

Lona Laymon
Town Attorney

"TOWN"
TOWN OF YUCCA VALLEY,
a municipal corporation

By: _____
Mayor

ATTEST:

Janet M. Anderson
Town Clerk

"Employee"

Mark Nuaimi

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: May 10, 2011
For Council Meeting: May 17, 2011
Subject: Warrant Register May 17, 2011

Recommendation:

Ratify Payroll Registers total of \$ 125,165.67 checks dated April 29, 2011.
Ratify the Warrant Register total of \$ 399,231.21 for checks dated May 5, 2011.

Order of Procedure:

Department Report
Request Staff Report
Request Public Comment
Council Discussion
Motion/Second
Discussion on Motion
Call the Question (Roll Call)

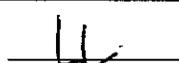
Attachments:

Payroll Register No. 44 dated April 29, 2011 total of \$ 125,165.67
Warrant Register No. 47 dated May 5, 2011 total of \$ 399,231.21

Reviewed By:


Town Manager


Admin. Services


Town Attorney

<input type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

TOWN OF YUCCA VALLEY

**PAYROLL REGISTER # 44
CHECK DATE - April 29, 2011**

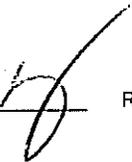
Fund Distribution Breakdown

Fund Distribution

General Fund	\$108,834.18
Gas Tax Fund	8,131.80
Redevelopment Agency	8,199.69
	<hr/>

Grand Total Payroll	\$125,165.67
	<hr/> <hr/>

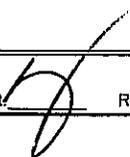
Prepared by P/R & Financial Specialist:



Reviewed by H/R & Risk Mgr.:



Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
 Pay Period 44 - Paid 4/29/11
 (April 09, 2011 - April 22, 2011)
 Checks: 3988-3998

	Employee	Employer	Total
Net Employee Pay			
Payroll Checks	\$3,118.71		\$3,118.71
Direct Deposit	75,855.53		75,855.53
Sub-total	78,974.24		78,974.24
Employee Tax Withholding			
Federal	12,894.14		12,894.14
Medicare	1,463.82	1,463.85	2,927.67
SDI - EE	0.37	-	0.37
State	4,277.10		4,277.10
Sub-total	18,635.43	1,463.85	20,099.28
Employee Benefit & Other Withholding			
Deferred Compensation	1,452.07	-	1,452.07
PERS Survivor Benefit	-		-
Health Cafè Plan	-	-	-
American Fidelity Pre-Tax	-		-
American Fidelity After-Tax	-		-
American Fidelity-FSA	-		-
PERS EE - Contribution 2%	1,823.48		1,823.48
PERS Retirement - Employee	59.97	5,470.36	5,530.33
PERS Retirement - Employer	-	13,267.46	13,267.46
Wage Garnishment - Employee	10.00		10.00
Life & Disability Insurance		-	-
Unemployment Insurance		1,002.20	1,002.20
Workers' Compensation		3,006.61	3,006.61
Sub-total	3,345.52	22,746.63	26,092.15
Gross Payroll	\$100,955.19	\$24,210.48	\$125,165.67
Prepared by P/R & Financial Specialist  Reviewed by H/R & Risk Mgr.: 			

WARRANT REGISTER # 47
CHECK DATE - MAY 5, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 34261 to # 34351 are valid

Checks # 34281, # 34286, # 34294, # 34319, # 34327 are included in RDA warrant # 47

GENERAL FUND # 001	\$70,645.90
CENTRAL SUPPLIES FUND # 100	\$1,582.11
CUP DEPOSITS FUND # 200	\$2,060.24
COPS SLESF FUND # 509	\$152.04
AB2928 STATE CONSTRUCTION FUND # 513	\$21,431.46
STREET MAINTENANCE - FUND # 515	\$25,063.50
MEASURE I MAJOR ARTERIAL FUND # 522	\$570.00
MEASURE I LOCAL ROADS FUND # 523	\$6,166.25
MEASURE I 2010-2040 FUND # 524	\$252,257.19
PUBLIC LANDS FEDERAL GRANT FUND # 527	\$10,560.00
CALIFORNIA ENERGY COMMISSION FUND-ARRA FUND # 540	\$380.00
CMAQ FUND # 542	\$356.25
CAPITAL PROJECTS FUND # 800	\$8,006.27
GRAND TOTAL	<u>\$399,231.21</u>

Prepared by Shirlene Doten, Finance  Approved by Mark Nuaimi, Town Manager 
Reviewed by: Curtis Yakimow, Admin Svc. Dir. 

Town of Yucca Valley

Warrant Register

May 5, 2011

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	34261	Ace Alternators	Facilities Maintenance	\$55.41
	34262	AlSCO/American Linen, Inc.	Facilities Maintenance Supplies	216.14
	34263	Arrowhead Mountain Water	Office Supplies	102.82
	34264	AT & T Mobility	Phone Service	397.87
	34265	Barr Lumber, Inc.	Parks Maintenance	68.59
	34266	Beam, Brobeck, West, Borges & Rosa	Green Litigation Services	323.10
	34267	Big 5 Corp.	Recreation Program Expense	520.91
	34268	Joseph E. Bonadiman & Assoc, Inc.	Green Litigation Expense	1,365.00
	34270	BSN Sports	Recreation Program Equipment	235.14
	34272	Carquest Auto Parts	Vehicle Maintenance	75.23
	34273	Kim Casey	Earth Day Expense	174.00
	34274	Charles Abbott & Assoc, Inc.	Permit Fee Services	10,266.77
	34277	Copper Mountain Broadcasting	Clean Up Day Advertising	120.00
	34278	Cowboy Corral	Shelter Supplies	387.15
	34279	Cyber Photographics	Employee Uniforms	614.22
	34280	Desert Pacific Exterminators	Exterminator Services	180.00
	34281	Emergency Planning Constultants	Hazard Mitigation Plan Consultant	5,000.00
	34282	Ed Escalante	Sports Referee	32.00
	34283	Ewing Irrigation, Inc.	Irrigation Supplies	591.43
	34284	Farmer Bros. Co.	Office Supplies	97.90
	34287	Fred's Tires	Fleet Tire Maintenance	419.26
	34288	G & K Propane	Shelter Propane	390.88
	34289	Duane Gasaway	Engineering Services	3,135.00
	34291	Graphic Penguin	Web Site Maintenance	270.00
	34293	Art Gutierrez	Sports Referee	154.00
	34294	Hi-Desert Water	Water Service	1,076.34
	34296	Kimberly Hicks	Recreation Class Refund	35.00
	34297	Hogle-Ireland Inc.	Development Code Update	887.50
	34298	Inland Empire Stages Unlimited	Recreation Adult Trips	1,186.75
	34299	Intervet, Inc.	Shelter Adoption Supplies	184.88
	34302	Killer Bee Pest Control, Inc.	Abatement Services	165.00
	34303	Kinkle, Rodiger & Spriggs	Willison Litagation Services	2,760.52
	34304	Knorr Systems, Inc.	YVHS Pool Chemicals	212.97
	34305	KV Vet Supply Co.	Veterinary Supplies	100.00
	34308	David Mueller /dba Touch 2	Recreation Program Expense	370.22
	34309	Morongo Unified School District	Fleet Vehicle Fuel	4,562.71
	34310	Oasis Office Supply	Office Supplies	1,027.47
	34311	Ole's Alignment & Brake	Vehicle Maintenance	329.15
	34312	One Call Now	Annual Subscription	1,785.00
	34314	Pacific Telemanagement Svs.	Pay Phone Service	165.28
	34315	Petty Cash-Maureen Randall	Museum Miscellaneous Supplies	233.35
	34316	Pro Pet Distributors	Parks Maintenance	236.90
	34317	Quality Street Services, Inc.	Storm Clean Up 12/10	1,080.00
	34318	Quantum Healthcare Med Assoc	Workers' Comp. Claim	764.00
	34321	SBCO Animal Care & Control	County License Pass Through	3,567.65
	34322	Office of the County Recorder	Additional Filing Fee	6.00
	34323	Office of the County Recorder	Filing Fees	36.00
	34324	SCE	Electric Service	1,369.36

Town of Yucca Valley

Warrant Register

May 5, 2011

Fund	Check #	Vendor	Description	Amount
	34325	SCMAF	Reference Materials	180.00
	34326	Simplot Partners, Inc.	Parks Maintenance	1,045.63
	34327	So. Cal. Gas Co.	Natural Gas Service	1,986.07
	34328	Solano Press Books	Reference Materials	102.01
	34329	Southwest Networks, Inc.	Technology Support	2,820.00
	34330	Michael Summers	Museum Program Expense	250.00
	34333	Trophy Express	Engraving Services	31.12
	34334	Delanford Truitt	Sports Referee	176.00
	34335	Vagabond Welding Supply	Vehicle Propane	48.42
	34336	VCA Yucca Valley Animal Hospital	Veterinary Services	807.03
	34337	Verizon	Technical Support	150.00
	34338	Verizon	Phone Service	3,004.95
	34340	Valley Independent	Recreation Event Flyers	184.16
	34341	Walmart Community	Recreation Program Expense	1,137.52
	34342	Shaun Watkins	Sports Referee	110.00
	34343	Western Self Storage	Storage Unit Rental	273.00
	34345	Woodruff, Spradlin & Smart	Professional Services	5,985.72
	34346	Woods Auto Repair	Vehicle Maintenance	487.15
	34347	Guy Wulf	Sports Referee	154.00
	34348	Yucca Valley Quick Lube	Fleet Maintenance	304.93
	34349	YV Chamber of Commerce	Joint Marketing	1,379.41
	34350	Z 107.7 Mobile Music	Youth Dance Entertainment	175.00
	34351	Zee Medical, Inc.	First Aid Kit	104.02
	EFT	First Bankcard	Services/Supplies/Maintenance	1,945.71
	EFT	The Home Depot	Supplies & Maintenance	469.18
Total '001 GENERAL FUND				\$70,645.90
100 CENTRAL SUPPLIES FUND				
	34290	GE Capital Corporation	Copier Lease	\$754.96
	34307	Mail Finance	Postage Meter Leases	626.02
	34310	Oasis Office Supply	Office Supplies	201.13
Total 100 CENTRAL SUPPLIES FUND				\$1,582.11
200 DEPOSITS FUND				
	34285	FedEx	Delivery Service	\$27.63
	34289	Duane Gasaway	Engineering Services	1,638.75
	34295	Hi-Desert Publishing	Project Advertising	369.93
	34310	Oasis Office Supply	Office Supplies	23.93
Total 200 DEPOSITS FUND				\$2,060.24
509 COPS-SLESF FUND				
	34339	Verizon Wireless	Sheriff's Office Phone Svs.	\$152.04
Total 509 COPS-SLESF FUND				\$152.04
513 AB2928-STATE CONSTRUCTION GRANT FUND				
	34289	Duane Gasaway	Engineering Services	\$902.50
	34313	Overland Pacific & Cutler, Inc.	SR 62 TCRP-ROW Acq & Support	1,110.00
	34344	Willdan Associates	TCRP 129 PS & E Phase 2 Svs.	19,418.96
Total 513 AB2928-STATE CONSTRUCTION GRANT FUND				\$21,431.46

Town of Yucca Valley
Warrant Register
May 5, 2011

Fund	Check #	Vendor	Description	Amount
515 GAS TAX FUND				
	34261	Ace Alternators	Streets Equipment Maintenance	\$78.50
	34262	Alsco/American Linen, Inc.	Streets Uniform Maintenance	105.36
	34272	Carquest Auto Parts	Vehicle Maintenance	487.30
	34276	CNH Capital	Vehicle Maintenance	1,056.49
	34279	Cyber Photographics	Employee Uniforms	680.78
	34292	Great West Equipment, Inc.	Vehicle Maintenance	238.62
	34300	Johnson Power Systems	Streets Tractor Supplies	324.18
	34317	Quality Street Services, Inc.	Street Sweeping Service	19,750.00
	34320	SBCO-Vehicle Services	Streets Vehicles Service	817.00
	34324	SCE	Electric Service	407.78
	34331	Sunbelt Rentals	Water Truck Rental	1,019.34
	34332	Traffic Control Service, Inc.	Street Signs	98.15
Total 515 GAS TAX FUND				\$25,063.50
522 MEASURE I MAJOR ARTERIAL FUND				
	34289	Duane Gasaway	Engineering Services	\$570.00
Total 522 MEASURE I MAJOR ARTERIAL FUND				\$570.00
523 MEASURE I -LOCAL ROADS FUND				
	34271	Capital Realty Analysts	Property Appraisal	\$6,000.00
	34289	Duane Gasaway	Engineering Services	166.25
Total 523 MEASURE I -LOCAL ROADS FUND				\$6,166.25
524 MEASURE I -2010-2040 FUND				
	34289	Duane Gasaway	Engineering Services	\$522.50
	34301	William Kanayan Construction	Del Monte Street Impr Project	249,748.44
	34306	LandMark	Del Monte Street Impr Project	1,986.25
Total 524 MEASURE I - 2010-2040 FUND				\$252,257.19
527 PUBLIC LANDS FEDERAL GRANT FUND				
	34289	Duane Gasaway	Engineering Services	\$261.25
	34313	Overland Pacific & Cutler, Inc.	SR62 PLHD-ROW Acq & Support	10,298.75
Total 527 PUBLIC LANDS FEDERAL GRANT FUND				\$10,560.00
540 CALIFORNIA ENERGY COMMISSION FUND-ARRA				
	34289	Duane Gasaway	Engineering Services	\$380.00
Total 540 CALIFORNIA ENERGY COMMISSION FUND-ARRA				\$380.00
542 CMAQ FUND				
	34289	Duane Gasaway	Engineering Services	\$356.25
Total 542 CMAQ FUND				\$356.25
800 CAPITAL PROJECTS RESERVE FUND				
	34269	Brian's Lockshop	Town-wide Re-Key Project	\$6,443.27
	34275	Circle Mountain Biological Consult.	Biological Services	1,563.00
Total 800 CAPITAL PROJECTS RESERVE FUND				\$8,006.27
*** Report Total				\$399,231.21

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Robert Kirschmann, Associate Planner
Date: May 09, 2011
For Council Meeting: May 17, 2011

Subject: Environmental Assessment, EA 01-11
 Conditional Use Permit, CUP 03-11
 Specific Plan S 01-11
 Senior Affordable Housing Project

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING SPECIFIC PLAN S 01-11, YUCCA VALLEY SENIOR AFFORDABLE HOUSING SPECIFIC PLAN

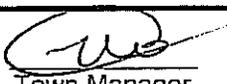
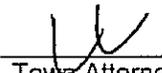
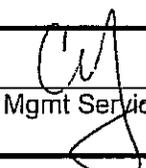
Prior Council Review: The Town Council has had no prior review of this matter.

Recommendation: As recommended by the Planning Commission at their meeting of May 12, 2011:

1. **ENVIRONMENTAL ASSESSMENT, EA 01-11:** That the Town Council approves the Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Assessment, EA 01-11.

2. **SPECIFIC PLAN, S 01-11:** That the Town Council approves Specific Plan, S 01-11 based on the findings contained within the staff report and the recommended Conditions of Approval, and introduces the accompanying Ordinance.

3. **CONDITIONAL USE PERMIT, CUP 03-11:** That the Town Council approves Conditional Use Permit, CUP 03-11, based on the findings contained within the staff report and the recommended Conditions of Approval and the accompanying Resolution.

Reviewed By:	 _____ Town Manager	 _____ Town Attorney	 _____ Mgmt Services	_____ SRS Dept Head
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<input type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

Executive Summary: Town Council public hearing and action are required for all specific plan applications.

The applicant requests approval of a Conditional Use Permit and Specific Plan to allow the construction of a seventy five (75) unit, three (3) story affordable senior (age-restricted) housing project. The project will consist of seventy four (74), 650 square foot, one (1) bedroom apartments and one (1) 750 square foot two (2) bedroom apartment; 4,199 square feet of common area; 3,924 of community and leasing area; 275 square feet of laundry area; 31,132 square feet of total interior common area, corridors, stairwells and balconies; and approximately 4,446 square feet of carports. The total building square footage is approximately 87,482 square feet. The site includes 26 covered parking stalls and 22 uncovered parking stalls. The project will include onsite retention, on-site sewage/wastewater treatment or disposal, landscaping, parking, and may include amenities such as a clubhouse, pool/spa, gazebo, etc.

The applicant and the Yucca Valley Redevelopment Agency have entered into an Exclusive Negotiating Agreement for the potential of Agency financial participation in the project to implement General Plan Housing Element Goals, and to implement State Redevelopment law mandated production of affordable housing units, and to implement the Redevelopment Agency's 5-Year Implementation Plan.

No affordable units have been constructed in the Redevelopment area since the plan was adopted. According to the 5 Year Implementation Plan the agency was required to produce 44 affordable units and 18 very low income units, from the time of Agency formation through 2008-2009. The construction of these 75 units will assist the Agency in meeting the requirements to construct affordable housing units. The units shall be made available to very low and low income households.

Following Town Council final actions on these applications and the environmental review, the Redevelopment Agency will consider entering into subsequent agreements with the applicant finalizing the Agency's financial participation in the project.

Order of Procedure:

- Request Staff Report
- Open Public Hearing
- Request Public Comment
- Close Public Hearing
- Council Discussion/ Council Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)

Discussion: The requests are to allow the construction of a seventy five (75) unit, three (3) story affordable senior (age-restricted) housing project. The project will consist of seventy four (74), 650 square foot, one (1) bedroom apartments and one (1) 750 square foot two (2) bedroom apartment; 4,199 square feet of common area; 3,924 of community and leasing area; 275 square feet of laundry area; 31,132 square feet of total interior common area, corridors, stairwells and balconies; and approximately 4,446 square feet of carports. The total building square footage is approximately 87,482 square feet. The site includes a minimum of 26 covered parking stalls and 22 uncovered parking stalls. The project will include onsite retention, on-site sewage/wastewater treatment or disposal, landscaping, parking, and may include amenities such as a clubhouse, pool/spa, gazebo, etc.

Primary access to the site will be from Dumosa Avenue. Emergency access will be provided through the alley to the projects west. The project may include vacating all or a portion of Antelope trail along the projects northern boundary. Pedestrian access from the site will be available to Town Hall, Community Services, Library, Museum and Senior Center.

The General Commercial land use district allows the construction of multifamily residential units as a mixed use development. The site is a mixed use development in that the Town Hall complex is located immediately to the projects north. Additionally, there are various commercial uses adjacent to the project site including grocery stores, restaurants, banks and a hotel. The General Plan Land Use Element requires a Specific plan to be prepared for mixed use projects, which the applicant has prepared. The Specific plan lays out the standards for development of the site.

The Development Code provides no guidance or regulation as to the specific number of units (density) that may be constructed in the General Commercial areas. The Yucca Valley Senior Affordable Housing Specific Plan follows the policy guidance established in the Old Town Specific Plan for mixed use development projects. The Old Town Mixed Use designation allows up to 40 dwelling units per acre. These policies were implemented to establish the following results for mixed use development.

- Compact, vertical mixed-use development;
- Mixes complimentary uses: higher-intensity residential development, commercial and smaller scale retail development.
- Expands housing opportunities
- Provides street oriented, pedestrian development
- Enhances streetscape

The proposed project is designed to blend in height with existing development, through the use of incremental height changes ranging from single to three story construction.

Architectural design represents a blended desert western theme with stone enhancements throughout the exterior of the structure, significant building articulation, and building placement throughout the project site. The architectural design, site design and building placement are consistent with the General Plan and the Development Code, and support and implement sustainable community strategies development, combining residential and commercial development in close proximity to each other, reducing vehicle miles traveled, and in providing living and employment opportunities in close proximity to each other.

Public improvements include the reconstruction and realignment of Dumosa Avenue. The project review under CEQA included the possibility of phasing public improvements. The project is conditioned to deposit with the Town the estimated costs of the future widening of SR 62, including additional travel lanes, curb, gutter, sidewalk, parkway landscaping, utility relocation and utility undergrounding. The traffic signal warrant study for the intersection of Dumosa and SR 62 identified that two of the required signal warrants can be satisfied as a result of the project and a request for signal construction will be filed with Caltrans District 8. Public improvements will also include the construction of sidewalks, pathways, landscaping and ancillary improvements connecting the project site to Town Hall, the Library, the Hi Desert Nature Museum, the Senior Center, the Community Center Buildings, as well as to the Desert Hills Plaza, located east of the project site across Dumosa Avenue. The project also includes the relocation of the existing monument sign and supporting utilities to the east side of Dumosa Avenue

Public transit system improvements will be constructed as a part of the project, either on-site or in close proximity to the project site, including their potential location on public roads, the Community Center property, or on the project site itself.

The housing project will be constructed in one phase. Dumosa Avenue and Antelope Trail improvements will be constructed simultaneously with the housing project. Based upon Caltrans approvals and requirements, as well as the timing of the federal, state and county grant funding availability, the traffic signal at Dumosa and State Route 62 may be constructed as Phase II of the overall project.

On site retention facilities will be constructed to capture incremental increase in storm water run-off, and these improvements may be constructed on site, or may be constructed on other areas of the Community Center project, subject to all necessary agreements between the Town, the Redevelopment Agency, and the project proponent. All incremental flows, plus a minimum of 10% above the incremental increase, shall be retained by the project.

The project may result in the construction of storm water facilities as identified in the Town's Master Plan of Drainage. These facilities would capture existing storm waters on SR 62 and Dumosa Avenue, and convey those storm waters to the terminus of Dumosa

Avenue, connecting to existing facilities. These facilities capture waters from SR 62, not from the project site. Yet it is desired to construct the storm drain in Dumosa at the time of project construction so that Dumosa is not reconstructed in the near future for storm drain installation.

**State Mandates:
2006-2014 Housing Needs**

The Department of Housing and Community Development and the Southern California Association of Governments (SCAG) were responsible for developing the Regional Housing Needs Assessment (RHNA) for all communities within SCAG's region. The RHNA was further refined through the San Bernardino Association of Governments, which developed allocations for all San Bernardino municipalities. Table III-19 illustrates the RHNA allocation for the 2006-2014 planning period in Yucca Valley.

**Table III-19
RHNA by Income Category, 2006-2014**

	Units
Extremely Low	280
Very Low Income	280
Low Income	399
Moderate Income	474
Above Moderate Income	1,076
Total Units Needed	2,510

Income Limits

The Department of Housing and Community Development annually issues income limits for each county in the state. In 2008, the income limits, based on household or family size, are:

**Table III-20
Income Limits for San Bernardino County 2008**

# of Persons	Moderate	Low	Very Low	Extremely Low
1	\$52,100	\$37,300	\$23,300	\$14,000
2	\$59,500	\$42,650	\$26,650	\$16,000
3	\$67,000	\$47,950	\$29,950	\$18,000
4	\$74,400	\$53,300	\$33,300	\$20,000
5	\$80,400	\$57,550	\$35,950	\$21,600
6	\$86,300	\$61,850	\$38,650	\$23,200
7	\$92,300	\$66,100	\$41,300	\$24,800
8	\$98,200	\$70,350	\$43,950	\$26,400

Quantified Objectives

Based on the issues identified in this Element, and the Town's RHNA allocation, the following quantified objectives have been established.

Table III-21
Quantified Objectives

Income Category	Extremely Low	Very Low	Low	Moderate	High	Total
New Construction	280	280	399	474	1,076	2,510
Rehabilitation	30	30	60	0	0	120
Conservation	10	10	5	0	0	25

Based upon State mandates and the RHNA allocation, the Town is required to plan and provide the opportunity for the development of housing units as identified in Table III-21. Income limits are updated annually by the State Department of Finance.

Please see the attached Planning Commission Staff report for additional detailed information.

Alternatives: No alternatives are recommended.

Fiscal impact: The applicant and the Yucca Valley Redevelopment Agency have entered into an Exclusive Negotiating Agreement for the potential of Agency financial participation in the project to implement General Plan Housing Element Goals and to implement State Redevelopment law mandated production of affordable housing units. Discussion and analysis of General Plan goals and policies related to this project are addressed further in the detailed Planning Commission Staff Report. Portions of the Redevelopment Agency's Five Year Implementation Plan addressing the need for the Agency to take actions that result in the creation of additional affordable housing units are attached to this Staff Report.

No affordable units have been constructed in the Redevelopment area since the plan was adopted. According to the 5 Year Implementation Plan the agency was required to produce 44 affordable units and 18 very low income units, from the time of Agency formation through 2008-2009. The construction of these 75 units will assist the Agency in meeting the requirements to construct affordable housing units.

Following Town Council final actions on these applications and the environmental review, the Redevelopment Agency will consider entering into subsequent agreements with the applicant finalizing the Agency's financial commitments to the project. The units shall be made available to very low and low income households.

Attachments:

1. Planning Commission Staff Report and back up material from May 12, 2011
2. Yucca Valley Senior Affordable Housing Specific Plan
3. Initial Study and Special Studies
4. Site Plan and Elevations

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING SPECIFIC PLAN S 01-11, YUCCA VALLEY SENIOR AFFORDABLE HOUSING SPECIFIC PLAN

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1: The Town of Yucca Valley adopts the Specific Plan, and shall modify the Zoning Map to include the notation "SP-01-11" on the subject property, identified as assessor's parcel numbers 595-371-11 and a portion of 595-361-21.

The Town of Yucca Valley District Zoning Map is hereby amended as depicted on Exhibit A, attached to this Ordinance.

SECTION 2: PUBLIC HEARINGS. A public hearing was held before the Town of Yucca Valley Planning Commission and Town Council of the Town of Yucca Valley, California pursuant to the Planning and Zoning Law of the State of California and the Yucca Valley Development Code.

SECTION 3: NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this ____ day of ____, 2011.

MAYOR

ATTEST:

Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Town Attorney

Town Manager

RESOLUTION NO 11-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT, CUP 01-11 FOR ASSESSOR PARCEL NUMBERS 595-371-11 AND A PORTION OF 595-361-21

WHEREAS, on May 12, 2011 the Planning Commission considered all public comments responding to the Conditional Use Permit, and after said hearing provided the Town Council with a recommendation for approval; and

WHEREAS, the Town Council conducted a duly noticed public hearing on May 17, 2011 and heard all testimony of any persons wishing to speak on the issue.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Yucca Valley as follows:

Section 1. The Town Council hereby approves Conditional Use Permit 01-11, and Environmental Assessment, EA 01-11 allowing the development of an affordable senior housing project, carports and related accessory structures, and finds that:

1. The location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;

The Yucca Valley Senior Affordable Housing Project serves to implement the General Plan land use designation of "General Commercial" and zoning designation of "General Commercial District" for the project area. The General Commercial District allows multifamily residential uses when part of a mixed use combination of parcels, such as with the adjacent civic uses. This Specific Plan establishes the development requirements and design guidelines to be applied to all development within the project area. Therefore, the projects location, size, density and intensity is consistent with the General Plan.

2. The location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;

Architectural design represents a blended desert western theme with stone enhancements throughout the exterior of the structure,

significant building articulation, and building placement throughout the project site. The architectural design, site design and building placement are consistent with the General Plan and the Development Code, and support and implement sustainable development strategies, combining residential and commercial development in close proximity to each other, reducing vehicle miles traveled, providing living and employment opportunities in close proximity to each other, and in reducing typical southern California urban sprawl.

3. The proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;

The proposed project is designed to blend in height with existing development, through the use of incremental height changes ranging from single to three story constructions. The proposed development provides compatible transitions in the scale, bulk, density and character of the development.

4. The building site and architectural design is accomplished in an energy efficient manner;

The Buildings have been designed to shelter the residents, to the extent possible, from the persistent winds that the area receives. The buildings include areas for natural light to filter through, eliminating the need for some lighting. Additionally, the roofs are being designed to handle the potential installation of solar energy in the future.

5. The materials, textures and details of the proposed construction, to the extent feasible, are compatible and consistent with the adjacent and neighboring structures;

The proposed project is designed to blend in height with existing development, through the use of incremental height changes ranging from single to three story construction. Architectural design represents a blended desert western theme with stone enhancements throughout the exterior of the structure, significant building articulation, and building placement throughout the project site.

6. The development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

The proposed development, as discussed above has been designed from one to three stories. This will help provide a transition between the various surrounding land uses in the area.

7. That the amount, location, and design of open space and landscaping conforms to the requirements of the Development Code, enhances the visual appeal and is compatible with the design and functions of the structure(s), site and surrounding area;

The project meets and exceeds the requirements of the Development Code. The project includes landscaping, lighting, hardscape improvements, on-site water retention, and amenities that may include outdoor gazebo or patio areas, a swimming pool, jacuzzis, gardening or greenhouse gardening structures, walking areas, etc.

8. The quality in architectural design is maintained in order to enhance the visual desert environment of the Town and to protect the economic value of existing structures;

The architectural design of the building is visually appealing. There is both horizontal and vertical relief provided. The building will utilize high quality materials and will help to protect the economic value of existing structures.

9. There are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;

The project is located just to the south of the existing Town Hall complex. Facilities include Town Hall, Community Services, Museum, Library, San Bernardino County Sheriffs, senior center and recreational sports fields. Utilities are available at or near the project site. Each utility provider charges connection and service fees which are designed to include the need for additional facilities as growth occurs. All the residents within the site will be required to pay these fees. The Town's solid waste franchisee is responsible for implementing recycling techniques to reduce the impacts to area landfills. Therefore, the project is adequately served by the existing public facilities, services and utilities.

10. That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;

The proposed project will improve circulation on and around the site, particularly for pedestrians. Dumosa Trail is proposed to be widened and will include sidewalks. Twentynine Palms Highway may be improved with curb gutter and sidewalk as well. Antelope Trail may get a cul-de-sac to help facilitate the safe movement of pedestrians from the project to the Community Center.

11. That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;

Since the project is proposed as a senior designated project, the amount of traffic to be generated is expected to be minimal. The expected traffic would be less than if the site was to be development with a commercial business. As part of the project it is anticipated the Antelope Trail will be vacated. This will help to reduce the amount of through traffic that uses Antelope Trail in the residential area. With the proposed street improvements the project will not adversely impact the capacity and physical character of the surrounding streets.

12. That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;

The project, as conditioned, will result in surrounding intersections operating at a Level of Service C or better. The proposed improvements are consistent with the circulation element.

13. There will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;

An Initial Study was completed for the project that found that the impacts to Biological Resources would be less than significant with mitigation measures. This is in part because the property is surrounded by developed on three sides and Twentynine Palms on the fourth. The site has been graded for weed control up to four times a year since the Town incorporate. Therefore, the project will not have significant harmful effects upon the environmental quality and is consistent with the General Plan

14. There are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;

An Initial Study was prepared for the project. All negative impacts of the proposed use have been mitigated to a level that is less than significant.

15. The impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan; and

An Initial Study was prepared for the project. All negative impacts of the proposed use have been mitigated to a level that is less than significant. There will be no impacts to the public health, safety, and welfare of the community.

16. The proposed development will comply with each of the applicable provisions of the Development Code, and applicable Town policies, except approved variances.

The project, as proposed complies with all applicable provisions of the Development Code, Specific Plan and applicable Town policies.

Section 2: This Resolution shall become effective on the effective date of Ordinance ____.

APPROVED AND ADOPTED THIS 17th day of May, 2011

MAYOR

ATTEST:

TOWN CLERK

Planning Commission: May 12, 2011
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT
AFFORDABLE SENIOR HOUSING PROJECT

Case: CONDITIONAL USE PERMIT, CUP 03-11, SPECIFIC PLAN, S 01-11, ENVIRONMENTAL ASSESSMENT, EA 01-11, SENIOR HOUSING PROJECT

THE PROJECT WAS REVIEWED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). THE TOWN DETERMINED THAT ALTHOUGH THE PROJECT COULD HAVE SIGNIFICANT IMPACTS ON THE ENVIRONMENT, THE MITIGATION MEASURES INCLUDED IN THE INITIAL STUDY WILL REDUCE THE POTENTIAL IMPACTS TO LESS THAN SIGNIFICANT LEVELS. A MITIGATED NEGATIVE DECLARATION IS PROPOSED.

Request: THE APPLICANT REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT AND SPECIFIC PLAN TO ALLOW THE CONSTRUCTION OF A SEVENTY FIVE (75) UNIT, THREE (3) STORY AFFORDABLE SENIOR (AGE-RESTRICTED) HOUSING PROJECT. THE PROJECT WILL CONSIST OF SEVENTY FOUR (74), 650 SQUARE FOOT, ONE (1) BEDROOM APARTMENTS AND ONE (1) 750 SQUARE FOOT TWO (2) BEDROOM APARTMENT; 4,199 SQUARE FEET OF COMMON AREA; 3,924 OF COMMUNITY AND LEASING AREA; 275 SQUARE FEET OF LAUNDRY AREA; 31,132 SQUARE FEET OF TOTAL INTERIOR COMMON AREA, CORRIDORS, STAIRWELLS AND BALCONIES; AND APPROXIMATELY 4,446 SQUARE FEET OF CARPORTS. THE TOTAL BUILDING SQUARE FOOTAGE IS APPROXIMATELY 87,482 SQUARE FEET. THE SITE INCLUDES A MINIMUM OF 26 COVERED PARKING STALLS AND 22 UNCOVERED PARKING STALLS. THE PROJECT WILL INCLUDE ONSITE RETENTION, ON SITE WASTEWATER DISPOSAL/TREATMENT, LANDSCAPING, VISITOR PARKING, AND MAY INCLUDE AMENITIES SUCH AS A CLUBHOUSE, POOL/SPA, GAZEBO, INTERNAL SIDEWALKS, STREET FURNITURE, AND RELATED AMENITIES, ETC.

PRIMARY ACCESS TO THE SITE WILL BE FROM DUMOSA AVENUE. EMERGENCY ACCESS WILL BE PROVIDED THROUGH THE ALLEY TO THE PROJECTS WEST. THE PROJECT MAY INCLUDE VACATING ALL OR A PORTION OF ANTELOPE TRAIL ALONG THE PROJECTS NORTHERN BOUNDARY. PEDESTRIAN ACCESS FROM THE SITE WILL BE AVAILABLE TO TOWN HALL, COMMUNITY SERVICES, LIBRARY, MUSEUM AND SENIOR CENTER.

Division Approvals:
Engineering _____ Building & Safety _____ Public Works _____

Applicant: NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA
9065 HAVEN AVE STE 100
RANCHO CUCAMONGA, CA 91730

Property Owner:

YUCCA VALLEY REDEVELOPMENT AGENCY
57090 29 PALMS HWY
YUCCA VALLEY, CA 92284

Representative:

JULIE MUNGAI
NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA
9065 HAVEN AVE STE 100
RANCHO CUCAMONGA, CA 91730

Location: THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF 29
PALMS HWY AND DUMOSA AVE AND IS IDENTIFIED AS APN 595-
371-11 AND THE SOUTHERN PORTION OF 595-361-21.

Existing General Plan Land Use Designation:

THE SITE IS DESIGNATED GENERAL COMMERCIAL (CG)

Existing Zoning Designation:

THE SITE IS DESIGNATED GENERAL COMMERCIAL (CG)

Surrounding General Plan Land Use Designations:

NORTH: PUBLIC/QUASI PUBLIC (P/QP)
SOUTH: NEIGHBORHOOD COMMERCIAL (C-N) ACROSS 29 PALMS
HWY
WEST: GENERAL COMMERCIAL (CG)
EAST: NEIGHBORHOOD COMMERCIAL (C-N)

Surrounding Zoning Designations:

NORTH: PUBLIC/QUASI PUBLIC (P/QP)
SOUTH: NEIGHBORHOOD COMMERCIAL (C-N) ACROSS 29 PALMS
HWY
WEST: GENERAL COMMERCIAL (CG)
EAST: NEIGHBORHOOD COMMERCIAL (C-N)

Surrounding Land Use:

NORTH: TOWN HALL COMPLEX (COMMUNITY SERVICES, LIBRARY, MUSEUM, SENIOR CENTER, ETC)
SOUTH: ACROSS SR62 STATER BROS, BANK OF AMERICA, WELLS FARGO, AND OTHER COMMERCIAL USES
WEST: SUPER 8 MOTEL, CARROWS, SIZZLER, AND SINGLE FAMILY RESIDENCES
EAST: DESERT HILLS SHOPPING CENTER INCLUDING FOOD 4 LESS, AND LA CASITA MEXICAN RESTAURANT

Public Notification:

PURSUANT TO SECTION 83.030115, LEGAL NOTICE IS REQUIRED TO BE GIVEN TO ALL PROPERTY OWNERS WITHIN A THREE (300) HUNDRED FOOT RADIUS OF THE EXTERIOR BOUNDARIES OF THE SUBJECT SITE. THIS PROJECT WAS POSTED ON AND PUBLISHED ON WEDNESDAY APRIL 27, 2011. NO WRITTEN RESPONSES HAVE BEEN RECEIVED AS OF THE WRITING OF THIS STAFF REPORT.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

THE PROJECT WAS REVIEWED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). THE TOWN DETERMINED THAT ALTHOUGH THE PROJECT COULD HAVE SIGNIFICANT IMPACTS ON THE ENVIRONMENT, THE MITIGATION MEASURES INCLUDED IN THE INITIAL STUDY WILL REDUCE THE POTENTIAL IMPACTS TO LESS THAN SIGNIFICANT LEVELS. A MITIGATED NEGATIVE DECLARATION IS PROPOSED.

OUTSIDE AGENCIES COMMENTS RECEIVED

AGENCY COMMENTS HAVE BEEN RECEIVED FROM THE MORONGO BASIN TRANSIT AUTHORITY (MBTA), MORONGO BAND OF MISSION INDIANS (MBMI), AND UNITED STATES MARINE CORPS (USMC) AS OF THE WRITING OF THE STAFF REPORT. THE MBTA REQUESTED PROVISIONS FOR A BUS STOP ALONG TWENTYNINE PALMS HIGHWAY OR ADA ACCESS TO THE EXISTING SHELTERS IN THE AREA. THE USMC REQUESTED THAT THE FUTURE RESIDENTS BE NOTIFIED OF THE CLOSE PROXIMITY OF THE PROJECT TO THE BASE AND REQUESTED THAT THE APPLICANT EMPLOY SOUND ATTENUATING MATERIALS. BOTH THE CONDITIONS FROM THE MBTA AND USMC HAVE BEEN ADDED AS CONDITIONS OF APPROVAL. THE MBMI CONCURRED WITH THE MITIGATION MEASURES IDENTIFIED IN THE INITIAL STUDY.

RECOMMENDATIONS:

ENVIRONMENTAL ASSESSMENT, EA 01-11: That the Planning Commission recommends approval of the Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Assessment, EA 01-11 to the Town Council,

SPECIFIC PLAN, S 01-11: That the Planning Commission recommends approval of Specific Plan, S 01-11 to the Town Council based on the findings contained within the staff report and the recommended Conditions of Approval, and introduce the accompanying Ordinance.

CONDITIONAL USE PERMIT, CUP 03-11: That the Planning Commission recommends approval of Conditional Use Permit, CUP 03-11 to the Town Council based on the findings contained within the staff report and the recommended Conditions of Approval and the accompanying Resolution.

Project manager: Robert Kirschmann

Reviewed by: Shane Stueckle

Appeal Information:

Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal filing and processing information may be obtained from the Planning Division of the Community Development Department. Per Section 83.030145 of the Development Code, minor modifications may be approved by the Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030140 of the Development Code, Required Findings, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit, including modifications to phasing schedules for the project.

I. GENERAL INFORMATION

PROJECT DESCRIPTION: The applicant requests approval of a Conditional Use Permit and Specific Plan to allow the construction of a seventy five (75) unit, three (3) story affordable senior (age-restricted) housing project. The project will consist of seventy four (74), 650 square foot, one (1) bedroom apartments and one (1) 750 square foot two (2) bedroom apartment; 4,199 square feet of common area; 3,924 of community and leasing area; 275 square feet of laundry area; 31,132 square feet of total interior common area, corridors, stairwells and balconies; and approximately 4,446 square feet of carports. The total building square footage is approximately 87,482 square feet. The site includes a minimum of 26 covered parking stalls and 22 uncovered parking stalls. The project will include onsite retention, on-site sewage/wastewater treatment or disposal, landscaping, parking, and may include amenities such as a clubhouse, pool/spa, gazebo, etc.

Primary access to the site will be from Dumosa Avenue. Emergency access will be provided through the alley to the projects west. The project may include vacating all or a portion of Antelope trail along the projects northern boundary. Pedestrian access from the site will be available to Town Hall, Community Services, Library, Museum and Senior Center.

The applicant and the Yucca Valley Redevelopment Agency have entered into an Exclusive Negotiating Agreement for the potential of Agency financial participation in the project to implement General Plan Housing Element Goals and to implement State Redevelopment law mandated production of affordable housing units. Discussion and analysis of General Plan goals and policies related to this project are addressed further in this Staff Report. Portions of the Redevelopment Agency's Five Year Implementation Plan addressing the need for the Agency to take actions that result in the creation of additional affordable housing units are attached to this Staff Report. Following public hearings and Town Council final actions on these applications and the environmental review, the Redevelopment Agency will consider entering into subsequent agreements with the applicant solidifying the Agency's financial commitments to the project. The units shall be made available to very low and low income households.

LOCATION: The project is located at the northwest corner of 29 Palms Hwy and Dumosa Ave and is identified as APN 595-371-11 and the southern portion of 595-361-21

PROJECT SYNOPSIS:

SITE COVERAGE

PROJECT AREA

2.87 acres

BUILDING AREA

Living Area	56,350
Common Area	31,132
Total:	87,482

PHASED CONSTRUCTION:

Potential Phasing

FLOOD ZONE

Map 8860 Zone X, areas determined to be outside the 0.2% annual chance floodplain

ALQUIST PRIOLO ZONE

No

OFF-SITE IMPROVEMENTS REQ.

29 Palms Hwy, Dumosa Avenue, and Antelope Trail

ASSESSMENT DISTRICTS REQ.

No

RIGHT-OF-WAY DEDICATION REQ.

Yes, SR 62, Possible vacating of a portion of Antelope Trail

UTILITY UNDERGROUNDING:

All new service lines shall be underground in conformance to Ordinance 169

AIRPORT INFLUENCE AREA:

Located within the horizontal surface and safety review area 3 of the airport, this land use is conditionally acceptable.

TRAILS & BIKE LANE MASTER PLAN

No facilities on or adjacent to the project.

PUBLIC FACILITY MASTER PLAN

Town Hall Complex is directly to the north of the project. The Plan calls for an enhanced entry on Dumosa and additional parking.

PARKS AND RECREATION MASTER PLAN

No public facilities are identified for this site.

MASTER PLAN OF DRAINAGE:

A local Master plan facility starts along SR62 south of the project and travels north down Dumosa, ultimately to Yucca Creek. The applicant may be constructing a portion of this facility.

STATE OF CALIFORNIA STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIRED:

Yes, more than 1 acre disturbed

REDEVELOPMENT PROJECT AREA:	Yes, located in the Downtown RDA sub-area
STREET LIGHTS:	Yes at the following locations: <ul style="list-style-type: none">▪ Dumosa Ave and SR62▪ Dumosa Ave and Antelope Tri▪ End of cul-de-sac at Antelope Trail
SPECIFIC PLAN/ PLANNED DEVELOPMENT AREA:	Yes, New Specific Plan proposed S-01-11
FUTURE PLANNING COMMISSION ACTION REQUIRED	Potential final review of final elevations and site plan improvements
FUTURE TOWN COUNCIL ACTION REQUIRED	Yes, approval of the Environmental Assessment, Specific Plan, Conditional Use Permit (3 stories) and street vacation

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The Yucca Valley Senior Affordable Housing Specific Plan implements the goals and policies of the Town of Yucca Valley General Plan within the Specific Plan area. The goals and objectives found in the Housing Element support the Town's desire to maximize private and public efforts to provide adequate and affordable housing opportunities to all of its residents. The project, as proposed, would implement numerous goals contained within the General Plan, including the General Plan Housing Element, which are discussed below.

Because an adopted specific plan must be consistent with the Town General Plan, all projects that are found to be consistent with this Specific Plan are deemed consistent with the General Plan. The Yucca Valley Senior Affordable Housing Specific Plan works in concert with the Town of Yucca Valley Development Code, but provides additional development standards and guidelines that are customized to achieve the specific vision for the project area. The Town's zoning standards are utilized for certain aspects, such as building setbacks, while the Specific Plan provides other standards that are tailored to the Yucca Valley Senior Affordable Housing project. Development projects and new uses shall be subject to the review procedures, findings and provisions of the Town of Yucca Valley Development Code and the provisions of this Specific Plan. Related and/or subsequent approvals, such as Conditional Use Permits,

Site Plan Reviews, and Parcel Maps, must be consistent with both the policies of the Yucca Valley Senior Affordable Housing Specific Plan and the Town's Development Code.

The following Goals and Policies are taken from the General Plan Housing Element, and again, identify and establish consistency between the proposed project and the Yucca Valley General Plan.

Goal 1

The development of a variety of housing types and prices in the Town of Yucca Valley that will accommodate both existing and future residents within all socio-economic segments of the community.

Goal 2

The development of affordable housing projects to meet the community's need.

Policy 3

Meet the housing needs of the extremely low, very low, low and moderate income population within the community, regardless of the householder's race, religion, sex, marital status, ancestry, national origin or color.

Program 3.G

The Redevelopment Agency shall establish a program of incentives for the development of housing for extremely low and very low income residents which shall include application fee waivers, plan check fee waivers, and financial assistance with infrastructure improvements, particularly the installation of on-site wastewater treatment facilities. These incentives shall be funded through the Agency's set-aside funds.

Policy 4

Promote and facilitate the use of State and Federal monies for the development and rehabilitation of affordable housing in the community.

Program 4.B

The Redevelopment Agency will develop program(s) for the development of new residential units for very low income households and assign set-aside funds for these units. The program(s) may include leveraging the Town's limited funds by participating in projects through land acquisition; fee waivers and infrastructure support; or partnerships with affordable housing development entities.

Program 4.C

Actively assist qualified developers in preparation of applications for State and Federal housing grants and loans (such as HOME funds and California LMI Tax Credit funds) as they become available. The Town shall process requests for information on zoning, financial assistance programs, or required supporting documentation for these applications within 30 days of receipt. When conditional use permits or development review is required prior to application submittal, the Town shall fast-track such

applications to ensure that submittals are not delayed, assuming a timely submittal by the developer.

Policy 8

Facilitate the construction and rehabilitation of renter and owner occupied housing by providing a range of land use and zoning categories throughout the Town.

Program 8.A

Specific Plans shall incorporate a variety of housing types, and shall provide for senior and affordable housing within the project. The requirements shall be included in the Town Development Code.

Program 8.B

Encourage infill development and the expansion of existing home sites wherever possible, to lower the costs of extending infrastructure.

Program 8.C

Ensure that in-fill development occurs in areas with adequate infrastructure development to support build-out of the neighborhood, including streets and water and sewer lines.

Policy 10

Facilitate the development and preservation of senior housing through incentives and assistance programs.

Policy 12

High density, affordable and senior projects shall be located with convenient access to shopping, public transit, and school and park facilities.

Program 12.A

Require developers of affordable and senior housing projects to confer with the public transit agency regarding the provision of service to the project area wherever feasible.

Program 12.B

Ensure that affordable and senior housing projects are located in areas with adequate public improvements, including streets and sidewalks.

Cities are mandated by state law to implement programs which result in the creation of housing opportunities for all income groups or categories. The Yucca Valley General Plan contains goals and policies designed to implement these segments of state law within the Town. These are identified in the Housing Element's Goals 1, 2 and Policy 3.

Housing Element Policy 8 and Programs 8 A through 8 C identify the need to provide opportunities for affordable housing projects to be located throughout the community and therefore not concentrated in a single location. These Policies and Programs also encourage the location of affordable housing to be sited in areas that are served with

public improvements and services, such as public transit, senior services, commercial services such as shopping, in addition to school and park facilities.

As illustrated in the Housing Element Goals, Policies and Programs identified above, the project will result in the creation of 75 affordable housing units. Programmatically, the projects' financing structure is based upon obtaining federal, state, county, and Agency financial resources, implementing Housing Element Policy 4 as well as its Programs 4 B and 4 C.

As discussed above, the project is consistent with and implements the Goals, Policies and Programs of the General Plan Housing Element. Additionally, the project implements the necessary programs identified in the Agency's 5-Year Implementation Plan for the creation of affordable housing units within the project area.

The project site is located adjacent to governmental services and facilities, including Town Hall, the Yucca Valley Branch of the County Library System, Hi Desert Nature Museum and the Yucca Valley Senior Center. The project site is also located in close proximity to commercial shopping opportunities contained within the Desert Hills Plaza, as well as within the Stater Bros Center to the south of the project site. Public transit services provided by the MBTA will provide access to other services needed or desired by the residents, including medical, commercial recreation and related activities.

General Plan goals, policies, and objectives identifying consistency of the project to the General Plan are identified in Attachment "A" to this Staff Report.

ENVIRONMENTAL CONSIDERATIONS: The proposed project was reviewed under the requirements of the California Environmental Quality Act (CEQA) and an Initial Study was prepared. The Study found that although there may be potentially significant impacts related to Biological Resources, Air Quality, and Noise associated with development of the site, mitigation measures included in the study will reduce these impacts to less than significant levels. A Mitigated Negative Declaration is recommended.

A Greenhouse Gas and Air Quality Study was prepared for the project and those potential impacts are addressed within the Initial Study. Trip projections and warrant studies were prepared based upon the planned vacation of Antelope Trail and its related improvements, and for the signalization of the intersection of SR 62 and Dumosa Avenue. A native plant inventory was conducted for implementation of the Town's native plant regulations. An acoustical analysis was prepared and mitigation measures identified. Increases of flood water run-off have been evaluated and the site shall retain all incremental run off plus a minimum of 10% more than the incremental run-off increase. While the structures are proposed with portions in excess of two stories in height, the project design incorporates transitions to two and one story elements, blending the project design with surrounding development.

Grading of the site has been minimized to take advantage of the existing terrain, which currently slopes from the southwest to the northeast. Following development of the site, the development will follow existing slope patterns, with higher elevations adjacent to SR 62 and sloping towards Antelope Trail.

The site is surface graded a minimum of four times annually, and there is no opportunity for the presence of the Desert Tortoise. Development of the site is classified as in-fill development and is surrounded on three sides by developed properties and by State Route 62 on the southern boundary.

ADJACENT LAND USES: The project site is located at the northwest corner of 29 Palms Hwy and Dumosa Ave. To the north of the project is Town Hall and Community Center. To the south, across 29 Palms Hwy, are Bank of America and a shopping center that includes a Stater Bros, Well Fargo and other specialty stores and small restaurants. To the east of the project is a shopping center anchored by Food 4 Less and includes several specialty shops and La Casita Mexican restaurant. To the west of the project is Super 8 Motel, Carrows, Sizzler, and a single family residence. The subject property and the property to the west are designated General Commercial and Multi-family residential 10 units to the acre. The properties to the south and to the east are designated Neighborhood Commercial. The property to the north is designated Public/Quasi Public.

SITE CHARACTERISTICS: While the project site is vacant/undeveloped at this time, the site is graded several times throughout the year for weed control purposes. Additionally, the site has also been graded to control water run off that the site receives from commercial development to the west, including from the Super 8 motel and Sizzler Restaurant parking lots and associated site improvements. These drainage improvements include annual maintenance grading activities in order to ensure continued water conveyance across the site. Outlet improvements consisting of concrete and rip-rap rock convey the nuisance flows from the project site onto Dumosa. The proposed project site has also contained no less than two monument signs providing identification for the community center facilities, including externally illuminated monument signs constructed by the County of San Bernardino prior to the Town's incorporation, and the more recently constructed electronic copy message board monument sign constructed by the Town of Yucca Valley. Joshua Trees exist on the project site, while no rock outcroppings or other similar features are present on the project site. Joshua Trees are located across the site in multiple locations.

The site and surrounding areas are not served with full public improvements, including sidewalks, curb, gutter, or drainage improvements.

BUILDING ELEVATIONS: The proposed project is designed to blend in height with existing development, through the use of incremental height changes ranging from single to three story construction. Architectural design represents a blended desert western theme with stone enhancements throughout the exterior of the structure, significant building articulation, and building placement throughout the project site. The

architectural design, site design and building placement are consistent with the General Plan and the Development Code, and support and implement sustainable community strategies development, combining residential and commercial development in close proximity to each other, reducing vehicle miles traveled, providing living and employment opportunities in close proximity to each other, and in reducing typical southern California urban sprawl. The development of the site will be an enhancement of existing development patterns and development styles, and will complement the commercial and governmental land use patterns in proximity to the project site, delivering a pedestrian friendly mixed use development.

ROADWAY IMPROVEMENTS: The proposed project is bounded by Twentynine Palms Highway on the south, Antelope Trail on the north and Dumosa Avenue to the east. Dumosa Avenue will be improved to a modified local street including widening, curbs gutters and sidewalk. The applicant will provide for the dedication of the future 67' half width on Twentynine Palms Highway. Improvements may be constructed in the first or subsequent phases, or with a future Town/Agency project along SR 62. If improvements on SR 62 are not constructed with the project, the applicant will deposit with the Town/Agency funds based upon the estimated costs to construct those improvements. Antelope Trail is proposed to have a cul-du-sac with curb, gutter and sidewalk at its current intersection with the Senior Center parking lot access drive. Traffic can still travel through the Community Center or along Twentynine Palms Highway.

The project may include the construction of a traffic signal at SR 62 and Dumosa Avenue. A traffic signal warrant study has been prepared and the Town/Redevelopment Agency will be requesting authorization for installation of a traffic signal from Caltrans District 8.

Dumosa Avenue will be reconstructed at a local road standard (40' curb to curb) with curb, gutter and sidewalk. Based upon utility relocation, potential construction of dry sewer facilities, and potential construction or installation of storm drain improvements, Dumosa may be constructed with a standard crown, moving away from the current "inverted" street design which is necessary to accommodate storm run-off from SR 62. Sidewalks will also be constructed along the current approximate alignment of Antelope Trail, providing pedestrian access from the project to the Community Center complex. The Redevelopment Agency is evaluating necessary pedestrian improvements from the project site that will provide access to the Yucca Valley Senior Center. Access improvements to the Desert Hills Plaza (Food 4 Less Center) will also be included with the reconstruction of Dumosa Avenue and Antelope Trail.

The Morongo Basin Transit Authority currently operates bus routes along Twentynine Palms Highway in the project area, as well as to the Senior Center in the Community Center Complex. Implementation of the proposed project may result in permanent modifications to Twentynine Palms Highway adjacent to the project site through roadway widening, although a new project access point will be created on the west side of the intersection of Dumosa at Twentynine Palms Highway.

ASSESSMENT DISTRICTS: No assessment districts are recommended as part of this project.

SPECIFIC PLAN AND CONDITIONAL USE PERMIT DISCUSSION: The applicant requests approval of a Conditional Use Permit and Specific Plan to allow the construction of a seventy five (75) unit, three (3) story affordable senior (age-restricted) housing project. The project will consist of seventy four (74), 650 square foot, one (1) bedroom apartments and one (1) 750 square foot two (2) bedroom apartment; 4,199 square feet of common area; 3,924 of community and leasing area; 275 square feet of laundry area; 31,132 square feet of total interior common area, corridors, stairwells and balconies; and approximately 4,446 square feet of carports. The total building square footage is approximately 87,482 square feet. The site includes a minimum of 26 covered parking stalls and 22 uncovered parking stalls. The project will include onsite retention, on-site sewage/wastewater treatment or disposal, landscaping, parking, and may include amenities such as a clubhouse, pool/spa, gazebo, etc.

Primary access to the site will be from Dumosa Avenue. Emergency access will be provided through the alley to the project's west. The project may include vacating all or a portion of Antelope trail along the project's northern boundary. Pedestrian access from the site will be available to Town Hall, Community Services, Library, Museum and Senior Center.

The General Commercial land use district allows the construction of multifamily residential units as a mixed use development. The site is a mixed use development in that the Town Hall complex is located immediately to the projects north. Additionally, there are various commercial uses adjacent to the project site including grocery stores, restaurants, banks and a hotel. The General Plan Land Use Element requires a Specific plan to be prepared for mixed use projects, which the applicant has prepared. The Specific plan lays out the standards for development of the site.

The Development Code provides no guidance or regulation as to the specific number of units (density) that may be constructed in the General Commercial areas. The Yucca Valley Senior Affordable Housing Specific Plan follows the policy guidance established in the Old Town Specific Plan for mixed use development projects. The Old Town Mixed Use designation allows up to 40 dwelling units per acre. These policies were implemented to establish the following results for mixed use development.

- Compact, vertical mixed-use development;
- Mixes complimentary uses: higher-intensity residential development, commercial and smaller scale retail development.
- Expands housing opportunities
- Provides street oriented, pedestrian development
- Enhances streetscape

The proposed 75 units are located on roughly 3 gross acres, which would result in 25 units to the acre.

The following chart shows the various standards required within the General Commercial Land Use District and the standards of the Yucca Valley Seniors affordable Housing Specific Plan.

Development Standards		
Standard	General Commercial	Yucca Valley Senior Affordable Housing Specific Plan
Maximum Structure Height (Ft.)	40 feet	40 feet (measured parallel to slope)
Minimum Lot Size (Acres) Map suffix will modify See (1) below	5	120,000 square feet, 2.75 acres
Maximum Lot Coverage (Building coverage)	60%	60%
Maximum Lot Dimensions (Width to Depth Ratio)	1:3	1:4
Minimum Lot Dimensions (Width/Depth in Ft.)	120/120	120 feet by 120 feet
Front Yard Setback (Ft.)	15	15 feet, with parking and landscaping permitted in setback
Side Yard Setbacks (Ft.) See (2) Below	10	10 feet (only one side yard setback is required to be provided if deemed necessary for emergency access. If the adjacent property is not designated commercial or industrial; a side yard shall be required along that side of the property. Parking and landscaping permitted within the setback)
Rear Yard Setbacks (Ft.) See (3) Below	10	10 feet (a rear yard is required only when the adjacent property is not designated commercial or industrial)

Street Side Setbacks (Ft.)	15	15 feet (parking and landscaping permitted within the setback)
Maximum Floor Area Ratio (FAR-FI Area/Lot Area)	1.20	1.20
Parking	1 space per unit located in a garage or carport	0.64 stalls per unit, minimum 26 stalls covered

CIRCULATION: Public improvements include the reconstruction and realignment of Dumosa Avenue, and may include the widening of SR 62, with additional travel lanes, curb, gutter, sidewalk, parkway landscaping, utility relocation and utility undergrounding, and may include the construction of a traffic signal at the intersection of SR 62 and Dumosa Avenue. The project is not conditioned to construct SR 62 improvements, but that option has been evaluated in the Initial Study for this project. Public improvements will also include the construction of sidewalks, pathways, landscaping and ancillary improvements connecting the project site to Town Hall, the Library, the Hi Desert Nature Museum, the Senior Center, the Community Center Buildings, as well as to the Desert Hills Plaza, located east of the project site across Dumosa Avenue. The project also includes the relocation of the existing monument sign and supporting utilities to the east side of Dumosa Avenue

Public transit system improvements may be constructed as a part of the project, either on-site or in close proximity to the project site, including their potential location on public roads, the Community Center property, or on the project site itself.

FLOOD CONTROL/DRAINAGE: The project may result in the construction of stormwater facilities as identified in the Town's Master Plan of Drainage. These facilities would capture existing storm waters on SR 62 and Dumosa Avenue, and convey those storm waters to the terminus of Dumosa Avenue, connecting to existing facilities. The SR 62 improvements can only be operational with the widening of SR 62, and as such, these improvements may occur in Phase I or subsequent phases of the project. Because these improvements capture existing flows, removing those flows from the public roadways will result in the elimination of storm waters from Dumosa Avenue, reducing existing conditions flood water conditions.

Development of the project site is in excess of one acre; therefore, the proposed project is required to obtain approval under an NPDES General Construction permit. The implementation of NPDES permits ensures that a state's mandatory standards for clean water and the federal minimums are met. Coverage with the permit would prevent sedimentation and soil erosion through implementation of a Storm Water Pollution

Prevention Plan (SWPPP) and periodic inspections by RWQCB staff. A SWPPP is a written document that describes the construction operator's activities to comply with the requirements in the NPDES permit. Required elements of an SWPPP include (1) site description addressing the elements and characteristics specific to the project site; (2) descriptions of BMPs for erosion and sediment controls; (3) BMPs for construction waste handling and disposal; (4) implementation of approved local plans; and (5) proposed post-construction controls, including a description of local post-construction erosion and sediment control requirements. The SWPPP is intended to facilitate a process whereby the operator evaluates potential pollutant sources at the site and selects and implements BMPs designed to prevent or control the discharge of pollutants in stormwater runoff.

On site retention facilities will be constructed to capture incremental increase in storm water run-off, and these improvements may be constructed on site, or may be constructed on other areas of the Community Center project, subject to all necessary agreements between the Town, the Redevelopment Agency, and the project proponent. All incremental flows, plus a minimum of 10% above the incremental increase, shall be retained by the project.

UTILITIES: The extension of utilities to the site and on the site will be necessary, including natural gas, electricity, cable television, water services (for fire suppression, landscaping, spas, and resident use), telephone, and associated improvements. The project will be designed to accommodate roof-top photovoltaic panels (PV), and the PV system may be installed in the first or subsequent phases of the project.

Utilities are available at or near the project site. Each utility provider charges connection and service fees which are designed to include the need for additional facilities as growth occurs. The project applicant will be required to pay these fees as applicable.

Electrical services are provided by Southern California Edison. Electrical service is available at the site, as there are existing overhead electrical facilities running parallel to SR 62 as well as west of the project site. Services to the site, as required by Town Ordinance, shall be placed underground.

Natural gas services are provided to the community by The Gas Company. All adjacent properties are serviced with natural gas, and both high and low pressure gas lines are available to the project site.

The Hi-Desert Water District (HDWD, District) serves the Town of Yucca Valley with groundwater from the Warren Valley Basin and Ames/Means Valley Basin.

Solid waste services are provided by Burrtec Inc. The closest landfill is located approximately 20 miles north of the Town of Yucca Valley and is the Landers Landfill. The Landers Landfill is owned by San Bernardino County and operated by Burrtec. The Town of Yucca Valley requires mandatory solid waste services and the project will be served by Burrtec.

REDEVELOPMENT AGENCY (RDA): The Yucca Valley Redevelopment Agency has entered into an Exclusive Negotiating Agreement with the project proponent for potential Agency financial participation in the construction of affordable housing units on the project site, consistent with the Agency's 5-Year Implementation Plan and the adopted Project Area #1 Plan. The Redevelopment Agency may consider the allocation of low and moderate income funds (20% set a side funds) as well as additional Agency funds to facilitate the construction of affordable housing units and necessary supporting infrastructure that must be constructed to support the project and mitigate project impacts, in accordance with State Redevelopment law and CEQA.

Portions of the Redevelopment Agency's Five Year Implementation Plan addressing the need for the Agency to take actions that result in the creation of additional affordable housing units are attached to this Staff Report. Following public hearings and Town Council final actions on these applications and the environmental review, the Redevelopment Agency will consider entering into subsequent agreements with the applicant solidifying the Agency's financial commitments to the project. The units shall be made available to very low and low income households.

No affordable units have been constructed in the Redevelopment area since the plan was adopted. According to the 5 Year Implementation Plan the agency was required to produce 44 affordable units and 18 very low income units, from the time of Agency formation through 2008-2009. The construction of these 75 units will assist the Agency in meeting the requirements to construct affordable housing units.

LANDSCAPING: The Specific Plan provides a conceptual landscaping plan. The Plan includes 28 relocated Joshua Trees, and various shade and accent trees, shrubs, and groundcovers. A final plan is required to be reviewed and approved by both the Town and Hi-Desert Water District. Not all of the options shown in the planting palette will be in the final design. The applicant wishes to provide as much xeroscape landscaping as possible in order to help conserve water. Staff will also be working with the applicant to ensure the greatest number of Joshua Trees will be relocated on site. The final landscaping plan shall be reviewed by the Planning Commission or by the Affordable Housing Sub-Committee.

WALLS/FENCES: The Specific plan permits walls and fences along the perimeter of the Plan areas. These should be designed to provide security, while allowing for views. The final materials have not yet been selected but will consist of iron, block masonry, stone or brick as appropriate. The ultimate location of the fencing/walls has also yet to be determined, but anticipated to include a decorative block wall, approximately six (6) feet in height along the west property line and an open iron fence around the remainder of the site. The site will include gated access. Final plans for these improvements shall be reviewed by the Planning Commission or the Affordable Senior Housing Sub-Committee prior to permit issuance.

CONCLUSION: The proposed project is consistent with both the General Plan and Zoning designations assigned to it. The project has been reviewed under CEQA, and it

has been determined that although the project could have significant impacts, these could all be mitigated to less than significant. The findings for approval can be made.

CONDITIONAL USE PERMIT FINDINGS:

1. The location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;

The Yucca Valley Senior Affordable Housing Project serves to implement the General Plan land use designation of "General Commercial" and zoning designation of "General Commercial District" for the project area. The General Commercial District allows multifamily residential uses when part of a mixed use combination of parcels, such as with the adjacent civic uses. This Specific Plan establishes the development requirements and design guidelines to be applied to all development within the project area. Therefore, the projects location, size, density and intensity are consistent with the General Plan.

2. The location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;

Architectural design represents a blended desert western theme with stone enhancements throughout the exterior of the structure, significant building articulation, and building placement throughout the project site. The architectural design, site design and building placement are consistent with the General Plan and the Development Code, and support and implement sustainable community strategies development, combining residential and commercial development in close proximity to each other, reducing vehicle miles traveled, providing living and employment opportunities in close proximity to each other, and in reducing typical southern California urban sprawl.

3. The proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;

The proposed project is designed to blend in height with existing development, through the use of incremental height changes ranging from single to three story construction. The proposed development provides compatible transitions in the scale, bulk, density and character of the development.

4. The building site and architectural design is accomplished in an energy efficient manner;

The Buildings have been designed to shelter the residents, to the extent possible, from the persistent winds that the area receives. The buildings include areas for natural light to filter through, eliminating the need for some lighting. Additionally, the roofs are being designed to handle the potential installation of solar energy in the future.

5. The materials, textures and details of the proposed construction, to the extent feasible, are compatible and consistent with the adjacent and neighboring structures;

The proposed project is designed to blend in height with existing development, through the use of incremental height changes ranging from single to three story construction. Architectural design represents a blended desert western theme with stone enhancements throughout the exterior of the structure, significant building articulation, and building placement throughout the project site. Project materials and colors are consistent with and complement surrounding development.

6. The development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

The proposed development, as discussed above has been designed from one to three stories. This will help provide a transition between the various surrounding land uses in the area, providing sensitivity to structure height with surrounding development.

7. That the amount, location, and design of open space and landscaping conforms to the requirements of the Development Code, enhances the visual appeal and is compatible with the design and functions of the structure(s), site and surrounding area;

The project meets and exceeds the requirements of the Development Code. The project includes landscaping, lighting, hardscape improvements, on-site water retention, and amenities that may include outdoor gazebo or patio areas, a swimming pool, jacuzzis, gardening or greenhouse gardening structures, walking areas, etc.

8. The quality in architectural design is maintained in order to enhance the visual desert environment of the Town and to protect the economic value of existing structures;

The architectural design of the building is visually appealing. There is both horizontal and vertical relief provided. The building will utilize high quality materials and will help to protect the economic value of existing structures. The proposed project is designed to blend in height with

existing development, through the use of incremental height changes ranging from single to three story construction. Architectural design represents a blended desert western theme with stone enhancements throughout the exterior of the structure, significant building articulation, and building placement throughout the project site. Project materials and colors are consistent with and complement surrounding development.

9. There are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;

The project is located just to the south of the existing Town Hall complex. Facilities include Town Hall, Community Services, Museum, Library, San Bernardino County Sheriffs, senior center and recreational sports fields. Utilities are available at or near the project site. Each utility provider charges connection and service fees which are designed to include the need for additional facilities as growth occurs. All the residents within the site will be required to pay these fees. The Town's solid waste franchisee is responsible for implementing recycling techniques to reduce the impacts to area landfills. Therefore, the project is adequately served by the existing public facilities, services and utilities. The project site is located at the northwest corner of 29 Palms Hwy and Dumosa Ave. To the north of the project is Town Hall and Community Center. To the south, across 29 Palms Hwy, are Bank of America and a shopping center that includes a Stater Bros, Well Fargo and other specialty stores and small restaurants. To the east of the project is a shopping center anchored by Food 4 Less and includes several specialty shops and La Casita Mexican restaurant. To the west of the project is Super 8 Motel, Carrows, Sizzler's and a single family residence. The subject property and the property to the west are designated General Commercial and Multi-family residential 10 units to the acre. The properties to the south and to the east are designated Neighborhood Commercial. The property to the north is designated Public/Quasi Public.

10. That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;

The proposed project will improve circulation on and around the site, particularly for pedestrians. Dumosa Trail is proposed to be widened and will include sidewalks. Twentynine Palms Highway may be improved with curb gutter and sidewalk as well. Antelope Trail may get a cul-de-sac to help facilitate the safe movement of pedestrians from the project to the Community Center. The Agency and the Applicant are seeking Caltrans approval for construction of a traffic signal at SR 62 and Dumosa Avenue. The project site meets access requirements for

emergency services provided by the Sheriff's Department and by the County Fire Department.

11. That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;

Since the project is proposed as a senior designated project, the amount of traffic to be generated is expected to be minimal. The expected traffic would be less than if the site was to be developed with a commercial business. As part of the project, it is anticipated the Antelope Trail will be vacated. This will help to reduce the amount of through traffic that uses Antelope Trail in the residential area. With the proposed street improvements the project will not adversely impact the capacity and physical character of the surrounding streets. Trip generation studies were prepared for the project, and those studies illustrated insignificant vehicle trips generated by the project.

12. That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;

The project, as conditioned, will result in surrounding intersections operating at a Level of Service C or better. The proposed improvements are consistent with the Circulation Element.

13. There will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;

An Initial Study was completed for the project that found that the impacts to Biological Resources would be less than significant with mitigation measures. This is in part because the property is surrounded by development on three sides and Twentynine Palms on the fourth. The site has been graded for weed control up to four times a year since the Town incorporated. Therefore, the project will not have significant harmful effects upon the environmental quality and is consistent with the General Plan.

14. There are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;

An Initial Study was prepared for the project. All negative impacts of the proposed use have been mitigated to a level that is less than significant.

15. The impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan; and

An Initial Study was prepared for the project. All negative impacts of the proposed use have been mitigated to a level that is less than significant. There will be no impacts to the public health, safety, and welfare of the community.

16. The proposed development will comply with each of the applicable provisions of the Development Code, and applicable Town policies, except approved variances.

The project, as proposed complies with all applicable provisions of the Development Code, Specific Plan and applicable Town policies.

Specific Plan Findings

- 1 The proposed Specific Plan meets all of the following content criteria:
 - a. Specifies through text and/or diagrams, the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan;
 - b. Specifies through text and/or diagrams, the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
 - c. Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
 - d. Specifies a program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out Findings (1)(a), (1)(b), (1)(c) above;
 - e. Includes a statement of the relationship of the Specific Plan to the General Plan, Development Code, and any other applicable plan or ordinance;

- f. Addresses any other subjects which are necessary for implementation of the General Plan.

The Yucca Valley Senior Affordable Housing Specific Plan adequately addresses all items required by the Development Code. The proposed plan is consistent and meets all of the above requirements.

2. The location and design of the proposed development will be consistent with the goals and policies of the General Plan and with any other applicable plan or policies adopted by the Town and with any other applicable provisions of the Development Code.

As discussed in General Plan Consideration of the Staff report the proposed project is consistent with the goals and policies of the General Plan. This project will help the Town to meet many of the goals policies and programs specified in the General Plan by providing new affordable, quality residential units for seniors.

3. The proposed location will allow the development to be well integrated with or adequately buffered from its surroundings, whichever may be appropriate.

The proposed project is designed to blend in height with existing development, through the use of incremental height changes ranging from single to three story construction. Architectural design represents a blended desert western theme with stone enhancements throughout the exterior of the structure, significant building articulation, and building placement throughout the project site.

4. All vehicular traffic generated by the development, either in phased increments or at full build-out, will be accommodated safely and without causing significantly increased congestion upon adjoining streets.

Since the project is proposed as a senior designated project, the amount of traffic to be generated is expected to be minimal. The expected traffic would be less than if the site was to be development with a commercial business. As part of the project it is anticipated the Antelope Trail will be vacated. This will help to reduce the amount of through traffic the uses Antelope Trail in the residential area. With the proposed street improvements, the project will not adversely impact the capacity and physical character of the surrounding streets.

5. The final Specific Plan will identify a methodology to allow land uses to be adequately serviced by existing or proposed public facilities and services. In appropriate circumstances, and as provided elsewhere by this Development Code, the Town may require that suitable areas be reserved for uses such as schools, parks and pedestrian ways; public open spaces may be dedicated or

reserved by private covenant for the common use of residents, establishments or operations in the development.

The project is located just to the south of the existing Town Hall complex. Facilities include Town Hall, Community Services, Museum, Library, San Bernardino County Sheriffs, senior center and recreational sports fields. San Bernardino County Fire Department has a station within a ¼ mile of the proposed location. Agencies have been consulted and no issues identified. The proposed project will be adequately served by the existing facilities.

6. In accordance with the requirements of the *California Environmental Quality Act (CEQA)*, environmental impacts have been reduced to a level of non-significance; or in the case where such impacts remain; a statement of overriding considerations must be adopted to justify the merits of project implementation after certification of the Environmental Impact Report.

An Initial study was prepared for the project. All items identified as potential having and impacts have been mitigated to a level that is less than significant. A Mitigated Negative Declaration is proposed.

7. The proposed Specific Plan should contribute to a balance of land uses so that local residents may work and shop in the community in which they live.

The architectural design, site design and building placement are consistent with the General Plan and the Development Code, and support and implement sustainable community strategies development, combining residential and commercial development in close proximity to each other, reducing vehicle miles traveled, providing living and employment opportunities in close proximity to each other, and in reducing typical southern California urban sprawl.

8. The proposed Specific Plan will not be detrimental to the public health, safety, or welfare of the Town.

An Initial study was prepared for the project. All items identified as potentially having an impact have been mitigated to a level that is less than significant. A Mitigated Negative Declaration is proposed. The proposed Specific Plan will not be detrimental to the public health safety, or welfare of the Town

Attachments:

1. Standard Exhibits
2. Notice of Intent
3. Initial Study
4. Mitigation Monitoring Program
5. Application materials
6. Site Plan & Elevations
7. Specific Plan
8. Notice of Hearing

**TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS OF APPROVAL
SENIOR HOUSING PROJECT**

The applicant requests approval of a conditional use permit and specific plan to allow the construction of a seventy five (75) unit, three (3) story affordable senior (age-restricted) housing project. The project will consist of seventy four (74), 650 square foot, one (1) bedroom apartments and one (1) 750 square foot two (2) bedroom unit; 4,199 square feet of common area; 3,924 of community and leasing area; 275 square feet of laundry area; 31,132 square feet of total interior common area, corridors, stairwells and balconies; and approximately 4,446 square feet of carport. The total building square footage is approximately 87,482 square feet. The site includes a minimum of 26 covered parking stalls 22 uncovered parking stalls. The project will include onsite retention, on site wastewater/sewage treatment or disposal, landscaping, parking, and may include amenities such as a clubhouse, pool/spa, gazebo, etc.

Primary access to the site will be from Dumosa Avenue. Emergency access will be provided through the alley to the projects west. The project may include vacating all or a portion of antelope trail along the projects northern boundary. Pedestrian access from the site will be available to town hall, community services, library, museum and senior center.

The project is located at the northwest corner of 29 Palms Hwy and Dumosa Ave and is identified as APN 595-371-11 and the southern portion of 595-361-21

GENERAL CONDITIONS

- G1. The applicant shall agree to defend, indemnify and hold harmless the Town of Yucca Valley, its agents, officers and employees, at his sole expense, against any action, claim or proceedings brought against the Town or its agents, officers or employees, to attack, set aside, void, or annul this approval or because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition. The Town shall promptly notify the applicant of any claim, action or proceedings arising from the Town's approval of this project, and the Town shall cooperate in the defense.

- G2. This Conditional Use Permit shall become null and void if construction has not commenced within three (3) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council, in conformance with the Town of Yucca Valley Development Code. The applicant is responsible for the initiation of an extension request.

Approval Date: May 17, 2011
Expiration Date: May 17, 2014

- G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
- G4. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
- G5. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utility companies. The approved permits shall be readily available on the job site for inspection by Town personnel.
- G6. The applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are incurred, they must be paid prior to any further processing, consideration, or approval(s).
- G7. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
- G8. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
- G9. During construction, the applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town staff to eliminate any site related dirt and debris within the roadways. During business

activities, the applicant shall keep the public right-of-way adjacent to the property in a clean and sanitary condition.

- G10. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
- G11. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
- G12. Each phase of a phased project shall function independently of all other phases. All improvements shall be completed for each phase to ensure that each phase functions separate from the remainder of the project, and shall include, but not be limited to, street improvements, wastewater collection, treatment and disposal, drainage and retention/detention facilities, water delivery systems, fire suppressions systems, post construction erosion and sediment control systems, all utilities necessary to serve the project, and those improvements deemed necessary by the Town. All phasing plans shall be illustrated on rough and precise grading plans, erosion and sediment control plans, all plans required for obtaining native plant plan approval, and on any other plan as deemed necessary by the Town.
- G13. At least one sign per fronting street shall be posted on the site and must contain the following information: the grading permit number, the project name, map number (if appropriate), the authorized dust controller phone number(s), the Town phone number and the Mojave Desert Air Quality Management District (MDAQMD) phone number. The signs must be obtained and installed by the developer using the sample format to be provided. The signs must be present at the pre-construction meeting or the grading permit will not be issued. The Applicant must keep the contact name and phone number active and current at all times. Failure of the contact system may be considered grounds for revocation of the permit. All signs shall be a minimum of 4' x 8' in size.
- G14. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents
- G15. The Applicant shall reimburse the Town for the Town's costs incurred in monitoring the developer's compliance with the Conditions of Approval including, but not limited to, inspections and review of developer's operations and activities for compliance with all applicable dust and noise operations. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Yucca Valley Municipal Code.

- G16. Prior to the issuance of a Certificate of Occupancy for any habitable structure in each phase of the project, all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.
- G17. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.
- G18. Prior to any work being performed within the public right-of-way, the Applicant shall provide the name, address, telephone, facsimile number, and e-mail address of the Contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, shall be provided and such other details as may be required by the Town Engineer.
- G19. The site shall be developed in accordance with the approved plans on file with the Town of Yucca Valley, in accordance with the Conditions of Approval approved for the project, and in accordance with the General Plan and Development Code. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Town.
- G20. Prior to issuances of building permits, all site plans, grading plans, landscape and irrigation plans, drainage/flood control plans, public improvement plans, composite development plans, erosion and sediment control plans, and assessment district plans and formations shall be coordinated for consistency with this approval.
- G21. The Town Engineer may allow phased construction of the project provided that the improvements necessary to adequately serve or mitigate the impacts of each phase of development are completed prior to the issuance of a Certificate of Occupancy for that phase.
- G22. The applicant or the applicant's successor-in-interest shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust.
- G23. If archaeological, paleontological or historical resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person with appropriate expertise shall be consulted by the applicant regarding mitigation measures to preserve or record the find. Recommendations by the consultant shall be implemented as deemed necessary and feasible by the Town before work commences in the affected

area. If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains might be those of a Native American, the California Native American Heritage Commission shall be notified and appropriate measures provided by State law shall be implemented.

- G24. All street dedications shall be irrevocably offered to the public and shall continue in force until the Town accepts or abandons such offers. All dedications shall be free of all encumbrances as approved by the Town Engineer.
- G25. The street design and circulation pattern of this project shall be coordinated with adjoining developments.
- G26. The final Conditions of Approval issued by the approving authority shall be photographically or electronically placed on bond (blue/black line) paper and included in the Grading and Street Improvement plan sets on 24" x 36" bond (blue/ black line) paper and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field and during construction. Plan check fees shall not be charged for sheets containing the Conditions of Approval.
- G27. A construction-phasing plan for the construction of on-site public and private improvements shall be reviewed and approved by the Town Engineer prior to the approval of the project grading plan. Financial security shall be provided for all the improvements within the project. The Town Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area the project if the improvements are needed for circulation, parking, access, or for the welfare or safety of future occupants of the development.
- G28. Violations of any condition or restriction or prohibition set forth in these conditions, including all approved construction plans, public and private, for this project and subject to the Town's overall project approval and these conditions of approval, shall subject the owner, applicant, developer or contractor(s) to the remedies as noted in the Municipal Code. In addition, the Town Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
- G29. All property corners, logs, easements, street centerlines and curve radii shall be monumented and horizontally tied to identified control points. A copy of the monumentation survey and centerline tie notes shall be provided to the Town Engineer for approval.
- G30. For any import or export of material, the applicant shall provide the route of travel, estimated cubic yards of import/export, number of trucks, daily schedule,

and length of time necessary to complete the import/export of materials to/from the site. No hauling of material shall occur prior to approval by the Town Engineer.

PLANNING CONDITIONS

- P1. The development of the property shall be in conformance with FEMA requirements and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to modifying existing facilities or by securing a drainage easement.
- P2. In accordance with Ordinance 169, utility undergrounding shall be required for all new service and distribution lines that provide direct service to the property being developed; existing service and distribution lines that are located within the boundaries being developed; existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located on adjacent properties along or within 10 feet of the lot lines of the property being developed; or existing service and distribution lines being relocated as a result of a project.
- P3. All exterior lighting shall comply with the Ordinance 90, Outdoor Lighting and shall be illustrated on all construction plans.
- P4. A **final** plan identifying all protected plants as well as a Native Plant Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of any construction permits, including grading and utility installations, for the project. The applicant shall make every effort to relocate the regulated native plants back onsite. The adoption of native plants shall be consistent with the Native Plant Ordinance in effect at the time of grading permits. The final native plant plan shall be reviewed and approved by the Planning Commission prior to the issuance of any construction permits for the project site.
- P5. **All mitigation measures identified in the Initial Study and included in the Mitigation Monitoring Program are included as conditions of approval by this reference.**
- P6. Prior to the issuance of any permits the Applicant shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent

automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. All trees shall be a minimum of 24" boxes. **The Landscape Plan shall include the east side of Dumosa Avenue from SR 62 to the driveway accessing the Desert Hills Plaza/Food 4 Less Shopping Center.** The Landscape Plan shall be approved by Hi-Desert Water District. The Landscape and Irrigation review requires a separate application and a current Town fee of \$685. **The final Landscape and Irrigation Plan shall be reviewed and approved by the Planning Commission or the Affordable Housing Sub-Committee prior to the issuance of any permits.**

- P7. Within 30 days of Town Council approval the applicant shall provide three (3) copies of the Approved Specific Plan and one electronic copy.
- P8. Final building elevations shall be submitted before or concurrent with building permit applications for final review and approval by the Planning Commission or Affordable Housing Sub-Committee.
- P9. Final on-site ancillary improvements, including fencing, proposed amenities, on-site pedestrian circulation, building access, shall be reviewed and approved by the Planning Commission or the Affordable Housing Sub-Committee prior to issuance of Building Permits.

ENGINEERING CONDITIONS

- E1. **Construct full width improvements (40 feet curb to curb) including sidewalks (west side only if acceptable during Caltrans signal design and approval), curb, and gutter (both sides) on Dumosa Avenue per Town of Yucca Valley Standard Drawing No. 101.**
- E2. **Subject to approval of the Town Engineer, construct catch basins and 54 inch storm drain improvements on Dumosa Avenue from the intersection with SR 62 to the existing channel at the north end of Dumosa Avenue. Separate storm drain improvement plans shall be prepared. The applicant's engineer shall prepare a hydrology study to determine the quantity of storm flows entering Dumosa Avenue from SR 62. The catch basins shall be sized such that 12 feet of pavement, in each direction, shall be dry during a 100 year storm event. In addition, the catch basin at the northwest corner of Dumosa Avenue and SR 62 shall provide a 48 inch stub to the west for future catch basins on SR 62. The Applicant/Town/Agency shall enter into a reimbursement agreement or shall include fair share allocations in the Agency's DDA for the project.**

- E3. **Construct an offset cul-de-sac on Antelope Trail per San Bernardino County Standard Drawing No. 120A, modified to 40 feet curb to curb. The cul-de-sac shall also include a driveway into the existing parking lot westerly of Town Hall and shall provide access to the Library, Senior Center, and Community Center recreation facility parking lots.**
- E4. **Construct a 26 feet wide access road, 150 +/- feet in length, from Dumosa Avenue westerly to the existing parking lot fronting Town Hall. Improvements shall include curb and gutter, ribbon gutter, A.C. pavement, and sidewalk, at a minimum. The existing pavement on Antelope Trail may be removed between the end of these improvements and the new cul-de-sac on Antelope Trail.**
- E5. **The project shall provide retention for the incremental storm flows generated during the worst case 100 year storm event plus an additional 10% minimum, and 20% incremental retention is desired. A hydrology study shall be provided detailing the retention amounts required.**
- E6. **Storm/nuisance waters entering the site from the driveway/alley from the west shall be conveyed through the site and/or incorporated into the retention area.**
- E7. **Relocation of Dumosa Avenue and closure/relocation of Antelope Trail will require relocation of existing utilities within the roadways. The applicant shall be responsible for relocation of any and all utilities to the satisfaction of the utility provider. The applicant shall provide the Town Engineer proof of the utility approval of the proposed improvement, including but not limited to plans and non-interference letters. If required by the utility provider the Applicant's engineer shall prepare easement documents for installation of the facilities on Town-owned property.**
- E9. **Prepare precise grading plans for review/approval by the Town. Grading plans shall include details of any retention area proposed.**
- E10. **Install one street light at each of the following locations:**
- The intersection of Dumosa Avenue and SR 62 per Town of Yucca Valley Standard Drawing 300. This street light may be included in the traffic signal pole.**
 - The intersection of Dumosa Avenue and Antelope Trail per Town of Yucca Valley Standard 301.**
 - The end of the proposed cul-de-sac on Antelope Trail per Town of Yucca Valley Standard Drawing 301.**
- E11. **The Applicant's engineer shall provide easement legal descriptions and plats for off-site facilities including retention areas and/or sewer septic systems.**
- E12. **Prior to issuance of a grading permit for any portion of a site, the Applicant shall submit, for review and approval, an irrigation and landscaping plan or other appropriate treatment for all slope areas. After certification of final**

grading all manufactured slopes over the height of 3 feet shall be irrigated and landscaped unless otherwise approved by the Town.

- E13. A licensed civil engineer or land surveyor shall survey and certify that the rough grading was completed in substantial conformance with the approved Rough Grading Plans. Prior to the issuance of any building permits the project Engineer shall certify the finished lot was graded in conformance to approved plans.
- E14. Prior to the issuance of a **Grading Permit** for the onsite areas, a Grading Plan, including Rough Grading and Precise Grading, prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town prior to any grading activity. The Rough and Precise Grading Plans shall be reviewed and approved by the Town Engineer prior to issuance of grading permits. The Applicant is responsible for all fees incurred by the Town.
- E15. A licensed civil engineer or land surveyor shall survey and provide pad certification for each individual lot prior to issuance of building permits.
- E16. Prior to the issuance of Permits, the Applicant shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for any onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. It shall include recommendations for retention basins, slope stability and erosion control. The Geotechnical and Soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, when necessary and opinions and recommendation covering the adequacy of sites for development. The report shall identify if the site contains any areas susceptible to landslide risk, liquefaction potential and/or subsidence potential on the project site. The report shall identify and include the location of major geologic features, topography and drainage, distribution and general nature of rock and soils, a reasonable evaluation and prediction of the performance of any proposed cut or fill in relation to geological conditions, and the capability of soils and substrata to support structures.
- E17. All recommended approved measures identified in the Geotechnical and Soils Engineering report shall be incorporated into the project design.
- E18. When a development is constructed in phases, each phase of the development shall function independent of the others. Retention basin(s) shall be constructed and functional prior to the issuance of Building Permits for any structure within that phase of the project. The applicant shall provide on-site retention for the incrementally larger flows caused by each phase of development of the site, pursuant to a final drainage report, subject to approval by the Town Engineer.
- E19. A **final** drainage report, prepared by a registered Civil Engineer, shall be prepared to determine the flows exiting the site under current undeveloped conditions compared to the incrementally larger flows due to the development of the site. The retention basin size will be determined, per County of San Bernardino Flood Control methodology, such that incremental 100 year 24-hour storm volume, plus 10% minimum, 20% desired, is retained on-site.

- E20. Basin(s) shall be designed to fully dissipate storm waters within a 48 hour period.
- E21. Prior to acceptance and final construction approval, all retention/detention basins shall be certified by a civil engineer that all retention/ detention basins have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved final drainage report for the project.
- E22. Prior to acceptance or final construction approval, all drainage systems, both public and private, shall be certified by a civil engineer that they have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved final drainage report(s) for the project.
- E23. No on-site or off-site work shall commence without obtaining the appropriate permits for the work involved from the Town. The approved permits shall be readily available on the job-site for inspection by the Town personnel.
- E24. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.
- E25. Prior to issuance of a grading permit, a Fugitive Dust and Erosion and Sediment Control Plan shall be submitted and approved by the Town Engineer. The Fugitive Dust and Erosion and Sediment Control Plan shall be illustrated on all proposed phasing for construction of the project.
- E26. A Notice of Intent to comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002 or as otherwise updated by the Board) is required for the proposed development via the California Regional Water Quality Control Board (phone no. 760-346-7491). A copy of the executed letter issuing a Waste Discharge Identification number shall be provided to the Town prior to issuance of a grading permit. Applicant shall comply with NPDES requirements as applicable. The Applicant shall install devices on his property to keep erodible material, rocks, and gravel on the site. Three copies of the SWPPP submitted to the CRWCB shall be submitted to the Town.
- E27. Prior to any work being performed in the public right-of-way, fees shall be paid and an encroachment permit shall be obtained from the Town. The Applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The Applicant shall be responsible for the associated costs and arrangements with each public utility.
- E28. **Areas for Construction stockpiling, equipment storage and maintenance shall be submitted to the Town Engineer for review and approval with each phase of the project.**
- E29. The Applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the Applicant is required to patch the cuts to Town standards and the approval of the Town Engineer. The patching shall include a grinding of the

pavement to a width 4 feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with full-depth asphalt concrete recommended by the Soils Engineer.

- E30. In conjunction with rough grading plan submittal for plan check, street plans prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town. The final street plans shall be reviewed and approved by the Town Engineer
- E31. Street improvements **for each phase** shall be completed, approved, and certified by a civil engineer as constructed in substantial conformance with the approved plans, and accepted by the Town of Yucca Valley prior to issuance of a certificate of occupancy for any structures **for each phase** of the project.
- E32. The Applicant shall install all water and sewer systems required to serve the project. All water and sewer systems shall be completed to the requirements of the Hi Desert Water District.
- E33. The Applicant shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property and other infrastructure. The Applicant shall be responsible for the repair of any damage occurring to offsite infrastructure and/or property damage as determined by the Town Engineer. The Applicant shall repair any such damage prior to certificate of occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town Engineer, the Applicant may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.
- E34. The Applicant shall be responsible for all improvements constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced. The applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.
- E35. The wastewater collection and treatment system shall be maintained so as not to create a public nuisance and shall be serviced by a maintenance company approved by the Regional Water Quality Control Board. The wastewater collection and treatment system shall be approved by the Regional Water Quality Control Board and functional prior to the issuance of grading permits for the project.
- E36. All improvement plans shall be designed by a Registered Civil Engineer.
- E37. Any area which remains undeveloped for a period of more than 30 days shall be stabilized using either chemical stabilizers or a desert wildflower mix hydroseed on the affected portion of the site, or methods identified within the SWPPP, subject to Town Engineer approval.
- E38. The Applicant shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the Applicant fails or

refuses to properly maintain the erosion control devices, the Town Engineer may cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted from the erosion control security posted for the project and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

- E39. If construction of erosion control systems outside of the project boundaries is necessary, permission to construct such systems from the owner of such off-site property is required. Plans for the off-site system shall be included with the on-site plans submitted to the Town Engineer. The plans for the off-site erosion control system shall include permission to grade and maintain the erosion control system from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.
- E40. Drainage easements, when required, shall be shown on the grading plan and separate legal descriptions and plats prepared delineating the location of the easements.
- E41. If improvements associated with this project are not initiated within the approval time period of the subdivision improvement agreement, the Town Engineer may require that plans be modified to reflect current codes and standards in effect at the time of request for an extension of time for the improvement agreement or issuance of a permit.
- E42. Private drainage easements for cross-lot drainage shall be dedicated by separate instrument and delineated on the grading plan.
- E43. A construction area traffic control plan, including temporary and final permanent striping, shall be designed by a registered Civil Engineer or Traffic Engineer for review and approval by the Town Engineer for any street construction, closure, detour or other disruption to traffic circulation.
- E44. All permanent street closures must be approved by Town Council action.
- E45. The following information regarding the presence of the Marine Corps Air Ground Combat Center (MGAGCC) shall be recorded on the **title of the property, and included in the information presented to each new tenant.**

"The Marine Corps Air Ground Combat Center is located in the Morongo Basin. To prepare Marines for future conflicts, the MGAGCC carries out realistic training with military munitions, both day and night. As a result, Military aircraft fly over the area, and military vehicles drive on and off the base every day. This property is located directly under two aircraft flying routes and is located approximately 13 miles from the installation boundary. Consequently, you should expect to hear military training, see low-flying military aircraft, and encounter other experiences associated with the important mission of the MCAGCC".

- E46. Unless approved by the Town Engineer the project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Lot lines shall be located at the top of slopes. The Applicant shall accept and properly dispose of all off-site drainage flowing onto or through the site.
- E47. Improvement plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the Town Engineer.
- E48. **Should Cal-trans approve the warrant study for a signal at the intersection of Dumosa and Twentynine Palms Highway the applicant shall be responsible to design and construct the traffic signal. The applicant shall prepare and process improvement plans through Caltrans for all improvements along SR 62. Plans shall include, but not be limited to, signal improvements, median island improvements, signing and striping, and traffic control. It is the Town's desire that the signal poles be installed at their ultimate location if possible. The Applicant/Town/Agency shall enter into a reimbursement agreement or shall include fair share allocations in the Agency's DDA for the project.**
- E49. **The applicant shall be responsible for payment of in-lieu fees for the costs of widening of the project frontage along SR 62 to its ultimate improvement widths. The applicant shall prepared cost estimates for those improvements, for review and final approval by the Town Engineer.**

BUILDING AND SAFETY CONDITIONS

- B1. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
- a. The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
 - b. Fire hydrants are accepted by the County Fire Department and the Hi Desert Water District. The fire hydrants associated with each phase shall be functioning prior to issuance of building permits.
- B2. The applicant shall submit three sets of plans to the Building and Safety Dept. for plan check and approval.
- B3. At the time of building plan check submittal, the applicant shall provide approval from the San Bernardino County Fire Dept.

- B4. Prior to final inspection, all required improvements shall be constructed and finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.

FIRE CONDITIONS

- F1. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
- F2. The Applicant shall be responsible for all fees required by San Bernardino County Fire Department.
- F3. A water system approved by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Detached single family residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicle travel-ways) from the driveway on the address side of the proposed single family structure.
- F4. This project is required to have an approved street name sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior to any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
- F5. Prior to issuance of a Certificate of Occupancy, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with County Fire Department Requirements.
- F6. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site.

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT CONDITION

- MD1. The applicant shall comply with the provisions of District Rule 403, Fugitive Dust.

HIGH DESERT WATER DISTRICT CONDITIONS

- H1. Water and sewer improvement plans and plan check fees shall be submitted for review and approval prior to issuance of a building permit
- H2. Landscape plans shall be submitted in accordance with Hi Desert Water District Landscape Ordinance Package if total landscape area exceeds 500 square feet and a separate landscape meter will also be required.
- H3. It is recommended that the developer schedule a meeting with HDWD to discuss project water demand and fire flow requirements in the planning stages
- H4. Reduced pressure (RP) backflow devices shall be required for all water connections.
- H5. The fire sprinkler supply service shall be separate from the domestic and landscape services.
- H6. All onsite water mains shall be private.
- H7. The proposed project is within Phase 1 Sewer Area and shall connect to the sewage collection system when constructed.
- H8. An agreement for water service shall be approved by HDWD Board of Directors prior to construction.

UNITED STATES MARINE CORPS CONDITIONS

- M1. The MCAGCC requests that all future residents receive full disclosure, in writing, describing the unique aspects of living near a military installation and under an FAA designed helicopter flight path (a copy of a letter from the MCAGCC to the new residents have been provided).
- M2. As the site is located under the Desert Bravo helicopter route the applicant should employ sound attenuating materials into the construction. This is an advisory condition only.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-COLORADO RIVER BASIN CONDITIONS

- WQ1. A National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with construction activities is required for projects disturbing one or more acres. An NPDES storm water permit is also required for projects that are part of a common plan and disturb one or more acres.

WQ2. Waste Discharge Requirements may be required for new septic tank leach field systems, particularly for new subdivisions, grouped, or community systems in vulnerable areas.

WQ3. General Waste Discharge Requirements maybe required if the project involves sanitary sewer systems.

MORONGO BASIN TRANSIT AUTHORITY

MBTA 1. Integrate a bus turnout, shelter with pad and other transit amenities (coordinated through the agency) to promote and protect riders. Shelters provide not only protection from the rain and other weather elements, but also provide ambient lighting for security. The bus shelter should be engineered to the specifications of the other MBTA shelters in the Basin. **OR**

MBTA 2. Ensure establishment of ADA compliant accessible pathways from the project to the nearest bus stops on Hwy 62 in-front of the Food 4 Less and/or the bus shelter in front of the Yucca Valley Senior Center.

I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL.

Applicant's Signature _____ Date _____

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ATTACHMENT A

GENERAL PLAN GOALS, OBJECTIVES AND POLICIES

The project, as proposed, is consistent with the Yucca Valley General Plan. The following Land Use Element Goals and Policies identify and establish consistency of the proposed project with the General Plan Land Use Element.

Goal 1

A balanced mix of functionally integrated land uses which meet general social and economic needs of the community through compatible and harmonious land use and zoning designations.

Goal 2

A well-rounded community of desirable neighborhoods, a strong employment base and a variety of community facilities.

Policy 5

Maximize land use synergies and enhance the character and viability of commercial areas by providing an integrated mix of commercial, office and residential uses.

Program 5.A

Incorporate appropriate land use and development standards into the Development Code that permit and encourage the appropriate integration of residential uses into mixed-use commercial zoning districts.

Program 5.B

Develop and adopt Specific Plans to guide and assure an effective, integrated mix of commercial, office, and residential uses in appropriate commercial uses.

Policy 6

Encourage in-fill development on subdivided lands located adjacent to existing residential areas and utilities to maximize the efficient utilization of land and infrastructure.

Program 6.A

Discourage the discontinuous or leap-frog development of residential subdivisions by requiring full improvement/extension of all intervening roadways and infrastructure to serve new development.

The following Goals and Policies are taken from the General Plan Community Design Element, and again, identify and establish consistency between the proposed project and the Yucca Valley General Plan.

Policy 4

Assure that high quality, appropriate, functional and aesthetically pleasing designs are incorporated into multi-family projects, which shall provide safe and well-designed living areas, as well as private and common use areas.

Program 4.A

The Development Code shall include design standards for multi-family development that assure variety of design, the provision of safe and secure common open space, adequate parking and appropriate automobile storage, a comprehensive landscape program, perimeter walls and fencing where appropriate, and neighborhood enhancing design.

Policy 6

Require the use of Specific Plans to implement the "Mixed Use" land use designation, which may include an integrated mix of commercial, residential, institutional, and professional office uses.

Program 6.A

The Specific Plan overlay shall be applied to all lands designated for "Mixed Use" developments, with plans providing linkages with the various uses by an efficient, internal network of pedestrian, bicycle and other non-vehicular transportation. Enhanced entry and other treatments, and balancing the employment and residential components in these developments shall also be characteristic of these developments.

Policy 12

Take every reasonable measure to preserve the value of the community's night sky, establishing maximum lighting levels and permitting fixtures appropriate for the need, use, security, safety and aesthetics.

Program 12.A

Incorporate a lighting standard ordinance which sets specific standards for lighting levels, acceptable types of lighting and fixtures, and location of lighting control in relation to adjoining and nearby properties.

The following Goals and Policies are taken from the General Plan Community Biological Resources Element, and again, identify and establish consistency between the proposed project and the Yucca Valley General Plan

Policy 3:

All development proposals on vacant lands shall be reviewed and evaluated to assure minimal impacts on existing habitat and wildlife.

Program 3.A

Conduct a thorough assessment of impacts to habitat and/or wildlife associated with proposed development, including requiring the preparation of detailed biological resource surveys and mitigation programs in identified sensitive areas of the Town.

Policy 4:

Assure that sensitive habitat and wildlife areas, as well as national park and wilderness lands, are appropriately buffered from urban development.

Program 4.A

The General Plan Land Use, Circulation, and Open Space, Mineral, Energy and Conservation Elements shall recognize, reflect and provide an effective buffer between urban-type development and other incompatible uses, and the Joshua Tree National Park and other sensitive wildlife and open space and conservation lands.

Policy 6:

To the greatest extent practical, the Town shall require developers to salvage native Joshua trees and shrubs for incorporation into project landscaping or transplant trees to other sites.

Program 6.A

Enforcing the Towns Joshua tree removal permit process, also develop and make available information on salvaging and transplanting Joshua trees, and other appropriate native vegetation, and shall provide a list of qualified arborists as part of a program to preserve and extend the Joshua Tree Woodlands community throughout the Town.

Policy 8:

Developers and others required to submit landscape plans to the Town for approval shall be required to use native and approved, non-native, drought tolerant plant species which provide or enhance wildlife habitat and serve to extend the local desert environment into the urban design of the Town. Pro-actively encourage and promote an appreciation of sensitive biological resources and the integrated local environment

Program 8.A

Prepare a comprehensive planting materials list, which shall include native and non-native, drought tolerant trees, shrubs and ground-covers, which complement the local environment, provide habitat for local wildlife, and extend the desert into the built environment.

The following Goals and Policies are taken from the General Plan Water Resources Element, and again, identify and establish consistency between the proposed project and the Yucca Valley General Plan

Policy 1:

Require the use of low water consuming, drought resistant landscape planting as a means of reducing water demand, and shall coordinate with the Hi-Desert Water District to establish a strong education/public relations program to inform residents of a wide range of water saving techniques.

Program 1.A

Continue implementation of the water conservation oriented landscape ordinance to comply with State Assembly Bill 325 (AB 325), by requiring the use of natural and drought resistant planting materials and irrigation systems.

Policy 2:

Confer and coordinate with the County Transportation/Flood Control District to enhance groundwater recharge concurrent with flood plain management.

Program 2.B

Establish regulations and guidelines for the development and maintenance of project-specific on-site retention/detention basins which enhance groundwater recharge and complement regional flood control facilities.

The following Goals and Policies are taken from the General Plan Energy Resources Element, and again, identify and establish consistency between the proposed project and the Yucca Valley General Plan

Policy 1

Develop and implement long-term conservation management policies and standards.

Program 1.A

Implement and enforce California Title 24 building standards to reduce unnecessary energy use in new or substantially remodeled construction. Responsible Agency: Community Development Department;

Policy 2

Support efforts to develop alternative energy technologies which have minimum adverse impacts on the environment.

Program 2.A

Implement and enforce the provisions of the State Solar Rights Act and Solar Shade Control Act to enhance the opportunities for the use of solar energy.

Policy 3

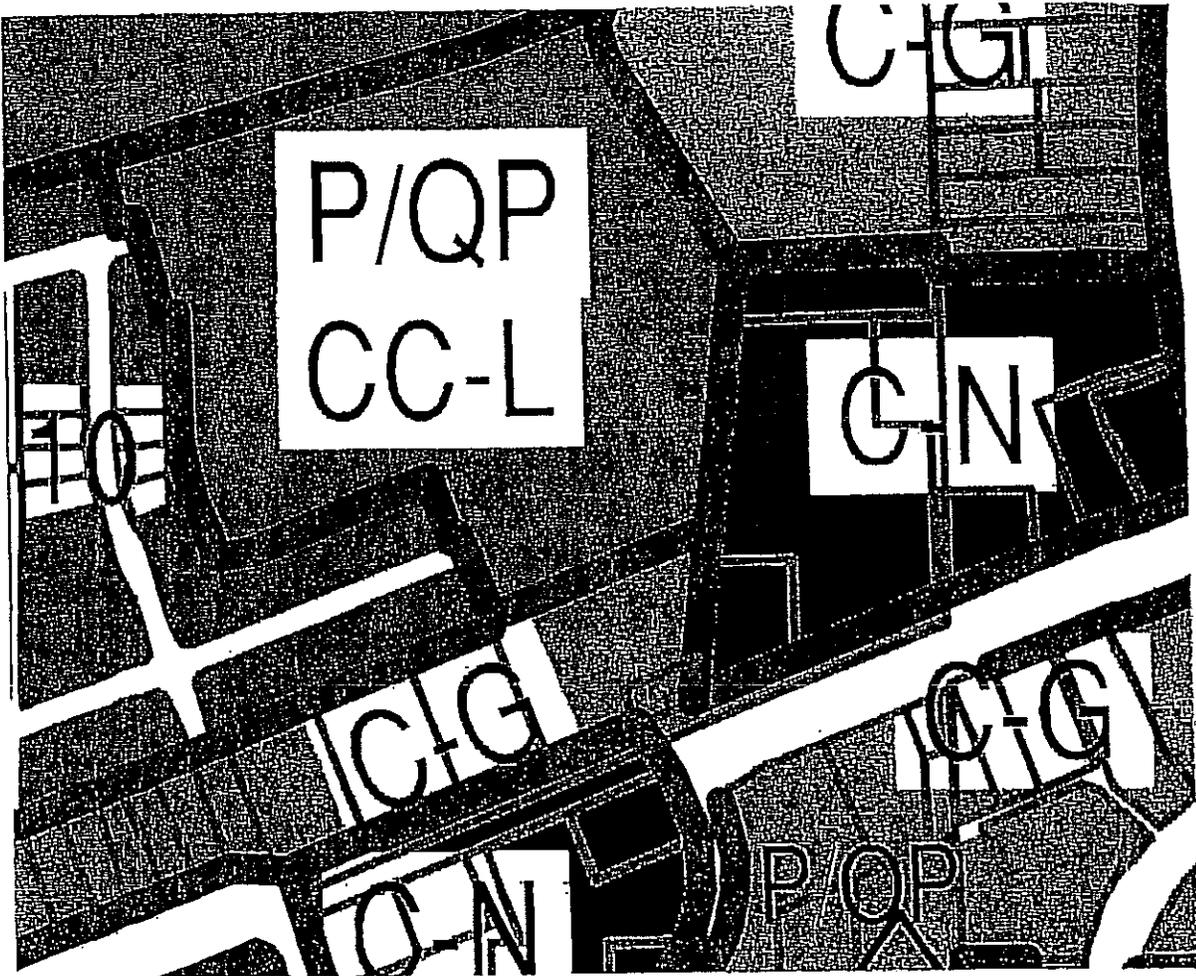
Promote energy conservation in public buildings and vehicles, to include a program of incentives to encourage the use of innovative methods of conserving energy.

Program 3.A

Research the availability of and apply for state and federal funding for demonstration projects on the use of passive and active solar power technologies for public buildings, vehicles and facilities.

TOWN OF YUCCA VALLEY

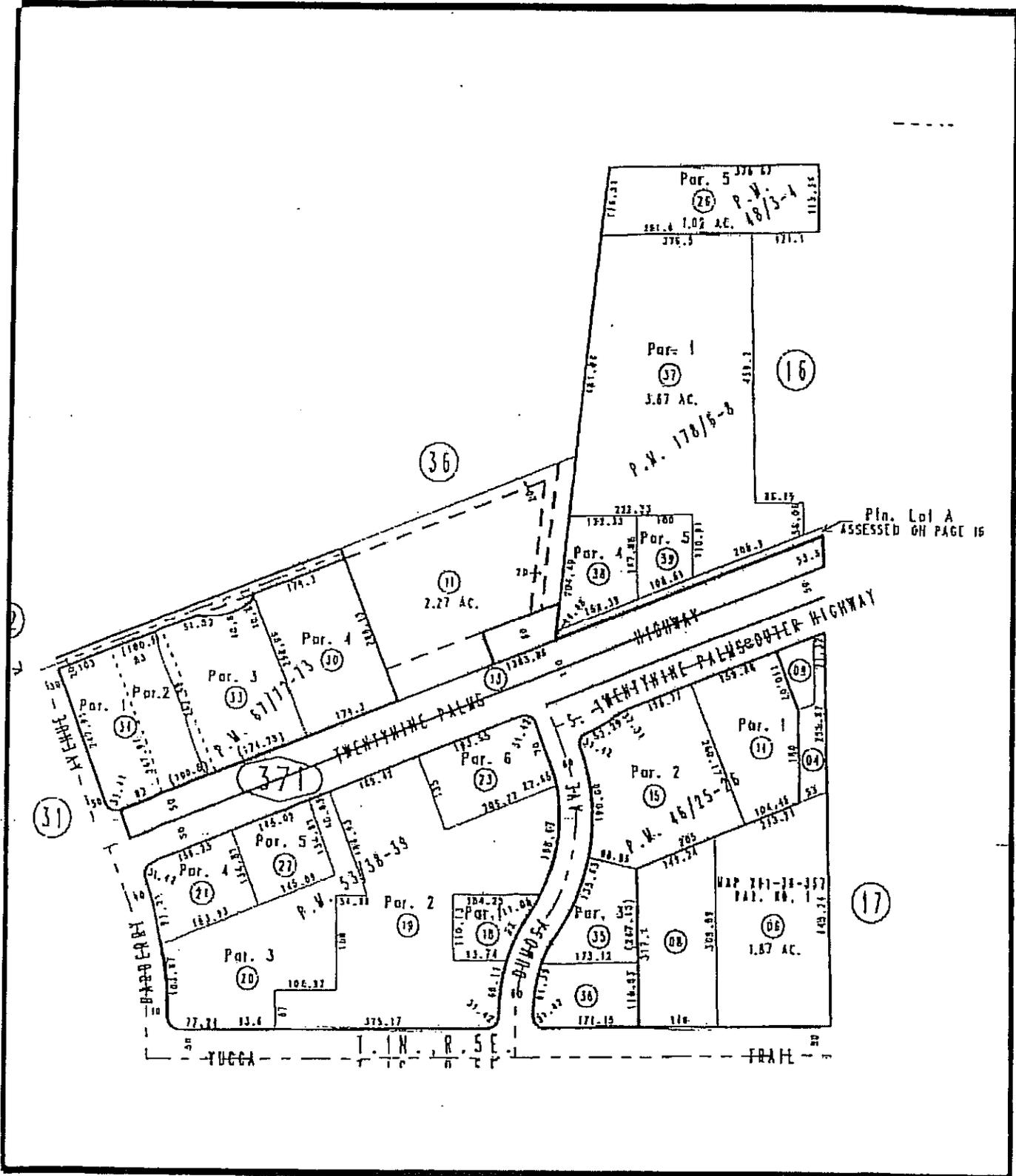
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-11 SPECIFIC PLAN, S 01-11, ENV ASSESSMENT, EA 01-11



ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

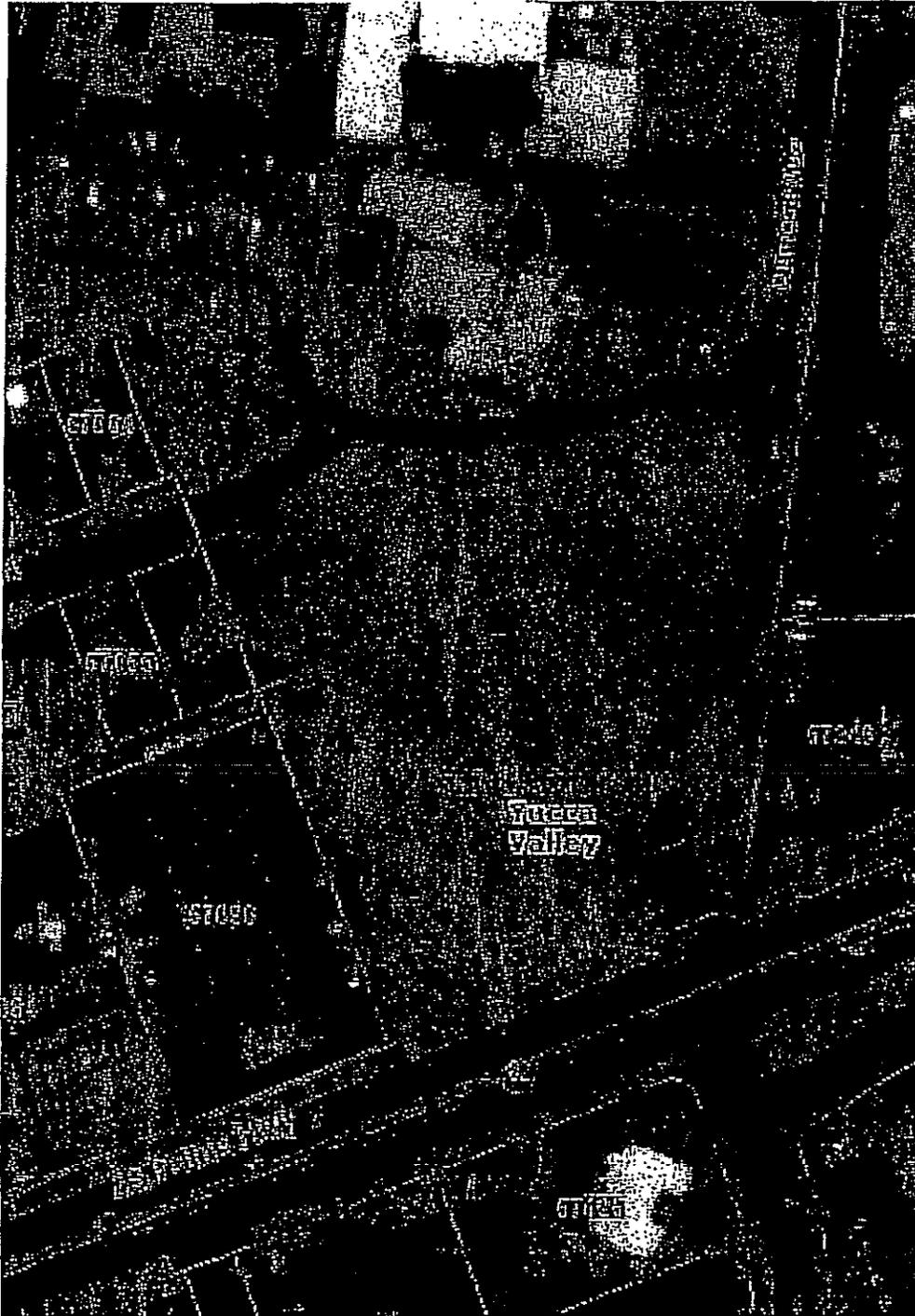
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-11 SPECIFIC PLAN, S 01-11, ENV ASSESSMENT, EA 01-11



Assessor's Parcel Map

TOWN OF YUCCA VALLEY

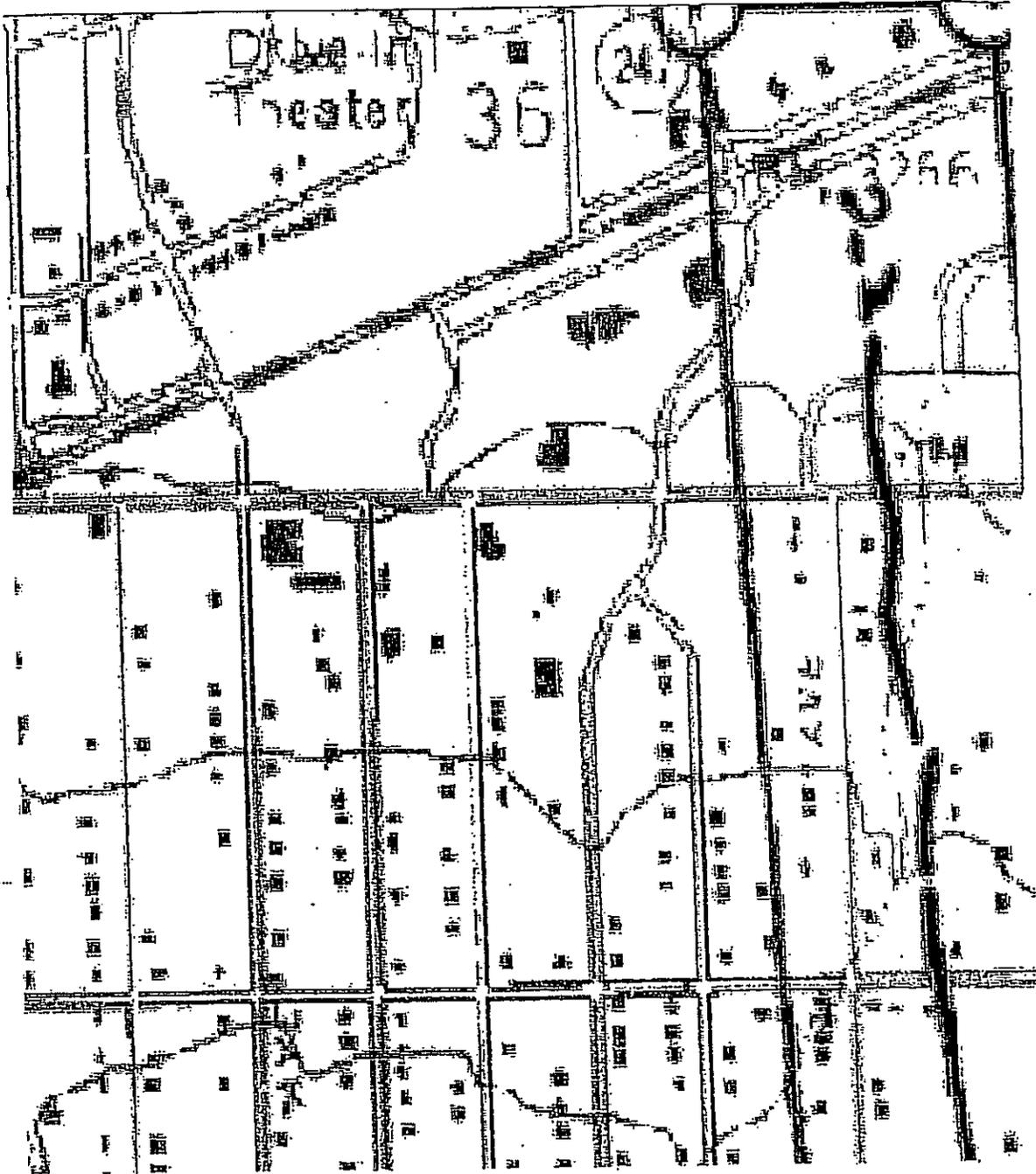
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-11 SPECIFIC PLAN, S 01-11, ENV ASSESSMENT, EA 01-11



AERIAL PHOTO

TOWN OF YUCCA VALLEY

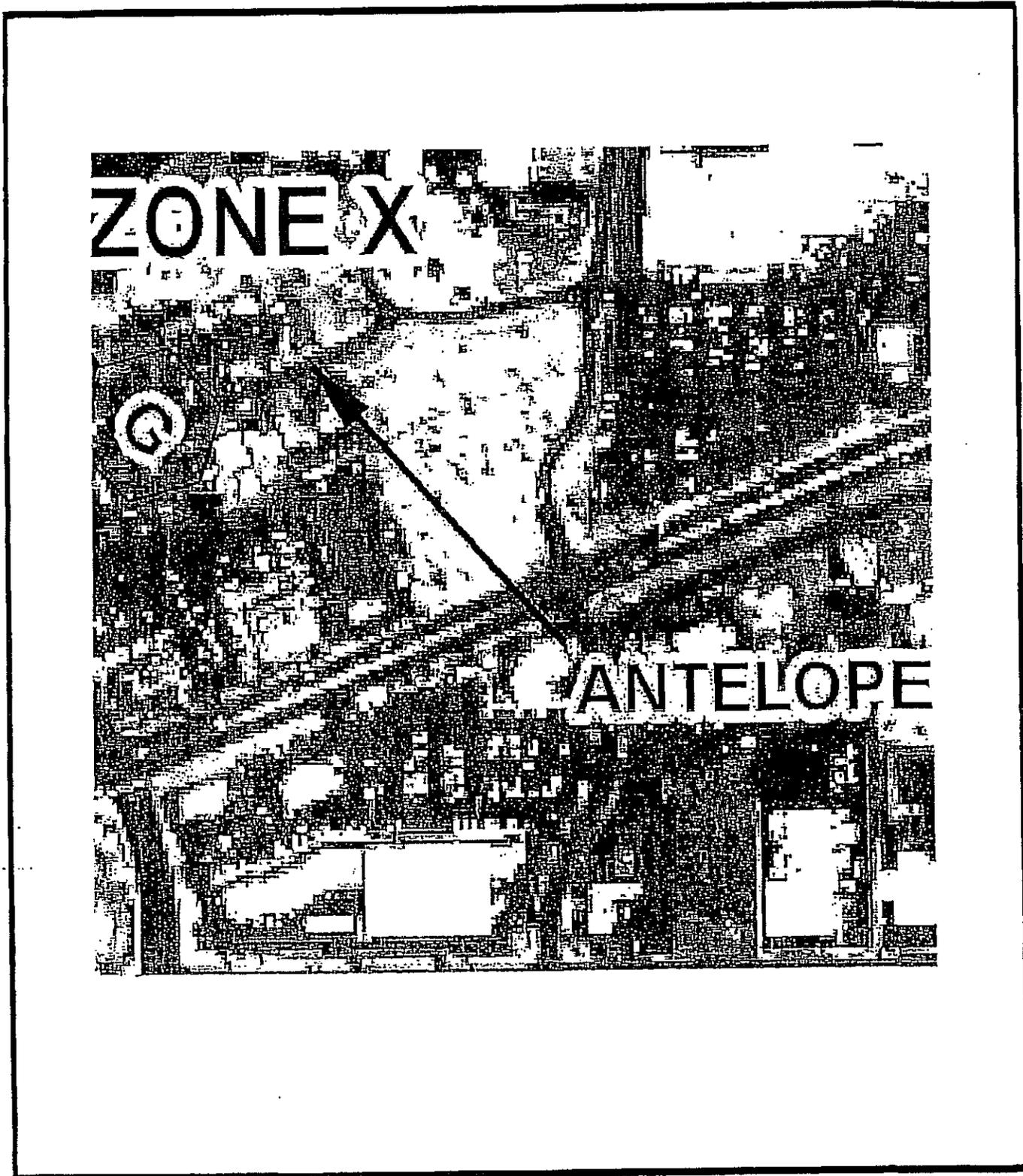
PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-11 SPECIFIC PLAN, S 01-11, ENV ASSESSMENT, EA 01-11



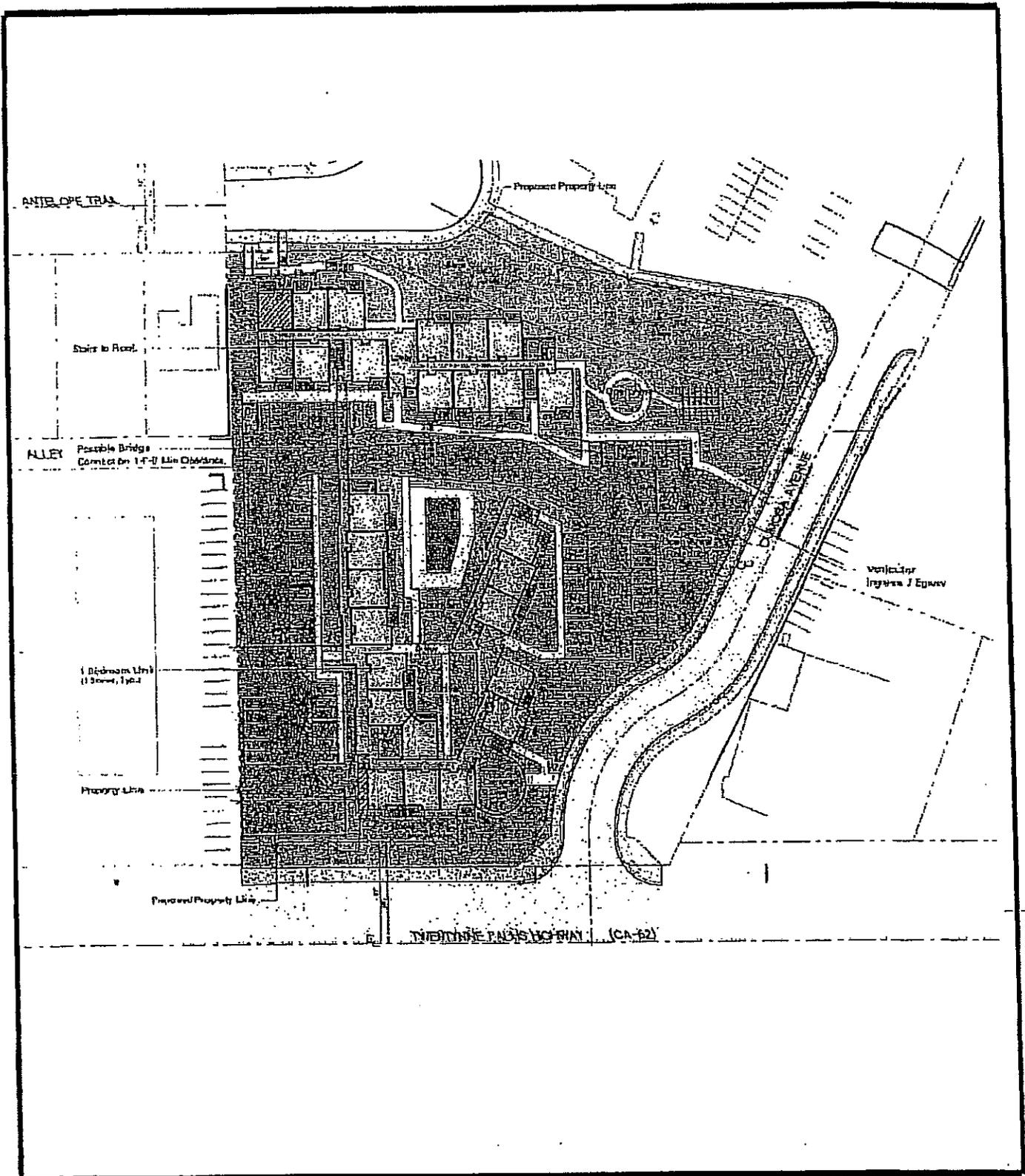
Alquist-Priolo Map

TOWN OF YUCCA VALLEY

PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-11 SPECIFIC PLAN, S 01-11, ENV ASSESSMENT, EA 01-11



FEMA Flood Map



Site Plan

TOWN OF YUCCA VALLEY

PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-11 SPECIFIC PLAN, S 01-11, ENV ASSESSMENT, EA 01-11



Site Photo

TOWN OF YUCCA VALLEY

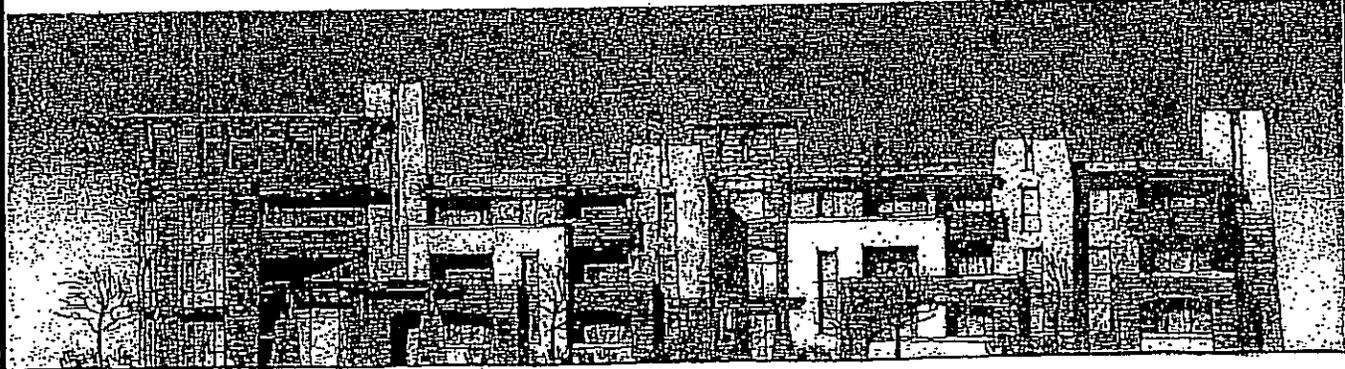
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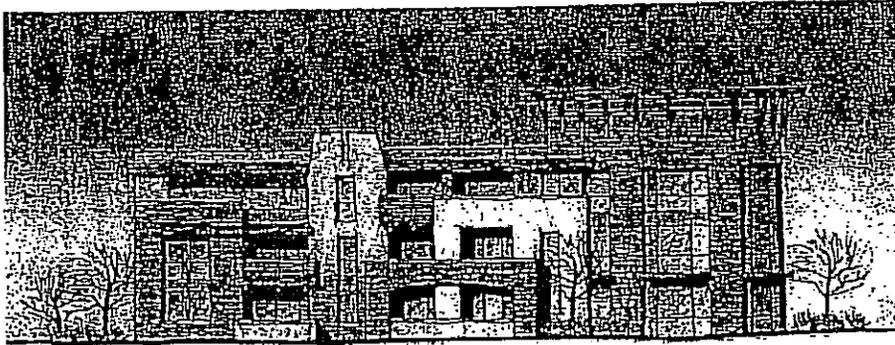
Site Photo

TOWN OF YUCCA VALLEY

PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-11 SPECIFIC PLAN, S 01-11, ENV ASSESSMENT, EA 01-11



Durmosa Avenue Elevation

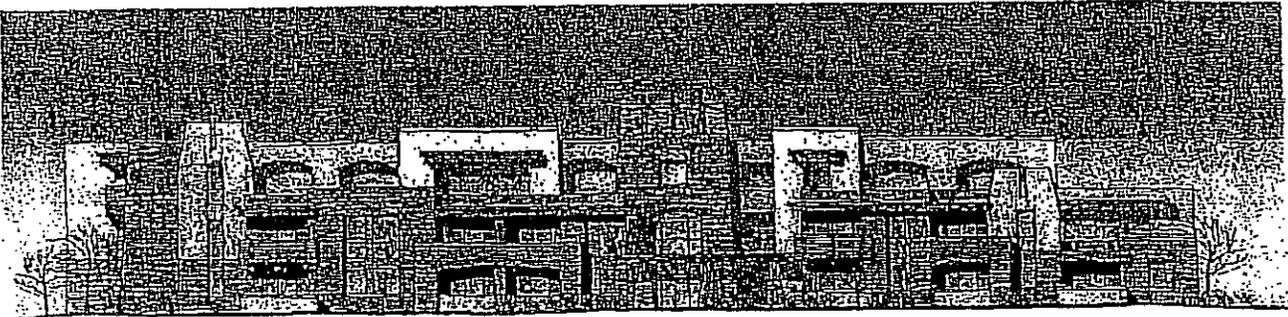


Twentynine Palms Highway Elevation

Elevation

TOWN OF YUCCA VALLEY

PROJECT NO.: CONDITIONAL USE PERMIT, CUP 01-11 SPECIFIC PLAN, S 01-11, ENV ASSESSMENT, EA 01-11



Antelope Trail Elevation

ELEVATIONS



Date:	<u>04/18/11</u>	Fee	_____
Case No.:	<u>CIP 03-11</u>	Fee	_____
Case No.:	_____	Fee	_____
Case No.:	_____	Fee	_____
EA No.:	<u>EA 01-11</u>	Fee	_____

- | | | | |
|-------------------------------------|----------------------------|-------|----------------------------|
| <input checked="" type="checkbox"/> | CONDITIONAL USE PERMIT | _____ | TRACT MAP |
| _____ | SITE PLAN REVIEW | _____ | PARCEL MAP |
| _____ | LAND USE COMPLIANCE REVIEW | _____ | GENERAL PLAN AMENDMENT |
| _____ | PLANNED DEVELOPMENT | _____ | REZONING |
| <input checked="" type="checkbox"/> | ENVIRONMENTAL ASSESSMENT | _____ | DEVELOPMENT CODE AMENDMENT |

(Please Type or Print Legibly)

Applicant National Community Renaissance of California
 Address 9065 Haven Ave Ste 100 City Rancho Cucamonga State CA Zip 91730
 Phone 909-483-2444 Cell _____
 E-mail Address lmungai@nationalcore.org

Project Name (if any) Senior Housing Project
 Contact Person/Representative Julie Mungai
 Address 9065 Haven Ave Ste 100 City Rancho Cucamonga State CA Zip 91730
 Phone 909-483-2444 Cell _____
 E-mail Address lmungai@nationalcore.org

Property Owner Yucca Valley Redevelopment Agency Phone 760-369-7207
 Address 57090 29 Palms Hwy City Yucca Valley State CA Zip 92284
 E-Mail Address mnualml@yucca-valley.org

Assessor Parcel Number(s) 595-371-11 & portion of 595-361-21 Tract Map # _____ Lot # _____
 Property Dimensions 2.87 acres Existing Land Use Vacant
 Structure Square Footage 74,244 General Plan Designation/Zoning C-G

Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)
NW corner of 29 Palms Hwy and Dumosa Ave

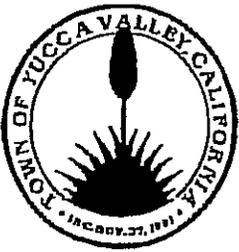
Proposed Project Description: Precisely describe the proposed project for which approval is being sought and the application is being submitted. Use additional sheets and attach to application if necessary.

75 unit, three (3) story Affordable Senior (Age-Restricted) Housing Project. The project will consist of 74 units of 650 square foot, one (1) bedroom (48,100 square feet), one (1) unit of 750 square foot two (2) bedroom, 4,199 square feet of common area, 3,924 of community and leasing area, 275 square feet of laundry area, 12,550 square feet of interior corridors, stairwells and balconies and approximately 4,446 square feet of carport (26 spaces).

Owner's Signature [Signature] Date 4/26/11

NOTE: THE INFORMATION I HAVE PROVIDED IS TRUE AND OPEN AS PUBLIC INFORMATION. THE PLANNING APPLICATION DOES NOT GUARANTEE APPROVAL OR CONSTITUTE A BUILDING PERMIT APPLICATION. ADDITIONAL FEES MAY BE REQUIRED DEPENDING ON ANY ADDITIONAL ADMINISTRATIVE COSTS.

Applicant's Signature [Signature] Date 4/26/11



Date Received	<u>04/18/11</u>
By	_____
Fee	_____
Case #	<u>S 01-11</u>

SPECIFIC PLAN

(Please Print Legibly)

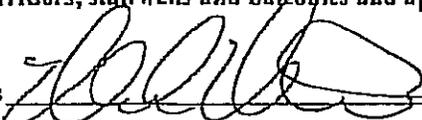
Applicant National Community Renaissance of California Phone 909-483-2444
 Address 9065 Haven Ave Ste 100 City Rancho Cucamonga State CA Zip 91730
 E-mail Address imungal@nationalcore.org Cell _____
 Project Name (if any): Senior Housing Project

Contact Person/Representative Julie Mungai Phone 909-483-2444 x 212
 Address 9065 Haven Ave Ste 100 City Rancho Cucamonga State CA Zip 91730
 E-mail Address imungal@nationalcore.org Cell _____

Property Owner Yucca Valley Redevelopment Agency Phone 760-369-7207
 Address 57090 29 Palms Hwy City Yucca Valley State CA Zip 92284
 E-Mail Address mnaulmi@yucca-valley.org Cell _____

Assessor Parcel Number(s) 595-371-11 and portion of 595-361-21 Existing Land Use Vacant
 Property Dimensions 2.87 acres General Plan Designation C-G
 Structure Square Footage 72,244 Existing Zoning C-G
 Location: (Example: Address & Street or SW corner of Elk & Onaga-or 300 ft N of Paxton on W side of Airway)
NW corner of 29 Palms Hwy and Dumosa Ave

Proposed Project Description: Precisely describe the proposed project for which approval is being sought and the application is being submitted. Use additional sheets and attach to application if necessary.
75 unit, three (3) story Affordable Senior (Age-Restricted) Housing Project. The project will consist of 74 units of 650 square foot, one (1) bedroom (48,100 square feet), one (1) unit of 750 square foot two (2) bedroom, 4,199 square feet of common area, 3,924 of community and leasing area, 275 square feet of laundry area, 12,550 square feet of interior corridors, stairwells and balconies and approximately 4,446 square feet of carport (26 spaces).

Owner's Signature  Date 4/26/11

NOTE: THE INFORMATION I HAVE PROVIDED IS TRUE AND OPEN AS PUBLIC INFORMATION. THE PLANNING APPLICATION DOES NOT GUARANTEE APPROVAL OR CONSTITUTE A BUILDING PERMIT APPLICATION. ADDITIONAL FEES MAY BE REQUIRED DEPENDING ON ANY ADDITIONAL ADMINISTRATIVE COSTS.

Applicant's Signature  Date 4/18/11

Town of Yucca Valley
 Community Development/Public Works Department
 58928 Business Center Dr., Yucca Valley, CA 92284
 760 369-6575 Fax 760 228-0084

ENVIRONMENTAL ASSESSMENT

1. Property boundaries, dimensions and area (also attach an 8 1/2 x 11" site plan):
Bounded by 29 Palms Hwy on the south, Antelope on the north, Dumosa on the east,
The site is 2.5 acres (approx 109,000 sq ft.)
2. Existing site zoning: General Commercial (C-G)
3. Existing General Plan designation:
General Commercial(C-G)
4. Precisely describe the existing use and condition of the site:
Vacant graded lot with scattered Joshua Trees.
5. Zoning of adjacent parcel:

North	P/QP CC-L	South	C-N	East	C-N	West	C-G
-------	-----------	-------	-----	------	-----	------	-----
6. Existing General Plan designation of adjacent parcels:

North	P/QP CC-L	South	C-N	East	C-N	West	C-G
-------	-----------	-------	-----	------	-----	------	-----
7. Precisely describe existing uses adjacent to the site:
To the north is Town Hall, to the south is a grocery store and bank, to the west is a hotel and to east is a restaurant and grocery store.
8. Describe the plant cover found on the site, including the number and type of all protected plants:
The lot has been previously graded and contains 71 Joshua Trees

Note: Explain any "yes" or "maybe" responses to questions below. If the information and responses are insufficient or not complete, the application may be determined incomplete and returned to the applicant.

Yes Maybe No

- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Is the Site on filled or slopes of 10% or more or in a canyon? (A geological and/or soils investigation report is required with this application.) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Has the site been surveyed for historical, paleontological or archaeological resources? (If yes, a copy of the survey report is to accompany this application.) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11. Is the site within a resource area as identified on the archaeological and historical resource General Plan map? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. Does the site contain any unique natural, ecological, or scenic resources? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 13. Do any drainage swales or channels border or cross the site? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 14. Has a traffic study been prepared? (If yes, a copy of the study is to accompany this application.) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 15. Is the site in a flood plain? (See appropriate Federal Insurance Rate Map) |

PROJECT DESCRIPTION

Complete the items below as they pertain to your project. Attach a copy of any plans submitted as part of the project application and any other supplemental information that will assist in the review of the proposed project pursuant to CEQA.

1. Commercial, Industrial, or Institutional Projects:

A. Specific type of use proposed:

75 unit senior (age restricted) multi-family complex

B. Gross square footage by each type of use:

48,850 sq ft of living area, 4,199 sq ft of common area, 3,924 sq ft of community and leasing area, 275 sq ft of laundry area, 12,550 sq ft of interior corridors, stairwells and balconies and 4,446 sq ft of carport.

C. Gross square footage and number of floors of each building:

74,244 sq ft, three story complex,

D. Estimate of employment by shift. **NA**

E. Planned outdoor activities: **pool and spa, gazebo**

2. Percentage of project site covered by:

_____ % Paving, 59.5 % Building, _____ % Landscaping, 6.5 % Parking

3. Maximum height of structures **40** ft. _____ in.

4. Amount and type of off street parking proposed: **26 covered spaces and 22 uncovered spaces**

5. How will drainage be accommodated? **Drainage will be retained on site.**

6. Off-site construction (public or private) required to support this project:

Improvements to 29 Palms Hwy, Dumosa Ave and Antelope Tr.

7. Preliminary grading plans estimate **2500** cubic yards of cut and **2000** cubic yards of fill—

8. Description of project phasing if applicable:

NA

9. Permits or public agency approvals required for this project

Approval of Conditional Use Permit, Specific Plan, Env Assessment, and Building Permits. Approval from Regional Water Quality Control Board.

10. Is this project part of a larger project previously reviewed by the Town? If yes, identify the review process and associated project title(s) **No**

11. During construction, will the project: (Explain any "yes" or "maybe" responses to questions below – attach extra pages if necessary.)

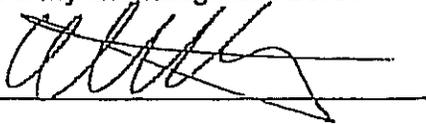
Yes Maybe No

- A. Emit dust, ash, smoke, fumes or odors?
- B. Alter existing drainage patterns?
- C. Create a substantial demand for energy or water?
- D. Discharge water of poor quality?
- E. Increase noise levels on site or for adjoining areas?
- F. Generate abnormally large amounts of solid waste or litter?
- G. Use, produce, store, or dispose of potentially hazardous materials such as toxic or radioactive substances, flammable or explosives?
- H. Require unusually high demands for such services as police, fire, sewer, schools, water, public recreation, etc.
- I. Displace any residential occupants?

Certification

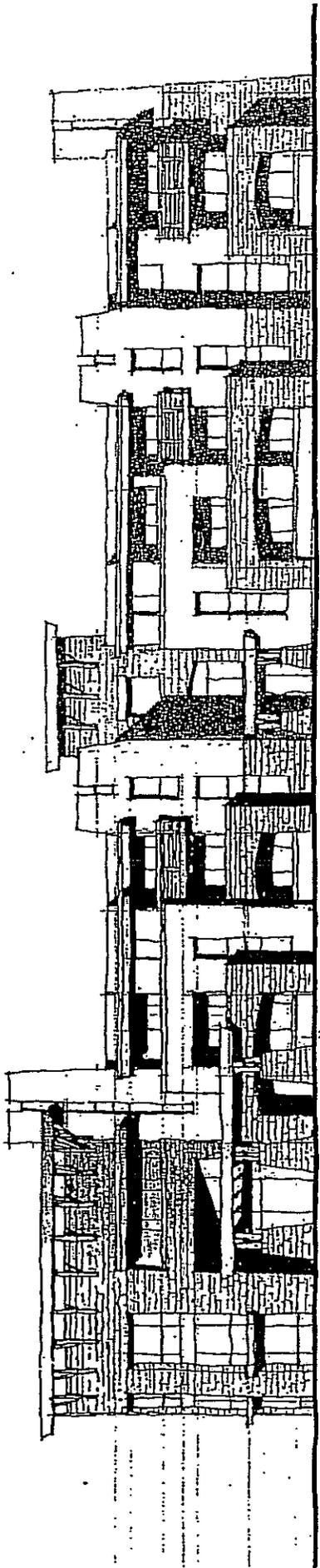
I hereby certify that the information furnished above, and in the attached exhibits, is true and correct to the best of my knowledge and belief.

Signature: _____



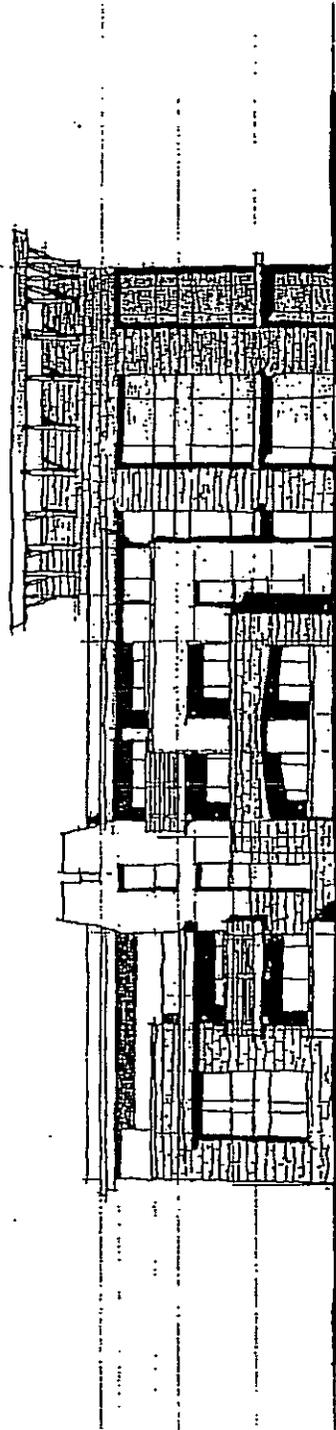
Date: _____

4/20/11



Dumosa Avenue Elevation (Original)

P.P.239



Twenty-nine Palms Highway Elevation (Original)

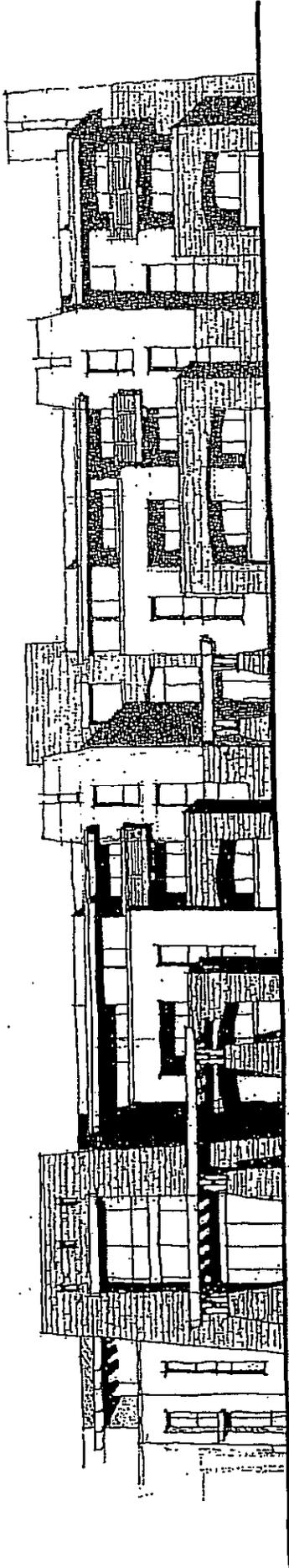
Concept Design
Yucca Valley Seniors
 Yucca Valley, California
 National Community Renaissance

1

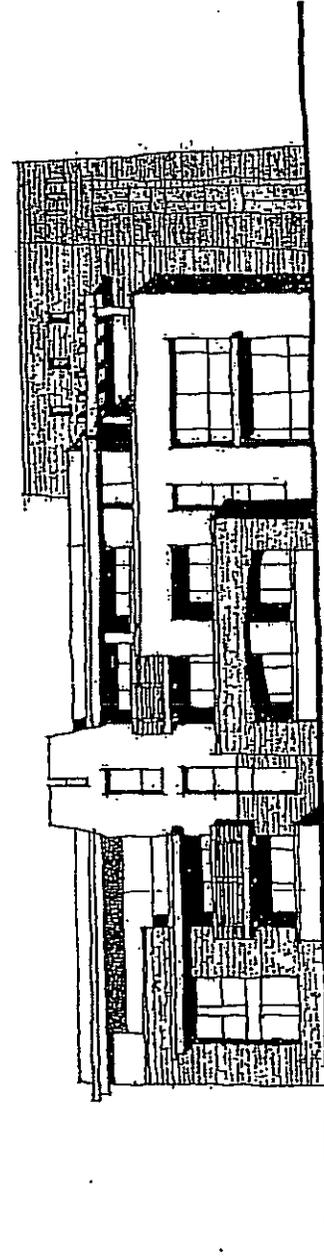
ARCHITECTS
**TOGAWA
 SMITH
 MARVIN**
 RESIDENTIAL, INC
 444 E. Pecos Street, Suite 210
 Las Vegas, Nevada 89101
 702.735.0888
 702.735.0885 fax
 www.tsmarvin.com



March 17, 2011



Dumosa Avenue Elevation (Revised)



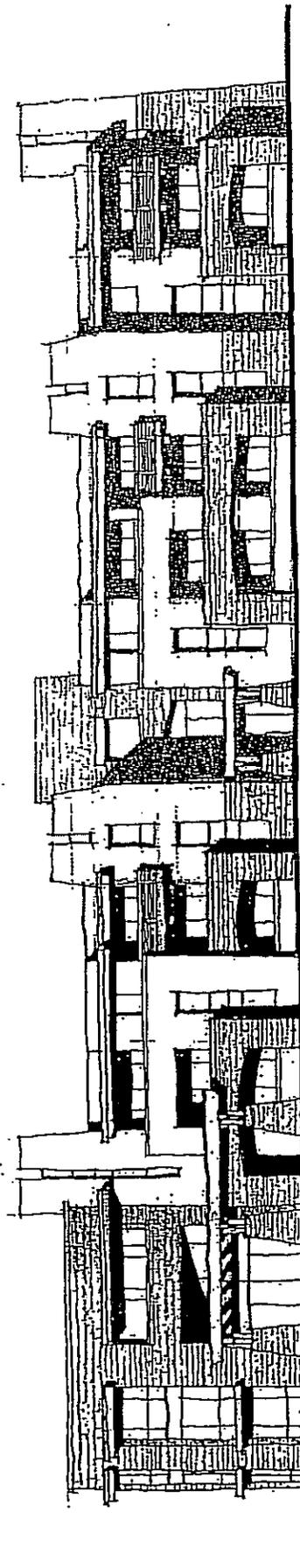
Twenty-nine Palms Highway Elevation (Revised)

Concept Design
Yucca Valley Seniors
 Yucca Valley, California
 National Community Renaissance

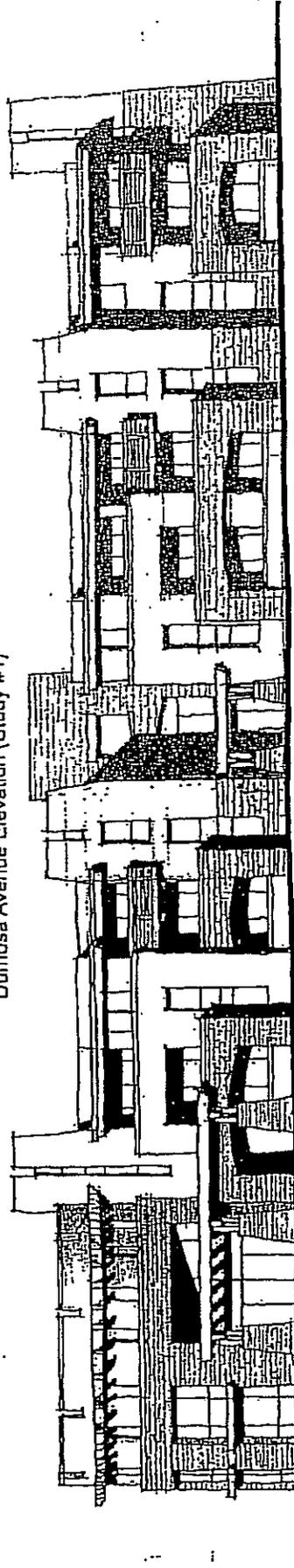
ARCHITECTS
TOGAHUA SMITH MARINO
 RESIDENTIAL, INC.
 421 S. Avenue Street, Suite 1070
 Los Angeles, California 90017
 310.441.8811
 www.togahuasmarino.com



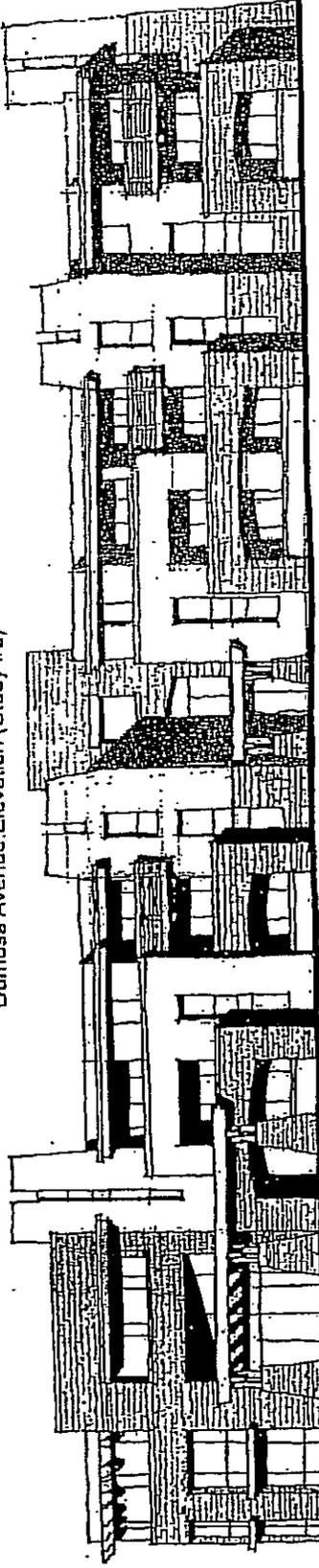
April 1, 2011



Dumosa Avenue Elevation (Study #1)



Dumosa Avenue Elevation (Study #2)



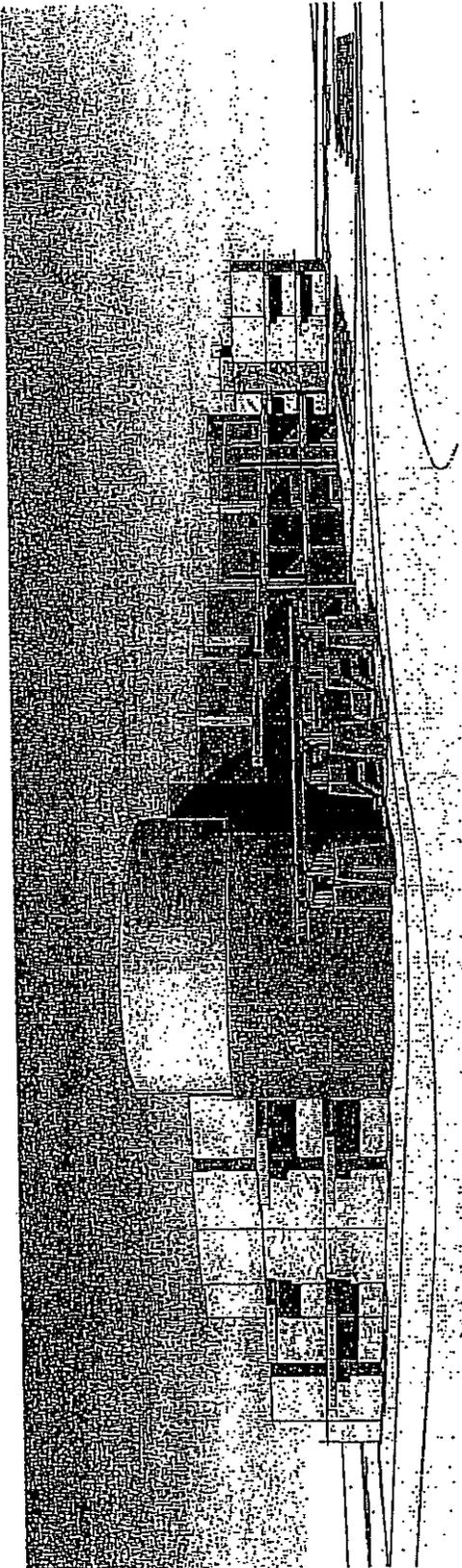
Dumosa Avenue Elevation (Study #3)

Concept Design
Yucca Valley Seniors
Yucca Valley, California
National Community Renaissance

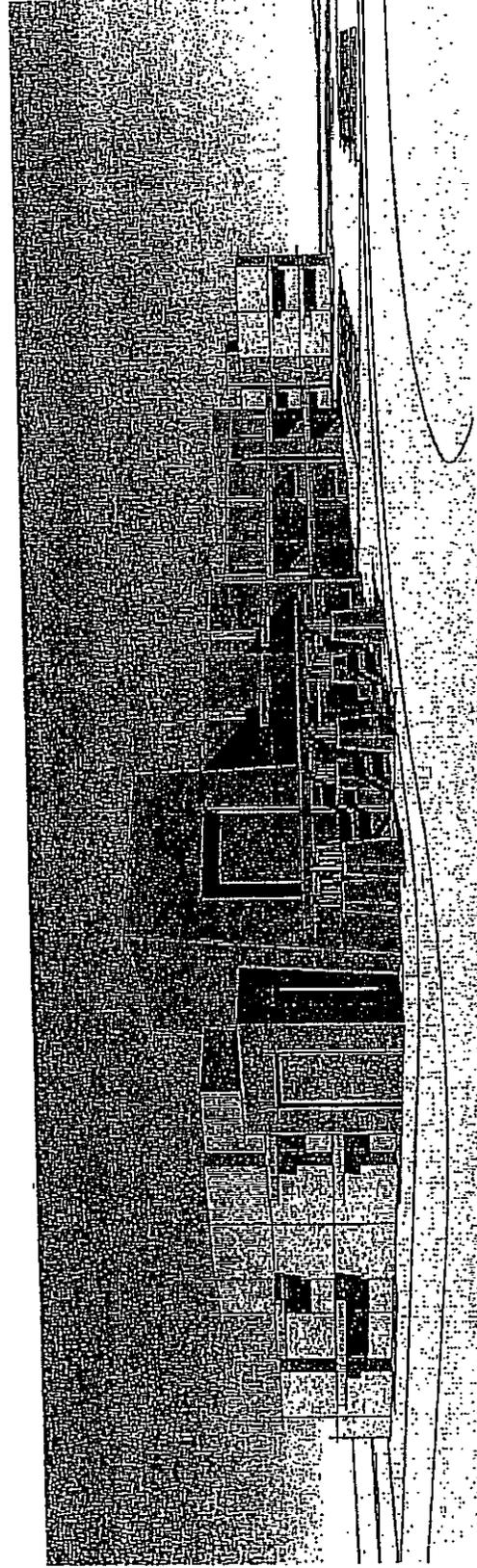


April 1, 2011

3



Corner of Twenty-ninth Palms Highway & Dumasa Avenue (Original)



Corner of Twenty-ninth Palms Highway & Dumasa Avenue (Revised)



Concept Design
Yucca Valley Seniors
 Yucca Valley, California
 National Community Renaissance

April 1, 2011

**ADVERTISING FOR
NOTICE OF PUBLIC HEARING
YUCCA VALLEY COMMUNITY CENTER
57090 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

THURSDAY, MAY 12, 2011, BEGINNING AT 6:00 P.M.

A PUBLIC HEARING HAS BEEN **RESCHEDULED** BEFORE THE TOWN OF YUCCA VALLEY PLANNING COMMISSION TO CONSIDER THE FOLLOWING DESCRIBED APPLICATION:

CASE NUMBER: Conditional Use Permit, CUP 03-11, Environmental Assessment EA 01-11, and Specific Plan S 01-11, Senior Housing Project.

APPLICANT: National Community Renaissance of California
9065 Haven Ave Ste 100
Rancho Cucamonga, CA 91730

PROPOSAL: The applicant requests approval of a Conditional Use Permit and Specific Plan to allow the construction of a 75 unit, three (3) story Affordable Senior (Age-Restricted) Housing Project. The project will consist of 74 units of 650 square foot, one (1) bedroom (48,100 square feet), one (1) unit of 750 square foot two (2) bedroom, 4,199 square feet of common area, 3,924 of community and leasing area, 275 square feet of laundry area, 12,550 square feet of interior corridors, stairwells and balconies and approximately 4,446 square feet of carport (26 spaces). The total building square footage is approximately 74,244 square feet. The site includes 22 uncovered parking stalls. The project will include onsite retention, on site sewage treatment, landscaping, parking, and may include amenities such as a clubhouse, pool/spa, gazebo, etc. Primary access to the site will be from Dumosa Avenue. Secondary access may be provided through the alley to the projects west. The project may include vacating all or a portion of Antelope Trail along the project's northern boundary. Pedestrian access from the site will be available to Town Hall, Community Services, Library, Museum and Senior Center.

LOCATION: The project is located on the northwest corner of 29 Palms Hwy and Dumosa Ave and is identified as APN 595-371-11 and the southern portion of 595-361-21.

ENVIRONMENTAL DETERMINATION: The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement same. The Town determined that although the project could have significant impacts on the environment, the mitigation measures included in the Initial Study will reduce the potential impacts to less than significant levels. A Mitigated Negative Declaration is proposed.

Any person affected by the application(s) may appear and be heard in support or opposition to the proposal at the time of the hearing. The environmental findings, along the with proposed project application(s) are available and may be reviewed at the Town of Yucca Valley Planning Division, 58928 Business Center Drive, Yucca Valley, CA 92284 from 7.30 a.m. to 5:30 p.m., Monday through Thursday or obtain information at (760) 369-6575.

The Planning Commission in their deliberation could recommend approval of the project, deny the project, or approve the project in an alternative form. If you challenge any of the projects in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town Planning Division at, or prior to the Public Hearing.

Publish Date: Posted on April 27, 2011 and published on April 30, 2011.

April 27, 2011
Date

/s/ Janet Anderson
Janet Anderson
Town Clerk
P.6P.243

**ADVERTISING FOR
NOTICE OF PUBLIC HEARING
YUCCA VALLEY COMMUNITY CENTER
57090 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

TUESDAY, MAY 17, 2011, BEGINNING AT 6:00 P.M.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE TOWN OF YUCCA VALLEY TOWN COUNCIL TO CONSIDER THE FOLLOWING DESCRIBED APPLICATION:

CASE NUMBER: Conditional Use Permit, CUP 03-11, Environmental Assessment EA 01-11, and Specific Plan/Ordinance S 01-11, Affordable Senior Housing Project.

APPLICANT: National Community Renaissance of California
9065 Haven Ave Ste 100
Rancho Cucamonga, CA 91730

PROPOSAL: The applicant requests approval of a Conditional Use Permit, Specific Plan, Ordinance, and Resolution to allow the construction of a 75 unit, three (3) story Affordable Senior (Age-Restricted) Housing Project. The project will consist of seventy-four (74) 650 square foot, 1 bedroom units, one (1) 750 square foot 2 bedroom unit, 4,199 square feet of common area, 3,924 square feet of community and leasing area, 275 square feet of laundry area, 31,132 square feet of total interior corridors, stairwells and balconies and approximately 4,446 square feet of carports. The total building square footage is approximately 87,482 square feet. The site includes 26 covered parking stalls and 22 uncovered parking stalls. The project will include onsite retention, on site sewage treatment/disposal, landscaping, grading, utility installation, parking, and may include amenities such as a clubhouse, pool/spa, gazebo, gardening and greenhouse areas, outdoor patios and related improvements. Primary access to the site will be from Dumosa Avenue. Emergency access may be provided through the alley on the projects western boundary. The project may include vacating and closing all or a portion of Antelope Trail along the project's northern boundary. Pedestrian access from the site will be available to Town Hall, Community Services, Library, Museum, Senior Center and to the Desert Hills Plaza to the east of the project site. Signalization of the intersection of SR 62 and Dumosa is planned to be constructed with the project, and SR 62 may be widened to accommodate an additional west bound travel lane. Underground storm drain improvements in SR 62 and Dumosa are planned to be constructed.

LOCATION: The project is located on the northwest corner of 29 Palms Hwy and Dumosa Ave and is identified as APN 595-371-11 and the southern portion of 595-361-21.

ENVIRONMENTAL

DETERMINATION: The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement same. The Town determined that although the project could have significant impacts on the environment, the mitigation measures included in the Initial Study reduce the potential impacts to less than significant levels. A Mitigated Negative Declaration is proposed.

Any person affected by the application(s) may appear and be heard in support or opposition to the proposal at the time of the hearing. The environmental findings, along with the proposed project application(s) are available and may be reviewed at the Town of Yucca Valley Planning Division, 58928 Business Center Drive, Yucca Valley, CA 92284 from 7.30 a.m. to 5:30 p.m., Monday through Thursday or obtain information at (760) 369-6575.

The Town Council in their deliberation could recommend approval of the project, deny the project, or approve the project in an alternative form. If you challenge any of the projects in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town Planning Division at, or prior to the Public Hearing.

Publish Date: Posted on April 29, 2011 and published on May 04, 2011.

04/29/11
Date

/s/ Janet Anderson
Janet Anderson
Town Clerk



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Dani Lassetter, Human Resources and Risk Manager
Date: May 10, 2011

For Council Meeting May 17, 2011

Subject: FY 2011-12 Proposed Budget – Personnel Benefits Review

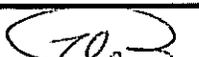
Prior Review: Council last reviewed this item as part of the FY 2010-11 General Fund Budget Adoption in June 2010.

Recommendation: It is recommended that the Council;

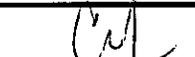
1. Review and discuss the proposed benefit changes, and direct staff to incorporate the identified changes, with any modifications, into the FY 2011-12 Proposed Budget returning to Council in June 2011; and
2. Introduce the Ordinance amending the Town's Contract with the California Public Employees Retirement System (CalPERS) establishing a new retirement benefit formula for new full-time employees hired on or after July 16, 2011;
3. Adopt a corresponding resolution amending the Town's contract with the California Public Employees Retirement System (CalPERS) establishing a new retirement benefit formula for new full-time employees hired on or after July 16, 2011.

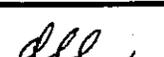
Executive Summary: As the state attempts to deal with the challenging budget deficit issues during this budget cycle, employee benefits have been one of the foremost topics of many legislators. Specifically, the rising costs of health benefits, the lack of sustainability of the current defined benefit retirement system; and the liabilities existing for the post employee retirement benefits all have resulted in the "perfect storm" with respect to public employee compensation practices. The Town Council has historically been proactive in evaluating these issues, and responding as appropriate. For example, the Town does not provide any retiree health care by policy, except as legislatively mandated. Additionally, the Town recognized the need for change in this retirement benefit provisions and began to implement some of the necessary changes in the fiscal year 2010-11. The proposed benefit changes discussed below continue this proactive approach.

Reviewed By:


Town Manager


Town Attorney


Admin Services


Dept Head

<input checked="" type="checkbox"/> Department Report	<input checked="" type="checkbox"/> Ordinance Action	<input checked="" type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Item

Over the past four years, the Town has experienced a significant decline in General Fund operational revenue as a result of decreasing property values, lack of development, and falling retail sales. To address this decrease proactively, the Council has adopted annual budgets with significant cuts in all areas of Town operations, including personnel, supplies and services. These past actions were essential in maintaining a balanced budget and ensuring the financial integrity of the Town.

In looking forward to FY 2011-12 and beyond, the revenue pressures facing the Town will continue. If no changes are made to the existing cost structure in Town operations, the Town's ability to continue to provide existing services will be threatened.

One of the primary drivers of these costs is wages and benefits for Town employees. Accordingly, Town staff has reviewed the current level of compensation and benefits provided, and are recommending significant changes that will affect both the Town and Town employees in both the near and long term, with the goal of crafting a comprehensive compensation and benefits package that is both fair to the employee and sustainable to the Town and taxpayer.

Order of Procedure:

- Staff Report
- Open Public Hearing
- Public Comment
- Close Public Hearing
- Questions of Staff
- Council Discussion
- Council Action

Discussion: Since 2008, cities all across the nation have been faced with significant challenges related to employee benefits. These challenges include the sustainability of retiree medical benefits, the increasing costs of health care coverage, and most recently the increased costs of the defined benefit retiree funds, especially in California. This year the City Managers' Committee of the League of California Cities evaluated the sustainability of the current CalPERS retirement program and they along with several government groups, including the Little Hoover Commission, have identified that most cities will see pension costs rise about 25% over the next few years.

While most cities recognize that the pension benefits are offered to attract and retain employees, the public sector is seeing an increase rate of retirements, fewer qualified people going into public service, and the decline of long-term employees. Still they must continue to remain competitive while creatively dealing with the rising costs. These government study groups have defined that the primary goals of pension reform should provide full career employees with benefits that maintain a standard of living; that the level is fair, adequate, and fiscally sustainable; that the pension benefits are based on proper actuarial work; and that the retirement benefit should be part of an overall compensation package.

In a recent survey of 296 of the 449 cities in California, the survey identified several changes that are occurring related to retirement programs:

- 1) 22% of cities surveyed have adopted new pension tiers for new hires;
- 2) 73% of these tier programs are for the miscellaneous employees;
- 3) The most common tier for miscellaneous employees is the 2% at 60 formula; and
- 4) 38% of the cities have adopted some form of cost sharing by employees.

Town Actions

In January 2011, at the direction of the Town Manager, staff identified the need to complete a comprehensive review of the current benefit package provided to full-time Town employees. This review focused on addressing long-term cost exposure related to escalating retirement costs while also providing a competitive benefits package to attract and retain qualified staff.

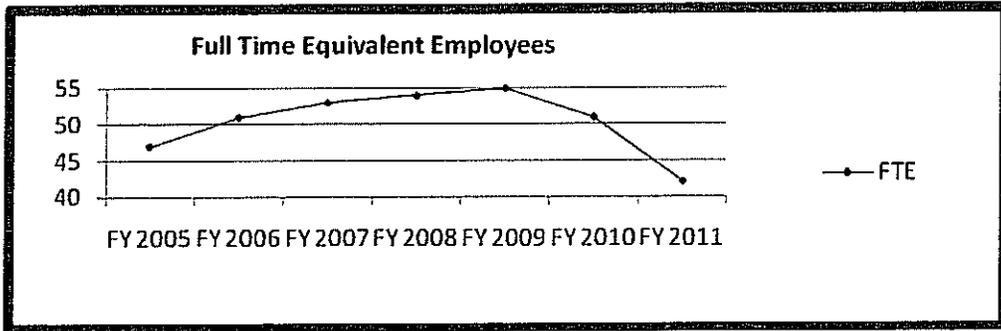
To assist in the endeavor, a Benefits Committee was established with a cross-section of employees throughout the organization. The Committee then met with the Town Manager and the Human Resources and Risk Manager to receive the background information necessary to effectively evaluate the current benefit package provided to employees, and to develop their recommendations to the Town Manager on how best to address the related challenges.

The committee met over the next eight weeks and collectively developed a list of benefit alternatives for the management team to consider. These ideas were then discussed among the management team resulting in the proposed benefit changes presented below.

Distributed as an attachment to this staff report is a summary worksheet identifying both the current and proposed benefits afforded to full-time employees. To assist in the review of the proposed personnel package, the following recap summarizes the significant changes to employee benefit package, and the accompanying financial impact of the change. To conclude, an estimated net total dollar differential of the proposed changes will be discussed. (Attachment A)

Employment Levels

To proactively address the severe decrease in General Fund revenue, it was essential that the Town adjust its employee base quickly and efficiently. This started in FY 2008-09 and continued with changes in both FY 2009-10 and FY 2010-11. While painful and stressful throughout the organization, these cuts were essential in maintaining an annual balanced budget. The following chart illustrates the impact on FTE count going back to FY 2004-05.

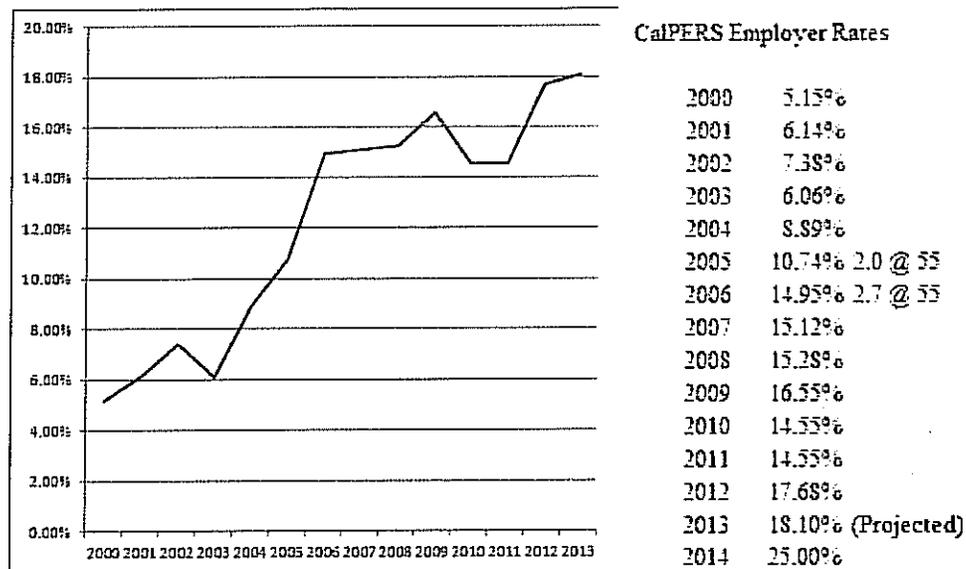


While additional cuts in staffing levels or hours are likely in FY 2011-12, it is unlikely that the Town will be able to further reduce its staffing level without a noticeable reduction in the level of services provided to the community.

Proposed Benefit Changes

CalPERS Retirement Formula

Aside from hourly or salary compensation, retirement benefit costs are the single largest driver of employment costs to the Town. Currently, the Town contracts with CalPERS for its retirement benefits for full-time Town employees under a retirement formula of 2.7% @ 55. This formula results in a current cost per employee of 14.5% of payroll, increasing to 17.6% in the coming year. As a result of actual and projected losses in the CalPERS investment pool, the cost per employee under this formula will rise significantly over the next five to ten year window, possibly exceeding 22%.



Accordingly, Town staff is recommending the establishment of a second tier of retirement benefits for employee retirement benefits for new employees hired on or after July 2, 2011. The new formula would be 2.0% @ 60 and would result in a cost per employee of 7.73%. (Attachment B) Given the fact that this change only affects new employees, the savings are primarily achieved as the workforce changes over time.

As a comparison however, employer retirement cost on a payroll basis of \$3.0m using the existing formula is \$435,000, while the new formula would cost \$232,000.

To effectuate this change, CalPERS requires the Council to take action in the form of an ordinance and resolution memorializing this change, and is included as part of the staff recommendation, and are included as Attachments C and D.

CalPERS Employee Contribution

The CalPERS retirement formula is comprised of two contributions; 1) the Employer contribution and 2) the Employee contribution. Until the current fiscal year, the Town paid both the Employer and Employee contribution of this benefit. Effective July 1, 2010, the Town pays the Employer portion and 6% of the 8% of the Employee contribution.

The proposed recommendation is that all employees pick up the entire 8% Employee contribution. This would be a 6% increase from the current 2% employees pay, and equates to a general fund savings of \$150,000. To effectuate this change, CalPERS requires the Council to take action in the form of a resolution memorializing this change, and would be included as part of the entire FY 2011-12 proposed budget. Additionally, this action requires an ordinance and the first reading of the ordinance is also included as Attachment C.

Health Benefits Cafeteria Allowance

The third largest driver of employee benefit costs is the provision of health care benefits. The Town provides access to these benefits through a Cafeteria Allowance with which employees are able to purchase various levels of insurance. The current allowance ranges from \$760 to \$820 per month, depending on the date of hire. This amount has been updated only by the CPI over the past ten years. Current rates for insurance range between \$500-\$1600 per month depending on plan and number of dependents. Any premium cost in excess of the cafeteria allowance is picked up by the employee.

Due to the challenges of the broader health care delivery system in the United States, health care insurance premiums have increased in excess of 50% over the past five years. When coupled with the limited increase in the health care cafeteria allowance provided to Town employees, some employees have seen their contribution amounts over and above the cafeteria allowance increase by the same percentage. In fact, there are a number of employees who pay in excess of 15% of their salary toward health benefit costs.

Cafeteria Schedule

	Retirement	Annual	Monthly	Notes
Rancho Mirage		\$ 16,596	\$ 1,383	
		\$ 10,668	\$ 889	
Indio	2.7@55	\$ 16,500	\$ 1,375	
Palm Desert	2.7@55	\$ 16,290	\$ 1,358	
Beaumont	3.0@60	\$ 15,144	\$ 1,262	
		\$ 9,492	\$ 791	Provides full medical coverage for family
Cathedral City	2.0@55	\$ 13,080	\$ 1,090	\$790 per mo (2007) with \$100 cap increase each year. City / employee share 50/50 actual costs above cap.
Apple Valley	2.7@55	\$ 12,780	\$ 1,065	Town will match 1:1 for costs above \$725. with maximum of \$340 additional paid by the Town
		\$ 8,700	\$ 725	
Yucca Valley (Proposed)		\$ 12,600	\$ 1,050	
Fontana	2.5@55	\$ 12,484	\$ 1,040	
		\$ 8,605	\$ 717	Provides allowance based upon specific medical package:
		\$ 6,700	\$ 558	not a fixed \$\$ amount
Coachella	3.0@60	\$ 12,036	\$ 1,003	the City will pay no more than the cost of the premium for the PPO, PERS Choice health plan and the full premium for the dental and optical plans (for management)
Colton	2.7@55	\$ 11,880	\$ 990	Retiree Medical provided based upon longevity
Desert Hot Springs	2.7@55	\$ 10,200	\$ 850	
Loma Linda	2.0@55	\$ 10,620	\$ 885	
Hesperia	2.7@55	\$ 9,420	\$ 785	
Yucca Valley (Current)	2.7@55	\$ 9,840	\$ 820	
		\$ 8,870	\$ 739	
Twentynine Palms	2.5@55	Inaccurate data posted		

The proposed recommendation would increase the cafeteria allowance to \$1050 per month. This increase would provide significant relief to those employees with large out of pocket costs for health care benefits.

As part of this recommendation, additional flexibility would be afforded the employees who do not utilize the entire cafeteria benefit for insurance premiums. In such cases, the employee would be allowed the flexibility to use the excess to offset increased CalPERS employee contribution. Additionally, if cafeteria funds remain after such contribution, the employee would be allowed to cash out or defer the remainder at a 50% level (employees are currently allowed to deposit 100% of residual Cafeteria into a Deferred Compensation program).

Employee Salary, Merit, Longevity, and Cost of Living Adjustments

As part of the Benefits Committee review, staff prepared a salary survey based on the most recent posted salaries for all positions identified in the previous salary survey. The results indicated that compensation for several positions dropped out of a competitive range while the remaining staff hovered around the lowest quartile. Staff is evaluating job descriptions of current positions to ensure that with the reduction of more than twenty-five percent (25%) of the Town's workforce over the past four years, employees who have adsorbed additional duties are being appropriately classified and compensated based on current salary survey data.

In response to this challenge, a 2.5% longevity benefit is recommended for this year for any employee who is currently at the M Step. Approximately 50% of the staff are at the M Step (last step) and have been there for up to 5 years. This lack of salary movement coupled with the lack of cost of living increases creates a negative impact on the Town's ability to remain competitive in the recruitment market as well as to maintain a well-trained, competent staff. This longevity adjustment is not proposed for the Department Directors, but they may be eligible for a potential bonus based on identified performance metrics

The proposed benefits package continues the limitation of a 2.5% merit increase for the employees who still have steps available within their range. This is a continuation of the limitation imposed during the 2010-11 budget presentation. In prior years, employees were eligible for a 2.5% - 5.0% increase based on performance.

There is no cost of living adjustment proposed for this budget cycle. Staff will reevaluate the CPI data during the mid-year budget review and identify any recommendations, if appropriate.

Sick, Vacation and Paid Time Leave

In reviewing the Town's benefits relative to both the public and private employment market, staff recognized the need to review and revise the current vacation accrual rates. As described in detail on the comparison matrix, the proposed benefit package includes three significant changes:

1. There is a single vacation accrual schedule proposed for all employees, eliminating the second-tier exempt employee's vacation accrual rates.
2. A reduction in the accrual rates and an elimination of the maximum vacation accrual benefit of five weeks – all employees will receive a maximum annual accrual benefit of four weeks after 13 years of service.
3. An increase in the vacation accrual cap from 240 hours to 360 hours.

With respect to the changes in sick time accrual, the proposed benefit package alters sick time significantly by allowing unused sick leave to be cashed out for the sole use of applying it to the payment of insurance premiums in excess of the cap or the employee's CalPERS contribution.

Conclusion

The proposed benefit package was developed to address the long-term sustainability of the Town provided benefits for current and future employees while being mindful of the broader sweeping changes at the county and state levels related to pension reform, cost containment of medical services and other post employee benefits. While these changes provide a nominal savings in the upcoming fiscal year, the changes:

- Address the imbalance that existed between medical Cafeteria allowance and the rising costs of medical premiums;
- Reduce the vacation accrual rates in exchange for longevity adjustments, thereby maintaining our competitiveness in recruiting and retention of qualified staff;
- Establish a 2-tier approach to limit future liabilities associated with new employees.

Alternatives: Approve with modifications.

Fiscal impact: As indicated on the Proposed Benefit Changes Matrix, the net financial impact of the proposed changes in the FY 2011-12 Proposed Budget is a savings of \$23,000, while providing substantial flexibility to the remaining employees in meeting the significant cost increases associated with health care benefits.

Long-term savings to the Town resulting from the proposed changes, while significant, are not easily quantifiable as there are many factors that can impact actual savings. It is clear however, that the savings from the CalPERS employee contribution increase will continue to provide an additional 6% payroll saving annually. Additionally, the savings from the second tier CalPERS retirement benefit for new hires, vacation accrual reduction, and sick leave provisions all contribute significant savings to the Town and taxpayer over time.

Attachments:

- A. Benefits Comparison Matrix
- B. CalPERS Actuarial Letter
- C. CalPERS Ordinance
- D. CalPERS Resolution – with Sample Contract

Town of Yucca Valley
 FY 2011-12 Proposed Budget
 Proposed Benefit Changes

ATTACHMENT "A"



CURRENT BENEFITS	PROPOSED BENEFITS	FINANCIAL IMPACT
CalPERS Defined Benefit Retirement Formula is 2.7 @ 55	Formula for all new hires after 7/16/2011 is 2.0 @ 60 New hires after 7/16/2011 will pay full 7% of Employee portion.	Long-term Impact Starting at 3.5% of new payroll. Increases over time.
CalPERS Defined Benefit Employee Contribution The employee currently pays 2% of the of the Employee 8% contribution.	Employee pays full 8% of the Employee contribution Vacation Accrual Per Year - Regular and Executive up to 360 hours	Near-term Impact FY 2011-12 Savings \$150,000
Vacation Accrual Per Year Regular - Up to 240 hours Year 1-2 = 10 days (3.08/pp) Year 3-6 = 15 days (4.65/pp) Year 7+ = 20 days (6.15/pp)	Year 0-4 = 10 days (3.08/pp) Year 5-7 = 15 days (4.65/pp) Year 8+ = 1 day annually up to 20 days Executive level eliminated. Same as above.	Near-term Impact Long-term Impact FY 2011-12 Savings \$25,000
Vacation Accrual Per Year Executive - Up to 240 hours Year 1-2 = 15 days (4.65/pp) Year 3-6 = 20 days (6.15/pp) Year 7+ = 25 days (7.69/pp)		
Sick Leave Excess benefit can be applied to CalPERS retirement after 5 years of vesting and retiring from the Town.	No Change.	No Impact.
Sick Leave Sell Back None	Employees may sell back sick leave annually up to 200 hrs. leaving at least 40 hours in the sick leave bank each calendar year to offset residual medical (after cafeteria is exhausted) premium or PERS costs only.	Long-term Impact Less hours available to roll into retirement credit. Reduction of Balance Sheet liability.

Town of Yucca Valley
 FY 2011-12 Proposed Budget
 Proposed Benefit Changes

ATTACHMENT "A"

BENEFITS CURRENT BENEFITS PROPOSED BENEFITS FINANCIAL IMPACT

Vacation Sell Back Available	After 3 years service, used 80 hrs in calendar year /employee may cash 40.	No Change.	
Vacation Sell Back Available for Retirement/Premiums	None	Employees may sell back vacation leave annually up to 240 hrs. leaving at least 80 hours in the vacation leave bank each calendar year to offset residual medical (after cafeteria is exhausted) premium or PERS costs only.	Long-term Impact. Less hours available to roll into retirement credit. Reduction of Balance Sheet liability.
Administrative Time Off	56 hrs. non-accruable and no sell back	80 hrs each fiscal year/not accruable, but can be sold back.	FY 2011-12 Cost (\$12,000)
Health Benefits - Medical	Cafeteria Plan Allowance of \$757/month	Cafeteria Plan Allowance of \$1,050/month	FY 2011-12 Cost (\$130,000)
Life Insurance:	The Town contributes the full amount of premium of the life insurance policy based on 1x the employee's annual salary	No Change.	No Impact.
Short/Long Term Disability	The Town contributes the full amount of the premium for the group short/long term disability insurance policy.	No Change.	No Impact.
Accidental Death and Dismemberment	The Town contributes the full amount of the premium for the group accidental death/dismemberment insurance policy.	No Change.	No Impact.

Town of Yucca Valley
 FY 2011-12 Proposed Budget
 Proposed Benefit Changes

ATTACHMENT "A"

CURRENT BENEFITS		PROPOSED BENEFITS		FINANCIAL IMPACT
Longevity Pay	None	Opportunity to receive a 2.5% as an additional step. This benefit applies to Town Clerk, Mid-Managers, and staff. TM and Directors are excluded. Directors may be eligible for a potential bonus that is linked to performance goals and metrics.		FY 2011-12 Cost (\$40,000)
Deferred Compensation	The employee is able to direct remainder of unused cafeteria plan into Town provided 457 Plan. Employee may also contribute fixed or percentage of salary voluntarily.	The employee is able to direct fifty percent (50%) of unused cafeteria plan into deferred compensation after PERS percentage and medical premium are paid; alternatively employee may take remainder as after tax compensation at a 50% level.		FY 2011-12 Savings \$30,000
Cellular Phone	Pursuant to a verifiable Town need, Town will provide cell phone for a specific position. If employee uses own cell phone for business related matters the employee can be reimbursed or receive a stipend based on criteria identified in Town's Cell Phone Policy.	No Change.		No Impact.
Educational Reimbursement	Employer will match up to \$1,500 annually of employee's expenses with Department Director approval as identified in the Town's Tuition Reimbursement Policy.	No Change.		No Impact.
Travel/Training	The Town provides for work-related workshops and conferences. Scheduling and approval at such trainings or seminars will be at the discretion of the Town.	No Change.		No Impact.
Additional Benefits:	Merit increases of 2.5% annually as recommended during evaluation process.	No Change.		No Impact.
Net Impact to the FY 2011-12 Proposed Budget				\$23,000



California Public Employees' Retirement System
 Actuarial Office
 P.O. Box 1494
 Sacramento, CA 95812-1494
 TTY: (916) 795-3240
 (888) 225-7377 phone • (916) 795-2744 fax
 www.calpers.ca.gov

B. CalPERS Actuarial Letter

April 26, 2011

Employer Number: 1592
 Employer Name: TOWN OF YUCCA VALLEY
 Rate Plan: MISCELLANEOUS PLAN

Re: New Second Tier Plan (Section 20475: Different Level of Benefits Provided for New Employees; Section 21353 2.0% @ 60 Full Formula)

Dear Requestor:

In the tables below, we show your 2010-2011 and 2011-2012 employer contribution rates before and after opening a second tier.

Of the five rate components, the first three are specific to the pool to which the plan belongs and the last two are specific to your agency. However, the Phase out of Normal Cost Difference will be 0% beginning with rates established for 2011-2012, so it has no impact from that time on.

The Side Fund will continue to be paid off by the first tier plan since all the past service on which it is based belongs to those current members who will continue in the first tier. The scheduled dollar amounts payable will continue as before. However, because newly hired members will be covered by the second tier, the number of members and payroll in the first tier will (after several years) gradually decline. The Amortization of Side Fund rate component is the dollars needed to pay off the side fund divided by the payroll. So as long as the Side Fund remains, **the first tier rate will increase as its payroll decreases**. The first tier side fund is scheduled to be paid off after 12 years from June 30, 2011.

Therefore, in determining the employer contributions savings, Amortization of Side Fund should be excluded. For your agency, the ultimate annual employer savings equals the difference between the Normal Cost and Surcharges rates times the second tier payroll. For 2010-2011 the Normal Cost and Surcharges percentage savings is $(9.725\% + 0.000\%) - (6.553\% + 0.000\%) = 3.172\%$. **The ultimate annual dollar savings is about 3.2% of the second tier fiscal year payroll.**

The Risk Pool's Payment on Amortization Bases is a temporary adjustment to the pool's contribution to "get the pool back on schedule". This temporary adjustment varies in amount and duration from pool to pool.

As of June 30, 2008	Existing Plan	New Second Tier Plan
	2.7% @ 55	2.0% @ 60 for newly hired members
2010-2011 Employer Contribution Rate:		
Risk Pool's Net Employer Normal Cost	9.725%	6.553%
Risk Pool's Payment on Amortization Bases	1.473%	0.202%
Surcharges for Class 1 Benefits	0.000%	0.000%
Phase out of Normal Cost Difference	0.000%	0.000%
Amortization of Side Fund	3.354%	0.000%
Total Employer Contribution Rate	14.552%	6.755%
2010-2011 Employee Contribution Rate	8.000%	7.000%

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That an amendment to the contract between the Town Council of the Town of Yucca Valley and the Board of Administration, California Public Employees; Retirement System is hereby authorized, a copy of said amendment being attached hereto, mark Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION 2. The Mayor of the Town Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of this Agency.

SECTION 3. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this ordinance and cause it to be published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4. This ordinance shall become effective thirty (30) after the day of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this _____ day of _____, 2011.

MAYOR

ATTEST:

TOWN CLERK

APPROVED AS TO FORM

APPROVED AS TO CONTENT

TOWN ATTORNEY

TOWN MANAGER

RESOLUTION NO. 11-__
RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
TOWN COUNCIL
TOWN OF YUCCA VALLEY

WHEREAS, the Public employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20475 (Different Level of Benefits).
Section 21353 (2% @ 60 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: _____
Presiding Officer

Title

Date adopted and approved



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
Town Council
Town of Yucca Valley

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective August 8, 1992, and witnessed August 24, 1992, and as amended effective May 11, 1996, October 23, 1999, July 7, 2002, October 4, 2003 and January 21, 2006 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 11 are hereby stricken from said contract as executed effective January 21, 2006, and hereby replaced by the following paragraphs numbered 1 through 13 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract and age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

2. Public Agency shall participate in the Public Employees' Retirement System from and after August 8, 1992 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
 - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
 - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.

- (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
 - (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
- a. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
- a. **SAFETY EMPLOYEES.**
6. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after January 21, 2006 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after January 21, 2006 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

9. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20903 (Two Years Additional Service Credit).
 - b. Section 21573 (Third Level of 1959 Survivor Benefits).
 - c. Section 21583 (Additional Opportunity to Elect 1959 Survivor Benefits).
 - d. Section 20965 (Credit for Unused Sick Leave).
 - e. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.
10. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members of said Retirement System.
11. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
12. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

13. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

TOWN COUNCIL
TOWN OF YUCCA VALLEY

BY _____
DARRYL WATSON, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk