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.

TOWN COUNCIL: 6:00 p.m.
TUESDAY, JANUARY 20, 2015
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

CLOSED SESSION: 6:00 p.m.
(Immediately following the regular meeting.)
YUCCA VALLEY TOWN HALL
CONFERENCE ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

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TOWN COUNCIL
George Huntington, Mayor
Robert Leone, Mayor Pro Tem
Merl Abel, Council Member
Rick Denison, Council Member
Robert Lombardo, Council Member

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

AGENDA
MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY, JANUARY 20, 2015
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, and any additional documents submitted to the majority of the Town Council, are available for public view in the Town Hall lobby and with respect to the staff agenda packet, 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. 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.

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

OPENING CEREMONIES

CALL TO ORDER

ROLL CALL: Council Members Abel, Denison, Leone, Lombardo and Mayor Huntington

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Yucca Valley Chamber of Commerce
2. Yucca Valley Point-In-Time Count Update

APPROVAL OF AGENDA

Action: Move_____2nd_____Vote_____.

CONSENT AGENDA

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.

3. 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.

1-11 4. Town Council Meeting Minutes of November 18, 2014

Recommendation: Approve the Town Council meeting minutes of the November 18, 2014 as presented

12-13 5. Monthly Fire Department Statistical Report for the month of December 2014

Recommendation: Receive and file the monthly Statistical Fire Department Reports for the month of December 2014

14-16 6. Public Lands Highway Discretionary Funds Project (PLHD)
SR62, Apache Trail to Palm Avenue – Town Project No. 8661
Federal Project No. PLHL04-5466(015)
Acceptance of Project as Substantially Complete

Recommendation: Accept the project as substantially complete, authorize staff to file the Notice of Completion, authorize the reduction of the Faithful Performance Bond to 10%, and direct staff to retain the Labor and Material Bond for six (6) months for Project No.8661.

17-20 7. Spring/Summer 2015 Program Offerings
Community Services Department

Recommendation: Receive and file the report outlining the draft spring/summer 2015 programs and events to be organized and conducted by the Community Services Department

21-22 8. Acceptance of Charles May Bequest

Recommendation: Move to accept the bequest from the Charles C. May Trust, and direct staff to designate that the funds are used to the benefit of the Yucca Valley Animal Shelter, in accordance with the wishes of the benefactor.

23-34 9. Community Center Infield Refurbishment
Reject All Bids and Re-Advertise

Recommendation:

- **Reject all bids received on January 13, 2105;**
- **Authorize the Town Clerk to return all Bid Bonds to all bidders;**
- **Authorize the Town Clerk to re-advertise and solicit bids for the project with an opening date of February 10, 2015.**

35-36 10. BLM Desert District Advisory Council Nomination

Recommendation: Support the nomination of council member Robert Leone to the Bureau of Land management's California Desert District Advisory Council, and authorize the Mayor to offer a letter of support on behalf of the Council.

37-39 11. AB1234 Reporting Requirements

Recommendation: Receive and file the AB1234 Reporting Requirement Schedule for the month of December 2014

40-54 12. Warrant Register

Recommendation: Ratify the Payroll Registers total of $392,703.48 for checks dated December 5, 2014 thru January 2, 2015 and the Warrant Registers total of 849,356.08 for checks dated December 18, 2014 and January 8, 2015

Recommendation: Adopt Consent Agenda (items 2-9)

Action: Move_____2nd_____Vote _____

DEPARTMENT REPORTS

55-116 13. Accept Certificate of Sufficiency of Petition Regarding the Medical Cannabis Restriction and Limitation Initiative Petition and Other Related Actions

Recommendation:

1. **Accept the Certificate of Sufficiency issued by the County of San Bernardino Registrar of Voters regarding The Medical Marijuana Dispensary Authorization and Regulation Initiative (the "Initiative"). (*See*, Initiative at Attachment A.) This action is required by law.**

2. **Direct staff to prepare a report as allowed by Election Code § 9212, and present such report at the February 17, 2015, Regular Town Council meeting. The Council may call a special election on the Initiative at that February 17th meeting.**

Action: Move_____2nd_____Vote _____

117-156 14. Town-Sponsored Medical Marijuana Ballot Measure

Recommendation: That the Council consider presenting a medical marijuana ordinance to the electorate as a Town-sponsored measure ("Town Measure") to be voted on at the same election where the citizen-sponsored initiative measure ("Citizen Initiative") permitting medical marijuana dispensaries is to be held. The Council has the following options with respect to a Town Measure:

a) **Elect not to pursue a Town Measure. If the Town does not present a competing measure now, it does have the right to submit a voter measure in the future amending or repealing the Citizen Initiative, if it passes. But, the Town would have to wait at least one year after adoption of the Citizen Measure before it could do that, or**

b) **If the Council opted to adopt the Citizen Initiative directly, set an election on an alternative or amendatory Town Measure after the Council develops its proposed changes, or**

c) **Elect to pursue a Town Measure by placing it on the same ballot as the Citizen Initiative. The Council's ability to do this is contingent upon whether or not the Council has asked for a 30-day impact report on the Citizen Initiative:**

   i. **If the Town Council has ordered a 30-day impact report on the Citizen Initiative, then no action is required by the Council tonight. The recommendation would be to open Council**

discussion and provide policy guidance to staff, the medical marijuana ad hoc committee, and the Town Attorney's Office with regard to the Town Measure during the 30-day period while the study is being conducted. Then action would be scheduled calling an election for the Town Measure at the same meeting at which the study is presented to the Council. Thus, the election may be coordinated with the Citizen Initiative.

ii. **If the Town Council did *not* order a 30-day impact report on the Citizen Initiative, but instead called a special election on the Citizen Initiative, then it is recommended that the Council adjourn this meeting to an adjourned regular meeting that must be held prior to January 30, 2015, in order to call the election on the Town Measure. Under this scenario, Council should review the draft Town Measure and give direction to staff to return for final action and calling of an election at an adjourned regular meeting to be held prior to January 30, 2015. This time frame is necessary to get the two measures on the same ballot.**

d) **Elect to pursue a joint Proponent/Town Measure for voter consideration by directing the Town's Ad Hoc committee to continue discussions with the Citizen Initiative representatives. The Council's ability to do this is contingent upon whether or not the Council has asked for a 30-day impact report on the Citizen Initiative. This would likely require some form of written agreement between the Town and proponents, by which the proponents would agree to withdraw their Citizen Initiative in exchange for the Town agreeing to sponsor a new negotiated measure to be presented to the voters.**

Action: Move_____2nd_____Vote _____

157-159 15. Planning Commission Appointments

Recommendation:

1. **Council Members nominate a liaison member to the Yucca Valley Planning Commission**
2. **Affirm the nominations stated for appointments to the Yucca Valley Planning Commission**

Action: Move_____2nd_____Vote _____

160-162 16. Parks, Recreation and Cultural Commission Recruitment Extension

Recommendation: Extend the Parks, Recreation and Cultural Commission member recruitment period to February 19, 2015 to allow for additional applicants.

Action: Move_____ 2nd _____ Vote _____

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

17. Council Member Abel

18. Council Member Denison

19. Council Member Lombardo

20. Mayor Pro Tem Leone

21. Mayor Huntington

ANNOUNCEMENTS

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

The next meeting of the Yucca Valley Town Council is scheduled for Tuesday, February 3, 2015 in the Yucca Valley Community Center Yucca Room.

ADJOURN TO CLOSED SESSION

CLOSED SESSION

(Public Comments will be taken before the Town Council adjourns to Closed Session)

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

   A closed session will be held, pursuant to Government Code § 54956.8, to enable the Town Council to consider negotiations with Basin Wide Foundation- Youth Sports Park Coalition, and to give direction to its negotiator Curtis Yakimow, Town Manager regarding that certain real property APNs 0595-131-01, 0595-131-49, 0595-131-45, 0595-131-17, and 0595-131-47, 0595-131-11 The Town's real property negotiator will seek direction from the Town Council regarding the price and terms of payment for the property.

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

   A closed session will be held, pursuant to Government Code §54956.9(d)(1), to confer with legal counsel regarding pending litigation to which the Town is a party. The title of such litigation is as follows: Friederich Koenig vs. Town of Yucca Valley; CV14-01310 R; US District Court

3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

   A closed session will be held, pursuant to Government Code §54956.9(d)(1), to confer with legal counsel regarding pending litigation to which the Town is a party. The title of such litigation is as follows: Friederich Koenig vs. Town of Yucca Valley; CIVDS1417121; CA Superior Court

4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

   A closed session will be held, pursuant to Government Code §54956.9(d)(1), to confer with legal counsel regarding pending litigation to which the Town is a party. The title of such litigation is as follows: Town of Yucca Valley vs. Yashraj Hospitality, Inc., dba Best Western Yucca Valley Hotel and Suites, Nathsons Hospitality, Inc., Venokumar Nathraj, Charmaine Nathraj et. al; CIVDS1415964; San Bernardino County Superior Court

5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

   A closed session will be held, pursuant to Government Code §54956.9(d)(1), to confer with legal counsel regarding pending litigation to which the Town is a party. The title of such litigation is as follows: Mirage Front Properties, LLC vs. Town of Yucca Valley; CIVDS1400401

REPORT OUT FROM CLOSED SESSION /ADJOURNMENT (At Town Hall)

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 near the Town Clerk's desk at 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. 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 otherwise 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
DOJ	Department of Justice
DOT	Department of Transportation
ED	Economic Development
EIR	Environmental Impact Report (pursuant to CEQA)
GAAP	Generally Accepted Accounting Procedures
GASB	Governmental Accounting Standards Board
HDWD	Hi Desert Water District
HUD	US Department of Housing and Urban Development
IEEP	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 21st Century
TOT	Transient Occupancy Tax

Town Council Committee Assignments

COMMITTEE	REPRESENTATIVE	MEETING SCHEDULE	LOCATION
CITY / COUNTY ANIMAL SERVICES JPA	Huntington Lombardo	12:00 pm. Last Thursday	Yucca Valley
DESERT SOLID WASTE JPA	Huntington Leone (Alt)	10:00 a.m. 2nd Thursday Feb, May, Aug, Nov	Victorville
LEAGUE OF CALIFORNIA CITIES DESERT MOUNTAIN DIVISION	Lombardo Denison (Alt)	10:00 a.m. 4th Friday- Quarterly	Varies
LEAGUE OF CALIFORNIA CITIES LEGISLATIVE DELEGATE	Mayor		
LEGISLATIVE TEAM	Huntington Denison	Proposed for Council Members to work with Town Manager meeting with legislators when necessary	
HOMELESS PARTNERSHIP (SBCO) AND INTERAGENCY COUNCIL ON HOMELESSNESS	Staff	9:00 a.m. 4th Wednesday	San Bernardino
MEASURE I	Huntington Abel (Alt)	9:30 a.m. 3rd Friday	Apple Valley
MORONGO BASIN TRANSIT AUTHORITY	Abel Leone Lombardo (Alt)	5:00 p.m. 4th Thursday	Joshua Tree
MOJAVE AIR QUALITY DISTRICT	Leone Abel (Alt)	10:00 a.m. 4th Monday	Victorville
SANBAG	Huntington Abel (Alt)	10:30 a.m. 1st Wednesday	San Bernardino
SPORTS COUNCIL	Denison	6:30 p.m. 2nd Monday March, June, Sept	Yucca Valley

Ad Hoc Committee Assignments

COMMITTEE	REPRESENTATIVES
AUDIT	Denison Huntington
BREHM PARK	Abel Lombardo
MEDICAL MARIJUANA INITIATIVE	Lombardo Abel
ONLINE VIDEO	Huntington Evans (PRCC)
PUBLIC FACILITIES	Huntington Leone
RDA BONDS	Huntington Leone
SEWER FINANCING	Rowe Leone
SUBDIVISION	Huntington Leone

TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
NOVEMBER 18, 2014

OPENING CEREMONIES

Mayor Lombardo called the meeting to order at 6:00 p.m.

Council Members Present: Abel, Huntington, Leone, Rowe, and Mayor Lombardo

Staff Members Present: Town Manager Yakimow, Deputy Town Manager Stueckle, Town Attorney Laymon, Assistant Police Chief Wilke, Planning Technician Olsen and Town Clerk Copeland

The Pledge of Allegiance was led by Mayor Lombardo.

With no clergy present for the invocation, Mayor Lombardo invited those present in a moment of silence.

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. **2014-15 Yucca Valley Youth Commissioners**

   Recreation Supervisor Earnest introduced the 2014-15 Yucca Valley Youth Commissioners. The Town Council thanked the group for their volunteerism and welcomed all to the Town of Yucca Valley.

APPROVAL OF AGENDA

Mayor Lombardo asked the Council for consideration in moving the Department Reports prior to the Public Hearing. Council Member Abel moved to approve the agenda for the Town Council Meeting of November 18, 2014 as amended. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

AYES:	Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES:	None
ABSTAIN:	None
ABSENT:	None

CONSENT AGENDA

2. **Waive** further reading of all ordinances and read by title only

3. **Item Pulled**

4. **Receive and file** the monthly Statistical Fire Department Reports for the month of September 2014

5. **Adopt** Ordinance No. 250

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 1, CHAPTERS 9.01 THRU 9.03.06, AUTHORITY AND APPLICABILITY, AND REPEALING SECTIONS 81.0101 THRU 81.1095, SECTION 81.0305 AND SECTIONS 84.0801 THRU 84.0830 OF TITLE 8 FROM THE YUCCA VALLEY DEVELOPMENT CODE.

6. **Adopt** Ordinance No. 251

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 5, CHAPTERS 9.80 THRU 9.86, ADMINISTRATION, AND REPEALING SECTIONS 81.0205-81.0235, SECTIONS 83.010605-83.010630 AND SECTIONS 87.1201-87.1202 OF TITLE 8 OF THE YUCCA VALLEY DEVELOPMENT CODE.

7. **Adopt** Ordinance No. 252

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 7, CHAPTER 9.99, SECTIONS 9.99.020 THRU 9.99.260, DEFINITIONS, AND REPEALING SECTION 812.01005 CHAPTERS 1 THRU 27, DIVISION 12, TITLE 8 OF THE YUCCA VALLEY DEVELOPMENT CODE.

8. **Adopt** Resolution No. 14-32 Approving the FY 2014-16 Authorized Position List and **Adopt** Resolution No. 14-33 Updating the designation of those officials authorized to make requisitions for encumbrances against appropriations, and reflect the modified FY 2014-16 Authorized Position Listing

9. **Authorize** the professional services subscription agreement between the Town of Yucca Valley and Accela, Inc. for Government Meeting Management Software, with the Town Manager and Town Attorney executing the final contract.

10. **Accept** the SR62, Camino del Cielo to Acoma, Signal Synchronization Project, Town Project No. 8028 as substantially complete, authorize staff to file the Notice of

Completion, authorize the reduction of the Faithful Performance Bond to 10%, and directs staff to retain the Labor and Material Bond for six (6) months.

11. **Accept** Black Rock Canyon Road into the Town's Maintained Road System effective October 8, 2014. **Release** the expenditure budget surplus back to fund balance in Local Transportation Fund 516.

12. **Appoint** the applicants recommended by the Parks, Recreation and Cultural Commission to the 2014-15 Youth Commission, and authorize the Parks, Recreation & Cultural Commission to review future applications and make subsequent appointments on behalf of the Town Council.

13. **Item Pulled**

14. **Receive and file** the AB1234 Reporting Requirement Schedule for the month of October 2014.

15. **Ratify** the Payroll Registers Total of $141,725.14 for checks dated October 24, 2014, and **Ratify** the Warrant Registers total of $213,688.69 for checks dated October 30, 2014.

Council Member Rowe requested to pull item No. 3 from the Consent Agenda.

Council Member Abel requested to pull item No. 13 from the Consent Agenda.

Mayor Lombardo opened public comment on the Consent Agenda.

Margo Sturges, Yucca Valley commented on the appointment of process of the Youth Commissioners and spoke in opposition to the large agenda packet.

Sheila Vreeken, Yucca Valley spoke in opposition to the large agenda packet.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

Council Member Abel moved to approve Consent Agenda items 2, 4-12, 14 and 15. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

AYES:	Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES:	None
ABSTAIN:	None
ABSENT:	None

Item No. 3- Town Council Meeting Minutes of October 7, 2014 and November 4, 2014. Council Member Rowe explained the reasoning for pulling the item is to correct the motion for Item No. 14 of the November 4, 2014 meeting. The correct motion should read:

Council Member Leone moved to return Site Plan Review- SPR-01-13 Billings Transfer to the Planning Commission for further review. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

Council Member Rowe moved to request that the Planning Commission review the Old Town Specific Plan to be consistent in interpretation and application with the Town's General Plan and other applicable documents. Council Member Leone seconded. Motion carried 5-0 on a roll call vote.

Mayor Lombardo opened public comments on the item. With no members of the public wishing to speak, public comments were closed.

Mayor Pro Tem Huntington moved to approve the minutes of the October 7, 2014 Town Council meeting as presented and approve the minutes of the November 4, 2014 Town Council meeting as amended. Council Member Leone seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES: None
ABSTAIN: None
ABSENT: None

Item No. 13- California Department of Housing and Community Development Housing-Related Parks Program Grant Resolution.

Town Manager Yakimow presented the staff report, giving additional details of the grant received.

Mayor Lombardo opened public comments on the item. With no members of the public wishing to speak, public comments were closed.

Mayor Lombardo asked for confirmation, that the grant was received because of the new senior housing project in Yucca Valley.

Council Member Abel inquired on the process to allocate the grant funds to specific projects.

Mayor Pro Tem Huntington moved to adopt Resolution No. 14-34 authorizing submittal and execution of the Department of Housing and Community Development Housing-Related Parks Program Standard Agreement including the specific grant award amount per the revised template received from the California Department of Housing and Community Development Housing-Related Parks Program Team. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo

NOES: None
ABSTAIN: None
ABSENT: None

DEPARTMENT REPORTS

16. Comprehensive Annual Financial Report for fiscal year ended June 30, 2014

Senior Accountant Cisneros introduced Scott Manno, from Rogers, Anderson, Malody and Scott, LLP. Manno presented the Town's 2013-14 annual audit report and explained the audit process.

Mayor Lombardo opened public comments on the item. With no members of the public wishing to speak, public comments were closed.

Council Member Rowe moved to receive and file the Comprehensive Annual financial Report (CAFR) for the fiscal year ended June 30, 2014. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES: None
ABSTAIN: None
ABSENT: None

17. Audit of the Low and Moderate Income Housing Asset Fund of the Town of Yucca Valley for the fiscal year ended June 30, 2014

Scott Manno, from Rogers, Anderson, Malody and Scott, LLP explained the audit process for the Low and Moderate Income Housing Asset Fund. SB341 requires an annual independent audit of the Town's Housing Fund which was conducted and presented in the 2013-14 CAFR.

Mayor Lombardo opened public comments on the item. With no members of the public wishing to speak, public comments were closed.

Council Member Rowe inquired on the number of jurisdictions having a low/mod fund.

Council Member Rowe moved to receive and file the Audit of the Low and Moderate Income Housing Asset Fund of the Town of Yucca Valley for the fiscal year ended June 30, 2014, which is included in the independent financial audit as presented in the Comprehensive Annual Financial Report (CAFR). Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES: None
ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

18. Planning Commission Recommendation
Ordinance No.
Development Code Amendment, DCA-01-14
Development Code Article 2, Zoning Districts and Development Standards
CEQA Exemption 15061(b)(3)

Mayor Lombardo introduced the item and inquired if any written communication has been received prior to the hearing.

Town Clerk Copeland reported that no written communication has been received on the item.

Deputy Town Manager Stueckle read the title of the ordinance and presented the staff report for Article 2 of the Draft Development Code: Zoning Districts and Development Standards

A review of overlay districts, zoning districts, development standards, hillside reserve districts and, accessory structures was given, as well as the review process the Draft Development Code has undertaken to reach this point.

Mayor Lombardo opened the public hearing.

Lori Herbel, Yucca Valley commented on the lack of certain plant species not included in the native plant section of the ordinance, and added additional comments on grading concerns for single family residences.

Margo Sturges, Yucca Valley spoke in opposition to the industrial overlay on SR247 at Buena Vista.

Susan Simmons, Yucca Valley commented on the lack of certain plant species not included in the native plant section of the ordinance.

Fritz Koenig, Yucca Valley spoke on the term "property by right" and home occupations.

Ramon Mendoza, Morongo Valley spoke on the regulation enforcement of the grading of private property.

With no other members of the public wishing to speak, Mayor Lombardo closed the public hearing.

Council Member Leone spoke of concern with the native plant section and would like to have a local botanist review the section and present findings to the Town Council.

Mayor Pro Tem Huntington offered an updated list to include local native plants into the schedule.

Council Member Abel suggested looking into the height limits for successful transplanting for some of the species listed.

Mayor Lombardo reminded the Council of the purpose of simplifying the code.

Council Member Rowe commented that the Council should use a balanced approach between developed land and nearby protected land.

Council's discussion and review continued chapter by chapter, with comments on vacation rentals, temporary special permits and temporary event permits, outdoor storage, fencing specifications, energy systems, and hillside reserve designation.

Mayor Pro Tem Huntington moved to include the recommended changes to the ordinance prior to second reading, and;

Find that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Development Code has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 05-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" and;

Introduce the Ordinance, Article 2, Zoning Districts and Development Standards, amending Title 9, Yucca Valley Development Code, Chapter 9.05 thru Chapter 9.22, establishing the Town's Zoning Districts and Zoning Maps including Overlay Zones and providing land use standards and development requirements for the zoning districts and overlay districts, and repealing Sections 83.020105 through 83.020205, Sections 84.0101 through 84.0125, Sections 84.0205 through 84.0250, Sections 84.0301 through 84.0390, Sections 84.0501 through 84.0570, Section 84.0601, Section 84.0605, Section 84.0620, Sections 85.0101 through 85.0145, Sections 85.020101 through 85.020130, Sections 85.020201 through 85.020230, Sections 85.020301 through 85.020335, Sections 85.020401 through 85.020415, Sections 85.020501 through 85.020510, Sections 85.030101 through 85.030110, Sections 85.030201 through 85.030220, Sections 85.030301 through 85.030315, Sections 85.030401 through 85.030425, Sections 85.030501 through 85-030520, Sections 85.030601 through 85.030610, Sections 88.0501 through 88.0520, Section 88.0605 and Sections 88.0701 through 88.0715 of the San Bernardino County Development Code as adopted and amended by the Town of Yucca Valley.

Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

AYES:	Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES:	None
ABSTAIN:	None
ABSENT:	None

19. Planning Commission Recommendation
Ordinance No.
Development Code Amendment, DCA-07-13
Development Code Article 3, General Development Standards
CEQA Exemption 15061(b)(3)

Mayor Lombardo introduced the item and inquired if any written communication has been received prior to the hearing.

Town Clerk Copeland reported that written communication on the item was received by Mrs. Wuite, Yucca Valley. Copeland read the letter into the record, opposing adult-oriented businesses in Yucca Valley.

Deputy Town Manager Stueckle read the ordinance title and presented the staff report for Development Code Amendment DCA-07-13, Article 3: General Development Standards.

Mayor Lombardo opened the public hearing.

The following individuals spoke in favor adult-oriented businesses.

Sheila Vreeken, Yucca Valley
Sara Hutson, Yucca Valley
Fritz Koenig, Yucca Valley
Katie Young, Yucca Valley

The following individuals spoke in opposition to the new ordinance section relating to adult-oriented businesses and should keep what is currently in place. Most spoke against adult-oriented businesses in general.

Debi Shealy, Yucca Valley
Chris Sorenson, Yucca Valley
Brenda Chartand, Yucca Valley
Jane Purdy, Yucca Valley
Darren Purdy, Yucca Valley
Jim Jobe, Yucca Valley
Sanda Comparse, Yucca Valley
Ashlie Mayes, Yucca Valley
Randy Mayes, Yucca Valley
Marian Randolph, Yucca Valley

Genevieve Sanchez, Yucca Valley
Karen Richardson, Yucca Valley
Kathy White, Yucca Valley
Charles Regan, Yucca Valley
Becki Vowles, Pioneertown

Margo Sturges, Yucca Valley spoke in opposition to the ordinance section on property maintenance.

With no other members of the public wishing to speak, Mayor Lombardo closed the public hearing.

Consensus was made among the council members to pull Chapter 9.52 Adult-Oriented Business from the new ordinance for further review at a later time.

Mayor Pro Tem Huntington requested clarification on utility undergrounding, and parking regulations. Huntington also suggested removing the operating hours from Home Occupancy Permits- Level 1 as it would be difficult to regulate.

Council Member Rowe inquired on pedestaled solar systems.

Council Member Abel moved to remove Chapter 9.52 from the draft ordinance, and to include the recommended changes to the ordinance prior to second reading and;

Find that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Development Code has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 05-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" and,

Introduce the Ordinance, Article 3, General Development Standards, Chapters 9.30 through 9.52, and repealing Sections 41.151 thru 41.1569 of the Yucca Valley Municipal Code and Sections 84.0701 thru 84.0740, Sections 87.0101 thru 87.0105, Sections 87.0201 thru 87.220, Sections 87.0401 thru 87.0405, Sections 87.0501 thru 87.0505, Sections 87.0601 thru 87.0645, Sections 87.0901 thru 87.0940, Sections 88.0805 thru 88.0810, Sections 810.0101 thru 810.0135, Sections 810.0201 thru 810.0275, Sections 88.0701 thru 88.0715, Section 84.0610, Sections 87.1110 thru 87.1180, Section 812.01005, Section 84.0615, and Sections 811.301 thru 811.309 of Title 8 of the San Bernardino County Development Code as adopted and amended by the Town of Yucca Valley, and Sections 9.75.010 thru 9.75.130 of title 9 of the Yucca Valley Development Code.

Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

AYES:	Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
NOES:	None
ABSTAIN:	None
ABSENT:	None

FUTURE AGENDA ITEMS

None Stated

PUBLIC COMMENTS

Mayor Lombardo opened public comments.

Ramon Mendoza, Morongo Valley spoke of the importance of voting.

Sheila Vreeken, Yucca Valley spoke on commercial property zoning.

Fritz Koenig, Yucca Valley spoke of current litigation with the Town of Yucca Valley

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

STAFF REPORTS AND COMMENTS

Town Manager Yakimow reported on recent special events and thanked the Planning Commissioners and Staff for their dedication in working on the Development Code.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

20. Council Member Abel- No comments

21. Council Member Leone thanked the public for attending the meeting. Thanked the residents who voted for him in the recent election and thanked the Planning Commission and staff for their work on the Development Code

22. Council Member Rowe also thanked the Planning Commission, and congratulated Council Members Abel and Leone for their reelection. Rowe welcomed newly elected Rick Denison to the Town Council.

23. Mayor Pro Tem Huntington thanked the Planning Commissioners and staff for the work on the Development Code, congratulated the Youth Commission appointees, thanked

staff for a nice financial report and thanked the recreation staff for conducting a wonderful Veterans' Day event.

24. Mayor Lombardo congratulated the winners of the November election, and inquired on the possibility of a visioning process for branding Yucca Valley.

ANNOUNCEMENTS

The Town Council will not be meeting at its next regularly scheduled meeting of Tuesday, December 2, 2014.

The Town Council will meet for a Special Meeting on Tuesday, December 9, 2014 at 6:00 p.m. in the Yucca Valley Community Center Yucca Room.

ADJOURNMENT

Mayor Lombardo adjourned the meeting at 10:00 p.m.

Respectfully Submitted,

Lesley Copeland, CMC
Town Clerk

SAN BERNARDINO COUNTY FIRE DEPARTMENT
SERVING YUCCA VALLEY

December 2014 Summary

ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to a total of 398 requests for assistance within our town boundaries. Division wide responses for the South Desert were 684 incidents.

EMERGENCY RESPONSES

ESTIMATED FIRE LOSS (In dollars)

Total Loss	$	6,200	Value	$	445,037

RESPONSES OTHER THAN FIRES

Fires	6
Rupture / Explosion	1
EMS / Rescue	326
Hazardous Condition	2
Service Calls	10
Good Intent Calls	44
False Call	8
Other	0

ALARMS – ALL TYPES
Yucca Valley Response Area
2014 Year-to-Date

TOTAL NON-FIRE RESPONSE	4406
TOTAL FIRE RESPONSES	69
TOTAL ALARMS	4475

Significant Events:

- Crews participated in the annual toy drive for Tender Loving Christmas in front of Walmart during the Month to raise gifts for the needed children. The campaign was a huge success with many thanks to those that donated!!!
- Participated with the Town of Yucca Valley during the festival of Lights Parade and Santa Claus via the Fire Engine.

Carbon Monoxide (CO)

Carbon Monoxide is an odorless, colorless, tasteless, toxic gas. It is produced by the incomplete combustion of the fossil fuels-gas, oil, coal, and wood used in boilers, engines, oil burners, gas fired water heaters, solid fuel appliances, and open fires. Dangerous levels of CO can accumulate when, as a result of poor installation, poor maintenance, failure or damage to an appliance, or when areas are poorly ventilated and the CO is unable to escape.

Having no odor, taste, or color it has become increasingly important to have good ventilation, to maintain all appliances regularly, and have Carbon Monoxide Detectors that both send a visual and audible warning immediately when there is a build-up of CO.

Because CO has NO SMELL, NO COLOR, & NO TASTE the only way to alert your family of a CO leak before a tragedy strikes is to install detectors.

Concentration of CO Inhalation time & in the air symptom visibility 50 parts per million (ppm) Safe Level;

200 ppm	Slight headache within 2-3 hrs
400 ppm	Frontal headache within 1-2 hrs
800 ppm	Dizziness, nausea, convulsions within 45 mins,

The presence of a carbon monoxide alarm in your home can save your life in the event of CO buildup.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Alex Qishta, Project Engineer
Date: January 15, 2015
For Council Meeting: January 20, 2015

Subject: Public Lands Highway Discretionary Funds Project (PLHD)
SR62, Apache Trail to Palm Avenue – Town Project No. 8661
Federal Project No. PLHL04-5466(015)
Acceptance of Project as Substantially Complete

Prior Council Review: The PLHD project was initiated in 2004, and there have been numerous Council actions since the inception of the project, including cooperative agreements with Caltrans, contracts with RBF for preparation of Plans, Specifications, and Estimates, funding agreements with the San Bernardino Associated Governments, professional services agreements for right of way consulting services, authorization for SAFETEA-LU grant application submittal and associated efforts.

At the September 3, 2013 meeting, the Town Council approved the Notice Inviting Bids and a Resolution for the purpose of advertising and receiving bid for project.

At the November 19, 2013 meeting, the Town Council:

- Awarded the construction contract to Matich Corporation, in the amount of $2,798,000, and authorize a construction contingency in the amount of $280,000, for a total contract amount not to exceed $3,078,000.00, and authorize the Mayor, Town Manager, and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund.

- Amended the FY 2013-2014 Adopted Budget by authorizing the transfer of $113,553 from Fund 800 – Capital Projects Fund Balance to Fund 527 PLHD.

- Directed staff to request Caltrans approval of project modification to include a left hand turn pocket for east bound traffic at the intersection of SR 62 and Palm Avenue;

- Directed staff to return to the Council in January 2014 with detailed analysis of developing alternative access routes including Pima Trail, between Church Street and Palm Avenue, and the alley, between Palm and Grand.

Reviewed By:	Town Manager	Town Attorney	Finance Manager	SRS Department

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

Recommendation: That the Town Council accepts the project as substantially complete, authorizes staff to file the Notice of Completion, authorizes the reduction of the Faithful Performance Bond to 10%, and directs staff to retain the Labor and Material Bond for six (6) months for Project No.8661.

Executive Summary: Project No. 8661 involved the construction of raised medians on SR 62 between Acoma/Mohawk Trail and Palm Avenue. The project also included curb, gutter, ADA compliant ramps, and sidewalk improvements from Apache Trail to Palm Avenue. It also included the construction of a new traffic signal light at Church Street and SR62, and modification to the existing traffic signal light at Acoma/Mohawk and SR62.

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 PLHD project constructed curb, gutter, sidewalks, street lights and raised median islands on SR 62, between Apache and Palm Avenue, and constructed a traffic signal at SR 62 and Church Street and traffic signal modifications at SR 62 and Acoma/Mohawk.

It is appropriate for the Town to accept the work and file a Notice of Completion. It is also appropriate to reduce the Faithful Performance Bond being held as a surety to 10%. The Labor and Material Bond shall be retained for a period of six (6) months, and then released provided no liens or stop notices have been filed.

Alternatives: Staff recommends no alternative action.

Fiscal impact: The following outlines project costs of completion of the work as bid.

Construction Contract Summary	
Base Bid Amount-Matich	$ 2,798,000
Construction Contingency	-
Total Construction Contract Awarded	**2,798,000**
Total Construction Project Contract Cost Paid	2,633,719
Construction Contract Savings	**164,281**

A majority of construction costs paid were reimbursed from grant funds. A portion of the non-grant savings may be available for future appropriation by the Town Council.

Attachments: None

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Council
From: Sue Earnest, Community Services Manager
Date: January 15, 2015
For Council Meeting: January 20, 2015

Subject: Spring/Summer 2015 Program Offerings
Community Services Department

Prior Council Review: None.

Recommendation: That the Council receives and files the report outlining the draft spring/summer 2015 programs and events to be organized and conducted by the Community Services Department.

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 programming staff of both the Hi-Desert Nature Museum and the Recreation Division of the Community Services Department has developed a schedule of programs and events that will be offered in the spring and summer of 2015 (March through August). These activities are currently planned for the Experience Yucca Valley spring/summer activity guide that will be distributed throughout the community in late February.

Alternatives: None recommended.

Fiscal impact: Current schedule of activities is accommodated by the FY 2014-16 adopted budget.

Attachments: Community Services spring/summer 2015 program summary

Reviewed By:	Town Manager	Town Attorney	Finance	Department

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

Community Services Department
Planned Community Services Programs - Spring/Summer 2015

Museum Programs

Exhibits

Exhibit #1 March - April	Reduce, Reuse, Recycle	no charge
Exhibit #2 May	Copper Mountain College Art Show	no charge
Exhibit #3 June-Sept	Eat Well, Play Well	no charge

Special Events

Saturday, April 18	Earth Day	no charge
Saturday, August 1	Eat Well, Play Well Family Fun Day	no charge

Youth Summer Program (Museum/Rec)

June 23 - July 16	Science/Art camp for ages 6/over on Tu,W,Th	cost TBD/4 wks

MBHS Presents

2nd Wednesday	Evening lectures featuring local history topics	$5 donation

Brown Bag Lunch Lecture Series

3rd Thursday	Noon lectures featuring high desert topics	$5 per person

Youth Programs

3rd Saturday	Kid EdVentures: 2 hr program - variety of topics	no charge

Recreation Programs

Special Events

Holiday Events

Saturday, April 4	Easter Egg Hunt	no charge

Grubstake Days

Sunday, May 24	Grubstakes Run	$20, $18
Monday, May 25	Patriotic Parade (Float Entry)	no charge

Summer Music Festival (family concerts)

Saturday, July 11	TBD (Rock)	no charge
Saturday, July 18	TBD (R&B - Blues)	no charge
Saturday, July 25	TBD (Country Western)	no charge
Saturday, Aug 1	TBD (Pop Hits)	no charge
Saturday, Aug 8	TBD (Latin)	no charge
Saturday, Aug 15	TBD (Patriotic)	no charge

Fitness Fun Runs

Sunday, May 24	Grubstakes Run	$20, $18
Friday, August 28	Full Moon 5K Run	$20, $18

Youth Programs

Family Fun Day (themed special event - Museum/Rec)

Saturday, August 1	Eat Well, Play Well Family Fun Day	no charge

Youth Summer Program (Museum/Rec)

June 23 - July 16	6 & older; Tu, W, Th mornings	cost TBD/4 wks

Classes

Kinder Gym	3-5 year olds, Monday afternoons	$25/4 weeks
Gymnastics (Beginning)	6 & older, Monday afternoons	$35/4 weeks
Gymnastics (Intermediate)	10 & older, Monday afternoons	$35/4 weeks
Gymnastics (Beg. Rhythmic)	6 & older, Monday afternoons	$35/4 weeks
Mommy, Daddy & Me	2 - 5 year olds, Monday mornings	$2 per session

H-2-Oh Summer Splashdown (Kids water fun at the Community Center)

June 19, July 3, July 17, July 31, August 14	no charge

Paradise Park Recreation Fun Days

Saturday, July 11	Paradise Water Fun Day	no charge
Friday, August 7	Friday Movie Night	no charge

Girls Volleyball Camp

Grades 6-10, Mon thru Thurs, Dates TBD	$75 per person

Adults & Seniors

Enrichment Classes

Bellydance (Beginning)	18 & older, Wednesday evenings	$35/6 weeks
Bellydance (Intermediate)	18 & older, Wednesday evenings	$35/6 weeks
Thursday Bridge	18 & older, Thursday afternoons	$2 per session
Yucca Valley Bridge Club	18 & older, Friday afternoons	$2 per session
Dog Obedience (Beginning)	18 & older, Thursday evenings	$135/ 6 weeks
Dog Obedience (Advanced)	18 & older, Thursday evenings	$175/ 6 weeks
Knit & Crochet	18 & older, Thursday mornings	$2 per session
Open Art Studio Workshop	18 & older, Thursday mornings	$2 per session
Pinochle	18 & older, Friday afternoons	$2 per session
Self Defense Class	One-time Saturday class, Date TBD	$15 per person
Stretch N Tone	18 & older, Monday thru Friday mornings	$2 per session
Open Table Tennis	18 & older, Wednesday afternoons	$2 per session
Tai Chi Chuan	All ages, Wednesday evenings	$30 per month
Western Line Dance (Social)	18 & older, Mon evenings	$2 per session
Line Dancing (Instructional)	18 & older, Thursday afternoons	$3 per session
Woodcarving	16 & older, Tuesday mornings	$2 per session
Wii for Seniors	Wednesday afternoons	no charge

Adults & Seniors Dance

Saturday, August 22	Adult Dance	TBD

Day Trips

Saturday, May 16	Destination TBD	TBD
Wednesday, August 12	Destination TBD	TBD

Adult Softball Leagues - Spring & Summer

Ladies	Monday evenings	$400 / team
Co-ed Traditional	Tuesday evenings	$400 / team
Mens	Wednesday evenings	$400 / team
Co-ed Casual	Thursday evenings	$400 / team

Aquatics

Swim Lessons

Session I, June 22 - July 2	Monday through Thursday morning instruction; 5 time slots; 5 age and skills-based levels of instruction	$45 per session
Session II, July 6 - July 16		$45 per session
Session III, July 20 - 30		$45 per session
Session IV, Aug 3 - Aug 13		$45 per session

Lifeguard Certification Course

Session I, May 2, 3, 9, 10	Red Cross LG certification course. Open enrollment, successful candidates interviewed for Aquatics positions.	$220

Water Safety Instructor Certification Course

Session I	Red Cross WSI certification course. In-service training for selected Aquatics staff.	
May 16,17,23,24,30,31, June 6,7		

Morning Water Aerobics

M, Tu, Th, F, 7 am	45-minute instructor led water exercises	$4 ($3 w/pass)

Lap Swimming Sessions

Mon thru Fri, 8 am	Drop-in sessions; 1 hour, divided swim lanes, circle swimming format	$4 ($3 w/pass)
M W, 5:30 & 6:30 pm		$4 ($3 w/pass)

Fun Swim Sessions

Mon & Wed, 1 - 5 pm	Public recreational swim	$4 ($3 w/pass)
Sat, 12 - 4 pm	Public recreational swim	$4 ($3 w/pass)

Swim Passes

Swim Pass	10 admissions to Water Aerobics, Lap Swimming, or Fun Swim sessions.	$30

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Town Manager
Jessica Rice, Management Analyst
Date: January 14, 2015
For Council Meeting: January 20, 2015

Subject: Acceptance of Charles May Bequest

Recommendation: That the Town Council moves to accept the bequest from the Charles C. May Trust, and direct staff to designate that the funds are used to the benefit of the Yucca Valley Animal Shelter, in accordance with the wishes of the benefactor.

Order of Procedure:

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

Discussion: In February 2014, Town staff received notification that the Yucca Valley Animal Shelter had been named a beneficiary of the Charles C. May Trust. It was Mr. May's wish that the Animal Shelter receive five percent (5%) of the Trust and that it "be used for any improvements needed by the shelter".

On December 29, 2014 Town staff received notification that the Successor Trustee of the Charles C. May Trust, Reverend Jane L. Crase, administered the initial distribution of assets to the beneficiaries. The Yucca Valley Animal Shelter received $50,000.00.

Staff has prepared a letter to the Trustee, thanking her for the bequest and advising the Trust that it will be used for shelter improvements that will add to the health and well-being of the animals that are brought to the shelter.

Alternatives: None recommended.

Fiscal impact: The recommended action will result in the addition and designation of $50,000.00 available for the benefit of the Town's animal shelter.

Attachments: Letter to Trust

Reviewed By:	Town Manager	Town Attorney	Finance Manager	Department

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

January 20, 2015

Reverend Jane L. Crase
Successor Trustee of the Charles C. May Trust
c/o Schlecht, Shevlin & Shoenberger, A Law Corporation
801 East Tahquitz Canyon Way, Suite 100
Palm Springs, CA 92262
Attn: John Shevlin, Esq.

Dear Reverend Crase,

The Town of Yucca Valley would like to extend sincere gratitude for the generous donation of $50,000.00 to the Yucca Valley Animal Shelter received from the Charles C. May Trust. It is our understanding that Mr. Mays wish is the "gift shall be used for any improvements needed by the shelter".

As you may know, the replacement animal shelter was recently completed in December 2014. In brief, the main purpose of an animal shelter is to provide a safe and caring environment for found animals until they are adopted, reunited with their owner, transferred to another rescue, etc. Many of these animals come from places where they have been neglected or abused or they were abandoned by their previous owners. Missing pets also end up in shelters as well. Staff always celebrates when a lost pet is able to be reunited with his or her worried owner.

While the new facility is up and running, the animal shelter staff have ideas for future enhancements that would help provide the animals even greater care while there. Per his wishes, Mr. May's bequest will be used for animal shelter improvements, which in turn, will add to the superb care already given to the animals that are brought to the shelter.

Again, the Town of Yucca Valley, and all of the animals at the Yucca Valley Animal Shelter, thank you for your generous donation.

Sincerely,

George Huntington
Mayor

Melanie Crider
Animal Care and Control Manager

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane Stueckle, Deputy Town Manager
Alex Qishta, Project Engineer
Date: January 13, 2015
For Council Meeting: January 20, 2015

Subject: Community Center Infield Refurbishment
Reject all bids and Re-advertise

Prior Council Review: On December 16, 214, the Town Council adopted a Resolution approving the specifications for the project and authorizing the Town Clerk to advertise and receive bids.

Recommendation: That the Town Council:

- Rejects all bids received on January 13, 2105;
- Authorizes to the Town Clerk to return all Bid Bonds to all bidders;
- Authorizes the Town Clerk to re-advertise and solicit bids for the project with an opening date of February 10, 2015.

Executive Summary: The single bid received for this project significantly exceeds the engineer's estimate. The recommended action results in rejecting all bids and authorizing re-advertising of the project.

Town Council authorization to advertise construction of capital projects is sought prior to staff proceeding with the advertising process. The bidding period for this project concludes on February 10, 2015. Bid recommendations are anticipated to be made to the Town Council at the February 17, 2015 Town Council meeting.

Order of Procedure:

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

Discussion: The Community Center Infields Refurbishment project includes the

Reviewed By:	Town Manager	Town Attorney	Finance Manager	Department

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

refurbishment of a standard size softball infield. The Community Center infield is approximately 8,000 square feet in size. In summary, this project brings new clay infield materials onto the softball field, which are necessary for safe and quality field surfaces. The warning tracks will not receive new clay material.

On January 13, 2015, the Town received 1 bid for the project as follows:

BIDDER	TOTAL
Sunrise Landscape Company	$37,500.00

The apparent low bid, submitted by Sunrise Landscape Company, exceeded the Engineers Estimate of $16,000.00 as outlined below.

Apparent Low Bid	$37,500.00
Contingency	$3,750.00
Total	$41,250.00
Available Appropriated Funds	$25,897.00
Projected Costs over Appropriations	$15,353.00

Staff will be reaching out to additional contractors in this bidding process in order to attract more bidders to the process.

Alternatives: Staff recommends no alternative action. The Council may elect to appropriate additional funds from the Capital Projects Reserve, which has a current balance of approximately $600,000.

Fiscal impact: The following outlines preliminary project costs of completion of work without contingency:

Project Budget Summary

Project Budget-Capital Projects Reserve Fund 800	$	25,897
Total Project Budget		**25,897**
Project Expenditures		
Estimated Project Costs		16,000
Total Estimated Project Costs		**16,000**
Expenditure Budget Surplus	**$**	**9,897**

Attachments:
Notice Inviting Bids
December 16, 2014 Staff Report
Bid Results
Budget Page

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane Stueckle, Deputy Town Manager
Alex Qishta, Project Engineer
Date: December 2, 2014
For Council Meeting: December 16, 2014

Subject: Community Center Infield Refurbishment
Approval of Specifications
Authorization to Advertise for Construction

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

Recommendation: That the Town Council adopts the Resolution, approves the specifications for the project, and authorizes the Town Clerk to advertise and receive bids.

Executive Summary: Town Council authorization to advertise construction of capital projects is sought prior to staff proceeding with the advertising process. The bidding period for this project concludes on January 8, 2015. Bid recommendations are anticipated to be made to the Town Council at the January 16, 2015 Town Council meeting.

Order of Procedure:

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

Discussion: The Community Center Infields Refurbishment project includes the refurbishment of a standard size softball infield. The Community Center infield is approximately 8,000 square feet in size. In summary, this project brings new clay infield materials onto the softball field, which are necessary for safe and quality field surfaces. The warning tracks will not receive new clay material.

Project Specifications are on file in the Town Clerk's Office for review.

Alternatives: Staff recommends no alternative action.

Reviewed By:	Town Manager	Town Attorney	Finance Manager	Department
	CM		SL	SRS

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

Fiscal impact: The following outlines preliminary project costs of completion of work without contingency:

Project Budget Summary

Project Budget-Capital Projects Reserve Fund 800	$	16,000
Total Project Budget		**16,000**
Project Expenditures		
Estimated Project Costs		16,000
Total Estimated Project Costs		**16,000**
Expenditure Budget Surplus	**$**	**-**

Attachments:

Resolution No. 14-
Notice Inviting Bids
Budget Pages

NOTICE INVITING SEALED BIDS OR PROPOSALS

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, NOTICE IS HEREBY GIVEN that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 o'clock P.M. on the **10th day** of **February, 2015**, sealed bids or proposals for the Construction of:

Community Center Infield Refurbishment

in said Town. Bids will be opened and publicly read immediately thereafter.

Bids must be made on a form provided for the purpose, addressed to the Town of Yucca Valley marked: Bid for Construction of

Community Center Infield Refurbishment

PREVAILING WAGE: Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the Contractor is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In that regard, the Director of the Department of Industrial Relations of the State of California is required to and has determined such general prevailing rates of per diem wages. Copies of such prevailing rates of per diem wages are on file in the office of the Town Clerk, 57090 29 Palms Highway, Yucca Valley, California, and are available to any interested party on request. The Town also shall cause a copy of such determinations to be posted at the job site.

Pursuant to Labor Code § 1775, the Contractor shall forfeit, as penalty to the Town, not more than fifty dollars ($50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the attached contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code.

In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in §§ 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

SUBCONTRACTED WORK: The name and location of business of any subcontractor who will perform work exceeding 1/2 of 1% of the prime contractor's total bid or ten thousand dollars ($10,000), whichever is greater, must be submitted with the bid. Any other information regarding the foregoing subcontractors that is required by Town to be submitted may be submitted with the bid, or may be submitted to Town up to 24 hours after the deadline established herein for receipt of bids. The additional

information must be submitted by the bidder to the same address and in the same form applicable to the initial submission of bid.

INELIGIBLE SUBCONTRACTORS: The successful bidder shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to Section 1999.1 or 1777.7 of the Labor Code.

YOU MUST SUBMIT with your proposal cash, cashier's check, certified check, or bidder's bond, payable to the Town of Yucca Valley in an amount equal to at least ten percent (10%) of the bid as a guarantee that the bidder will enter into the contract if the same is awarded to him, and in the event of failure to enter into such contract said cash, cashier's check, certified check, or bond shall become the property of the Town of Yucca Valley. If the Town of Yucca Valley awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied to the difference between the low bid and second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

The Contractor shall be required to post a bond in the amount of 100% of the contract price and a labor and material bond equal to 50% of the contract price. No proposal will be considered from a Contractor who is not licensed as a Class "**A**", "**B**", or "**C-27**" contractor, at time of bid, or to whom a proposal form has not been issued by the Town of Yucca Valley.

The work is to be done in accordance with the plans and specifications on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of **$15.00** which sum is nonrefundable. Upon written request, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with a nonrefundable payment of **$10.00** to cover mailing charges and overhead.

The Contractor may, upon the Contractor's request and the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The successful bidder will be required to enter into a contract satisfactory to the Town of Yucca Valley. The Town of Yucca Valley reserves the right to reject any and all bids, or to waive any irregularities in the bids.

By order of the Town Council this 20th day of January 2015.

By:_____
Town Clerk
Town of Yucca Valley

TOWN OF YUCCA VALLEY
BID OPENING LOG SHEET

BID OPENING DATE: January 13, 2015, 3:00 p.m.

PROJECT DESCRIPTION:

Community Center Infield Refurbishment

	BIDDER	**BID AMOUNT**	**BID BOND**
1.	Sunrise Landscape, Co.	37,500.00	10%
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Lesley Copeland
Town Clerk

Town of Yucca Valley
FY 2014-16 Amended Budget
Special Revenue Funds

Proposed Amendment

		2013-14		2014-15		2015-16
		Amended Budget	Actual	Adopted Budget	Amended Budget	Adopted Budget
800 - Capital Projects Reserve						
RECEIPTS						
Cap Proj Reimb-YVHS Lift	800 00-00 8310 8048 821	$ -	$ -	$ -	$ -	$ -
Cap Project Reimb		-	-	-	-	-
TOTAL RECEIPTS		-	-	-	-	-
EXPENDITURES						
Indirect Cost		-	-	-	-	-
Specialized Professional Services		-	-	-	100,000	-
TOTAL EXPENDITURES		-	-	-	**100,000**	-
CAPITAL OUTLAY						
Contruction Projects		82,991	23,657	100,000	125,000	-
Capital Replacement		75,000	-	104,000	104,000	134,000
Capital Maintenance		66,630	40,740	224,897	624,897	150,000
TOTAL CAPITAL OUTLAY		**224,621**	**64,397**	**428,897**	**853,897**	**284,000**
OPERATING TRANSFERS IN (OUT)						
Transfer OUT - Fund 001	001.40.45-Animal Shelter	(133,750)	(94,982)	-		-
Transfer IN - Fund 001		170,000	170,000	120,000	120,000	150,000
Transfer OUT- Fund 527		(113,553)	(22,153)	-	(91,400)	-
Transfer IN - Fund 540				-	-	-
Transfer IN (OUT) - Fund 350		-	-	(19,329)	(19,329)	-
Transfer IN - Fund 001	FY13-14	-	-	-	500,000	-
TOTAL OPERATING TRANSFERS IN(OUT)		**(77,303)**	**52,865**	**100,671**	**509,271**	**150,000**
INCREASE (DECREASE) IN FUND BALANCE		**(301,924)**	**(11,532)**	**(328,226)**	**(444,626)**	**(134,000)**
Unassigned Cap Reserve Fund		379,375	379,375	747,100	747,100	302,474
Animal Shelter Reserve		429,257	429,257	50,000	50,000	50,000
BEGINNING FUND BALANCE		**808,632**	**808,632**	**797,100**	**797,100**	**352,474**
Unassigned Cap Reserve Fund		77,451	697,100	418,874	302,474	218,474
Animal Shelter Reserve		429,257	100,000	50,000	50,000	-
ENDING FUND BALANCE		**$ 506,708**	**$ 797,100**	**$ 468,874**	**$ 352,474**	**$ 218,474**

Town of Yucca Valley
FY 2014-16 Amended Budget
Special Revenue Funds

Proposed Amendment

800 - Capital Projects Reserve

Project Detail	Account	2013-14 Amended Budget	2013-14 Actual	2014-15 Adopted Budget	2014-15 Amended Budget	2015-16 Adopted Budget
Construction Projects						
Brehm 2 Sports Park	800 00-00 8310 3089-000	-	18,818	-	-	-
Old Kennel Demolition	800 00-00 8310 8045-000	36,662	3,092	50,000	50,000	-
Kennel Project-DIF Portion	800 00-00 8310 8045-350	21,329	1,747	-	-	-
Paradise Park Improvements	800 00-00 8310 8048 809	25,000	-	-	25,000	-
Jacobs Park Improvements	800 00-00 8310 8948 000	-	-	50,000	50,000	-
		82,991	**23,657**	**100,000**	**125,000**	**-**
Capital Replacement Program						
Cap Projects- Contingency	800 00-00 8310 8048 810	75,000	-	50,000	50,000	50,000
Scorpio Radio Upgrades	800 00-00 8310 8017 000	-	-	25,000	25,000	-
New telephone system	800 00-00 8310 8018 000	-	-	5,000	5,000	30,000
Financial Software	800 00-00 8310 8019 000	-	-	-	-	5,000
New website	800 00-00 8310 8020 000	-	-	5,000	5,000	20,000
PEG Operations	800 00-00 8310 8029 000	-	-	5,000	5,000	20,000
Agenda Management System	800 00-00 8310 8030 000	-	-	14,000	14,000	9,000
		75,000	**-**	**104,000**	**104,000**	**134,000**
Capital Maintenance Program						
Facilities Maintenance						
Town Hall Carpeting		-	-	25,000	25,000	-
Community Ctr - Re-plumb	800 00-00 8310 8048 802	-	-	-	-	-
Town-wide Re-Key Prog Ph 1	800 00-00 8310 8048 803	26,733	26,430	-	-	-
Roof Re-coat Projects	800 00-00 8310 8048 818	-		-	-	-
		26,733	**26,430**	**25,000**	**25,000**	**-**
Parks Maintenance						
YVHS Lift	800 00-00 8310 8048 821	-	-	-	-	-
YVHS Pool Motor Replc	800 00-00 8310 8048 820	11,000	-	-	-	-
YVHS Pool Lights			-	-	-	-
Community Ctr Ball Fields	800 00-00 8310 8048 819	13,897	-	13,897	25,897	-
Com Ctr in field clay			-	12,000	-	
Com Ctr- Basketball resurface			-	10,000	10,000	
Machris- infield clay			-	12,000	12,000	
Jacobs Ten Ct Resurface		-	-	12,000	12,000	
Park Picnic Tables	800 00-00 8310 8048 814	15,000	14,310	20,000	20,000	-
		39,897	**14,310**	**79,897**	**79,897**	**-**
Public Works						
Town-wide Infrastructure	800 00-00 8310 8048 815	-	-	120,000	520,000	150,000
Church/Joshua/Onaga	800 55-59 8310 8348	-	-	-	-	-
Street Proj Contingency	800 55-59 8310 9999	-	-	-	-	-
		-	**-**	**120,000**	**520,000**	**150,000**
	Capital Maintenance subtotal	**66,630**	**40,740**	**224,897**	**624,897**	**150,000**

NOTICE INVITING SEALED BIDS OR PROPOSALS

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, NOTICE IS HEREBY GIVEN that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 o'clock P.M. on the **10th day** of **February, 2015**, sealed bids or proposals for the Construction of:

Community Center Infield Refurbishment

in said Town. Bids will be opened and publicly read immediately thereafter.

Bids must be made on a form provided for the purpose, addressed to the Town of Yucca Valley marked: Bid for Construction of

Community Center Infield Refurbishment

PREVAILING WAGE: Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the Contractor is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In that regard, the Director of the Department of Industrial Relations of the State of California is required to and has determined such general prevailing rates of per diem wages. Copies of such prevailing rates of per diem wages are on file in the office of the Town Clerk, 57090 29 Palms Highway, Yucca Valley, California, and are available to any interested party on request. The Town also shall cause a copy of such determinations to be posted at the job site.

Pursuant to Labor Code § 1775, the Contractor shall forfeit, as penalty to the Town, not more than fifty dollars ($50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the attached contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code.

In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in §§ 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

SUBCONTRACTED WORK: The name and location of business of any subcontractor who will perform work exceeding 1/2 of 1% of the prime contractor's total bid or ten thousand dollars ($10,000), whichever is greater, must be submitted with the bid. Any other information regarding the foregoing subcontractors that is required by Town to be submitted may be submitted with the bid, or may be submitted to Town up to 24 hours after the deadline established herein for receipt of bids. The additional

information must be submitted by the bidder to the same address and in the same form applicable to the initial submission of bid.

INELIGIBLE SUBCONTRACTORS: The successful bidder shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to Section 1999.1 or 1777.7 of the Labor Code.

YOU MUST SUBMIT with your proposal cash, cashier's check, certified check, or bidder's bond, payable to the Town of Yucca Valley in an amount equal to at least ten percent (10%) of the bid as a guarantee that the bidder will enter into the contract if the same is awarded to him, and in the event of failure to enter into such contract said cash, cashier's check, certified check, or bond shall become the property of the Town of Yucca Valley. If the Town of Yucca Valley awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied to the difference between the low bid and second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

The Contractor shall be required to post a bond in the amount of 100% of the contract price and a labor and material bond equal to 50% of the contract price. No proposal will be considered from a Contractor who is not licensed as a Class "**A**", "**B**", or "**C-27**" contractor, at time of bid, or to whom a proposal form has not been issued by the Town of Yucca Valley.

The work is to be done in accordance with the plans and specifications on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of **$15.00** which sum is nonrefundable. Upon written request, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with a nonrefundable payment of **$10.00** to cover mailing charges and overhead.

The Contractor may, upon the Contractor's request and the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The successful bidder will be required to enter into a contract satisfactory to the Town of Yucca Valley. The Town of Yucca Valley reserves the right to reject any and all bids, or to waive any irregularities in the bids.

By order of the Town Council this 20th day of January 2015.

By:_____
Town Clerk
Town of Yucca Valley

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Town Manager
Date: January 15, 2015
For Council Meeting: January 20, 2015
Subject: BLM Desert District Advisory Council Nomination

Prior Council Review: None.

Recommendation: That the Town Council supports the nomination of Councilmember Robert Leone to the Bureau of Land Management's California Desert District Advisory Council, and authorize the Mayor to offer a letter of support on behalf of the Council.

Summary: Councilmember Leone has expressed interest in serving on the BLM Desert Advisory Council. This Council provides advice and recommendations to the BLM on the management of over 10 million acres of public lands in eight counties of Southern California.

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: Councilmember Leone has expressed interest in serving on the BLM Desert Advisory Council. This Council consists of 15 members across a variety of constituent groups, and provides advice and recommendations to the BLM on the management of over 10 million acres of public lands in eight counties of Southern California. If appointed by the secretary, Councilmember Leone would be serving as an "Elected Officials" representative. As part of the application process, BLM has requested a letter of support from the representing agency.

Alternatives: Do not support the nomination.

Fiscal impact: None with this item.

Attachment: BLM News Release

Reviewed By:	Town Manager	Town Attorney	Finance	Department

___ Department Report	___ Ordinance Action	___ Resolution Action	___ Public Hearing
X Consent	X Minute Action	___ Receive and File	___ Policy Disc.

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT NEWS RELEASE
California Desert District Office

Release Date: 11/28/14
Contacts: Stephen Razo 951-697-5217; email: srazo@blm.gov **News Release No.** CA-CDD-15-06

BLM Seeks Desert District Advisory Council Nominations

The Bureau of Land Management's (BLM) California Desert District is soliciting nominations from the public for six members of its California Desert Advisory Council to serve three-year terms. The council's 15 members provide advice and recommendations to the BLM on the management of over 10 million acres of public lands in eight counties of Southern California.

The council meets in formal session three to four times each year in various locations throughout the California Desert District. Council members serve without compensation other than travel expenses. Members serve three-year terms and may be nominated for reappointment for an additional three-year term. The secretary selects council nominees consistent with the requirements of Federal Land Policy and Management Act and the Federal Advisory Committee Act (FACA), which require nominees appointed to the council be balanced in terms of points of view and representative of the various interests concerned with the management of the public lands within the area for which the council is established.

Nominations will be accepted until January 12, 2015 and will be noted on the Desert Advisory Council webpage cited below. The six positions to be filled include one elected official, one representative of non-renewable resources groups or organizations, one representative of recreation groups or organizations, one representative of wildlife groups or organizations, and two representatives of the public-at-large. These six positions become vacant on Dec. 7, 2014.

Any group or individual may nominate a qualified person based upon education, training, and knowledge of the BLM, the California Desert, and the issues involving BLM-administered public lands throughout Southern California. Qualified individuals also many nominate themselves. The nomination form is on the Desert Advisory Council webpage: http://www.blm.gov/ca/st/en/info/rac/dac.html. Nominations must include letters of support.

Advisory Council members are appointed by the secretary, and will be evaluated based on their education, training, and knowledge of the BLM, the California Desert District, and the issues involving BLM-administered public lands. The Obama Administration prohibits individuals who are currently federally registered lobbyists to serve on any FACA and non-FACA boards, committees, or councils

Nominations should be sent to Teresa A. Raml, District Manager, BLM California Desert District, 22835 Calle San Juan Del Los Lagos, Moreno Valley, CA 92553. For further information, please contact Stephen Razo, BLM California Desert District External Affairs, (951) 697-5217 or srazo@blm.gov.

--BLM--

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Town Manager
Sharon Cisneros, Finance Manager
Date: January 12, 2015
For Council Meeting: January 20, 2015

Subject: AB1234 Reporting Requirements

Prior Council Review: Current reimbursement policy for Council members and Redevelopment Agency members reviewed and approved by Council August 2006.

Recommendation: Receive and file the AB1234 Reporting Requirement Schedule for the month of December 2014.

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: AB1234 requires members of a legislative body to report on "meetings" attended at public expense at the next meeting of the legislative body. "Meetings" for purpose of this section are tied to the Brown Act meaning of the term: *any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.* Qualifying expenses include reimbursement to the member related to meals, lodging, and travel.

An example of when a report is required is when a Town Council member represents his or her agency on a joint powers agency board and the Town pays for the official's expenses in serving in that representative capacity. Additionally, in the spirit of AB1234, the Yucca Valley Town Council also reports all travel related to conference and training attended at public expense.

Reviewed By:	Town Manager	Town Attorney	Finance Manager	Department

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

Although the AB1234 report can be either written or oral, this report must be made at the next meeting of the legislative body that paid for its member to attend the meeting.

Alternatives: None.

Fiscal impact: There is no anticipated financial impact associated with the recommended approval of AB1234 reporting requirements.

Attachments: AB1234 Reporting Requirement Schedule

Town of Yucca Valley

Councilmember AB1234 Meetings Schedule
For Reimbursements in December 2014

Date of Travel	Organization	Description	Location

Mayor Huntington
No Reportable Meetings

Mayor Pro Tem Leone
No Reportable Meetings

Councilmember Abel
No Reportable Meetings

Councilmember Denison
No Reportable Meetings

Councilmember Lombardo
No Reportable Meetings

Councilmember Rowe
No Reportable Meetings

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Town Manager
Sharon Cisneros, Finance Manager
Date: January 12, 2015
Council Meeting: January 20, 2015

Subject: Warrant Register January 20, 2015

Recommendation:

Ratify the Payroll Registers total of $ 392,703.48 for checks dated December 5, 2014 to January 2, 2015 and the Warrant Registers total of $ 849,356.08 for checks dated December 18, 2014 and January 8, 2015.

Order of Procedure:

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

Attachments:

Payroll Register No. 22 dated December 5, 2014 total of $ 125,408.12
Payroll Register No. 24 dated December 19, 2104 total of $ 141,751.84
Payroll Register No. 26 dated January 2, 2015 total of $ 125,543.52
Warrant Register No. 27 dated December 18, 2104 total of $ 487,987.45
Warrant Register No. 29 dated January 8, 2015 total of $ 361,368.63

Reviewed By:	Town Manager	Town Attorney	Finance Manager	Department

___ Department Report	___ Ordinance Action	___ Resolution Action	___ Public Hearing
X Consent	X Minute Action	___ Receive and File	___ Study Item

TOWN OF YUCCA VALLEY

PAYROLL REGISTER #22
CHECK DATE - December 05, 2014

Fund Distribution Breakdown

Fund Distribution

General Fund	**$116,021.13**
Gas Tax Fund	**9,386.99**
Successor Agency	**0.00** **
Grand Total Payroll	**$125,408.12**

****This is not an obligation of the Town of Yucca Valley.**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: _____

Town of Yucca Valley

Payroll Net Pay & Net Liability Breakdown

Pay Period 22 - Paid 12/05/2014

(November 15, 2014 - November 28, 2014)

Checks: 4994 - 4999

	Employee	Employer	Total
Net Employee Pay			
Payroll Checks	$4,352.32		$4,352.32
Direct Deposit	60,032.97	-	60,032.97
Sub-total	64,385.29		64,385.29
Employee Tax Withholding			
Federal	11,001.18		11,001.18
Medicare	1,215.25	1,215.28	2,430.53
SDI - EE	-	-	-
State	3,340.99		3,340.99
Sub-total	15,557.42	1,215.28	16,772.70
Employee Benefit & Other Withholding			
Misc. Payroll Adjustment Credit's	-	24.98	24.98
Deferred Compensation	2,622.80	1,136.28	3,759.08
PERS Survivor Benefit	36.00		36.00
Health Café Plan	1,205.91	10,975.65	12,181.56
American Fidelity Pre-Tax	29.95		29.95
American Fidelity After-Tax	63.32		63.32
American Fidelity-FSA	564.52		564.52
PERS EE - Contribution 6.25 %	450.60		450.60
PERS EE - Contribution 7%	926.71		926.71
PERS EE - Contribution 8%	4,590.36		4,590.36
PERS Retirement - Employer 6.25 %	-	450.60	450.60
PERS Retirement - Employer 7.846 %	-	1,059.75	1,059.75
PERS Retirement - Employer 18.586 %	-	11,903.38	11,903.38
Wage Garnishment - Employee	11.54		11.54
Life & Disability Insurance		945.72	945.72
Other Post Employee Benefit's		2,390.74	2,390.74
Unemployment Insurance		1,479.50	1,479.50
Workers' Compensation		3,381.82	3,381.82
Sub-total	10,501.71	33,748.42	44,250.13
Gross Payroll	**$90,444.42**	**$34,963.70**	**$125,408.12**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: _____

TOWN OF YUCCA VALLEY

PAYROLL REGISTER #24
CHECK DATE - December 19, 2014

Fund Distribution Breakdown

Fund Distribution	
General Fund	**$131,773.81**
Gas Tax Fund	**9,978.03**
Successor Agency	**0.00** **
Grand Total Payroll	**$141,751.84**

****This is not an obligation of the Town of Yucca Valley.**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: _____

Town of Yucca Valley

Payroll Net Pay & Net Liability Breakdown

Pay Period 24 - Paid 12/19/2014

(November 29, 2014 - December 12, 2014)

Checks: 5000 - 5007

	Employee	Employer	Total
Net Employee Pay			
Payroll Checks	$3,958.46		$3,958.46
Direct Deposit	67,971.68	-	67,971.68
Sub-total	71,930.14		71,930.14
Employee Tax Withholding			
Federal	12,488.01		12,488.01
Medicare	1,428.95	1,428.98	2,857.93
SDI - EE	-	-	-
State	3,801.10		3,801.10
Sub-total	17,718.06	1,428.98	19,147.04
Employee Benefit & Other Withholding			
Misc. Payroll Adjustment Credit's	-	251.12	251.12
Deferred Compensation	3,717.96	3,568.71	7,286.67
PERS Survivor Benefit	48.00		48.00
Health Café Plan	1,205.91	11,124.11	12,330.02
American Fidelity Pre-Tax	29.95		29.95
American Fidelity After-Tax	63.32		63.32
American Fidelity-FSA	564.52		564.52
PERS EE - Contribution 6.25 %	481.14		481.14
PERS EE - Contribution 7%	1,226.64		1,226.64
PERS EE - Contribution 8%	4,808.29		4,808.29
PERS Retirement - Employer 6.25 %	-	481.14	481.14
PERS Retirement - Employer 7.846 %	-	1,402.74	1,402.74
PERS Retirement - Employer 18.586 %	-	12,468.50	12,468.50
Wage Garnishment - Employee	76.54		76.54
Life & Disability Insurance		967.46	967.46
Other Post Employee Benefit's		2,668.06	2,668.06
Unemployment Insurance		1,680.14	1,680.14
Workers' Compensation		3,840.41	3,840.41
Sub-total	12,222.27	38,452.39	50,674.66
Gross Payroll	**$101,870.47**	**$39,881.37**	**$141,751.84**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: _____

TOWN OF YUCCA VALLEY

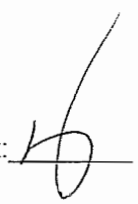
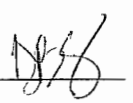
PAYROLL REGISTER #26
CHECK DATE - January 02, 2015

Fund Distribution Breakdown

Fund Distribution

General Fund	**$116,142.56**
Gas Tax Fund	**9,400.96**
Successor Agency	**0.00** **
Grand Total Payroll	**$125,543.52**

****This is not an obligation of the Town of Yucca Valley.**

Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 

Town of Yucca Valley

Payroll Net Pay & Net Liability Breakdown

Pay Period 26 - Paid 01/02/2015

(December 13, 2014 - December 26, 2014)

Checks: 5008 - 5014

	Employee	Employer	Total
Net Employee Pay			
Payroll Checks	$2,540.22		$2,540.22
Direct Deposit	61,859.61	-	61,859.61
Sub-total	64,399.83		64,399.83
Employee Tax Withholding			
Federal	10,762.95		10,762.95
Medicare	1,210.87	1,210.89	2,421.76
SDI - EE	-	-	-
State	3,183.24		3,183.24
Sub-total	15,157.06	1,210.89	16,367.95
Employee Benefit & Other Withholding			
Misc. Payroll Adjustment Credit's	-	-	-
Deferred Compensation	2,710.81	1,107.74	3,818.55
PERS Survivor Benefit	35.00		35.00
Health Café Plan	1,195.65	10,976.57	12,172.22
American Fidelity Pre-Tax	165.09		165.09
American Fidelity After-Tax	-		-
American Fidelity-FSA	414.53		414.53
PERS EE - Contribution 6.25 %	450.60		450.60
PERS EE - Contribution 7%	957.79		957.79
PERS EE - Contribution 8%	4,610.05		4,610.05
PERS Retirement - Employer 6.25 %	-	450.60	450.60
PERS Retirement - Employer 7.846 %	-	1,095.30	1,095.30
PERS Retirement - Employer 18.586 %	-	11,954.43	11,954.43
Wage Garnishment - Employee	99.44		99.44
Life & Disability Insurance		1,320.75	1,320.75
Other Post Employee Benefit's		2,373.46	2,373.46
Unemployment Insurance		1,478.49	1,478.49
Workers' Compensation		3,379.44	3,379.44
Sub-total	10,638.96	34,136.78	44,775.74
Gross Payroll	**$90,195.85**	**$35,347.67**	**$125,543.52**

Prepared by P/R & Financial Specialist: _____ Reviewed by H/R & Risk Mgr.: _____

WARRANT REGISTER # 27
CHECK DATE DECEMBER 18, 2014

FUND DISTRIBUTION BREAKDOWN

Checks # 45878 to # 45966 are valid:

GENERAL FUND # 001	$421,541.79
INTERNAL SERVICE FUND # 100	$3,157.25
DEPOSITS FUND # 200	$589.98
COPS-LLESA FUND # 511	$31,392.59
AB2928-STATE CONSTRUCTION FUND # 513	$795.00
STREET MAINTENANCE FUND # 515	$2,655.73
LTF FUND # 516	$2,000.00
MEASURE I 2010-2040 FUND # 524	$4,326.93
SAFE ROUTES TO SCHOOLS FUND # 529	$19,445.22
SAFE ROUTES TO SCHOOLS FUND # 530	$107.96
CMAQ FUND # 542	$1,975.00
GRAND TOTAL	**$487,987.45**

Prepared by Shirlene Doten, Accounting Technician III
Reviewed by Sharon Cisneros, Finance Manager

FUND	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	45878	Ace Alternators	Fleet Vehicle Maintenance	$ 487.20
	45879	Action Pumping, Inc.	Septic Maintenance Service	160.00
	45880	Addiction Medicine Consultants	D.O.T. Drug & Alcohol Testing	600.00
	45882	Aleshire & Wynder, LLC	Professional Services	7,750.43
	45883	Ruth Alkire	Contract Instructor	42.00
	45884	Alsco/American Linen, Inc.	Facilities Uniform Service	268.50
	45885	Janet Anderson	01/15 Medical Insurance Premium	1,203.46
	45886	Animal Action League	Veterinary Services	2,075.00
	45887	Arrowhead Mountain Water	Office Supplies	280.59
	45888	Avalon Urgent Care	Employment Screening Service	140.00
	45889	Bank of America	Citation # 653929 Refund	1,000.00
	45890	Basin Wide Foundation	Point in Time Activity	500.00
	45891	Isaiah P. Bates	Sports Referee	40.00
	45892	Big 5 Corp.	Recreation Program Expense	39.95
	45893	Carol Boyer	Contract Instructor	50.40
	45894	Debra Breidenbach-Sterling	Seminar Expense	86.87
	45895	Builders Supply-Yucca Valley	Parks Supplies	70.07
	45896	C & S Electric	Parks Maintenance	215.51
	45897	CACEO	Membership Renewal	75.00
	45898	Checkered Flag Auto Spa	Vehicle Maintenance	135.60
	45899	Chevron & Texaco Card Services	Vehicle Fuel	163.22
	45900	Janine Cleveland	Contract Instructor	171.50
	45901	Companion Animal Clinic	Veterinary Supplies & Services	515.00
	45902	Lesley Copeland	Training Expense	690.00
	45903	Carol Corbin	Contract Instructor	64.40
	45904	Corelogics Information Solutions	Citation Processing Services	165.00
	45905	CSMFO	Membership Renewal	220.00
	45906	Data Ticket	Citation Processing Service	350.00
	45907	Desert Pacific Exterminators, LLC	Pest Control Services	311.00
	45908	Diamond Automotive	Vehicle Maintenance	583.74
	45909	Dept of Justice	Livescan Services	147.00
	45910	Susan Earnest	Recreation Program Supplies	131.08
	45911	Exhibit Envoy	Museum Exhibition Rental	2,231.25
	45912	Farmer Bros. Co.	Office Supplies	331.89
	45913	FedEx	Delivery Service	28.13
	45914	Catherine Fletcher	Contract Instructor	50.40
	45915	Fred's Tires	Vehicle Maintenance	840.00
	45916	Fulton Distributing Co.	Animal Shelter Janitorial Supplies	617.23
	45918	Graphic Penguin	Website Maintenance	340.00
	45919	Duane Griffin	Contract Instructor	74.20
	45920	Joy Groves	Contract Instructor	179.20
	45921	Totalfunds by Hasler	Postage	430.47

FUND	Check #	Vendor	Description	Amount
	45922	HdL Hinderliter, DeLlamas & Assoc	Sales Tax Audit Services	962.90
	45923	Lori Herbel	Contract Instructor	945.00
	45924	Hi-Desert Publishing	Advertising	3,488.83
	45925	Hill's Towing	Vehicle Maintenance	55.00
	45926	Institute-Transportation Engineers	Membership Renewal	291.78
	45927	Susan Jordan	Contract Instructor	126.00
	45928	Heather Kaczmarczk	Contract Instructor	931.00
	45930	Michele Linzner	Employee Holiday Party	139.97
	45931	Pat Lumbattis	Contract Instructor	43.40
	45932	David Luse	Contract Instructor	33.60
	45934	Morongo Basin Cultural Arts Council	Art Sales Expense	439.82
	45935	Bill McClay	Sports Referee	40.00
	45936	Morongo Unified School District	Fleet Fuel	3,572.83
	45937	NRO Engineering	Engineering Services	6,000.00
	45938	Oasis Office Supply, Inc.	Office Supplies	951.15
	45939	Diane Olsen	Holiday Party Expense	349.23
	45940	OnTrac	Delivery Service	3.59
	45941	Carl Otteson	Backflow Testing & Repair	1,300.00
	45942	Pacific Telemanagement Svs.	Public Phone Service	82.64
	45943	Public Agency Retirement Services	Professional Services	312.86
	45944	Perris Fence & Supply	Parks Fencing Supplies	17.82
	45945	Petty Cash-Jessica Rice	Miscellaneous Supplies	736.03
	45946	Pool & Spa Center	YVHS Pool Maintenance	89.42
	45947	Premier Pet Products, LLC	Shelter Adoption Expense	311.47
	45948	Pro Video	Town Council Taping	200.00
	45949	Rec Solar	Building Permit Refund	138.79
	45950	Rotary Club of Yucca Valley	Light Parade Sponsorship	1,000.00
	45951	SANBAG	FY 14/15 Membership Dues	919.33
	45952	Linda Sande	Contract Instructor	31.50
	45953	SBCO - Information Services	11/14 Radio Access	2,144.37
	45954	SBCO Sheriff's Dept	12/14 Professional Svs.	308,539.00
	45954	SBCO Sheriff's Dept	07-09/14 FY 14/15 Vehicle Maint.	19,150.62
	45954	SBCO Sheriff's Dept	07-09/14 FY 14/15 Overtime	15,183.85
	45955	Beverly Schmuckle	Contract Instructor	35.00
	45956	So. Cal. Gas Co.	Natural Gas Vehicle Fuel	26.09
	45957	Southwest Networks, Inc.	Technology Equipment	3,430.16
	45958	Sprint	Cell Phone Service	4.00
	45959	Star2Star Communications, LLC	Shelter Internet Phone Svs.	389.77
	45960	Stater Bros	Program Supplies	415.81
	45961	The Sun Runner	Museum Advertising	100.00
	45962	Time Warner Cable	12/6/14-01/05/15 Internet Svs.	467.78
	45964	Tractor Supply	Supplies	1,008.84
	45966	Angelique Trent	Contract Instructor	147.00

FUND	Check #	Vendor	Description	Amount
	45967	Trophy Express	Engraving Services	539.71
	45968	Unisource Worldwide, Inc.	Facilities Maintenance Supplies	641.85
	45969	Vagabond Welding Supply	YVHS Pool Maintenance	68.04
	45970	VCA Yucca Valley Animal Hospital	Veterinary Services	318.00
	45971	Verizon	Long Distance Phone Service	26.84
	45973	Verizon Business	12/14 Shelter Internet Svs.	389.90
	45974	Valley Independent	Flyer Printing	297.30
	45975	US Bank Voyager Fleet Systems	Natural Gas Vehicle Fuel	94.44
	45976	Walmart Community	Recreation Program Expense	2,137.21
	45978	Charles Wolfe	Recreation Program Expense	200.00
	45979	Woods Auto Repair	Fleet Vehicle Repairs & Smog	1,105.36
	45980	Guy Wulf	Sports Referee	750.00
	45981	Yucca Valley Quick Lube, LLC	Fleet Oil Change Service	345.72
	45982	YV Chrysler Center	Vehicle Maintenance	26.56
	45983	YV Chrysler Center	Facility Rental Refund	700.00
	45984	Yucca Valley Lobos Youth Football	Field Use Deposit	400.00
	45985	Yucca Valley Auto Parts, Inc.	Vehicle Maintenance	251.62
	45986	Hi-Desert Water	Water Service	1,642.95
	45987	Connor McClay	Sports Referee	40.00
	45988	Oasis Office Supply, Inc.	Office Supplies	187.92
	45989	Noah Rodriguez	Sports Referee	40.00
	45990	Sargent Communications	Telephone Service	413.50
	45992	SCE	Electric Service	7,500.88
	45994	TelePacific	Telephone Service	3,981.92
	45996	Woods Auto Repair	Vehicle Maintenance	1,030.53
Total 001	GENERAL FUND			$421,541.79
100	INTERNAL SERVICE FUND			
	45917	GE Capital Corporation	Town Hall Copier Lease	$ 2,916.00
	45938	Oasis Office Supply, Inc.	Copy Paper	241.25
Total 100	INTERNAL SERVICE FUND			$ 3,157.25
200	DEPOSITS FUND			
	45913	FedEx	Delivery Service	$ 29.98
	45937	NRO Engineering	Engineering Services	500.00
	45991	SBCO Recorder	Filing Fee	60.00
Total 200	DEPOSITS FUND			$ 589.98
511	COPS-LLESA FUND			
	45954	SBCO Sheriff's Dept	07-09/14 FY 14/15 Overtime	$ 31,289.59
	45972	Verizon Wireless	Sheriff's Office Phone Svs.	38.01
	45995	Time Warner	Internet Services	64.99
Total 511	COPS-LLESA FUND			$ 31,392.59

Town of Yucca Valley
Warrant Register
December 18, 2014

FUND	Check #	Vendor	Description	Amount
513	AB2928-TCRP FUND			
	45977	Willdan Associates	TCRP Project	$ 795.00
Total 513	AB2928-TCRP FUND			$ 795.00
515	GAS TAX FUND			
	45884	Alsco/American Linen, Inc.	Streets Uniform Service	$ 80.54
	45908	Diamond Automotive	Vehicle Maintenance	484.19
	45913	FedEx	Delivery Service	17.69
	45929	Lefevre's Towing, Inc.	Vehicle Maintenance	300.00
	45963	Tops n Barricades, Inc.	Streets Signs & Supplies	507.56
	45965	Traffic Management, Inc.	Street Signage	435.24
	45986	Hi-Desert Water	Water Service	60.00
	45992	SCE	Electric Service	770.51
Total 515	GAS TAX FUND			$ 2,655.73
516	LTF FUND			
	45937	NRO Engineering	Engineering Services	$ 2,000.00
Total 516	LTF FUND			$ 2,000.00
524	MEASURE I 2010-2040 FUND			
	45992	SCE	Electric Service	$ 4,076.93
	45993	Siemens	Signal Maintenance	250.00
Total 524	MEASURE I 2010-2040 FUND			$ 4,326.93
529	SR62 SAFE ROUTES TO SCHOOLS FUND			
	45933	Matich Corporation	Safe Routes to Schools Project	$ 19,436.35
	45945	Petty Cash-Jessica Rice	Miscellaneous Supplies	8.87
Total 529	SR62 SAFE ROUTES TO SCHOOLS FUND			$ 19,445.22
530	SAFE ROUTES TO SCHOOLS FUND			
	45945	Petty Cash-Jessica Rice	Miscellaneous Supplies	$ 9.71
	45964	Tractor Supply	Supplies	98.25
Total 530	SAFE ROUTES TO SCHOOLS FUND			$ 107.96
542	CMAQ FUND			
	45881	Albert Grover & Assoc.	Signal Synchronization Project	$ 1,975.00
Total 542	CMAQ FUND			$ 1,975.00
***	Report Total			$487,987.45

WARRANT REGISTER # 29
CHECK DATE - JANUARY 8, 2015

FUND DISTRIBUTION BREAKDOWN

Checks # 45997 to # 46039 are valid

GENERAL FUND # 001	$360,790.35
INTERNAL SERVICE FUND # 100	$413.08
COPS-LLESA FUND # 511	$38.01
STREET MAINTENANCE FUND # 515	$85.16
MEASURE I 2010-2040 FUND # 524	$42.03
GRAND TOTAL	**$361,368.63**

Prepared by Shirlene Doten, Accounting Technician III
Reviewed by Sharon Cisneros, Finance Manager

Town of Yucca Valley

Warrant Register

January 8, 2015

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	45997	Merl Abel	Candidate Overpayment	$ 27.65
	45998	Animal Action League	Veterinary Services	855.00
	45999	Arrowhead Mountain Water	Office Supplies	106.24
	46000	AT & T Mobility	Cell Phone Service	423.01
	46001	California Chamber of Commerce	Reference Materials	533.87
	46002	Chevron & Texaco Card Services	Vehicle Fuel	177.85
	46003	M. Ronald Cohen	Candidate Overpayment	27.65
	46004	Companion Animal Clinic	Veterinary Services	219.00
	46005	Rick Denison	Candidate Overpayment	27.65
	46006	Desert Pacific Exterminators, LLC	Shelter Service	98.00
	46007	Desert Images Office Equipment	Toners	284.09
	46008	DFM Associates	Reference Materials	50.00
	46009	Jeff Drozd	Candidate Overpayment	27.65
	46010	Employment Development Dept.	Unemployment Ins.	4,829.46
	46011	Farmer Bros. Co.	Office Supplies	89.34
	46013	Gladwell Governmental Services	Record Retention Services	3,250.00
	46014	Graphic Penguin	Web Site Services	400.00
	46015	Lori Herbel	Candidate Overpayment	27.65
	46016	Hi-Desert Water	Water Service	1,385.62
	46017	I-Shred	Professional Services	252.50
	46018	League of Calif Cities - Reg	2015 Membership Dues	7,940.00
	46019	Bob Leone	Candidate Overpayment	27.65
	46020	Charles McHenry	Candidate Overpayment	27.65
	46021	Mojave Desert & Mtn. Waste	FY 14/15 Membership	4,798.00
	46022	Oasis Office Supply, Inc.	Office Supplies	495.32
	46023	Pacific Telemanagement Svs.	Public Phone Service	82.64
	46024	Pro Video	Town Council Taping	200.00
	46025	Sargent Communications	Telephone Service	95.00
	46026	SBCO Sheriff's Dept	01/15 Professional Services	308,539.00
	46027	SBCO Fire Protection District	01-03/15 Hazardous Waste Svs.	6,920.00
	46028	SCCCA	So Cal Clerk's Meeting	40.00
	46029	SCE	Electric Service	5,633.21
	46030	SCE	Shelter Start Up Expense	8,660.61
	46031	So. Cal. Gas Co.	Natural Gas Service	1,875.11
	46032	Southwest Networks, Inc.	Technology Equipment	32.35
	46033	Star2Star Communications, LLC	Shelter Phone Services	389.77
	46034	Sterling Codifiers, Inc.	Internet Hosting Fee	500.00
	46035	Time Warner Cable	01/06-02/05 Internet Service	467.78
	46036	Salomon Valdez	Animal License Refund	33.00

Town of Yucca Valley

Warrant Register

January 8, 2015

Fund	Check #	Vendor	Description	Amount
	46037	VCA Yucca Valley Animal Hospital	Veterinary Services	60.00
	46039	Walmart Community	Shelter Supplies	122.26
	EFT	The Home Depot	Supplies & Maintenance	$ 758.77
Total 001	GENERAL FUND			$360,790.35
100	INTERNAL SERVICE FUND			
	46012	GE Capital Corporation	Com Dev Copier Lease	$ 413.08
Total 100	INTERNAL SERVICE FUND			$ 413.08
511	COPS-LLESA FUND			
	46038	Verizon Wireless	Sheriff's Office Cell Phone	$ 38.01
Total 511	COPS-LLESA FUND			$ 38.01
515	GAS TAX FUND			
	46029	SCE	Electric Service	$ 85.16
Total 515	GAS TAX FUND			$ 85.16
524	MEASURE I - 2010-2040 FUND			
	46029	SCE	Electric Service	$ 42.03
Total 524	MEASURE I - 2010-2040 FUND			$ 42.03
Report Total				$361,368.63

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Council
From: Lona Laymon, Town Attorney
Date: January 15, 2015
For Council Meeting: January 20, 2015

Subject: Accept Certificate of Sufficiency of Petition Regarding the Medical Cannabis Restriction and Limitation Initiative Petition and Other Related Actions

Prior Council Review: None.

Recommended Actions:

1. Accept the Certificate of Sufficiency issued by the County of San Bernardino Registrar of Voters regarding The Medical Marijuana Dispensary Authorization and Regulation Initiative (the "Initiative"). (*See*, Initiative at Attachment A.) This action is required by law.
2. Direct staff to prepare a report as allowed by Election Code § 9212, and present such report at the February 17, 2015, Regular Town Council meeting. The Council may call a special election on the Initiative at that February 17th meeting.

Possible Alternative Actions:

a) Adopt the Initiative now, as-is, as a Town ordinance. This would require a first reading of the Initiative as an ordinance now, and then the setting of an adjourned regular meeting within 10 days of this meeting for the second reading of the Initiative ordinance. If this option is exercised, the Council would adopt that Ordinance attached hereto as Attachment B; or

b) Submit the Initiative ordinance to the voters now, without the benefit of a report on the proposed Initiative's impacts on Town services and land uses. Because the Initiative qualifies for a special election, the recommended special election date that fits into the legally-required timeframe is April 28, 2015. (Attachment D.)

Note: One of the actions, either the recommended action or one of the listed alternative actions, must be approved by the Council in order to comply with Elections Code §9214.

Background: The procedures for placing an initiative to enact an ordinance on the ballot are established in California Elections Code §9200-9226.

On September 8, 2014, the Town received a voter Initiative petition from Proponents Daniel Zanercik and Serena Elsasser (Attachment A). As required by law, the Town provided a ballot title and summary (Attachment C).

The Proponents of the Initiative published their Notice of Intent to Circulate, as required by law and had 180 days to circulate their petition for signatures September 8, 2014 through March 24, 2015.

01105.0009/237515.6

Reviewed By:	Town Manager	LL Town Attorney	Finance Manager	Department
X Department Report	___ Ordinance Action	X Resolution Action	___ Public Hearing	
___ Consent	___ Minute Action	___ Receive and File	___ Study Session	

On November 20, 2014, the Proponents submitted the signed Initiative petitions. The Town Clerk conducted a prima facie review and raw count of the petition and determined that there were sufficient numbers of signatures to proceed. On November 21, 2014 the petition was submitted to the County of San Bernardino Registrar of Voters for signature verification. The Registrar of Voters promptly began the process of verifying the signatures contained on the petitions.

The Initiative petition requests a special election. Based on 9,613 registered Town voters, 1,442 signatures (or 15%) were required to meet the special election threshold. (Elections Code §9214.) On December 17, 2014, The County Registrar of Voters determined as follows:

- Raw Count: 2,015
- Signatures Verified: 2,015
- Signatures found valid: 1,873
- Signatures not valid: 142

Based on the above, the Initiative meets the 15% threshold (or 1,442 votes) requisite for placing the Initiative on a special election ballot. (Elections Code §9214.) The San Bernardino County Registrar of Voters has certified the petitions submitted on behalf of the Proponents to be sufficient and qualified (Exhibit 3).

Now that the Initiative has been certified by the County, the Town Clerk is required to bring the Certificate of Sufficiency to the Town Council for approval at its next regularly scheduled meeting following County certification. Hence, the Town Council must approve the Certificate of Sufficiency at this meeting. Then, the Town Council must make its determination of how it will proceed on the Initiative based on the available options outlined above.

A special election must be called no earlier than 88 days, nor later than 103 days, of either (i) tonight, if the Council wishes to call an election without the benefit of a land use and impact report, or (ii) February 17, 2015, if the Council does wish to order a land use and impact report pertaining to the Initiative. (Elections Code § 1405.) If the Council calls the election tonight, the outside special election date within the legally-required timeframe would be April 28, 2015.

Analysis: The California Elections Code is the guideline for the Town's initiative process. Once a petition is certified as qualified, under Elections Code § 9211, the Town Clerk has a duty to bring the Certificate of Sufficiency to the Town Council at its next regularly scheduled meeting and the Town Council must make a determination of how to proceed. By agendizing this item on this January 20, 2015, Town Council Agenda, the Town complies with legal requirements to accept the Certificate of Sufficiency. Additionally, Town Council is required to take one of the following actions:

1) Adopt the ordinance as submitted (Attachment B),

2) Submit the Initiative to the voters, which would be accomplished via adoption of that Resolution calling the election attached hereto at Attachment D, or

3) Order staff to report on any or all of the following:

   a) The fiscal impact of the Initiative
   b) The internal consistency between the Initiative and the Town's general and specific plans

c) Its effect on land use
d) Its impact on the Town's ability to attract and retain business and employment
e) Its impact on the use of vacant parcels
f) Its impact on open space, traffic congestion, existing business districts, and
g) Any other matter the Town Council requests.

(Elections Code §9212.)

Each of these options can be summarized as follows:

1) Adopt Ordinance as proposed.

Per California Elections Code §9214, the Council may adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented. This would require a first reading of the Initiative as an ordinance now, and then the setting of an adjourned regular meeting within 10 days of this meeting for the second reading of the Initiative ordinance. This action would also largely preclude the possibility of any competing measures or improvements to the terms of the Initiative (i.e., if the Initiative is adopted directly by the Council, the Council would be substantially precluded from revising the ordinance in the future) without voter approval.

2) Immediately Set the Matter for Voter approval at a special election of either (i) May 19, 2015, (in the event of a or April 28, 2015.

The proposed ordinance, without alteration, may be immediately submitted by the Council to the voters at a Tuesday that is no earlier than 88 days, nor later than 103 days, from tonight. The recommended election date within that timeframe would be April 28, 2015. This option would be exercised via adoption of that Resolution attached hereto as Attachment D.

However, for the following reasons, the immediate call of an election is not recommended by staff:

- Calling the election now would limit or shorten the Town's ability to study the land use impacts and other implications the Initiative might have for the Town. This would be better achieved by opting for a 30-day impact report.

- Calling the election now would prevent the Town from consolidating the election with a state or countywide election. It is hoped that in the interim time that the 30-day study is conducted, a state or countywide election may be called and available for consolidation. In particular, even a short delay in calling the election may open-up the June 2nd established election date for consolidation. Holding the Town's special election consolidated with a county-wide election would be considerably less expensive for the Town.

- Calling an election now would make it extremely difficult for the Town to even consider a competing Town-sponsored measure on this topic. Discussion of a competing measure is presented as a separate item on tonight's agenda. If the Town were to call an election on the Initiative now, the only way it could also consider a competing Town-sponsored measure would be to finalize all comments

on the competing measure tonight and call an adjourned regular meeting on or before January 30, 2015, to place such measure on the ballot.

3) Direct Staff to prepare a report on the effect of the Initiative.

Town Council may request staff to prepare a report on the effects of the proposed Initiative on various Town services and existing regulations. The report must be presented back to the Council at a regular meeting within 30 days after the sufficiency certification has been received (or February 17, 2015). At that time, the Town Council must adopt the ordinance or order a special election. This course is strongly recommended as it will (i) render the Council better informed as to the impacts of the Initiative, (ii) allow more time for the meaningful consideration of a competing Town measure (to be discussed as a separate agenda item tonight, and/or (iii) allow more time for meaningful Council consideration of strategies and public input on this issue, particularly allowing the Council to make use of its Ad Hoc Committee that has recently been assigned to consideration of medicinal marijuana issues.

Based on the complexities of the related issues, the staff recommendation is to direct staff to prepare a report on the effect of the initiative (option 3).

Fiscal Impact: The cost for the signature verification of the Initiative by the San Bernardino County Registrar of Voters is estimated at $5,000. An estimated cost of holding a special election on the Initiative has been requested of the County Registrar of Voters, but is estimated at approximately $50,000. It is known that holding a special election that is consolidated with a countywide election would be considerably less expensive for the Town. Unfortunately, we do not know at this time whether the County will be holding a jurisdictional election on June 2, 2015.

If, as recommended, the Council elects for the preparation of a land use and impact report, the majority of the report will be completed with internal staff, and would be accommodated by the existing FY 2014-16 Amended Budget.

ATTACHMENT A

Section 1 - Title.

This initiative shall be known and may be cited as the *Yucca Valley Medical Marijuana Limitation Act.*

Section 2 - Findings and declarations.

The People of the Town of Yucca Valley, California, find that the intent of this ordinance is to exempt a limited number of medical marijuana dispensaries from the Town's prohibition on medical marijuana dispensaries, to make exempted medical marijuana dispensaries eligible for a business registration certificate, to advance local control, to restrict the location and operation of exempted medical marijuana dispensaries, and to impose civil and criminal sanctions for violation of these local requirements;

In 1996 California voters approved Proposition 215, the Compassionate Use Act. The People of the State of California declared that their purpose in enacting the ballot measure was, "to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief.";

Proposition 215 called on federal and state governments "to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.";

In 2003, the California State Legislature enacted Senate Bill 420, codified in *Health and Safety Code, sections 11362.7 et seq.*, known as the Medical Marijuana Program Act. The Medical Marijuana Program Act clarified the scope of the Compassionate Use Act and promoted uniform and consistent application of Proposition 215 throughout the state by ensuring that seriously ill

Californians and their caregivers have access to medical marijuana through collective, cooperative cultivation projects;

The Medical Marijuana Program Act expanded limited criminal immunity to qualified marijuana patients and their primary caregivers by decriminalizing possession, furnishing, sale, cultivation, transportation, or possession for sale of marijuana, or for providing or maintaining a place for the manufacture, processing, storage, or distribution of marijuana;

In 2008, pursuant to *Health and Safety Code, section 11362.81, subd. (d)*, the California Attorney General issued Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. The Guidelines recognize and protect the rights of qualified patients, their designated primary caregivers, and medical marijuana collectives and cooperatives to access safe and affordable marijuana for medical purposes, by establishing reasonable parameters upon the manner in which medical marijuana may be cultivated while protecting public health, safety, and welfare;

In October 2009, the Office of the United States Attorney General released a memorandum that stated, "prosecution of individuals with cancer or other serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law, or those caregivers in clear and unambiguous compliance with existing state law who provide such individuals with marijuana, is unlikely to be an efficient use of limited federal resources.";

In 2010, the Medical Marijuana Program Act was amended to prohibit a medical marijuana "cooperative, collective, dispensary, operator, establishment, or provider," other than a licensed residential or elder medical care facility, that is "authorized by law" to possess, cultivate, or distribute medical marijuana, and that "has a storefront or mobile retail outlet which ordinarily requires a local business license," to be located within six hundred feet (600') of a school. The 2010 amendment also made clear that nothing in the Medical Marijuana Program Act shall prevent a city or other local governing body from "adopting local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" or from the "the civil and criminal enforcement" of such ordinances;

In December 2011, the United States Attorney General, during a House Judiciary Committee hearing, testified to the effect that limited federal resources would not be used to prosecute medical marijuana entities operating within state laws;

In August 29, 2013, the Office of the United States Attorney General released a subsequent memorandum which once again advised that federal enforcement efforts against the seriously ill and their individual caregivers was not an efficient use of federal resources, and set forth an expectation that states and local governments which enacted laws authorizing marijuana related conduct will implement strong and effective regulatory and enforcement systems that address any threat those state laws could pose to public safety, public health, and other law enforcement interests;

On September 10, 2013, during a United States Senate Judiciary hearing, Deputy United States Attorney General James Cole testified that all United States Attorneys are required to comply with Office of the United States Attorney General's polices related to those states with medical marijuana laws, so that those medical marijuana entities complying with state and local laws and regulations are unlikely to threaten federal law enforcement priorities;

During the November 5, 2013, Town of Yucca Valley, California, Town Council Meeting, law enforcement for the Town of Yucca Valley confirmed the absence of nuisance and crime activities related to the sole medical marijuana dispensary then operating within the Town of Yucca Valley;

As recently as February 14, 2014, the Department of the Treasury provided guidance for financial institutions seeking to provide banking services to medical marijuana related entities, thereby enhancing the availability of financial services for, and the financial transparency of medical marijuana related entities;

On February 21, 2014, the California Police Chiefs Association dropped their prior policy of "unconditional opposition" to laws sanctioning medical marijuana related entities operating within California;

The People of the Town of Yucca Valley, California, support the right of qualified patients to use medical marijuana in accordance with the recommendation or approval of a licensed physician in good standing with the Medical Board of California, the Compassionate Use Act, the Medical Marijuana Program Act, the California Attorney General Guidelines, and the United States Departments of Justice and Treasury policies regarding state and local regulation of medical marijuana;

The People of the Town of Yucca Valley, California, recognize the need for a framework that effectively implements Proposition 215 by establishing local regulations consistent with the Compassionate Use Act, Medical Marijuana Program Act, and the California Attorney General Guidelines related to the cultivation, distribution and land use of medical marijuana dispensaries within the Town of Yucca Valley to ensure that seriously ill patients have suitable access to medication;

The People of the Town of Yucca Valley, California, strongly oppose law enforcement resources being used to arrest, prosecute, and incarcerate qualified patients and designated caregivers who use and provide medical marijuana in accordance with the Compassionate Use Act, the Medical Marijuana Program Act, and the California Attorney General Guidelines;

The People of the Town of Yucca Valley, California, support safe and orderly access to medical marijuana in a manner which protects qualified patients, designated caregivers, collectives, public health, public safety and the welfare of the community. The absence of a sufficient number of recognized medical marijuana collectives results in qualified patients and designated caregivers being denied legally recognized medication, or incurring the hardship and expense of traveling great distances to obtain their medicine;

The People of the Town of Yucca Valley, California, recognize that neither the Compassionate Use Act nor the Medical Marijuana Program Act sufficiently address local licensing, regulation, and land use restrictions related to medical marijuana collectives;

The People of the Town of Yucca Valley, California, recognize that in the absence of detailed state regulation, local governments must adopt policies and regulations to protect their

communities and ensure that their resident qualified patients have safe and adequate access to legally recognized medication;

The People of the Town of Yucca Valley, California, recognize that according to the California State Board of Equalization, state mandated medical marijuana collectives contribute millions of dollars annually in sales tax to the State of California.

The People of the Town of Yucca Valley, California, recognize that municipalities statewide have successfully imposed annual medical marijuana dispensary business fees based on a percentage of gross receipts. The fee based revenue supports much needed municipal services such as public safety, public health and welfare, and community education;

The People of the Town of Yucca Valley, California, recognize that medical marijuana collectives organized and operating as nonprofit mutual benefit corporations ensure the security of medical marijuana and safeguard against its diversion for non-medical purposes;

The People of the Town of Yucca Valley, California, finds that those nonprofit medical marijuana dispensaries that, prior to July 1, 2014, filed articles of incorporation with the California Secretary of State, obtained a California State Board of Equalization seller's permit to operate in the Town of Yucca Valley, and submitted an application to obtain a California State Department of Food and Agriculture license to sell nursery stock within the Town of Yucca Valley demonstrate a willingness to engage in lawful activity in full compliance with the Compassionate Use Act, the Medical Marijuana Program Act, and the Attorney General Guidelines, all of which reduce costs associated with local regulation and enforcement efforts.

NOW, THEREFORE, The People of the Town of Yucca Valley ordain as follows:

Section 3 - Amendment to Title 8, Division 4, Chapter 9, 84.090, of the Town of Yucca Valley Development Code.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 9, 84.090 of the Town of Yucca Valley Development Code shall be amended as follows. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

Chapter 84.090 Prohibited Businesses

Section 84.0901 Marijuana Dispensaries

A. Prohibition. The establishment or operation of a marijuana dispensary or medical marijuana dispensary for the sale or distribution of marijuana, including medical marijuana, is prohibited. No special use permit, variance, building permit or other entitlement for use shall be accepted, processed, approved or issued for the establishment or operation of, and no person shall otherwise establish a marijuana dispensary or medical marijuana dispensary. This prohibition shall apply regardless of the professed status of any person as a qualified patient or primary caregiver as those terms are defined by State law. Medical marijuana dispensaries that have been provided with written notice from the Town Clerk indicating that its application submitted pursuant to section 84.10020 or 84.10025 is complete, shall be exempted from this prohibition and thus eligible for a business registration certificate, so long as said exempted medical marijuana dispensary remains in full compliance with each of the requirements and standards set forth in Chapter 84.100.

B. Definitions:

~~"Marijuana" means all parts of organically grown Cannabis plants, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound,~~

~~manufacture, salt, derivative, mixture, or preparation of the plant, its seed, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.~~

"Marijuana" shall have the same definition as set forth in Health and Safety Code, section 11018.

"Marijuana dispensary" ~~or "medical marijuana dispensary"~~ means any facility, site, or location (whether for profit or not-for-profit) where marijuana is distributed, sold exchanged, given away, or made available to and/or distributed by or to another.

"Medical marijuana dispensary" means a nonprofit clinic, cooperative, collective, club, business or group comprised of qualified patients and their designated primary caregivers, the sole intent of which is to provide education, referral, or network services, and to facilitate/assist in the lawful production, acquisition, and provision of medical marijuana to its qualified patient participants within the terms of the Compassionate Use Act and the Medical Marijuana Program Act, and is organized and operated in compliance with the Attorney General Guidelines.

Section 4 – Amendment to the Yucca Valley Development Code to add Title 8, Division 4, Chapter 10, 84.100.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 10, 84.100 of the Yucca Valley Development Code, is hereby added to read as follows. (Any underlined language is new and shall be inserted.):

Chapter 84.100 Medical Marijuana Limitation Act.

Sections:

84.10001 Authority and title.

84.10005 Scope of chapter.

84.10010 Definitions.

84.10015 Operating standards.

84.10020 Preferred exemption.

84.10025 Non-preferred exemption.

84.10030 Recognized exemption.

84.10001 Authority and title.

Pursuant to the authority granted by *Article XI, section 7* of the *California Constitution, Health and Safety Code, sections 11362.5 and 11362.7 et seq.*, and *Government Code, sections 37100 and 37101*, the People of the Town of Yucca Valley do enact this chapter, which shall be known and may be cited as the Town of Yucca Valley "Medical Marijuana Limitation Act."

84.10005 Scope of chapter.

The operating standards established in this chapter apply to any site, facility, location, use, and nonprofit entity, including but not limited to a cooperative, collective, association, dispensary or other business, currently operating in the Town of Yucca Valley that cultivates, distributes, dispenses, stores, sells, exchanges, processes, delivers, or gives away marijuana for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians, pursuant to *Health and Safety Code, section 11362.5* (adopted as Proposition 215, the Compassionate Use Act of 1996) or any state regulations adopted in furtherance thereof. Any such nonprofit entity shall, within the Town of Yucca Valley, operate in conformance with the standards set forth in Section 84.10015 to assure compliance with California law and to mitigate any adverse secondary effects from said operations.

84.10010 Definitions.

For purposes of this chapter, the following words and phrases shall mean:

"Exempted medical marijuana dispensary" means a medical marijuana dispensary that has been provided written notice from the Town Clerk indicating that its application pursuant to section 84.10020 or 84.10025 has been deemed complete, is exempt from the prohibition described in section 84.0901, and is eligible for a business registration certificate, so long as it remains in full compliance with each of the requirements and standards set forth in section 84.100.

"Cutting" means a cut from a medical marijuana plant that is no more than one foot in length and that can be used to grow another marijuana plant in a different location.

"Marijuana" shall have the same definition as set forth in Health and Safety Code, section 11018.

"Marijuana dispensary" means any facility, site, or location (whether for profit or not-for-profit) where marijuana is distributed, sold exchanged, given away, or made available to and/or distributed by or to another.

"Medical marijuana" means marijuana including all marijuana products, infusions, and concentrates containing the active ingredients of the marijuana plant used for medical purposes in accordance with the Compassionate Use Act and the Medical Marijuana Program Act.

"Medical marijuana dispensary" means a nonprofit clinic, cooperative, collective, club, business or group comprised of qualified patients and their designated primary caregivers, the sole intent of which is to provide education, referral, or network services, and to facilitate/assist in the lawful production, acquisition, and provision of medical marijuana to its qualified patient participants within the terms of the Compassionate Use Act and the Medical Marijuana Program Act, and is organized and operated in compliance with the attorney General Guidelines.

"Physician" shall have the same definition as set forth in Health and Safety Code, section 11362.7, subd. (a).

"Preferred Exemption" means a medical marijuana dispensary that has Articles of Incorporation file stamped by the California Secretary of State on or before the date of July 1,

2014, a valid California State Board of Equalization Seller's Permit issued on or before the date of July 1, 2014, for operation at a location within the Town of Yucca Valley, and a State of California, Department of Food and Agriculture application for a license to sell nursery stock within the Town of Yucca Valley and proof said application was submitted to and received by the California Department of Food and Agriculture on or before the date of July 1, 2014.

84.10015 Operating standards.

Each exempted medical marijuana dispensary must comply with the following minimum requirements, in addition to other requirements imposed by the Town of Yucca Valley Development and Municipal Codes.

A. At all times the medical marijuana dispensary is open for business, it shall provide at least one security guard who is licensed and possesses a valid California Department of Consumer Affairs, Bureau of Security and Investigative Services Department "security guard card" at all times.

B. The security guard and dispensary personnel shall monitor the medical marijuana dispensary facility and its immediate vicinity to assure that patrons leave the site without delay and do not consume medical marijuana at or in the vicinity of the dispensary including, but not limited to, the parking lot.

C. Signage shall be limited to one wall sign in compliance with the Town of Yucca Valley Development Code, and shall not be externally or internally illuminated.

D. No recommendation from a physician for medical marijuana shall be issued on-site.

E. There shall be no on-site sales of alcohol, tobacco, pipes, papers, water pipes, vaporizers or other paraphernalia, and no on-site consumption of food, alcohol, tobacco or marijuana by patrons.

F. Hours of operation shall be limited to 8:00 A.M. to 9:00 P.M. daily.

G. A medical marijuana dispensary shall only dispense medical marijuana to qualified patients and their caregivers as defined by California Health and Safety Code § 11362.5 (Proposition 215). A medical marijuana dispensary shall only dispense medical marijuana to such qualified patients that possess an original valid physician's recommendation, not more than one year old, for medical marijuana use by the patient.

H. A medical marijuana dispensary shall notify patrons of the following, through both the posting of a sign in a conspicuous location, and by oral notification by the dispensary operator:

1. Use of medical marijuana shall be limited to the patient identified on the physician's recommendation. Secondary sale, barter or distribution of medical marijuana is a crime and can lead to arrest.

2. Loitering on and around the dispensary site is prohibited by California Penal Code, section 647(e) and patrons must immediately leave the site and not consume medical marijuana in the vicinity of the dispensary, on the property or in the parking lot.

3. Forgery of medical documents is a felony crime.

4. A warning that patrons may be subject to prosecution under federal marijuana laws.

5. Use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery.

I. A medical marijuana dispensary shall not provide medical marijuana to any individual in an amount not consistent with personal medical use.

J. A medical marijuana dispensary shall not store more than two hundred dollars in cash reserves overnight at the facility.

K. A medical marijuana dispensary shall require a parent or legal guardian to accompany any patient under eighteen years of age.

L. A medical marijuana dispensary shall provide the name and phone number of an on-site staff person to the Yucca Valley Police Department for notification if there are operational problems with the establishment.

M. All dispensary operators shall complete a criminal background check, including a Live Scan, prior to issuance of a business license or approval of any entitlement of use, including but not limited to a business registration certificate.

N. Medical marijuana shall not be grown at medical marijuana dispensary facilities, except that cuttings of the medical marijuana plant may be kept or maintained on-site for distribution to qualified patient and their primary caregivers to cultivate medical marijuana plants off-site and to return medical marijuana from the resulting mature plant for distribution by the dispensary.

O. A medical marijuana dispensary shall comply with the applicable provisions of the California Health and Safety Code, sections 11362.5 through 11362.83, the Yucca Valley Development Code, and the Yucca Valley Municipal Code.

P. If food is distributed at the facility, the medical marijuana dispensary shall comply with all relevant state laws and town ordinances pertaining to the preparation, distribution and sale of food.

84.10020 Preferred Exemption.

A. Within thirty (30) calendar days following the date of enactment of Chapter 84.100, the Town Clerk shall cause to be prepared an application form for use by medical marijuana dispensaries applying for preferred exemption.

B. The preferred exemption application form shall require the medical marijuana dispensary to attach a copy of its:

1. Articles of Incorporation file stamped by the California Secretary of State on or before the date of July 1, 2014;

2. A valid California State Board of Equalization Seller's Permit issued on or before the date of July 1, 2014, for operation at a location within the Town of Yucca Valley;

3. A State of California, Department of Food and Agriculture application for a license to sell nursery stock within the Town of Yucca Valley and proof said application was submitted to and received by the California Department of Food and Agriculture on or before the date of July 1, 2014; and

4. Reliable proof obtained pursuant to section 84.10015, subd. (M) that no medical marijuana dispensary operator has been convicted of a felony within seven years of the date of preferred exemption application.

C. Thirty-one (31) calendar days following the date of enactment of Chapter 84.100, the Town Clerk shall begin accepting applications for preferred exemption. No medical marijuana dispensary shall submit more than one application for preferred exemption.

D. The initial period for accepting applications for preferred exemption shall be limited to fifteen (15) business days.

E. The Town Clerk shall ensure that each application for preferred exemption received during the initial fifteen (15) business day period is date and time stamped, and processed in the order in which it was received.

F. Any application for preferred exemption submitted after the Town Clerk has issued written notices of completion of application for preferred exemption to the maximum number of medical marijuana dispensaries, as set forth in section 84.10030, shall be rejected. The Town Clerk shall resume accepting preferred exemption applications once the total number of medical marijuana dispensaries with recognized exemption falls below the limit set forth in section 84.10030.

G. Any application for preferred exemption submitted by a medical marijuana dispensary which does not fully comply with the requirements set forth herein shall be rejected.

H. Any application for preferred exemption with a proposed medical marijuana dispensary facility not located within a commercial or industrial land use, as set forth in Title 8, Division 4, of the Yucca Valley Development Code, shall be rejected.

I. Within ten (10) business days following the expiration of the initial period for accepting preferred exemption application(s), the Town Clerk shall determine if the application for preferred exemption is complete, and shall either:

1. Notify the applicant in writing that the application for preferred exemption is complete; or

2. Notify the applicant in writing that the application for preferred exemption is incomplete, and set forth the reason(s) therefore, including all additional information and documentation necessary to render the application complete.

J. The applicant shall have fifteen (15) business days from the date of notice of incomplete application to submit all additional information and documentation identified by the Town Clerk to complete the application for preferred exemption. Any amended application for preferred exemption shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10020, subd. (E).

K. Within ten (10) business days following receipt of an amended application for preferred exemption status, the Town Clerk shall determine whether the application is complete, and shall either:

1. Notify the applicant in writing that the amended application for preferred exemption is complete; or

2. Notify the applicant in writing that the amended application for preferred exemption is incomplete, and set forth the reason(s) therefore, including all additional information and documentation necessary to render the amended application complete.

L. The applicant shall have fifteen (15) business days from the date of notice of incomplete amended application to submit all additional information and documentation identified by the Town Clerk to complete the amended application for preferred exemption. Any

amended application for preferred exemption pursuant to section 84.10020, subd. (J) shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10020, subd. (E).

M. Within ten (10) business days following receipt of an amended application for preferred exemption, as set forth in section 84.10020, subd. (J), the Town Clerk shall determine whether the application is complete, and shall either:

1. Notify the applicant in writing that the application for preferred exemption is complete; or

2. Notify the applicant in writing that the application for preferred exemption remains incomplete, setting forth the reasons therefore, and shall be considered rejected and null and void.

N. Nothing shall prevent a medical marijuana dispensary that applied for preferred exemption but was rejected from thereafter submitting an application for a non-preferred exemption, as set forth in section 84.10025.

84.10025 Non-preferred exemption.

A. Within thirty (30) calendar days following the date of enactment of Chapter 84.100, the Town Clerk shall cause to be prepared an application form for use by medical marijuana dispensaries applying for non-preferred exemption.

B. The application for non-preferred exemption shall require the medical marijuana dispensary to attach a copy of its:

1. Articles of Incorporation file stamped by the California Secretary of State;

2. A California State Board of Equalization Seller's Permit issued for operation at a location within the Town of Yucca Valley;

3. A State of California, Department of Food and Agriculture

application for a license to sell nursery stock within the Town of Yucca Valley and proof said application was submitted to and received by the California Department of Food and Agriculture; and

4. Reliable proof obtained pursuant to section 84.10015, subd. (M) that no medical marijuana dispensary operator has been convicted of a felony within seven years of the date of non-preferred exemption application.

C. One hundred and eighty (180) calendar days following the date of enactment of Chapter 84.100, the Town Clerk shall begin accepting applications for non-preferred exemption.

D. The Town Clerk shall ensure that each application for non-preferred exemption is date and time stamped, and processed in the order in which it was received.

E. Any medical marijuana dispensary application for non-preferred exemption submitted after the Town Clerk has issued written notices of completion of application for exemption to the maximum number of medical marijuana dispensaries, as set forth in section 84.10030, shall be rejected. The Town Clerk shall resume accepting applications, pursuant to section 84.10025 once the total number of medical marijuana dispensaries with recognized exemption falls below the maximum limit set forth in section 84.10030.

F. Any application for non-preferred exemption submitted by a medical marijuana dispensary which does not fully comply with the requirements set forth in Section 84.10025 shall be rejected.

G. Any application for non-preferred exemption with a proposed medical marijuana dispensary facility not located within a commercial or industrial land use as set forth in Title 8, Division 4, of the Yucca Valley Development Code, shall be rejected.

H. Within ten (10) business days following application for non-preferred exemption, the Town Clerk shall determine if the application is complete, and shall either:

1. Notify the applicant in writing that the application for non-preferred exemption is complete; or

2. Notify the applicant in writing that the application for non-preferred exemption is incomplete, and set forth the reason(s) therefore, including all additional information and documentation necessary to render the application complete.

I. The applicant shall have fifteen (15) business days from the date of notice of incomplete application for non-preferred exemption to submit all additional information and documentation identified by the Town Clerk to complete the application. Any amended application for non-preferred exemption shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10025, subd. (D).

J. Within ten (10) business days following receipt of an amended application for non-preferred exemption, the Town Clerk shall determine whether the application is complete, and shall either:

1. Notify the applicant in writing that the amended application for non-preferred exemption is complete; or

2. Notify the applicant in writing that the amended application for non-preferred exemption is incomplete and set forth the reason(s) therefore, including all additional information and documentation necessary to render the application complete.

K. The applicant shall have fifteen (15) business days from the date of notice of incomplete amended application for non-preferred exemption, as set forth in section 84.10025, subd. (I) to submit all additional information and documentation identified by the Town Clerk to complete the application. Any such amended application for non-preferred exemption shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10025, subd. (D).

L. Within ten (10) business days following receipt of an amended application for non-preferred exemption, set forth in section 84.10025, subd. (I), the Town Clerk shall determine whether the application is complete, and shall either:

1. Notify the applicant in writing that the application for non-preferred exemption is complete; or

2. Notify the applicant in writing that the application for non-preferred exemption remains incomplete, setting forth the reasons therefore, and shall be considered rejected and null and void.

84.10030 Recognized exemption.

A. A medical marijuana dispensary that has been provided with written notice from the Town Clerk indicating that its application pursuant to sections 84.10020 or 84.10025 has been deemed complete, shall be exempt from the prohibition described in section 84.0901, and shall be eligible for a business registration certificate, so long as said exempted medical marijuana dispensary remains in full compliance with each of the requirements and standards set forth in Chapter 84.100; and

B. The number of exempted medical marijuana dispensaries within the Town shall be limited to one (1) per ten thousand (10,000) Town residents. This number shall increase with each additional ten thousand Town residents, such that for twenty thousand (20,000) Town residents the number of medical marijuana dispensaries would be limited to two (2), for thirty thousand (30,000) Town residents the number would be limited to three (3) medical marijuana dispensaries, and so on. The population figures to be used shall be those most recently determined and promulgated by the California Department of Finance for cities, counties and states.

Section 5 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0350, General Commercial (CG) District, Land Use Chart of the Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0350, General Commercial (CG) District land use table, of the Town of Yucca Valley Development Code, shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

Land Use Classification	General Commercial (CG)	Additional Regulations
...		
Medical Marijuana Dispensary	~~NP~~	(5)
...		
	FOOTNOTES:	
...		
(5) Refer to the Medical Marijuana Limitation Act ~~Prohibited Businesses~~, Yucca Valley Development Code, § ~~84.0901~~ Chapter 84.100.		

Section 6 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0340, Neighborhood Commercial (CN) District, Land Use Chart of the Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0340, Neighborhood Commercial (CN) District land use table, of the Town of Yucca Valley Development Code, shall be amended to add the following land use

designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

Land Use Classification	Neighborhood Commercial (CN)	Additional Regulations
...		
...		
Medical Marijuana Dispensary	~~NP~~	(5)
...		
FOOTNOTES:		
...		
(5) Refer to the Medical Marijuana Limitation Act ~~Prohibited Businesses~~, Yucca Valley Development Code, § ~~84.0901~~ Chapter 84.100.		

Section 7 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0305, Hillside Reserve (R-HR) District, Land Use Chart of the Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0305, Hillside Reserve (R-HR) District land use table, of the Town of Yucca Valley Development Code, shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

Land Use Classification	General Commercial (H-HR)	Additional Regulations
...		
Medical Marijuana Dispensary	~~NP~~	(5)
...		
	FOOTNOTES:	
...		
(5) Refer to the Medical Marijuana Limitation Act ~~Prohibited Businesses~~, Yucca Valley Development Code, § ~~84.0901~~ Chapter 84.100.		

Section 8 - Amendment to Title 8, Division 4, Chapter 3, Section 84.0335, Office Commercial (CO) District Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0335, Office Commercial (CO) District of the Town of Yucca Valley Development Code, shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

84.0335 Office Commercial (CO) District.

This Office Commercial (CO) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

(1) Row, Field, Tree and Nursery Crop Cultivation.

(2) Accessory Uses as specified by Chapter 5 of this Division.

(3) Medical Marijuana Dispensaries as specified by Chapter 10 84.100 of this Division entitled the Medical Marijuana Limitation Act.

...

~~(f) NON PERMITTED LAND USES.~~

~~(1) Medical Marijuana Dispensary.~~

...

Section 9 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0355, Service Commercial (CS) District, of the Town of Yucca Valley Development Code.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0355, Service Commercial (CS) District, of the Town of Yucca Valley Development Code shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

84.0355 Service Commercial (CS) District.

The Service Commercial (CS) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

(1) Row, Field, Tree and Nursery Crop Cultivation.

(2) Accessory Uses as specified by Chapter 5 of this Division.

(3) Medical Marijuana Dispensaries as specified by Chapter 10 84.100 of this Division entitled the Medical Marijuana Limitation Act.

...

~~(f) NON PERMITTED LAND USES.~~

~~(1) Medical Marijuana Dispensary.~~

...

Section 10 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0370, Community Industrial (IC) District Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0370, Community Industrial (IC) District of the Town of Yucca Valley Development Code, shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

84.0370 Community Industrial (IC) District.

The Community Industrial (IC) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

(1) Row, Field, Tree and Nursery Crop Cultivation.

(2) Accessory Uses as specified by Chapter 5 of this Division.

(3) Medical Marijuana Dispensaries as specified by Chapter 10 84.100 of this Division entitled the Medical Marijuana Limitation Act.

...

~~(e) NON PERMITTED LAND USES.~~

~~(1) Medical Marijuana Dispensary.~~

...

Section 11 – Statewide Regulation.

This initiative ordinance, and the provisions herein, shall be read consistent with any statewide regulation of medical marijuana that is promulgated by the legislature or by voter approval in the future. In the event statewide regulation is passed pursuant to the

decriminalization or legalization, for recreational use, of marijuana, this initiative ordinance shall govern the conduct of those businesses allowed to distribute marijuana under such provisions.

Section 12 – Amendment and Repeal.

The code provisions added by, amended by, or contained in this initiative ordinance may be amended only to further its purposes by ordinance passed by a majority vote of the Yucca Valley Town Council and approved by the Mayor. The code provisions added by, amended by, or contained in this initiative ordinance shall not be repealed, except by an ordinance adopted by a vote of the electors.

Section 13 – Special or Regular Election.

The voters of the Town of Yucca Valley hereby expressly request that this initiative be set for a special or regular election at the earliest time allowable by law.

Section 14 – Severability.

Should any provision of this initiative ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, voidable, or invalid, that determination shall have no effect on any other provision, or the application of this initiative to any other person or circumstance and, to that end, the provisions hereof are severable. By approving this ordinance the voters intend that each section and sub-section be explicitly severable, part-by-part, phrase-by-phrase, and word-by-word, thus that the minimum language held invalid be severed.

Section 15 - Effective Date.

After its adoption by the voters, this ordinance shall be in full force and effect ten (10) days after the vote is declared by the legislative body.

Section 16 - Competing Measures.

In the event that this measure and another measure or measures relating to the regulation of medical marijuana in the Town of Yucca Valley appear on the same ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes required to pass than the other measure or measures, the provisions of this measure shall prevail in their entirety over the competing measure or measures, and the competing measure or measures shall be null and void.

ATTACHMENT B

ORDINANCE NO. _____

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADDING TO THE TOWN OF YUCCA VALLEY MUNICIPAL CODE THAT CERTAIN ORDINANCE PROPOSED BY CITIZEN PETITION AND DENOMINATED AS "THE MEDICAL MARIJUANA AUTHORIZATION AND REGULATION INITIATIVE" FOR THE ALLOWANCE OF A LIMITED NUMBER OF MEDICAL MARIJUANA DISPENSARIES IN TOWN LIMITS AND ATTENDANT REGULATIONS THEREOF

WHEREAS, On September 8, 2014, the Town received a voter Initiative petition from Proponents Daniel Zanercik and Serena Elsasser. As required by law, the Town provided a ballot title and summary, which denominated the voter petition as "The Medical Marijuana Authorization and Regulation Initiative" (the "Initiative"); and

WHEREAS, On November 20, 2014, the Proponents submitted the signed Initiative petitions. The Town Clerk conducted a prima facie review and raw count of the petition and determined that there were sufficient numbers of signatures to proceed; and

WHEREAS, On November 21, 2014 the Initiative petitions were submitted to the County of San Bernardino Registrar of Voters for signature verification. The Registrar of Voters promptly began the process of verifying the signatures contained on the petitions; and

WHEREAS, Based on County verification of signatures contained on the petitions, the Initiative petition meets the 15% threshold (or 1,442 votes) requisite for placement on a special election ballot. (Elections Code § 9214.); and

WHEREAS, Rather than calling a special election on the Initiative, the Town Council has, pursuant to Elections Code § 9214, the option of directly and immediately adopting the Initiative as an ordinance of the Town's Municipal Code.

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

SECTION 1: The Town Council of The Town of Yucca Valley does hereby adopt the Initiative pertaining to the authorization of, and regulation of, medical marijuana dispensaries within Town limits as an Ordinance of the Town of Yucca Valley Municipal Code, as such Initiative Ordinance is presented in Exhibit 1 attached hereto and incorporated herein by this reference.

SECTION 2: 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 3: The 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 _____ 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
MAYOR

ATTEST:

_____
TOWN CLERK

APPROVED AS TO FORM AND CONTENT:

_____
TOWN ATTORNEY

EXHIBIT 1

Section 1 - Title.

This initiative shall be known and may be cited as the *Yucca Valley Medical Marijuana Limitation Act.*

Section 2 - Findings and declarations.

The People of the Town of Yucca Valley, California, find that the intent of this ordinance is to exempt a limited number of medical marijuana dispensaries from the Town's prohibition on medical marijuana dispensaries, to make exempted medical marijuana dispensaries eligible for a business registration certificate, to advance local control, to restrict the location and operation of exempted medical marijuana dispensaries, and to impose civil and criminal sanctions for violation of these local requirements;

In 1996 California voters approved Proposition 215, the Compassionate Use Act. The People of the State of California declared that their purpose in enacting the ballot measure was, "to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief.";

Proposition 215 called on federal and state governments "to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.";

In 2003, the California State Legislature enacted Senate Bill 420, codified in *Health and Safety Code, sections 11362.7 et seq.*, known as the Medical Marijuana Program Act. The Medical Marijuana Program Act clarified the scope of the Compassionate Use Act and promoted uniform and consistent application of Proposition 215 throughout the state by ensuring that seriously ill

Californians and their caregivers have access to medical marijuana through collective, cooperative cultivation projects;

The Medical Marijuana Program Act expanded limited criminal immunity to qualified marijuana patients and their primary caregivers by decriminalizing possession, furnishing, sale, cultivation, transportation, or possession for sale of marijuana, or for providing or maintaining a place for the manufacture, processing, storage, or distribution of marijuana;

In 2008, pursuant to *Health and Safety Code, section 11362.81, subd. (d)*, the California Attorney General issued Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. The Guidelines recognize and protect the rights of qualified patients, their designated primary caregivers, and medical marijuana collectives and cooperatives to access safe and affordable marijuana for medical purposes, by establishing reasonable parameters upon the manner in which medical marijuana may be cultivated while protecting public health, safety, and welfare;

In October 2009, the Office of the United States Attorney General released a memorandum that stated, "prosecution of individuals with cancer or other serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law, or those caregivers in clear and unambiguous compliance with existing state law who provide such individuals with marijuana, is unlikely to be an efficient use of limited federal resources.";

In 2010, the Medical Marijuana Program Act was amended to prohibit a medical marijuana "cooperative, collective, dispensary, operator, establishment, or provider," other than a licensed residential or elder medical care facility, that is "authorized by law" to possess, cultivate, or distribute medical marijuana, and that "has a storefront or mobile retail outlet which ordinarily requires a local business license," to be located within six hundred feet (600') of a school. The 2010 amendment also made clear that nothing in the Medical Marijuana Program Act shall prevent a city or other local governing body from "adopting local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" or from the "the civil and criminal enforcement" of such ordinances;

In December 2011, the United States Attorney General, during a House Judiciary Committee hearing, testified to the effect that limited federal resources would not be used to prosecute medical marijuana entities operating within state laws;

In August 29, 2013, the Office of the United States Attorney General released a subsequent memorandum which once again advised that federal enforcement efforts against the seriously ill and their individual caregivers was not an efficient use of federal resources, and set forth an expectation that states and local governments which enacted laws authorizing marijuana related conduct will implement strong and effective regulatory and enforcement systems that address any threat those state laws could pose to public safety, public health, and other law enforcement interests;

On September 10, 2013, during a United States Senate Judiciary hearing, Deputy United States Attorney General James Cole testified that all United States Attorneys are required to comply with Office of the United States Attorney General's polices related to those states with medical marijuana laws, so that those medical marijuana entities complying with state and local laws and regulations are unlikely to threaten federal law enforcement priorities;

During the November 5, 2013, Town of Yucca Valley, California, Town Council Meeting, law enforcement for the Town of Yucca Valley confirmed the absence of nuisance and crime activities related to the sole medical marijuana dispensary then operating within the Town of Yucca Valley;

As recently as February 14, 2014, the Department of the Treasury provided guidance for financial institutions seeking to provide banking services to medical marijuana related entities, thereby enhancing the availability of financial services for, and the financial transparency of medical marijuana related entities;

On February 21, 2014, the California Police Chiefs Association dropped their prior policy of "unconditional opposition" to laws sanctioning medical marijuana related entities operating within California;

The People of the Town of Yucca Valley, California, support the right of qualified patients to use medical marijuana in accordance with the recommendation or approval of a licensed physician in good standing with the Medical Board of California, the Compassionate Use Act, the Medical Marijuana Program Act, the California Attorney General Guidelines, and the United States Departments of Justice and Treasury policies regarding state and local regulation of medical marijuana;

The People of the Town of Yucca Valley, California, recognize the need for a framework that effectively implements Proposition 215 by establishing local regulations consistent with the Compassionate Use Act, Medical Marijuana Program Act, and the California Attorney General Guidelines related to the cultivation, distribution and land use of medical marijuana dispensaries within the Town of Yucca Valley to ensure that seriously ill patients have suitable access to medication;

The People of the Town of Yucca Valley, California, strongly oppose law enforcement resources being used to arrest, prosecute, and incarcerate qualified patients and designated caregivers who use and provide medical marijuana in accordance with the Compassionate Use Act, the Medical Marijuana Program Act, and the California Attorney General Guidelines;

The People of the Town of Yucca Valley, California, support safe and orderly access to medical marijuana in a manner which protects qualified patients, designated caregivers, collectives, public health, public safety and the welfare of the community. The absence of a sufficient number of recognized medical marijuana collectives results in qualified patients and designated caregivers being denied legally recognized medication, or incurring the hardship and expense of traveling great distances to obtain their medicine;

The People of the Town of Yucca Valley, California, recognize that neither the Compassionate Use Act nor the Medical Marijuana Program Act sufficiently address local licensing, regulation, and land use restrictions related to medical marijuana collectives;

The People of the Town of Yucca Valley, California, recognize that in the absence of detailed state regulation, local governments must adopt policies and regulations to protect their

communities and ensure that their resident qualified patients have safe and adequate access to legally recognized medication;

The People of the Town of Yucca Valley, California, recognize that according to the California State Board of Equalization, state mandated medical marijuana collectives contribute millions of dollars annually in sales tax to the State of California.

The People of the Town of Yucca Valley, California, recognize that municipalities statewide have successfully imposed annual medical marijuana dispensary business fees based on a percentage of gross receipts. The fee based revenue supports much needed municipal services such as public safety, public health and welfare, and community education;

The People of the Town of Yucca Valley, California, recognize that medical marijuana collectives organized and operating as nonprofit mutual benefit corporations ensure the security of medical marijuana and safeguard against its diversion for non-medical purposes;

The People of the Town of Yucca Valley, California, finds that those nonprofit medical marijuana dispensaries that, prior to July 1, 2014, filed articles of incorporation with the California Secretary of State, obtained a California State Board of Equalization seller's permit to operate in the Town of Yucca Valley, and submitted an application to obtain a California State Department of Food and Agriculture license to sell nursery stock within the Town of Yucca Valley demonstrate a willingness to engage in lawful activity in full compliance with the Compassionate Use Act, the Medical Marijuana Program Act, and the Attorney General Guidelines, all of which reduce costs associated with local regulation and enforcement efforts.

NOW, THEREFORE, The People of the Town of Yucca Valley ordain as follows:

Section 3 - Amendment to Title 8, Division 4, Chapter 9, 84.090, of the Town of Yucca Valley Development Code.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 9, 84.090 of the Town of Yucca Valley Development Code shall be amended as follows. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

Chapter 84.090 Prohibited Businesses

Section 84.0901 Marijuana Dispensaries

A. Prohibition. The establishment or operation of a marijuana dispensary or medical marijuana dispensary for the sale or distribution of marijuana, including medical marijuana, is prohibited. No special use permit, variance, building permit or other entitlement for use shall be accepted, processed, approved or issued for the establishment or operation of, and no person shall otherwise establish a marijuana dispensary or medical marijuana dispensary. This prohibition shall apply regardless of the professed status of any person as a qualified patient or primary caregiver as those terms are defined by State law. Medical marijuana dispensaries that have been provided with written notice from the Town Clerk indicating that its application submitted pursuant to section 84.10020 or 84.10025 is complete, shall be exempted from this prohibition and thus eligible for a business registration certificate, so long as said exempted medical marijuana dispensary remains in full compliance with each of the requirements and standards set forth in Chapter 84.100.

B. Definitions:

~~"Marijuana" means all parts of organically grown Cannabis plants, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound,~~

~~manufacture, salt, derivative, mixture, or preparation of the plant, its seed, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.~~

"Marijuana" shall have the same definition as set forth in Health and Safety Code, section 11018.

"Marijuana dispensary" ~~or "medical marijuana dispensary"~~ means any facility, site, or location (whether for profit or not-for-profit) where marijuana is distributed, sold exchanged, given away, or made available to and/or distributed by or to another.

"Medical marijuana dispensary" means a nonprofit clinic, cooperative, collective, club, business or group comprised of qualified patients and their designated primary caregivers, the sole intent of which is to provide education, referral, or network services, and to facilitate/assist in the lawful production, acquisition, and provision of medical marijuana to its qualified patient participants within the terms of the Compassionate Use Act and the Medical Marijuana Program Act, and is organized and operated in compliance with the Attorney General Guidelines.

Section 4 – Amendment to the Yucca Valley Development Code to add Title 8, Division 4, Chapter 10, 84.100.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 10, 84.100 of the Yucca Valley Development Code, is hereby added to read as follows. (Any underlined language is new and shall be inserted.):

Chapter 84.100 Medical Marijuana Limitation Act.

Sections:

84.10001 Authority and title.

84.10005 Scope of chapter.
84.10010 Definitions.
84.10015 Operating standards.
84.10020 Preferred exemption.
84.10025 Non-preferred exemption.
84.10030 Recognized exemption.

84.10001 Authority and title.

Pursuant to the authority granted by *Article XI, section 7* of the *California Constitution, Health and Safety Code, sections 11362.5 and 11362.7 et seq.*, and *Government Code, sections 37100 and 37101*, the People of the Town of Yucca Valley do enact this chapter, which shall be known and may be cited as the Town of Yucca Valley "Medical Marijuana Limitation Act."

84.10005 Scope of chapter.

The operating standards established in this chapter apply to any site, facility, location, use, and nonprofit entity, including but not limited to a cooperative, collective, association, dispensary or other business, currently operating in the Town of Yucca Valley that cultivates, distributes, dispenses, stores, sells, exchanges, processes, delivers, or gives away marijuana for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians, pursuant to *Health and Safety Code, section 11362.5* (adopted as Proposition 215, the Compassionate Use Act of 1996) or any state regulations adopted in furtherance thereof. Any such nonprofit entity shall, within the Town of Yucca Valley, operate in conformance with the standards set forth in Section 84.10015 to assure compliance with California law and to mitigate any adverse secondary effects from said operations.

84.10010 Definitions.

For purposes of this chapter, the following words and phrases shall mean:

"Exempted medical marijuana dispensary" means a medical marijuana dispensary that has been provided written notice from the Town Clerk indicating that its application pursuant to section 84.10020 or 84.10025 has been deemed complete, is exempt from the prohibition described in section 84.0901, and is eligible for a business registration certificate, so long as it remains in full compliance with each of the requirements and standards set forth in section 84.100.

"Cutting" means a cut from a medical marijuana plant that is no more than one foot in length and that can be used to grow another marijuana plant in a different location.

"Marijuana" shall have the same definition as set forth in Health and Safety Code, section 11018.

"Marijuana dispensary" means any facility, site, or location (whether for profit or not-for-profit) where marijuana is distributed, sold exchanged, given away, or made available to and/or distributed by or to another.

"Medical marijuana" means marijuana including all marijuana products, infusions, and concentrates containing the active ingredients of the marijuana plant used for medical purposes in accordance with the Compassionate Use Act and the Medical Marijuana Program Act.

"Medical marijuana dispensary" means a nonprofit clinic, cooperative, collective, club, business or group comprised of qualified patients and their designated primary caregivers, the sole intent of which is to provide education, referral, or network services, and to facilitate/assist in the lawful production, acquisition, and provision of medical marijuana to its qualified patient participants within the terms of the Compassionate Use Act and the Medical Marijuana Program Act, and is organized and operated in compliance with the attorney General Guidelines.

"Physician" shall have the same definition as set forth in Health and Safety Code, section 11362.7, subd. (a).

"Preferred Exemption" means a medical marijuana dispensary that has Articles of Incorporation file stamped by the California Secretary of State on or before the date of July 1,

2014, a valid California State Board of Equalization Seller's Permit issued on or before the date of July 1, 2014, for operation at a location within the Town of Yucca Valley, and a State of California, Department of Food and Agriculture application for a license to sell nursery stock within the Town of Yucca Valley and proof said application was submitted to and received by the California Department of Food and Agriculture on or before the date of July 1, 2014.

84.10015 Operating standards.

Each exempted medical marijuana dispensary must comply with the following minimum requirements, in addition to other requirements imposed by the Town of Yucca Valley Development and Municipal Codes.

A. At all times the medical marijuana dispensary is open for business, it shall provide at least one security guard who is licensed and possesses a valid California Department of Consumer Affairs, Bureau of Security and Investigative Services Department "security guard card" at all times.

B. The security guard and dispensary personnel shall monitor the medical marijuana dispensary facility and its immediate vicinity to assure that patrons leave the site without delay and do not consume medical marijuana at or in the vicinity of the dispensary including, but not limited to, the parking lot.

C. Signage shall be limited to one wall sign in compliance with the Town of Yucca Valley Development Code, and shall not be externally or internally illuminated.

D. No recommendation from a physician for medical marijuana shall be issued on-site.

E. There shall be no on-site sales of alcohol, tobacco, pipes, papers, water pipes, vaporizers or other paraphernalia, and no on-site consumption of food, alcohol, tobacco or marijuana by patrons.

F. Hours of operation shall be limited to 8:00 A.M. to 9:00 P.M. daily.

G. A medical marijuana dispensary shall only dispense medical marijuana to qualified patients and their caregivers as defined by California Health and Safety Code § 11362.5 (Proposition 215). A medical marijuana dispensary shall only dispense medical marijuana to such qualified patients that possess an original valid physician's recommendation, not more than one year old, for medical marijuana use by the patient.

H. A medical marijuana dispensary shall notify patrons of the following, through both the posting of a sign in a conspicuous location, and by oral notification by the dispensary operator:

1. Use of medical marijuana shall be limited to the patient identified on the physician's recommendation. Secondary sale, barter or distribution of medical marijuana is a crime and can lead to arrest.

2. Loitering on and around the dispensary site is prohibited by California Penal Code, section 647(e) and patrons must immediately leave the site and not consume medical marijuana in the vicinity of the dispensary, on the property or in the parking lot.

3. Forgery of medical documents is a felony crime.

4. A warning that patrons may be subject to prosecution under federal marijuana laws.

5. Use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery.

I. A medical marijuana dispensary shall not provide medical marijuana to any individual in an amount not consistent with personal medical use.

J. A medical marijuana dispensary shall not store more than two hundred dollars in cash reserves overnight at the facility.

K. A medical marijuana dispensary shall require a parent or legal guardian to accompany any patient under eighteen years of age.

L. A medical marijuana dispensary shall provide the name and phone number of an on-site staff person to the Yucca Valley Police Department for notification if there are operational problems with the establishment.

M. All dispensary operators shall complete a criminal background check, including a Live Scan, prior to issuance of a business license or approval of any entitlement of use, including but not limited to a business registration certificate.

N. Medical marijuana shall not be grown at medical marijuana dispensary facilities, except that cuttings of the medical marijuana plant may be kept or maintained on-site for distribution to qualified patient and their primary caregivers to cultivate medical marijuana plants off-site and to return medical marijuana from the resulting mature plant for distribution by the dispensary.

O. A medical marijuana dispensary shall comply with the applicable provisions of the California Health and Safety Code, sections 11362.5 through 11362.83, the Yucca Valley Development Code, and the Yucca Valley Municipal Code.

P. If food is distributed at the facility, the medical marijuana dispensary shall comply with all relevant state laws and town ordinances pertaining to the preparation, distribution and sale of food.

84.10020 Preferred Exemption.

A. Within thirty (30) calendar days following the date of enactment of Chapter 84.100, the Town Clerk shall cause to be prepared an application form for use by medical marijuana dispensaries applying for preferred exemption.

B. The preferred exemption application form shall require the medical marijuana dispensary to attach a copy of its:

1. Articles of Incorporation file stamped by the California Secretary of State on or before the date of July 1, 2014;

2. A valid California State Board of Equalization Seller's Permit issued on or before the date of July 1, 2014, for operation at a location within the Town of Yucca Valley;

3. A State of California, Department of Food and Agriculture application for a license to sell nursery stock within the Town of Yucca Valley and proof said application was submitted to and received by the California Department of Food and Agriculture on or before the date of July 1, 2014; and

4. Reliable proof obtained pursuant to section 84.10015, subd. (M) that no medical marijuana dispensary operator has been convicted of a felony within seven years of the date of preferred exemption application.

C. Thirty-one (31) calendar days following the date of enactment of Chapter 84.100, the Town Clerk shall begin accepting applications for preferred exemption. No medical marijuana dispensary shall submit more than one application for preferred exemption.

D. The initial period for accepting applications for preferred exemption shall be limited to fifteen (15) business days.

E. The Town Clerk shall ensure that each application for preferred exemption received during the initial fifteen (15) business day period is date and time stamped, and processed in the order in which it was received.

F. Any application for preferred exemption submitted after the Town Clerk has issued written notices of completion of application for preferred exemption to the maximum number of medical marijuana dispensaries, as set forth in section 84.10030, shall be rejected. The Town Clerk shall resume accepting preferred exemption applications once the total number of medical marijuana dispensaries with recognized exemption falls below the limit set forth in section 84.10030.

G. Any application for preferred exemption submitted by a medical marijuana dispensary which does not fully comply with the requirements set forth herein shall be rejected.

H. Any application for preferred exemption with a proposed medical marijuana dispensary facility not located within a commercial or industrial land use, as set forth in Title 8, Division 4, of the Yucca Valley Development Code, shall be rejected.

I. Within ten (10) business days following the expiration of the initial period for accepting preferred exemption application(s), the Town Clerk shall determine if the application for preferred exemption is complete, and shall either:

1. Notify the applicant in writing that the application for preferred exemption is complete; or

2. Notify the applicant in writing that the application for preferred exemption is incomplete, and set forth the reason(s) therefore, including all additional information and documentation necessary to render the application complete.

J. The applicant shall have fifteen (15) business days from the date of notice of incomplete application to submit all additional information and documentation identified by the Town Clerk to complete the application for preferred exemption. Any amended application for preferred exemption shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10020, subd. (E).

K. Within ten (10) business days following receipt of an amended application for preferred exemption status, the Town Clerk shall determine whether the application is complete, and shall either:

1. Notify the applicant in writing that the amended application for preferred exemption is complete; or

2. Notify the applicant in writing that the amended application for preferred exemption is incomplete, and set forth the reason(s) therefore, including all additional information and documentation necessary to render the amended application complete.

L. The applicant shall have fifteen (15) business days from the date of notice of incomplete amended application to submit all additional information and documentation identified by the Town Clerk to complete the amended application for preferred exemption. Any

amended application for preferred exemption pursuant to section 84.10020, subd. (J) shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10020, subd. (E).

M. Within ten (10) business days following receipt of an amended application for preferred exemption, as set forth in section 84.10020, subd. (J), the Town Clerk shall determine whether the application is complete, and shall either:

1. Notify the applicant in writing that the application for preferred exemption is complete; or

2. Notify the applicant in writing that the application for preferred exemption remains incomplete, setting forth the reasons therefore, and shall be considered rejected and null and void.

N. Nothing shall prevent a medical marijuana dispensary that applied for preferred exemption but was rejected from thereafter submitting an application for a non-preferred exemption, as set forth in section 84.10025.

84.10025 Non-preferred exemption.

A. Within thirty (30) calendar days following the date of enactment of Chapter 84.100, the Town Clerk shall cause to be prepared an application form for use by medical marijuana dispensaries applying for non-preferred exemption.

B. The application for non-preferred exemption shall require the medical marijuana dispensary to attach a copy of its:

1. Articles of Incorporation file stamped by the California Secretary of State;

2. A California State Board of Equalization Seller's Permit issued for operation at a location within the Town of Yucca Valley;

3. A State of California, Department of Food and Agriculture

application for a license to sell nursery stock within the Town of Yucca Valley and proof said application was submitted to and received by the California Department of Food and Agriculture; and

4. Reliable proof obtained pursuant to section 84.10015, subd. (M) that no medical marijuana dispensary operator has been convicted of a felony within seven years of the date of non-preferred exemption application.

C. One hundred and eighty (180) calendar days following the date of enactment of Chapter 84.100, the Town Clerk shall begin accepting applications for non-preferred exemption.

D. The Town Clerk shall ensure that each application for non-preferred exemption is date and time stamped, and processed in the order in which it was received.

E. Any medical marijuana dispensary application for non-preferred exemption submitted after the Town Clerk has issued written notices of completion of application for exemption to the maximum number of medical marijuana dispensaries, as set forth in section 84.10030, shall be rejected. The Town Clerk shall resume accepting applications, pursuant to section 84.10025 once the total number of medical marijuana dispensaries with recognized exemption falls below the maximum limit set forth in section 84.10030.

F. Any application for non-preferred exemption submitted by a medical marijuana dispensary which does not fully comply with the requirements set forth in Section 84.10025 shall be rejected.

G. Any application for non-preferred exemption with a proposed medical marijuana dispensary facility not located within a commercial or industrial land use as set forth in Title 8, Division 4, of the Yucca Valley Development Code, shall be rejected.

H. Within ten (10) business days following application for non-preferred exemption, the Town Clerk shall determine if the application is complete, and shall either:

1. Notify the applicant in writing that the application for non-preferred exemption is complete; or

2. Notify the applicant in writing that the application for non-preferred exemption is incomplete, and set forth the reason(s) therefore, including all additional information and documentation necessary to render the application complete.

I. The applicant shall have fifteen (15) business days from the date of notice of incomplete application for non-preferred exemption to submit all additional information and documentation identified by the Town Clerk to complete the application. Any amended application for non-preferred exemption shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10025, subd. (D).

J. Within ten (10) business days following receipt of an amended application for non-preferred exemption, the Town Clerk shall determine whether the application is complete, and shall either:

1. Notify the applicant in writing that the amended application for non-preferred exemption is complete; or

2. Notify the applicant in writing that the amended application for non-preferred exemption is incomplete and set forth the reason(s) therefore, including all additional information and documentation necessary to render the application complete.

K. The applicant shall have fifteen (15) business days from the date of notice of incomplete amended application for non-preferred exemption, as set forth in section 84.10025, subd. (I) to submit all additional information and documentation identified by the Town Clerk to complete the application. Any such amended application for non-preferred exemption shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10025, subd. (D).

L. Within ten (10) business days following receipt of an amended application for non-preferred exemption, set forth in section 84.10025, subd. (I), the Town Clerk shall determine whether the application is complete, and shall either:

1. Notify the applicant in writing that the application for non-preferred exemption is complete; or

2. Notify the applicant in writing that the application for non-preferred exemption remains incomplete, setting forth the reasons therefore, and shall be considered rejected and null and void.

84.10030 Recognized exemption.

A. A medical marijuana dispensary that has been provided with written notice from the Town Clerk indicating that its application pursuant to sections 84.10020 or 84.10025 has been deemed complete, shall be exempt from the prohibition described in section 84.0901, and shall be eligible for a business registration certificate, so long as said exempted medical marijuana dispensary remains in full compliance with each of the requirements and standards set forth in Chapter 84.100; and

B. The number of exempted medical marijuana dispensaries within the Town shall be limited to one (1) per ten thousand (10,000) Town residents. This number shall increase with each additional ten thousand Town residents, such that for twenty thousand (20,000) Town residents the number of medical marijuana dispensaries would be limited to two (2), for thirty thousand (30,000) Town residents the number would be limited to three (3) medical marijuana dispensaries, and so on. The population figures to be used shall be those most recently determined and promulgated by the California Department of Finance for cities, counties and states.

Section 5 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0350, General Commercial (CG) District, Land Use Chart of the Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0350, General Commercial (CG) District land use table, of the Town of Yucca Valley Development Code, shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

Land Use Classification	General Commercial (CG)	Additional Regulations
...		
Medical Marijuana Dispensary	~~NP~~	(5)
...		
FOOTNOTES:		
...		
(5) Refer to the Medical Marijuana Limitation Act ~~Prohibited Businesses~~, Yucca Valley Development Code, § ~~84.0901~~ Chapter 84.100.		

Section 6 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0340, Neighborhood Commercial (CN) District, Land Use Chart of the Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0340, Neighborhood Commercial (CN) District land use table, of the Town of Yucca Valley Development Code, shall be amended to add the following land use

designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

Land Use Classification	Neighborhood Commercial (CN)	Additional Regulations
...		
...		
Medical Marijuana Dispensary	~~NP~~	(5)
...		
	FOOTNOTES:	
...		
(5) Refer to the Medical Marijuana Limitation Act ~~Prohibited Businesses~~, Yucca Valley Development Code, § ~~84.0901~~ Chapter 84.100.		

Section 7 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0305, Hillside Reserve (R-HR) District, Land Use Chart of the Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0305, Hillside Reserve (R-HR) District land use table, of the Town of Yucca Valley Development Code, shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

Land Use Classification	General Commercial (H-HR)	Additional Regulations
...		
Medical Marijuana Dispensary	~~NP~~	(5)
...		
	FOOTNOTES:	
...		
(5) Refer to the Medical Marijuana Limitation Act ~~Prohibited Businesses~~, Yucca Valley Development Code, § ~~84.0901~~ Chapter 84.100.		

Section 8 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0335, Office Commercial (CO) District Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0335, Office Commercial (CO) District of the Town of Yucca Valley Development Code, shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

84.0335 Office Commercial (CO) District.

This Office Commercial (CO) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

(1) Row, Field, Tree and Nursery Crop Cultivation.

(2) Accessory Uses as specified by Chapter 5 of this Division.

(3) Medical Marijuana Dispensaries as specified by Chapter 10 84.100 of this Division entitled the Medical Marijuana Limitation Act.

...

~~(f) NON PERMITTED LAND USES.~~

~~(1) Medical Marijuana Dispensary.~~

...

Section 9 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0355, Service Commercial (CS) District, of the Town of Yucca Valley Development Code.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0355, Service Commercial (CS) District, of the Town of Yucca Valley Development Code shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

84.0355 Service Commercial (CS) District.

The Service Commercial (CS) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

(1) Row, Field, Tree and Nursery Crop Cultivation.

(2) Accessory Uses as specified by Chapter 5 of this Division.

(3) Medical Marijuana Dispensaries as specified by Chapter 10 84.100 of this Division entitled the Medical Marijuana Limitation Act.

...

~~(f) NON PERMITTED LAND USES.~~

~~(1) Medical Marijuana Dispensary.~~

...

Section 10 - Amendment to Title 8, Division 4, Chapter 3, Section 84.0370, Community Industrial (IC) District Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0370, Community Industrial (IC) District of the Town of Yucca Valley Development Code, shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

84.0370 Community Industrial (IC) District.

The Community Industrial (IC) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

(1) Row, Field, Tree and Nursery Crop Cultivation.

(2) Accessory Uses as specified by Chapter 5 of this Division.

(3) Medical Marijuana Dispensaries as specified by Chapter 10 84.100 of this Division entitled the Medical Marijuana Limitation Act.

...

~~(e) NON PERMITTED LAND USES.~~

~~(1) Medical Marijuana Dispensary.~~

...

Section 11 - Statewide Regulation.

This initiative ordinance, and the provisions herein, shall be read consistent with any statewide regulation of medical marijuana that is promulgated by the legislature or by voter approval in the future. In the event statewide regulation is passed pursuant to the

decriminalization or legalization, for recreational use, of marijuana, this initiative ordinance shall govern the conduct of those businesses allowed to distribute marijuana under such provisions.

Section 12 - Amendment and Repeal.

The code provisions added by, amended by, or contained in this initiative ordinance may be amended only to further its purposes by ordinance passed by a majority vote of the Yucca Valley Town Council and approved by the Mayor. The code provisions added by, amended by, or contained in this initiative ordinance shall not be repealed, except by an ordinance adopted by a vote of the electors.

Section 13 - Special or Regular Election.

The voters of the Town of Yucca Valley hereby expressly request that this initiative be set for a special or regular election at the earliest time allowable by law.

Section 14 - Severability.

Should any provision of this initiative ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, voidable, or invalid, that determination shall have no effect on any other provision, or the application of this initiative to any other person or circumstance and, to that end, the provisions hereof are severable. By approving this ordinance the voters intend that each section and sub-section be explicitly severable, part-by-part, phrase-by-phrase, and word-by-word, thus that the minimum language held invalid be severed.

Section 15 - Effective Date.

After its adoption by the voters, this ordinance shall be in full force and effect ten (10) days after the vote is declared by the legislative body.

Section 16 - Competing Measures.

In the event that this measure and another measure or measures relating to the regulation of medical marijuana in the Town of Yucca Valley appear on the same ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes required to pass than the other measure or measures, the provisions of this measure shall prevail in their entirety over the competing measure or measures, and the competing measure or measures shall be null and void.

ATTACHMENT C

Title:

The Medical Marijuana Dispensary Authorization and Regulation Initiative

Summary:

The Medical Marijuana Dispensary Authorization and Regulation Initiative (the "proposed Ordinance") seeks to amend the Town of Yucca Valley's current ordinance prohibiting medical marijuana dispensaries by allowing one medical marijuana dispensary per every 10,000 Town residents, and by imposing certain regulations on the location and operation of such dispensaries. Under the proposed Ordinance, medical marijuana dispensaries will be eligible to operate in the Town on a first-come, first-serve basis, subject to application and approval by the Town Clerk, until the maximum number of dispensaries is reached. Medical marijuana dispensaries that have a California Board of Equalization Seller's Permit dated prior to July 1, 2014 for a location in Yucca Valley, along with certain other documentation, will be eligible for a priority application period before other dispensaries may apply.

The proposed Ordinance would change the definition of "marijuana" from its current definition to the definition found in Health and Safety Code section 11018. Additionally, the proposed Ordinance would define new terms such as "medical marijuana dispensary" and "physician."

Under the proposed Ordinance, the Town Clerk must approve medical marijuana dispensary applications that contain all of the following items, on a first-come, first-serve basis, until the maximum number of approved dispensaries is reached: (1) Articles of Incorporation file stamped by the Secretary of State; (2) a State Board of Equalization Seller's Permit for operation within the Town; (3) a Department of Agriculture application for a license to sell nursery stock within the Town; and (4) reliable proof that no medical marijuana dispensary owner has been convicted of a felony within seven (7) years of the submittal of the application. For any dispensary applying during the priority application period, items (1), (2), and (3) must be dated prior to July 1, 2014.

Upon the Town Clerk's approval of a medical marijuana dispensary's application, the dispensary will be eligible for a business registration certificate. The medical marijuana dispensary would have to remain in compliance with the regulations set forth in the proposed Ordinance to retain the business registration certificate. The proposed Ordinance would add operating standards for medical marijuana dispensaries, including but not limited to: a security guard, hours of operation from 8 am to 9 pm, signage on only one wall and no on-site sales and consumption of food and alcohol. The Town Zoning Code would be amended to allow approved medical marijuana dispensaries in commercial zones, industrial zones, and the Hillside Reserve zone.

ATTACHMENT D

RESOLUTION NO. 2015 – ___

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REQUESTING PLACEMENT OF A BALLOT MEASURE ENTITLED "MEDICAL MARIJUANA DISPENSARY AUTHORIZATION AND REGULATION INITIATIVE" ON A SPECIAL ELECTION BALLOT FOR THE TOWN OF YUCCA VALLEY TO BE HELD ON TUESDAY, APRIL 28, 2015, TO CONSIDER A BALLOT MEASURE RELATING TO THE REGULATION OF MEDICAL MARIJUANA DISPENSARIES WITHIN IN THE TOWN OF YUCCA VALLEY

WHEREAS, on January 20, 2015, an initiative petition (the "Petition") was submitted to the Town of Yucca Valley setting forth a sufficient number of signatures to require the Town to call an election no later than 103 days after its submission unless the election can be consolidated with a state or county election to be held within 180 days of the date of submission of the Petition; and

WHEREAS, the latest date the election may be held for the initiative measure under the provisions of Elections Code is April 28, 2015, unless the election can be consolidated with a state or county election called within 180 days of the submission of the initiative Petition to the Town Council; and

WHEREAS, it is currently unknown if there will be a state or county election held within the requisite timeframe; and

WHEREAS, pursuant to the requirements of the laws of the State of California relating to general law cities, the Town Council of the Town of Yucca Valley requests that a ballot measure relating to the regulation of medical marijuana dispensaries within the Town of Yucca Valley entitled "Medical Marijuana Dispensary Authorization and Regulation Initiative" be placed on the special election ballot for the election to be held in the Town of Yucca Valley, California, on Tuesday, April 28, 2015; and

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA , DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to the requirements of the laws of the State of California relating to general law cities within the state, there shall be, and there is hereby called and ordered to be held in the Town of Yucca Valley, California, on Tuesday, April 28, 2015, an election of the qualified electors of the Town of Yucca Valley on that ballot measure set forth as Exhibit "A" hereto and incorporated herein by reference relating regulation of medical marijuana dispensaries within the Town of Yucca Valley.

SECTION 2. That the Town Council, pursuant to its right and authority, does order submitted to the eligible electorate at a special election to be held on Tuesday, April 28, 2015, the following question:

MEASURE _____

Shall the Medical Marijuana Dispensary Authorization and Regulation Initiative Measure be enacted to allow the operation of medical marijuana dispensaries in the jurisdictional boundaries of the Town of Yucca Valley at a rate of one dispensary per every 10,000 Town Residents, and attendant provisions governing such operations?	**YES**
	NO

SECTION 11. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding special elections in the Town.

SECTION 12. The notice of the time and place of holding the special election is given and the Town Clerk is authorized, instructed and directed to give further or additional notice of the special election, in time, form and manner as required by law.

SECTION 13. The Town Clerk is directed to forward without delay to the County Registrar of Voters, a certified copy of this Resolution.

SECTION 14. The Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this _____ day of _____ 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
MAYOR

ATTEST:

_____
TOWN CLERK

APPROVED AS TO FORM AND CONTENT:

_____
TOWN ATTORNEY

09999.0003/239027.2

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Council
From: Aleshire & Wynder LLP, Town Attorney
Date: January 15, 2015
For Council Meeting: January 20, 2015

Subject: Town-Sponsored Medical Marijuana Ballot Measure

Prior Council Review: None.

Summary & Recommendations: That the Council consider presenting a medical marijuana ordinance to the electorate as a Town-sponsored measure ("Town Measure") to be voted on at the same election where the citizen-sponsored initiative measure ("Citizen Initiative") permitting medical marijuana dispensaries is to be held. The Council has the following options with respect to a Town Measure:

a) Elect not to pursue a Town Measure. If the Town does not present a competing measure now, it does have the right to submit a voter measure in the future amending or repealing the Citizen Initiative, if it passes. But, the Town would have to wait at least one year after adoption of the Citizen Measure before it could do that, or

b) If the Council opted to adopt the Citizen Initiative directly, set an election on an alternative or amendatory Town Measure after the Council develops its proposed changes, or

c) Elect to pursue a Town Measure by placing it on the same ballot as the Citizen Initiative. The Council's ability to do this is contingent upon whether or not the Council has asked for a 30-day impact report on the Citizen Initiative:

   i. If the Town Council has ordered a 30-day impact report on the Citizen Initiative, then no action is required by the Council tonight. The recommendation would be to open Council discussion and provide policy guidance to staff, the medical marijuana ad hoc committee, and the Town Attorney's Office with regard to the Town Measure during the 30-day period while the study is being conducted. Then action would be scheduled calling an election for the Town Measure at the same meeting at which the study is presented to the Council. Thus, the election may be coordinated with the Citizen Initiative.

09999.0003/238699.3
Reviewed By: Town Manager | Town Attorney | Finance | Dept

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

ii. If the Town Council did *not* order a 30-day impact report on the Citizen Initiative, but instead called a special election on the Citizen Initiative, then it is recommended that the Council adjourn this meeting to an adjourned regular meeting that must be held prior to January 30, 2015, in order to call the election on the Town Measure. Under this scenario, Council should review the draft Town Measure and give direction to staff to return for final action and calling of an election at an adjourned regular meeting to be held prior to January 30, 2015. This time frame is necessary to get the two measures on the same ballot.

d) Elect to pursue a joint Proponent/Town Measure for voter consideration by directing the Town's Ad Hoc committee to continue discussions with the Citizen Initiative representatives. The Council's ability to do this is contingent upon whether or not the Council has asked for a 30-day impact report on the Citizen Initiative. This would likely require some form of written agreement between the Town and proponents, by which the proponents would agree to withdraw their Citizen Initiative in exchange for the Town agreeing to sponsor a new negotiated measure to be presented to the voters.

Order of Procedure:

Request Staff Report
Request Public Comment
Council Discussion / Questions of Staff
Motion/Second
Discussion on Motion
Call the Question

Historical Background: At the January 20, 2015, Town Council meeting, the Town Council was presented with the Citizen Initiative proposing to enact an ordinance permitting and regulating medical marijuana sales and use within the Town. The Citizen Initiative has been reviewed by the County Registrar of Voters and signatures have been verified that would require the Town to call a special election for the Citizen Initiative. Upon presentation and certification of the Citizen Initiative by the Town Council, the Town Council had three possible courses of action:

1. Introduce the Citizen Initiative as presented by the proponents for first reading and schedule an adjourned regular meeting at least five days after its introduction and no longer than 10 days after its introduction to adopt the Citizen Initiative;

3. Request that a 30-day impact study be conducted of the possible effects of the Citizen Initiative on Town policies, land uses, economics or other

issues of concern to the Council; or

4. Immediately call a special election to be held at on a Tuesday falling least 88 days but not more than 103 days after the date the election is called (i.e., April 28, 2015).

Because some concerns have been expressed about specific provisions in the Citizen Initiative, the medical marijuana subcommittee was formed and has discussed possibly preparing a Town Measure to be placed on the ballot as an alternative or amendatory ordinance to the petition measure. A draft of such an ordinance (in purely preliminary, draft form) is attached as **Attachment A**.

Policy Discussion: Comparison of Petition Measure and Draft Proposed Council Measure.

Citizen Initiative

The Town currently has a zoning ordinance that bans all medical marijuana dispensaries. The Citizen Initiative seeks to amend the Town's ban to allow medical marijuana dispensaries at a rate of one for every 10,000 Town residents. Based on current population, two dispensaries would be allowed.

The Citizen Initiative would also impose certain regulations on the location and operation of these dispensaries. Specifically, the two dispensaries would be allowed only in the CG, CN, HR, CO, CS, and IC zones, and they could not be located within 600 feet of any school. Dispensaries would be allowed to operate from 8 a.m. to 9 p.m. A background check would be required of all dispensary operators, and no operator could have a felony conviction within the past seven years. Minors (under 18) would be permitted to enter a dispensary if accompanied by a parent or legal guardian.

Significantly, the Citizen Initiative contains what the Town Attorney's Office considers a "preferential" process for determining which applicants are chosen as the two allowable dispensaries. The Citizen Initiative requires a "preferred" application period during which the only dispensaries that can apply are those who already have a State Board of Equalization seller's permit for a location in Yucca Valley *issued prior to July 1, 2014.* The Citizen Initiative does not require any public notice of the preferred application period (or any application period). A regular application period open to any applicant is conducted only when the preferred application period yields fewer than the maximum two dispensaries.

Therefore, the Citizen Initiative is designed so that persons who "coincidentally" already had a BOE seller's permit for a Yucca Valley location prior to July 1, 2014 are given

special treatment -- priority in the application process. It is very likely that the proponents (or a dispensary working with the proponents) intentionally wrote the Citizen Initiative this way to ensure they would become one of the allowed dispensaries. Prior to July 1, 2014, they obtained a BOE seller's permit for a Yucca Valley location and then wrote the Citizen Initiative to give themselves priority in the application process, all the while knowing that no one else would have, or could thereafter ever have, a BOE seller's permit dated prior to July 1, 2014.

Draft Proposed Town Measure

The draft proposed Town Measure provides a non-preferential and open application process based on a first-come, first-serve basis combined with public safety criteria. There are no "preferred" application periods, and public notice of the application period is provided. As currently drafted, the Town Clerk would accept applications on a first come, first serve basis until the allowable maximum number of dispensaries is reached. The applications accepted by the Town Clerk may then apply for a regulatory safety permit from the Community Development Director ("Director"). The Director analyzes the applicants based on a number of public safety factors; including an interior and exterior site plan; the requirement written consent of the property owner; names, home addresses, telephone numbers, and IDs of every operator, employee, and volunteer; and a background check for felony or misdemeanor convictions within the past seven years.

The draft Town Measure, at least as currently drafted, contains numerous additional protective regulations not found in the Citizen Initiative. For example, only one dispensary per 10,000 residents is allowed. Minors (under 18) may not enter dispensaries. Dispensaries must close by 7 p.m. An odor-absorbing ventilation system is required. Security cameras and an alarm system are required. Landlord consent is required. And, the Town Measure permits the Town Council to establish and charge fees to the dispensaries to recoup the Town's program administration and law enforcement costs. The amount of the fees would be established by the Town Council at a later date after conducting a fee study. Staff also recommends reducing the number of zones in which dispensaries are allowed. A chart-form summary comparison of the two measures is attached to this staff report as **Attachment B**.

Staff and the Town Attorney's Office asks the Council to provide any feedback it may have at this meeting with regard to the currently drafted proposal for a Town Measure.

Contingent or Stand-Alone Measure?

If the Town Council desires to pursue a Town Measure, the Council must decide whether the Town Measure should be contingent upon passage of the Citizen Initiative, or should be a stand-alone measure that would allow dispensaries even if the Citizen Initiative fails.

Relevant to this question, the Citizen Initiative has actually anticipated a competing Town Measure and included language that states, if both measures pass, the Citizen Initiative will control if it gets more votes than the Town Measure. As a result, the Town Attorney's Office recommends making the Town Measure contingent upon the Citizen Initiative's passage. Voters would first vote on the Citizen Measure, and then vote on: *if the Citizen Initiative passes*, should the additional protective regulations in the Council measure be adopted?

This may maximize the "yes" votes on the Town Measure because while it allows for the accommodation of medical marijuana dispensaries in the Town, the Town Measure will garner more favor from voters who support marijuana dispensaries, but believe that they should be carefully regulated. The Town Measure would also be more attractive even to those voters who do not favor any medical marijuana dispensaries in the Town given that the outcome of the Town Measure would be contingent upon the Citizen Measure. By contract, if the Town Measure stood alone to allow dispensaries even if the Citizen Initiative fails, then anti-marijuana voters may vote "no" on the Town Measure as well as the Citizen Measure.

The Town Attorney's Office therefore recommends making the Town Measure contingent upon passage of the Citizen Initiative.

Title for the Council Measure

The Town Council should consider a proposed title for the Town Measure. Some options are:

A. "The Yucca Valley Medical Marijuana Responsible Regulation and Public Safety Act".
B. "The Protect Yucca Valley from Marijuana Dispensaries Act".
C. Another title the Council may choose.

Action Discussion: Coordinating the Two Measures if the Council is Interested in Pursuing a Competing Town Measure.

In order to coordinate the Citizen Initiative with any proposed Town Measure, certain steps must be taken. Since the Citizen Initiative election may only be called at a regular or adjourned regular meeting of the Town Council, an election on a Town Measure should also be called at that same regular or adjourned regular meeting so that the time periods run concurrently. (Elections Code §9214.) In addition, as is the case with the Citizen Initiative's special election, any special election called by the Town Council on the Town Measure must be held on a Tuesday (Election Code 1100) at least 88 days following the call of the election (Elections Code 9222). Since an election must ultimately be called for the Citizen Initiative (unless the Council chose to simply enact it) any action on a Town Measure must be coordinated with the Citizen Measure.

The two measures must be on the same ballot in order for the Town Measure to be effective as a competing measure to the Citizen Initiative. That said, if the Town does not present a competing measure now, it does have the right to submit a voter measure in the future amending or repealing the Citizen Initiative. But, the Town would have to wait at least one year after adoption of the Citizen Measure before it could do that.

Alternatives: Decline to consider a competing Town Measure.

The Town Council could choose to attempt to work with the Citizen Initiative's proponents to develop a mutually agreeable Town Initiative to submit to the voters that would address the various concerns of the Town while maintaining the most sensitive requirements of the proponents. In such a scenario, it is possible that the Citizen Initiative proponents could withdraw their petition thus providing a single petition for voter consideration. This would likely require some form of written agreement between the Town and proponents, by which the proponents would agree to withdraw their Citizen Initiative in exchange for the Town agreeing to serve as the sponsor for a new negotiated measure to be presented to the voters.

Fiscal Impact:

An estimated cost of holding a special election is estimated at approximately $50,000. It is known that holding the special election that is consolidated with a County-wide election would be considerably less expensive for the Town. Unfortunately, we do not know at this time whether the County will be holding a jurisdictional election on June 2, 2015.

Additional legal costs related to the petition and or special election are anticipated to

range between $15,000 and $20,000, assuming no court challenges or judicial intervention becomes necessary.

Attachments: Draft Council Sponsored Measure
Chart Summarizing Comparison of Two Measures

ATTACHMENT A

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING THE YUCCA VALLEY DEVELOPMENT CODE TO REGULATE THE LOCATION AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES IN FURTHERANCE OF PUBLIC HEALTH, SAFETY AND WELFARE SHOULD MEDICAL MARIJUANA DISPENSARIES BECOME PERMITTED IN THE TOWN BY OPERATION OF VOTER INITIATIVE

The People of the Town of Yucca Valley hereby ordain as follows:

Section 1- Title.

This initiative shall be known and may be cited as the *Yucca Valley Medical Marijuana Limitation Act.*

Section 2 — Findings and declarations.

The People of the Town of Yucca Valley, California, find that the intent of this ordinance is to exempt a limited number of medical marijuana dispensaries from the Town's prohibition on medical marijuana dispensaries, to make exempted medical marijuana dispensaries eligible for a business registration certificate, to advance local control, to restrict the location and operation of exempted medical marijuana dispensaries, and to impose civil and criminal sanctions for violation of these local requirements;

In 1996 California voters approved Proposition 215, the Compassionate Use Act. The People of the State of California declared that their purpose in enacting the ballot measure was, "to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief. " ;

Proposition 215 called on federal and state governments "to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.";

In 2003, the California State Legislature enacted Senate Bill 420, codified in *Health and Safety Code, sections 11362.7 et seq.,* known as the Medical Marijuana Program Act. The Medical Marijuana Program Act clarified the scope of the Compassionate Use Act and promoted uniform and consistent application of Proposition 215 throughout the state by ensuring that seriously ill

Californians and their caregivers have access to medical marijuana through collective, cooperative cultivation projects;

The Medical Marijuana Program Act expanded limited criminal immunity to qualified marijuana patients and their primary caregivers by decriminalizing possession, furnishing, sale, cultivation, transportation, or possession for sale of marijuana, or for providing or maintaining a place for the manufacture, processing, storage, or distribution of marijuana;

In 2008, pursuant to *Health and Safety Code, section 11362.81, subd. (d)*, the California Attorney General issued Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. The Guidelines recognize and protect the rights of qualified patients, their designated primary caregivers, and medical marijuana collectives and cooperatives to access safe and affordable marijuana for medical purposes, by establishing reasonable parameters upon the manner in which medical marijuana may be cultivated while protecting public health, safety, and welfare;

In October 2009, the Office of the United States Attorney General released a memorandum that stated, "prosecution of individuals with cancer or other serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law, or those caregivers in clear and unambiguous compliance with existing state law who provide such individuals with marijuana, is unlikely to be an efficient use of limited federal resources.";

In 2010, the Medical Marijuana Program Act was amended to prohibit a medical marijuana "cooperative, collective, dispensary, operator, establishment, or provider," other than a licensed residential or elder medical care facility, that is "authorized by law" to possess, cultivate, or distribute medical marijuana, and that "has a storefront or mobile retail outlet which ordinarily requires a local business license," to be located within six hundred feet (600') of a school. The 2010 amendment also made clear that nothing in the Medical Marijuana Program Act shall prevent a city or other local governing body from "adopting local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" or from the "the civil and criminal enforcement" of such ordinances;

In December 2011, the United States Attorney General, during a House Judiciary Committee hearing, testified to the effect that limited federal resources would not be used to prosecute medical marijuana entities operating within state laws;

In August 29, 2013, the Office of the United States Attorney General released a subsequent memorandum which once again advised that federal enforcement efforts against the seriously ill and their individual caregivers was not an efficient use of federal resources, and set forth an

expectation that states and local governments which enacted laws authorizing marijuana related conduct will implement strong and effective regulatory and enforcement systems that address any threat those state laws could pose to public safety, public health, and other law enforcement interests;

On September 10, 2013, during a United States Senate Judiciary hearing, Deputy United States Attorney General James Cole testified that all United States Attorneys are required to comply with Office of the United States Attorney General's polices related to those states with medical marijuana laws, so that those medical marijuana entities complying with state and local laws and regulations are unlikely to threaten federal law enforcement priorities;

During the November 5, 2013, Town of Yucca Valley, California, Town Council Meeting, law enforcement for the Town of Yucca Valley confirmed the absence of nuisance and crime activities related to the sole medical marijuana dispensary then operating within the Town of Yucca Valley;

As recently as February 14, 2014, the Department of the Treasury provided guidance for financial institutions seeking to provide banking services to medical marijuana related entities, thereby enhancing the availability of financial services for, and the financial transparency of medical marijuana related entities;

On February 21, 2014, the California Police Chiefs Association dropped their prior policy of "unconditional opposition" to laws sanctioning medical marijuana related entities operating within California;

The People of the Town of Yucca Valley, California, support the right of qualified patients to use medical marijuana in accordance with the recommendation or approval of a licensed physician in good standing with the Medical Board of California, the Compassionate Use Act, the Medical Marijuana Program Act, the California Attorney General Guidelines, and the United States Departments of Justice and Treasury policies regarding state and local regulation of medical marijuana;

The People of the Town of Yucca Valley, California, recognize the need for a framework that effectively implements Proposition 215 by establishing local regulations consistent with the Compassionate Use Act, Medical Marijuana Program Act, and the California Attorney General Guidelines related to the cultivation, distribution and land use of medical marijuana dispensaries within the Town of Yucca Valley to ensure that seriously ill patients have suitable access to medication;

The People of the Town of Yucca Valley, California, strongly oppose law enforcement resources being used to arrest, prosecute, and incarcerate qualified patients and designated caregivers who use and provide medical marijuana in accordance with the Compassionate Use Act, the Medical Marijuana Program Act, and the California Attorney General Guidelines;

The People of the Town of Yucca Valley, California, support safe and orderly access to medical marijuana in a manner which protects qualified patients, designated caregivers, collectives, public health, public safety and the welfare of the community. The absence of a sufficient number of recognized medical marijuana collectives results in qualified patients and designated caregivers being denied legally recognized medication, or incurring the hardship and expense of traveling great distances to obtain their medicine;

The People of the Town of Yucca Valley, California, recognize that neither the Compassionate Use Act nor the Medical Marijuana Program Act sufficiently address local licensing, regulation, and land use restrictions related to medical marijuana collectives;

The People of the Town of Yucca Valley, California, recognize that in the absence of detailed state regulation, local governments must adopt policies and regulations to protect their communities and ensure that their resident qualified patients have safe and adequate access to legally recognized medication;

The People of the Town of Yucca Valley, California, recognize that according to the California State Board of Equalization, state mandated medical marijuana collectives contribute millions of dollars annually in sales tax to the State of California.

The People of the Town of Yucca Valley, California, recognize that municipalities statewide have successfully imposed annual medical marijuana dispensary business fees based on a percentage of gross receipts. The fee based revenue supports much needed municipal services such as public safety, public health and welfare, and community education;

The People of the Town of Yucca Valley, California, recognize that medical marijuana collectives organized and operating as nonprofit mutual benefit corporations ensure the security of medical marijuana and safeguard against its diversion for non-medical purposes;

~~The People of the Town of Yucca Valley, California, finds that these nonprofit medical marijuana dispensaries that, prior to July 1, 2014, filed articles of incorporation with the California Secretary of State, obtained a California State Board of Equalization seller's permit to operate in the Town of Yucca Valley, and submitted an application to obtain a California State Department of Food and Agriculture license to sell nursery stock within the Town of Yucca Valley demonstrate a~~

~~willingness to engage in lawful activity in full compliance with the Compassionate Use Act, the Medical Marijuana Program Act, and the Attorney General Guidelines, all of which reduce costs associated with local regulation and enforcement efforts.~~

NOW, THEREFORE, The People of the Town of Yucca Valley do ordain as follows:

Section 3 — Amendment to Title 8, Division 4, Chapter 9, 84.090, of the Town of Yucca Valley Development Code.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 9, 84.090 of the Town of Yucca Valley Development Code is hereby~~shall be~~ amended as follows. (Any underlined language is new and is~~shall be~~ inserted, whereas any strike-through language is existing and is ~~language to be~~ deleted.):

Chapter 84.090 Prohibited Businesses

Section 84.0901 Marijuana Dispensaries

A. Prohibition. The establishment or operation of a marijuana dispensary or medical marijuana dispensary for the sale or distribution of marijuana, including medical marijuana, is prohibited. No special use permit, variance, building permit or other entitlement for use shall be accepted, processed, approved or issued for the establishment or operation of, and no person shall otherwise establish a marijuana dispensary or medical marijuana dispensary. This prohibition shall apply regardless of the professed status of any person as a qualified patient or primary caregiver as those terms are defined by State law. A ~~M~~medical marijuana dispensary~~ies~~ that ha~~ves~~ been provided with written notice from the Town Clerk indicating that its application submitted pursuant to section ~~84.10020 or~~ 84.10025 is complete, shall be exempted from this prohibition and thus eligible for a business registration certificate and regulatory safety permit, so long as that~~said~~ exempted medical marijuana dispensary remains in full compliance with each of the requirements and standards set forth in Chapter 84.100.

B. Definitions:

~~"Marijuana" means all parts of organically grown Cannabis plants, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or~~

~~preparation of mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.~~

"Marijuana" shall have the same definition as set forth in Health and Safety Code, section 11018.

"Marijuana dispensary" ~~or "medical marijuana dispensary"~~ means any facility, site, or location (whether for profit or not-for-profit) where marijuana is distributed, sold exchanged, given away, or made available to and/or distributed by or to another.

"Medical marijuana dispensary" means a nonprofit clinic, cooperative, collective, club, business or group comprised of qualified patients and their designated primary caregivers, the sole intent of which is to provide education, referral, or network services, and to facilitate/assist in the lawful production, acquisition, and provision of medical marijuana to its qualified patient participants within the terms of the Compassionate Use Act and the Medical Marijuana Program Act and is organized and operated in compliance with the Attorney General Guidelines.

Section 4 - Amendment to the Yucca Valley Development Code to add Title 8, Division 4, Chapter 10, 84.100.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 10, 84.100 of the Yucca Valley Development Code, is hereby added to read as follows. (Any underlined language is new and is~~shall be~~ inserted.):

Chapter 84.100 Medical Marijuana Limitation Act.

Sections:

84.10001 Authority and title.

84.10005 Scope of chapter.

84.10010 Definitions.

84.10015 Operating standards.

84.10020 Location Restrictions~~Preferred exemption~~.

84.10025 E~~Non-preferred exemptions~~.

84.10030 Recognized exemption and regulatory safety permits.

84.10035 Maximum number of medical marijuana dispensaries.

84.10040 Annual Operating Fee.

84.10045 Maintenance of Records

84.10050 Audits

84.10055 Applicability to existing medical marijuana operations

84.10060 Compliance with this chapter and state law

84.10065 Violation and enforcement

84.10001 Authority and title.

Pursuant to the authority granted by *Article XI, section 7* of the *California Constitution, Health and Safety Code, sections 11362.5 and 11362.7 et seq.*, and *Government Code, sections 37100 and 37101*, the People of the Town of Yucca Valley do enact this chapter, which shall be known and may be cited as the Town of Yucca Valley "Medical Marijuana Limitation Act."

84.10005 Scope of chapter.

The operating standards established in this chapter apply to any site, facility, location, use, and nonprofit entity, including but not limited to a cooperative, collective, association, dispensary or other business currently operating in the Town of Yucca Valley that cultivates distributes, dispenses, stores, sells, exchanges, processes, delivers, or gives away marijuana for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians, pursuant to *Health and Safety Code, section 11362.5* (adopted as Proposition 215, the Compassionate Use Act of 1996) or any state regulations adopted in furtherance thereof. Any such facility~~nonprofit entity~~ shall, within the Town of Yucca Valley, operate in conformance with the standards set forth in Section 84.10015 to assure compliance with California law and to mitigate any adverse secondary effects from said operations.

84.10010 Definitions.

For purposes of this chapter, the following words and phrases shall mean:

"Exempted medical marijuana dispensary" means a medical marijuana dispensary that has been provided written notice from the Town Clerk indicating that its application pursuant to section ~~84.10020 or~~ 84.10025 has been deemed complete, is exempt from the prohibition described in section 84.0901, and is eligible for a business registration certificate and regulatory safety permit, so long as it remains in full compliance with each of the requirements and standards set forth in section 84.100.

"Cutting" means a cut from a medical marijuana plant that is no more than one foot in length and that can be used to grow another marijuana plant in a different location.

"Marijuana" shall have the same definition as set forth in Health and Safety Code, section 11018.

"Marijuana dispensary" means any facility, site, or location (whether for profit or not-for-profit) where marijuana is distributed, sold exchanged, given away, or made available to and/or distributed by or to another.

"Medical marijuana" means marijuana including all marijuana products, infusions, and concentrates containing the active ingredients of the marijuana plant used for medical purposes in accordance with the Compassionate Use Act and the Medical Marijuana Program Act.

"Medical marijuana dispensary" means a nonprofit clinic, cooperative, collective, club, business or group comprised of qualified patients and their designated primary caregivers, the sole intent of which is to provide education, referral, or network services, and to facilitate/assist in the lawful production, acquisition, and provision of medical marijuana to its qualified patient participants within the terms of the Compassionate Use Act and the Medical Marijuana Program Act, and is organized and operated in compliance with the attorney General Guidelines.

"Operator" means any person responsible for the establishment, organization, supervision, or oversight of the operation of a medical marijuana dispensary, including but not limited to members who perform the functions of president, vice-president, director, operating officer, financial officer, secretary, or treasurer. Ability to control one or more of the following functions shall be prima facie evidence that such person is an operator: (1) to hire, select, or separate employees or staff, including volunteers; (2) to acquire facilities, furniture, equipment or supplies other than occasional replenishment of stock; (3) to disburse funds of the business other than occasional expenditures for replenishment of stock; or (4) to make, or participate in making, policy decisions relative to the operations of the business.

"Physician" shall have the same definition as set forth in Health and Safety Code, section 11362.7, subd. (a).

~~"Preferred Exemption" means a medical marijuana dispensary that has Articles of Incorporation file stamped by the California Secretary of State on or before the date of July 1~~

~~2014, a valid California State Board of Equalization Seller's Permit issued on or before the date of July 1, 2014, for operation at a location within the Town of Yucca Valley, and a State of California, Department of Food and Agriculture application for a license to sell nursery stock within the Town of Yucca Valley and proof said application was submitted to and received by the California Department of Food and Agriculture on or before the date of July 1, 2014.~~

84.10015 Operating standards.

Each exempted medical marijuana dispensary must comply with the following minimum requirements, in addition to other requirements imposed by the Town of Yucca Valley Development and Municipal Codes.

A. At all times the medical marijuana dispensary is open for business, it shall provide at least one security guard who is licensed, ~~and~~ possesses a valid California Department of Consumer Affairs, Bureau of Security and Investigative Services Department "security guard card" at all times, and has a valid Town of Yucca Valley business registration certificate.

B. The security guard and dispensary personnel shall monitor the medical marijuana dispensary facility and its immediate vicinity to assure that patrons leave the site without delay and do not consume medical marijuana at or in the vicinity of the dispensary including, but not limited to, the parking lot.

C. Exterior Ssignage shall be limited to one wall sign not to exceed ten square feet in area and ~~in compliance with the Town of Yucca Valley Development Code, and~~ shall not be externally or internally illuminated. Interior signage or advertising may not be visible from the exterior.

D. No recommendation from a physician for medical marijuana shall be issued on-site.

E. There shall be no on-site sales or distribution of alcohol, tobacco, pipes, papers, water pipes, vaporizers or other paraphernalia, and no on-site consumption of food, alcohol, tobacco or marijuana by patrons.

F. Hours of operation shall be limited to 8:00 A.M. to 97:00 P.M. daily.

G. A medical marijuana dispensary shall only dispense medical marijuana to qualified patients and their caregivers as defined by California Health and Safety Code § 11362.5 (Proposition 215). A medical marijuana dispensary shall only dispense medical marijuana to

such qualified patients that possess an original valid physician's recommendation, not more than one year old, for medical marijuana use by the patient.

H. A medical marijuana dispensary shall notify patrons of the following, through both the posting of a sign in a conspicuous location, and by oral notification by the dispensary operator:

1. Use of medical marijuana shall be limited to the patient identified on the physician's recommendation. Secondary sale, barter or distribution of medical marijuana is a crime and can lead to arrest.

2. Loitering on and around the dispensary site is prohibited by California Penal Code, section 647(e) and patrons must immediately leave the site and not consume medical marijuana in the vicinity of the dispensary, on the property or in the parking lot.

3. Forgery of medical documents is a felony crime.

4. A warning that patrons may be subject to prosecution under federal marijuana laws.

5. Use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery.

I. A medical marijuana dispensary shall not provide medical marijuana to any individual in an amount not consistent with personal medical use.

A medical marijuana dispensary shall not store more than two hundred dollars in cash reserves overnight at the facility.

J. No one under 18 years of age shall be permitted to enter the medical marijuana dispensary. ~~A medical marijuana dispensary shall require a parent or legal guardian to accompany any patient under eighteen years of age.~~

K. A medical marijuana dispensary shall provide the name and phone number of an on-site staff person to the Yucca Valley Police Administration Division~~Department~~ and Community Development Department for notification if there are operational problems with the establishment. Such staff person must respond to the Town by phone within 30 minutes if contacted during business hours.

L. All dispensary operators, employees, and volunteers shall complete a criminal background check, including a Live Scan, and submit same to the Town Community Development Department prior to starting work at the medical marijuana dispensary. All dispensary operators shall complete the criminal background check, including a Live Scan, prior

to ~~issuance of a business license or~~ approval of any entitlement of use, including but not limited to an exemption, regulatory safety permit, or business registration certificate. Operators, employees, or volunteers may not have been convicted of, or plead guilty/no-contest to, a felony or misdemeanor within the past seven years.

M. Medical marijuana shall not be grown at medical marijuana dispensary facilities, except that cuttings of the medical marijuana plant may be kept or maintained on-site for distribution to qualified patient and their primary caregivers to cultivate medical marijuana plants off-site and to return medical marijuana from the resulting mature plant for distribution by the dispensary.

N. A medical marijuana dispensary shall comply with the applicable provisions of the California Health and Safety Code, sections 11362.5 through 11362.83, the Yucca Valley Development Code, and the Yucca Valley Municipal Code.

O. If food is distributed at the facility, the medical marijuana dispensary shall comply with all relevant state laws and town ordinances pertaining to the preparation, distribution and sale of food.

P. The property must provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the property is not detected outside the property, anywhere on adjacent property or public rights-of-way, or within any other unit located within the same building as the medical marijuana dispensary.

Q. The medical marijuana dispensary, interior and exterior, shall be monitored at all times by web-based closed-circuit television for security purposes. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime anywhere on or adjacent to the location. The recordings shall be maintained for a period of not less than ninety days. The Yucca Valley Police Administration Division may request the recordings in connection with an investigation. If the recordings are not voluntarily provided, the Police Administration Division may seek a warrant or court order for the recordings.

R. The medical marijuana dispensary shall have a centrally-monitored fire and burglar alarm system and the building or the portion of the building where the dispensary is located shall contain a fire-proof safe;

S. No manufacture of concentrated cannabis in violation of California Health and Safety Code section 11379.6 is allowed;

T. No medical marijuana dispensary shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided by qualified patient participants and their primary caregivers (as those terms are defined by Health & Safety Code 11362.5) towards the medical marijuana dispensary's actual expenses of the growth, cultivation, and provision of medical marijuana shall be allowed provided that they are in strict compliance with State Law. All such cash and in-kind amounts and items shall be fully documented.

U. If the medical marijuana dispensary operator is not the owner of the property where the dispensary is to operate, the operator shall provide evidence to the Town prior to issuance of any entitlement or license for use that the property owner(s) consent to the operation of a medical marijuana dispensary on the property and a copy of the lease.

V. The medical marijuana dispensary may operate only at the location indicated on the Board of Equalization seller's permit submitted with the dispensary's application for an exemption under section 84.10025.

W. The medical marijuana dispensary shall not operate any type of delivery-by-vehicle service or provide any product to a patient or participant at any location other than on the premises of the medical marijuana dispensary.

X. All medical marijuana sold or otherwise distributed by the medical marijuana dispensary shall be packaged and contain a label in print large enough to be readable that includes the following statement:

WARNING: THIS PRODUCT CONTAINS MARIJUANA. THIS PRODUCT IS MANUFACTURED WITHOUT ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY, OR MEDICAL EFFECTIVENESS. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR USE OF THIS PRODUCT.

84.10020 Location Restrictions~~Preferred Exemption.~~

A. A medical marijuana dispensary may operate only in the IC and CG zones. ~~Within thirty (30) calendar days following the date of enactment of Chapter 84.100, the Town Clerk shall cause to be prepared an application form for use by medical marijuana dispensaries applying for preferred exemption.~~

~~The preferred exemption application form shall require the medical marijuana dispensary to attach a copy of its:~~

Comment [JMM1]: Which zones does the Council want to allow?

1. Articles of Incorporation file stamped by the California Secretary of State on or before the date of July 1, 2014;

A valid California State Board of Equalization Seller's Permit issued on or before the date of July 1, 2014, for operation at a location within the Town of Yucca Valley;

A State of California, Department of Food and Agriculture application for a license to sell nursery stock within the Town of Yucca Valley and proof said application was submitted to and received by the California Department of Food and Agriculture on or before the date of July 1, 2014; and

Reliable proof obtained pursuant to section 84.10015, subd. (M) that no medical marijuana dispensary operator has been convicted of a felony within seven years of the date of preferred exemption application.

Thirty-one (31) calendar days following the date of enactment of Chapter 84.100, the Town Clerk shall begin accepting applications for preferred exemption. No medical marijuana dispensary shall submit more than one application for preferred exemption.

The initial period for accepting applications for preferred exemption shall be limited to fifteen (15) business days.

The Town Clerk shall ensure that each application for preferred exemption received during the initial fifteen (15) business day period is date and time stamped, and processed in the order in which it was received.

Any application for preferred exemption submitted after the Town Clerk has issued written notices of completion of application for preferred exemption to the maximum number of medical marijuana dispensaries, as set forth in section 84.10030, shall be rejected. The Town Clerk shall resume accepting preferred exemption applications once the total number of medical marijuana dispensaries with recognized exemption falls below the limit set forth in section 84.10030.

Any application for preferred exemption submitted by a medical marijuana dispensary which does not fully comply with the requirements set forth herein shall be rejected.

Any application for preferred exemption with a proposed medical marijuana dispensary facility not located within a commercial or industrial land use, as set forth in Title 8 Division 4, of the Yucca Valley Development Code, shall be rejected.

~~Within ten (10) business days following the expiration of the initial period for accepting preferred exemption application(s), the Town Clerk shall determine if the application for preferred exemption is complete, and shall either:~~

~~Notify the applicant in writing that the application for preferred exemption is complete; or~~

~~Notify the applicant in writing that the application for preferred exemption is incomplete, and set forth the reason(s) therefore, including all additional information and documentation necessary to render the application complete.~~

~~J. The applicant shall have fifteen (15) business days from the date of notice of incomplete application to submit all additional information and documentation identified by the Town Clerk to complete the application for preferred exemption. Any amended application for preferred exemption shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10020, subd.~~

~~K. Within ten (10) business days following receipt of an amended application for preferred exemption status, the Town Clerk shall determine whether the application is complete, and shall either:~~

~~Notify the applicant in writing that the amended application for preferred exemption is complete; or~~

~~Notify the applicant in writing that the amended application for preferred exemption is incomplete, and set forth the reason(s) therefore, including all additional information and documentation necessary to render the amended application complete.~~

~~L. The applicant shall have fifteen (15) business days from the date of notice of incomplete amended application to submit all additional information and documentation identified by the Town Clerk to complete the amended application for preferred exemption. Any amended application for preferred exemption pursuant to section 84.10020, subd. (J) shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10020, subd. (E).~~

~~M. Within ten (10) business days following receipt of an amended application for preferred exemption, as set forth in section 84.10020, subd. (i), the Town Clerk shall determine whether the application is complete, and shall either:~~

~~Notify the applicant in writing that the application for preferred exemption is complete; or~~

~~Notify the applicant in writing that the application for preferred exemption remains incomplete, setting forth the reasons therefore, and shall be considered rejected and null and void.~~

~~N. Nothing shall prevent a medical marijuana dispensary that applied for preferred exemption but was rejected from thereafter submitting an application for a non-preferred exemption, as set forth in section 84.10025.~~

B. No medical marijuana dispensary may be located within:

(1) 600 feet of a "school", as defined under Health and Safety Code 11362.768 (h);

(2) 600 feet of a public park, public library, licensed child care facility, or place where children regularly gather;

(3) 600 feet of another registered medical marijuana dispensary;

(4) 600 feet of the boundary of any residential zone;

(5) The distances outlined above shall be construed as the horizontal distance measured in a straight line from the property line of the school, public park, public library, licensed child care facility, place where children regularly gather, residential zone, or other medical marijuana dispensary, to the closest property line of the medical marijuana dispensary in question.

Comment [JMM2]: Need input from Planning staff.

84.10025 ~~F~~Non-~~preferred~~ exemptions.

A. Within thirty (30) calendar days following the effective date ~~of enactment~~ of Chapter 84.100, the Town Clerk shall cause to be prepared an application form for use by medical marijuana dispensaries applying for an ~~non-preferred~~ exemption from Section 84.0901.

B. The application for ~~non-preferred~~ exemption shall require a~~the~~ medical marijuana dispensary to pay a non-refundable processing fee in an amount established by the Town Council and attach a copy of ~~its~~:

1. Its Articles of Incorporation file stamped by the California Secretary of State;

2. Its most recent Statement of Information file stamped by the Secretary of State, with any amendments thereto;

~~1.~~ T

2. The name, home address, telephone number, title and function(s) of each and every proposed operator of the medical marijuana dispensary, and a fully legible copy of one valid government issued form of photo identification, such as State Driver's License or Identification Card, for each and every proposed operator A California State Board of Equalization Seller's Permit issued for

3. operation at a location within the Town of Yucca Valley;

C. Ninety (90) One hundred and eighty (180) calendar days following the date of enactment of Chapter 84.100, the Town Clerk shall begin accepting applications for non-preferred exemptions. At least 60 days prior to the opening of any exemption application acceptance period, the Town Clerk shall mail notice of the date of such opening to all persons who have submitted a request for such notice to the Town Clerk in writing.

D. The Town Clerk shall ensure that each application for non-preferred exemption is date and time stamped and processed in the order in which it was received. For any applications received essentially simultaneously, as determined by the Town Clerk, the order in which they are processed shall be determined by random drawing.

E. Any medical marijuana dispensary application for non-preferred exemption submitted after the Town Clerk has issued written notices of completion of application for exemption to the maximum number of medical marijuana dispensaries, as set forth in section
84.100305, shall be rejected. The Town Clerk shall resume accepting applications pursuant to section 84.10025 ninety days after once the total number of medical marijuana dispensaries with recognized exemption falls below the maximum limit set forth in section 84.100305, with public notice provided pursuant to section 84.10025(C).

F. Any application for non-preferred exemption submitted by a medical marijuana dispensary which does not fully comply with the requirements set forth in Section 84.10025 shall be rejected.

G. No two applications for exemption may be from the same corporation as indicated on the Articles of Incorporation. No person listed as an operator, or incorporator or officer on the Articles of Incorporation or Statement of Information submitted by a dispensary with its exemption application, may be listed as an operator, incorporator, or officer on any other applicant's Articles of Incorporation or Statement of Information or application, unless the prior application had been awarded an exemption that expired or was revoked. At least one operator listed on an exemption

application must also be an incorporator or officer listed on the applicant's Articles of Incorporation or Statement of Information. ~~Any application for non-preferred exemption with a proposed medical marijuana dispensary facility not located within a commercial or industrial land use as set forth in Title 8, Division 4, of the Yucca Valley Development Code, shall be rejected.~~

H. Within ten (10) business days following application for ~~non-preferred~~ exemption, the Town Clerk shall determine if the application is complete, and shall either:

1. Notify the applicant in writing that the application for ~~non-preferred~~ exemption is complete; or

2. Notify the applicant in writing that the application for ~~non-preferred~~ exemption is incomplete, and set forth the reason(s) therefore, including all additional information and documentation necessary to render the application complete.

I. The applicant shall have fifteen (15) business days from the date of notice of incomplete application for ~~non-preferred~~ exemption to submit all additional information and documentation identified by the Town Clerk to complete the application. Any amended application for ~~non-preferred~~ exemption shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10025, subd. (D).

~~J. Within ten (10) business days following receipt of an amended application for non-preferred exemption the Town Clerk shall determine whether the application is complete, and shall either:~~

~~Notify the applicant in writing that the amended application for non-preferred exemption is complete; or~~

~~Notify the applicant in writing that the amended application for non-preferred exemption is incomplete and set forth the reason(s) therefor, including all additional information and documentation necessary to render the application complete.~~

~~The applicant shall have fifteen (15) business days from the date of notice of incomplete amended application for non-preferred exemption, as set forth in section 84.10025, subd. (I) to submit all additional information and documentation identified by the Town Clerk to complete the application. Any such amended application for non-preferred exemption shall maintain the original date and time stamp in the order in which it was received, as set forth in section 84.10025, subd. (D).~~

J. Within ten (10) business days following receipt of an amended application for ~~non-preferred~~ exemption, set forth in section 84.10025, subd. (I), the Town Clerk shall determine whether the application is complete, and shall either:

1. Notify the applicant in writing that the application for ~~non-preferred~~ exemption is complete; or

2. Notify the applicant in writing that the application for ~~non-preferred~~ exemption remains incomplete setting forth the reasons therefore and shall be considered rejected and null and void.

84.10030 Recognized exemption and regulatory safety permit.

A. A medical marijuana dispensary that has been provided with written notice from the Town Clerk indicating that its exemption application pursuant to sections ~~84.10020 or~~ 84.10025 has been deemed complete, shall be exempt from the prohibition described in section 84.0901, and shall be eligible for a business registration certificate and eligible to apply for a regulatory safety permit, so long as said exempted medical marijuana dispensary remains in full compliance with each of the requirements and standards set forth in Chapter 84.100; ~~and~~

B. ~~-~~Every medical marijuana dispensary shall obtain a Regulatory Safety Permit from the Director of the Community Development Department ("Director"). It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, in or upon any premises within the Town a medical marijuana dispensary without the required regulatory safety permit. A copy of the Regulatory Safety Permit shall be displayed at all times in a place visible to the public in the medical marijuana dispensary.

C. Any medical marijuana dispensary desiring a regulatory safety permit required by this chapter shall, prior to initiating operations and within 45 days after being sent notice of its exemption under section 84.10025, complete and file an application to the Director on a form supplied by the Director. The application shall be filed together with a nonrefundable fee as establish by resolution of the Town Council, to defray the cost of investigation required by this section. The application shall contain all of the following:

1. The address where the medical marijuana dispensary will operate;

2. A site plan describing the property with full dimensioned interior and exterior floor plans including electrical, mechanical, plumbing, and disabled access compliance pursuan to to Title 24 of the California Code of Regulations and the federally mandated Americans with Disabilities Act;

3. Exterior photographs of the entrances, exits, street frontages, parking, front, rear, and sides of the proposed property;

4. Photographs depicting the entire interior of the proposed property;

5. If the property is being rented or leased or is being purchased under contract, a copy of such lease or contract;

6. If the property is being rented or leased, written proof that the property owner, and landlord if applicable, were given notice that the property wil lbe used as a medical marijuana dispensary, and that the property owner, and landlord if applicable, agree to said operations;

7. The name, home address, telephone number, title and function(s) of each and every proposed operator, employee, and volunteer of the medical marijuana dispensary, and a fully legible copy of one valid government issued form of photo identification, such as State Driver's License or Identification Card, for each and every proposed operator, employee, or volunteer. This information must be updated as operators, employees, and volunteers change;

8. Reliable proof obtained pursuant to section 84.10015, subd. (L) that no medical marijuana dispensary operator, employee, or volunteer has been convicted of, or plead guilty/no-contest to, a felony or misdemeanor within the past seven years.

9. A certified copy of the dispensary's Secretary of State Articles of Incorporation, Certificate(s) of Amendment, Statement(s) of Information, and a copy of the dispensary's Bylaws;

10. The name and address of the dispensary's current agent for service of process;

4. 11. A copy of the dispensary's Board of Equalization Seller's Permit issued for operation at a location within the Town of Yucca Valley;

12. A copy of the medical marijuana dispensary operating standards, listed in section 84.10015, containing a statement dated and signed by all dispensary operators stating under penalty of perjury that they read, understand, and shall ensure compliance with the aforementioned operating standards.

D. The Director shall have sixty (60) calendar days in which to investigate the application and background of the applicant. The building department, the fire department, and the San Bernardino County Health Department shall inspect the premises proposed for the dispensary and shall make separate recommendations to the Director concerning compliance with the foregoing provisions.

The Director, after receiving the application and aforementioned recommendations, shall grant the permit only if he finds all of the following:

(1) The required fee has been paid.

(2) The application conforms in all respects to the provisions of this chapter.

(3) The applicant has not knowingly made a material misrepresentation in the application.

(4) the applicant has fully cooperated in the investigation of his or her application.

(5) The applicant has not had an exemption, regulatory safety permit, or other similar license or permit denied or revoked for cause by this Town or any other city or county located in or out of this state within the five (5) years prior to the date of application.

(6) The dispensary as proposed by the applicant would comply with all applicable laws including, but not limited to, health, zoning, fire, and safety requirements.

(7) The applicant has demonstrated compliance with the California Department of Justice, Office of the Attorney General, "Guidelines for the Security and non-Diversion of Marijuana Grown for Medical Use" standards.

E. Any exempt dispensary not filing an application for regulatory safety permit within 45 days after being sent notice of its exemption shall lose its exempt status. Any exempt dispensary whose application for a regulatory safety permit is denied, or whose regulatory safety permit expires or is revoked, shall lose its exempt status. In all such cases, 90 days after the loss of any dispensary's exempt status, the Town Clerk shall resume processing and accepting exemption applications pursuant to 84.10025(E), with public notice provided pursuant to section 84.10025(C), until the available exemptions are filled.

F. A Regulatory Safety Permit shall be valid for a period of one (1) year, unless sooner revoked. Applications for the renewal of a regulatory safety permit shall be filed with the Director at least sixty (60) calendar days before the expiration of the current permit. Temporary permits will not be issued. Any permittee allowing his or her permit to lapse shall be required to submit a new exemption application under section 84.10025 and pay the corresponding fees.

G. The regulatory safety permit renewal application shall be a written application to the Director under penalty of perjury. The application shall be accompanied by a nonrefundable filing fee established by separate resolution of the Town Council to help defray the cost of the investigation required for such renewals. An applicant shall be required to update the information

contained in his/her prior regulatory safety permit application and provide any new and/or additional information as may be reasonably required by the Director in order to determine whether said permit should be renewed.

84.10035 Maximum number of medical marijuana dispensaries

The number of exempted medical marijuana dispensaries within the Town shall be limited to one (1) per ten thousand (10,000) Town residents. This number shall increase with each additional ten thousand Town residents, such that for twenty thousand (20,000) Town residents the number of medical marijuana dispensaries would be limited to two (2), for thirty thousand (30,000) Town residents the number would be limited to three (3) medical marijuana dispensaries, and so on. The population figures to be used shall be those most recently determined and promulgated by the California Department of Finance for cities, counties and states.

84.10040 Annual operating fee

Each dispensary operating with a regulatory safety permit shall be required to pay an annual operating fee to the Town, in an amount to be established by Town Council resolution, to assist the Town in recovering increased law enforcement costs incurred as a result of dispensary operations in the Town. The operating fee shall be increased each year by the increase in the Consumer Price Index.

84.10045 Maintenance of Records

A medical marijuana dispensary shall maintain records at the location accurately and truthfully documenting: (1) the full name, address, and telephone number(s) of the owner, landlord and/or lessee of the location; (2) the full name, address, and telephone number(s) of all operators and other members who are engaged in the management of the dispensary and the exact nature of each member's participation in the management of the dispensary; (3) the full name, address, and telephone number(s) of all patient members to whom the dispensary provides medical marijuana, and a copy of a government-issued identification card for all patient members; (4) the full name, address, and telephone number(s) of all primary caregiver members to whom the dispensary provides medical marijuana; (5) all receipts of the collective, including but not limited to all contributions, reimbursements, and reasonable compensation, whether in cash or in kind, and all expenditures incurred by the collective for the cultivation of medical marijuana; and

(6) proof of compliance with the California Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. These records shall be maintained by the dispensary for a period of five years and shall be made available by the dispensary to the Police Administration Division and/or Community Development Department upon request. If they are not produced as requested the Town may seek a search warrant, subpoena, or court order. In addition to all other formats that the dispensary may maintain, these records shall be stored by the dispensary at the location in a printed format in its fire-proof safe. Any loss, damage or destruction of the records shall be reported to the Town Community Development Department within 24 hours of the loss, destruction or damage.

84.10050 Audits

No later than February 15 of every year, each dispensary shall file with the Town one copy of an audit of its operations of the previous calendar year, completed and certified by an independent certified public accountant in accordance with generally accepted auditing and accounting principles. The audit shall include but not be limited to a discussion, analysis, and verification of each of the records required to be maintained pursuant to this chapter.

84.10055 Applicability to existing medical marijuana operations

Any existing medical marijuana collective, dispensary, operator, establishment, or provider that does not comply with the requirements of this chapter must immediately cease operation until such time, if any, when it complies fully with the requirements of this chapter. No medical marijuana collective, dispensary, operator, establishment, or provider that existed prior to the enactment of this chapter shall be deemed to be a legally established use under the provisions of this chapter, and such medical marijuana collective, dispensary, operator, establishment, or provider shall not be entitled to claim legal nonconforming status.

84.10060 Compliance with this chapter and state law

A. It is unlawful for any person to (i) cause, permit or engage in the cultivation, possession, distribution or giving away of medical marijuana or (ii) own establish, operate, use or permit the establishment or operation of a medical marijuana dispensary, or to participate as an employee, contractor, agent or volunteer of a dispensary, except as provided in this chapter, and pursuant to any and all other applicable local and state laws.

B. It is unlawful for any person to knowingly make any false, misleading or inaccurate statements or representations in any forms, records, filings or documentation required to be maintained, filed or provided to the Town under this chapter, or to any other local, state or federal government agency having jurisdiction over any of the activities of dispensaries.

C. It shall be the sole responsibility of the members engaged in the management of the dispensary to ensure that the dispensary is at all times operating in a manner compliant with all applicable state laws and this chapter. Nothing in this chapter shall be construed as authorizing any actions which violate state law with regard to the cultivation, transportation, provision, and sale of medical marijuana.

84.10065 Violation and enforcement

A. Upon violation of any provision of this chapter, a dispensary's regulatory safety permit may be revoked by the Director of Community Development pursuant to the procedures in the Town Development Code for revocation of a Conditional Use Permit. A regulatory safety permit shall not be considered revoked for purposes of section 84.10030(E) until all administrative and judicial appeals have been exhausted, or the deadlines or statute of limitations for same has expired, and the revocation decision has therefore become final.

Comment [JMM3]: Does the Town even have such procedures? What section of the code are they?

B. Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Town Municipal Code. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, revocation of the collective's regulatory safety permit, revocation of the certificate of occupancy for the location, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The Town may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the dispensary and persons related or associated with the dispensary.

C. In addition to any other remedy provided by law, the Town may issue administrative citations in response to violations of this chapter, pursuant to Yucca Valley Municipal Code Chapter 1.04. The amount of the administrative citation for violation of this chapter shall be established by resolution of the Town Council.

Section 5 - Amendment to Title 8, Division 4, Chapter 3, Section 84.0350, General Commercial (CG) District, Land Use Chart of the Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0350, General Commercial (CG) District land use table, of the Town of Yucca Valley Development Code, is hereby~~shall be~~ amended to add the following land use designation. (Any underlined language is new and is~~shall be~~ inserted, whereas any strike-through language is existing and is~~language to be~~ deleted):

Land Use Classification	General Commercial (CG)	Additional Regulations
Medical Marijuana Dispensary	~~N~~ P	(5)

FOOTNOTES:

(5) Refer to the Medical Marijuana Limitation Act ~~Prohibited Businesses~~, Yucca Valley Development Code ~~§ 84.0901~~ Chapter 84.100.

~~**Section 6 - Amendment to Title 8, Division 4, Chapter 3, Section 84.0340, Neighborhood Commercial (CN) District, Land Use Chart of the Town of Yucca Valley Development Code to Designate the Following Land Use.**~~

~~The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0340, Neighborhood Commercial (CN) District land use table, of the Town of Yucca Valley Development Code, shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):~~

~~Land Use Classification~~	~~General Commercial (CG)~~	~~Additional Regulations~~
~~Medical Marijuana Dispensary~~	~~P~~	~~(G)~~

FOOTNOTES:

(5) Refer to the Medical Marijuana Limitation Act, Yucca Valley Development Code, Chapter 84.100.

Section 7 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0305, Hillside Reserve (R-HR) District, Land Use Chart of the Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0305, Hillside Reserve (R-HR) District land use table, of the Town of Yucca Valley Development Code, shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

Land Use Classification	General Commercial (CG)	Additional Regulations
Medical Marijuana Dispensary	P	(G)

FOOTNOTES:

(5) Refer to the Medical Marijuana Limitation Act, Yucca Valley Development Code, Chapter 84.100.

Section 8 — Amendment to Title 8, Division 4, Chapter 3, Section 84.0335, Office Commercial (CO) District Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0335, Office Commercial (CO) District of the Town of Yucca Valley Development Code, shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):

84.0335 Office Commercial (CO) District.

This Office Commercial (CO) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

(1) Row, Field, Tree and Nursery Crop Cultivation.

(2) Accessory Uses as specified by Chapter 5 of this Division.

(3) Medical Marijuana Dispensaries as specified by Chapter 10 84.100 of this Division entitled the Medical Marijuana Limitation Act.

~~Section 9 – Amendment to Title 8, Division 4, Chapter 3, Section 84.0355, Service Commercial (CS) District, of the Town of Yucca Valley Development Code.~~

~~The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0355, Service Commercial (CS) District, of the Town of Yucca Valley Development Code shall be amended to add the following land use designation. (Any underlined language is new and shall be inserted, whereas any strike-through language is existing language to be deleted.):~~

~~84.0355 Service Commercial (CS) District.~~

~~The Service Commercial (CS) District shall be located as specified by the San Bernardino County General Plan.~~

~~(a) PERMITTED LAND USES.~~

~~(1) Row, Field, Tree and Nursery Crop Cultivation.~~

~~(2) Assessory Uses as specific by Chapter 5 of this Division.~~

~~(3) Medical Marijuana Dispensaries as specified by Chapter 10 84.100 of this Division entitled the Medical Marijuana Limitation Act.~~

Section ~~10~~6 - Amendment to Title 8, Division 4, Chapter 3, Section 84.0370, Community Industrial (IC) District Town of Yucca Valley Development Code to Designate the Following Land Use.

The People of the Town of Yucca Valley do hereby enact and ordain that Title 8, Division 4, Chapter 3, Section 84.0370, Community Industrial (IC) District of the Town of Yucca Valley Development Code, is hereby ~~shall be~~ amended to add the following land use designation. (Any underlined language is new and is~~shall be~~ inserted, whereas any strike-through language is existing and is ~~language to be~~ deleted.):

84.0370 Community Industrial (IC) District.

The Community Industrial (IC) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

(1) Row, Field, Tree and Nursery Crop Cultivation.

(2) Accessory Uses as specified by Chapter 5 of this Division.

(3) Medical Marijuana Dispensaries as specified by Chapter 84.100 of this Division entitled the Medical Marijuana Limitation Act.

. . .

~~(e) NON PERMITTED LAND USES.~~

~~(1) Medical Marijuana Dispensary.~~

Comment [JMM4]: Which zones does the Council want to allow?

Section ~~11~~7 - Statewide Regulation.

This initiative ordinance, and the provisions herein, shall be read consistent with any statewide regulation of medical marijuana that is promulgated by the legislature or by voter approval in the future. In the event statewide regulation is passed pursuant to the decriminalization or legalization, for recreational use, of marijuana, this initiative ordinance shall govern the conduct of those businesses allowed to distribute marijuana under such provisions.

Section ~~12~~8 - Amendment and Repeal.

The code provisions added by, amended by, or contained in this initiative ordinance may be amended only to further its purposes by ordinance passed by a majority vote of the Yucca Valley Town Council and approved by the Mayor. The code provisions added by, amended by, or contained in this initiative ordinance shall not be repealed, except by an ordinance adopted by a vote of the electors.

~~**Section 13 – Special or Regular Election.**~~

~~The voters of the Town of Yucca Valley hereby expressly request that this initiative be set for a special or regular election at the earliest time allowable by law.~~

Section ~~14~~9 - Severability.

Should any provision of this initiative ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, voidable, or invalid, that determination shall have no effect on any other provision, or the application of this initiative to any other person or circumstance and, to that end, the provisions hereof are severable_ By approving this ordinance the voters intend that

each section and sub-section be explicitly severable, part-by-part, phrase-by-phrase, and word-byword, thus that the minimum language held invalid be severed.

Section 10 – Amendatory of Existing And Concurrently Adopted Development Code Provisions.

The provisions of this measure shall be deemed to be amendatory of all other provisions in the Yucca Valley Development Code, whether heretofore existing or contained in provisions amended or added concurrently with the adoption of this amendment.

Section 11 – Effectiveness contingent upon approval of ballot measure allowing exemptions from Town ban on marijuana dispensaries.

This ordinance shall take effect only in the event a separate ballot measure is approved at the [DATE] election that amends the Yucca Valley Development Code to provide exemptions to the Town ban on marijuana dispensaries.

Section ~~15~~12 - Effective Date.

After its adoption by the voters, and the adoption of a separate ballot measure at the [DATE] election allowing exemptions from the Town ban on marijuana dispensaries, this ordinance shall be in full force and effect ten (10) days after the vote is declared by the legislative body.

~~**Section 16 Competing Measures.**~~

~~In the event that this measure and another measure or measures relating to the regulation of medical marijuana in the Town of Yucca Valley appear on the same ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes required to pass than the other measure or measures, the provisions of this measure shall prevail in their entirety over the competing measure or measures, and the competing measure or measures shall be null and void.~~

ATTACHMENT B

Comparison of Voter Initiative and Draft Town Initiative

	Voter Initiative	Draft Town Initiative
Location Restrictions	Allowed in CG, CN, HR, CO, CS, and IC zones. Cannot be located within 600 feet of any public or private school.	Allowed in IC, CG?? (Need planning staff recommendation) Cannot be located within 600 feet of any public or private school, public park, public library, licensed child care facility, place where children regularly gather, other permitted marijuana dispensary, or boundary of any residential zone. (Need planning staff recommendation)
Patient Age	Minors (under 18) may enter if accompanied by parent or legal guardian	Minors (under 18) may not enter.
Priority In Application Process	Dispensaries with State BOE seller's permit to operate in YV issued prior to July 1, 2014 have priority over all other dispensaries. No public notice of application period.	Application priority not based on pre-existing BOE permit, but rather on first-come first-serve basis combined with public safety criteria. Mailed public notice of application periods to all persons who have requested such notice.
Signage	Any sign allowed if complies with YV sign ordinance.	Limit of one exterior sign at most 10 sq. ft. Interior signage may not be visible from exterior.
Hours of Operation	8 a.m. to 9 p.m.	8 a.m. to 7 p.m.
Ventilation System	None.	Odor-absorbing ventilation system required.
Site Plan / Inspections	No site plan or floor plan required. No inspections mandated.	Site plan / floor plan required demonstrating compliance with building code, mechanical code, fire code, electrical code, plumbing code, and ADA access. Mandated inspections by building and fire departments, and county health.
Background Checks	Background check required for all operators. No operator may have felony conviction in past seven years.	Background check required for all operators, employees, and volunteers. No felony or misdemeanor convictions in

		past 7 years.
Video Surveillance	No video surveillance required.	Interior and exterior must be monitored at all times by web-based closed circuit television. Recordings must be kept for 90 days and accessible to police with warrant.
Alarm System	No alarm system required.	Centrally-monitored fire and burglar alarm system required.
Property Owner Consent	Not required.	Dispensary must provide evidence of landlord consent and copy of lease.
Delivery Service	Delivery service allowed.	Delivery service prohibited.
Product Labeling	No labeling requirement.	All marijuana products must have label that states product was manufactured or produced with no regulatory oversight as to health risks or medical effectiveness.
Future Amendments	Council can only amend consistent with purpose of initiative. Only voters may repeal.	Council or voters may amend or repeal in any way at any time.
Fees	None.	Fees for application for exemption from ban, and fee for regulatory permit application and annual renewal, to recoup City's program administration costs. Annual dispensary operation fee to recoup law enforcement costs.
Maintenance of Records and Annual Audits	No requirement to keep any records or conduct any audits.	Requires dispensaries to keep detailed records of all transactions and identities of operators, employees, and patients. Dispensary must complete an annual audit demonstrating compliance with the ordinance and state law, and submit to Town.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Lesley Copeland, Town Clerk
Date: January 13, 2015
For Council Meeting: January 30, 2015

Subject: Planning Commission Appointments

Prior Council Review: None for this item.

Recommendation: Pursuant to the Town's Manual of Procedural Guidelines, it is recommended that:

1. Council Members nominate a liaison member to the Yucca Valley Planning Commission.
2. Town Council affirms the nominations stated for appointments to the Yucca Valley Planning Commission.

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)

Discussion:

Town Council Members serve as liaisons to appointed members of the Planning Commission and Parks, Recreation and Cultural Commission. In accordance to Section 6.4 (b)(ii) of the Manual of Procedural Guidelines, commission appointments shall be made by majority vote of the Town Council. Appointments shall be for four (4) year terms commencing on February 1, of the year of appointment. Interim vacancies shall be filled by appointment of the unexpired term of the member replaced. Terms shall coincide with the term of the Council Member nominating the Commission Member.

Effective November 1, 2014, the Town Clerk received a resignation from Commissioner Humphreville, creating an interim vacancy on the Planning Commission. The term for the interim vacancy expires on January 31, 2017. Additionally, three commissioner terms will expire on January 31, 2015. Of the three expiring terms, the Town Clerk has received requests

Reviewed By:	Town Manager	Town Attorney	Finance Mgr	Town Clerk

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

from Commissioners Bridenstine and Whitten seeking re-appointment for another four-year term. Commissioner Lavender reported he is not seeking reappointment. Four appointments are necessary to fill vacancies to the Planning Commission.

In addition to requests from Commissioners Bridenstine and Whitten seeking reappointment, the Town Clerk has received applications from:

- Jason Elsasser (Also interested in Parks, Recreation and Cultural Commission)
- Jeff M. Evans
- Charles McHenry

Alternatives: Do not accept nominations and re-notice commission openings for possible additional applicants.

Fiscal Impact: None

Attachments: Schedule of Commission Terms

TOWN OF YUCCA VALLEY
COMMISSION TERMS

PLANNING COMMISSION

Commissioner	Appointed	Re-Appointed	Expires	Resignation/Other	Liaison
~~Timothy Humphreville~~	04/05/11	02/05/13	01/31/17	11/01/14	Lombardo
Jeff Drozd	04/05/11	02/05/13	01/31/17		Huntington
Steven Whitten	02/05/13		01/31/15		Denison
Moran "Warren" Lavender	04/30/13		01/31/15		Leone
Vicki Bridenstine	04/05/11		01/31/15		Abel

PARKS, RECREATION AND CULTURAL COMMISSION

Commissioner	Appointed	Re-Appointed	Expires	Resignation/Other	Liaison
Laurine Silver	04/05/11	02/05/13	01/31/17		Huntington
~~Meredith Jones~~	04/05/11	02/05/13	01/31/17	11/01/14	Lombardo
Jeff Evans	04/05/11		01/31/15		Abel
Dan Harman	04/05/11		01/31/15		Denison
Edith Jones Poland	04/30/13		01/31/15		Leone

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Lesley Copeland, Town Clerk
Date: January 15, 2015
For Council Meeting: January 30, 2015

Subject: Parks Recreation and Cultural Commission Recruitment Extension

Prior Council Review: None for this item.

Recommendation: That the Town Council extends the Parks, Recreation and Cultural Commission member recruitment period to February 19, 2015 to allow for additional applicants.

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)

Discussion:

Town Council Members serve as liaisons to appointed members of the Planning Commission and Parks, Recreation and Cultural Commission. In accordance to Section 6.4 (b)(ii) of the Manual of Procedural Guidelines, commission appointments shall be made by majority vote of the Town Council. Appointments shall be for four (4) year terms commencing on February 1, of the year of appointment. Interim vacancies shall be filled by appointment of the unexpired term of the member replaced. Terms shall coincide with the term of the Council Member nominating the Commission Member.

Effective November 1, 2014, the Town Clerk received a resignation from Commissioner Jones creating an interim vacancy on the Parks, Recreation and Cultural Commission. The term for the interim vacancy expires on January 31, 2017. Additionally, three commissioner terms will expire on January 31, 2015. Of the three expiring terms, the Town Clerk has received notices from Commissioners Harman and Jones-Poland stating they are not seeking reappointment. Commissioner Evans has submitted an application for consideration of appointment to the Planning Commission. Four appointments are necessary to fill vacancies to the Parks, Recreation and Cultural Commission.

Reviewed By:	Town Manager	Town Attorney	Finance Mgr	Town Clerk

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

During the recent recruitment process, the following individuals have submitted applications seeking appointment to the Parks, Recreation and Cultural Commission:

- Jason Elsasser
- Ed Keesling

Because of the number of vacancies on the Parks, Recreation and Cultural it is staff's recommended to extend the recruitment period through February 19, 2015 allowing for additional noticing and outreach in finding interested individuals to serve on the Commission. The Commission will remain dark until the new commissioners are seated.

Alternatives: None

Fiscal Impact: None

Attachments: Schedule of Commission Terms

TOWN OF YUCCA VALLEY
COMMISSION TERMS

PLANNING COMMISSION

Commissioner	Appointed	Re-Appointed	Expires	Resignation/Other	Liaison
~~Timothy Humphreville~~	04/05/11	02/05/13	01/31/17	11/01/14	Lombardo
Jeff Drozd	04/05/11	02/05/13	01/31/17		Huntington
Steven Whitten	02/05/13		01/31/15		Denison
Moran "Warren" Lavender	04/30/13		01/31/15		Leone
Vicki Bridenstine	04/05/11		01/31/15		Abel

PARKS, RECREATION AND CULTURAL COMMISSION

Commissioner	Appointed	Re-Appointed	Expires	Resignation/Other	Liaison
Laurine Silver	04/05/11	02/05/13	01/31/17		Huntington
~~Meredith Jones~~	04/05/11	02/05/13	01/31/17	11/01/14	Lombardo
Jeff Evans	04/05/11		01/31/15		Abel
Dan Harman	04/05/11		01/31/15		Denison
Edith Jones Poland	04/30/13		01/31/15		Leone