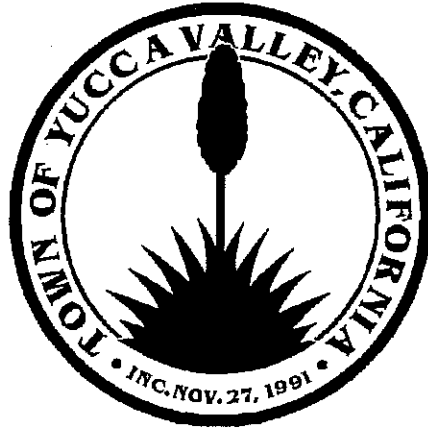


TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING



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

**TUESDAY, JANUARY 18, 2011
TOWN COUNCIL: 6:00 p.m.
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

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

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

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

**AGENDA
MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY, JANUARY 18, 2011, 6:00 P.M.**

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

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 Hagerman, Luckino, Mayes, Rowe and Mayor Huntington.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Employee of the Quarter
2. Longevity Awards

AGENCY REPORTS

Fire Department

- 1-3 3. Monthly Report for December 2010

Chamber of Commerce

4. Monthly Report for December 2010.

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Voice Vote _____

CONSENT AGENDA

- 4-14 5. Regular Town Council Meeting Minutes of December 21, 2010.

Recommendation: Approve minutes as presented.

6. 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.

- 15-17 7. Budget Amendment, December 2010 Storm Event, Catastrophic Events Fund Designation

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA AMENDING THE FY 2010-11 BUDGET

Recommendation: Amend the FY 2010-11 Adopted Budget, and adopt the Resolution appropriating \$200,000 from the Catastrophic Events Fund Designation for storm cleanup expenditures

- 18-27 8. Maintenance of Vacant and Abandoned Real Property.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING CHAPTER 6.08 OF TITLE 6 ESTABLISHING MAINTENANCE OF ABANDONED PROPERTIES REGULATIONS

Recommendation: Adopt the Ordinance, establishing regulations for the maintenance of vacant and abandoned real property.

- 28-40 9. December 2010 Storm Event, Clark Construction Co., Shoulder Maintenance and Grading Agreement, Contract Amendment in excess of \$25,000, Contract increase to \$82,380

Recommendation: Approve the fourth Amendment to the Service Agreement with Clark Construction Co., in the amount of \$82,380, authorizing the Town Manager to sign all necessary documents related to the agreement.

- 41-51 10. December 2010 Storm Events, Quality Street Services, Inc., Street Sweeper Services, Agreement Amendment, Storm Recovery Contract Compensation Increase to \$50,000; Base Level Services (non-storm) Contract Compensation Increase to \$75,000

Recommendation: Approve the first Amendment to the Service Agreement with Quality Street Services, Inc., dated September 27, 2005, increasing the Storm Recovery Compensation from \$25,000 to \$50,000, and increasing the base level services compensation from \$50,000 to \$75,000, authorizing the Town Manager to sign all necessary documents.

- 52-138 11. 2009-2010 Annual Redevelopment Report, 2009-2010 Annual Redevelopment Agency Financial Report

Recommendation: Approve the 2009/2010 Annual Redevelopment Report and the 2009/2010 Annual Redevelopment Agency Financial Report

- 139-149 12. Emergency Private Road Repair Policy, Resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, FINDING THAT PRIVATE NON MAINTAINED DIRT ROAD REPAIRS WERE NECESSARY FOLLOWING THE DECEMBER 2010 STORM EVENTS

Recommendation: Receive and file the report regarding the emergency repair to private dirt roads, based upon the findings contained in the staff report.

- 150-161 13. Planning Commission Request, Consideration of Changing Planning Commission start time from 7:00 p.m. to 6:00 p.m.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ESTABLISHING THE TIME OF THE REGULAR MEETINGS OF THE PLANNING COMMISSION

Recommendation: Adopt the Resolution changing the Planning Commission meeting start time from 7:00 p.m. to 6:00 p.m.

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

should be filed with the Town Clerk/Deputy Town Clerk before the consent calendar is called.

Recommendation: Adopt Consent Agenda (items 5-13)(roll call vote)

Action: Move _____ 2nd _____ Roll Call Vote _____

PUBLIC HEARINGS

- 162-203 14. 2010 California Building Codes Published by the California Building Standards Commission, Council Request for Further Discussion, Ordinance

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY CALIFORNIA, AMENDING TITLE 8 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING CHAPTER 8.02 ADOPTING AS MODIFIED THE CALIFORNIA BUILDING CODE, 2010 PART 2 EDITION VOLUMES 1 AND 2, WITH APPENDICES A, C, G, I, AND J AND REFERENCED STANDARDS; THE CALIFORNIA RESIDENTIAL CODE, PART 2.5; THE CALIFORNIA GREEN BUILDING STANDARDS CODE 2010 EDITION; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION; THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION; THE CALIFORNIA PLUMBING CODE, 2010 EDITION; THE CALIFORNIA MECHANICAL CODE, 2010 EDITION; AND THE CALIFORNIA ENERGY CODE 2010 EDITION

Staff Report

Open Public Hearing

Close Public Hearing

Recommendation:

Alternative A: Adopt the Ordinance, adopting the California 2010 Building Codes as listed and amended.

Alternative B: Take no action, allowing the model Codes to remain as adopted by the California Building Standards Commission without amendments.

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

DEPARTMENT REPORTS

- 204-208 15. Annual Reserve Policy Review.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE NECESSARY INTERFUND TRANSFERS IN ACCORDANCE WITH THE TOWN'S RESERVE POLICY

Staff Report

Recommendation: Review the fiscal year 2009-10 reserve analysis, and adopt a resolution modifying the Town's Reserve Policy by amending the fiscal year 2010-11 budget as follows:

- Amend the designated reserve balances as indicated on Exhibit A to the Resolution, including a one-year suspension of the capital projects reserve fund transfer and a corresponding one-year increase in the general fund reserve cap to 58%.

Action: Move _____ 2nd _____ Voice Vote _____.

- 209-225 16. Utility Undergrounding Districts, Southern California Edison, Rule 20A Funds, Ordinance

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ESTABLISHING A PROCEDURE FOR THE CREATION OF UTILITY UNDERGROUNDING DISTRICTS AND REGULATIONS REGARDING SUCH DISTRICTS

Staff Report

Recommendation: Introduce the Ordinance, establishing procedures for the creation of utility undergrounding districts

Action: Move _____ 2nd _____ Roll Call 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 Mayes
18. Council Member Hagerman
19. Council Member Rowe
20. Mayor Pro Tem Luckino
21. Mayor Huntington

ANNOUNCEMENTS

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

Next Town Council Meeting, Tuesday, January 18, 2011, 6:00 p.m.

CLOSED SESSION

22. Closed Session pursuant to subdivision (c) of Government Code Section 54956.9, Initiation of Litigation, one potential case.

CLOSING ANNOUNCEMENTS

ADJOURNMENT



SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

December 2011 Summary

ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to 9 fires and 381 non-fire incidents for a total of 390 requests for assistance within our town boundaries.

EMERGENCY RESPONSES

ESTIMATED FIRE LOSS (In dollars)

Total Loss	\$	81,900	Value	\$	274,600
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RESPONSES OTHER THAN FIRES

Fires	9
Rupture / Explosion	0
EMS / Rescue	290
Hazardous Condition	5
Service Calls	35
Good Intent Calls	40
False Call	10
Other – Severe Weather	1

TOTAL NON-FIRE RESPONSE.....	381
TOTAL FIRE RESPONSES.....	9
TOTAL ALARMS.....	390

ALARMS – ALL TYPES

Yucca Valley Response Area

TOTAL YEAR 2010	4,410
TOTAL YEAR 2009 COMPARISON.....	4,273

Significant Events:

- New Medic Engine 41 placed in-service
- Participated in the Christmas Lights Parade and Santa Drive
- Assisted with T.L.C. Toy Drive – many toys and gifts collected this year for those in need



SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

January 2011 Public Safety Advisories

Home Sprinkler Systems

Sprinkler Systems have traditionally been a part of our commercial industry for over a century. They have been installed to protect the investments of property, machinery, textile mills, and the lives of the many who work in these locations.

In the home, we have relied upon smoke detectors to awaken and warn us that fire is present and that we must evacuate. However, home sprinkler systems are becoming more popular in new construction as well as retro-fitting existing homes.

Fires in residences have taken a high toll of life and property. According to the National Fire Protection Administrations 2002 Fire Loss in the U.S. the following losses were reported –

- 401,000 residential fires
- 2,695 civilian fire deaths
- 14,050 civilian fire injuries
- Over \$6 billion in property damage

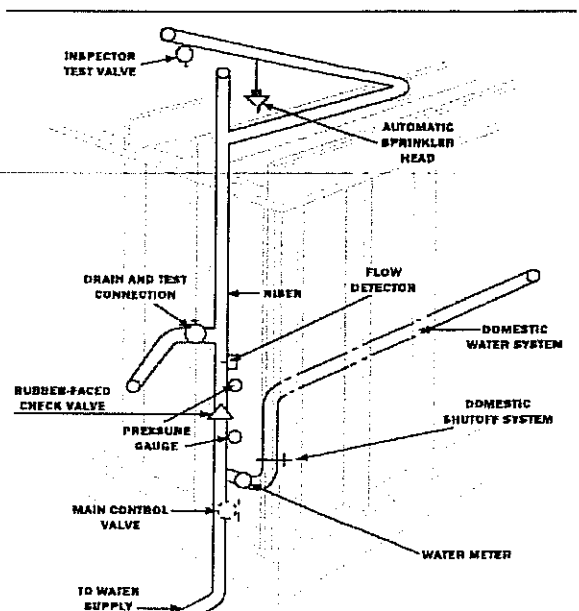
Home sprinkler systems can significantly reduce these losses through:

- **Fast Response** – through early detection and activation, the fire can be confined or held in check until the fire department arrives. This confinement also lends to occupancy protection and ability to escape by lessening the fire’s ability to entrapment.

A time for change –

Fire Departments nationwide are taking a proactive stance to adopt ordinances that require residential sprinklers in a campaign to reduce fire loss and fatality.

A typical installation can be seen in the example to the right:





SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

TEST YOUR HOME SPRINKLER SYSTEM'S I.Q.

Here are five statements about home sprinkler systems. Are they true or false?

1. When one sprinkler goes off, all the sprinklers activate?

False! Only the sprinkler over the fire will activate. The sprinkler heads react to temperatures in each room individually. Thus, fire in a bedroom will activate only the sprinkler in that room.

2. A sprinkler could accidentally go off, causing severe water damage to a home?

False! Records, which have been compiled for well over 50 years, prove the likelihood of this occurring is very remote. Furthermore, home sprinklers are specifically designed and are rigorously tested to minimize such accidents.

3. Water damage from a sprinkler system will be more extensive than fire damage.

False! The sprinkler system will severely limit a fire's growth. Therefore, damage from a home sprinkler system will be much less severe than the smoke and fire damage if the fire had gone on unabated or even the water damage caused by water from firefighting hose lines.

4. Home sprinkler systems are expensive.

False! Current estimates suggest that when a home is under construction, a home sprinkler system could cost less than 1% of the total building price.

5. Residential sprinklers are ugly.

False! The traditional, commercial-type sprinklers as well as sprinklers for home use are now being designed to fit in with most any décor.

San Bernardino County Fire Department urges its residence and other property owners to investigate the "pros and cons" – but ultimately, we want our customers fire safe so everyone goes home to their families.

For more information, please contact the Office of the Fire Marshal, San Bernardino County Fire Dept., at 620 South "E" Street, San Bernardino, CA 92415-0179 Telephone: 909.386.8401

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
DECEMBER 21, 2010**

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

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

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

PLEDGE OF ALLEGIANCE

Led by Council Member Luckino

INVOCATION

Led by Pastor Jerel Hagerman, Joshua Springs Calvary Chapel

PRESENTATIONS, RECOGNITIONS, INTRODUCTIONS

1. Recognition of Joshua Springs CIF Football Championship

Mayor Huntington read and presented the proclamation.

AGENCY REPORTS

Fire Department

2. Monthly Report for November 2010

Battalion Chief Benfield presented monthly statistical fire department report for November 2010.

Chamber of Commerce

3. Monthly Report for November 2010.

No one present to give the report.

APPROVAL OF AGENDA

Council Member Luckino moved to approve the agenda. Council Member Mayes seconded. Motion carried 5-0 on a voice vote.

CONSENT AGENDA

- 4. **Approve**, Regular Town Council Meeting Minutes of December 7, 2010 as presented.
- 5. **Waive**, further reading of all ordinances and read by title only.
- 6. **Approve**, improvement drawings and specifications for the Community Center Doors improvements and authorize staff to proceed with advertisement for construction bids. CDH Project No. 123-32111, Case No. 2916, Town Project No. 8955, (combine with CDBG-R Project No. 123-335A1, Case No. 3358)
- 7. **Receive**, Preliminary 2009/2010 Redevelopment Agency Financial Report and schedules Town Council action for the meeting of January 18, 2011
- 8. **Approve**, the Second Amendment to the Subdivision Improvement Agreement extending the period of time for completion of improvements an additional twenty-four (24) months through November 22, 2012 for Tract Map 17328-Yucca Valley Estates Subdivision Located at the southwest corner of Emerson Avenue and Yucca Trail
- 9. **Approve**, fourth amendment to the library lease agreement between the Town and the County at the current rate of \$2,000 per month, and authorize the Mayor to sign all necessary documents.
- 11. **Approve**, amendment No. 3 of the Agreement for Professional Consulting Services with RBF Consultants, Inc., to provide additional required tasks and services specifically described in Consultant’s Proposal dated December 7, 2010 and attached to the proposed amendment as Exhibit D SR 62 and increasing compensation to the Consultant in the amount of \$36,808 increasing the total compensation under the Agreement for Professional Consulting Services to \$654,539.
- 12. **Ratify**, Warrant Registers in the amount of \$411,967.12 for checks dated December 2, 2010. Ratify Payroll Registers total of \$154,591.72 dated November 24, 2010.

~~Council Member Luckino requested to pull Item 10.~~

Council Member Mayes moved to adopt Consent Agenda Items 4-9, 11 and 12. Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

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

10. Affordable Housing Exclusive Negotiating Agreement

The Town Council discussed this item in joint session with the Redevelopment Agency.

Administrative Services Director Yakimow gave the background of the item, noting this is approval of the ENA and that there will still be approvals necessary in the development stage.

Council/Agency Member Luckino questioned if there is an example of a similar rural community on a state highway that has low mod housing that is about 15 years old. Julie Mungai, CORE, advised she will do that research. Council/Agency Member Luckino expressed concern about rushing into this project. Town Manager Nuaimi commented that, depending on the funding source, there are one or 2 calls for project funding a year. This item has gone through site alternatives analysis and has been blessed by majority of the Council and Agency. We are trying to get project that is competitive as quickly as we can get there because, from an Agency perspective, we have not generated affordable units in the most cost effective manner. Council/Agency Member Luckino questioned at what stage of game there is going to be outreach. Town Manager Nuaimi advised as part of the application process.

Council/Agency Member Hagerman questioned if other sites will be looked at by enacting this ENA. Town Manager Nuaimi advised this is the site.

Council/Agency Member Mayes authorize the Executive Director/Town Manager to enter into an Exclusive Negotiating Agreement ("ENA") with National Community Renaissance of California (CORE) regarding the development of an affordable senior housing opportunity, proposed at the Town of Yucca Valley's vacant property at Dumosa and SR 62. Council/Agency Member Rowe seconded. Motion carried 4-1-0 on a voice vote with Council/Agency Member Luckino voting no.

PUBLIC HEARINGS**13. Adoption of 2010 California Building Codes Published by the California Building Standards Commission, Ordinance**

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY CALIFORNIA, AMENDING TITLE 8 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING CHAPTER 8.02 ADOPTING AS MODIFIED THE CALIFORNIA BUILDING CODE, 2010 PART 2 EDITION VOLUMES 1 AND 2, WITH APPENDICES A, C, G, I, AND J AND REFERENCED STANDARDS; THE CALIFORNIA RESIDENTIAL CODE, PART 2.5; THE CALIFORNIA GREEN BUILDING STANDARDS CODE 2010 EDITION; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION; THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION; THE

CALIFORNIA PLUMBING CODE, 2010 EDITION; THE CALIFORNIA MECHANICAL CODE, 2010 EDITION; AND THE CALIFORNIA ENERGY CODE 2010 EDITION

Deputy Town Manager Stueckle advised that every three years the state updates the building codes, noting the Town can not reduce the standards, but can make them more restrictive.

Patrick Carol, Charles Abbott & Associates, gave a power point presentation regarding the California Green Code effective January 1, 2011 and the new California Building Codes.

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

Council Member Mayes questioned if the cost of construction will go up by implementing the new code, and noted his objection to being mandated by the state to adopt laws he residents wouldn't agree to.

Council Member Luckino questioned the anticipated increase in costs. Mr. Carroll stated it is estimated the required fire sprinklers themselves would add approximately \$2 per square foot, but that doesn't consider the required increase in main size. Council Member Luckino questioned if the Storm Water Pollution Prevention Plan (SWPPP) would be required if the Town does not have any waters of the Nation. Mr. Carroll advised the town is required to keep watershed from adjacent parcels and down stream neighbors. Deputy Town Manager Stueckle advised that dialogues between the Town and others are continuing, noting that the codes presented this evening are state law, are stand alone, and in effect regardless of findings of the U.S. Army Corps of Engineers. There is a distinct difference between what the Council has heard being discussed as the SWPPP standards and what state code has. Council Member Luckino questioned if the town is exceeding any of the codes. Deputy Town Manager Stueckle advised there is one change based on community's topography and soils issues, dropping the requirement for an approved grading plan from 5000 cubic yards to 2500 cubic yards. He noted that many of the codes are not clear, and many building officials are still meeting today to determine what technical requirements are.

Council Member Hagerman questioned who mandates the SWPPP. Deputy Town Manager Stueckle advised the requirement for a SWPPP is established in a general state wide permit as adopted by the Regional Water Quality Control Board in Sacramento. With reference to discussion asking what would happen if there are no jurisdictional waters, there is a process where an individual project can request determination through the Corps of Engineers but it takes about 6-9 months for a decision to be made. There have also been discussions regarding the possibility of the Corps undertaking a study of

the Town to determine if there are waters of the US here. Council Member Hagerman questioned what the alternative is for the requirement of diverting 50% of construction waste from the landfill. Mr. Carroll advised there is no alternative, advising the need to recycle or reuse the materials is already mandated, and is now being codified, and made everyone's responsibility.

Council Member Rowe questioned the rush to have this ordinance on file right away, noting the only difference between the State requirement and the Town's ordinance is the amount of cut and fill. She requested to look more in depth at our ordinance. Deputy Town Manager Stueckle advised the deadline is January 1, 2011 noting it is a matter of having local amendments in place that are coinciding with that deadline. He noted that the state code takes effect on January 1 regardless of whether the Town adopts an ordinance or not. The only difference the Town has added is a specific change due to our topography to mitigate some of the disasters we have experienced in the past.

Council Member Mayes questioned if the section of the ordinance regarding engineering reports is an additional cost, or is it something the developer would have to do anyway. Mr. Carroll advised it is consistent with prior code adoptions and is required because of topography.

Mayor Huntington commented the Council is looking beyond what we are suppose to be looking at.

Council Member Mayes objected to creating extra costs and stated he would like to spend more time looking at items other than what is required by state law to make sure the Town isn't adding any extra costs if we have the ability to stop it.

Council Member Rowe stated she would like to look further at the area of erosion control on slopes and plantings.

Council Member Luckino questioned if the Planning Commission has looked at this. Deputy Town Manager Stueckle advised that building codes do not go before Planning commission and that they are not in their prevue. Council Member Luckino commented the Commission should deal with the technical aspect of these codes.

Council Member Mayes commented he is not ready to adopt law that is going to be more restrictive than state law.

Town Manager Nuaimi suggested the Council continue the item, noting that staff will bring back the item with justification for each of those areas where we are more stringent than state law.

Council Member Mayes moved to continue the item to the January 18, 2011 Council Meeting. Council Member Hagerman seconded. Motion carried 5-0.

DEPARTMENT REPORTS

14. Maintenance of Vacant and Abandoned Real Property.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING CHAPTER 6.08 OF TITLE 6 ESTABLISHING REGISTRATION AND MAINTENANCE OF ABANDONED PROPERTIES REGULATIONS

Deputy Town Manager Stueckle read the title of the Ordinance.

Hart Ponder, Code Compliance Supervisor, gave a Power Point overview of the ordinance which contains requirements that address the general appearance of cited property, security requirements, compliance time frames based on the condition of the property with allowance for compliance by all responsible parties, and a progressive penalty schedule to encourage timely compliance. He noted that the "penalty due date" means the date established in the formal notice issued by the Town of Yucca Valley pursuant to Section 6.08.070 of the chapter.

Larry Callander, Yucca Mesa, stated one of the things he has seen is that the sewers are not being pumped because banks do not want to pay for the service, and are willing to take the property and sell as soon as possible. Banks are just dumping the properties whether they are in compliance or not. There should be an amendment requiring having the sewers pumped.

Council Member Rowe commented she has a conflict of interest, recused herself and stepped down from the dais.

Council Member Luckino expressed support for the ordinance.

Council Member Mayes questioned Section 6.08.030, duty to record assignment of rents. Code Compliance Supervisor Ponder advised that is a tracking mechanism to assure there is no delay in their recording process. It is not part of an excessive penalty fee, but encourages the banks to maintain timely records. Council Member Mayes expressed concern about public records and privacy. Code Compliance Supervisor Ponder advised if the Council chose to strike that portion of the ordinance, it would not hurt it in any way.

Council Member Luckino moved to introduce the Ordinance, establishing regulations for the maintenance of vacant and abandoned real property. Council Member Hagerman seconded. Motion carried 4-0-1 on a roll call vote.

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

15. Caltrans Recommended Speed Limit Reduction on Portion of SR 62, 200' East of Hanford to La Contenta/Yucca Mesa, Lowering the Posted Speed from 60 MPH to 50 MPH

Deputy Town Manager Stueckle advised the issue is on the agenda to provide an opportunity for input from community.

Larry Callander, Yucca Mesa, commented with regard to need to lower the speed limit on Buena Vista.

Council Member Mayes questioned if Caltrans did a survey after the light was put in and if that is why they are dropping the limit from 60 to 50. Deputy Town Manager Stueckle stated the light had a lot to do with the traffic slow down and explained the scientific method of setting speed limits.

Council Member Hagerman questioned the process of educating the public that the speed is being lowered. Deputy Town Manager Stueckle stated staff can coordinate with Caltrans on press releases.

Council Member Mayes moved to receive Caltrans correspondence, accept public comment, and consider acceptance of the California Department of Transportation (Caltrans) recommended reduction of the existing speed limit from 60 mph to 50 mph from PM 13.80, 200 feet east of Hanford Avenue to PM 15.20, 290 feet east of Yucca Mesa Road; and further direct staff to forward Town Council's determination to Caltrans. Council Member Luckino seconded. Motion carried 5-0 on a voice vote.

16. First Draft of the Hazard Mitigation Plan 12/4/2010

Administrative Services Director Yakimow advised this is the first review of the plan, noting it is a rewrite of a plan completed in 2005. The plan identifies hazards the Town will most likely encounter to develop mitigation plans to address those hazards. An effort was made to integrate this plan with the Town's other planning documents. He noted that FEMA has identified the document as necessary to receive mitigation funding. The Plan will go to the County and State for review and FEMA for comments which will be incorporated and brought back for final review and Council adoption.

Council Member Mayes moved to receive and file the first draft of the Town of Yucca Valley Hazard Mitigation Plan, December 4, 2010. Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

17. Informal Presentation-RBF Consulting Engineers, SR 62 PLHD Median Improvement Project-Apache Trail to Palm Avenue.

Deputy Town Manager Stueckle advised this is a presentation on the upcoming SR 62 construction project where the Town is the lead agency on construction of the project.

Adrian Anderson, RBF, gave power point presentation regarding the project for safety enhancements on SR 62. The project is now in the project and environmental approval phase, and the final design plans and specs are being prepared. Once it is environmentally cleared, right of way will be finalized and the project will be ready for bid.

Deputy Town Manager Stueckle advised staff is working with SANBAG and the upcoming process for SLPP funds, and meets criteria in policies drafted to date, noting the Town's application will be first in line within the basin.

Sheldon Hough, Yucca Valley, requested the Town also look into striping for bicycle lanes.

Council Member Mayes questioned if the design work takes full capacity of build out into consideration. Mr. Anderson advised this project is more for the near term, noting that the next project that would address the long term capacity needs of the state highway is in the works and on hold at this time, but has been looked at. Deputy Town Manager Stueckle advised that staff sees this as an interim project addressing the primary issues of traffic safety for motoring public as well as pedestrians. It also provides controlled access and turning movements at Church Street and SR 62. This project will be in existence for a minimum of 15 to 20 years, and as such, staff feels the investment is appropriate. In terms of what will be replaced in the future it would be curbs and sidewalks and not the medians.

Council Member Luckino agreed it is a difficult decision to spend money to be torn up, but this is an issue of pedestrian safety and the need for sidewalks on the highway. He noted that one comment Council has heard from the community is the concern regarding businesses being cut off.

Council Member Hagerman questioned if the light at Church and SR 62 is going to be U-turn accessible. Mr. Anderson stated that it will in the east and west direction.

Mayor Huntington commented he attended the meeting the Town held to notify the businesses noting even after mailing letters and hand delivering them to each business, only one person showed up.

Council Member Mayes expressed concern about spending taxpayer resources for a temporary project and questioned if the funding can be used to acquire right of way for ultimately build out. Town Manager Nuaimi commented it is necessary to have a project that is environmentally cleared noting the Town can't go out and just acquire right of way.

Mayor Huntington commented the expenditure will provide for 20 years of safety on the highway, noting the actual widening is going to be very expensive.

Council Member Mayes moved to receive and File the information presented by RBF Consulting Engineers and Town Staff. Council Member Luckino seconded. Motion carried 5-0 on a voice vote.

FUTURE AGENDA ITEMS

Council Member Luckino requested the Council look at the sign ordinance in the coming year. Council Member Hagerman agreed. Council Member Mayes suggested Council Member Luckino bring back portions of the sign ordinance to discuss so that Council is not talking about the entire ordinance. Mayor Huntington concurred. Council Member Rowe stated that size restriction is a chief complaint. Town Manager Nuaimi advised that staff will bring back an overview of the sign code.

Mayor Huntington requested a workshop item to bring Council up to speed on where the hazard mitigation plan and emergency plan intertwine. Council agreed

PUBLIC COMMENT

None

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi advised the Water District put out a report from the State Regional Water Quality Control Board that staff will be reviewing to determine what comments we may want to make.

Deputy Town Manager Stueckle reported regarding the storm response to date.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

18. Council Member Mayes

None

19. Council Member Hagerman

Commended the crew for clearing the roads.

20. Council Member Rowe

Echoed comments regarding the works of the Road Crew.

Commented regarding attendance at the Christmas Parade.

21. Mayor Pro Tem Luckino

Commended the Christmas Parade, noting it is one of those events his family participates in each year, and is a growing event that shows a lot of community spirit.

Congratulated the Joshua Springs football team.

Wished everyone a happy and marry Christmas and happy and safe New Year

22. Mayor Huntington

Echoed comments regarding getting the roads cleared

Wished everyone a Merry Christmas and best of holidays.

Commented the Christmas parade was a fantastic event.

ANNOUNCEMENTS

The next Town Council Meeting is Tuesday, January 18, 2011 at 6:00 p.m.

Mayor Huntington recessed the meeting at 8:10 p.m. to convened the Redevelopment Agency. The Council and Agency met in joint session and adjourned as the Redevelopment Agency at 8:35 p.m. to continue as Town Council.

CLOSED SESSION

23. Closed Session per Government Code Section 54957, Public Employee Performance Evaluation. (Town Manager)

Mayor Huntington adjourned the meeting to Closed Session at 8:32 p.m., reconvened at 8:54 p.m. and announced there was no reportable action taken. There were no members of the public present.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Date: January 6, 2011
For Council Meeting: January 18, 2011

Subject: Budget Amendment
 December 2010 Storm Event
 Catastrophic Events Fund Designation

Prior Council Review: None.

Recommendation: That the Town Council amend the FY 2010-11 Adopted Budget, and adopt the resolution appropriating \$200,000 from the Catastrophic Events Fund Designation for storm cleanup expenditures.

Order of Procedure:


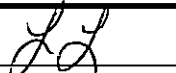

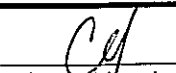
- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote, Consent Agenda)

Discussion: Annually, the Town Council establishes a General Fund reserve designation to provide financial resources for catastrophic events, such as floods, fires, earthquakes, etc. This financial resource allows the Town to plan and be prepared for these types of events so that the annual operating budget is not affected if expenditures of the reserves are required.

In December 2010, portions of Yucca Valley received significant rainfall. The rainfall resulted in debris accumulation throughout the Town on major arterials and local roadways. The Town, County and State of California declared local states of emergency related to this event.

Damage and clean up expenditures to date exceed \$75,000 and total cost of clean up is anticipated to approach \$200,000. The recommended action appropriates \$200,000 from the Catastrophic Events Fund Designation. The funds will be used for debris removal, street sweeping, and minor street repair related to the recent storm event.

Reviewed By:





 Town Manager Town Attorney Mgmt Services Dept Head

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

A majority of the debris has been removed by both Town and contract forces. Street sweeping is underway and the Town is committed to completing the cleanup process as timely as possible.

Due to the state of emergency declaration at both the local and county level, the Town may receive some reimbursement of related contract and overtime expenditures from the State Office of Emergency Services. Staff is currently communicating with OES staff to identify any opportunities for reimbursement. If no reimbursement is made available to the Town, the Town will cover the costs of force account (in-house) labor through the applicable department budget, and will pay for the cost of outside contractors with the reserve designation. In that case, the estimated contract costs of clean-up and repair is anticipated to be \$150,000.

Alternatives: Staff recommends no alternative action.

Fiscal impact: A total of \$1.0 million is contained in the Catastrophic Events Fund Designation. This action will reduce the reserve level by \$200,000 to a total of \$800,000. Should the Town receive State OES reimbursement for any portion of the clean-up expenditures, the reimbursement will be allocated back to the reserve designation.

Attachments: Budget Resolution

RESOLUTION NO. 11-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FY 2010-11 BUDGET

WHEREAS, the Town adopts an annual operating and special revenue budget; and

WHEREAS, from time to time it is necessary to amend the budget based upon changing circumstances which materially affect the projected revenues, expenditures or transfers of the Town; and

WHEREAS, programs and projects are expanded or contracted as funding become available or as the needs of such programs or projects differ materially from that originally encompassed by the adopted budget plan.

NOW THEREFORE THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY RESOLVES AS FOLLOWS.

Section 1. Amend the Fiscal Year 2010-11 General Fund budget by appropriating \$200,000 of General Fund – Catastrophic Events Fund Designation to the General Fund Streets Operations Budget line item 001 55 59 7110 – Professional Services.

APPROVED AND ADOPTED THIS 18th day of January, 2011.

MAYOR

ATTEST:

TOWN CLERK

ORDINANCE NO.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
YUCCA VALLEY, CALIFORNIA, ADOPTING CHAPTER 6.08 OF
TITLE 6 ESTABLISHING MAINTENANCE OF ABANDONED
PROPERTIES REGULATIONS**

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

SECTION 1. CODE AMENDED. Title 6, of the Town of Yucca Valley Municipal Code ("Municipal Code") is hereby amended to create Chapter 6.08, establishing Maintenance of Abandoned Properties regulations as follows:

Chapter 6.08

MAINTENANCE OF ABANDONED PROPERTIES

- 6.08.010 Purpose
- 6.08.020 Definitions
- 6.08.030 Duty to Record Assignment of Rent
- 6.08.040 Maintenance Requirements
- 6.08.050 Security Requirements
- 6.08.060 Additional Authority
- 6.08.070 Enforcement
- 6.08.080 Appeals
- 6.08.090 Severability

6.08.010 PURPOSE.

It is the intent of the Town Council, through the adoption of this chapter, to establish a mechanism to protect residential and commercial neighborhoods from becoming blighted through the lack of maintenance and security of abandoned properties; and to set forth guidelines for the maintenance of abandoned properties. This Chapter is only applicable to abandoned property (as hereinafter defined), whether such abandoned property is improved for residential or commercial use.

6.08.020 DEFINITIONS.

Certain words and phrases in this chapter are defined, when used herein, as follows:

ABANDONED. Any building, structure or real property that is vacant or occupied by a person without a legal right of occupancy, and subject to a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessors Lien

Sale and/or any real property conveyed *via* a foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust, and/or any real property conveyed *via* a deed in lieu of foreclosure/sale. Evidence of "abandonment" for purposes of this Chapter means any condition upon real property that independently, or in the context of the totality of circumstances relevant to that real property, would lead a reasonable enforcement official to believe that a property is vacant or occupied by a person without a legal right of occupancy. Such real property conditions include, but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; and/or statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

ABATEMENT ORDER. A Hearing Officer's "Order to Abate" issued pursuant to Section 6.04 or a Nuisance Abatement Appeals Board's written final order decision issued pursuant to Section 1.04.060, if any.

ACCESSIBLE PROPERTY. Real property that is accessible to the public, either, in general or through an open and unsecured door, window, gate, fence, wall, etc.

ACCESSIBLE STRUCTURE. A building or structure that is not secured or is open in such a way as to allow public or unauthorized access to the interior.

ADMINISTRATIVE PENALTY PAYMENT DUE DATE. The date that is the eleventh (11th) day after the issuance of a Hearing Officer's issuance of a written "Order to Abate" pursuant to Section 6.04, or the Nuisance Abatement Appeals Board's issuance of a final order decision pursuant to section 1.04.060, if any.

AGREEMENT. Any written instrument that transfers or conveys title to residential real property from one owner to another after a sale, trade, transfer or exchange.

ASSIGNMENT OF RENTS OR DEED OF TRUST. An instrument that transfers the beneficial interest under a deed of trust from one lender or entity to another.

BENEFICIARY. A lender participating in a real property transaction that holds a secured interest in the real property in question identified in a deed of trust.

BUILDING. Any improved real property, or portion thereof, designed or permitted to be used for any purposes, including buildings and structures located

on such improved real property. This includes any real property being offered under any circumstances for sale, trade, transfer, or exchange as "any real property," whether or not said property is legally permitted and zoned for such use.

BUYER. Any person, partnership, association, corporation, fiduciary or other legal entity that agrees to transfer anything of value in consideration for real property *via* an "agreement" as that term is defined in this Section 6.08.020.

DANGEROUS BUILDING. Any building or structure reasonably deemed by qualified Town Staff to represent a violation of any provision specified in Code of Yucca Valley.

DAYS. Calendar days.

DEED OF TRUST. An instrument whereby an owner of real property, as trustor, transfers a secured interest in the real property in question to a third party trustee, said instrument relating to a loan issued in the context of a real property transaction. This definition applies to any and all subordinate deeds of trust, i.e., 2nd trust deed, 3rd trust deed, etc.

DEED IN LIEU OF TRANSFER/FORECLOSURE. A recorded instrument that transfers ownership of real property between parties to a particular deed of trust as follows: from the trustor, i.e., borrower, to the trustee upon consent of the beneficiary, i.e., lender.

DEFAULT. The material breach of a legal or contractual duty arising from or relating to a deed of trust, such as a trustor's failure to make a payment when due.

DISTRESSED. Any building, structure or real property that is subject to a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessors Lien Sale and/or any real property conveyed *via* a foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust, and/or any real property conveyed *via* a deed in lieu of foreclosure/sale, regardless of vacancy or occupancy by a person with no legal right of occupancy.

ENFORCEMENT OFFICIAL. The Town Manager, the Building Official, and/or employee or agent of the Town designated and/or charged with enforcing the Code of Yucca Valley including but not limited to applicable codes adopted by reference therein.

FORECLOSURE. The process by which real property subject to a deed of trust is sold to satisfy the debt of a defaulting trustor, i.e., borrower.

LENDER. A beneficiary or any entity holding a deed of trust.

LOCAL. Within forty (40) driving miles of the building, structure or real property in question.

NEIGHBORHOOD STANDARD. The condition of real property that prevails in and through the neighborhood where an abandoned building, structure or real property is located. Neighborhood standards must comply with Chapter 6.04, Public Nuisances. When determining the neighborhood standard, no abandoned or distressed building, structure or real property shall be considered.

NOTICE OF DEFAULT. A recorded instrument that reflects and provides notice that a default has taken place with respect to a deed of trust, and that a beneficiary intends to proceed with a trustee's sale.

OUT OF AREA. In excess of forty (40) road or driving miles of the subject property.

OWNER. Any person, partnership, association, corporation, fiduciary or other legal entity having a legal or equitable title or any interest in real property.

OWNER OF RECORD. The person holding recorded title to the real property in question at any point in time when official records are produced by the San Bernardino County Recorder's office.

PENALTY DUE DATE. Means the date given in a formal notice issued by the Town of Yucca Valley stating a specific date a penalty will apply to the cited property or person.

PROPERTY. Any unimproved or improved real property, or portion thereof, including, but not limited to, buildings or structures located on said real property, regardless of condition.

SECURING. Such measures as may be directed by an enforcement official that assist in rendering real property inaccessible to unauthorized persons, including but not limited to repairing fences and walls, chaining/pad locking gates, the repairing or boarding doors, windows or other openings. Such measures shall be implemented in conformance with all applicable standards of the United States Department of Housing and Urban Development.

TRUSTEE. Any person, partnership, association, corporation, fiduciary or other legal entity holding a deed of trust securing an interest in real property.

TRUSTOR. Any owner/borrower identified in a deed of trust, who transfers an interest in real property to a trustee as security for payment of a debt by that owner/trustor.

VACANT. Any building, structure or real property that is unoccupied or occupied by a person without a legal right of occupancy.

6.08.030 DUTY TO RECORD ASSIGNMENT OF RENTS.

Within ten (10) days of a property transaction involving a change in the identity of an owner or the owner of record, or alternatively a transfer/assignment of a loan or deed of trust secured by residential or commercial property, each beneficiary and trustee engaged in said transaction or transfer/assignment shall record, *via* the San Bernardino County Recorder's Office, an Assignment of Rents or similar instrument. This instrument shall reflect the identity, mailing address and telephone number of the trustee and beneficiary responsible for receiving payments associated with the loan or deed of trust in question. This duty/obligation shall be joint and several among and between all trustees and beneficiaries and their respective agents.

6.08.040 MAINTENANCE REQUIREMENTS.

It is declared a public nuisance for any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any property to cause, permit, or maintain any property condition contrary to any provision of this chapter.

A. Any property subject to this section must comply with the requirements of the Yucca Valley Municipal Code Chapter 6.04, Public Nuisances.

B. In addition, the property shall be kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper, circular, flyers, notices (except those required by federal, state or local law), discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

C. The property shall be maintained free of graffiti, tagging or similar marking. Any removal or painting over of graffiti shall be with an exterior grade paint that matches the color of the exterior of the structure.

D. Visible front and side yards or other property shall be landscaped and maintained to the neighborhood standard in accordance with Chapter 6.04, Public Nuisances.

E. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock, gravel, or bark or artificial turf/sod designed specifically for residential installation.

F. Landscaping does not include weeds, broken concrete, asphalt, plastic sheeting, mulch, indoor-outdoor carpet or any similar material.

G. Pools and spas shall be kept in working order so that water remains clear and free of pollutants and debris, or alternatively shall be drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the State of California.

H. Adherence to this section does not relieve the owner of record or other person(s)/entity(ies) in possession, management or control of the property of the obligations set forth in any Covenants Conditions and Restrictions and/or Home Owners' Association rules and regulations which may apply to the property.

I. The duties and obligations specified in this Section 6.08.040 shall be joint and several among and between all owners of record or other person(s)/entity(ies) in possession, management or control of the property and their respective agents.

The sole exception to these maintenance requirements shall, within the sole reasonable discretion of a duly authorized enforcement official, apply to property that is under construction and/or repair, not less than three (3) business days per week, undertaken in compliance with all applicable law including but not limited to Town permitting requirements.

6.08.050 SECURITY REQUIREMENTS.

A. Abandoned properties shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

B. Secure manner includes but is not limited to closing and locking of windows, doors (walk-through, sliding and garage) gates and any other opening that may allow access to the interior of the property and or structure(s). In the case of broken windows, securing means re-glazing or boarding the window.

C. If the abandoned property is owned by a corporation and/or out-of-area beneficiary, trustee, or owner of record, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this section, and any other applicable laws, are being met.

1. The abandoned property shall be posted with the name and 24-hour contact phone number of the local property management company. The posting shall be no less than 18 inches by 27 inches, shall be of a font that is legible from a distance of forty-five (45) feet, and shall contain the following verbiage:

THIS PROPERTY MANAGED BY _____, and TO REPORT PROBLEMS OR CONCERNS, CALL (name and phone number).

2. The posting shall be placed on the interior of a window facing the street to the front of the abandoned property so it is visible from the street, or secured to the exterior of the building/structure facing the street of the front of the property so it is visible from the street. If no such area exists, the posting shall be on a stake of sufficient size to support the posting, in a location that is visible from the street to the front of the property, and to the extent possible, not readily accessible to potential vandalism. Exterior posting must be constructed of, and printed with weather resistant materials.

3. The local property management company shall inspect the property on a weekly basis to determine if the property is in compliance with the requirements of this chapter. If the property management company determines the property is not in compliance, it is the company's responsibility to bring the property into compliance.

D. The duties/obligations specified in this Section 6.08.050 shall be joint and several among and between all owners of record or other person(s)/entity(ies) in possession, management or control of the property and their respective agents.

6.08.060 ADDITIONAL AUTHORITY.

In addition to the enforcement remedies established in this chapter, the Town shall have the authority to require the owners of record or other person(s)/entity(ies) in actual possession, management or control of any abandoned property affected by this chapter to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to secure and reduce the visual decline of the property.

6.08.070 ENFORCEMENT.

A. Any violation of this chapter shall be treated as a strict liability offense; a violation shall be deemed to have occurred regardless of a violator's intent.

B. Any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any abandoned property and causes, permits, or maintains a violation of this chapter as to that property, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in the Yucca Valley Municipal Code.

C. This Section 6.08.070 is intended to be cumulative to, and not in place of, other rights and remedies available to the town pursuant to the code of Yucca Valley. Above and beyond the violation and penalty specified in this section, the town attorney or a duly-authorized enforcement official may pursue any other right or remedy permitted by the code of Yucca Valley, including, but not limited to commencement of any civil action, or administrative action to abate the condition of a property as a public nuisance pursuant to Chapter 6.04 or this chapter.

D. In the event the Town takes administrative action to abate the condition of an abandoned property above and beyond the rights and remedies specified in Chapter 6.04, the following administrative penalties shall apply.

1. On the administrative penalty due date, each party subject to an abatement order shall pay an administrative penalty of one thousand dollars.

2. In the event that a violation of this chapter addressed by an abatement order has not been abated, cured, remedied and/or eliminated to the reasonable satisfaction of a duly authorized enforcement official by the fifteenth (15th) day after the administrative penalty due date, each party subject to said abatement order shall pay a supplemental administrative penalty of five thousand dollars.

3. In the event that a violation of this chapter addressed by an abatement order has not been abated, cured, remedied and/or eliminated to the reasonable satisfaction of a duly authorized enforcement official by the thirtieth day after the administrative penalty due date, each party subject to said abatement order shall pay a second supplemental administrative penalty of twenty-five thousand dollars.

E. In each instance when a party becomes subject to an administrative penalty specified in this section, an enforcement official shall issue an order providing written notice of that party's obligation to make payment of said administrative penalty. Each such order shall constitute a special assessment against the property in question having the same legal status as an order determining the cost of abatement of a public nuisance pursuant the provisions of Chapter 6.04.

F. In each instance when a party becomes subject to an administrative penalty specified in this section, and the order providing for said administrative penalty issues when that party is either seeking to perfect its interest in the abandoned property subsequent to the recordation of a notice of default, or is the property's owner of record, that party is not relieved of its obligation to pay any administrative penalty based upon the sale of the property in question to another.

G. With respect to abandoned properties that are residential, the Town may impose the following administrative penalties pursuant to Civil Code Section 2929.3:

1. The Town may impose a civil fine of up to one thousand dollars (\$1,000) per day for a violation of this Chapter, which fine shall be subject to the Town giving notice of the alleged violation. Said notice shall include a description of the conditions that gave rise to the allegation and notice of the Town's intent to assess a civil fine if action to correct the violation is not commenced within a period of not less than fourteen (14) days and completed within a period of not less than thirty (30) days. Such notice shall be mailed to the address provided in the deed to the abandoned property or other instrument as specified in subdivision (a) of Section 27321.5 of the Government Code, or, if none, to the return address provided on the deed or other instrument.

2. The Town shall provide a period of not less than thirty (30) days for the owners of record (or such other person(s)/entity(ies) in actual possession and control of the property) to remedy the violation prior to imposing a civil fine and shall allow for a hearing and opportunity to contest any fine imposed pursuant to Chapter 6.04 of the Yucca Valley Municipal Code. In determining the amount of the fine, the governmental entity shall take into consideration any timely and good faith efforts by the legal owner (or such other person(s)/entity(ies) in actual possession and control of the property) to remedy the violation. The maximum civil fine authorized by this section is one thousand dollars (\$1,000) for each day that the owner fails to maintain the abandoned property, commencing on the day following the expiration of the period to remedy the violation established by the governmental entity.

3. Notwithstanding the foregoing, the Town may provide less than thirty (30) days' notice to remedy a condition before imposing a civil fine if the Town determines that a specific condition of the property threatens public health or safety and provided that notice of that determination and time for compliance is given.

4. Fines and penalties collected pursuant to this Subsection G shall only be directed to local nuisance abatement programs.

5. If the Town imposes fines pursuant to this Subsection G, the Town shall not impose further fines pursuant to any other Yucca Valley ordinance or this Chapter.

6. This Subsection G shall only apply to residential abandoned property.

7. This Subsection G shall remain in effect only until January 1, 2013, and as of that date is repealed.

6.08.080 APPEALS.

Any person aggrieved by any of the requirements of this chapter may appeal a determination made hereunder in the manner specified with respect to appeals under Chapter 1.04 of the Yucca Valley Municipal Code.

6.08.090 SEVERABILITY.

If any section or provision of this chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this chapter shall remain valid. The Town Council hereby declares that it would have adopted this chapter, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened *via* legislation.

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town clerk shall certify to the adoption of this ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the town, pursuant to section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days from and after the date of its adoption.

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

MAYOR

ATTEST:

APPROVED AS TO FORM:

TOWN CLERK

TOWN ATTORNEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: January 5, 2011
For Council Meeting: January 18, 2011

Subject: December 2010 Storm Event
Clark Construction Co., Shoulder Maintenance and Grading Agreement
Contract Amendment in excess of \$25,000
Contract Increase to \$82,380

Prior Council Review: There has been no prior Town Council review of the recommended action.

Recommendation: That the Town Council approves the fourth Amendment to the Service Agreement with Clark Construction Co., in the amount of \$82,380, authorizing the Town Manager to sign all necessary documents related to the Agreement.




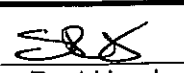
Summary: Town Council approval for service agreements is required above \$25,000. The Town's annual contract with Clark Construction Co. is set at \$25,000. When storm clean up programs or additional work is required, Town Council action approving the contract in excess of \$25,000 is required.

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 Town contracts annually with Clark Construction Co., for shoulder maintenance program implementation. The annual contract is a not to exceed amount of \$25,000, which the Town Manager is authorized to enter into pursuant to the Municipal Code.

Due to the December, 2010 storm, Clark Construction has been assisting the Town of Yucca Valley with its storm clean up efforts. Because of this additional work, Town Council approval in excess of \$25,000 is required.

Reviewed By:    
Town Manager Town Attorney Mgmt Services Dept Head

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

Alternatives: Staff recommends no alternative actions. This action is necessary for storm clean up activity.

Fiscal impact: The Street Division budgets \$25,000 for shoulder maintenance (non-storm related) services on an annual basis and these costs are paid from Gas Tax revenues. The Town has expended \$6270 of the \$25,000 annual contract amount on shouldering work from the small storms in July and September, 2010.

The estimated \$57,380 in costs for the December 2010 Storm Events, related to this Amendment, will be paid from the Catastrophic Event Reserve Funds appropriations.

Current Contract (non-storm related)	\$25,000
Expended in FY 10/11	<u>\$(6270)</u>
Current (non-storm related) Contract Balance	\$18,730
December 2010 Storm Cleanup Invoices received	\$43,700
Additional storm related work required	<u>\$13,680</u>
Total Storm Cleanup estimated	\$57,380

Attachments: Fourth Amendment
Contract

FOURTH AMENDMENT TO THE AGREEMENT FOR SHOULDER MAINTENANCE SERVICES BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION (TOWN), AND HAL SCOTT CLARK, DOING BUSINESS AS CLARK CONSTRUCTION COMPANY, (CONTRACTOR) DATED JULY 1, 2000

RECITALS

1. On July 1, 2000 TOWN and CONSULTANT entered in an Agreement for the provision of Shoulder Maintenance Services (the "Agreement").
2. The Agreement provides for funding of storm related and non-storm related maintenance services in the amount of \$25,000.
3. The Agreement has previously been amended three times (October 31, 2003, February 24, 2005, and September 15, 2005) when it was found that additional funding for storm related shoulder maintenance was necessary.
4. This Amendment provides for an increase in the amount of funding from \$25,000 to \$82,380, an increase of \$57,380.

That certain Agreement for Shoulder Maintenance Services between the TOWN and CONTRACTOR dated July 1, 2000 and attached hereto is amended in the following respects only:

Section 1. Agreement Section 5 pertaining to "Compensation" is hereby amended to read as follows:

Section 5, Compensation.

"5. Compensation. Compensation to the CONTRACTOR shall be at the rate as set forth in Exhibit "A" attached hereto. Compensation to the CONTRACTOR shall not exceed Eighty Two Thousand Three Hundred Eighty Dollars (\$82,380) for shoulder maintenance services expended during the fiscal year July 1, 2010 through June 30, 2011 fiscal year.

Compensation for the fiscal year commencing July 1, 2011 and for each subsequent fiscal year thereafter, the compensation to the CONTRACTOR shall not exceed Twenty-Five Thousand Dollars (\$25,000.00)."

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

Dated: _____, 2011.

TOWN OF YUCCA VALLEY

CLARK CONSTRUCTION COMPANY

By _____
Mark Nuaimi
Town Manager

By _____
Hal Scott Clark

K:\TC\2011\01-18-11 TC Meeting\Amendment to Contract for Scott Clark for Storm Cleanup\01-18-11 tc Contract Amend -Scott Clark-Storm Cleanup.doc

TOWN OF YUCCA VALLEY

AGREEMENT FOR SHOULDER MAINTENANCE SERVICES

This agreement is made this 1st day of July, 2000 by and between the Town of Yucca Valley, a municipal corporation, hereinafter called "TOWN" and Scott Clark doing business as Clark Construction Company, a sole proprietorship, hereinafter called "CONTRACTOR."

1. **Services to be Performed.** TOWN hereby engages CONTRACTOR and CONTRACTOR hereby accepts such engagement, to perform the street shoulder maintenance and emergency storm clean-up services on a 24 hour per day, on-call basis at the direction of the TOWN. .
2. **Schedule of Performance.** CONTRACTOR shall begin services immediately and continue the same under the terms of this contract. TOWN shall provide CONTRACTOR a weekly schedule of maintenance to be performed.
3. **Assignment.** CONTRACTOR shall not assign this Agreement or sublet or subcontract any portion of the services to be performed hereunder without the prior written consent of the Town Manager. All subcontracts and related documents, including but not limited to, the level of required insurance, shall be approved by the Town Manager prior to initiation of work.
4. **Facilities and Records.** Unless otherwise approved by the Town Manager, CONTRACTOR shall assemble and maintain such records as are customarily maintained including hours and dates of work performed, equipment used and hours worked at specific locations. Upon request by the TOWN, CONTRACTOR shall make such records shall available to the TOWN for inspection.
5. **Compensation.** Compensation to the CONTRACTOR shall be as set forth in Exhibit "A" attached hereto. Compensation to the CONTRACTOR shall not exceed twenty-five thousand dollars (\$25,000).
6. **Billing and Payment.** CONTRACTOR shall submit itemized weekly invoices for services rendered in a form acceptable to the TOWN. TOWN shall pay as soon thereafter as TOWN regular procedures provide, within 30 days unless the TOWN provides written justification for a longer period. CONTRACTOR shall include documentation with itemized invoices indicating number of hours worked and equipment used at each location weekly.

7. General Conditions.

(a) TOWN shall not be called upon to assume and CONTRACTOR shall defend (with attorneys approved by TOWN) and indemnify and hold harmless TOWN against any liability for the direct payment of any salary, wage or other compensation to any person employed by CONTRACTOR performing services hereunder for TOWN or for any employee-related claims, including but not limited to worker's compensation claims. The parties understand and agree that CONTRACTOR is acting strictly as an independent contractor under the terms of this Agreement, and this Agreement is not intended to establish an employer-employee relationship between the TOWN, on the one hand, and CONTRACTOR or any of its employees or subcontractors, on the other hand.

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

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

(d) CONTRACTOR agrees to and shall at its own cost and expense procure and maintain during the term of this Agreement general liability insurance in an amount of not less than \$1,000,000. Such insurance shall be procured from an insurer approved by Town Manager and admitted in California. TOWN shall be named as an additional insured and the insurance required hereunder shall be primary and not contributing with any other insurance available to or obtained by TOWN. CONTRACTOR shall also obtain Worker's

Compensation Insurance covering all of its employees as required by law. Certificates of Insurance shall be filed with TOWN and shall contain provisions that TOWN will be given thirty (30) days written notice in advance of cancellation or reduction in coverage of any policy of insurance.

(e) Upon termination of this Agreement, CONTRACTOR shall within such reasonable period as may be directed by the Public Works Supervisor, complete those items of work which are in various stages of completion and which the Public Works Supervisor determines are necessary to be completed by CONTRACTOR to allow the project to be completed in a timely, logical and orderly manner. Further, upon such termination, and provided CONTRACTOR has not been in material breach of the Agreement, the compensation to CONTRACTOR for services effective on the date of termination shall be proportionately allocated according to the amount of work performed on the projects then in progress, within the limits of the provisions of this Agreement.

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

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

Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284
Attention: Public Works Supervisor

Clark Construction Company
6518 Mojave Avenue
Twentynine Palms, CA 92277

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

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

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

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

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

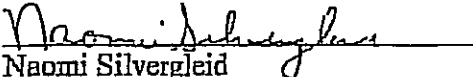
8. **Underground Service Alert.** CONTRACTOR is responsible for compliance with underground service alert requirements of California Government Code Section 4216. CONTRACTOR shall not perform work under this Agreement without first contacting Underground Service Alert in compliance with California Government Code Section 4216.
9. **Traffic Control.** Traffic control shall conform to the current California Department of Transportation (CALTRANS) "Manual of Traffic Controls" and the "WATCH" Handbook. When performance of work by the CONTRACTOR results in only one traffic lane being open to traffic, a minimum of two (2) flagpersons shall be provided. CONTRACTOR shall be responsible for traffic control at all times, including weekends and Town non-working hours. The requirements for traffic control shall apply to all public right-of-way, whether paved or unpaved. CONTRACTOR shall provide additional traffic control other than that described above at the direction of the TOWN.
10. **Prevailing Wages.**

Copies of the prevailing rate of per diem wages are on file at the office of the Town Clerk located at: 57090 Twentynine Palms Highway, Yucca Valley, CA 92284 which shall be made available to any interested party on request. In addition, copies of the determination of the Director of the Department of Industrial Relations for per diem wages shall be posted at each job site that is the subject of the contract awarded.


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

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Agreement upon the terms, conditions and provisions above stated on the day and year first above written in this Agreement.

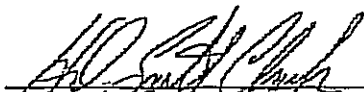
Approved as to Form:


Naomi Silvergleid
Town Attorney

Approved:


Debbie Cain
Administrative Services Director

FOR THE CONTRACTOR
dba Clark Construction Company

 6-26-2000
Hal Scott Clark Date
Contractor

FOR THE TOWN OF YUCCA VALLEY


 7/6/00
Brad Kilger Date
Town Manager

EXHIBIT "A"
COMPENSATION SCHEDULE
AGREEMENT FOR SHOULDER MAINTENANCE SERVICES

LABORER	\$27.50 PER HOUR
OPERATED DUMP TRUCK	\$55.00 PER HOUR (two axle) \$70.00 PER HOUR (three axle)
OPERATED GRADER	\$70.00 PER HOUR
OPERATED LOADER	\$70.00 PER HOUR

FIRST AMENDMENT TO AGREEMENT FOR SHOULDER MAINTENANCE SERVICES DATED JULY 1, 2000 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION, AND HAL SCOTT CLARK, DOING BUSINESS AS CLARK CONSTRUCTION COMPANY, FOR THE PROVISION OF SHOULDER MAINTENANCE SERVICES

That certain Agreement for Shoulder Maintenance Services dated July 1, 2000 attached hereto as Exhibit "A" is amended in the following respects only:

1. Section 5, Compensation is amended to read in its entirety as follows:
 5. Compensation. Compensation to the CONTRACTOR shall be at the rate set forth in Exhibit "A" attached hereto. Compensation to the CONTRACTOR shall not exceed ninety thousand dollars (\$90,000) for the twelve-month term commencing July 1, 2003 and ending June 30, 2004 only.

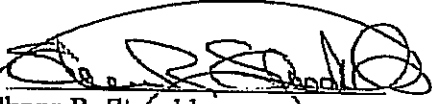
Effective July 1, 2004 compensation to the CONTRACTOR shall not exceed twenty-five thousand dollars (\$25,000) per each twelve-month term.
2. Except as amended, all of the terms and conditions of the original Agreement are incorporated as though fully set forth herein.

Dated: October 31, 2003


TOWN OF YUCCA VALLEY

CLARK CONSTRUCTION COMPANY

By


Shane R. Struëckle
Acting Town Manager

By


Hal Scott Clark

SECOND AMENDMENT TO AGREEMENT FOR SHOULDER MAINTENANCE SERVICES DATED JULY 1, 2000 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION, AND HAL SCOTT CLARK, DOING BUSINESS AS CLARK CONSTRUCTION COMPANY, FOR THE PROVISION OF SHOULDER MAINTENANCE SERVICES

That certain Agreement for Shoulder Maintenance Services dated July 1, 2000 and amended October 31, 2003 attached hereto as Exhibit "A" is further amended in the following respects only:

1. Section 5, Compensation is amended to read in its entirety as follows:

5. Compensation. Compensation to the CONTRACTOR shall be at the rate set forth in Exhibit "A" attached hereto. Compensation to the CONTRACTOR shall not exceed One Hundred Twenty Five Thousand Dollars (\$125,000.00) for the twelve-month term commencing July 1, 2004 and ending June 30, 2005 only.

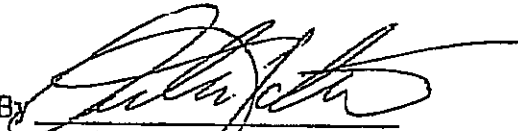
Effective July 1, 2005 compensation to the CONTRACTOR shall not exceed Twenty-Five Thousand dollars (\$25,000.00) per each twelve-month term.


2. Except as amended, all of the terms and conditions of the original Agreement as amended are incorporated as though fully set forth herein.

Dated: 9-15, 2005

TOWN OF YUCCA VALLEY

CLARK CONSTRUCTION COMPANY

By 
Andy Talcata
Town Manager

By 
Hal Scott Clark

THIRD AMENDMENT TO AGREEMENT FOR SHOULDER MAINTENANCE SERVICES DATED JULY 1, 2000 BETWEEN THE TOWN OF YUCCA VALLEY, A MUNICIPAL CORPORATION, AND HAL SCOTT CLARK, DOING BUSINESS AS CLARK CONSTRUCTION COMPANY, FOR THE PROVISION OF SHOULDER MAINTENANCE SERVICES

That certain Agreement for Shoulder Maintenance Services dated July 1, 2000 and amended October 31, 2003 and February 24, 2005 attached hereto as Exhibit "A" is further amended in the following respects only:

1. Section 5, Compensation is amended to read in its entirety as follows:

5. Compensation. Compensation to the CONTRACTOR shall be at the rate set forth in Exhibit "A" attached hereto. Compensation to the CONTRACTOR shall not exceed One Hundred Twenty Five Thousand Dollars (\$125,000.00) for the twelve-month term commencing July 1, 2005 and ending June 30, 2006 only.

Effective July 1, 2006 compensation to the CONTRACTOR shall not exceed Twenty-Five Thousand dollars (\$25,000.00) per each twelve-month term.

2. Except as amended, all of the terms and conditions of the original Agreement as amended are incorporated as though fully set forth herein.

Dated: 9-15-, 2005.

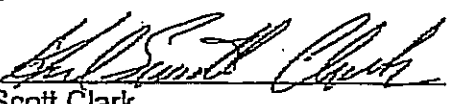
TOWN OF YUCCA VALLEY

CLARK CONSTRUCTION COMPANY

By


Andy Takata
Town Manager

By


Hal Scott Clark

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: January 5, 2011
For Council Meeting: January 18, 2011

Subject: December 2010 Storm Events
Quality Street Services, Inc., Street Sweeper Services
Agreement Amendment
Storm Recovery Contract Compensation Increase to \$50,000
Base Level Services (non-storm) Contract Compensation Increase to \$75,000

Prior Council Review: None.

Recommendation: That the Town Council approves the first Amendment to the Service Agreement with Quality Street Services, Inc., dated September 27, 2005, increasing the Storm Recovery Compensation from \$25,000 to \$50,000, and increasing the base level services compensation from \$50,000 to \$75,000, authorizing the Town Manager to sign all necessary documents.

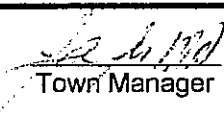
Summary: Town Council approval for service agreements is required above \$25,000. The Town's annual contract with Quality Street Services, Inc. is currently set at a base of \$50,000, with the ability to add additional compensation, in an amount not to exceed \$25,000 for storm recovery efforts. However, Town Council authorization is required for increases above \$25,000 for storm recovery efforts. Due to the December 2010 storms, authorization to increase the storm recovery compensation with Quality Street Services, Inc., to \$50,000 is required.

Due to three prior non-declared storm events in the current fiscal year, a majority of base level services funds have been expended in the first six months of the fiscal year. The recommended action includes allocating an additional \$25,000 to the base level services to address any needs which surface during the remainder of the fiscal year.


Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion

Reviewed By:


Town Manager


Town Attorney


Mgmt Services

Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

Call the Question (Roll Call Vote, Consent Agenda)

Discussion: The annual service contract with Quality Street Services, Inc. is set at \$50,000 for non-storm related street sweeping services. To date, the Town has spent \$43,545 of that \$50,000 annual base contract amount. The amount spent to date reflects regular street sweeping maintenance, as well as cleanup following two storms in July and September of 2010.

The request to increase the Storm Recovery Compensation from \$25,000 to \$50,000 has no bearing on the annual service contract base of \$50,000. The Storm Recovery Compensation funds will be used for cleanup services from the December 2010 storm events.

Due to three prior non-declared storm events in the current fiscal year, a majority of non-storm related funds have been expended in the first six months of the fiscal year. The recommended action includes allocating an additional \$25,000 to the base contract to address any needs which surface during the remainder of the fiscal year.

Alternatives: Staff recommends no alternative actions. This action is necessary for storm clean up activity.

Fiscal impact: The Street Division budgets \$50,000 for street sweeping services (non-storm related) on an annual basis and these costs are paid from Gas Tax revenues.

The Storm Recovery funds in the amount \$50,000 are for cleanup efforts from the December, 2010 storm events and will not affect non storm street sweeping services. The Storm Recovery funds in the amount of \$50,000 and the additional \$25,000 base contract funds will be paid from the appropriations in the Catastrophic Funds account.

Current Contract (non-storm related)	\$50,000
Spent in FY 10/11 so far this year	<u>\$(43,545)</u>
Current (non-storm related) Contract Balance	\$6,455
Additional with the Recommended Action	<u>\$25,000</u>
	\$31,455
Storm Recovery Balance in Contract	\$25,000
Additional Storm Recovery Funds needed	<u>\$25,000</u>
Total Storm Recovery Funds	\$50,000

Attachments: First Amendment
Contract

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

RECITALS

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

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

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

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

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

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

Section 17, Storm Recovery Compensation.

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

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

Dated: _____, 2011.

TOWN OF YUCCA VALLEY

QUALITY STREET SERVICES, INC.

By _____
Mark Nuaimi
Town Manager

By _____
Jack King

By _____
Elizabeth King

K:\TC\2011\01-18-11 TC Meeting\Amendment to Contract for Quality Street Sweeping for Storm Cleanup\01-18-11 tc Contract Amen
- Quality Street Sweeping - Storm Cleanup.doc

TOWN OF YUCCA VALLEY

AGREEMENT FOR STREET SWEEPING SERVICES

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

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

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

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

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

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

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

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

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

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

TOWN:

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

CONTRACTOR:

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

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

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

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

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

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

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

8. Scope of Work.

(a) Standard of Performance

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

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

(b) Sweeping

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

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

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

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

(c) Disposal of Refuse and Debris

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

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

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

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

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

9. Utilities.

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

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

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

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

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

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

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

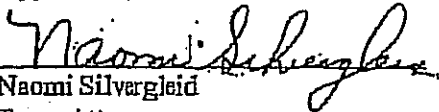
15. **Compliance with Applicable Laws.** In performing all services hereunder, CONTRACTOR shall comply with all applicable Federal and State laws and regulations and all applicable laws and regulations of the Town and/or all other relevant government agencies. Also, CONTRACTOR certifies and agrees that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

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

17. Storm Recovery Compensation: In addition to base level service compensation, the Town Manager is authorized to approve addition compensation to CONTRACTOR, in an amount not exceeding \$25,000.00, for Storm Recovery efforts. Town Council authorization is required for increases above \$25,000.00 for Storm Recovery Efforts.


IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Agreement upon the terms, conditions and provisions above stated on the day and year first above written in this Agreement.

Approved as to Form:

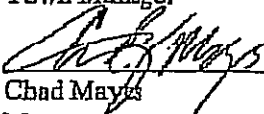


Naomi Silvergleid
Town Attorney

FOR THE TOWN OF YUCCA VALLEY

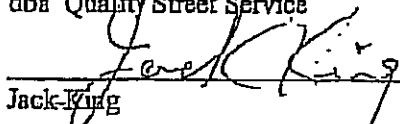


Andy Takata Date
Town Manager

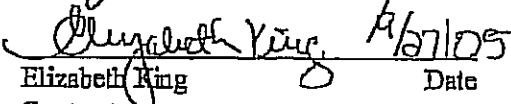


Chad Mayes Date
Mayor

FOR THE CONTRACTOR
dba Quality Street Service

 9/27/05

Jack King Date

 9/27/05

Elizabeth King Date
Contractor

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: January 5, 2011
For Council Meeting: January 18, 2011

Subject: 2009-2010 Annual Redevelopment Report
2009-2010 Annual Redevelopment Agency Financial Report

Prior Council Review: The Town Council received the draft Report at its meeting of December 21, 2011. This is an administrative requirement received annually by the Town Council.

Recommendation: That the Town Council approves the 2009/2010 Annual Redevelopment Report and the 2009/2010 Annual Redevelopment Agency Financial Report.


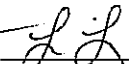
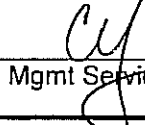
Summary: State Redevelopment law requires that an annual report be filed with the legislative body within 6 months of the end of the fiscal year.

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: Redevelopment law Health and Safety Code 33080 et seq. requires Redevelopment Agencies to submit to the legislative body and file with the State Controller the annual report within 6 months of the close of the fiscal year. The purpose of the report is to evaluate the implementation of Agency programs and expenditures in comparison to legal requirements. The majority of reporting requirements are focused upon financial reporting and compliance with low and moderate income housing mandated programs and expenditures.

Additionally, the report shall also include achievements from the previous fiscal year, a work program for the current fiscal year, and any recommendations for legislation necessary to carry out Redevelopment programs and functions.

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

Attached to this staff report is the 2009/2010 Annual Redevelopment Report. Redevelopment law requires that the Legislative Body shall review the report and take any action, which it deems appropriate on the report submitted no later than the first meeting of the legislative body occurring more than 21 days from the receipt of the report.

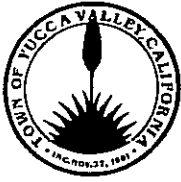
The Report is compiled with the additional intent of indicating "linkages" between the Agency's Five-Year Implementation Plan, the General Plan, and with the Agency's adopted programs for the current fiscal year. Finally, the Annual Audited Financial Statements are attached.

The individual reports to be included within the Annual Report include the Annual Audit, the State Controllers Report, the Statement of Indebtedness, the State Department of Housing and Community Development report (HCD-A, HCD-B, and HCD-C), Loan Report, and Property and Loan Reports.

Alternatives: Staff recommends no alternatives to this action. The Legislative Body may wish to identify, clarify, or amend goals, policies, programs, achievements, etc., as presented in the Annual Report.

Fiscal impact: There are no fiscal impacts or costs, less staff preparation time and materials, for action on this item. The costs of the staff time and materials, auditor's report, and the State Controllers Report, are items for which funds were allocated in the adoption of the 2009/2010 fiscal year budget.

Attachments: Annual RDA Report
Audited Financial Statement
Statement of Indebtedness
Financial Transactions Report
HCD Forms



Yucca Valley Redevelopment Agency

FINAL
2009/2010
Annual Report

**TOWN OF YUCCA VALLEY
REDEVELOPMENT AGENCY**

FINAL

2009/2010

ANNUAL REDEVELOPMENT REPORT

George Huntington, Agency Chair

Frank Luckino, Agency Vice Chair

Isaac Hagerman, Agency Member

Chad Mayes, Agency Member

Dawn Rowe, Agency Member

Mark Nuaimi, Executive Director

PURPOSE:

The purpose of the Annual Report is to ensure compliance by the Yucca Valley Redevelopment Agency with Section 33080.1 of the Health and Safety Code. Section 33080.1 states the following.

"Every redevelopment agency shall present a report to its legislative body within six months of the end of the agency's fiscal year. The report shall contain all of the following:

- (a) An independent financial audit report for the previous fiscal year. "Audit report" means an examination of, and opinion on, the financial statements of the agency which present the results of the operations and financial position of the agency, including all financial activities with monies required to be held in a separate Low and Moderate Income Housing Fund pursuant to Section 33334.3. This audit shall be concluded in accordance with generally accepted auditing standards and the rules governing audit reports promulgated by the State Board of Accountancy. The audit report shall also include an opinion of the agency's compliance with the laws, regulations and administrative requirements governing activities of the agency.

However, the legislative body may elect to omit from inclusion in the audit report, any distinct activity of the agency which is funded exclusively by the federal government and which is subject to audit by an agency or instrumentality of the federal government.

- (b) A work program for the coming year, including goals.
- (c) An examination of the previous year's achievements and a comparison of the achievements with the goals of the previous year's work program.
- (d) Recommendations for needed legislation to carry on properly a program of housing and community development in California."

THE YUCCA VALLEY REDEVELOPMENT AGENCY

The Landers Earthquake struck the area on June 28, 1992. As a result, the Agency was established on September 3, 1992, primarily respond to the earthquake and to provide mechanisms for economic recovery as a result of the devastated impact the earthquake had on public and private property. On August 5, 1993, the Agency adopted the Project Area, which includes two separate sub-areas:

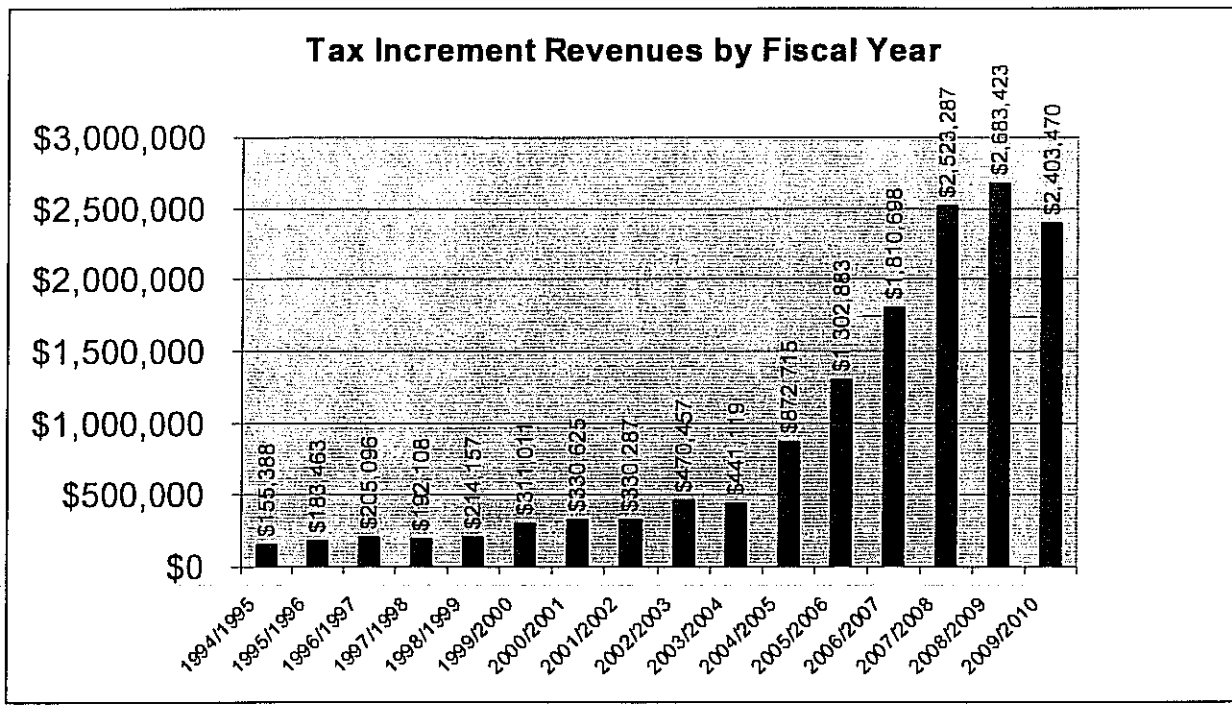
Downtown Sub-area is generally defined as the commercial corridor along State Route 62, between Homestead Hill and Balsa Avenue. This sub-area contains the Town's primary commercial business district and covers approximately 1,432 acres.

East End Residential Sub-area is generally located between State Route 62 on the north, Joshua Lane at San Andreas on the south, the extension of Indio north to State Route 62 on the east, and along Emerson, Frontera and Avalon moving south to north to State Route 62. This sub-area contains a variety of residential uses and covers approximately 925 acres.

HISTORICAL AGENCY INCREMENT:

The Agency's first tax increment was received on December 5, 1994. The following increment has been received by the Agency since inception of the Project Area on August 5, 1993,

1994/1995	\$155,388	2002/2003	\$470,457
1995/1996	\$183,463	2003/2004	\$441,113
1996/1997	\$205,096	2004/2005	\$872,715
1997/1998	\$192,108	2005/2006	\$1,302,883
1998/1999	\$214,157	2006/2007	\$1,810,698
1999/2000	\$311,011	2007/2008	\$2,523,287
2000/2001	\$330,625	2008/2009	\$2,683,423
2001/2002	\$330,287	2009/2010	\$2,403,470
		TOTAL	\$14,430,181



REDEVELOPMENT AGENCY GOALS

The Agency's primary goal continues to be eliminating blighting conditions in the Project Area and ensuring the economic vitality of the Town through improvements to public infrastructure, commercial development, and affordable housing. Long-term revitalization activities are guided by the 40-year Redevelopment Plan for the Project Area. Redevelopment projects have included public facility and infrastructure improvements, affordable housing renovation, and partnerships with private industry to create jobs and expand the local economy.

The Redevelopment Plan established a variety of goals for redevelopment of the Project Area: these goals frame the redevelopment objectives for the Implementation Plan. The Redevelopment Plan goals are listed below:

Encourage Employment Opportunities.

Provide for the Rehabilitation of Commercial Structures and Residential Dwelling Units.

Encourage Redevelopment Through Owner Participation, Cooperation of Private Enterprise and Public Agencies.

Provide for the Management of Property Owned or Acquired by the Agency.

Provide Relocation Assistance.

Provide Public Improvements.

Acquire and Assemble Real Property.

Dispose of Real Property Acquired by the Agency.

Affordable Housing. Consistent with Redevelopment Law, increase, improve, and expand the community's supply of affordable housing.

Redevelopment activities will assist in the transformation of the physical and economic blight of the Project Area. The specific projects and expenditures are intended to achieve further progress towards these goals and objectives. Including the discussion regarding actual projects and expenditures and the previously defined goals and objectives, the expenditures will help eliminate blighting conditions in the following manner:

Increasing employment through provision of additional jobs created as a result of private sector investment.

Increasing residential stability as a result of improved neighborhood conditions and an improved housing stock, which meets the needs of a broad range of incomes.

Correcting original deficiencies in planning of the Project Area through redevelopment, thereby creating a more cohesive and appropriate urban environment, within the Project Area, for residents and visitors alike.

Increasing private investment as a result of catalytic projects created throughout the Project Area and the Town of Yucca Valley.

Reducing office and residential vacancies due to new residents and business entering the downtown community as blight is removed.

Correcting existing deficiencies in public infrastructure, including roadways, flood control improvements, pedestrian facilities, water facilities, and through under grounding of utilities.

It is anticipated that the existing programs will be expanded to include other activities directly related to the goals and objectives as identified in this report.

RELATIONSHIP TO GENERAL PLAN GOALS, POLICIES, & PROGRAMS

The Yucca Valley General Plan outlines goals, policies and programs that are directly related to Agency goals within this Implementation Plan. Within the General Plan, the Economic Development and Housing Elements identify goals, policies and programs that are strongly tied to the Agency's activities. Copies of the complete Elements, which include comprehensive programs and the Element's Implementation Strategies are identified by reference in this Report.

ECONOMIC DEVELOPMENT ELEMENT

Goal 1:

A broadly based, healthy and balanced economy that provides a full range of economic and employment opportunities.

Goal 2:

Continued growth, which assures the maintenance of a revenue base adequate to support present and future public services and facilities.

Policy 1:

Maintain and strengthen the Town's role as the commercial center of the Morongo Basin and the South Mojave Desert Region.

Policy 2:

Actively solicit employment and revenue generating development compatible and consistent with the Town's General Plan.

Policy 3:

Encourage the development of the tourist/traveler commercial potential of the State Highway 62 corridor, the National Park and the Mojave Desert.

Policy 4:

Encourage resolution of domestic water issues and stable and orderly growth in permanent and seasonal households within the Community.

Policy 5:

Assure sufficient infrastructure and capital facilities in order to maintain existing economic activities and attract new commercial businesses and industry to the area.

Policy 6:

Preserve the community's marketable and unique qualities through thoughtful control of new development, protecting and enhancing the rural character of the community.

Policy 7:

Adopt and implement plans, which encourage and enhance quality development and renovation in the downtown area, along Highway 62 and Highway 247.

Policy 8:

Utilize a commercial economic profile and development implementation strategy to achieve the economic goals of the community.

Policy 9: Reinforce Yucca Valley's place as a regional administrative center through the cooperative planning of Town and County administrative facilities within the Town limits.

Policy 10:

Work to promote net annual increases in local household incomes for all socio-economic sectors of the community.

Policy 11:

Make every effort to expedite the processing of development proposals which address the economic development goals of the community and shall take the initiative to incubate new programs and projects.

Policy 12:

Encourage and promote special events, activities and uses which strengthen and promote the Town's image prestige and attractiveness as a tourist/visitor destination.

Policy 13:

Develop programs which enhance its role as the Gateway to the Joshua Tree National Park and encourage the expansion of associated tourist/traveler revenues.

HOUSING ELEMENT:

Housing Element Goals and Policies

GOAL 1

The development of a variety of housing types and prices in the Town of Yucca Valley that will accommodate both existing and future residents within all socio-economic segments of the community.

GOAL 2

The development of affordable housing projects to meet the community's need.

GOAL 3

The maintenance and rehabilitation of the Town's core neighborhoods.

Policy 1

Ensure that the quality of existing and future dwelling units in neighborhoods within the Town of Yucca Valley is preserved and maintained.

Policy 2

Provide residential lands that are adequate to meet the housing objectives for the Town.

Policy 3

Meet the housing needs of the extremely low, very low, low and moderate income population within the community, regardless of the householder's race, religion, sex, marital status, ancestry, national origin or color.

Policy 4

Promote and facilitate the use of State and Federal monies for the development and rehabilitation of affordable housing in the community.

Policy 5

Promote and preserve mobile home parks for their value as low and moderate-income housing opportunities.

Policy 6

Ensure that new housing projects are designed in an energy efficient manner.

Policy 7

Residential development in the Town of Yucca Valley will preserve and protect as much as possible, the desert flora and fauna.

Policy 8

Facilitate the construction and rehabilitation of renter and owner occupied housing by providing a range of land use and zoning categories throughout the Town.

Policy 9

Encourage the development of larger unit sizes in multi-family rental projects and second units on single family lots in order to alleviate overcrowding.

Policy 10

Facilitate the development and preservation of senior housing through incentives and assistance programs.

Policy 11

Encourage the preservation of home town and rural atmosphere through design standards.

Policy 12

High density, affordable and senior projects shall be located with convenient access to shopping, public transit, and school and park facilities.

Additional programs and implementation strategies for each element are also included in the General Plan.

2009/2010 ACCOMPLISHMENTS

The following generally describes the accomplishments of the Agency during this reporting period.

- **Update of 5 Year Implementation Plan completed and adopted.**
- **Implementation of the Old Town Specific Plan Through Property Acquisition.**
The Agency initiated property acquisition in two programmatic areas in the Old Town area. The first property acquisition program is directly linked to the realignment of SR-62 around Old Town. The Agency initiated the evaluation of specific parcels necessary for the realignment of SR-62 and entered into property negotiations for the acquisition of properties.

The second property acquisition program is directly linked to the future public or private development and investment opportunities in the Old Town area including the possible relocation of the Hi Desert Nature Museum and the Yucca Valley Branch of the San Bernardino County Library. The Agency continued acquisition efforts during this reporting period for these future opportunities. These development opportunities will assist in creating a focal point for the area and draw residents, tourists and visitors to Old Town thereby increasing the viability of additional business development and blight elimination.

- **Creation of Affordable Housing Units:** The Agency began negotiations for the development of the Serenity Village senior affordable housing project. Those negotiations were terminated as the Agency proceeded with a formal RFQ/RFP

process in the subsequent reporting period. This project is continuing in the subsequent reporting period.

- **Preliminary analysis begun for an RDA project in Sub-area #2:** The Agency initiated the process for the potential formation of Yucca Valley Redevelopment Project Area No. 2. It is anticipated that this effort will continue during the next reporting period.
- **Property acquisition of prominent vacant commercial building at the intersection of SR62 Outer Highway and Joshua Lane.** The Agency acquired the property located at the south west corner of SR 62 and Joshua Lane. The Agency evaluated potential public reuse as well as private sector revitalization. The Agency elected to proceed with the sale of the property for private sector revitalization, and it is anticipated that this process will conclude during the next reporting period.
- **Realignment of State Route 62.** The Agency provided funding for the preparation of plans for the realignment of SR-62 as identified in the Old Town Specific Plan. The project will realign SR-62 to the north between Kickapoo Trail and Acoma Trail, and add 15-foot wide sidewalks and landscaped medians. The overall realignment is proposed from Camino Del Cielo, just west of Palm Avenue. The Project Study Report ("PSR") for the project was approved by Caltrans in May 2007. The project is currently in the environmental analysis phase and preliminary alignment plans are being prepared. The remaining highway segment resulting from the proposed realignment would be relinquished to the Town of Yucca Valley/Yucca Valley Redevelopment Agency, and would be subject to the Old Town Specific Plan improvements. These improvements would include, but not be limited to, roadway narrowing and widening of sidewalks.

Because of focus upon the Old Town Plan, no action was taken in the prior programmatic areas.

Financial Participation in New Construction:	\$0.00
Storefront Improvement Rebate Program:	\$0.00
Infrastructure Maintenance Program:	\$0.00
Infrastructure Program:	\$0.00
Sign Replacement Program:	\$0.00
Redevelopment Agency Operations:	\$300,853

Redevelopment Operations include those expenditures customary for carrying out adopted

Agency activities: The above number includes General Administration, ERAF payments, Audit costs, and the Property Tax Administration fee paid to San Bernardino County.

Low and Moderate Income Housing: \$ 19,406

Agency staff continued to work with housing interests on increasing the supply of LMI housing opportunities. This process continues.

2010/2011 WORK PROGRAM

Based upon the adopted 5-Year Implementation Plan, the Agency will be considering several policies and programs in the following categories.

Implement Old Town Specific Plan

The Agency will implement the Plan's economic development, infrastructure and housing objectives. This may include installing trash receptacles, directional signage, benches, and street and pathway illumination, as well as continued policy discussions and efforts regarding the potential realignment of SR 62.

Completion of this project will help create new jobs and will boost the local economy by attracting new businesses to the area.

Façade Improvement Program

The Agency will consider implementation of a Façade Improvement Program based upon available financial resources.

A Façade Improvement Program (FIP) may provide business and property owners an opportunity to rehabilitate dilapidated buildings. The Agency may provide matching funds to facilitate exterior façade improvements which can increase business exposure and pedestrian traffic, and enliven older, commercial districts.

Completion of this project will help improve unsafe and unhealthy structures, alleviate visual blight and depreciated or stagnant property values, provide architectural continuity, and eliminate factors hindering economically viable uses.

Branding & Marketing Program

As the Town continues to grow and prosper, a unifying marketing and branding strategy is needed to help shape the Town's image. This branding strategy will be developed and help the Town define how it will market itself and attract visitors and investors. The Agency will fund this effort that will identify the community's assets by gathering input from

residents and stakeholders, as well as graphic concepts to be used in future marketing campaigns. Completion of this project will help create new jobs and will boost the local economy of the community by attracting new businesses and residents to the area.

Land Acquisition

The Agency has strategic plans to acquire and consolidate critical parcels for future mixed use development within the Old Town Specific Plan area. Completion of this program will allow the agency to market these consolidated parcels to private development or combine public facilities within the mixed use concept to promote blight removal within the Old Town Specific Plan area.

Public Infrastructure Program

The Agency will participate in the ongoing initiative to install sidewalks, traffic-calming medians, and other motor and pedestrian circulation system improvements. The initial activities will occur primarily in the Old Town area and along Highway 62. This project will provide necessary repairs to the street systems and facilitate the safe and efficient movement of traffic and allow storm water to drain more efficiently.

Expand Project Area

The Agency will evaluate the legal and financial viability of adding territory to the Project Area. If this analysis determines that adding territory can be justified, to address blight, the Agency would then fund a Redevelopment Plan amendment. Completion of this program will help alleviate conditions of physical and economic blight in the Project Area and Town.

Infrastructure Improvements

Infrastructure improvements, including health & safety issues and concerns, will serve to implement a number of agency goals and objectives towards the elimination of physical and economic blight within the project area.

The following goals and objectives within the Agency's Five-Year Implementation Plan link the program to overall Agency goals and objectives.

Eliminate and prevent the spread and recurrence of blight and deterioration.

Redevelop, rehabilitate, conserve, restore and renew the project area. In addition, work in conjunction with Town of Yucca Valley programs which encourage proper maintenance of residential properties, facilitate the productive use of abandoned housing, as well as emphasize the need for proper maintenance of streets and

public pedestrian facilities.

Develop and maintain a quality Yucca Valley Town Center area that will provide public/quasi-public, institutional, and financial services to the Town and the Morongo Basin.

Maintain and expand upon existing shopping opportunities within the Redevelopment Project Area that will provide the Basin with retail shopping opportunities as well as encourage project investment and merchants to locate within the Project Area.

Infrastructure projects are currently underway, at varying levels, including the following.

SR 62, Apache to Palm, Median Islands, federal, RDA, and Measure I fund allocations are anticipated;

SR 62, Airway to Sage, widening to six lanes, federal, RDA, and Measure I fund allocations are anticipated;

SR 62 realignment, long term project, Remembrance Park to Inca/Hopi, federal, state, RDA and Measure I fund allocations are anticipated.

Affordable Housing Program

Agency Housing Assistance Programs - The Agency will evaluate program alternatives for providing financial housing assistance via programs such as the Mortgage Assistance Program to assist very low, low or moderate-income households through grants for down payments and closing costs, Home Improvement grants to assist very low and low-income homeowners in improvement of their property, and work with privately funded housing programs such as Habitat for Humanity to encourage the construction of ownership units. Completion of this project would eliminate blighted residential properties in the Project Area and create decent, safe, and sanitary affordable housing.

The Agency will continue with its efforts towards the development of new affordable housing units within the Town, as a continuation of the RFQ/RFP process. In working with the selected development team, the Agency will complete necessary plans to apply for Federal HUD, state tax credit, and HOME funds made available through the County of San Bernardino.

REQUIREMENTS REGARDING COMPLIANCE WITH SECTION 33080.1(c)

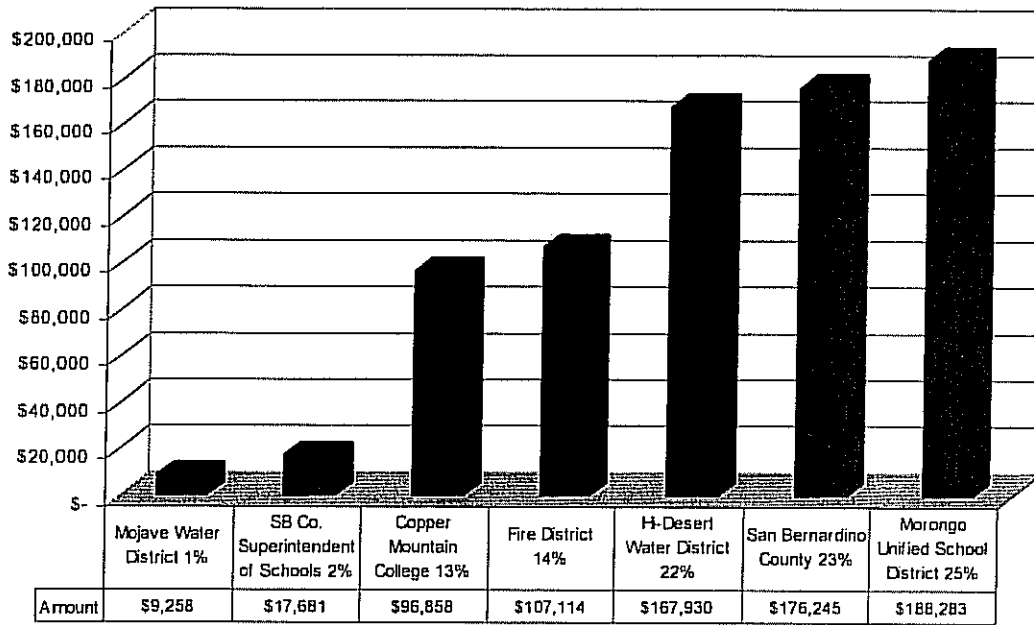
As a part of the annual reporting requirements, the Health & Safety Code stipulates that the Agency will report on very specific activity of the Agency in relation to the expenditure(s) of the low and moderate income housing fund (mandatory 20% set-a-side).

- 1 The Yucca Valley Redevelopment Agency displaced no individual or families from their units during the reporting period.
- 2 The Yucca Valley Redevelopment Agency anticipates displacing no individuals or families within any of the income categories.
- 3 There were no units, within any of the income categories for individuals and families, which were removed from the housing market during the reporting period as part of a redevelopment agency project.
- 4 No units were constructed within Project Area No. 1 which are restricted to low and moderate income housing needs and are required by agreement or ordinance to be made available at affordable costs.
- 5 For fiscal year 2009/2010, the Agency received approximately \$2,403,470 in increment. Therefore, approximately \$480,694 constituted increment for the low & moderate fund. Because the increment is pledged to bonded indebtedness, the increment is passed to the trustee for bonded indebtedness payments, and the low & moderate fund contains prior accrued increment and interest.
- 6 The total costs for planning and general administrative costs during the reporting period were approximately \$600,853. These costs include Redevelopment Agency Operation costs as well as the costs incurred during the year for the Old Town Specific Plan and SR 62 Master Planning projects.

33080.5: REQUIREMENTS REGARDING COMPLIANCE WITH SEC. 33080.1 (b).

- 1 The amount of outstanding indebtedness of the agency and each project area was \$10,290,000.
- 2 The amount of tax increment property tax revenues generated in the Agency and in each project area was \$2,403,470.
- 3 The amount of tax increment revenues paid to a taxing agency pursuant to subdivision (b) of Section 33401 was \$763,369. Including the payment to the Supplemental Educational Revenue Augmentation Fund (SERAF), the total paid was \$1,400,048.

FY 2009/2010 Tax Increment Pass Through \$763,369



- 4 The financial transaction report required pursuant to Section 53891 of the Government Code is attached.
- 5 No other information is deemed necessary.

33080.7. ADDITIONAL REQUIREMENTS REGARDING COMPLIANCE WITH SEC. 33080.1(C): EXCESS SURPLUS: LOW AND MODERATE INCOME HOUSING FUND

For the purposes of compliance with subdivision (c) of Section 33080.1 and in addition to the requirements of Section 33080.4, the description of the agency's activities shall identify the amount of excess surplus, as defined in Section 33334.10, which has accumulated in the agency's Low and Moderate Income Housing Fund. Of the total excess surplus, the description shall also identify the amount that has accrued to the Low and Moderate Income Housing Fund during each fiscal year. This component of the annual report shall also include any plan that is required and reported by subdivision (c) of Section 33334.10.

For the fiscal year ending June 30, 2010 there were \$10,260 in excess funds. The Agency is currently negotiating a development proposal for low/moderate income housing in the project area. It is anticipated that this proposal will be executed during fiscal year 2010/2011, and that a component of any such development will require the use of most or all of the existing funds in the low/moderate income housing fund.

**Yucca Valley Redevelopment Agency
Property Report
Fiscal Year 2009/2010**

Property report (describes properties owned by the agency and those acquired in the previous fiscal year), Health and Safety Code Section 33080.4

New Properties: The following listed properties were purchased during Fiscal Year 2009/2010 by the Agency:

Assessor Parcel Numbers: 586-321-11, 12, 13, 14 & 15

Total Purchase Price: \$500,000

2.11 acres of vacant land and .34 acres containing a 1,360 square foot vacant commercial structure

Assessor Parcel Numbers: 586-322-04

Total Purchase Price: \$126,092

.72 acres of vacant land

Assessor Parcel Numbers: 586-101-08 & 09

Total Purchase Price: \$305,000

.48 total acres containing a 3,843 square foot vacant commercial building

Assessor Parcel Numbers: 595-162-08 & 09

Total Purchase Price: \$1,630,000

2.6 total acres containing a 7,322 square foot vacant commercial building and an adjacent vacant parcel

Disposition of Existing Properties:

The Agency sold no properties during this reporting period.

Existing Properties

The Redevelopment Agency owns the following properties.

6405 Avalon Avenue: Leased to Unity Home.

Residential Duplex structure, acquired by the Agency in 1994

6411 Avalon Avenue: Leased to Unity Home.

Residential Duplex structure, acquired by the Agency in 1994

6414 Hermosa Avenue: Leased to Unity Home.

Residential Duplex structure, acquired by the Agency in 1994

6413 Goleta Avenue: Leased to Unity Home.

Residential Duplex structure, acquired by the Agency in 1994

6403 Goleta Avenue: Leased to Unity Home.

Residential Duplex structure, acquired by the Agency in 1994

APNs 586-321-01, 02, 16, & 17, for approximately .738 acres.

Vacant lands, acquired by Agency in 2005/2006

**Yucca Valley Redevelopment Agency
Loan Report
Fiscal Year 2009/2010**

Loan report (identifies loans (receivable) which equal or exceed \$50,000 and that were found by the agency during the previous fiscal year to have either defaulted or not complied with the terms of the agreements approved by the Agency), Health and Safety Code Section 33080.

The Yucca Valley Redevelopment Agency has not issued any loans which fit the criteria of exceeding \$50,000 and that were found to have defaulted or not complied with the terms of the loan agreement.

**Yucca Valley Redevelopment Agency
Housing Activities Report
Fiscal Year 2009/2010**

Housing Activities Report, Health and Safety Code Sections 33080.4 and Section 33080.7

During the reporting period, fiscal year 2009/2010, the Yucca Valley Redevelopment Agency did not displace or move from their dwelling units as part of a redevelopment project, any non-elderly and elderly households, including very low income households, other lower income households, and person and families of moderate income.

During the present fiscal year, the Agency projects will not require the displacement of any individuals from their dwellings as part of a redevelopment project. Subsequently, it is not necessary to prepare or adopt a replacement-housing plan for each project area.

During the previous fiscal year, the Redevelopment Agency did not destroy or remove any dwelling units housing very low-income households, other lower income households, and persons and families of moderate income.

During the previous fiscal year, 2009/2010 the Redevelopment Agency did not complete any work that resulted in the creation of covenants or other restrictions that limit the occupancy to any age group, including elderly persons and families. And the only income restrictions that exist are those that are applicable to the expenditure of Low and Moderate Income (LMI) funds.

All properties formerly acquired and rehabilitated by the Agency have remained occupied during the previous fiscal year by low and moderate income individuals and/or families.

The LMI fund was not used for off-sited improvement costs, during this reporting period, fiscal year 2009/2010.

The LMI fund was not used for infrastructure costs during this reporting period, fiscal year 2009/2010.

No funds were expended for planning and general administrative costs.

There are no contracts for future construction of LMI housing.

There are no surplus LMI funds.

**YUCCA VALLEY
REDEVELOPMENT AGENCY
(A component unit of the Town of Yucca Valley)**

**Financial Statements and
Supplemental Data**

For the year ended June 30, 2010

(With Independent Auditor's Report Thereon)

**Yucca Valley Redevelopment Agency
Financial Statements and Supplemental Data
For the year ended June 30, 2010**

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Agency Board
Yucca Valley Redevelopment Agency
Yucca Valley, California

INDEPENDENT AUDITOR'S REPORT

We have audited the accompanying financial statements of the governmental activities and each major fund of Yucca Valley Redevelopment Agency (the Agency), a component unit of the Town of Yucca Valley, California, as of and for the year ended June 30, 2010, which collectively comprise the Agency's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Agency's management. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Yucca Valley Redevelopment Agency, as of June 30, 2010, and the respective changes in financial position thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Management has omitted Management's Discussion and Analysis and the budgetary comparison data that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

In accordance with *Government Auditing Standards*, we have also issued our report dated September 8, 2010, on our consideration of the Yucca Valley Redevelopment Agency's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Rogers, Anderson, Malody & Scott, LLP

September 8, 2010

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**Yucca Valley Redevelopment Agency
Statement of Net Assets
June 30, 2010**

	<u>Governmental Activities</u>
Assets	
Cash and investments	\$ 9,600,824
Cash with fiscal agent	743,203
Receivables:	
Interest	12,692
Notes	13,673
Land held for resale	1,658,552
Deferred charges	304,638
Capital assets not being depreciated:	
Land	<u>939,806</u>
 Total assets	 <u>13,273,388</u>
 Liabilities	
Accounts payable and accrued expenses	441,690
Interest payable	40,193
Long-term liabilities:	
Due within one year	175,000
Due in more than one year	<u>9,825,397</u>
 Total liabilities	 <u>10,482,280</u>
 Net assets	
Invested in capital assets	939,806
Restricted for:	
Community development	<u>1,851,302</u>
 Total net assets	 <u><u>\$ 2,791,108</u></u>

The accompanying notes are an integral part of these financial statements.

**Yucca Valley Redevelopment Agency
Statement of Activities
For the year ended June 30, 2010**

	Governmental Activities
Program expenses	
Governmental activities:	
General government	\$ 271,035
Community development	993,818
Low and moderate housing	29,083
Interest on long-term debt	587,298
Total program expenses	1,881,234
General revenues	
Taxes:	
Tax increment, net	1,640,101
Intergovernmental, unrestricted	21,766
Investment income	69,275
Total general revenues	1,731,142
Change in net assets	(150,092)
Net assets, beginning of year	2,941,200
Net assets, end of year	\$ 2,791,108

The accompanying notes are an integral part of these financial statements.

**Yucca Valley Redevelopment Agency
Balance Sheet
Governmental Funds
June 30, 2010**

	Special Revenue	Debt Service	Capital Projects	Total Governmental Funds
Assets				
Cash and investments	\$ 1,582,014	\$ 2,294,013	\$ 5,724,797	\$ 9,600,824
Cash with fiscal agent	-	743,203	-	743,203
Receivables:				
Interest	2,068	3,067	7,557	12,692
Notes	13,673	-	-	13,673
Advance to other funds	636,679	-	-	636,679
Land held for resale	-	1,658,552	-	1,658,552
Total assets	\$ 2,234,434	\$ 4,698,835	\$ 5,732,354	\$ 12,665,623
Liabilities and fund balances				
Liabilities:				
Accounts payable	\$ 6,792	\$ 343,125	\$ 86,177	\$ 436,094
Accrued payroll	-	5,596	-	5,596
Advance from other funds	-	636,679	-	636,679
Total liabilities	6,792	985,400	86,177	1,078,369
Fund balances:				
Reserved for:				
Notes receivable	13,673	-	-	13,673
Advance to other funds	636,679	-	-	636,679
Unreserved, reported in:				
Special revenue fund	1,577,290	-	-	1,577,290
Debt service fund	-	3,713,435	-	3,713,435
Capital projects fund	-	-	5,646,177	5,646,177
Total fund balances	2,227,642	3,713,435	5,646,177	11,587,254
Total liabilities and fund balances	\$ 2,234,434	\$ 4,698,835	\$ 5,732,354	\$ 12,665,623

The accompanying notes are an integral part of these financial statements.

**Yucca Valley Redevelopment Agency
 Reconciliation of the Balance Sheet of Governmental Funds
 to the Statement of Net Assets
 Governmental Funds
 June 30, 2010**

Fund balances of governmental funds \$ 11,587,254

Amounts reported for governmental activities in the Statement of Net Assets
 are different because:

Capital assets are not financial resources, therefore, they are excluded from
 the governmental financial statements. 939,806

Long-term liabilities are not due and payable in the current period
 and, accordingly, are not reported as liabilities. All liabilities (both current
 and long-term) are reported in the Statement of Net Assets.

Bonds payable	(10,290,000)
Deferred loss on refunding	181,476
Bond discount	108,127

Accrued interest payable for the current portion of interest due on long-term
 liabilities has not been reported in the governmental funds. (40,193)

Other long-term assets are not available to pay for current-period expenditures
 and, therefore, are deferred in the funds.

Deferred charges	304,638
------------------	---------

Net assets of governmental activities	\$ 2,791,108
---------------------------------------	--------------

The accompanying notes are an integral part of these financial statements.

Yucca Valley Redevelopment Agency
Statement of Revenues, Expenditures and Changes
in Fund Balances
Governmental Funds
For the year ended June 30, 2010

	Special Revenue	Debt Service	Capital Projects	Total Governmental Funds
Revenues				
Tax increment	\$ -	\$ 2,403,470	\$ -	\$ 2,403,470
Intergovernmental	-	21,766	-	21,766
Investment income	11,222	23,039	35,014	69,275
Total revenues	<u>11,222</u>	<u>2,448,275</u>	<u>35,014</u>	<u>2,494,511</u>
Expenditures				
Current:				
General government	-	271,035	-	271,035
Community development	29,083	-	1,286,065	1,315,148
Debt service:				
Principal	-	170,000	-	170,000
Interest and fiscal charges	-	573,917	-	573,917
Supplemental ERAF shift	-	636,679	-	636,679
Pass-through payments	-	763,369	-	763,369
Total expenditures	<u>29,083</u>	<u>2,415,000</u>	<u>1,286,065</u>	<u>3,730,148</u>
Excess of revenues over (under) expenditures	<u>(17,861)</u>	<u>33,275</u>	<u>(1,251,051)</u>	<u>(1,235,637)</u>
Other financing sources (uses)				
Transfers in	509,069	65,299	-	574,368
Transfers out	(65,299)	(509,069)	-	(574,368)
Total other financing sources (uses)	<u>443,770</u>	<u>(443,770)</u>	<u>-</u>	<u>-</u>
Net change in fund balances	425,909	(410,495)	(1,251,051)	(1,235,637)
Fund balances, beginning of year	<u>1,801,733</u>	<u>4,123,930</u>	<u>6,897,228</u>	<u>12,822,891</u>
Fund balances, end of year	<u>\$ 2,227,642</u>	<u>\$ 3,713,435</u>	<u>\$ 5,646,177</u>	<u>\$ 11,587,254</u>

The accompanying notes are an integral part of these financial statements.

Yucca Valley Redevelopment Agency
Reconciliation of the Statement of Revenues, Expenditures and
Changes in Fund Balances of Governmental Funds to the
Statement of Activities
For the year ended June 30, 2010

Net change in fund balances of governmental funds	\$ (1,235,637)
<p>Amounts reported for governmental activities in the statement of activities are different because:</p>	
<p>Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of such assets is capitalized.</p>	939,806
<p>The repayment of the principal of long-term debt consumes the current financial resources of governmental funds. This transaction, however, does not have an effect on net assets.</p>	
Principal payments on debt	170,000
<p>Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.</p>	
Change in accrued interest expense	449
Amortization of:	
Loss on refunding	(9,765)
Cost of issuance	(10,880)
Bond discount	(4,065)
	(24,690)
Change in net assets of governmental activities	\$ (150,092)

The accompanying notes are an integral part of these financial statements.

**Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010**

Note 1: Summary of Significant Accounting Policies

The following is a summary of the significant accounting policies of the Yucca Valley Redevelopment Agency (the Agency):

(a) Reporting Entity

The Agency was created by Ordinance No. 37 of the Yucca Valley Town Council, adopted September 3, 1992. The Agency was established pursuant to the Community Redevelopment Law of California. Project Area No. 1 was adopted as of August 6, 1993. The specific goal of the Project is to eliminate the many instances of visual, economic, physical and social blight within the project area. Therefore, all of the Agency's assets are restricted by the Community Redevelopment Law for the purpose of redevelopment (the elimination of blight). In addition, the Agency is a component unit of the Town of Yucca Valley as determined by applying the criteria set forth in GASBS No 14, as amended by GASBS No. 39.

(b) Measurement Focus and Basis of Accounting

The basic financial statements of the Agency are composed of the following:

- Government-wide financial statements
- Fund financial statements
- Notes to the basic financial statements

Government-wide Financial Statements

Government-wide financial statements display information about the reporting government as a whole, except for its fiduciary activities. These statements include separate columns for the governmental and business-type activities of the primary government (including its blended component units), as well as its discretely presented component units. The Yucca Valley Redevelopment Agency has no business-type activities or discretely presented component units or fiduciary activities. Eliminations have been made in the Statement of Activities so that certain allocated expenses are recorded only once (by function to which they were allocated). However, general government expenses have not been allocated as indirect expenses to the various functions of the Agency. As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements.

Government-wide financial statements are presented using the *economic resources measurement focus* and the *accrual basis of accounting*. Under the economic resources measurement focus, all (both current and long-term) economic resources and obligations of the reporting government are reported in the government-wide financial statements. The *basis of accounting* refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements.

Under the accrual basis of accounting, revenues, expenses, gains, losses, assets, and liabilities resulting from nonexchange transactions are recognized in accordance with the requirements of GASB Statement No. 33.

**Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010**

Note 1: Summary of Significant Accounting Policies (continued)

(b) Measurement Focus and Basis of Accounting (continued)

Program revenues include charges for services and payments made by parties outside of the reporting government's citizenry if that money is restricted to a particular program. Program revenues are netted with program expenses in the statement of activities to present the net cost of each program.

Amounts paid to acquire capital assets are capitalized as assets in the government-wide financial statements, rather than reported as expenditures. Proceeds of long-term debt are recorded as a liability in the government-wide financial statements, rather than as another financing source. Amounts paid to reduce long-term indebtedness of the reporting government are reported as a reduction of the related liability, rather than as expenditures.

Private-sector standards of accounting and financial reporting issued prior to December 1, 1989, generally are followed in the government-wide financial statements to the extent that those standards do not conflict with or contradict guidance of the Governmental Accounting Standards Board.

As a general rule the effect of interfund activity has been eliminated from the government-wide financial statements.

Fund Financial Statements

The underlying accounting system of the Agency is organized and operated on the basis of separate funds, each of which is considered to be a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues and expenditures or expenses, as appropriate. Governmental resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled.

Fund financial statements for the government's governmental, proprietary, and fiduciary funds are presented after the government-wide financial statements. These statements display information about major funds individually and nonmajor funds in the aggregate for governmental and enterprise funds. Fiduciary statements include financial information for fiduciary funds and similar component units. Fiduciary funds primarily represent assets held by the Agency in a custodial capacity for other individuals or organizations. The Agency has no nonmajor funds, enterprise funds, or fiduciary funds.

Governmental Funds

In the fund financial statements, governmental funds and agency funds are presented using the *modified-accrual basis of accounting*. Their revenues are recognized when they become *measurable and available* as net current assets.

Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010

Note 1: Summary of Significant Accounting Policies (continued)

(b) Measurement Focus and Basis of Accounting (continued)

Measurable means that the amounts can be estimated, or otherwise determined. *Available* means that the amounts were collected during the reporting period or soon enough thereafter to be available to finance the expenditures accrued for the reporting period. The Agency uses a sixty-day availability period.

Revenue recognition is subject to the *measurable* and *available* criteria for the governmental funds. *Exchange transactions* are recognized as revenues in the period in which they are earned (i.e., the related goods or services provided). *Locally imposed derived tax revenues* are recognized as revenues in the period in which the underlying exchange transaction upon which they are based takes place. *Imposed non-exchange* transactions are recognized as revenues in the period for which they were imposed. If the period of use is not specified, they are recognized as revenues when an enforceable legal claim to the revenues arises or when they are received, whichever occurs first. *Government-mandated and voluntary nonexchange transactions* are recognized as revenues when all applicable eligibility requirements have been met.

In the fund financial statements, government funds are presented using the *current financial resources measurement focus*. This means that only current assets and current liabilities are generally included on their balance sheets. The reported fund balance (net current assets) is considered to be a measure of "available spendable resources." Governmental fund operating statements present increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current assets. Accordingly, they are said to present a summary of sources and uses of "available spendable resources" during a period.

Noncurrent portions of long-term receivables due to governmental funds are reported on their balance sheets in spite of their spending measurement focus. Special reporting treatments are used to indicate, however, that they should not be considered "available spendable resources," since they do not represent net current assets. Recognition of governmental fund type revenues represented by noncurrent receivables are deferred until they become current receivables. Noncurrent portions of long term receivables are offset by fund balance reserve accounts.

Because of their spending measurement focus, expenditure recognition for governmental fund types excludes amounts represented by noncurrent liabilities. Amounts expended to acquire capital assets are recorded as *expenditures* in the year that resources were expended, rather than as fund assets. The proceeds of long-term debt are recorded as *another financing source* rather than as a fund liability. Amounts paid to reduce long-term indebtedness are reported as fund expenditures.

When both restricted and unrestricted resources are combined in a fund, expenses are considered to be paid first from restricted resources, and then from unrestricted resources.

**Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010**

Note 1: Summary of Significant Accounting Policies (continued)

(c) Major Funds

The following funds are presented as major funds in the accompanying basic financial statements:

Special Revenue – Low and Moderate Housing Fund – To account for the required 20% set aside of property tax increments that is legally restricted for increasing or improving housing for low and moderate income households.

Debt Service – Redevelopment Debt Service Fund – To account for the accumulation of resources for the payment of debt service for bond principal, interest, trustee fees and the payment of support services.

Capital Projects – Redevelopment Capital Projects Fund – To account for the bond proceeds, interest and other funding that will be used for development, planning, construction and land acquisition.

(d) Relationship to the Town of Yucca Valley

The Yucca Valley Redevelopment Agency is an integral part of the reporting entity of the Town of Yucca Valley (the Town). The funds of the Agency have been included within the scope of the comprehensive annual financial report of the Town because the Town is financially accountable. Only the funds of the Agency are included herein and these financial statements, therefore, do not purport to represent the financial position or results of operations of the Town of Yucca Valley, California.

(e) Tax Increment Revenue

The Agency has no power to levy and collect taxes, and any legislative property tax de-emphasis might necessarily reduce the amount of tax revenues that would otherwise be available to pay the principal of, and interest on, loans from the Town of Yucca Valley. Broadened property tax exemptions could have a similar effect. Conversely, any increase in the tax rate or assessed valuation, or any reduction or elimination of present exemptions would necessarily increase the amount of tax revenues that would be available to pay principal and interest on tax allocation bonds or loans from the Town.

The following table details the Agency's property tax calendar:

Lien date	January 1
Levy date	March 1
Due dates	November 1 and February 1
Collection dates	December 10 and April 10

The County of San Bernardino bills and collects the property taxes and remits them to the Agency in installments during the year.

**Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010**

Note 1: Summary of Significant Accounting Policies (continued)

(f) Investments

GASB Statement No. 31 establishes fair value standards for investments in participating interest earning investment contracts, external investment pools, equity securities, option contracts, stock warrants and stock rights that have readily determinable fair values. Accordingly, the Agency reports its investments at fair value in the balance sheet. All investment earnings, including changes in the fair value of investments, is recognized as revenue in the operating statement.

The Agency pools cash and investments of all funds. Each fund's share in this pool is displayed in the accompanying financial statements as *cash and investments*. Investment income earned by the pooled investments is allocated to the various funds based on each fund's average cash and investment balance.

(g) Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of financial statements and the reported amounts of revenue and expenditures during the reporting period.

Note 2: Cash and Investments

The Town's Treasurer maintains a cash and investment pool used by all funds of the Town and by certain component units of the Town, including the Agency. The Agency does not own specifically identifiable securities of the Town's pool. The Agency's portion of this pool is reported on the financial statements as "cash and investments." Investment policies and associated risk factors applicable to Agency's funds are those of the Town and are included in the Town's comprehensive annual financial report.

Cash and Investments are reported as follows:

Statement of net assets	
Cash and investments	\$ 9,600,824
Cash with fiscal agents	<u>743,203</u>
 Total	 <u><u>\$ 10,344,027</u></u>

Cash and investments held by the Agency consist of the following at June 30, 2010:

Town of Yucca Valley investment pool	\$ 9,600,824
Money market funds	<u>743,203</u>
 Total cash and investments held by Agency	 <u><u>\$ 10,344,027</u></u>

**Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010**

Note 2: Cash and Investments (continued)

Investments Authorized by the California Government Code and the Agency's Investment Policy

The table below identifies the *investment types* that are authorized for the Agency by the California Government Code and the Agency's investment policy. The table also identifies certain provisions of the California Code (or the Agency's investment policy, if more restrictive) that address *interest rate risk* and *concentration of credit risk*. This table does not address investments of debt proceeds held by bond trustee that are governed by the provisions of debt agreements of the Agency, rather than the general provisions of the California Government Code or the Agency's investment policy.

Investment Types Authorized by Investment Policy	Maximum Maturity*	Maximum Percentage of Portfolio*	Maximum Investment In One Issuer*
U.S. Treasury Obligations	5 years	None	None
U.S. Agency Securities	5 years	None	None
Commercial Paper	180 days	15%	10%
Negotiable Certificates of Deposit	5 years	20%	None
Money Market Mutual Funds	N/A	20%	None
Local Agency Investment Fund	N/A	None	None

*Based on state law requirements or investment policy requirements, whichever is more restrictive.

Investments Authorized by Debt Agreements

Investment of debt proceeds held by bond trustees are governed by provisions of the debt agreements, rather than the general provisions of the California Government Code or the Agency's investment policy. The table below identifies the *investment types* that are authorized for investments held by bond trustee. The table also identifies certain provisions of these debt agreements that address *interest rate risk* and *concentration of credit risk*.

Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010

Note 2: Cash and Investments (continued)

Investments Authorized by Debt Agreements (continued)

Authorized Investment Type	Maximum Maturity	Maximum Percentage Allowed	Maximum Investment In One Issuer
U.S. Treasury Obligations	None	None	None
U.S. Agency Securities	None	None	None
Banker's Acceptances	180 days	None	None
Commercial Paper	270 days	None	None
Money Market Mutual Funds	N/A	None	None
Repurchase/Investment Agreements	None	None	None
Investment Contracts	None	None	None
Local Agency Investment Fund	N/A	None	None
FHA Obligations Guaranteed by U.S. Government	None	None	None
Federal Funds	180 days	None	None
Negotiable Certificates of Deposit	180 days	None	None
Time Deposits	180 days	None	None
FDIC Insured Deposits	None	None	None
Debt Obligations	None	None	None

Disclosure Relating to Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment the greater the sensitivity of its fair value to changes in market interest rates. One of the ways that the Agency manages its exposure to interest rate risk is by purchasing a combination of shorter-term and longer-term investments and by timing cash flows from maturities so that a portion of the portfolio is maturing or coming close to maturity evenly over time as necessary to provide the cash flow and liquidity needed for operations.

Information about the sensitivity of the fair values of the Agency's investments (including investments held by bond trustee) to market interest rate fluctuations is provided by the following table that shows the distribution of the Agency's investments by maturity:

Investment type	Remaining maturity (in months)			
	12 or less	13 to 24	25 to 60	More than 60
Town of Yucca Valley Investment pool	\$ 9,600,824	\$ 9,600,824	\$ -	\$ -
Held by bond trustee: Money market funds	743,203	743,203	-	-
Totals	\$ 10,344,027	\$ 10,344,027	\$ -	\$ -

**Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010**

Note 2: Cash and Investments (continued)

Disclosure Relating to Credit risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. Presented below is the minimum rating required by (where applicable) the California Government Code, the Agency's investment policy, or debt agreements, and the actual rating as of year end for each investment type.

Investment type		Minimum legal rating	Exempt from disclosure	Rating as of year end	
				Aa	Not rated
Town of Yucca Valley Investment pool	\$ 9,600,824	N/A	\$ -	\$ -	\$ 9,600,824
Held by bond trustee: Money market funds	743,203	A	-	743,203	-
Totals	\$ 10,344,027		\$ -	\$ 743,203	\$ 9,600,824

Concentration of Credit Risk

The investment policy of the Agency contains no limitations on the amount that can be invested in any one issuer beyond that stipulated by the California Government Code. There were no investments in any one issuer (other than U.S. Treasury securities, mutual funds or external investment pools) that represent 5% or more of total Agency investments for the year ended June 30, 2010.

Custodial Credit Risk

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The California Government Code and the Agency's investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits or investments, other than the following provisions for deposits.

The California Government Code requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies. California law also allows financial institutions to secure Agency deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits. As of June 30, 2010, the Agency (as a participant in the Town of Yucca Valley's pooled cash) did not have deposits with financial institutions in excess of federal depository insurance limits held in collateralized account(s).

**Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010**

Note 2: Cash and Investments (continued)

Custodial Credit Risk (continued)

For investments identified herein as held by bond trustee, the bond trustee selects the investment under the terms of the applicable trust agreement, acquires the investment, and holds the investment on behalf of the reporting government.

Investment in State Investment Pool

The Agency is a voluntary participant in the Local Agency Investment Fund (LAIF) that is regulated by the California Government Code under the oversight of the Treasurer of the State of California. The fair value of the Agency's investment in this pool is reported in the accompanying financial statements at amounts based upon the Agency's pro-rata share of the fair value provided by LAIF for the entire LAIF portfolio (in relation to the amortized cost of that portfolio). The balance available for withdrawal is based on the accounting records maintained by LAIF, which is recorded on an amortized cost basis.

Note 3: Long-Term Liabilities

Long-term liability activity for the year ended June 30, 2010 was as follows:

	<u>Beginning balance</u>	<u>Additions</u>	<u>Reductions</u>	<u>Ending balance</u>	<u>Due within one year</u>
2008 Tax Allocation					
Revenue Bonds	\$ 10,460,000	\$ -	\$ (170,000)	\$ 10,290,000	\$ 175,000
Subtotal on bonds payable	10,460,000	-	(170,000)	10,290,000	175,000
Plus/(less) deferred amounts:					
For deferred loss on refunding	(191,241)	-	9,765	(181,476)	-
For issuance discount	(112,192)	-	4,065	(108,127)	-
Total bonds payable	<u>\$ 10,156,567</u>	<u>\$ -</u>	<u>\$ (156,170)</u>	<u>\$ 10,000,397</u>	<u>\$ 175,000</u>

2008 Tax Allocation Bonds

In May 2008, the Agency issued Yucca Valley Redevelopment Project Area No. 1 Tax Allocation Bonds, Series of 2008, in the aggregate principal of \$10,625,000.

The bonds are dated May 1, 2008 and are in denominations of \$5,000 and bear interest at rates ranging from 3.10% to 5.75%. Principal is payable annually on June 1, beginning on June 1, 2009. Interest is payable semi-annually on June 1 and December 1. The bonds mature between the time frames of June 1, 2009 and June 1, 2038 in amounts ranging from \$165,000 to \$695,000. Per the bond indenture, a reserve of \$738,500 is required to be maintained. At June 30, 2010, the balance held in the reserve account was \$743,203.

**Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010**

Note 3: Long-Term Liabilities (continued)

2008 Tax Allocation Bonds (continued)

The bonds were issued to refund on a current basis the \$1,730,000 Yucca Valley Redevelopment Agency, 1995 Tax Allocation Bonds Series A and on an advanced basis the \$2,665,000 Yucca Valley Redevelopment Agency, 2004 Tax Allocation Revenue Bonds. The bonds were also issued to fund redevelopment activities within and for the benefit of the Redevelopment Project. A portion of the bond proceeds from the sale were placed in an irrevocable trust to be used to service the future debt service requirements of the old debt.

The reacquisition price exceeded the net carrying amount of the old debt by \$195,306. This amount is being netted against the new debt and being amortized over the remaining life of the 1995 Tax Allocation Bonds Series A refunded debt. The advance refunding resulted in a decrease in debt service payments over the next 27 years of \$580,972 and resulted in an economic gain of \$464,786.

Pledged Revenues

The Agency has pledged 100% of future tax increment revenue (less amounts payable by or required to be set aside by the Agency under any pass-through agreements and by the amount required to be set aside for low and moderate housing as required by the California Health and Safety Code) as security for the *2008 Tax Allocation Bonds* in the amount of \$22,149,957 (total principal and interest at issuance). The pledge is considered outstanding for the duration of the debt service requirements. Total pledged revenues for the fiscal year ended June 30, 2010, totaled \$2,403,470 with the required debt service amount of \$743,917 (principal and interest paid in fiscal year ended June 30, 2010).

Debt Service Requirements to Maturity

The annual requirements to amortize outstanding long-term liabilities of the Agency as of June 30, 2010 are as follows:

<u>Year ending June 30</u>	<u>Principal</u>	<u>Interest</u>
2011	\$ 175,000	\$ 562,702
2012	180,000	555,702
2013	190,000	548,142
2014	195,000	540,162
2015	205,000	531,582
2016-2020	1,185,000	2,500,648
2021-2025	1,535,000	2,152,515
2026-2030	2,005,000	1,680,388
2031-2035	2,640,000	1,041,613
2036-2039	1,980,000	231,724
Totals	<u>\$ 10,290,000</u>	<u>\$ 10,345,178</u>

**Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010**

Note 4: Transfers In and Out

Transfers in and out for the year ended June 30, 2010 were as follows:

<u>Transfer from</u>	<u>Transfers to</u>	<u>Amount</u>
Low and Moderate Housing Fund	Debt Service Fund	\$ 65,299
Debt Service Fund	Low and Moderate Housing Fund	<u>509,069 (a)</u>
Total transfers		<u>\$ 574,368</u>

(a) A transfer of \$509,069 (including amounts for the prior year which had not been received) was made from the Redevelopment Debt Service Fund to the Low and Moderate Housing Fund, which represents the 20% set aside, required to be recorded in the Low and Moderate Income Housing Fund.

Note 5: Capital Assets

Capital asset activity for the year ended June 30, 2010, was as follows:

	<u>Beginning balance</u>	<u>Additions</u>	<u>Deletions</u>	<u>Ending balance</u>
Capital assets, not being depreciated:				
Land	\$ -	\$ 939,806	\$ -	\$ 939,806

Capital assets (including infrastructure) are recorded at cost where historical records are available and at an estimated historical cost where no historical records exist. Contributed capital assets are valued at their estimated fair market value at the date of the contribution. Generally, capital asset purchases in excess of \$5,000 are capitalized if they have an expected useful life of three years or more.

Capital assets include additions to public domain (infrastructure) consisting of certain improvements including roads, streets, sidewalks, medians, and storm drains.

The following schedule summarizes capital asset useful lives:

Improvements	10-66 years
Buildings	20-50 years
Vehicles	8 years
Furniture and Equipment	3-25 years
Infrastructure	20-99 years

Depreciation has been provided using the straight-line method over the estimated useful life of the asset in the government-wide financial statements.

**Yucca Valley Redevelopment Agency
Notes to the Basic Financial Statements
For the year ended June 30, 2010**

Note 6: Advances

Advances to and from as of June 30, 2010 were as follows:

<u>Advances to</u>	<u>Advances from</u>	<u>Amount</u>
Debt Service Fund	Low and Moderate Housing Fund	<u>\$ 636,679</u>

The advance from the Low and Moderate Housing Fund to the Debt Service Fund was to fund the required Supplemental Educational Revenue Augmentation Fund property tax shift required by the State of California (see note 8).

Note 7: Notes Receivable

In November 2008, the Agency executed a note receivable with the Morongo Basin Unity Home (the Home) in the amount of \$15,000. The Home is to use the proceeds of the note to fund the final renovation needed to complete a transitional housing project which serves to provide assistance to victims and children of domestic violence. The note bears an interest rate of 2.7% and is payable in annual installments beginning in November 2009 with final payment due in November 2018. The balance at June 30, 2010 is \$13,673.

Note 8: Supplemental Educational Revenue Augmentation Fund

On July 24, 2009, the State Legislature passed Assembly Bill (AB)X4-26, which requires redevelopment agencies statewide to deposit a total of \$2.05 billion of property tax increment in county "Supplemental" Educational Revenue Augmentation Funds (SERAF) to be distributed to meet the State's Proposition 98 obligations to schools. The SERAF revenue shift of \$2.05 billion will be made over two years, \$1.7 billion in fiscal year 2009-2010 and \$350 million in fiscal year 2010-2011. The SERAF would then be paid to school districts and the county offices of education which have students residing in redevelopment project areas, or residing in affordable housing projects financially assisted by a redevelopment agency, thereby relieving the State of payments to those schools. The Agency's share of this revenue shift was \$636,679 for fiscal year 2009-2010 and \$130,956 for fiscal year 2010-2011. Payments are to be made by May 10 of each respective fiscal year. In response to ABX4-26, the Agency funded the SERAF payment due in May 2010 with the Low/Mod Housing Fund.

The California Redevelopment Association (CRA) is the lead petitioner on a lawsuit to invalidate ABX4-26, similar to last year's successful lawsuit challenging the constitutionality of AB 1389. CRA filed the lawsuit on October 20, 2009. The lawsuit asserted that the transfer of property tax increment to the SERAF is not permitted under Article XVI, Section 16 of the California Constitution. The complaint also asserted impairment of contract and gift of public funds arguments. While the State made adjustments in ABX4-26 to address the constitutional issues raised by the Superior Court over last year's lawsuit challenging AB 1389, the Agency, along with the CRA and other California redevelopment agencies, believe that the SERAF remains unconstitutional. In May 2010, the Superior Court upheld the legality of ABX4-26. In August 2010, the CRA filed an appeal with the Third District Court.



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Agency Board
Yucca Valley Redevelopment Agency
Yucca Valley, California

**REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND
OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

We have audited the financial statements of the governmental activities and each major fund of the Yucca Valley Redevelopment Agency (the Agency), a component unit of the Town of Yucca Valley, California, as of and for the year ended June 30, 2010, which collectively comprise the Agency's basic financial statements and have issued our report thereon dated September 8, 2010. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Agency's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Agency's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a misstatement of the Agency's financial statements will not be prevented or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

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Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Agency's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. Such provisions included those provisions of laws and regulations identified in the *Guidelines for Compliance Audits of California Redevelopment Agencies*, issued by the State Controller and as interpreted in the *Suggested Auditing Procedures for Accomplishing Compliance Audits of California Redevelopment Agencies*, issued by the Governmental Accounting and Auditing Committee of the California Society of Certified Public Accountants. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of management, Agency Board, and others within the entity, and is not intended to be and should not be used by anyone other than these specified parties.

Rogers, Anderson, Malof & Scott, LLP

September 8, 2010

STATEMENT OF INDEBTEDNESS - CONSOLIDATED
FILED FOR THE 2010 - 2011 TAX YEAR

Cover Page

Name of the Redevelopment Agency: Yucca Valley Redevelopment Agency
 Name of Project Area: Yucca Valley Project Area No. 1
 Account No. RR94

Balances Carried Forward From:	Line	Current	
		Total Outstanding Debt	Principal/Interest Due During Tax Year
Fiscal Period - Totals	(1)	\$ 101,080,492	\$ 2,879,337
Post Fiscal Period - Totals	(2)	-	-
Grand Totals	(3)	101,080,492	2,879,337
Available Revenues - From Calculation of Available Revenues, Line 7	(4)	3,960,938	
Net Requirement	(5)	\$ 97,099,554	

Consolidate on this form all of the data contained on Form A and B (including supplemental pages). Form A is to include all indebtedness entered into as of June 30 of the Fiscal Year. Form B may be filed at the option of the Agency, and is to include indebtedness entered into post June 30 of the Fiscal Year, pursuant to Health and Safety Code section 33675(c)(2). This is optional for each agency and is not a requirement for filing the Statement of Indebtedness. The Reconciliation Statement is to include indebtedness from Form A only.

Curtis Yalkinow	Director of Administrative Services
<i>Curtis Yalkinow</i>	Title
09/28/2010	Date

Certification of Chief Financial Officer:
 Pursuant to Section 33675(b) of Health and Safety Code, I
 Hereby Certify that the above is a true and accurate Statement of
 Indebtedness for the above named Agency.

**STATEMENT OF INDEBTEDNESS - FISCAL YEAR INDEBTEDNESS
FILED FOR THE 2010 - 2011 TAX YEAR**

Name of Redevelopment Agency:
Name of Project Area:

Yucca Valley Redevelopment Agency
Yucca Valley Project Area No. 1

Form A
Page 1 of 1

For Indebtedness Entered into as of June 30, 2010

Debt Identification	Date	Principal	Original Data			Current		
			Term	Interest Rate	Total Interest	Total Outstanding Debt	Principal/Interest Due During Tax Year	
(A) Housing trust fund	n/a	n/a	n/a	\$	\$	\$		
(B) Pass-through agreement	n/a	n/a	n/a	n/a		52,098,966	912,000	
(C) Low & moderate income housing	n/a	n/a	n/a	n/a		26,325,110	439,000	
(D) Administrative costs paid by Town	08/03	n/a	n/a	n/a		1,245,603	23,000	
(E) Tax allocation bonds - 2008 series	5/1/2008	10,625,000	30 years	5.75%	11,524,957	20,635,178	737,702	
(F) SERAF loan from Low/mod 2008/10	10/23/2008	636,678	5 years	n/a		636,678	636,678	
(G) SERAF loan from Low/mod 2010A 1	10/23/2009	130,956	5 years	n/a		130,956	130,956	
(I)								
(J)								
Sub Total, This Page								
Totals Forward From All Other Pages						101,080,492	2,878,337	
Totals, Fiscal Year Indebtedness						\$ 101,080,492	\$ 2,878,337	

950L570
950L520
950L620
950L520
950L570

Purpose of Indebtedness:

- (A) Housing set aside
- (B) Pass through payments
- (C) Housing set aside fund
- (D) Administrative costs reimbursement agreement
- (E) Capital projects funding and debt refunding (2008)

- (F) ERAF shift specified as Indebtedness under Section 33680(e) of HS Code
- (G) ERAF shift specified as Indebtedness under Section 33680(e) of HS Code
- (H)
- (I)
- (J)

Rev. 7/6/2000

RECONCILIATION STATEMENT - CHANGES IN INDEBTEDNESS

Name of Agency: Yucca Valley Redevelopment Agency
 Name of Project Area: Yucca Valley Project Area No. 1

Tax Year 2010-11 Reconciliation Dates: From July 1, 2009 To June 30, 2010.

Debt Identification:		A		B		C		D		E		F
SOI page and line:	Brief Description	Outstanding Debt	Increases	Adjustments	Decreases	Amounts Paid Against	Other Funds	Remaining Balance				
Prior Yr		All Beginning Indebtedness	(Attach Explanation)	(Attach Explanation)	(Attach Explanation)	Tax Increment		(A+B-C-D-E)				
Pg 1 Line A	Housing trust	\$ 8,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,000				
Pg 1 Line B	Pass-through agreements	52,862,335	-	-	-	763,369	-	52,098,966				
Pg 1 Line C	Low and moderate income housing	26,634,179	-	-	-	509,069	-	26,325,110				
Pg 1 Line D	Admin costs paid by Agency	1,283,743	-	-	-	38,140	-	1,245,603				
Pg 1 Line E	Tax Allocation - 2008	21,374,171	-	-	-	738,993	-	20,635,178				
Pg New Line F	Supplemental ERAF loan from Low/mod 2009/10	-	636,679	-	-	-	-	636,679				
Pg New Line G	Supplemental ERAF loan from Low/mod 2010/11	-	130,956	-	-	-	-	130,956				
TOTAL-THIS PAGE		102,362,428	767,635	-	-	2,049,571	-	101,080,492				
TOTALS FORWARD		\$ 102,362,428	\$ 767,635	\$ -	\$ -	\$ 2,049,571	\$ -	\$ 101,080,492				
GRAND TOTALS		\$ 102,362,428	\$ 767,635	\$ -	\$ -	\$ 2,049,571	\$ -	\$ 101,080,492				

NOTE: This form is to reconcile the previous Statement of Indebtedness to the current one being filed. However, since the reconciliation period is limited by law to a July 1 - June 30 fiscal year period, only those items included on the SOI Form A are to be included on this document. To assist in following each item of indebtedness from one SOI to the next, use page and line number references from each SOI that the item of indebtedness is listed on. If the indebtedness is new to this fiscal year, enter "new" in the "Prior Yr" page and line columns. Column F must equal the current SOI, Form A "Total Outstanding Debt" column.

CALCULATION OF AVAILABLE REVENUES

AGENCY NAME Yucca Valley Redevelopment Agency
 PROJECT AREA Yucca Valley Project Area No. 1
 TAX YEAR 2010-11

RECONCILIATION DATES: July 1, 2009 to June 30 2010

Beginning Balance, Available Revenues (See Instructions)	1.	\$ 3,582,234
Tax Increment Received - Gross All tax Increment Revenues, to included any tax increment passed through to other local taxing agencies.	2.	2,425,236
All other Available Revenues Received (See Instructions)	3.	23,039
Revenues from any other source, Included in Column E of the Reconciliation Statement, but not Included in (1-3) above	4.	-
Sum of Lines 1 through 4	5.	6,030,509
Total amounts paid against indebtedness in previous year. (D + E on Reconciliation Statement)	6.	2,049,571
Available Revenues, End of Year (5-6)	7.	\$ 3,980,938

**FORWARD THIS AMOUNT TO STATEMENT OF
INDEBTEDNESS, COVER PAGE, LINE 4**

NOTES

Tax Increment Revenues:

The only amounts to be excluded as Tax Increment Revenue are any amounts passed through to other local taxing agencies pursuant to Health and Safety Code Section 33676. Tax Increment Revenue set-aside in the Low and Moderate Income Housing Fund will be washed in the above calculation, and therefore omitted from Available Revenues at year end.

Item 4. Above:

This represents any payments from any source other than Tax Increment OR available revenues. For instance, an agency funds a project with a bond issue. The previous SOI included a Disposition and Development Agreement (DDA) which was fully satisfied with these bond proceeds. The DDA would be shown on the Reconciliation Statement as fully repaid under the "other" column (Col E), but with funds that were neither Tax Increment, nor "Available Revenues" as defined. The amounts used to satisfy this DDA would be included on line 4 above in order to accurately determine ending "Available Revenues."

Reconciliation Statement - Description of Adjustments

Agency: Yucca Valley Redevelopment Agency
 Project Area: Yucca Valley Project Area No. 1

Reconciliation Sheet page and line:	Description of Adjustment	Amount
Pg. 1 Line F	Supplemental ERAF shift 2009/10	\$ 636,679.00
Pg. 1 Line G	Supplemental ERAF shift 2010/11	130,956.00
Pg Line		
Pg Line		
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Pg Line	Grand Total	\$ 767,635.00

California Redevelopment Association's Estimate of each Agency's ERAF Transfer to Meet the \$350 Million State Budget Payment for 2010-11 Based on the State Controller's Office Corrected 2006-07 Tax Increment Revenue Summary provided to the Department of Finance

Prepared for CRA by Time Structures, Inc #16-664-8683

ERAF Calculation Method:

Individual Agency's Total Payment = Agency's Net Tax Increment X [(350 million / 2) / 3,763,301,476] + Agency's Gross Tax Increment X [(350 million / 2) / 4,742,213,063]

Multipier to Determine an Individual Agency's Payment from Net Tax Increment = 1753,763,301,476 or 0.046501722

Multipier to Determine an Individual Agency's Payment from Gross Tax Increment = 175,000,000 / 4,742,213,063 or 0.036902602

Note: The following agencies had no reported 2006-07 tax increment: Willows, Susanville, Lassen, Thurston, Merced County, Dos Palos, Del Rey Oaks, and Rancho Cordova.

Redevelopment Agency Name	2006-07 Net Tax Increment	2006-07 Gross Tax Increment	ERAF Payment from Net Tax Increment	ERAF Payment from Gross Tax Increment	Total Agency ERAF Payment for 2010-11
Redevelopment Agency of the County of San Bernardino	8,511,848	395,820	1,500,000	10,853,784	12,353,784
Twenty-Nine Palms Redevelopment Agency	1,067,743	49,652	186,000	1,322,023	1,508,023
Healdsburg Redevelopment Agency	14,574,885	682,407	2,568,000	27,001,236	29,569,236
Needles Redevelopment Agency	383,177	18,225	66,600	457,103	523,703
Redevelopment Agency of the City of Redlands	5,864,287	272,700	1,014,000	5,826,740	6,840,740
Yucca Valley Redevelopment Agency	931,031	43,285	324,000	1,277,481	1,401,481
Redevelopment Agency of the City of Chino	15,109,599	702,822	2,460,000	17,974,149	20,434,149
Redevelopment Agency of the City of Barstow	3,177,797	147,773	524,000	3,474,806	3,622,579
Redevelopment Agency For the City of Colton	8,706,925	404,887	1,456,000	10,252,056	11,708,056
Redevelopment Agency of the City of Rialto	14,849,130	895,160	3,240,000	18,413,844	21,653,844
Highland Redevelopment Agency	6,960,697	323,684	1,176,000	8,864,742	9,840,742
Town of Yucca Valley Redevelopment Agency	1,366,371	63,539	232,000	1,826,803	1,988,803
Rancho Cucamonga Redevelopment Agency	71,584,749	3,347,416	11,760,000	88,261,954	99,921,954
Upland Community Redevelopment Agency	6,760,410	315,301	1,144,000	7,946,525	8,590,525
Victor Valley Economic Development Authority	25,889,882	1,208,579	4,272,000	35,211,853	40,483,853
Victorville Redevelopment Agency	7,026,840	326,714	1,184,000	7,954,910	8,638,910
Ontario Redevelopment Agency	38,480,588	1,769,878	6,144,000	42,876,660	49,022,660
Improvement Agency of the City of Big Bear Lake	5,048,210	234,797	848,000	6,707,283	7,155,283
Apple Valley Redevelopment Agency	4,048,936	188,329	688,000	5,082,422	5,370,422
City of Loma Linda Redevelopment Agency	7,011,985	326,089	1,168,000	7,277,112	7,845,112
City of Montclair Redevelopment Agency	9,515,125	442,470	1,552,000	11,418,319	12,370,319
City of San Bernardino Economic Development Agency	29,084,185	1,352,465	4,672,000	28,822,073	33,494,073
Community Redevelopment Agency of the City of Grand Terrace	4,451,173	206,097	744,000	5,536,772	5,880,772
Fountain Redevelopment Agency	72,853,688	3,387,822	11,520,000	84,861,721	96,381,721
Inland Valley Development Agency	23,602,773	1,106,870	3,840,000	25,175,086	28,015,086
Adelanto Redevelopment Agency	6,777,881	312,858	1,104,000	6,890,020	7,394,020

CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REDEVELOPMENT AGENCY ANNUAL HOUSING ACTIVITY REPORT

FY ENDING: 6/30/2010

Agency Name and Address:
Town of Yucca Valley Redevelopment Agency
5709 Twentynine Palms Highway
Yucca Valley, CA 92284

County of Jurisdiction:
San Bernardino
Did the Agency pay SERAF from LMTHF?
 Yes No

Health & Safety Code Section 33080.1 requires agencies (RDAs) to annually report on their Low & Moderate Income Housing Fund and housing activities for the Department of Housing and Community Development (HCD) to report on RDAs' activities in accordance with Section 33080.6.

Please answer each question below. Your answers determine how to complete the HCD report.

- Check one of the items below to identify the Agency's status at the end of the reporting period:
 New (Agency formation occurred during reporting year. No financial transactions were completed).
 Active (Financial and/or housing transactions occurred during the reporting year)
 Inactive (No financial and/or housing transactions occurred during the reporting year). ONLY COMPLETE ITEM 7
 Dismantled (Agency adopted an ordinance and dissolved itself before start of reporting year). ONLY COMPLETE ITEM 7
- During reporting year, how many adopted project areas existed? 1 Of these, how many were merged during year? -0-
If the agency has one or more adopted project areas, complete SCHEDULE HCD-A for each project area.
If the agency has no adopted project areas, DO NOT complete SCHEDULE HCD-A (refer to next question).
- Within an area outside of any adopted project area(s): (a) did the agency destroy or remove any dwelling units or displace any households over the reporting period, (b) does the agency intend to displace any households over the next reporting period, (c) did the agency permit the sale of any owner-occupied unit prior to the expiration of land use controls over the reporting period, and/or (d) did the agency execute a contract or agreement for the construction of any affordable units over the next two years?
 Yes (any question). Complete SCHEDULE HCD-B.
 No (all questions). DO NOT complete SCHEDULE HCD-B (refer to next question).
- Did the agency's Low & Moderate Income Housing Fund have any assets during the reporting period?
 Yes. Complete SCHEDULE HCD-C.
 No. DO NOT complete SCHEDULE HCD-C.
- During the reporting period, were housing units completed within a project area and/or assisted by the agency outside a project area?
 Yes. Complete all applicable HCD SCHEDULES D1-D7 for each housing project completed and HCD SCHEDULE E.
 No. DO NOT complete HCD SCHEDULES D1-D7 or HCD SCHEDULE E.
- Specify whether method A and/or B was used to report financial and housing activity information to HCD:
 A. Forms. All required HCD SCHEDULES A, B, C, D1-D7, and E are attached.
 B. On-line (<http://www.hcd.ca.gov/rda/>) "Lock Report" date: _____ . HCD SCHEDULES not required.
(lock date is shown under "Admin" Area and "Report Change History")
- To the best of my knowledge: (a) the representations made above and (b) agency information reported are correct.

Date

Signature of Authorized-Agency Representative

Title

Telephone Number

- **IF NOT REQUIRED TO REPORT, SUBMIT ONLY A PAPER COPY OF THIS PAGE.**
- **IF REQUIRED TO REPORT, AND REPORTING BY USING PAPER FORMS (IN PLACE OF REPORTING ON-LINE), SUBMIT THIS PAGE AND ALL APPLICABLE HCD FORMS (SCHEDULES A-E) WITH A COPY OF AGENCY'S AUDIT.**
- **IF REPORTING ON-LINE, PRINT AND SUBMIT "CONFIRMATION LETTER" UPON LOCKING REPORT**
- **MAIL A COPY OF (a) CONFIRMATION LETTER (IF HCD REPORT WAS ELECTRONICALLY FILED) OR (b) COMPLETED FORMS AND (c) AUDIT REPORT TO BOTH HCD AND THE SCO:**

Department of Housing & Community Development
Division of Housing Policy
Redevelopment Section
1800 3rd Street, Suite 430
Sacramento, CA 95814

The State Controller
Division of Accounting and Reporting
Local Government Reporting Section
3301 C Street, Suite 500
Sacramento, CA 95816

SCHEDULE HCD-A
Inside Project Area Activity
for Fiscal Year that Ended 6 / 30 / 10

Agency Name: Town of Yucca Valley RDA Project Area Name: Yucca Valley Project Area
Preparer's Name, Title: Scott Manno Preparer's E-Mail Address: smanno@ramscpa.net
Preparer's Telephone No: (909) 889-0871 Preparer's Facsimile No: (909) 889-5361

GENERAL INFORMATION

1. Project Area Information

- a. 1. Year 1st plan for project area was adopted: 1993
2. Year that plan was last amended (if applicable): N/A
3. Was plan amended after 2001 to extend time limits per Senate Bill 211 (Chapter 741, Statutes of 2001)? Yes___ No___
4. Current expiration of plan: 08 / 05 / 2033
mo day yr

b. If project area name has changed, give previous name(s) or number: N/A

c. Year(s) of any mergers of the project area: N/A
Identify former project areas that merged: N/A

d. Year(s) project area plan was amended involving real property that either:

- (1) Added property to plan: N/A
(2) Removed property from plan: N/A

2. Affordable Housing Replacement and/or Inclusionary or Production Requirements (Section 33413).

Pre-1976 project areas not subsequently amended after 1975: Pursuant to Section 33413(d), only Section 33413(a) replacement requirements apply to dwelling units destroyed or removed after 1995. The Agency can choose to apply all or part of Section 33413 to a project area plan adopted before 1976. If the agency has elected to apply all or part of Section 33413, provide the date of the resolution and the applicable Section 33413 requirements addressed in the scope of the resolution.

Date: N/A / / Resolution Scope (applicable Section 33413 requirements): N/A
mo day yr

Post-1975 project areas and geographic areas added by amendment after 1975 to pre-1976 project areas: Both replacement and inclusionary or production requirements of Section 33413 apply.

NOTE:

Amounts to report on HCD-A lines 3a(1), 3b-3f, and 3i. can be taken from what is reported to the State Controller's Office (SCO) on the Statement of Income and Expenditures as part of the Redevelopment Agency's Financial Transactions Report, except for the reclassifying of Transfers-In from Internal Funds and the reporting of Other Sources as discussed below:

Transfers-In from other internal funds: Report the amount of transferred funds on applicable HCD-A, lines 3a-j. For example, report the amount transferred from the Debt Service Fund to the Housing Fund for the deposit of the required set-aside percentage/amount by reporting gross tax increment on HCD-A, Line 3a(1) and report the Housing Fund's share of expenditures for debt service on HCD-C, Line 4c. Do not report "net" funds transferred from the Debt Service Fund on HCD-A, Line 3a(7) when reporting debt service expenditures on HCD-C, Line 4c.

Other Sources: Non-GAAP (Generally Acceptable Accounting Principles) revenues such as from land sales for those agencies using the Land Held for Resale method to record land sales should be reported on HCD-A Line 3d. Housing fund receipts for the repayment of loan principal should be included on HCD-A Line 3h(1) or on Line 3h(2) if the repayment of loan principal is a result of the FY2009-10 and/or FY2010-11 SERAF.

Project Area Housing Fund Revenues and Other Sources

3. Report all revenues and other sources of funds from this project area which accrued to the Housing Fund over the reporting year. Any income related to agency-assisted housing located outside the project area(s) should be reported as "Other Revenue" on Line 3j. (of this Schedule A), if this project area is named as beneficiary in the authorizing resolution. Any other revenue sources not reported on lines 3a.-3i., should be reported on Line 3j.

Enter on Line 3a(1) the full 100% of gross Tax Increment allocated prior to applicable pass through of funds and deductions for fees (refer to Sections 33401, 33446, & 33676). Compute the required minimum percentage (%) of gross Tax Increment and enter the amount on Line 3a(2)(A) or 3a(2)(B). Report SERAF on Line 3a(3). Next, on Line 3a(4), report the amount of Tax Increment set-aside allotted before any exemption and/or deferral. To determine the amount of Tax Increment deposited to the Housing Fund [Line 3a(7)], subtract allowable amounts exempted [Line 3a(5)] and/or deferred [Line 3a(6)] from the net amount allocated to the Housing Fund [Line 3a(4)].

a. Tax Increment:

- (1) 100% of Gross Allocation: \$ 2,403,470
- (2) Calculate only 1 set-aside amount: either (A) or (B) below:
 - (A) 20% required by 33334.2 (Line 3a(1) x 20%): \$ 480,694
 - (B) 30% required by 33333.10(g) (Line 3a(1) x 30%): \$ _____
(Senate Bill 211, Chapter 741, Statutes of 2001)
- (3) **Supplemental Education Revenue Augmentation Fund (SERAF):**
 - (A) SUSPENSION: Only allowed in FY2009-10. (\$ _____)
H&SC Section 33334.2(k) allows agencies to suspend all or part of the set-aside allocation on line 3a(2) to pay FY2009-10 SERAF (complete Sch A, page 3, #4 and Sch-C, page 9)
 - (B) SERAF REPAYMENT of FY2009-10 SUSPENDED amount \$ _____
(complete Sch A, page 3, #4 and Sch-C, page 3, 8e and page 9).
- (4) **Net amount of tax increment allocated to Housing Fund** \$ 480,694
If the net amount of set-aside allocated is less than the required minimum, identify the project area(s) making up any difference and explain on page 4, box #5 [per 33334.3(i)].
- (5) Amount Exempted (H&SC Section 33334.2) (\$ _____)
[if there is an amount exempted, also complete page 3, #5a(1) - (2)]:
- (6) Amount Deferred (H&SC Section 33334.6) (\$ _____)
[if there is an amount deferred, also complete pages 4-5, #5b(1) - (4)]:
- (7) **Total deposit to the Housing Fund [Net result of Line 3a(4) through 3a(6)]:** \$ _____

- b. Interest Income: \$ 11,222
- c. Rental/Lease Income (combine amounts separately reported to the SCO): \$ _____
- d. Sale of Real Estate: \$ _____
- e. Grants (combine amounts separately reported to the SCO): \$ _____
- f. Bond Administrative Fees: \$ _____
- g. Deferral Repayments [also complete, page 4, Line 5b(3)]: \$ _____
- h. (1) Loan Repayments (other than SERAF): \$ _____
- (2) SERAF LOAN Repayments (also complete Sch-C, page 3, 8e and page 9) \$ _____
- i. Debt Proceeds: \$ _____
- j. Other Revenue(s) [Explain and identify amount(s)]:

<u>Prior year remaining set-aside</u>	\$	<u>28,375</u>
	\$	<u>28,375</u>
- k. **Total Project Area Receipts Deposited to Housing Fund (add lines 3a(7) and 3b - 3j.):** **\$ 520,291**

Supplemental Educational Revenue Augmentation Fund (SERAF) Suspension of Property Tax Revenue Deposit N/A

4. Check box below and provide information only if the agency, between July 1, 2009 and June 30, 2010, exercised suspension option (Sch A, page 2, Line 3a(3)(A) and did not make the required minimum allocation and deposit of tax increment to the Housing Fund for the purpose of using suspension funds to meet the Fiscal Year 2009-10 SERAF obligation. Note, pursuant to Health and Safety Section 33334.2(k), repayment is required before June 30, 2015.

- SERAF [H&SC Section 33334.2(k)]. In FY2009-10 the agency exercised option to suspend allocating and depositing a portion of the minimum 20% of gross property tax increment.

Instructions: Please include amounts for ALL fiscal years between FY2009-10 and FY2014-15 (in addition to the current reporting fiscal year) to record agency compliance with repayment requirements as referenced in H&SC Section 33334.2(k)(1)(2)(3).

Also report the cumulative total suspended and repaid amounts (from all project areas) in Schedule 'C', page 9, box 23.

Fiscal Years Applicable to SERAF Suspension and Repayment Deposit	Col 1 Identify SERAF Amount <u>Suspended</u> <u>FY 2009-2010</u>	Col 2 Identify any SERAF Repayment (Deposit) Made in Fiscal Year	Col 3 * Remaining SERAF Balance (Prior year Col 3 minus Current year Repayment Col 2)
2009 - 2010	\$		\$
2010 - 2011	All suspended funds must be repaid by 6/30/2015	\$	\$
2011 - 2012		\$	\$
2012 - 2013		\$	\$
2013 - 2014		\$	\$
2014 - 2015		\$	\$

Exemption(s) and Deferral(s) N/A

5. a.(1) If an exemption was claimed on Page 2, Line 3a(5) to deposit less than the required amount, complete the following information:

Check only one of the Health and Safety Code Sections below (Note: An Annual Finding is required to be submitted to HCD)

- Section 33334.2(a)(1): No need in community to increase/improve supply of lower or moderate income housing.
- Section 33334.2(a)(2): Less than the minimum set-aside % (20% or 30%) is sufficient to meet the need.
- Section 33334.2(a)(3): Community is making substantial effort equivalent in value to minimum set-aside % (20% or 30%) and has specific contractual obligations incurred before May 1, 1991 requiring continued use of this funding.

Note: Pursuant to Section 33334.2(a)(3)(C), this exemption expired on June 30, 1993 but contracts entered into prior to May 1, 1991 may not be subject to the exemption sunset.

Other: Specify code section and reason(s): _____

(2) For any exemption claimed on Page 2, Line 3a(5) and Line 5a(1) above, identify:

Date that initial (1st) finding was adopted: ____/____/____ Resolution # ____ Date sent to HCD: ____/____/____
mo day yr mo day yr

Adoption date of reporting year finding: ____/____/____ Resolution # ____ Date sent to HCD: ____/____/____
mo day yr mo day yr

Exemptions and Deferrals continued

BOX #5
 Identification of Project area and explanation if set-aside deposit is LESS THAN the required minimum
 Refer to Sch A, page 2, Line 3(a)(4):

Deferral(s) N/A

5. b.(1) If a Deferral was claimed on Page 2, Line 3a(6) to deposit less than the required amount, complete the following information:
Check only one of the Health and Safety Code Sections below

- Section 33334.6(d): Applicable to project areas approved before 1986 in which the required resolution was sent to HCD before September 1986 regarding needing tax increment to meet existing obligations. Existing obligations can include those incurred after 1985, if net proceeds were used to refinance pre-1986 listed obligations.

Note: The deferral previously authorized by Section 33334.6(e) expired. It was only allowable in each fiscal year prior to July 1, 1996 with certain restrictions.

Other Health & Safety Code Section here: _____

(2) For any deferral claimed on page 2, Line 3a(6) and Line 5b(1) above, identify:

Date that initial (1st) finding was adopted: ____/____/____ Resolution # _____ Date sent to HCD: ____/____/____
 mo day yr mo day yr

Adoption date of reporting year finding: ____/____/____ Resolution # _____ Date sent to HCD: ____/____/____
 mo day yr mo day yr

(3) A deferred set-aside per to Section 33334.6(d)-constitutes-indebtedness to-the-Housing-Fund. Summarize the amount(s) of set-aside deferred and repayments made during the reporting year and the cumulative amount deferred as of end of FY:

REPAYMENTS Fiscal Year	Amount <u>Deferred</u> <u>This Reporting FY</u>	REPAYMENTS of Deferrals <u>During</u> <u>Reporting FY</u>	<u>Cumulative Amount</u> Deferred (Net of Any Amount(s) Repaid *)
(1) Last Reporting FY			\$
(2) This Reporting FY	\$	\$	\$ * *

* The cumulative amount of deferred set-aside should also be shown on HCD-C, page 3, Line 8a.

If the prior FY cumulative deferral shown above differs from what was reported on the last HCD report (HCD-A and HCD-C), indicate the amount of difference and the reason (use box above if needed):

Difference: \$ _____ Reason(s): _____

Sales of Owner-Occupied Units Inside the Project Area Prior to the Expiration of Land Use Controls N/A - None

9. Section 33413(c)(2)(A) specifies that pursuant to an adopted program, which includes but is not limited to an equity sharing program, agencies may permit the sale of owner-occupied units prior to the expiration of the period of the land use controls established by the agency. Agencies must deposit sale proceeds into the Low and Moderate Income Housing Fund and within three (3) years from the date the unit was sold, expend funds to make another unit equal in affordability, at the same income level, to the unit sold.

a. Sales. Did the agency permit the sale of any owner-occupied units during the reporting year?

No

Yes

\$	← Total Proceeds From Sales Over Reporting Year	Number of Units			
SALES		VL	L	M	Total
Units Sold Over Reporting Year					

b. Equal Units. Were reporting year funds spent to make units equal in affordability to units sold over the last three reporting years?

No

Yes

\$	← Total LMIHF Spent On Equal Units Over Reporting Year	Number of Units			
SALES		VL	L	M	Total
Units Made Equal This Reporting Yr to Units Sold Over This Reporting Yr					
Units Made Equal This Reporting Yr to Units Sold One Reporting Yr Ago					
Units Made Equal This Reporting Yr to Units Sold Two Reporting Yrs Ago					
Units Made Equal This Reporting Yr to Units Sold Three Reporting Yrs Ago					

Affordable Units to be Constructed Inside the Project Area Within Two Years N/A - None

10. Pursuant to Section 33080.4(a)(10), report the number of very low, low, and moderate income units to be financed by any federal, state, local, or private source in order for construction to be completed within two years from the date of the agreement or contract executed over the reporting year. Identify the project and/or contractor, date of the executed agreement or contract, and estimated completion date. Specify the amount reported as an encumbrance on HCD-C, Line 6a. and/or any applicable amount designated on HCD-C, Line 7a. such as for capital outlay or budgeted funds intended to be encumbered for project use within two years from the reporting year's agreement or contract date.

DO NOT REPORT ANY UNITS ON THIS SCHEDULE A THAT ARE REPORTED ON OTHER HCD-As, B, OR Ds.

Col A Name of Project and/or Contractor	Col B Agreement Execution Date	Col C Estimated Completion Date (w/in 2 yrs of Col B)	Col D Sch C Amount Encumbered [Line 6a]	Col E Sch C Amount Designated [Line 7a]	VL	L	M	Total
			\$	\$				
			\$	\$				
			\$	\$				

Please attach a separate sheet of paper to list additional information.

SCHEDULE HCD-C

Agency-wide Activity

for Fiscal Year Ended 6 / 30 / 10

Agency Name: Town of Yucca Valley RDA County: San Bernardino

Preparer's Name, Title: Scott Manno Preparer's E-Mail Address: smanno@ramscpa.net

Preparer's Telephone No: (909) 889-0871 Preparer's Facsimile No: (909) 889-5361

Low & Moderate Income Housing Funds

Report on the "status and use of the agency's Low and Moderate Income Housing Fund." Most information reported here should be based on information reported to the State Controller.

1. Beginning Balance (Use " <u>Net Resources Available</u> " from last fiscal year report to HCD)	\$ <u>1,801,733</u>
a. If Beginning Balance requires adjustment(s), describe and provide dollar amount (positive/negative) making up total adjustment: Use < \$ > for negative amounts or amounts to be subtracted.	
_____ \$ _____	
_____ \$ _____	
_____ \$ _____	
b. Adjusted Beginning Balance [Beginning Balance plus + or minus <-> Total Adjustment(s)]	\$ <u>1,801,733</u>
2. Project Area(s) Receipts and Housing Fund Revenues	
a. Total Project Area(s) Receipts. Total Summed amount of HCD-Schedule A(s) (from Line 3k)	\$ <u>520,291</u>
b. Housing Fund Resources <u>not</u> reported on HCD Schedule -A(s) Describe and Provide Dollar Amount(s) (Positive/Negative) Making Up Total Housing Fund Resources	
_____ \$ _____	
_____ \$ _____	
_____ \$ _____	
c. Total Housing Fund Resources	\$ <u>520,291</u>
3. Total Resources (Line 1b. + Line 2a + Line 2c.)	\$ <u>2,322,024</u>

NOTES:

Many amounts to report as Expenditures and Other Uses (beginning on the next page) should be taken from amounts reported to the State Controller's Office (SCO). Review the SCO's Redevelopment Agencies Financial Transactions Report.

Housing Fund "transfers-out" to other internal Agency funds: Report the specific use of all transferred funds on applicable lines 4a.-k of Schedule C. For example, transfers from the Housing Fund to the Debt Service Fund for the repayment of principal and interest of debt proceeds deposited to the Housing Fund should be reported on the applicable item comprising HCD-C Line 4c, providing tax increment (gross and deposit amounts) were reported on Sch.-As. External transfers out of the Agency should be reported on HCD-C Line 4j (e.g.: transfer of excess surplus to the County Housing Authority).

Other Uses: Non-GAAP (Generally Accepted Accounting Principles) recording of expenditures such as land purchases for agencies using the Land Held for Resale method to record land purchases should be reported on HCD-C Line 4a(1). Funds spent resulting in loans to the Housing Fund should be included in HCD-C lines 4b., 4f., 4g., 4h., and 4i as appropriate.

The statutory cite pertaining to Community Redevelopment Law (CRL) is provided for preparers to review to determine the appropriateness of Low and Moderate Income Housing Fund (LMJHF) expenditures and other uses. HCD does not represent that line items identifying any expenditures and other uses are allowable. CRL is accessible on the Internet [website: <http://www.leginfo.ca.gov/> (California Law)] beginning with Section 33000 of the Health and Safety Code.

4. Expenditures, Loans, and Other Uses

a. Acquisition of Property & Building Sites [33334.2(e)(1)] & Housing [33334.2(e)(6)]:

(1) Land Purchases (<i>Investment – Land Held for Resale</i>) *	\$	_____
(2) Housing Assets (<i>Fixed Asset</i>) *	\$	_____
(3) Acquisition Expense	\$	_____
(4) Operation of Acquired Property	\$	_____
(5) Relocation Costs	\$	_____
(6) Relocation Payments	\$	_____
(7) Site Clearance Costs	\$	_____
(8) Disposal Costs	\$	_____
(9) Other [Explain and identify amount(s)]:		
	\$	_____
	\$	_____
	\$	_____

* Reported to SCO as part of Assets and Other Debts

(10) Subtotal Property/Building Sites/Housing Acquisition (Sum of Lines 1 – 9) \$ _____

b. Subsidies from Low and Moderate Income Housing Fund (LMIHF):

(1) 1 st Time Homebuyer Down Payment Assistance	\$	_____
(2) Rental Subsidies	\$	_____
(3) Purchase of Affordability Covenants [33413(b)2(B)]	\$	_____
(4) Other [Explain and identify amount(s)]:		
	\$	_____
	\$	_____
	\$	_____

(5) Subtotal Subsidies from LMIHF (Sum of Lines 1 – 4) \$ _____

c. Debt Service [33334.2(e)(9)]. If paid from LMIHF, report LMIHF's share of debt service. If paid from Debt Service Fund, ensure "gross" tax increment is reported on HCD-A(s) Line 3a(1).

(1) Debt Principal Payments		
(a) Tax Allocation, Bonds & Notes	\$	_____
(b) Revenue Bonds & Certificates of Participation	\$	_____
(c) City/County Advances & Loans	\$	_____
(d) U. S. State & Other Long-Term Debt	\$	_____
(2) Interest Expense	\$	_____
(3) Debt Issuance Costs	\$	_____
(4) Other [Explain and identify amount(s)]:		
Debt service transfers	\$ 65,299	_____
	\$	_____
	\$	65,299

(5) Subtotal Debt Service (Sum of Lines 1 – 4) \$ _____

d. Planning and Administration Costs [33334.3(e)(1)]:

(1) Administration Costs	\$	2,190
(2) Professional Services (<u>non project specific</u>)	\$	17,216
(3) Planning/Survey/Design (<u>non project specific</u>)	\$	9,677
(4) Indirect Nonprofit Costs [33334.3(e)(1)(B)]	\$	_____
(5) Other [Explain and identify amount(s)]:		
	\$	_____
	\$	_____
	\$	_____

(6) Subtotal Planning and Administration (Sum of Lines 1 – 5) \$ 29,083

4. **Expenditures, Loans, and Other Uses (continued)**

e. On/Off-Site Improvements [33334.2(e)(2)] <i>Complete item 13</i>	\$
f. Housing Construction [33334.2(e)(5)]	\$
g. Housing Rehabilitation [33334.2(e)(7)]	\$
h. Maintain Supply of Mobilehome Parks [33334.2(e)(10)]	\$
i. Preservation of At-Risk Units [33334.2(e)(11)]	\$
j. Transfers Out of Agency	
(1) For Transit village Development Plan (33334.19)	\$
(2) Excess Surplus [33334.12(a)(1)(A)]	\$
(3) Other (specify code section authorizing transfer and amount)	
A. Section _____	\$
B. Section _____	\$
Other Transfers Subtotal	\$
(4) Subtotal Transfers Out of Agency (Sum of j(1) through j(3))	\$
k. SERAF loan [33334.2 (k)] Also complete Line 8e (below) and Box 23, pg 9.	\$ <u>636,679</u>
l. Other Expenditures, Loans, and Uses [Explain and identify amount(s)]:	\$

Subtotal Other Expenditures, Loans, and Uses \$ 636,679

m. **Total Expenditures, Loans, and Other Uses** (Sum of lines 4a.-l.) \$ 731,061

5. **Net Resources Available** [End of Reporting Fiscal Year]

[Page 1, Line 3, Total Resources minus Total Expenditures, Loans, and Other Uses on Line 4.l.] \$1,590,963

6. **Encumbrances and Unencumbered Balance**

a. **Encumbrances.** Amount of Line 5 reserved for future payment of legal contract(s) or agreement(s). See H&SC Section 33334.12(g)(2) for definition.
Refer to item 10 on Sch-A(s) and item 4 on Sch-B.

\$

b. **Unencumbered Balance** (Line 5 minus Line 6a). Also enter on Page 4, Line 11a.

\$ 1,590,963

7. **Designated/Undesignated Amount of Available Funds**

a. **Designated From Line 6b-** Budgeted/planned to use near-term

Refer to item 10 on Sch-A(s) and item 4 on Sch-B

\$

b. **Undesignated From Line 6b-** Portion not yet budgeted/planned to use

\$

8. **Other Housing Fund Assets** (non recurrent receivables) not included as part of Line 5

a. **Indebtedness from Deferrals of Tax Increment** (33334.6)
[refer to Sch-A(s), Line 5c (2)].

\$

b. **Value of Land Purchased with Housing Funds and Held for Development of Affordable Housing.** *Complete Sch-C item 14.*

\$

c. **Loans Receivable for Housing Activities**

\$

d. **Residual Receipt Loans** (periodic/fluctuating payments)

\$

e. **SERAF Total Receivable** [Sec 33334.2 (k)]

(Also report in Sch C, Box 23, pg 9.)

\$

f. **ERAF Loans Receivable** (all years) (33681)

\$ 636,679

g. **Other Assets** [Explain and identify amount(s)]:

\$

h. **Total Other Housing Fund Assets** (Sum of lines 8a.-g.)

\$ 636,679

9. **TOTAL FUND EQUITY**

[Line 5 (Net Resources Available) +8g (Total Other Housing Fund Assets)]

\$ 2,227,642

Compare Line 9 to the below amount reported to the SCO (Balance Sheet of Redevelopment Agencies Financial Transactions Report. [Explain differences and identify amount(s)]:

	\$	\$ -
<u>ENTER LOW-MOD FUND TOTAL EQUITIES (BALANCE SHEET) REPORTED TO SCO</u>	\$	<u>\$ 2,227,642</u>

Excess Surplus Information

Pursuant to Section 33080.7 and Section 33334.12(g)(1), report on Excess Surplus that is required to be determined on the first day of a fiscal year. Excess Surplus exists when the Adjusted Balance exceeds the greater of: (1) \$1,000,000 or (2) the aggregate amount of tax increment deposited to the Housing Fund during the prior four fiscal years. Section 33334.12(g)(3)(A) and (B) provide that the Unencumbered Balance can be adjusted for: (1) any remaining revenue generated in the reporting year from unspent debt proceeds and (2) if the land was disposed of during the reporting year to develop affordable housing, the difference between the fair market value of land and the value received.

The Unencumbered Balance is calculated by subtracting encumbrances from Net Resources Available. "Encumbrances" are funds reserved and committed pursuant to a legally enforceable contract or agreement for expenditure for authorized redevelopment housing activities [Section 33334.12(g)(2)].

For Excess Surplus calculation purposes, carry over the prior year's HCD Schedule C Adjusted Balance as the Adjusted Balance on the first day of the reporting fiscal year. Determine which is larger: (1) \$1 million or (2) the total of tax increment deposited over the prior four years. Subtract the largest amount from the Adjusted Balance and, if positive, report the amount as Excess Surplus.

10. Excess Surplus:

Complete Columns 2, 3, 4, & 5 to calculate Excess Surplus for the reporting year. Columns 6 and 7 track prior years' Excess Surplus.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
4 Prior and Current Reporting Years	Total Tax Increment Deposits to Housing Fund	Sum of Tax Increment Deposits Over Prior Four FYs	Current Reporting Year 1 st Day Adjusted Balance	Current Reporting Year 1 st Day Excess Surplus Balances	Amount Expended/Encumbered Against FY Balance of Excess Surplus as of End of Reporting Year	Remaining Excess Surplus for Each Fiscal Year as of End of Reporting Year
4 Rpt Yrs Ago FY 06	\$ 230,371			\$	\$	\$
3 Rpt Yrs Ago FY 07	\$ 365,381			\$	\$	\$
2 Rpt Yrs Ago FY 08	\$ 509,158			\$	\$	\$
1 Rpt Yr Ago FY 09	\$ 512,663			\$	\$	\$
CURRENT Reporting Year FY 10		Sum of Column 2 \$1,617,573	Last Year's Sch C Adjusted Balance \$1,627,833	Col 4 minus: larger of Col 3 or \$1mm (report positive \$) \$ 10,260	\$	\$

11. Reporting Year Ending Unencumbered Balance and Adjusted Balance:

- a. Unencumbered Balance (End of Year) [Page 3, Line 6b] \$1,590,963
- b. If eligible, adjust the Unencumbered Balance for:
 - (1) Debt Proceeds [33334.12(g)(3)(B)]:
Identify unspent debt proceeds and related income remaining at end of reporting year \$ -0-
 - (2) Land Conveyance Losses [(33334.12(g)(3)(A))]:
Identify reporting year losses from sales/grants/leases of land acquired with low-mod funds, if 49% or more of new or rehabilitated units will be affordable to lower-income households \$

12. Adjusted Balance (next year's determination of Excess Surplus) [Line 11a minus sum of 11b(1) & 11b(2)] \$ 1,590,963

Note: Do not enter Adjusted Balance in Col 4. It is to be reported as next year's 1st day amount to determine Excess Surplus

- a. If there is remaining Excess Surplus from what was determined on the first day of the reporting year, describe the agency's plan (as specified in Section 33334.10) for transferring, encumbering, or expending excess surplus:
The Agency is currently working on a development proposal for the construction of approximately 70 units of low/mod senior housing. It is anticipated that this proposal will go before the Agency board for approval in FY 2011. Any such development will require the use of most or all of the Agency's Adjusted Balance, therefore eliminating the current surplus balance as well as the Adjusted Balance.
- b. If the plan described in 12a. was adopted, enter the plan adoption date: ____/____/____
mo day yr

Miscellaneous Uses of Funds N/A

13. If an amount is reported in 4e., pursuant to Section 33080.4(a)(6), report the total number of very low-, low-, and moderate-income households that directly benefited from expenditures for onsite/offsite improvements which resulted in either new construction, rehabilitation, or the elimination of health and safety hazards. (Note: If Line 4e of this schedule does not show expenditures for improvements, no units should be reported here.)

Income Level	Households Constructed	Households Rehabilitated	Households Benefiting from Elimination of Health and Safety Hazard	Duration of Deed Restriction
Very Low				
Low				
Moderate				

14. If the agency is holding land for future housing development (refer to Line 8b), summarize the acreage (round to tenths, do not report square footage), zoning, date of purchase, and the anticipated start date for the housing development. N/A

Site Name/Location*	No. of Acres	Zoning	Purchase Date	Estimated Date Available	Comments

Please attach a separate sheet of paper listing any additional sites not reported above.

15. Section 33334.13 requires agencies which have used the Housing Fund to assist mortgagors in a homeownership mortgage revenue bond program, or home financing program described in that Section, to provide the following information:

- a. Has your agency used the authority related to definitions of income or family size adjustment factors provided in Section 33334.13(a)?
 Yes No Not Applicable

- b. Has the agency complied with requirements in Section 33334.13(b) related to assistance for very low-income households equal to twice that provided for above moderate-income households?
 Yes No Not Applicable

16. Did the Agency use non-LMIHF funds as matching funds for the Federal HOME or HOPE program during the reporting period?

YES NO

If yes, please indicate the amount of non-LMIHF funds that were used for either HOME or HOPE program support.

HOME \$ _____ HOPE \$ _____

17. Pursuant to Section 33080.4(a)(11), the agency shall maintain adequate records to identify the date and amount of all LMIHF deposits and withdrawals during the reporting period. To satisfy this requirement, the Agency should keep and make available upon request any and all deposit and withdrawal information. **DO NOT SUBMIT ANY DOCUMENTS/RECORDS.**

Has your agency made any deposits to or withdrawals from the LMIHF? Yes No

If yes, identify the document(s) describing the agency's deposits and withdrawals by listing for each document, the following (attach additional pages of similar information below as necessary):

Name of document (e.g. ledger, journal, etc.): _____
Name of Agency Custodian (person): _____
Custodian's telephone number: _____
Place where record can be accessed: _____

Name of document (e.g. ledger, journal, etc.): _____
Name of Agency Custodian (person): _____
Custodian's telephone number: _____
Place where record can be accessed: _____

18. **Use of Other (non Low-Mod Funds) Redevelopment Funds for Housing**

Please briefly describe the use of any non-LMIHF redevelopment funds (i.e., contributions from the other 80% of tax increment revenue or other non Low-Mod funds) to construct, improve, assist, or preserve housing in the community.

N/A

19. **Suggestions/Resource Needs**

Please provide suggestions to simplify and improve future agency reporting and identify any training, information, and/or other resources, etc. that would help your agency to more quickly and effectively use its housing or other funds to increase, improve, and preserve affordable housing?

N/A

20. **Annual Monitoring Reports of Previously Completed Affordable Housing Projects/Programs (H&SC 33418)**

Were all Annual Monitoring Reports received for all prior years' affordable housing projects/programs? Yes No

21. Excess Surplus Expenditure Plan (H&SC 33334.10(a))

The Agency is currently working on a development proposal for the construction of approximately 70 units of low/mod senior housing. It is anticipated that this proposal will go before the Agency board for approval in FY 2011. Any such development will require the use of most or all of the Agency's Adjusted Balance, therefore eliminating the current surplus balance as well as the Adjusted Balance.

Agency Name: Town of Yucca Valley RDA

22. Footnote area to provide additional information.

N/A

23. Accounting for SERAF REPAYMENTS - AGENCY WIDE, ALL YEARS

Instructions: • **For FY2009-10:** Add amounts suspended & loaned then enter total in Col 4. • **For FY2010-11:** Add the amount loaned (for SERAF payment only) to the remaining balance in Col 4 from FY2009-10., then subtract any amount repaid, and enter the net total in Col 4. • **For all other fiscal years (up to June 30, 2016):** subtract the amount of SERAF repaid during each fiscal year from the prior year's remaining balance in Col 4. Continue repaying the Low Mod Fund until the entire amount of any SERAF suspended and/or loaned has been repaid in full, pursuant to the repayment timeframes listed in the Health and Safety Code Sections cited below.

Specify Fiscal Year of any repayment	Col 1 Amount Suspended ONLY in FY 2009-10	Col 2 Amount Loaned for SERAF payment In FY2009-10 or In FY2010-11	Col 3 Amount SERAF REPAID in each Reporting Fiscal Year	Col 4 * SERAF Balance Remaining
2009 - 2010		636,679	-	636,679
2010 - 2011				
2011 - 2012				
2012 - 2013				
2013 - 2014				
2014 - 2015	Funds suspended & loaned in FY2009-10 must be repaid by 6/30/2015			
2015 - 2016	Funds loaned in FY2010-11 must be repaid by 6/30/2016			

Suspending Funds to pay SERAF in FY2009-10 : - H&SC Section 33334.2(k)(1)(2)(3)

Pursuant to the H&SC Section 33334.2 (k)(1)(2)(3) agencies are authorized to make SERAF payments by suspending tax increment revenue from being deposited into the Low Mod Funds. Any suspension of funds is limited to Fiscal Year 2009-10 and must be paid back in full to the Low Mod Fund no later than June 30, 2015.

Borrowing Funds to pay SERAF in FY2009-10 : - H&SC Section 33690(c)(1)(2)

Pursuant to H&SC Section 33690(c)(1)(2), For Fiscal Year 2009-10, agencies can pay the SERAF by borrowing funds from the Low Mod Housing Fund, but must pay back all of the borrowed funds no later than June 30, 2015.

Borrowing Funds to pay SERAF in FY2010-11 : - H&SC Section 33690.5(c)(1)(2)

Pursuant to H&SC Section 33690.5(c)(1)(2), For Fiscal Year 2010-11, agencies can pay the SERAF by borrowing funds from the Low Mod Housing Fund, but must pay back all of the borrowed funds no later than June 30, 2016.

**Penalties exist for not repaying SERAF to Low Mod Fund:
Refer to H&SC Sections 33020.5, 33331.5, 33334.2, 33688, 33690, 33690.5, 33691 and 33692.**

24. Project Achievement and HCD Director's Award for Housing Excellence

Project achievement information is optional but can serve important purposes: Agencies' achievements can inform others of successful redevelopment projects and provide instructive information for additional successful projects. Achievements may be included in HCD's Annual Report of Housing Activities of California Redevelopment Agencies to assist other local agencies in developing effective and efficient programs to address local housing needs.

In addition, HCD may select various projects to receive the Director's Award for Housing Excellence. Projects may be selected based on criteria such as local affordable housing need(s) met, resources utilized, barriers overcome, and project innovation/complexity, etc.

Project achievement information should only be submitted for one affordable residential project that was completed within the reporting year as evidenced by a Certificate of Occupancy. The project must not have been previously reported as an achievement.

To publish agencies' achievements in a standard format, please complete information for each underlined category below addressing suggested topics in a narrative format that does not exceed two pages (see example, next page). In addition to submitting information with other HCD forms to the State Controller, please submit achievement information on a 3.5 inch diskette and identify the software type and version. For convenience, the diskette can be separately mailed to: HCD Policy Division, 1800 3rd Street, Sacramento, CA 95811 or data can be attached to an email and sent to appropriate staff by inquiring of appropriate staff's name and email address by calling 916.445-4728.

AGENCY INFORMATION

- Project Type (Choose one of the categories below and one kind of assistance representing the primary project type):

<u>New/Additional Units (Previously Unoccupied/Uninhabitable):</u>	<u>Existing Units (Previously Occupied)</u>
- New Construction to own	- Rehabilitation of Owner-Occupied
- New Construction to rent	- Rehabilitation of Tenant-Occupied
- Rehabilitation to own	- Acquisition and Rehabilitation to Own
- Rehabilitation to rent	- Acquisition and Rehabilitation to Rent
- Adaptive Re-use	- Mobilehomes/Manufactured Homes
- Mixed Use Infill	- Payment Assistance for Owner or Renter
- Mobilehomes/Manufactured Homes	- Transitional Housing
- Mortgage Assistance	- Other (describe)
- Transitional Housing	
- Other (describe)	
- Agency Name:
- Agency Contact and Telephone Number for the Project:

DESCRIPTION

- Project Name
- Clientele served [owner, renter, income group, special need (e.g. large family or disabled), etc.]
- Number and type of units and location, density, and size of project relative to other projects, etc.
- Degree of affordability/assistance rendered to families by project, etc.
- Uniqueness (land use, design features, additional services/amenities provided, funding sources/collaboration, before/after project conversion such as re-use, mixed use, etc.)
- Cost (acquisition, clean-up, infrastructure, conversion, development, etc.)

HISTORY

- Timeframe from planning to opening
- Barriers/resistance (legal/financial/community, etc.) that were overcome
- Problems and creative solutions found
- Lessons learned and/or recommendations for undertaking a similar project

AGENCY ROLE AND ACHIEVEMENT

- Degree of involvement with concept, design, approval, financing, construction, operation, and cost, etc.
- Specific agency and/or community goals and objectives met, etc.

**REDEVELOPMENT AGENCIES
FINANCIAL TRANSACTIONS REPORT
COVER PAGE**

Town Of Yucca Valley Redevelopment Agency

Fiscal Year: **2010** ID Number: **13983695300**

Submitted by:

Signature

Title

Name (Please Print)

Date

Per Health and Safety Code section 33080, this report is due within six months after the end of the fiscal year. The report is to include two (2) copies of the agency's component unit audited financial statements, and the report on the Status and Use of the Low and Moderate Income Housing Fund (HCD report). To meet the filing requirements, all portions must be received by the California State Controller's Office.

To file electronically:

1. Complete all forms as necessary.
2. Transmit the completed output file using a File Transfer Protocol (FTP) program or via diskette.
3. Sign this cover page and mail to either address below with 2 audits and the HCD report.

To file a paper report:

1. Complete all forms as necessary.
2. Sign this cover page, and mail complete report to either address below with 2 audits and the HCD report.

Report will not be considered filed until receipt of this signed cover page.

Mailing Address:

State Controller's Office
Division of Accounting and Reporting
Local Government Reporting Section
P. O. Box 942850
Sacramento, CA 94250

Express Mailing Address:

State Controller's Office
Division of Accounting and Reporting
Local Government Reporting Section
3301 C Street, Suite 700
Sacramento, CA 95816

**Town Of Yucca Valley Redevelopment Agency
Redevelopment Agencies Financial Transactions Report**

General Information

Fiscal Year **2010**

Members of the Governing Body

	Last Name	First Name	Middle Initial
Chairperson	Mayer	Chad	
Member	Luckino	Frank	
Member	Herbel	Lori	
Member	Rowe	Dawn	
Member	Huntington	George	
Member			
Member			
Member			
Member			
Member			

Mailing Address

Street 1 57090 Twenty-Nine Palms Highway
 Street 2
 City Yucca Valley State CA Zip 92284
 Phone (760) 369-7207 Is Address Changed?

Agency Officials

	Last Name	First Name	Middle Initial	Phone
Executive Director	Tooker	John		(760) 369-7207
Fiscal Officer	Yakimow	Curtis		(760) 369-7207
Secretary	Anderson	Jamie		(760) 369-7207
Report Prepared By				
Firm Name	Independent Auditor Rogers, Anderson, Malody and Scott			
Last	Manno			
First	Scott			
Middle Initial				
Street	290 North D Street, Suite 300			
City	San Bernardino			
State	CA			
Zip Code	92401-			
Phone	(909) 889-0871			

Town Of Yucca Valley Redevelopment Agency Redevelopment Agencies Financial Transactions Report

Achievement Information (Unaudited)

Fiscal Year 2010

Indicate Only Those Achievements Completed During the Fiscal Year of this Report as a Direct Result of the Activities of the Redevelopment Agency.

Please provide a description of the agency's activities/accomplishments during the past year.

(Please be specific, as this information will be the basis for possible inclusion in the publication.)

Activity Report

The Yucca Valley RDA continues to actively promote the goals and objectives of the Agency's recently updated five-year plan. Specifically, the Agency continues to work on the long-term plan for the Yucca Valley Old Town area located within the project area, including the acquisition of strategic parcels within the downtown area. Additionally, the Agency is progressing with the early stage planning of an affordable housing effort within the heart of the project area. Finally, the Agency continues to work toward the goals of evaluating critical infrastructure projects affecting the project area as a whole.

	Enter the amount of square footage completed this year by building type and segregated by new or rehabilitated construction.		Square Footage Completed		
		New Construction		Rehabilitated	
Commercial Buildings					
Industrial Buildings					
Public Buildings					
Other Buildings					
Total Square Footage		0		0	
Enter the Number of Jobs Created from the Activities of the Agency					
Types Completed					
A=Utilities B=Recreation C=Landscaping D=Sewer/ Storm E=Streets/ Roads					
F=Bus/Transit					

**Town Of Yucca Valley Redevelopment Agency
 Redevelopment Agencies Financial Transactions Report**

Audit Information

Fiscal Year	2010		
Was the Report Prepared from Audited Financial Data, and Did You Submit a Copy of the Audit?	Yes	If compliance opinion includes exceptions, state the areas of non-compliance, and describe the agency's efforts to correct.	
Indicate Financial Audit Opinion	Unqualified		
If Financial Audit is not yet Completed, What is the Expected Completion Date?	Yes		
If the Audit Opinion was Other than Unqualified, State Briefly the Reason Given	Yes		
Was a Compliance Audit Performed in Accordance with Health and Safety Code Section 33080.1 and the State Controller's Guidelines for Compliance Audits, and Did You Submit a Copy of the Audit?	Yes		
Indicate Compliance Audit Opinion	Unqualified		
If Compliance Audit is not yet Completed, What is the Expected Completion Date?	Yes		

Town Of Yucca Valley Redevelopment Agency
 Redevelopment Agencies Financial Transactions Report

Project Area Report

Fiscal Year 2010

Project Area Name

Yucca Valley Project Area

Please Provide a Brief Description of the Activities for this Project Area During the Reporting Year.

Activity Report

Please refer to the Agency's 2009-10 Annual Report for a description of these activities.

Forwarded from Prior Year? Yes No

Enter Code for Type of Project Area Report

P

- P = Standard Project Area Report
- L = Low and Moderate Income Housing Fund
- O = Other Miscellaneous Funds or Programs
- A = Administrative Fund
- M = Mortgage Revenue Bond Program
- S = Proposed (Survey) Project Area

Does the Plan include Tax Increment Provisions?

Yes No

Date Project Area was Established (MM-DD-YY)

8/5/1993

Most Recent Date Project Area was Amended

Did this Amendment Add New Territory?

Most Recent Date Project Area was Merged

Will this Project Area be Carried Forward to Next Year?

Yes No

Established Time Limit :

Repayment of Indebtedness (Year Only)

2043

Effectiveness of Plan (Year Only)

2033

New Indebtedness (Year Only)

2013

Size of Project Area in Acres

2,385

Percentage of Land Vacant at the Inception of the Project Area
 Health and Safety Code Section 33320.1 (xx.x%)

20.0

Percentage of Land Developed at the Inception of the Project Area
 Health and Safety Code Section 33320.1 (xx.x%)

80.0

Objectives of the Project Area as Set Forth in the Project Area Plan
 (Enter the Appropriate Code(s) in Sequence as Shown)

RCP

R = Residential I = Industrial C = Commercial P = Public O = Other

**Town Of Yucca Valley Redevelopment Agency
 Redevelopment Agencies Financial Transactions Report**

Assessed Valuation Data

Fiscal Year 2010

Project Area Name

Yucca Valley Project Area

Frozen Base Assessed Valuation

214,157,116

Increment Assessed Valuation

249,042,353

Total Assessed Valuation

463,199,469

**Town Of Yucca Valley Redevelopment Agency
 Redevelopment Agencies Financial Transactions Report**

Pass-Through / School District Assistance

Fiscal Year 2010

Project Area Name Yucca Valley Project Area

Amounts Paid To Taxing Agencies Pursuant To:	Tax Increment Pass Through Detail			Other Payments		
	H & S Code Section 33401	H & S Code Section 33676	H & S Code Section 33607	Total	H & S Code Section 33445	H & S Code Section 33445.5
County	176,245			\$176,245		
Cities				\$0		
School Districts	205,963			\$205,963		
Community College Districts	96,858			\$96,858		
Special Districts	284,302			\$284,302		
Total Paid to Taxing Agencies	\$763,368	\$0	\$0	\$763,368	\$0	\$0

Net Amount to Agency	\$1,640,102
Gross Tax Increment Generated	2,403,470

**Town Of Yucca Valley Redevelopment Agency
 Redevelopment Agencies Financial Transactions Report**

Summary of the Statement of Indebtedness - Project Area

Fiscal Year 2010

Project Area Name	Yucca Valley Project Area
Tax Allocation Bond Debt	20,635,178
Revenue Bonds	
Other Long Term Debt	
City/County Debt	1,245,603
Low and Moderate Income Housing Fund	26,333,110
Other	52,866,601
Total	\$101,080,492
Available Revenues	3,980,938
Net Tax Increment Requirements	\$97,099,554

**Town Of Yucca Valley Redevelopment Agency
 Redevelopment Agencies Financial Transactions Report**

Agency Long-Term Debt

Fiscal Year 2010

Project Area Name Yucca Valley Project Area

Forward from Prior Year	Yes
Bond Type	Tax Allocation Bonds
Year of Authorization	2008
Principal Amount Authorized	10,625,000
Principal Amount Issued	10,625,000
Purpose of Issue	financing
Maturity Date Beginning Year	2009
Maturity Date Ending Year	2038
Principal Amount Unmatured Beginning of Fiscal Year	\$10,460,000

Adjustment Made During Year	
Adjustment Explanation	
Interest Added to Principal	
Principal Amount Issued During Fiscal Year	170,000
Principal Amount Matured During Fiscal Year	
Principal Amount Defeased During Fiscal Year	
Principal Amount Unmatured End of Fiscal Year	\$10,290,000
Principal Amount In Default	
Interest In Default	

Bond Types Allowed:

Tax Allocation Bonds; Revenue Bonds; Certificates of Participation; Tax Allocation Notes; Financing Authority Bonds; City/County Debt; US; State; Loans; Lease Obligations; Notes; Deferred Pass-Throughs; Deferred Compensation; Other

**Town Of Yucca Valley Redevelopment Agency
 Redevelopment Agencies Financial Transactions Report**

Statement of Income and Expenditures - Revenues

Fiscal Year **2010**

Project Area Name **Yucca Valley Project Area**

	Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	Total
Tax Increment Gross <i>(Include All Apportionment(s))</i>		2,403,470			\$2,403,470
Special Supplemental Subvention					\$0
Property Assessments					\$0
Sales and Use Tax					\$0
Transient Occupancy Tax					\$0
Interest Income	35,014	23,039	11,222		\$69,275
Rental Income					\$0
Lease Income					\$0
Sale of Real Estate					\$0
Gain on Land Held for Resale					\$0
Federal Grants					\$0
Grants from Other Agencies					\$0
Bond Administrative Fees					\$0
Other Revenues		21,766			\$21,766
Total Revenues	\$35,014	\$2,448,275	\$11,222	\$0	\$2,494,511

**Town Of Yucca Valley Redevelopment Agency
 Redevelopment Agencies Financial Transactions Report**

Statement of Income and Expenditures - Expenditures

Fiscal Year	Project Area Name	Statement of Income and Expenditures - Expenditures					Total
		Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other		
2010	Yucca Valley Project Area						
	Administration Costs	532	235,597				\$236,129
	Professional Services	29,286	35,438	17,216			\$81,940
	Planning, Survey, and Design			9,677			\$9,677
	Real Estate Purchases	989,026					\$989,026
	Acquisition Expense						\$0
	Operation of Acquired Property						\$0
	Relocation Costs						\$0
	Relocation Payments						\$0
	Site Clearance Costs						\$0
	Project Improvement / Construction Costs	267,221					\$267,221
	Disposal Costs						\$0
	Loss on Disposition of Land Held for Resale						\$0

**Town Of Yucca Valley Redevelopment Agency
Redevelopment Agencies Financial Transactions Report**

Statement of Income and Expenditures - Expenditures

Fiscal Year	Project Area Name	Yucca Valley Project Area					Total
		Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other		
2010							
	Decline In Value of Land Held for Resale						\$0
	Rehabilitation Costs						\$0
	Rehabilitation Grants						\$0
	Interest Expense		573,917				\$573,917
	Fixed Asset Acquisitions						\$0
	Subsidies to Low and Moderate Income Housing						\$0
	Debt Issuance Costs						\$0
	Other Expenditures Including Pass-Through Payment(s)		1,400,048	2,190			\$1,402,238
	Debt Principal Payments:						
	Tax Allocation Bonds and Notes		170,000				\$170,000
	Revenue Bonds, Certificates of Participation, Financing Authority Bonds						\$0
	City/County Advances and Loans						\$0
	All Other Long-Term Debt						\$0
	Total Expenditures	\$1,286,065	\$2,415,000	\$29,083	\$0		\$3,730,148
	Excess (Deficiency) Revenues over (under) Expenditures	(\$1,251,051)	\$33,275	(\$17,861)	\$0		(\$1,235,637)

**Town Of Yucca Valley Redevelopment Agency
Redevelopment Agencies Financial Transactions Report**

Statement of Income and Expenditures - Other Financing Sources

Project Area Name	Fiscal Year	Yucca Valley Project Area					Total
		Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other		
Proceeds of Long-Term Debt	2010					\$0	
Proceeds of Refunding Bonds						\$0	
Payment to Refunded Bond Escrow Agent						\$0	
Advances from City/County						\$0	
Sale of Fixed Assets						\$0	
Miscellaneous Financing Sources (Uses)						\$0	
Operating Transfers In			65,299			\$65,299	
Tax Increment Transfers In				509,069		\$509,069	
Operating Transfers Out				65,299		\$65,299	
Tax Increment Transfers Out			509,069			\$509,069	
<i>(To the Low and Moderate Income Housing Fund)</i>							
Total Other Financing Sources (Uses)		\$0	(\$443,770)	\$443,770	\$0	\$0	

**Town Of Yucca Valley Redevelopment Agency
 Redevelopment Agencies Financial Transactions Report**

Statement of Income and Expenditures - Other Financing Sources

Fiscal Year	Project Area Name	Statement of Income and Expenditures - Other Financing Sources					Total
		Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other		
2010	Yucca Valley Project Area						
	Excess (Deficiency) of Revenues and Other Financing Sources over Expenditures and Other Financing Uses	(\$1,251,051)	(\$410,495)	\$425,909	\$0		(\$1,235,637)
	Equity, Beginning of Period	\$6,897,228	\$4,123,930	\$1,801,733	\$0		\$12,822,891
	Prior Period Adjustments						\$0
	Residual Equity Transfers						\$0
	Equity, End of Period	\$5,646,177	\$3,713,435	\$2,227,642	\$0		\$11,587,254

**Town Of Yucca Valley Redevelopment Agency
Redevelopment Agencies Financial Transactions Report**

Balance Sheet - Assets and Other Debits

Fiscal Year	2010	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long-Term Debt	General Fixed Assets	Total
Assets and Other Debits								
Cash and Imprest Cash	5,724,797	2,294,013	1,582,014					\$9,600,824
Cash with Fiscal Agent		743,203						\$743,203
Tax Increments Receivable								\$0
Accounts Receivable								\$0
Accrued Interest Receivable	7,557	3,067	2,068					\$12,692
Loans Receivable			13,673					\$13,673
Contracts Receivable								\$0
Lease Payments Receivable								\$0
Unearned Finance Charge								\$0
Due from Capital Projects Fund								\$0
Due from Debt Service Fund				636,679				\$636,679
Due from Low/Moderate Income Housing Fund								\$0
Due from Special Revenue/Other Funds								\$0

**Town Of Yucca Valley Redevelopment Agency
Redevelopment Agencies Financial Transactions Report**

Balance Sheet - Assets and Other Debits

Fiscal Year	2010	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long-Term Debt	General Fixed Assets	Total
Investments								\$0
Other Assets			1,658,552					\$1,658,552
Investments: Land Held for Resale								\$0
Allowance for Decline In Value of Land Held for Resale								\$0
Fixed Assets: Land, Structures, and Improvements								\$0
Equipment								\$0
Amount Available In Debt Service Fund								\$0
Amount to be Provided for Payment of Long-Term Debt					10,290,000			\$10,290,000
Total Assets and Other Debits		\$5,732,354	\$4,698,635	\$2,234,434	\$0	\$10,290,000	\$0	\$22,955,623

(Must Equal Total Liabilities, Other Credits, and Equities)

**Town Of Yucca Valley Redevelopment Agency
 Redevelopment Agencies Financial Transactions Report**

Balance Sheet - Liabilities and Other Credits

Fiscal Year	2010	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long- Term Debt	General Fixed Assets	Total
Liabilities and Other Credits								
Accounts Payable	86,177		343,125	6,792				\$436,094
Interest Payable								\$0
Tax Anticipation Notes Payable								\$0
Loans Payable								\$0
Other Liabilities			5,596					\$5,596
Due to Capital Projects Fund								\$0
Due to Debt Service Fund								\$0
Due to Low/Moderate Income Housing Fund			636,679					\$636,679
Due to Special Revenue/Other Funds								\$0
Tax Allocation Bonds Payable						10,290,000		\$10,290,000
Lease Revenue, Certificates of Participation Payable, Financing Authority Bonds								\$0
All Other Long-Term Debt								\$0
Total Liabilities and Other Credits	\$86,177	\$985,400	\$6,792	\$0	\$10,290,000			\$11,368,369

**Town Of Yucca Valley Redevelopment Agency
Redevelopment Agencies Financial Transactions Report**

Balance Sheet - Liabilities and Other Credits

Fiscal Year	2010	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long- Term Debt	General Fixed Assets	Total
Equities								
Investment in General Fixed Assets								\$0
Fund Balance Reserved				650,352				\$650,352
Fund Balance Unreserved-Designated								\$0
Fund Balance Unreserved-Undesignated		5,646,177	3,713,435	1,577,290				\$10,936,902
Total Equities		\$5,646,177	\$3,713,435	\$2,227,642	\$0		\$0	\$11,587,254
Total Liabilities, Other Credits, and Equities		\$5,732,354	\$4,698,835	\$2,234,434	\$0	\$10,290,000	\$0	\$22,955,623

Town Of Yucca Valley Redevelopment Agency

Redevelopment Agencies Financial Transactions Report

Statement of Income and Expenditures - Summary, Combined Transfers In/Out

Fiscal Year	2010
Operating Transfers In	\$65,299
Tax Increment Transfers In	\$508,069
Operating Transfers Out	\$65,299
Tax Increment Transfers Out	\$509,069

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: January 5, 2011
For Council Meeting: January 18, 2011

Subject: Resolution NO. 11-
Emergency Private Road Repair Policy

Prior Council Review: There has been no prior Town Council review of this matter.

Recommendation: That the Town Council adopts the Resolution, finding private non maintained dirt road repairs were necessary following the December 2010, storm events.

Summary: Following the recent rain storm events, the Public Works Division received requests for assistance on 9 private non-maintained dirt roads. Based upon the Council's adopted policy, Town Council approval is required prior to or following the repairs on private non-maintained dirt roads resulting from a calamitous event.

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)

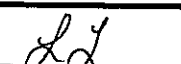
Discussion: Following the recent rain storm events, the Public Works Division received requests for assistance on the following 9 private, non-maintained dirt roads.


- **Terry Lane**, north of Buena Vista
- **Pueblo Trail**, between Chula Vista & Warren Vista
- **Oakwood Drive**, west of San Rafael to open access
- **Bannock Trail** and **Mountain View Trail** intersection
- **Church Street**, between Navajo and Onaga
- **Dulce Avenue**, from Terbush to 1st driveway north of Terbush
- **Ruth Drive** and **David Avenue** intersection

Public Works staff conducted the investigations and found that the surrounding

Reviewed By:


Town Manager


Town Attorney


Mgmt Services


Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

neighborhood(s) could not be accessed with 2-wheel drive emergency vehicles.

Therefore, emergency private road repair was conducted on the private, non-maintained dirt roads, as outlined in the Town's adopted policy.

Based upon the Council's adopted policy, the information and findings contained in the attached Resolution existed following the storm events.

There have been recent discussions regarding dirt road conditions and Burrtec vehicle access to neighborhoods served by dirt roads following storm events. The policy was enacted by the Town Council to provide, when feasible, emergency vehicle access to those residents served by private non-maintained dirt roads immediately following a storm event(s). Trash collection would not typically be viewed as a life/safety service that must be immediately provided. Police, fire, and medical services are those which are commonly considered life/safety and the need for immediacy.

Alternatives: None. The action taken is consistent with the adopted Council policy.

Fiscal impact: The estimated costs for the repair are approximately \$1,350.00.

Attachments: Photos
 Emergency Private Road Repair Policy
 Resolution

RESOLUTION NO. 11-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, FINDING THAT PRIVATE NON MAINTAINED DIRT ROAD REPAIRS WERE NECESSARY FOLLOWING THE DECEMBER 2010 STORM EVENTS

WHEREAS, the Town of Yucca Valley received significant rains during December, 2010; and

WHEREAS, The Director of Emergency Services approved a Resolution, Resolution No. 10-02-E, declaring a state of emergency within the Town of Yucca Valley as a result of the storm events; and

WHEREAS, the rain storm caused significant damage and erosion throughout the community; and

WHEREAS, significant erosion to the private non-maintained dirt roads in the community occurred as a result of the December 2010 rain storm events; and

WHEREAS, the Town of Yucca Valley has an established Policy for Emergency Private Road Repair; and

WHEREAS, Public Works personnel inspected the reported locations and requests for repairs to private non-maintained dirt roads; and

WHEREAS, several of those locations and requests, based upon inspections and as identified in the corresponding staff report, created inaccessibility to localized neighborhoods for emergency vehicles.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY RESOLVES AS FOLLOWS.

Section 1. There was an immediate threat to public health or safety as a result of the natural disaster(s) or other calamitous events;

Section 2. The area was rendered inaccessible to 2-wheel drive emergency police, fire, or other emergency vehicles as a result of these events;

Section 3. A property owner(s) served by the road requested the road be repaired;

Section 3. A property owner(s) served by the road requested the road be repaired;

Section 4. The Town had the financial resources available and the necessary funds were appropriated by the Town Council for the emergency repair work;

Section 5. Sufficient evidence and facts, in the form of written documents and field inspections by Town personnel, have been presented which illustrate that emergency vehicles could not access the area, neighborhood, or structures;

Section 6. The Town Council has reviewed this information at a properly noticed meeting, either before or following the event.

APPROVED AND ADOPTED THIS 18th day of January, 2011.

MAYOR

ATTEST:

TOWN CLERK

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EMERGENCY PRIVATE ROAD REPAIR POLICY

It is the intent to the Town of Yucca Valley to provide emergency repair of private roads, during or immediately following a calamitous event, or as a result of Acts of God (natural events), where there exists an immediate threat to the public health and safety, based upon available financial resources, and availability of other resources necessary for the Town to respond.

The purpose of emergency repair to private dirt roads is to provide repair responsiveness during and immediately following an event. ~~Repair to private dirt roads more than 72 hours following the end of a storm event may or may not be classified as an emergency.~~ Therefore responsibility for repair of the private dirt road(s) always remains with the property owner(s).

Because the availability of equipment and human resources necessary to respond to emergency repair of private dirt roads may be limited at the time of the storm event, ~~the Town cannot establish specific time frames in which emergency repairs to private non-maintained dirt roads will occur.~~ Timing of the Town's emergency repairs to private dirt roads will be based upon available resources.

The Town of Yucca Valley is required and obligated to immediately address emergency repairs to those roads within its maintained system (public system). ~~Therefore prioritization of available resources following a natural disaster will be allocated to the Town's existing maintained system first.~~ Only when resources are available will the Town consider emergency repair to private dirt roads.

Repair of private road under the circumstances herein is not intended to restore the road to its original condition and ~~is limited to restoration of the road sufficient to provide emergency access.~~ Such repair shall not include repair or replacement of culvert, concrete asphalt or other paving material, curbs, berms or gutters, protective material such as rock riprap, or any other road improvements of any kind.

In accordance with State law, the Town of Yucca Valley has no legal requirement to provide emergency road repairs to private dirt roads. The responsibility for any maintenance and/or any repair of private roads following Acts of God or calamitous events remains with the private property owner(s).

The authority and the decision to respond to storm events and to provide emergency repair to private dirt roads rests with the Town Council. No emergency repair to any private dirt road shall occur without prior approval of the Town Council or in the event that staff must take action, staff will report back to the Town Council at the next regularly scheduled Town Council meeting.

Emergency repair of private roads may be undertaken subject to the following:

The Town Council has found the following circumstances or conditions to exist:

1. There is an immediate threat to public health or safety as a result of natural disaster or other calamitous event;
2. ~~The area has been rendered inaccessible to 2-wheel drive emergency police, fire, or other emergency vehicles as a result of this event;~~
3. A property owner(s) served by the road has requested the road be repaired; and
4. The Town has the financial resources available and the necessary funds have been appropriated by the Town Council for the emergency repair work;
5. Sufficient evidence and facts, in the form of written documents, have been presented which illustrate that emergency vehicles cannot access the area, neighborhood, or structures; and the Town Council has reviewed this information at a properly notice meeting, either before or following the event.

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Tony Lane

Oakwood Drive

1247

Ruth & David

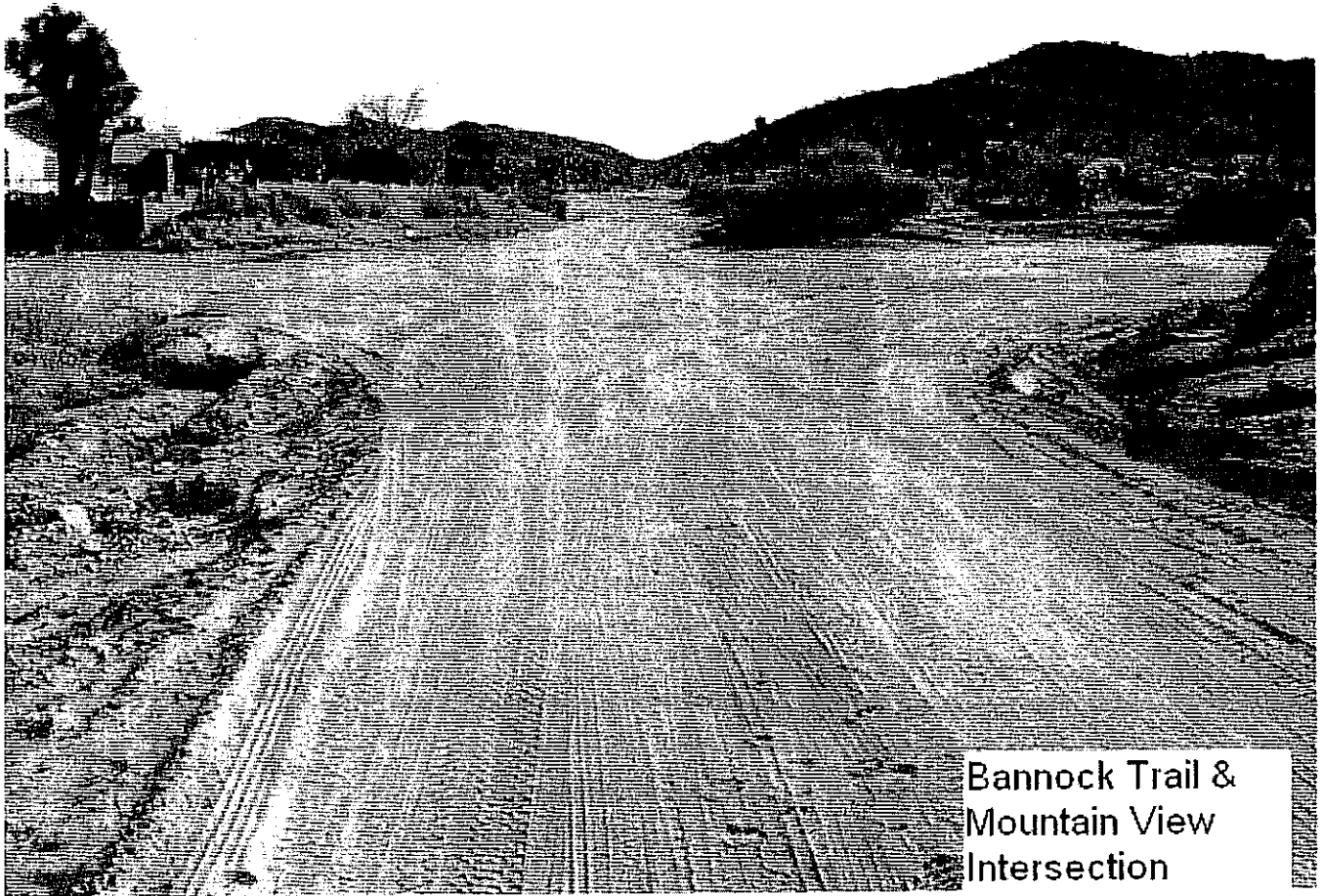
Proble Trail

Church Street

Bainock & Min. View

Duibe Avenue

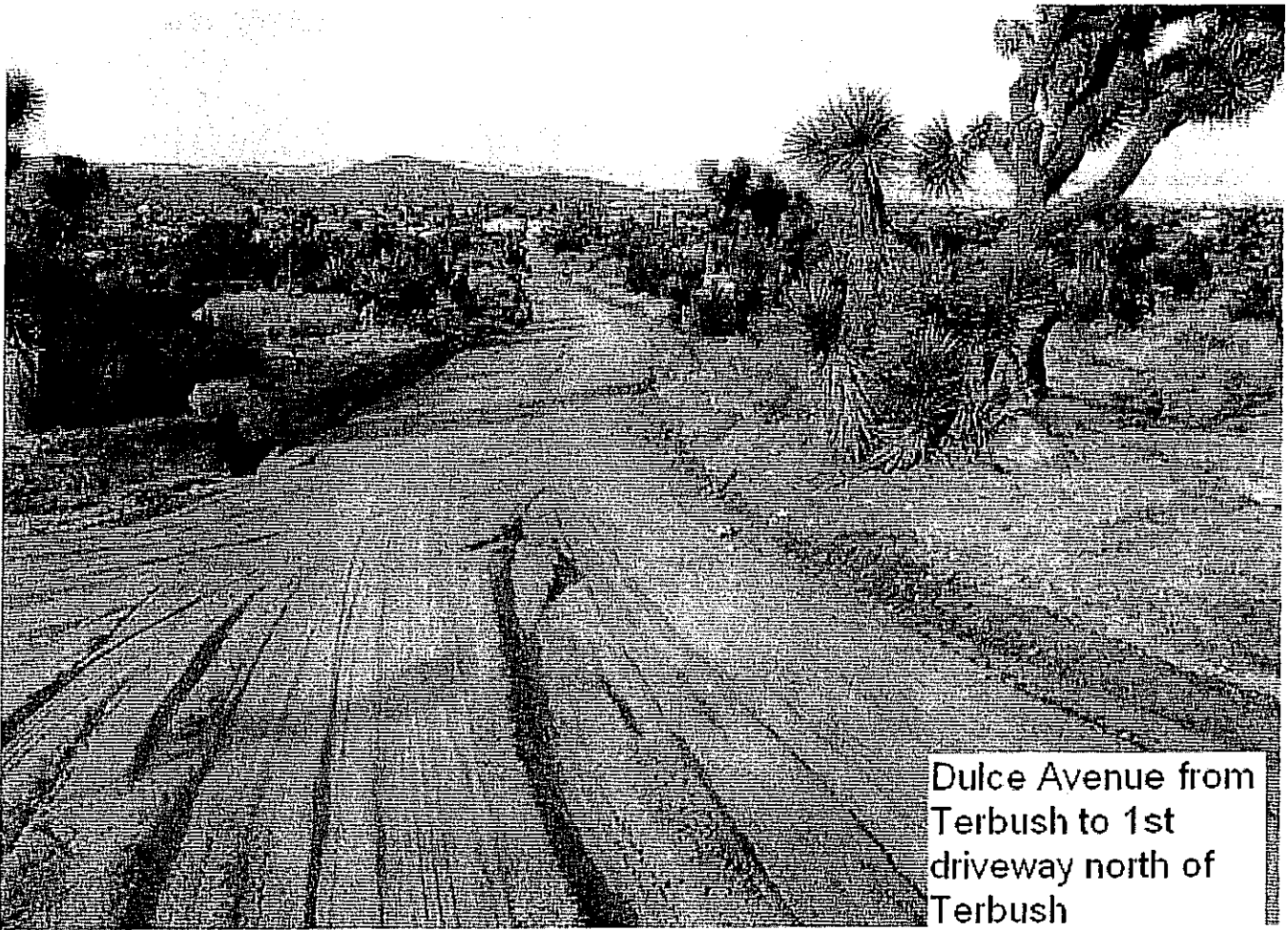
© 2010 Google
Image County of San Bernardino



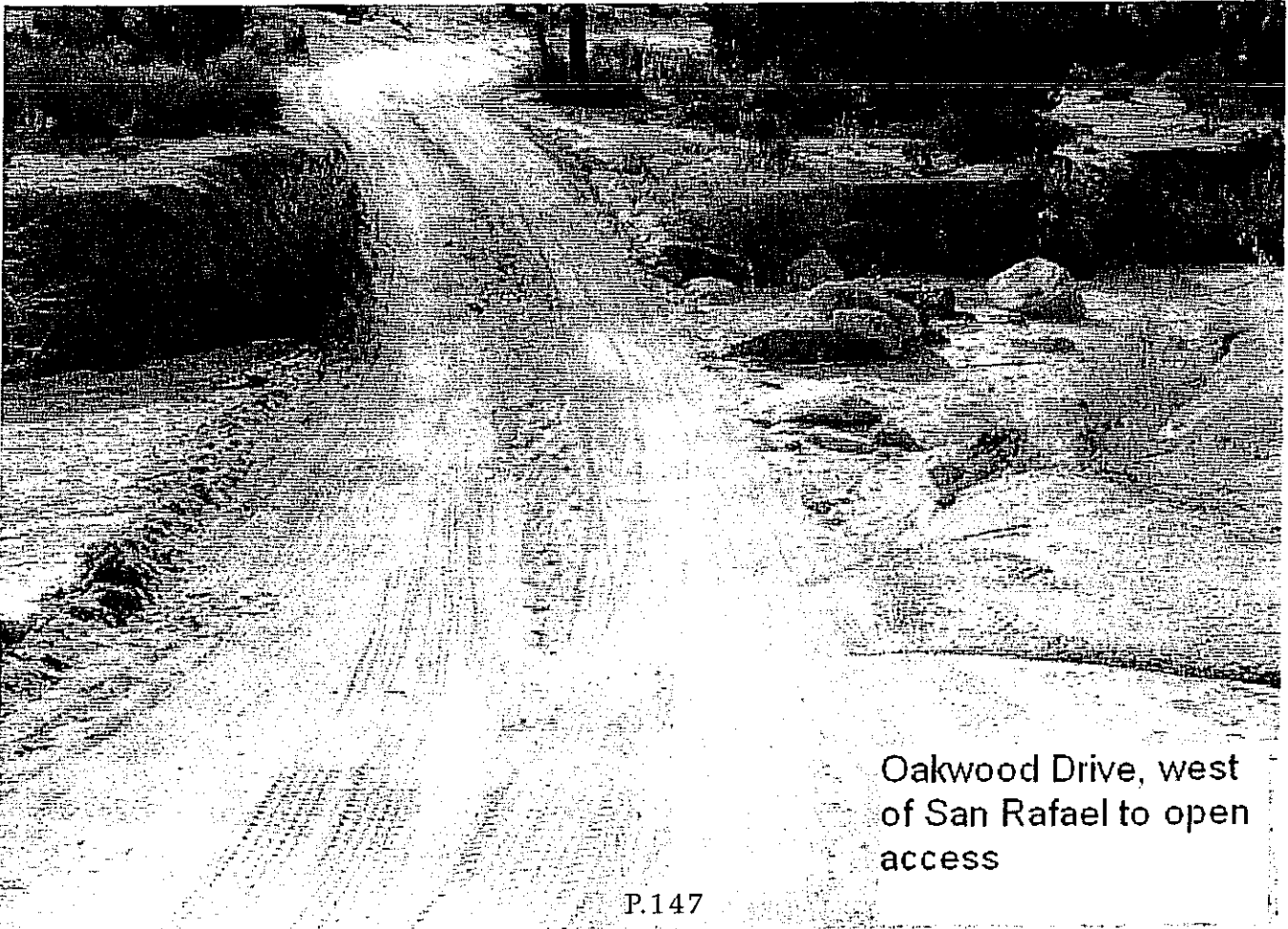
Bannock Trail &
Mountain View
Intersection



Church Street,
between Navajo &
Onaga



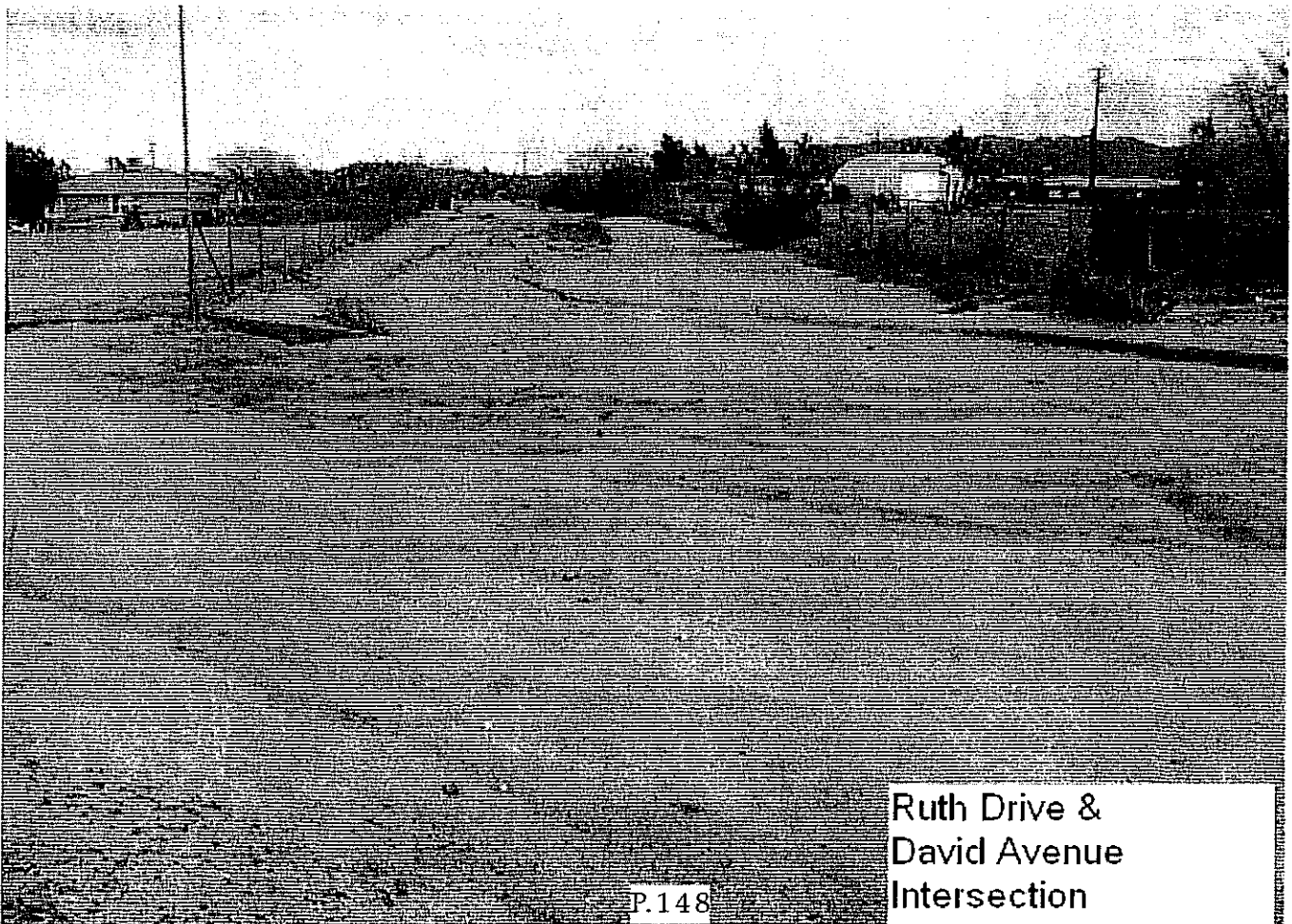
Dulce Avenue from
Terbush to 1st
driveway north of
Terbush



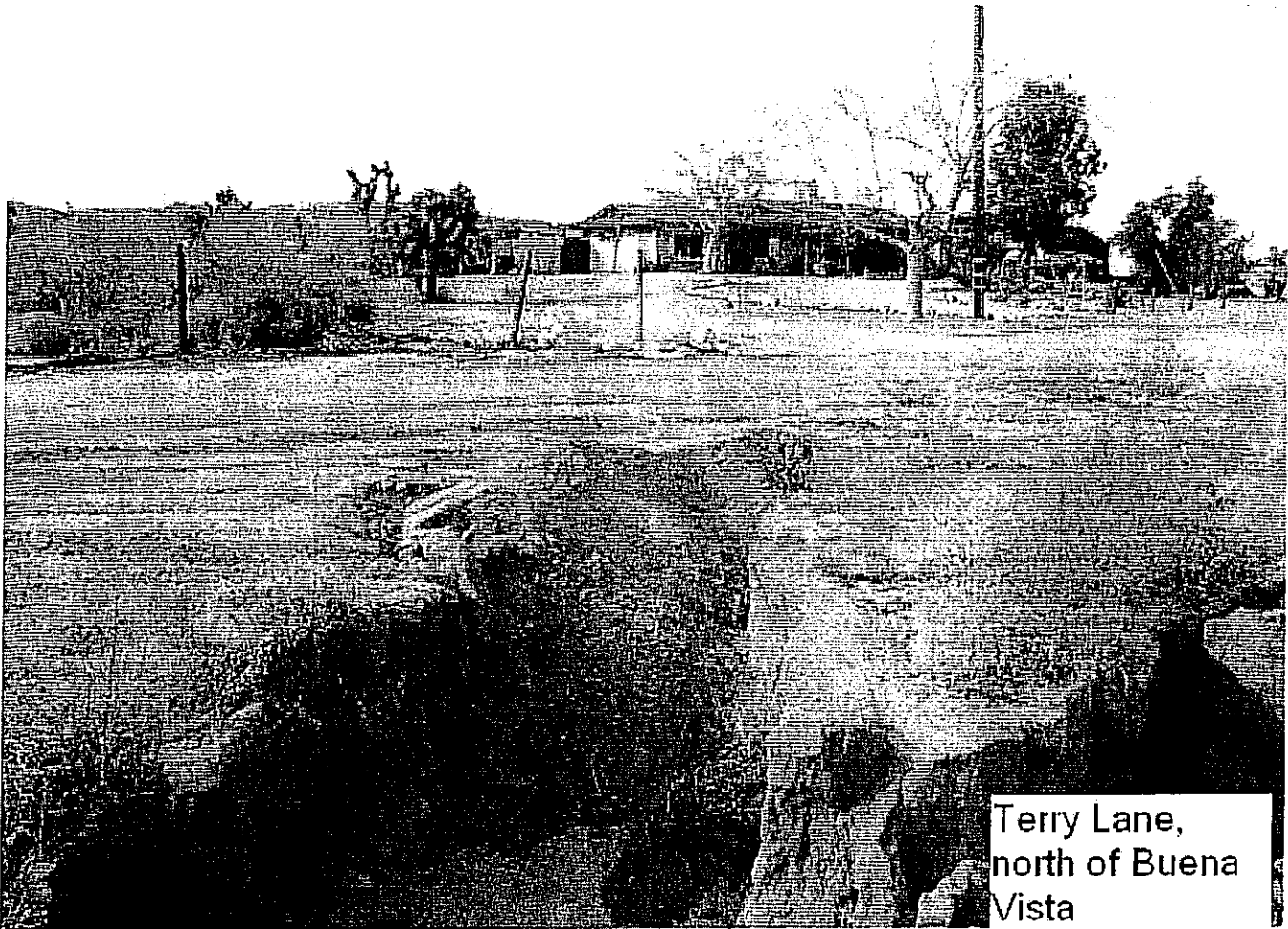
Oakwood Drive, west
of San Rafael to open
access



Pueblo Trail,
between Chula Vista
& Warren Vista



Ruth Drive &
David Avenue
Intersection



Terry Lane,
north of Buena
Vista

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Jeannie Lindberg, Administrative Assistant III
Date: January 12, 2011
For Council Meeting: January 18, 2011

Subject: Planning Commission Request
Consideration of Changing Planning Commission meeting start time
From 7:00 P.M. to 6:00 P.M.

Prior Council Review: There has been no prior Town Council review of this item.

Recommendation: As recommended by the Planning Commission, that the Town Council adopts the Resolution, changing the Planning Commission meeting start time from 7:00 pm to 6:00 pm.

Executive Summary: At the regular meeting on December 14, 2010 the Planning Commission discussed a change in the start time of the Commission meetings from 7:00 pm to 6:00 pm and forwarded a recommendation to the Town Council that the change be implemented. A Resolution to implement the change has been brought forward for discussion and action by the Town Council.

Order of Procedure:

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

Discussion: At the regular meeting of the Planning Commission held on November 9, 2010 a request was received from a Planning Commissioner that an item be placed on a meeting agenda to discuss changing the start time of the regular Commission meetings from 7:00 pm to 6:00 pm. The discussion took place at the regular Commission meeting held on December 14, 2010.

Ordinance 202, adopted by the Town Council on August 4, 2009, amended the Yucca Valley Municipal Code to state: "Regular meetings of the Planning Commission shall be held at the Community Center, 57090 29 Palms Highway, Yucca Valley, California, as established by Resolution of the Town Council..."

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

The Commission discussed that historically the Commission meetings have begun at 7:00 pm to allow adequate travel time for applicants, their engineers, consultants and other representatives who often do not live in Yucca Valley, especially for larger projects.

The Commission also discussed that the Town Council meets at 6:00 pm, some community members have commented the Planning Commission could also meet at 6:00 pm, and that the earlier time may be more convenient for the local community and might increase community attendance at Planning Commission meetings.

After those discussions the Commission unanimously voted (4-0) to forward a recommendation to the Town Council that the start time of the Commission meetings be changed from 7:00 pm to 6:00 pm.

Alternatives: The alternative is to not change the time of the meeting or to recommend an alternate meeting time.

Fiscal impact: None

Attachments: Resolution
Town Council Resolution 09-25
Ordinance No. 202
Planning Commission minutes of the December 14, 2010 meeting

RESOLUTION NO. 11-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
YUCCA VALLEY, CALIFORNIA, ESTABLISHING THE TIME OF
THE REGULAR MEETINGS OF THE PLANNING COMMISSION

WHEREAS, the Planning Commission of the Town of Yucca Valley was required by section 4.04.040 of the Town of Yucca Valley Municipal Code to meet at 7:00 p.m. on the first and third Tuesdays of the month for regular meetings to be held in the "Yucca Room" of the Yucca Valley Community Center located at 57090 Twenty nine Palms Highway, Yucca Valley, California; and

WHEREAS, the Town Council introduced an Ordinance at its meeting of June 23, 2009, removing the establishment of Planning Commission meeting dates and times from the Municipal Code; and

WHEREAS, the Town Council of the Town of Yucca Valley adopted Resolution 09-24 on June 23, 2009 which established the second (2nd) and fourth (4th) Tuesdays of every month at 7:00 P.M. as the day and time for the regularly scheduled Planning Commission Meetings,

WHEREAS, The Yucca Valley Planning Commission unanimously voted at the regular meeting held on December 14, 2010 to recommend to the Town Council that the start time of the Commission meetings be changed from 7:00 PM to 6:00 PM,

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Yucca Valley does hereby establish 6:00 PM as the start time for the regularly scheduled Planning Commission Meetings.

APPROVED AND ADOPTED this 18th day of January, 2011.

MAYOR

ATTEST:

TOWN CLERK

RESOLUTION NO. 09-25

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
YUCCA VALLEY, CALIFORNIA, ESTABLISHING THE DAYS, TIME,
AND PLACE OF THE REGULAR MEETINGS OF THE PLANNING
COMMISSION

WHEREAS, the Planning Commission of the Town of Yucca Valley is required by section 4.04.040 of the Town of Yucca Valley Municipal Code to meet at 7:00 p.m. on the first and third Tuesdays of the month for regular meetings to be held in the "Yucca Room" of the Yucca Valley Community Center located at 57090 Twenty nine Palms Highway, Yucca Valley, California; and

WHEREAS, the Town Council changed its regular meeting day to the first and third Tuesdays of each month.

WHEREAS, the Town Council introduced an Ordinance at its meeting of June 23, 2009, removing the establishment of Planning Commission meetings dates and times from the Municipal Code

NOW THEREFORE BE IT RESOLVED: that the Town Council of the Town of Yucca Valley does hereby establish the second (2nd) and fourth (4th) Tuesdays of every month at 7:00 P.M. as the day and time for the regularly scheduled Planning Commission Meetings

APPROVED AND ADOPTED this 23rd day of June, 2009 and effective August 1, 2009.



MAYOR

ATTEST:



TOWN CLERK

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY


I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California do hereby certify that Resolution No. 09-25 was duly and regularly adopted by the Town Council of the Town of Yucca Valley, California, at a meeting thereof held on the 23rd day of June, 2009, by the following vote:

AYES: Council Members Herbel, Huntington, Mayes, and Mayor Luckino

NOES: None

ABSTAIN: None

ABSENT: Council Member Neeb



TOWN CLERK

ORDINANCE NO. 202

**AN ORDINANCE OF THE TOWN COUNCIL OF
THE TOWN OF YUCCA VALLEY, CALIFORNIA,
AMENDING SECTION 4.04.040A(1) OF THE YUCCA
VALLEY MUNICIPAL CODE RELATING TO
PLANNING COMMISSION MEETINGS**

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

SECTION 1. Section 4.04.040 of the Yucca Valley Municipal Code is amended, to read, in its entirety, as follows:

"4.04.040: MEETINGS; RULES:

A. Meetings:

1. Location: Time: Regular meetings of the Planning Commission shall be held at the Community Center, 57090 29 Palms Highway, Yucca Valley, California, as established by Resolution of the Town Council. At each regular meeting, the Planning Commission shall consider all matters properly brought before it in accordance with this Chapter and State law. When there are no agenda items to be scheduled before the Planning Commission, the commission members shall be given notice three (3) days prior to the meeting that no meeting will be held

2. Adjourned Meetings: Any regular meeting may be adjourned to a designated time and place and when so adjourned shall be considered as a regular meeting. Adjourned meetings shall only be held when necessary for review of special land development proposals, review of complex planning and land development matters, for additional review of nonstandard land development applications, and for those items or issues deemed necessary by the Planning Commission.

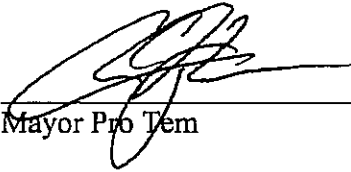
3. Quorum: A quorum consists of three (3) members of the Planning Commission. In the event that a quorum is not present, less than a quorum, or if no members are present, the clerk or secretary, may adjourn the meeting to a stated time and place.

B. Rules; Records; Minutes: The Planning Commission shall adopt rules for the transaction of business, shall keep a public record of its resolutions, transactions, findings and determinations, and shall hold at least one regular meeting each month. Minutes of the Planning Commission meetings shall be filed with the Town Clerk."

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

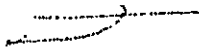
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 4th day of August, 2009.



Mayor Pro Tem

ATTEST:



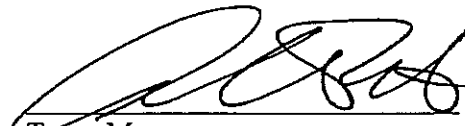
Town Clerk

APPROVED AS TO FORM:



Town Attorney

APPROVED AS TO CONTENT:



Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

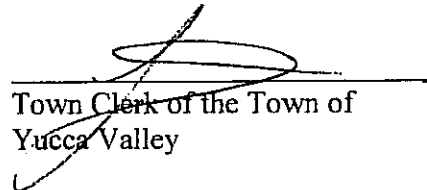
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 202 as duly and regularly introduced at a meeting of the Town Council on the 23rd day of June, 2009, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 4th day of August, 2009, by the following vote, to wit:

Ayes:	Council Members Herbel, Huntington, Neeb, and Mayor Pro Tem Mayes
Noes:	None
Abstain:	None
Absent:	Mayor Luckino

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 5th day of August, 2009.

(SEAL)


Town Clerk of the Town of
Yucca Valley

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES**

DECEMBER 14, 2010

Chair Lombardo called the regular meeting of the Yucca Valley Planning Commission to order at 7:00 p.m.

Commissioners present: Chair Robert Lombardo, Commissioners Mike Alberg, Gregory Graham, and Tim Humphreville

Chairman Lombardo led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. Alberg moved that the Agenda be approved, which motion was seconded by Mr. Humphreville and passed unanimously by voice vote.

PUBLIC COMMENTS:

Curt Duffy of Yucca Valley commented on the need to develop local income producing industries.

PUBLIC HEARINGS: None

DISCUSSION ITEMS:

**1. CONDITIONAL USE PERMIT, CUP 04-06 ARCO AM/PM
REQUEST FOR DEFERRAL OF CONSTRUCTION OF PUBLIC INFRASTRUCTURE -
PLANNING COMMISSION UPDATE ON OFFSITE IMPROVEMENTS**

A request from staff that the Commission receive and file the report on the ongoing discussions between Caltrans and the applicant regarding access to the project site from SR62. The project is located on the southeast corner of Balsa and SR62 and is identified as APN's 601-412-12, 20 and 21.

The Planning Commission reviewed and approved the Conditional Use Permit at the meeting of November 20, 2007 and Amendment #1 to the CUP for Sonic Burger on October 7, 2008. The Planning Commission approved Resolution 10-04 at the meeting of July 27, 2010 which allowed the Arco AMPM to open prior to completion of offsite improvements and authorized the business to commence operations prior to the applicant completing the conditioned street improvements. These conditions include #'s 34, 35, 52, 58, 62, 63, and 64. The business has been opened since August 18th. Staff is not aware of any traffic problems on site and has not received any citizen complaints.

The applicant continues to work with Caltrans but the plans have not yet been approved. The plans are being circulated at Caltrans for signatures and the applicant believes approval is imminent. A letter of explanation from the applicant was provided in the meeting packet.

Mr. Alberg commented he has been on site and the traffic is flowing fine.

Mr. Graham questioned the timeline after approval by Caltrans. Deputy Town Manager Shane Stueckle replied for the most part the street improvements can probably be completed in 90 days or less, if the contractor is ready to mobilize. Modifications to the traffic signal, however, cannot be completed in that time period. Traffic signals are manufactured to individual specifications. The lead time for manufacture is approximately 12 weeks. Then it must be shipped to the Caltrans yard, inspected, certified and shipped to the site. Staff believes all improvements could be completed within approximately 4 months of the date of permit issuance.

Mr. Graham commented on the amount of time it takes to get a project built. He asked what we could do differently to merge the time lines. Mr. Stueckle replied staff does not recall any other commercial project along the highway that has fallen into this situation. Historically development projects have structured their planning, engineering and construction efforts so that the highway improvements are completed for the business opening. In this case that did not occur and staff does not know how that process worked between the applicant's representative and Caltrans. A discussion staff will be returning to the Commission after the first of the year during the Development Code update process is to place COA that require those improvements be completed. Tied into that would be language requiring Town Engineering staff be included in the communication flow between the project and Caltrans regarding street improvements, etc.

Mr. Graham stated he can see Home Depot did a good job of coordination. If In-N-Out burger got held up by Caltrans, that would a potential problem. Staff should be pro-active to catch this in the early stages and move the project along quickly.

Mr. Humphreville commented Caltrans is very difficult to deal with. Someone like Home Depot who does this all the time knows that but the smaller developers may not. If we are going to add another ordinance or COA it needs to be with a lot of help from staff.

Mr. Lombardo opened the discussion to public comment. There being no one wishing to speak, he closed the discussion to public comment.

Mr. Alberg moved that the Commission accept and file the report. The motion was seconded by Mr. Graham and passed unanimously by voice vote.

2. DISCUSSION REGARDING CHANGE OF THE START TIME OF THE PLANNING COMMISSION MEETINGS

A Planning Commission request for a discussion to consider a change in the Planning Commission meeting start time.

Deputy Town Manager Shane Stueckle stated a Commissioner requested that this item be brought before the full Commission for discussion. Due to the nature of the Commission's business, public hearings and public participation, when the economy changes and large projects are coming before the Commission, the intent of the State law is that people have the opportunity to participate in the decision making process. The question is, if starting at 6:00 pm provides an adequate period of time for local residents to leave their day jobs, take care of other business, and then come to Planning Commission meetings to participate. A segment of the working non-retiree population drives out of the Morongo Basin every day and it takes time for them to drive back up to come to meetings. The key element is what start time is appropriate to ensure the Commission is allowing for maximum participation in the public dialogue.

Mr. Lombardo asked if there is a concern that meetings tend to go too late in the past. Mr. Stueckle replied there may be some individuals who have expressed that concern.

Mr. Humphreville stated he brought it up because it came from having discussions with people in the community. He asks every person who calls him to attend the Commission meetings and lots of them replied the meetings started too late. The Town Council meetings start at 6:00 pm which is why he brought it up.

Mr. Graham stated he doesn't have strong feelings either way but 6:00 pm is a desirable time especially for the long meetings. We can change it back if it doesn't work.

Mr. Alberg suggested the Commission be willing to adjust public comments so if we have people come in late we can accommodate them. If a developer is late we can move the agenda item to later. As long as we are willing to accommodate people he thinks 6:00 pm would be a good start time.

Mr. Lombardo stated he has no objection to a 6:00 pm starting time.

Mr. Alberg moved that the Commission recommend that the Town Council consider a change in the start time of the Planning Commission meetings from 7:00 pm to 6:00 pm. The motion was seconded by Mr. Humphreville and passed unanimously by voice vote.

CONSENT AGENDA: MINUTES –

Mr. Alberg moved that the Planning Commission approve the Consent Agenda as submitted which includes the minutes of the Regular Planning Commission Meeting held on November 9, 2010. The motion was seconded by Mr. Humphreville and passed unanimously by voice vote.

STAFF REPORTS AND COMMENTS:

Mr. Stueckle commented the recommendation for a change in the start time of the meetings will go to the Town Council on January 18, 2011. If approved the change would be implemented probably at the Commission's first meeting in February.

FUTURE AGENDA ITEMS:

Mr. Kirschmann stated staff anticipates bringing back the Tract Map application and bringing forward the Conditional Use Permit application in January.

COMMISSIONER REPORTS AND REQUESTS:

Mr. Graham requested that a sheet be included in the Commissioners booklets, which contains future items so a Commissioner could ask that a certain item be brought forward to meetings like this that have short agendas. It could list topics by month.

Mr. Alberg asked if the plan would be to include those items in the agenda and posted so we would be able to talk about them. Mr. Graham replied they could be talked about under requests and reports if we need to, but it's just kind of a future look at things. If there is something we really want to talk about it could be on the agenda and we just have an open discussion and have public input too.

Mr. Alberg stated his concern is if we post it as part of the agenda... Mr. Graham stated we could add it as an open session discussion item.

Mr. Lombardo asked if that would work and if we can add a future item as part of a printed agenda. It seems like it would be good to get more discussion going among us on items of concern so that we have a little better understanding of the subject before we make decisions.

Mr. Alberg stated his concern is the posting requirements. But if we can meet the requirements it would be good to have a discussion here and expand the amount of discussion.

Mr. Stueckle stated staff will work on the format of the agenda, probably laying out a calendar under Future Agenda Items, to address the issue.

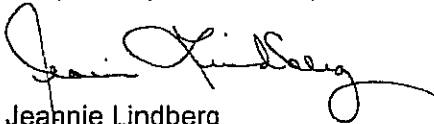
Mr. Alberg asked if that would be enough to allow the Commission to discuss it. Mr. Stueckle replied no, it would not. In order to have open dialogue and discussion it has to be an agenda item. The Future Agenda Items are a calendar of what you are going to be discussing but does not qualify it to be discussed in any detail at that meeting.

Mr. Lombardo thanked staff for the opportunity to attend ethics training at the Mojave Water Agency.

ADJOURNMENT

The meeting adjourned at 7:30 pm.

Respectfully submitted by,



Jeannie Lindberg
Administrative Assistant III

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Robert Kirschmann, Associate Planner
Patrick Carroll, Building Official
Mike Martin, Building Inspector
Date: January 3, 2011
For Council Meeting: January 18, 2011

Subject: 2010 California Building Codes published by the California Building Standards Commission
Council Request for Further Discussion
Ordinance No.

Prior Council Review: At the meeting of November 16, 2010 the Town Council set the 2010 California Building Codes (CBC) public hearing for the Town Council meeting of December 21, 2010. At the December 21, 2010 meeting, the Council directed staff to return and provide an overview of the Town's proposed amendments to the 2010 CBC.

Recommendation:

Alternative A: That the Council adopts the Ordinance, adopting the California 2010 Building Codes as listed and as amended.


Alternative B: That the Town Council takes no action, allowing the model Codes to remain as adopted by the California Building Standards Commission without amendments.

Executive Summary: Once every three years, the California Building Standards Commission publishes and adopts the California Code of Regulations, Title 24 parts 1-12 (i.e. the California Building Code, CBC). New versions of the Codes were adopted by the Building Standards Commission and became effective on January 1, 2011. These codes apply to construction activity in all jurisdictions, with any amendments made at the municipal or county level.

Many jurisdictions amend the Codes to address local conditions. Since incorporation, the Town of Yucca Valley has amended the codes to address geotechnical, topography, rodent control, and other local conditions. The Town amended these codes to provide standards and thresholds to ensure that the regulations are applied to each similar permit application consistently and equitably.

The CBC is the minimum requirement for construction permitted in the State. The only

Reviewed By:


Town Manager


Town Attorney


Mgmt Services


Dept Head

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

amendments that may be made to the Codes are through local amendments which are more restrictive than the minimum established State standards.

Finally, included in the Staff Report is summary information identifying some of the changes between the 2007 and 2010 CBCs.

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: Health and Safety Code Section 17958 mandates the California Building Standards Commission adopt and publish the California Building Standards Code (Title 24 California Code of Regulations) every three (3) years. These codes become effective automatically, unless amended by local agencies. The 2010 Edition of the California Code of Regulations Title 24 incorporates the below-listed model codes.

- California Building Code, 2010 Edition, Volumes 1 and 2 with Appendices A, C, G, I, J and Referenced Standards.
- 2009 International Property Maintenance Code
- California Electrical Code, 2010 Edition
- California Plumbing Code, 2010 Edition
- California Mechanical Code, 2010 Edition
- California Energy Code 2010 Edition
- California Residential Code 2010 Edition
- California Green Building Standards Code 2010 Edition
- California Historical Building Code 2010 Edition
- California Existing Building Code 2010 Edition

The Ordinance, if adopted by the Town Council, would amend Title 8, Chapter 8.02 of the Yucca Valley Municipal Code by adopting and amending the 2010 edition of the California Building Code.

Historically, the Town has amended four sections which pertain to: Liability, Permit Expiration, Qualifications and Excavation and Grading. Below is a discussion of each section proposed to be amended including what the CBC and Town amendments require, the rationale for the amendment and anticipated impacts if the amendments are not adopted.

Section 104.8 Liability:

The CBC relieves the Building Official or his/her designees from being personally liable for any claims that may result from the duties of the position. The Town amended this section to add language which expands the relief from Town employees to include employees under contract staff operating in the capacity of the Town's Building Official.

The Town has utilized contract Building and Safety services since and incorporation, and therefore this addition was deemed appropriate. However, if this amendment is not adopted contract staff would continue to be covered by language in the contract with the Town.

Section 105.5 Permit Expiration:

Up to and including the 2007 California Building Codes, a building permit was valid for 180 days from issuance. A minimum of one inspection must be made every 180 days. The Building Official was granted the authority to issue one six month (180 day) extension.

Under the 2010 California Building Codes, construction must commence within 180 days after a permit has been issued. Progressive construction must continue on the project. The Building Official is authorized to grant "**unlimited**" 180 day extensions.

Staff recommended that language from the prior Codes continue forward with adoption of the 2010 Codes. The establishment of on-going inspections ensures that construction projects do not linger on indefinitely, do not become blight on the neighborhood, and that projects are finished in a timely manner. This amendment only continues what has been in place for many years.

Attached to this staff report are photos of projects that continue to go unfinished and illustrate the resulting impact to neighborhoods.

Section 113.3 Qualifications:

The CBC establishes a requirement for a Board of Appeals. This Board will hear appeals received when an applicant believes the CBC has been incorrectly applied or implemented by Staff. There have been no appeals since the Town incorporated. The amendment establishes the Town Council as the Board of Appeals. Without this amendment, any appeal filed would not be processed until the Town Council appoints a

Board of Appeals.

Appendix J Grading

Appendix J is comprised of sections 104.5 Grading Designation, 110.1 Erosion Control, and Section 104.3 Geotechnical Reports.

Section 104.5 Designations: Up to the 2007 Codes, the CBC required engineered grading plans any time 5,000 cubic yards or more of material were moved on a site. Since the Town's first adoption and amendments to the Codes, the Town amended the Codes to require engineered grading plans at a minimum of 2,500 cubic yards. The basis for reducing the cubic yard volume for engineered grading is due to local the topography, soil types, drainage and erosion that typically occur in Yucca Valley.

Under the 2010 Codes, there are no thresholds in the CBC which establish a standard quantity of material or conditions when an engineered plan should be provided. The discretion remains with the Building Official.

The recommendation continues with prior practice and requires engineered grading plans for those projects moving 2,500 cubic yards or more of material to be prepared by a civil engineer. This provides for more accurate plans to be submitted, on-site testing and certification, and more thorough plan review in the plan check process.

Without this amendment, the discretion remains with the Building Official or Town Engineer to determine which projects are required to submit engineered grading plans, regardless of the volume of material being moved for the project.

Section 110.1 Erosion Control:

This section is strictly limited to post construction erosion control for in-fill development on projects which have no conditions of approval granted by the Planning Commission and/or Town Council. This section is also unrelated to discussions regarding erosion and sediment control ordinances, which standards were applicable to the construction process, not post construction conditions.

The CBC provides very generic language and requirements for erosion control. The CBC grants discretion to the Building Official to prescribe any and all necessary erosion control measures.

The measures described in the amendment provides for necessary protection based upon our specific area and conditions. These include the topography, soil types, and

the types of storms in which the Basin receives.

This section requires all cut slopes in excess of five feet and all fill slopes in excess of three feet be protected against damage by planting grass or other ground cover plants, or other materials deemed appropriate by the Building Official. These other materials may include jute netting or other similar treatments. Those slopes in excess of fifteen feet shall include shrubs spaced not to exceed ten feet on center or trees not to exceed twenty feet on center. There may also be a combination of plant types. Cut slopes which are rocky and not subject to erosion may not be required to provide planting.

These requirements have been proposed and utilized since the Town's adoption of the 1994 Building Codes in an effort to help with erosion that is common in Yucca Valley. The amendment establishes standards that can be implemented fairly and consistently. Again, the CBC grants discretion to the Building Official to prescribe any and all necessary erosion control measures.

Section 104.3, Geotechnical Reports:

The CBC requires the submittal of geotechnical reports for certain projects. The CBC allows the Building Official to waive engineering geology geotechnical reports if determined to be unnecessary.

The amendments proposed in the recommendation provide clarification as to the type of reports required, what the report should contain, who is qualified to prepare the report, and allows the Town Engineer to waive the reports if he/she determines it is unnecessary.

This amendment helps to provide clear direction to both Staff and the development community so that all parties know who needs to prepare the reports, what information they should contain, etc. Without the amendment the Building Official retains discretion, but the clarifying language will not be included.

SUMMARY OF CODE CHANGES WITH 2010 CALIFORNIA BUILDING CODES

There are two new codes added with the adoption of the 2010 CBC. They are the 2010 California Residential Code and the 2010 California Green Building Standards Code (also known as CALGreen). New chapters in the Municipal Code are proposed to accommodate these codes as Chapters 8.02.030 and 8.02.100 respectively. These codes are specific in their scope and meant to provide methods of design and construction that are not fully addressed in other building standards.

The 2010 California Green Building Standards Code (CALGreen) is applicable only to new construction, both residential and non-residential. The purpose is to require that the design and construction practices which are energy efficient and environmentally friendly be utilized in the building. The CALGreen Code codifies legislation that has been enacted over the last 15 years and is already in effect including Best Management Practices (BMP's), mandatory recycling on construction sites, and air quality standards as related to paints.

The 2010 California Residential Code is applicable to new and existing one and two family dwellings and town homes not exceeding three stories. The Code provides specific construction standards that are applicable to residential dwellings. The Code provides the minimum standards that are consistent for fire-life-safety-health requirements. The California Residential Code requires several changes in the construction of new single family residences. The new codes will present changes to the process and building requirements of the construction community.

The following chart is to intend to show some of the more significant changes that occur with the 2010 Codes.

Requirement	2007 Codes	2010 Codes
Fire sprinklers	Case by case determination	All new single and multi-family residences
Strict Regulation of fireplace emissions	No Standards	All new fireplaces, residential and non residential
Mandatory child proof receptacles	No standards	All new Single Family Residential and additions
Limitation of conventional construction	Building Official had more flexibility to accept non-engineered building plans	More single family homes are required to be engineered
Home Energy Rating System (HERS) Testing (Energy Efficiency)	Limited requirements	Additional 3 rd party testing required
Heating, Ventilation, and Air Conditioning (HVAC) unit sizing	Estimated appropriate size	Appropriate sized units required; additional detail required with plan submittal;
Install low Volatile Organic Compound (VOC) materials	No standards	Requires a list of materials be provided to Building and Safety with plan check to insure low VOC materials are used (includes paints, caulking, stains, carpeting,

		etc.)
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Requirement	2007 Codes	2010 Codes
Diversion of construction waste from landfills	Landfills were required to separate recyclable materials	Landfills still separate recyclables but now documentation must be provided to Building and Safety
Moisture sensing irrigation controller systems	No standards	Required for both residential and nonresidential structures
Separate indoor and Outdoor water meters	Water District required for landscaping 500 square feet or more for commercial	Required for nonresidential buildings;
Covered duct openings	No standards	All duct openings are required to be covered during construction
Bathroom exhaust fans	Option for fan or window	Exhaust fan required
Bicycle parking non residential	No standards	Requires bike parking be provided
Designated clean air vehicle parking for nonresidential	No standards	Requires clean air parking spaces to be provided
Storm water soil loss prevention plan less than 1 acre(non-residential)	No standards	No State permit is required but plan meeting State SWPPP requirements must be submitted to the Town

These changes will impact the construction community for both residential and nonresidential projects. These changes will add new requirements and along with those changes additional costs to the builder.

Alternatives: There are no alternatives related to the adoption of codes by the California Building Standards Committee or their applicability to all jurisdictions throughout California. The Council may elect not to amend the codes that address specific local conditions.

Fiscal impact: There is no fiscal impact to the Town created through the adoption of the CBC. There will be additional costs to the development community created by the State's adoption of the 2010 CBC.

- Attachments:**
1. Draft Ordinance

2. Staff report and back up material from town Council Meeting of December 21, 2010
3. Minutes of the December 21, 2010 Town Council meeting will be on consent calendar
4. CBC Division II Scope and Administration which includes:
 - a. Section 104.8 Liability
 - b. Section 105.5 Permit Expiration
 - c. Section 113.3 Qualifications
5. CBC Appendix J Grading which includes:
 - a. J104.5 Designations
 - b. J110.1 Erosion Control
 - c. J104.3 Geotechnical Reports

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY CALIFORNIA, AMENDING TITLE 8 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING CHAPTER 8.02 ADOPTING AS MODIFIED THE CALIFORNIA BUILDING CODE, 2010 PART 2 EDITION VOLUMES 1, AND 2, WITH APPENDICES A, C, G, I, AND J AND REFERENCED STANDARDS; THE CALIFORNIA RESIDENTIAL CODE, PART 2.5; THE CALIFORNIA GREEN BUILDING STANDARDS CODE 2010 EDITION; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION; THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION; THE CALIFORNIA PLUMBING CODE, 2010 EDITION; THE CALIFORNIA MECHANICAL CODE, 2010 EDITION; AND THE CALIFORNIA ENERGY CODE 2010 EDITION.

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

SECTION 1. Findings

A. Government Code sections 50022.1 et. seq., provide that ordinances and codes of the Federal, State or any agency of either of them may be adopted by reference, provided that prior to such adoption by reference a noticed public hearing has been held; and

B. A copy of these codes and standards was filed with the office of the Town Clerk fifteen days prior to the noticed hearing.

C. A noticed public hearing has been held by the Town Council, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting by reference the current editions of certain model codes, as follows;

California Building Code, 2010 Edition, Volumes 1 and 2
with Appendices A, C, G, I, J and Referenced Standards.
2009 International Property Maintenance Code
California Electrical Code, 2010 Edition
California Plumbing Code, 2010 Edition
California Mechanical Code, 2010 Edition
California Energy Code 2010 Edition
California Residential Code 2010 Edition
California Green Building Standards Code 2010 Edition
California Historical Building Code 2010 Edition
California Existing Building Code 2010 Edition

SECTION 2. All prior enactments of the Town which are in conflict with this ordinance, including Ordinance No. 183 are hereby repealed, effective upon the date on which this Ordinance becomes effective and operative.

SECTION 3. Continuing Effect. Notwithstanding Section 2 of this Ordinance, this Ordinance shall be construed as a continuation of said prior enactments as the same may have been heretofore amended from time to time, and compliance therewith prior to the effective date hereof shall be deemed to be compliance with this Ordinance unless provided otherwise herein.

SECTION 4. Chapter 8.02 of Title 8 of the Town of Yucca Valley Municipal Code is hereby amended to read as follows:

"8.02.020: BUILDING CODE ADOPTED; AMENDMENTS

(a) **BUILDING CODE ADOPTED:** The Town Council of the Town of Yucca Valley hereby adopts for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, improvement, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and structures by reference the California Code of Regulations Title 24, Part 2, known and designated as the California Building Code, 2010 Edition including Appendices A (Employee Qualifications), C (Agricultural Buildings), G (Flood-Resistant Construction), I (Patio Covers), and J (Grading) and with the modifications set forth below. The provisions of this code shall constitute the building code regulations of the Town.

The California Building Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

(b) **BUILDING CODE AMENDMENTS:** The 2010 California Building Code is hereby amended to read as follows:

A. LIABILITY. The California Building Code, Chapter 1, section 104.8 is amended to read as follows :

Section 104.8 LIABILITY. The Building Official, or his authorized representative charged with the enforcement of this Code and the technical codes, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against the Building Official, agent or employee because of such act or omission performed by him in the enforcement of any provision of such Codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by this jurisdiction. The provisions of this section shall

apply if the Building Official or his authorized representative is an employee of this jurisdiction and shall also apply if the Building Official or his authorized representative is acting under contract as agents of the jurisdiction. Such Codes shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

B. PERMIT EXPIRATION. The California Building Code, Chapter 1, section 104.8 is amended to read as follows:

Section.105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period Of 180 days after the time the work is commenced or if no progressive inspection is performed 180 days after last progressive inspection. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

C. QUALIFICATIONS. The California Building Code, Chapter 1, Section 113.3 is amended to read as follows:

Section 113.3 Qualifications. (Board of Appeals) The Town Council shall act as the board of appeals.

D. Appendix J Excavation and Grading

(a). 104.5 Grading Designation. Grading in excess of 2500 cubic yards shall be preformed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated "engineered grading." Grading involving less than 2500 cubic yards shall be designated "regular grading" unless the Town Engineer determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

(b).110.1 Erosion Control

(1) SLOPES. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control must consist of effective planting as described elsewhere in this section, or other devices satisfactory to the Building Official.

(2) PLANTING. The surface of all cut slopes more than 5 feet in height and fill slopes more than three feet in height shall be protected against damage by

erosion by planting with grass or ground cover plants. Slopes exceeding 15 feet in height shall also be planted with shrubs, spaced at not to exceed 10 feet on centers; or trees, spaced at not to exceed 20 feet on centers; or a combination of shrubs and trees at equivalent spacing, in addition to the grass or ground cover plants. The plants selected and planting methods used shall be suitable for the soil and climate conditions of the site and in accordance with the current Town approved publication.

Planting need not be provided for cut slopes rocky in character and not subject to damage by erosion or any slopes protected against erosion damage by other methods when such methods have been specifically recommended by a soils engineer, engineering geologist, or equivalent authority and found to offer erosion protection equal to that provided by the planting specified in this section.

Plant material shall be selected which will produce a coverage of permanent planting effectively controlling erosion. Consideration shall be given to deep rooted plant material needing limited watering, to low maintenance during the lifetime of the project, to high root to shoot ratio (weight of above ground parts versus root system), wind susceptibility and fire-retardant characteristics.

(3) IRRIGATION. Slopes required to be planted by sub-section (b) shall be provided with an approved system of irrigation, designed to cover all portions of the slope and plans therefore shall be submitted and approved prior to installation. A functional test of the system may be required.

For slopes less than 20 feet in vertical height, hose bibs to permit hand watering will be acceptable if such hose bibs are installed at conveniently accessible locations where a hose no longer than 50 feet is necessary for irrigation.

The requirements for permanent irrigation systems may be modified upon specific recommendation of a landscape architect or equivalent authority that because of the type of plants selected, the planting methods used, and the soil and climatic conditions at the site, an irrigation system will not be necessary.

(4) PLANS AND SPECIFICATIONS. Planting and irrigation plans shall be submitted for slopes required to be planted and irrigated by sub-sections (b) and (c). Except when waived by the Town Planner for minor grading, the plans for slopes 20 feet or more in vertical height shall be prepared and signed by a civil engineer or landscape architect.

(5) RODENT CONTROL. Fill slopes steeper than two horizontal to one vertical within a grading project located adjacent to undeveloped and unoccupied land determined by the Agricultural Commissioner to be infested by burrowing rodents, shall be protected from potential slope damage by an effective rodent control program.

(c) Section 3320. Engineering Reports. The Town Engineer may require an engineering geology or geotechnical engineering report, or both, where in his

opinion such reports are essential for the evaluation of the safety of the site. The engineering geology or geotechnical engineering report, or both shall contain a finding regarding the safety of the building site for the proposed structure against hazard from landslide, settlement, or slippage and a finding regarding the effect that the proposed building or grading construction will have on the geologic stability of property outside the building site. Any engineering geology report shall be prepared by a certified engineering geologist licensed by the State of California. Any geotechnical engineering report shall be prepared by a civil engineer qualified to perform this work, such as a geotechnical engineer experienced in soils mechanics. When both an engineering geology and geotechnical engineering report are required for the evaluation of the safety of the site, the two reports shall be coordinated before submission to the Town Engineer.

SECTION 5. Chapter 8.02.030 is hereby added to the Town of Yucca Valley Municipal Code and entitled "**California Residential Code**" and shall read as follows:

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 2.5, known and designated as the California Residential Code, 2010 Edition, excluding Division II Administration, Sections R101 through R114 and the Appendices. The California Residential Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 6. Chapter 8.02.040 of the Town of Yucca Valley Municipal Code is entitled "**California Electrical Code**" and is hereby amended as follows:

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 3, known and designated as the California Electrical Code (CEC), 2010 Edition based on the National Electrical Code (NEC), 2008 Edition, as published by the National Fire Protection Association with the modifications set forth below for the purpose of prescribing regulations for the installation, arrangement, alteration, repairing, replacement, remodeling, or use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the City. The provisions of this code shall constitute the electrical code regulations of the City. The California Electrical Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 7. Chapter 8.02.050 of the Town of Yucca Valley Municipal Code is entitled "**California Plumbing Code**" and is hereby amended as follows.

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 5, known and designated as the California Plumbing Code (CPC), 2010 Edition based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials below for the purpose of prescribing regulations for the design, quality of materials, erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing systems in the City including Appendices A, B, D, E, F, K, and L. The provisions of this code shall constitute the plumbing code regulations of the City. The California Plumbing Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 8. Chapter 8.02.060 of the Town of Yucca Valley Municipal Code is entitled "**California Existing Building Code**" and is amended as follows:

SECTION A is entitled "**Adoption**", and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 10, known and designated as the California Existing Building Code, 2010 Edition. The California Existing Building Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 9. Chapter 8.02.070 of the Town of Yucca Valley Municipal Code is entitled "**California Historical Building Code**" and amended to read as follows:

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 8, known and designated as the California Historical Building Code, 2010 Edition. The California Historical Building Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 10. Chapter 8.02.080 of the Town of Yucca Valley Municipal Code is entitled "**California Referenced Standards Code**" and shall read as follows.

SECTION A is, entitled "**Adoption**" and is amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 12, known and designated as the California Referenced Standards Code, 2010 Edition. The California Referenced Standards Code shall be maintained in the office of the Town Clerk of the

Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 11. Chapter 8.02.090 of the Town of Yucca Valley Municipal Code is entitled "**California Mechanical Code**" and is hereby amended to read as follows below.

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town Of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 4, known and designated as the California Mechanical Code (CMC), 2010 Edition based on the 2009 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials with the modifications set forth below for the purpose of prescribing regulations for the design, construction, Installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other heat-producing appliances in the City including Appendices A, B, C and D. The provisions of this code shall constitute the mechanical code regulations of the Town. The California Mechanical Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 12. Chapter 8.02.100 is hereby added to the Town of Yucca Valley Municipal Code and entitled "**California Green Building Code**" and shall read as follows.

SECTION A is added to the Town of Yucca Valley Municipal Code, entitled "**Adoption**" and shall read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 11, known and designated as the California Green Building Code, 2010 Edition. The California Green Building shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 13. Chapter 8.02.110 of the Town of Yucca Valley Municipal Code is hereby entitled "**California Energy Code**" and is hereby amended to read as follows:

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 6, known and designated as the California Energy Code, 2010 Edition. The California Energy Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 14. Chapter 8.02.120 is hereby added to Town of Yucca Valley Municipal Code and entitled "**International Property Maintenance Code**".

SECTION A is added to the Town of Yucca Valley Municipal Code, entitled "**Adoption**", and shall read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the 2009 International Property Maintenance Code in its entirety. The 2009 International Property Maintenance Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 15. Chapter 8.02.130 AMENDMENTS NECESSARY. Pursuant to Section 17958.5 of the Health and Safety Code of the State of California, the Town Council of the Town of Yucca Valley hereby finds that the amendments of the building standards contained in the California Building Code, Volumes 1 and 2, 2010 Edition are necessary due to past earthquakes, Landers 1992 et. al., and the inherent run off problems incurred with severe thunderstorm activity and flooding due to the Towns desert location.

SECTION 16. Chapter 8.02.140 VIOLATIONS AND PENALTIES. Violations and penalties pertaining to the Building, Plumbing, Mechanical, Electrical and Energy, Codes shall be in accordance with Chapter 1, Section 114 of the 2010 CA Building Code and Chapter 1, Section R113 of the 2010 CA Residential Code, attached hereto as Appendix A.

SECTION 17. SEVERABILITY. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof, irrespective of the fact that any one or more of said provisions may be declared invalid.

SECTION 18. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 19. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this _____ day of _____, 2010.

MAYOR

ATTEST:

APPROVED AS TO FORM:

TOWN CLERK



TOWN ATTORNEY

**APPENDIX A to
SECTION 16 OF ORDINANCE No. _____
Adopting the 2010 California Building Codes**

**2010 CALIFORNIA BUILDING CODE
SECTION 114
VIOLATIONS**

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

**2010 CALIFORNIA RESIDENTIAL CODE
SECTION R113
VIOLATIONS**

R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or *equipment* regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

R113.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan *approved* there under, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

R113.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the *building official* is authorized to request the legal counsel of the *jurisdiction* to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

2009 INTERNATIONAL PROPERTY MAINTENANCE CODE
Chapter 1, Part 2, Section 106
VIOLATIONS

SECTION 106 VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense* .If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be

charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

**SIGNIFICANT NEW 2011 FIRE CODE AMENDMENTS
SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT**

Administrative Changes	Repeal of Fire Code from County Code	As a result of San Bernardino County Fire Department reorganizing and becoming the San Bernardino County Fire Protection District, it was the opinion of County Counsel to repeal all Fire Code amendments from County Code and creating a new San Bernardino County Fire Protection Ordinance.		
CODE TOPIC	SUB TOPIC	REQUIREMENT	SECTION	PAGE
Fire Code Annual Permits	Fire Alarms	New permit. No associated fee. All fire alarms to have an operational/tracking permit to provide owner/responsible party contact information during an emergency, system failure or false alarm.	2(a)(19)	10
	Fire Sprinklers	New permit. No associated fee. All commercial fire sprinkler systems to have an operational/tracking permit to provide owner/responsible party contact information during an emergency or system failure.	2(a)(20)	10
	Outdoor Assemblages	Existing permit with existing approved fees. An operational permit is required for any public or private outdoor assembly with 200 or more persons This permit requirement was amended to only require a permit for 200 or more attendees.	2(a)(22)	10
	Emergency Responder Radio Coverage Systems	New permit. No associated fee. An operational/tracking permit is required when such a system is installed pursuant to Chapter 5 and Appendix J of the California Fire Code in order to provide owner/responsible party contact information during an emergency. This is a new California requirement for large buildings, such as high rises which make responder communication difficult due to interference.	2(a)(24)	11
	Open Fires	Expanded existing permit with no associated fees. An operational permit is required for most open burning including recreational fires and portable outdoor fireplaces in wildfire risk areas (excluding BBQs). Previously, permits were only required for tumbleweed burning. This permit requirement was expanded to comply with CalFire regulations in State Responsibility Areas, Forest Service regulations in the Mountains and Air Quality Management regulations.	2(a)(29)	12
	Photovoltaic Systems	New Permit. No associated fee. An operational/tracking permit is required for any structure-mounted, commercial photovoltaic system to provide owner/responsible party information for use during an emergency when systems may need to be de-energized for the safety of emergency responders.	2(a)(32)	12
	Rockets	New permit. No associated fees. An operational permit is required for the sale or launching of model and experimental rockets pursuant to Title 19, California Code of Regulations.	2(a)(35)	13
	Solar Power Generating Stations	New Permit. No associated fee. An operational/tracking permit is required for any structure-mounted, commercial photovoltaic system to provide owner/responsible party information for use during an emergency when systems may need to be de-energized for the safety of emergency responders.	2(a)(37)	13
	Motion Picture/Still Photography	Expanded Existing permit with existing approved fees. Added requirement to include non-pyrotechnic shoots which could be a minimal fee to cover spot checks as we often find out after the fact the a non-pyro film shoot turned into one.	2(a)(39)	13
Annual Permit Fees	New provision. The new Code provides that when more than two annual permits are required for the same business, the Fire Code Official may charge the full permit fee for the two highest permits and then only \$25.00 for each additional annual permit rather than the full permit fee.	10(c)	56	
Fire Code Construction Permits	Emergency Responder Radio Coverage Systems	New permit. No associated fee. A construction permit is required when such a system is installed pursuant to Chapter 5 and Appendix J of the California Fire Code. This is a new California requirement for large buildings, such as high rises which make responder communication difficult due to interference.	2(a)(41)	14
	Marinas	New permit. No associated fee. A construction permit is required to build a marina with facilities for mooring or servicing 5 or more vessels per Chapter 45 of the California Fire Code.	2(a)(44)	15

**SIGNIFICANT NEW 2011 FIRE CODE AMENDMENTS
SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT**

	Solar Power Generating Stations	New permit. No associated fee. A construction permit is required to build solar power generating station.	2(a)(48)	15
Open Burning	Permits required with specific conditions	Permits are required and specific conditions established for tumbleweed and agricultural burning, bonfires, recreational fires and campfires are barbecue pits anywhere within the District. Portable outdoor fireplaces to be permitted in Wildfire Risk Areas (Fire Safety Overlays, Very High Fire Severity Zones, Wildland-Urban Interfaces and similar areas.	2(c)(10)	23
	Burn Restrictions	Open burning is prohibited on Red Flag Days, Fire Weather Watch Days or when winds are greater than 10 mph. These requirements do NOT apply to BBQs, or to recreational fires or portable outdoor fire places fueled solely by propane or natural gas.	2(c)(8)-(9)	23-23
	Trash Burning	The burning of trash is specifically prohibited anywhere within the District.	2(c)(8)	20
	Vegetation Burning	The burning of household vegetation is prohibited within South Coast Air Quality Management District boundaries pursuant to AQMD regulations.	2(c)(9)	21
	Dangerous/Offensive Fires	Suppression crews have the authority to extinguish any fire that is deemed dangerous or offensive do to smoke production. This includes residential fireplaces.	2(c)(13)	24
	Burn Barrels	Burn barrels are prohibited pursuant to Title 17, California Code of Regulations.	2(c)(8)(5)	21
	Use of Torches	The use of torches to remove paint from a structure or weeds from any premises is prohibited.	2(c)(36)	29
	Open-Flame Cooking Devices	The use of barbecues on combustible balconies or decks is prohibited except at single family residences or on balconies/patios protected by sprinklers.	2(c)(37)	30
Fire Access Roads	Joint Fire Apparatus Access Roads	When access roads passing through multiple parcels, each property owner must record an easement, agree to maintain the road and release the County and District from any liability for any inability to provide emergency services due to lack of access.	2(e)(5)	34
Water Supply	Required Water Supply	For single family residences, not part of a development, residential fire sprinklers are to be considered adequate water supply meaning a water tank will not be required.	2(e)(7)	35
	Required Fire Flow	For single family residences, not part of a development, residential fire sprinklers are to be considered adequate fire flow meaning a public fire hydrant will not be required.	2(e)(8)	36
	Required Fire Hydrants	For single family residences, not part of a development, on site fire hydrants will not be required.	2(e)(9)	38
Fire Sprinklers	Partially Protected Structures	No building or structure shall be partially protected by a new fire sprinkler system	2(f)(8)	38
	Residential Additions	Pursuant to the California Fire Code, single family residences will not be required to install fire sprinklers when making additions to the structure if the existing home did not require sprinklers.	CRC R313.2	
	Commercial Sprinklers	Commercial structures over 5,000 square feet require sprinklers regardless of occupancy type	2(f)(3)(a)	38

**SIGNIFICANT NEW 2011 FIRE CODE AMENDMENTS
SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT**

	Commercial Additions #1	Existing commercial structures less than 5,000 square feet that do not have sprinklers prior to an addition will require sprinklers throughout if any addition causes the structure to both exceed 5,000 square feet AND the addition is equal to or greater than 50% of the square footage existing as of January 1, 2011. For example, an existing 4,000 square foot structure with no fire sprinklers that receives an addition of 1500 square feet creating a new total square footage of 5,500 square feet would NOT require sprinklers as the addition did not exceed 2,000 square feet or 50%. However, if the addition was 2,000 square feet or more (50%) then the entire structure (existing and new) would require sprinklers. Also, any future additions that would increase the ORIGINAL square footage (as of 1/1/11) would require that the structure install fire sprinklers. This was intended to both reduce the financial burden on building owners (allowing limited additions) while limiting what is known as "built-mores" where multiple additions could be added on as long as the continued additions did not exceed 50% of the total square footage from the last addition.	2(f)(b)(1)	38
	Commercial Additions #1	Existing commercial structures over 5,000 square feet that do not have sprinklers prior to an addition will require sprinklers throughout if any addition is equal to or greater than 10% of the square footage existing as of January 1, 2011.	2(f)(3)(b)(2)	39
False Alarm Ordinance	System Registration	All fire alarm systems will be required to be registered in order to provide emergency contact information and to designate a person capable of responding to the alarmed facility within 1 hour after being requested to do so by the District.	2(a)(19)	10
Administrative Citations	General Violations	General violations of the adopted Fire Code and any standards are subject to a penalty of \$100 for the 1 st offense, \$500 for the 2 nd offense and \$1,000 for the 3 rd offense within a year. Each violation of the Fire Code is subject to a separate penalty. For example, one business has violations for "Use of Extension Cords", "Failure to Mark Fire Lanes" and "Storage too Close to Fire Sprinkler Heads". This would be three separate violations, each with a \$100 administrative penalty for a total of \$300.	34(e)(1)	75
	Multiple General Violations	When three or more general violations of the Fire Code are found at a location, the Fire Code Official may reduce the third and subsequent penalties to \$25 per violation. Using the example above, the Fire Code Official may reduce the total penalty to \$225 (\$100 + \$100 + \$25)	34(e)(2)	75
	Dangerous Fireworks	Any person found to possess less than 25 pounds of Dangerous Fireworks (those that fly into the air, move along the ground or explode) are subject to an administrative penalty of \$1,250, 2,250 or \$3,250 with no multiple violation penalty reductions. This penalty includes a statutorily mandated fee of \$250.00 that goes to the State Fire Marshal for destruction of the fireworks. This	36(g)	79
	Egregious Violations	Violations relating to violations of a Stop Work Order, tampering with notices, overcrowding, obstructed egress, unlawful open fires, explosive, pyrotechnics or any other violation that the Fire Code Official deems to present an immediate threat to public safety have an increased set of penalties of \$250, \$350 or \$750 with no multiple violation penalty reductions.	37(a)	80
	Safe and Sane Fireworks	Any person found to possess any quantity of Safe and Sane Fireworks in an area where such fireworks are not specifically allowed is subject to a penalty of \$150, \$250 or \$350 with no multiple violation penalty reductions.	36(h)	79
	False Alarms	An administrative penalty of \$100 for the 4 th or 5 th false alarm within one year, \$200 for the 6 th or 7 th false alarm in one year or \$500 for the 8 th or subsequent false alarm in one year with no multiple violation penalty reductions.	38(a)(8)	83

DIVISION II SCOPE AND ADMINISTRATION

Sections adopted or amended by state agencies are specifically indicated by an agency banner or identified in the Matrix Adoption Table.

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *California Building Code of the State of California*, hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, used and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories* above *grade plane* in height with a separate *means of egress* and their accessory structures shall comply with the *California Building Code*.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

> **101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas. The provisions of the *International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the *International Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other

repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.

101.4.4 Property maintenance. The provisions of the *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.5 Fire prevention. The provisions of the *International Fire Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, *alteration* or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Energy. The provisions of the *California Energy Code, Title 24, Part 6* shall apply to all matters governing the design and construction of buildings for energy efficiency.

Exception: [OSHPD 1, 2 & 4] Not required by OSHPD.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.1.1 Additional requirements. *[OSHPD 1, 2, 3, & 4, DSA-SS & DSA-SS/CC] See Chapter 1, Division 1, Section 1.1.7.*

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the

102.4.1 Code References. [OSHPD 1, 2, 3 & 4, DSA-SS & DSA-SS/CC] All reference to International Codes or other similar codes in referenced standards shall be replaced by equivalent provisions in the California Building Standard Codes.

102.4.2 Reference in Standards. [OSHPD 1, 2, 3 & 4, DSA-SS & DSA-SS/CC] All references listed in reference standards shall be replaced by referenced standards listed in Chapter 35 of this code, where applicable, and shall include all amendments to the reference standards in this code.

102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the California Building Code or the California Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**SECTION 103
DEPARTMENT OF BUILDING SAFETY**

103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official.

103.2 Appointment. The building official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan-examiners and other employees. Such employees shall have powers as delegated by the building official. For the maintenance of existing properties, see the California Building Code.

**SECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL**

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving

of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursu-

104.8

104.9 Approved materials and equipment. Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

104.11.3 Peer review. [OSHPD 1 & 4] When peer review is required, it shall be performed pursuant to Section 3414A.

104.11.4 Earthquake monitoring instruments. [OSHPD 1 & 4] The enforcement agency may require earthquake monitoring instruments for any building that receives approval of an alternative system for the Lateral Force Resisting System (LFRS). There shall be a sufficient number of instruments to characterize the response of the building during a earthquake and shall include at least one tri-axial free fix-

instrument or equivalent. A proposal for instrumentation and equipment specifications shall be forwarded to the enforcement agency for review and approval. The Owner of the building shall be responsible for the implementation of the instrumentation program. Maintenance of the instrumentation and removal/processing of the records shall be the responsibility of the enforcement agency or its designated agent.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

105.1.1 Annual permit. In lieu of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *building official* is authorized to issue an annual *permit* upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the *permit*.

105.1.2 Annual permit records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any

SCOPE AND ADMINISTRATION

basement or *story* below and are not part of an *accessible route*.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family *dwellings*.
12. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Groups R-3 and U occupancies.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

105.2.2 Repairs. Application or notice to the *building official* is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.*

105.2.3 Public service agencies. A *permit* shall not be required for the installation, *alteration* or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the *permit* for which application is made.
 2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
 3. Indicate the use and occupancy for which the proposed work is intended.
 4. Be accompanied by *construction documents* and other information as required in Section 107.
- .. State the valuation of the proposed work.

6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

105.3.1 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable.

105.3.2 Time limitation of application. An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. [OSHPD 1, 2, & 4] *Time limitation shall be in accordance with Title 24, Part 1, Chapter 7, Section 7-129.*

105.4 Validity of permit. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

105.5 Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.7 Placement of permit. The building *permit* or copy shall be kept on the site of the work until the completion of the project.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

106.1.1 Snow Load Posting. [OSHPD 1, 2, 3 & 4, DSA-SS & DSA-SS/CC] *Snow loads used in design shall be posted as for live loads.*

106.1.2 Load Posting Responsibility. [OSHPD 1, 2 & 4] *The owner or governing board shall be responsible for keeping the actual load below the allowable limits.*

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 SUBMITTAL DOCUMENTS

107.1 General. Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

107.2 Construction documents. *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.5.

107.2.1 Information on construction documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

107.2.2 Fire protection system shop drawings. Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

107.2.3 Means of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.4 Exterior wall envelope. *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall system* which was tested, where applicable, as well as the test procedure used.

107.2.5 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

107.2.5.1 Design flood elevations. Where *design flood* elevations are not specified, they shall be established in accordance with Section 1612.3.1.

107.3 Examination of documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

107.3.1 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

107.3.2 Previous approvals. This code shall not require changes in the *construction documents*, construction or des-

ignated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

107.3.3 Phased approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

107.3.4 Design professional in responsible charge.

107.3.4.1 General. When it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the owner to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

107.3.4.2 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official* within a specified period.

Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*. Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *building official*. [OSHPD 1, 2, & 4] *Deferred submittals shall be in accordance with Title 24, Part 1, Chapter 7, Section 7-126.*

107.4 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*. [OSHPD 1, 2 & 4] *Change in the work shall be in accordance with Title 24, Part 1, Chapter 7, Section 7-153.*

107.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION 108 TEMPORARY STRUCTURES AND USES

108.1 General. The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, *means of egress*, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

108.3 Temporary power. The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

108.4 Termination of approval. The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109 FEES

109.1 Payment of fees. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

109.3 Building permit valuations. The applicant for a *permit* shall provide an estimated *permit* value at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to

meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees.

109.5 Related fees. The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

109.6 Refunds. The *building official* is authorized to establish a refund policy.

SECTION 110 INSPECTIONS

110.1 General. Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit* applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.2 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

110.3 Required inspections. The *building official*, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.10.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certifica-

tion required in Section 1612.5 shall be submitted to the *building official*.

110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, *fireblocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

110.3.5 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

110.3.7 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R*- and *U*-values, fenestration *U*-value, duct system *R*-value, and HVAC and water-heating equipment efficiency.

110.3.8 Other inspections. In addition to the inspections specified above, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.9 Special inspections. For *special inspections*, see Section 1704.

110.3.10 Final inspection. The final inspection shall be made after all work required by the *building permit* is completed.

110.4 Inspection agencies. The *building official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

110.5 Inspection requests. It shall be the duty of the holder of the *building permit* or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

SECTION 111 CERTIFICATE OF OCCUPANCY

111.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from *permits* under Section 105.2.

111.2 Certificate issued. After the *building official* inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The *building permit* number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design *occupant load*.
11. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the *building permit*.

111.3 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

111.4 Revocation. The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**SECTION 112
SERVICE UTILITIES**

112.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the *building official*.

112.2 Temporary connection. The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

112.3 Authority to disconnect service utilities. The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

**SECTION 113
BOARD OF APPEALS**

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

113.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

**SECTION 114
VIOLATIONS**

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair,

moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

**SECTION 115
STOP WORK ORDER**

115.1 Authority. Whenever the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

115.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**SECTION 116
UNSAFE STRUCTURES AND EQUIPMENT**

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

116.2 Record. The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

113.3

APPENDIX J

GRADING

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION J101 GENERAL

J101.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the geotechnical report, the geotechnical report shall govern.

J101.2 Flood hazard areas. The provisions of this chapter shall not apply to grading, excavation and earthwork construction, including fills and embankments, in *floodways* within *flood hazard areas* established in Section 1612.3 or in *flood hazard areas* where design *flood* elevations are specified but floodways have not been designated, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed work will not result in any increase in the level of the base flood.

SECTION J102 DEFINITIONS

J102.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

SECTION J103 PERMITS REQUIRED

J103.1 Permits required. Except as exempted in Section J103.2, no grading shall be performed without first having obtained a *permit* therefor from the *building official*. A *grading permit* does not include the construction of retaining walls or other structures.

J103.2 Exemptions. A *grading permit* shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

SECTION J104 PERMIT APPLICATION AND SUBMITTALS

J104.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

J104.2 Site plan requirements. In addition to the provisions of Section 107, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

J104.3 Geotechnical report. A geotechnical report prepared by a *registered design professional* shall be provided. The report shall contain at least the following:

1. The nature and distribution of existing soils;
2. Conclusions and recommendations for grading procedures;
3. Soil design criteria for any structures or embankments required to accomplish the proposed grading; and
4. Where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A geotechnical report is not required where the building code official determines that the nature of the work applied for is such that a report is not necessary.

J104.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short periods (S_s) greater than 0.5g as determined by Section 1613, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

Exceptions:

1. A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.
2. [OSHPD 1, 2, & 4] *Exception 1* not permitted by OSHPD.

SECTION J105 INSPECTIONS

J105.1 General. Inspections shall be governed by Section 109, Chapter 1, Division II of this code.

J105.2 Special inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the *building official*.

SECTION J106 EXCAVATIONS

J106.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than two units horizontal to one unit vertical (50-percent slope) unless the owner or authorized agent furnishes a geotechnical report justifying a steeper slope.

Exceptions:

1. A cut surface shall be permitted to be at a slope of 1.5 units horizontal to one unit vertical (67-percent slope) provided that all of the following are met:
 - 1.1. It is not intended to support structures or surcharges.
 - 1.2. It is adequately protected against erosion.
 - 1.3. It is no more than 8 feet (2438 mm) in height.
 - 1.4. It is approved by the building code official.
 - 1.5. Ground water is not encountered.

2. A cut surface in bedrock shall be permitted to be at a slope of one unit horizontal to one unit vertical (100-percent slope).

J106.2 Earth Retaining Shoring. [OSHPD 1 & 4]

J106.2.1 General. The requirements of this section shall apply to temporary and permanent earth retaining shoring using soldier piles and lagging with or without tie-back anchors in soil or rock, only when existing or new OSHPD 1 or 4 facilities are affected. Shoring used as construction means and methods only, which does not affect existing or new OSHPD 1 or 4 facilities, are not regulated by OSHPD and shall satisfy the requirements of the authorities having jurisdiction.

Design, construction, testing and inspection shall satisfy the requirements of this code except as modified in Sections J106.2.2 through J106.2.8.

J106.2.2 Duration. Shoring shall be considered temporary when elements of the shoring will be exposed to site conditions for a period of less than one (1) year, and shall be considered permanent otherwise. Permanent shoring shall account for the increase in lateral soil pressure due to earthquake. At the end of the construction period, the existing and new structures shall not rely on the temporary shoring for support in anyway. Wood components shall not be used for permanent shoring lasting more than two (2) years. Wood components of the temporary shoring that may affect the performance of permanent structure shall be removed after the shoring is no longer required.

All components of the shoring shall have corrosion protection or preservative treatment for their expected duration. Wood components of the temporary shoring that will not be removed shall be treated in accordance with AWPA U1 (Commodity Specification A, Use Category 4B and Section 5.2), and shall be identified in accordance with Section 2303.1.8.1.

J106.2.3 Surcharge. Surcharge pressure due to footings, traffic or other sources shall be considered in design. If the footing surcharge is located within the semicircular distribution or bulb of earth pressure (when shoring is located close to a footings), lagging shall be designed for lateral earth pressure due to footing surcharge. Soil arching effects may be considered in the design of lagging. Underpinning of the footing may be used in lieu of designing the shoring and lagging for surcharge pressure. Alternatively, continuously contacting drilled pier shafts near the footings shall be permitted. The lateral surcharge design pressure shall be derived using Boussinesq equations modified for the distribution of stresses in an elastic medium due to a uniform, concentrated or line surface load as appropriate and soil arching effects.

J106.2.4 Design and testing. Except for the modifications as set forth in Sections J106.2.4.1 and J106.2.4.2 below, all prestressed rock and soil tie-back anchors shall be designed and tested in accordance with PTI Recommendations for Prestressed Rock and Soil Anchors (PTI-2004).

J106.2.4.1 Geotechnical requirements. The geotechnical report for the earth retaining shoring shall address the following:

1. Minimum diameter and minimum spacing for the anchors including consideration of group effects.
2. Maximum unbonded length and minimum bonded length of the tie-back anchors.
3. Maximum recommended anchor tension capacity based upon the soil or rock strength/grout bond and anchor depth/spacing.
4. Allowable bond stress at the ground / grout interface and applicable factor of safety for ultimate bond stress for the anchor. For permanent anchors, a minimum factor of safety of 2.0 shall be applied to ground soil interface as required by PTI-2004 Section 6.6.
5. Minimum grout pressure for installation and postgrout pressure for the anchor. The presumptive postgrout pressure of 300 psi may be used for all soil type.
6. Class I Corrosion Protection is required for all permanent anchors. The geotechnical report shall specify the corrosion protection recommendations for temporary anchors.
7. Performance test for the anchors shall be at a minimum of two (2) times the design loads and shall not exceed 80 percent of the specified minimum tensile strength of the anchor rod. A creep test is required for all prestressed anchors that are performance tested. All production anchors shall be tested at 150 percent of design loads and shall not be greater than 70 percent of the specified minimum tensile strength of the anchor rod.
8. Earth pressure, surcharge pressure and the seismic increment of earth pressure loading, when applicable.
9. Maximum recommended lateral deformation at the top of the soldier pile, at the tie-back anchor locations and the drilled pier concrete shafts at the lowest grade level.
10. Allowable vertical soil bearing pressure, friction resistance and lateral passive soil resistance for the drilled pier concrete shafts and associated factors of safety for these allowable capacities.
11. Soil-pier shaft/pile interaction assumptions and lateral soil stiffness to be used in design for drilled pier concrete shaft or pile lateral loads.
12. Acceptable drilling methods.
13. Geotechnical observation and monitoring recommendations.

J106.2.4.2 Structural requirements:

1. Tendons shall be thread-bar anchors conforming to ASTM A 722.

2. Anchor design loads shall be based upon the load combinations in Section 1605A.3.1 and shall not exceed 60 percent of the specified minimum tensile strength of the tendons.
3. The anchor shall be designed to fail in grout bond to the soil or rock before pullout of the soil wedge.
4. Design of shoring system shall account for as-built locations of soil anchors considering all specified construction tolerances in Section J106.2.8.
5. Design of shoring system shall account for both short and long term deformation.

J106.2.4.3 Testing of tie-back anchors:

1. The geotechnical engineer shall keep a record at job site of all test loads and total anchor movement, and report their accuracy.
2. If a tie-back anchor initially fails the testing requirements, the anchor shall be permitted to be regouted and retested. If anchor continues to fail, the followings steps shall be taken:
 - a. The contractor shall determine the cause of failure – variations of the soil conditions, installation methods, materials, etc.
 - b. Contractor shall propose a solution to remedy the problem. The proposed solution will need to be reviewed and approved by the geotechnical engineer, shoring design engineer and building official.
3. After a satisfactory test, each anchor shall be locked off in accordance with Section 8.4 of PTI 2004.
4. The shoring design engineer shall specify design loads for each anchor.

J106.2.5 Construction. The construction procedure shall address the following:

1. Holes drilled for piles/tie-back anchors shall be done without detrimental loss of ground, sloughing or caving of materials and without endangering previously installed shoring members or existing foundations.
2. Drilling of earth anchor shafts for tie-backs shall occur when the drill bench reaches two to three feet below the level of the tie-back pockets.
3. Casing or other methods shall be used where necessary to prevent loss of ground and collapse of the hole.
4. The drill cuttings from earth anchor shaft shall be removed prior to anchor installation.
5. Unless tremie methods are used, all water and loose materials shall be removed from the holes prior to installing piles/tie-backs.
6. Tie-back anchor rods with attached centralizing devices shall be installed into the shaft or through the drill casing. Centralizing device shall not restrict movement of the grout.

7. After lagging installation, voids between lagging and soil shall be backfilled immediately to the full height of lagging.
 8. The soldier piles shall be placed within specified tolerances in the drilled hole and braced against displacement during grouting. Fill shafts with concrete up to top of footing elevation, rest of the shaft can generally be filled with lean concrete. Excavation for lagging shall not be started until concrete has achieved sufficient strength for all anticipated loads as determined by the shoring design engineer.
 9. Where boulders and/or cobbles have been identified in the geotechnical reports, contractor shall be prepared to address boulders and/or cobbles that may be encountered during the drilling of soldier piles and tie-back anchors.
 10. The grouting equipment shall produce grout free of lumps and indispensed cement. The grouting equipment shall be sized to enable the grout to be pumped in continuous operation. The mixer shall be capable of continuously agitating the grout.
 11. The quantity of grout and grout pressure shall be recorded. The grout pressure shall be controlled to prevent excessive heave in soils or fracturing rock formations.
 12. If postgrouting is required, postgrouting operation shall be performed after initial grout has set for 24-hours in the bond length only. Tie-backs shall be grouted over a sufficient length (anchor bond length) to transfer the maximum anchor force to the anchor grout.
 13. Testing of anchors may be performed after postgrouting operations provided grout has reached strength of 3,000 psi as required by PTI-2004 Section 6.11.
 14. Anchor rods shall be tensioned straight and true. Excavation directly below the anchors shall not continue before those anchors are tested.
- J106.2.6 Inspection, survey monitoring and observation.**
1. The shoring design engineer or his designee shall make periodic inspections of the job site for the purpose of observing the installation of shoring system, testing of tie-back anchors and monitoring of survey.
 - a. Sampling and testing of concrete in soldier pile and tie-back anchor shafts
 - b. Fabrication of tie-back anchor pockets on soldier beams
 - c. Installation and testing of tie-back anchors
 2. Testing, inspection and observation shall be in accordance with testing, inspection and observation requirements approved by the building official. The following activities and materials shall be tested, inspected, or observed by the special inspector and geotechnical engineer:
 - a. Survey monitoring of soldier pile and tie-back load cells
 - e. Survey monitoring of existing buildings
 3. A complete and accurate record of all soldier pile locations, depths, concrete strengths, tie-back locations and lengths, tie-back grout strength, quantity of concrete per pile, quantity of grout per tie-back and applied tie-back loads shall be maintained by the special inspector and geotechnical engineer. The shoring design engineer shall be notified of any unusual conditions encountered during installation.
 4. Calibration data for each test jack, pressure gauge and master pressure gauge shall be verified by the special inspector and geotechnical engineer. The calibration tests shall be performed by an independent testing laboratory and within 120 calendar days of the data submitted.
 5. Monitoring points shall be established at the top and at the anchor heads of selected soldier piles and at intermediate intervals as considered appropriate by the geotechnical engineer.
 6. Control points shall be established outside the area of influence of the shoring system to ensure the accuracy of the monitoring readings.
 7. The periodic basis of shoring monitoring, as a minimum, shall be as follows:
 - a. Initial monitoring shall be performed prior to any excavation.
 - b. Once excavation has begun, the periodic readings shall be taken weekly until excavation reaches the estimated subgrade elevation and the permanent foundation is complete.
 - c. If performance of the shoring is within established guidelines, shoring design engineer may permit the periodic readings to be bi-weekly. Once initiated, bi-weekly readings shall continue until the building slab at ground floor level is completed and capable of transmitting lateral loads to the permanent structure. Thereafter, readings can be monthly.
 - d. Where the building has been designed to resist lateral earth pressures, the periodic monitoring of the soldier piles and adjacent structure can be discontinued once the ground floor diaphragm and subterranean portion of the structure is capable of resisting lateral soil loads and approved by the shoring design engineer, geotechnical engineer and building official.
 - e. Additional readings shall be taken when requested by the special inspector, shoring design engineer, geotechnical engineer or building official.

8. Monitoring reading shall be submitted to the shoring design engineer, engineer in responsible charge, and the building official within three working days after they are conducted. Monitoring readings shall be accurate to within 0.01 feet. Results are to be submitted in tabular form showing at least the initial date of monitoring and reading, current monitoring date and reading and difference between the two readings.
9. If the total cumulative horizontal or vertical movement (from start of construction) of the existing buildings reaches $\frac{1}{2}$ inch or soldier piles reaches 1 inch all excavation activities shall be suspended. The geotechnical and shoring design engineer shall determine the cause of movement, if any, and recommend corrective measures, if necessary, before excavation continues.
10. If the total cumulative horizontal or vertical movement (from start of construction) of the existing buildings reaches $\frac{3}{4}$ inch or soldier piles reaches $1\frac{1}{2}$ inches all excavation activities shall be suspended until the causes, if any, can be determined. Supplemental shoring shall be devised to eliminate further movement and the building official shall review and approve the supplemental shoring before excavation continues.
11. Monitoring of tie-back anchor loads:
 - a. Load cells shall be installed at the tie-back heads adjacent to buildings at maximum interval of 50 feet, with a minimum of one load cells per wall.
 - b. Load cell readings shall be taken once a day during excavation and once a week during the remainder of construction.
 - c. Load cell readings shall be submitted to the geotechnical engineer, shoring design engineer, engineer in responsible charge and the building official.
 - d. Load cell readings can be terminated once the temporary shoring no longer provides support for the buildings.
4. If excessive movement or visible cracking occurs, contractor shall stop work and shore/reinforce excavation and contact shoring design engineer and the building official.
5. Monitoring of the existing structure shall be at reasonable intervals as required by the registered design professional subject to approval of the building official. Monitoring shall be performed by a licensed surveyor and shall consist of vertical and lateral movement of the existing structures. Prior to starting shoring installation a preconstruction meeting shall take place between the contractor, shoring design engineer, surveyor, geotechnical engineer and the building official to identify monitoring locations on existing buildings.
6. If in the opinion of the building official or shoring design engineer, monitoring data indicate excessive movement or other distress, all excavation shall cease until the geotechnical engineer and shoring design engineer investigates the situation and makes recommendations for remediation or continuing.
7. All reading and measurements shall be submitted to the building official and shoring design engineer.

J106.2.8 Tolerances. Following tolerances shall be specified on the construction documents.

1. Soldier piles:

- i. Horizontal and vertical construction tolerances for the soldier pile locations.
- ii. Soldier pile plumbness requirements (angle with vertical line).

2. Tie-back anchors:

- i. Allowable deviation of anchor projected angle from specified vertical and horizontal design projected angle.
- ii. Anchor clearance to the existing/new utilities and structures.

SECTION J107 FILLS

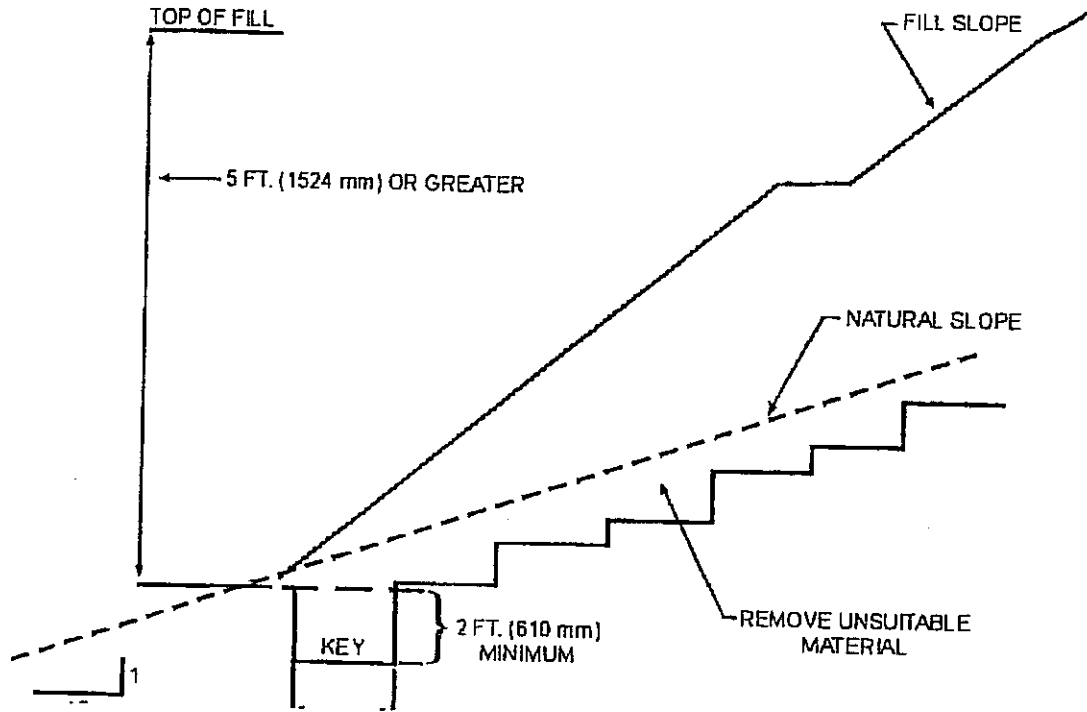
J106.2.7 Monitoring of existing OSHPD 1 and 4 structures.

1. The contractor shall complete a written and photographic log of all existing OSHPD 1 and 4 structures within 100 feet or three times depth of shoring, prior to construction. A licensed surveyor shall document all existing substantial cracks in adjacent existing structures.
2. Contractor shall document existing condition of wall cracks adjacent to shoring walls prior to start of construction.
3. Contractor shall monitor existing walls for movement or cracking that may result from adjacent shoring.

J107.1 General. Unless otherwise recommended in the geotechnical report, fills shall comply with the provisions of this section.

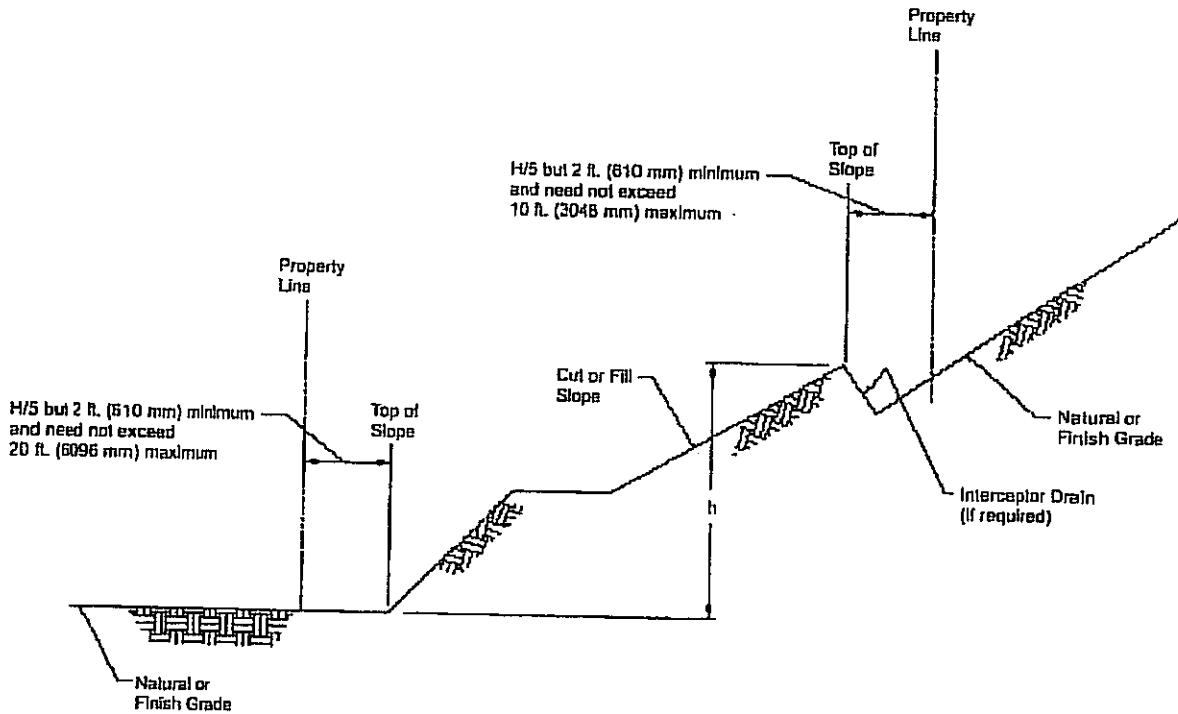
J107.2 Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

J107.3 Benching. Where existing grade is at a slope steeper than five units horizontal to one unit vertical (20-percent slope) and the depth of the fill exceeds 5 feet (1524 mm) benching shall be provided in accordance with Figure J107.3. A key shall be provided which is at least 10 feet (3048 mm) in width and 2 feet (610 mm) in depth.



For SI: 1 foot = 304.8 mm.

FIGURE J107.3
BENCHING DETAILS



For SI: 1 foot = 304.8 mm.

FIGURE J108.1
DRAINAGE DIMENSIONS
P.199

J107.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall be included in fills.

J107.5 Compaction. All fill material shall be compacted to 90 percent of maximum density as determined by ASTM D 1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

[DSA-SS, DSA-SS/CC & OSHPD 1, 2 & 4] This section establishes minimum requirements only.

J107.6 Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than two units horizontal to one unit vertical (50-percent slope) shall be justified by a geotechnical report or engineering data.

SECTION J108 SETBACKS

J108.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure J108.1, unless substantiating data is submitted justifying reduced setbacks.

J108.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure J108.1, or than is required to accommodate any required interceptor drains, whichever is greater.

J108.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the *building official*, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

SECTION J109 DRAINAGE AND TERRACING

J109.1 General. Unless otherwise recommended by a *registered design professional*, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33 percent).

J109.2 Terraces. Terraces at least 6 feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5 percent) and shall be paved with concrete not less than 3 inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of 5 feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m²) (projected) without discharging into a down drain.

J109.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet (12 192 mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be approved by the *building official*, but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the *building official*.

J109.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

SECTION J110 EROSION CONTROL

J110.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

J110.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

SECTION J111 REFERENCED STANDARDS

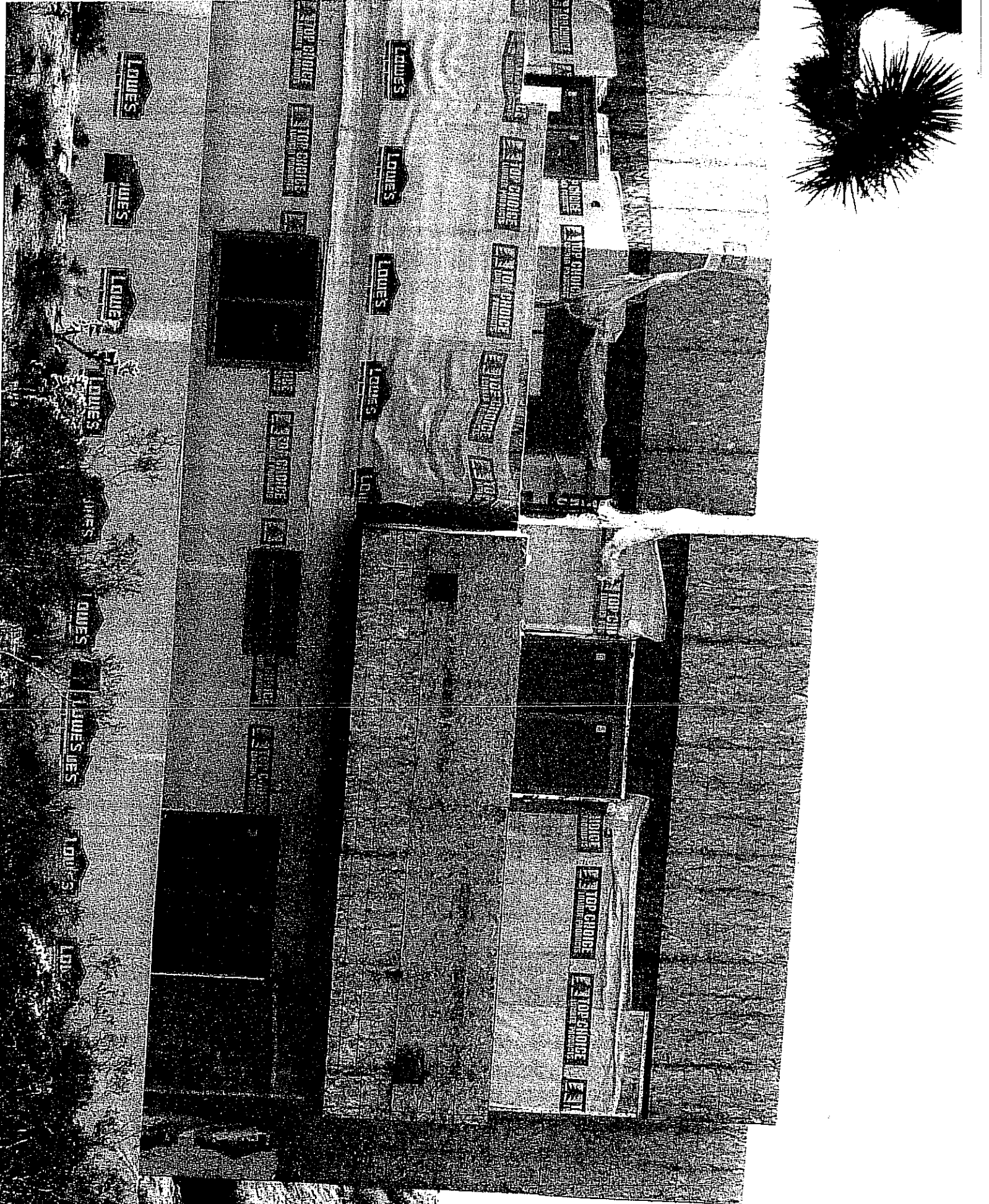
ASTM D
1557-e01

Test Method for Laboratory
Compaction Characteristics
of Soil Using Modified Effort
[56,000 (1-lb/ft²) (2,700kN-m/m²)].

J107.6



P.201







TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: January 6, 2011
For Council Meeting: January 18, 2011

Subject: Annual Reserve Policy Review

Prior Council Review: Current Reserve Policy reviewed and approved by Council June 2007.

Recommendation: Review the fiscal year 2009-10 reserve analysis, and adopt a resolution modifying the Town's Reserve Policy by amending the fiscal year 2010-11 budget as follows:

- Amend the designated reserve balances as indicated on Exhibit A to the resolution, including a one-year suspension of the capital projects reserve fund transfer and a corresponding one-year increase in the general fund reserve cap to 58%.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Voice Vote

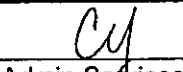
Discussion: The Town's reserve policy is designed to ensure a solid financial base for both ongoing and exceptional Town operations. Specifically, the policy accomplishes the following:

- Clarifies that the Town's general fund reserves, excluding designations, will be in the range of 25-30% of operating expenditures.
- Establishes a vehicle and equipment reserve within the Town's existing internal service fund at 125% of annual depreciation, capped at a maximum amount of \$500,000.

Reviewed By:


Town Manager


Town Attorney


Admin Services


Dept Head

Department Report

Ordinance Action

Resolution Action

Public Hearing

Consent

Minute Action

Receive and File

Study Session

- Establishes the capital projects reserve fund, into which general fund financial resources in excess of the policy guidelines will be appropriated.

Current Year Analysis

As the Council is aware, the Town is experiencing a decrease in retail sales activity, lower property tax valuations, and a generally lackluster economic climate, resulting in lower revenues. While the Town's currently adopted budget appears reasonable, the future is not certain. Until there is greater visibility in local economic trends including sales tax and property tax trends, Town staff is recommending a conservative approach in managing the Town's general fund financial reserves.

The proposed budget resolution will provide for a one-year exception to the policy by suspending the capital projects reserve fund transfer and increasing the general fund reserve cap from 45% to 58%. This is being proposed to provide the Town with the most flexibility in managing potential economic weakness. The resolution does call for fully-funding the existing general fund designations, and the vehicle and equipment reserve.

With adoption of the resolution, the Town's general fund reserve would be at 58%, the vehicle and equipment reserve fully funded at \$500,000, and the capital projects reserve fund would remain funded at \$1,090,877, with a designation of \$462,500 toward the new animal shelter facility.

As the Council and staff identify and work through the development of the Town's Strategic planning efforts, it is possible that alternative uses of the Town's reserves may be identified.

Such uses may include one-time capital or planning expenditures, financial investment options, or other specific uses. Having these increased reserves will afford the Town with maximum flexibility and leverage in best utilization of these funds.

Future Year Changes

In February 2009, the Governmental Accounting Standards Board (GASB) issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, effective FY 2011. The objective of the statement "is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions."

The result of this statement will be a change in the way the Town reflects its fund balance beginning in fiscal year 2011. New descriptions will include the following definitions of fund balance:

1. Nonspendable
2. Restricted
3. Committed
4. Assigned
5. Unassigned

Accordingly, this will be the last year the current definitions are used, and may result in a reclassification of some of the balances. Any resulting changes will be reflected in the Town's financial statements beginning with the year end June 30, 2011.

Alternatives: Complete all transfers in accordance with the existing policy, and do not increase the general fund reserve cap.

Fiscal impact: With the adoption of the revised policy and the accompanying budget resolution, the Town's general fund reserve will be funded at 58% of operating expenditures. The Town's vehicle and equipment reserve would be fully funded, and the Town's capital projects reserve fund would be funded at \$1,090,877, with \$462,500 designated to the new animal shelter facility.

Attachments: Resolution with reserve analysis attachment

RESOLUTION NO. 11-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA AUTHORIZING THE NECESSARY INTERFUND TRANSFERS IN ACCORDANCE WITH THE TOWN'S RESERVE POLICY

WHEREAS, the Town has adopted a reserve policy establishing guidelines for appropriate levels of fund balances for the Town's general fund; and

WHEREAS, the Town may need to modify such policy in light of past actual financial results for the year ended June 30; and

WHEREAS, Town may need to modify such policy in light information received or projected which will materially affect the current or future economic forecasts, and

WHEREAS, Town may need to modify such policy to accommodate projects or programs that are reasonably foreseen in the near future affecting such Funds.

NOW THEREFORE THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY RESOLVES AS FOLLOWS.

Section 1. The general fund reserve cap is raised to 58% for the fiscal year 2010-11 as a temporary measure to provide maximum flexibility in managing the Town's financial resources.

Section 2. The necessary interfund transfers are authorized as indicated in the attached Exhibit A pursuant to the guidelines in the Town's Reserve Policy, and modified in Section One of this resolution.

APPROVED AND ADOPTED THIS 18^h day of January, 2011

MAYOR

ATTEST:

TOWN CLERK

Town of Yucca Valley

**Reserve Policy Implementation Structure
FY 2010/11**

Exhibit A

General Fund Impact	Actual FY 09/10 Balance	Reserve Policy Transfer	Authorized Encumbrance / Carry-over	Amended FY 10/11 Beginning Bal
Reserve Balance Summary				
Undesignated	\$ 5,469,397	\$ (200,000)	\$ (175,000)	\$ 5,094,397
Catastrophic	800,000	200,000		1,000,000
Risk Management Reserve	200,000	-		200,000
Other	100,000	-		100,000
Total	\$ 6,569,397	\$ -	\$ (175,000)	\$ 6,394,397
FY 2009/10 Amended Operating Expenditures	\$ 8,738,465			\$ 8,738,465
Operating Reserve Ratio	63%			58%
Reserve Policy Target				30%
Amount over Policy				\$ 2,472,858

Internal Service Fund Impact	Actual FY 09/10 Balance	Reserve Policy Transfer	Amended FY 10/11 Beginning Bal
Reserve Balance Summary			
Undesignated	\$ 11,797	\$ -	\$ 11,797
Vehicle & Equipment Reserve	500,000	-	500,000
Total	\$ 511,797	\$ -	\$ 511,797

Capital Projects Reserve Fund Impact	Actual FY 09/10 Balance	Reserve Policy Transfer	Amended FY 10/11 Beginning Bal
Reserve Balance Summary			
Undesignated	\$ 628,377	Suspended	\$ 628,377
New Shelter Designation	462,500		462,500
Total	\$ 1,090,877	\$ -	\$ 1,090,877

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: January 11, 2011
For Council Meeting: January 18, 2011

Subject: Ordinance No.
Utility Undergrounding Districts
Southern California Edison, Rule 20A Funds

Prior Council Review: There has been no Town Council review of this item.

Recommendation: That the Town Council introduces the Ordinance, establishing procedures for the creation of utility undergrounding districts.

Executive Summary: In 1967, the Public Utilities Commission established a program to convert existing overhead lines to underground. The program, called Rule 20A, is funded from ratepayers through a small surcharge on monthly bills.

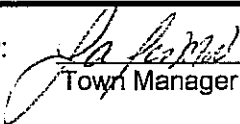


In order to expend Rule 20A funds, cities and counties must form utility undergrounding districts. The basis for district formation is established through local regulations, and therefore the necessity for the Town to adopt an ordinance establishing the procedures and regulations for the formation of undergrounding districts.

Order of Procedure:

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

Discussion: Rule 20A is a set of policies and procedures established by the California Public Utilities Commission to regulate the conversion of overhead electric equipment to underground facilities, a process called "undergrounding". Under Rule 20A, undergrounding projects are financed by utility rate money. Communities can supplement Rule 20A funds with local tax proceeds or private fund sources.

To qualify for full funding, projects must produce a benefit to the general public, not just customers in the affected area, by satisfying one or more of these criteria:

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

The location has an unusually heavy concentration of overhead facilities in the public and private property.

The location is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic.

The location qualifies as an arterial or collector road in a local government's General Plan.

The overhead equipment must be located within or pass through a civic, recreational or scenic area.

The above criteria provides for considerable latitude in identifying the potential projects to be funded by Rule 20A. The Town Council will be discussing the allocation of Rule 20A funds to alternatives projects in the near future.

The proposed ordinance establishes the necessary hearing, noticing and district formation procedures in order for the Town to access the Rule 20A funds.

It is possible for property owners to petition the Town for formation of a utility undergrounding district whereby the property owners are responsible for the costs of the utility undergrounding. It is not anticipated that this process would be initiated at any time in the near future.

Alternatives: Staff recommends no alternative actions. The adoption of an ordinance is necessary for the Town to be able to expend Rule 20A funds, regardless of the specific project that is ultimately identified and approved by the Town Council.

Fiscal impact: There is no specific undergrounding project included in the recommended action. Staff will be returning to the Town Council in the near future with a policy discussion on the allocation of Rule 20A funds. The Town's Rule 20A credits are estimated at approximately \$1.67 million.

Attachments: Ordinance
Rule 20A information

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ESTABLISHING A PROCEDURE FOR THE CREATION OF UTILITY UNDERGROUNDING DISTRICTS AND REGULATIONS REGARDING SUCH DISTRICTS

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

SECTION 1. CODE AMENDED. Title 8 of the Town of Yucca Valley Municipal Code ("Municipal Code") is hereby amended to create Chapter 8.90, establishing a procedure for the creation of Utility Undergrounding Districts and regulations regarding such districts as follows:

Chapter 8.90 UNDERGROUND UTILITY DISTRICTS

Sections:

- 8.90.010 Definitions.
- 8.90.020 Hearings - Notification.
- 8.90.030 Report.
- 8.90.040 Designation.
- 8.90.050 Unlawful acts.
- 8.90.060 Exceptions - Emergency or unusual circumstances.
- 8.90.070 Exceptions - Non-emergency.
- 8.90.080 Notice requirements.
- 8.90.090 Utility company responsibility.
- 8.90.100 Property owner responsibility.
- 8.90.110 Authority to Discontinue Overhead Service, Perform Installation, & Lien
- 8.90.120 Town responsibility.
- 8.90.130 Time extension.
- 8.90.140 Violation - Penalty.

Section 8.90.010 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them unless otherwise noted:

"Commission" means the Public Utilities Commission of the state of California.

"Person" means and includes individuals, firms, corporations, partnerships, and their agents and employees.

"Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, cross arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a district and used or useful in supplying electric, communication or similar or associated service.

"Underground utility district" or "district" means that area in the town within which poles, overhead wires and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of this chapter.

"Utility" means and includes all persons or entities supplying electric, communication such as telephone and cable television, or similar or associated service by means of electrical materials or devices.

Section 8.90.020 Hearings-Notification.

The town council may from time to time call public hearings to ascertain whether it is in the general public interest to remove the poles, overhead wires and associated overhead structures within designated areas of the town and to perform the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The town clerk shall notify all concerned utilities and property owners within the proposed district as shown on the last equalized assessment roll by regular mail of the time and place of such hearings at least fifteen days prior to the date thereof. Failure to give such notice by mail, or of the persons addressed to receive same, shall not affect the validity of such ordinance nor the authority of the town to proceed under this chapter. Each hearing shall be open to the public and may be continued from time to time. At each such hearing all property owners within the proposed district, and all members of the public, shall be given an opportunity to be heard.

Section 8.90.030 Report.

Prior to holding such public hearing, the town manager shall consult all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the town and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities.

Section 8.90.040 Designation.

If, after a public hearing, the town council finds that it is in the general public interest to remove the poles, overhead wires, and associated overhead structures within the designated area and to perform such underground installation within the area, the council shall, by resolution, declare such designated area an underground utility district

and order such removal and underground installation. The decision of the town council shall be final and conclusive. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

If the undergrounding is to be completed pursuant to Rule 20A of the California Public Utilities Commission, the Town Council shall make any findings required by Rule 20A.

If necessary, the creation of such district shall comply with all applicable provisions of Article XIID of the California Constitution (Proposition 218).

Section 8.90.050 Unlawful acts.

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in this chapter, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when such overhead facilities are required to be removed by such resolution, except as such overhead facilities may be required to furnish temporary service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in this chapter, and for such reasonable time required to remove such facilities after such work has been performed, and except as otherwise provided in this chapter.

Section 8.90.060 Exceptions - Emergency or unusual circumstances.

A. Notwithstanding any other provisions of this chapter, the town council may grant special exceptions on a permanent or temporary basis to the provisions of this chapter on such terms as the town council may deem appropriate in cases of emergency or unusual circumstances to any person to erect, construct, install, maintain, use or operate poles and overhead lines and associated overhead structures within any underground utility district provided that prior thereto the town council shall have made a finding that granting of such special exception does not violate the general purposes of this chapter, will not be detrimental to the public interest, welfare, safety, peace or health, and that such action will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the underground utility district.

B. Notwithstanding the provisions of this section, the town manager in cases of emergency only, may grant permission for overhead facilities to be installed for such period of time as will permit the town council, at its next regular meeting, to consider the granting of a special exception under the terms of this section.

Section 8.90.070 Exceptions – Non-emergency.

The provisions of this chapter shall not apply to the following types of facilities:

- A. Poles used exclusively for police and fire alarm boxes, traffic control facilities, street lighting, or any similar municipal equipment installed under the supervision and the satisfaction of the town engineer and approved by the town manager. Service to those facilities shall be underground;
- B. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- C. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred volts;
- D. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street or alley;
- E. Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services;
- F. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;
- G. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

Section 8.90.080 Notice requirements.

A. Within thirty days after the effective date of a resolution adopted pursuant to this chapter, the town clerk shall notify all affected utilities and all persons owning real property within the district created by such resolution of the adoption thereof. The town clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall, within the period of time specified in the resolution, provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission or as authorized by the council.

B. Notification by the town clerk shall be made by mailing a copy of the resolution adopted pursuant to this chapter together with a copy of the ordinance codified in this section to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. Failure to give such notice by mail or of the persons addressed to receive same shall not affect the validity of such ordinance nor the authority of the town to proceed under this chapter.

Section 8.90.090 Utility company responsibility.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to this chapter, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission and the electric rules and regulations of the town.

Section 8.90.100 Property owner responsibility.

A. All utilities and every person owning property within a district shall comply with the requirements specified in the notice under section 8.90.080 of this chapter.

B. Every person owning property within a district shall be responsible for paying such person's proportionate share of the cost of the underground facilities constructed in the public right-of-way or easements to serve that property within the district, to the extent such costs are not covered by a Utility or the Town. All such costs shall be in conformance with applicable rules, regulations and tariffs of the respective utilities on file with the commission and the electric service rules and regulations of the town, and if necessary all assessments shall comply with the provisions of Article XIID of the California Constitution (Proposition 218).

C. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall, at such person's own expense, construct and provide that portion of the service connection on such person's property between the facilities referred to in this chapter and the termination facility on or within such building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utilities concerned and applicable rules and regulations of the town.

Section 8.90.110 Authority to Discontinue Overhead Service, Perform Installation, & Lien.

A. If the aforesaid property owner responsibilities are not accomplished within the time specified in the resolution, the Town shall give written notice by mail or personal service to the owner of record and to the person in possession of the affected property, to perform the required property owner responsibilities within thirty days after receipt of notice. Mailed notice shall be deemed to have been received by the addressee within forty-eight hours after mailing. Where notice is mailed to either the owner or occupant, a

notice not less than eight by ten inches in size shall also be posted in a conspicuous place on the premises within forty-eight hours after the mailing thereof.

B. The notice shall specify with particularity what work is required to be done and shall state that if such work is not completed by the affected property owner within thirty days after receipt of notice, the Town will perform the required work and the costs and expenses therewith will be assessed against the affected property and become a lien thereon.

C. The notice shall include the statement that thirty days after posting of the notice all utility companies are authorized to discontinue electric, communication, community antenna television, or similar or associated service from poles, overhead wires, and associated overhead structures.

D. Thirty days after such posting, all utility companies are hereby authorized to discontinue electric, communication, community antenna television or similar or associated service from poles, overhead wires, and associated overhead structures.

E. If, upon the expiration of the thirty-day period, the required work is not performed, the Town shall cause the work to be performed. If, however, the premises are unoccupied and no utility services are being furnished thereto, the Town may authorize the disconnection and removal of any and all overhead service wires and associated facilities to such property. Upon completion of the work a written report shall be provided for the Town Council setting forth the properties disconnected and from which overhead service was removed, and the properties where required underground facilities work has been performed by town, together with a legal description of the property against which the cost is to be assessed, and the costs to be assessed. The council shall fix a time and place for hearing protests against the assessment of the cost of such work, which hearing shall not be less than ten days after the filing of such report.

F. The Town shall notify the owner and the person in possession of the premises of the time and place of such protest hearing. Notice shall be given in the same manner as provided in subsection A of this section and shall set forth the amount of the proposed assessment.

G. At the hearing, the council shall hear and consider the report and any protests and may affirm, modify or reject the assessment.

H. Unless the payment of the assessment is authorized to be payable in installments, the amount of each such assessment shall become due and payable to town upon confirmation by the Town Council. If any assessment is not paid within thirty days, interest shall be added to the unpaid balance at the rate of eight percent per year commencing on the thirty-first day after such assessment becomes due.

- I. 1. The council may authorize, by motion, that the payment of any assessment of more than one hundred dollars may, at the assessee's option, be made in not to exceed ten annual installments, provided, however, that installment payments shall not be permitted where the assessment is one hundred dollars or less.
2. The first installment shall be paid on or before the thirtieth day after confirmation by the Town Council. Subsequent installments and interest shall be paid on or before the successive anniversary dates.
3. The unpaid balance of the assessment shall bear interest at the rate of eight percent per year.
4. If any installment is not paid on or before the anniversary date, the entire unpaid balance of such assessment shall become due and payable immediately.

J. Any assessment or installment not paid within six months from the date it is due and payable is delinquent. A delinquent penalty of six percent of the unpaid balance, including principal and interest, shall be added thereto.

K. If any assessment is not paid in full within thirty days after confirmation of the assessment, a lien shall be impressed against the property so assessed for the total unpaid balance of such assessment, together with interest and penalties thereon, if any, effective as of the time of recordation of a notice of lien, which lien shall continue until the assessment, together with interest and penalties thereon, has been paid in full, or until such lien has been discharged of record.

L. The town clerk is authorized to record in the office of the county recorder of San Bernardino County a certificate of lien in the following form:

NOTICE OF LIEN

The Town Manager did on _____, 20__, cause certain work to be performed, and the Council of the Town of Yucca Valley did on _____, 20__, by Resolution No. _____ in the files of the Town Clerk, assess the cost of such construction upon the real property in the Town of Yucca Valley hereinafter described, and the same has not been paid nor any part thereof, and the said Town of Yucca Valley does hereby claim a lien on said real property in the total sum of \$ _____ less the sum of \$ _____ which has been paid, leaving the principal sum of \$ _____ now due, owing and unpaid, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 8 percent per annum, from _____, 20__, and any penalties which may become due, has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which lien is claimed is that certain parcel of land in the Town of Yucca Valley, County of San Bernardino, State of California, described as follows:

(DESCRIPTION OF PROPERTY)

Dated:

Town Clerk of the Town of Yucca Valley

Section 8.90.120 Town responsibility.

The town shall remove all town-owned equipment from all poles required to be removed under this chapter in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to this chapter.

Section 8.90.130 Time extension.

In the event that any act required by this chapter or by a resolution adopted pursuant to this chapter cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

Section 8.90.140 Violation-Penalty.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefore as provided for in this chapter.

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

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

MAYOR

APPROVED AS TO FORM:

Town Attorney

ATTEST:

Town Clerk



Rule 20 Sheet 1
REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

A. SCE will, at its expense, replace its existing overhead electric facilities with underground electric facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to SCE have been obtained by SCE, provided that:

1. The governing body of the city or county in which such electric facilities are and will be located has:

a. Determined, after consultation with SCE and after holding public hearings on the subject, that such undergrounding is in the general public interest for one or more of the following reasons:

(1) Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities;

(2) The street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; (T)

(3) The street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; or (T)

(4) The street or road or right-of-way is considered an arterial street or major collector road, as defined in the Governor's Office of Planning and Research General Plan Guidelines. (N)
|
(N)

b. Adopted an ordinance creating an underground district in the area in which both the existing and new facilities are and will be located requiring, among other things, (1) that all existing overhead communication and electric distribution facilities in such district shall be removed, (2) that each property served from such electric overhead facilities shall have installed in accordance with SCE's rules for underground service, all electrical facility changes on the premises necessary to receive service from the underground facilities of SCE as soon as it is available, and (3) authorizing SCE to discontinue its overhead service.

(Continued)

(To be inserted by utility)
Advice 1643-E
Decision 01-12-009

Issued by
John R. Fielder
Senior Vice President

(To be inserted by Cal. PUC)
Date Filed Jul 26, 2002
Effective Sep 4, 2002
Resolution E-3767



Rule 20 Sheet 2
REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

(Continued)

A. (Continued)

2. SCE's total annual budgeted amount for undergrounding within any city or the unincorporated area of any county shall be allocated as follows:

a. The amount allocated to each city and county in 1990 shall be the highest of:

1. The amount allocated to the city or county in 1989, which amount shall be allocated in the same ratio that the number of overhead meters in such city or unincorporated area of any county bears to the total system overhead meters; or

2. The amount the city or county would receive if SCE's total annual budgeted amount for undergrounding provided in 1989 were allocated in the same ratio that the number of overhead meters in each city or the unincorporated area of each county bears to the total system overhead meters based on the latest count of overhead meters available prior to establishing the 1990 allocations; or

3. The amount the city or county would receive if SCE's total annual budgeted amount for undergrounding provided in 1989 were allocated as follows:

a. Fifty percent of the budgeted amount allocated in the same ratio that the number of overhead meters in any city or the unincorporated area of any county bears to the total system overhead meters; and

b. Fifty percent of the budgeted amount allocated in the same ratio that the total number of meters in any city or the unincorporated area of any county bears to the total system meters.

(Continued)

(To be inserted by utility)
Advice 1268-E-B
Decision 97-10-087

Issued by
John R. Fielder
Senior Vice President

(To be inserted by Cal. PUC)
Date Filed May 11, 1998
Effective Jan 4, 1998
Resolution _____



Rule 20 Sheet 3
REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

(Continued)

A. (Continued)

2. (Continued)

b. Except as provided in Section 2.c., the amount allocated for undergrounding within any city or the unincorporated area of any county in 1991 and later years shall use the amount actually allocated to the city or county in 1990 as the base, and any changes from the 1990 level in SCE's total annual budgeted amount for undergrounding shall be allocated to individual cities and counties as follows:

1. Fifty percent of the change from the 1990 total budgeted amount shall be allocated in the same ratio that the number of overhead meters in any city or unincorporated area of any county bears to the total system overhead meters.
2. Fifty percent of the change from the 1990 total budgeted amount shall be allocated in the same ratio that the total number of meters in any city of the unincorporated area of any county bears to the total system meters.

c. When a city incorporates, resulting in a transfer of utility meters from the unincorporated area of a county to the city, there shall be a permanent transfer of a prorata portion of the county's 1990 allocation base referred to in Section 2.b. to the city. The amount transferred shall be determined:

1. Fifty percent based on the ratio that the number of overhead meters in the city bears to the total system overhead meters; and
2. Fifty percent based on the ratio that the total number of meters in the city bears to the total system meters.

When territory is annexed to an existing city, it shall be the responsibility of the city and county affected, in consultation with SCE serving the territory, to agree upon an amount of the 1990 allocation base that will be transferred from the county to the city, and thereafter to jointly notify SCE in writing.

(Continued)

(To be inserted by utility)
 Advice 1268-E-B
 Decision 97-10-087

Issued by
John R. Fielder
 Senior Vice President

(To be inserted by Cal. PUC)
 Date Filed May 11, 1998
 Effective Jan 4, 1998
 Resolution _____



Rule 20 Sheet 4
REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

(Continued)

A. (Continued)

2. (Continued)

d. However, Section 2.a, b, and c, shall not apply to any utility where the total amount available for allocation under Rule 20-A is equal to or greater than 1.5 times the previous year's statewide average on a per customer basis. In such cases, SCE's total annual budgeted amount for undergrounding within any city or the unincorporated area of any county shall be allocated in the same ratio that the number of overhead meters in the city or unincorporated area of any county bears to the total system overhead meters.

e. Upon request by a city or county, the amounts allocated may be exceeded for each city or county by an amount up to a maximum of five years' allocation at then-current levels where SCE establishes that participation on a project is warranted and resources are available. Such allocated amount may be carried over for a reasonable period of time in communities with active undergrounding programs. In order to qualify as a community with an active undergrounding program, the governing body must have adopted an ordinance or ordinances creating an underground district and/or districts as set forth in Section A.1.b. of this Rule. Where there is a carry-over or additional requested participation as discussed above, SCE has the right to set, as determined by its capability, reasonable limits on the rate of performance of the work to be financed by the funds carried over. When amounts are not expended or carried over for the community to which they are initially allocated, they shall be assigned when additional participation on a project is warranted or be reallocated to communities with active undergrounding programs. (C) | (C) (C) (C)

(Continued)

(To be inserted by utility)

Advice 1643-E
Decision 01-12-009

4C15

Issued by

John R. Fielder
Senior Vice President

P.223

(To be inserted by Cal. PUC)

Date Filed Jul 26, 2002
Effective Sep 4, 2002
Resolution E-3767



Rule 20 Sheet 6
REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

(Continued)

A. (Continued)

3. The undergrounding extends for a minimum distance of one block or 600 feet, whichever is the lesser.

Upon request of the governing body, SCE will pay from the existing allocation of that entity for:

- a. The installation of no more than 100 feet of each customer's underground electric service lateral occasioned by the undergrounding, and/or
- b. The conversion of a customer's meter panel to accept underground service occasioned by the undergrounding, excluding permit fees.

SCE or the governing body may establish a lesser allowance, or may otherwise limit the amount of money to be expended on a single customer's electric service, or the total amount to be expended on all electric service installations in a particular project.

B. In circumstances other than those covered by A above, SCE will replace its existing overhead electric facilities with underground electric facilities along public streets and roads or other locations mutually agreed upon when requested by an applicant or applicants when all of the following conditions are met:

- 1.
 - a. ~~All property owners served from the overhead facilities to be removed~~ first agree in writing to have the wiring changes made on their premises so that service may be furnished from the underground distribution system in accordance with SCE's rules and that SCE may discontinue its overhead service upon completion of the underground facilities, or
 - b. Suitable legislation is in effect requiring such necessary wiring changes to be made and authorizing SCE to discontinue its overhead service.

(Continued)

(To be inserted by utility)
Advice 1399-E
Decision _____

Issued by
John R. Fielder
Senior Vice President

(To be inserted by Cal. PUC)
Date Filed Aug 23, 1999
Effective Oct 2, 1999
Resolution _____

