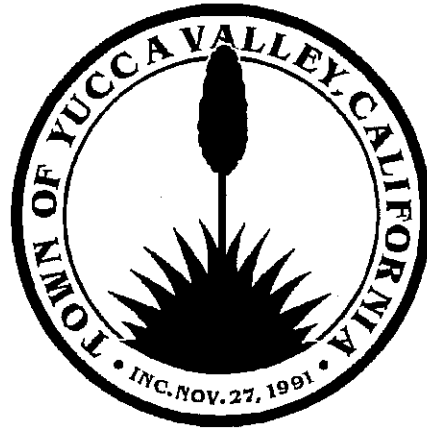


TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING



*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, MARCH 15, 2011
CLOSED SESSION: 5:00 P.M.
TOWN COUNCIL: 6:00 P.M.
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

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

* * * *

TOWN COUNCIL
*George Huntington, Mayor
Frank Luckino, Mayor Pro Tem
Isaac Hagerman, Council Member
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, MARCH 15, 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.

CLOSED SESSION

1. Government Code Section 54956.8, Conference with Real Property Negotiators. *State law provides the opportunity for closed session for real property purchase negotiations, prior to placement of the matter on a regularly scheduled meeting agenda for formal action.*

Property: APN 595-371-11, portion of the Northwest Corner of Dumosa and SR 62
Town of Yucca Valley/Yucca Valley Redevelopment Agency
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

(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

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

2. Proclamation proclaiming April 2011 as Child Abuse Prevention Month.

AGENCY REPORTS

Fire Department

- 1-2 3. Monthly Report for February 2011

Chamber of Commerce

4. Monthly Report for February 2011

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Voice Vote _____

CONSENT AGENDA

- 3-8 5. Regular Town Council Meeting Minutes of March 1, 2011.

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.

- 9-12 7. 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 FEBRUARY 2011 STORM EVENT

Recommendation: Adopt the Resolution finding private, non-maintained dirt road repairs were necessary on Terry Lane following the February, 2011 storm event.

- 13-18 8. California Energy Commission, EECBG Grant Program, Budget Amendment and Emergency Findings

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

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, FINDING A PUBLIC EXIGENCY OR

EMERGENCY TO EXIST IN SUPPORT OF NON-COMPETITIVE SOLICITATION PROFESSIONALLY MECHANICAL ENGINEERING SERVICES TO IMPLEMENT ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) NO. CBG-09-029

Recommendation: Adopt the Resolution amending the FY 2010-11 budget and adopt a Resolution, authorizing finding a public emergency to exist in support of non-competitive solicitation of professional services.

19-21 9. AB 1234 Reporting Requirements

Recommendation: Receive and file the AB 1234 Reporting Requirement Schedule for the month of February 2011.

22-42 10. Award of Construction Contract, Community Center Doors, CDH Project NO. 123-32111, Case No. 2916, Town Project No. 8955

Recommendation: Award a contract for construction of the Community Center Doors, CDH Project No. 123-32111, Case No. 2926, to Paul LeMay Construction in the amount not to exceed \$38,640, establish a \$4,000 contingency and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents; and authorize the Town Manager to expend the contingency funds if necessary to complete the project.

43-65 11. 2010 General Plan Annual Review, Annual Housing Element Report

Recommendation: Receive and file the General Plan 2010 Annual Report and the Annual Element Progress Report, Housing Element Implementation tables.

66-81 12. Facility Use Policy Amendment

Recommendation: Approve the recommended amendments to the Town's facility use policy and direct staff to implement the revisions within 30 days.

82-83 13. Hi Desert Nature Museum 2010 Annual Report

Recommendation: Receive and file the Hi Desert Nature Museum's 2010 Annual Report.

84-93 14. Warrant Register – March 15, 2011.

Recommendation: Ratify the Warrant Register total of \$122,079.60

for checks dated February 24, 2011. Ratify Payroll Registers total of \$293,090.98 for checks dated February 18, 2011 through March 4, 2011.

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

Recommendation: Adopt Consent Agenda (items 5-14)(roll call vote)

Action: Move _____ 2nd _____ Roll Call Vote _____

DEPARTMENT REPORTS

94-144 15. Financing Alternatives for Wastewater System Development

Staff Report

Recommendation: Provide Town staff direction on possible financial strategies.

Action: Move _____ 2nd _____ Voice Vote _____.

145-154 16. FY 2010-11 Mid-year Budget Report

Staff Report

Recommendation: Receive and file the Mid-year Budget Report

Action: Move _____ 2nd _____ Voice Vote _____.

POLICY DISCUSSION

FUTURE AGENDA ITEMS

PUBLIC COMMENTS

In order to assist in the orderly and timely conduct of the meeting, the Council takes this time to consider your comments on items of concern which are on the Closed Session or not on the agenda. When you are called to speak, please state your name and community of residence. Notify the Mayor if you wish to be on or off the camera.

Please limit your comments to three (3) minutes or less. Inappropriate behavior which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting will result in forfeiture of your public comment privileges. The Town Council is prohibited by State law from taking action or discussing items not included on the printed agenda.

STAFF REPORTS AND COMMENTS

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

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, April 5, 2011, 6:00 p.m.

CLOSING ANNOUNCEMENTS

ADJOURNMENT



SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

February 2011 Summary

ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to 3 fires and 310 non-fire incidents for a total of 313 requests for assistance within our town boundaries.

EMERGENCY RESPONSES

ESTIMATED FIRE LOSS (In dollars)

Total Loss	\$	15,500	Value	\$	210,000
------------	----	--------	-------	----	---------

RESPONSES OTHER THAN FIRES

Fires	3
Rupture / Explosion	0
EMS / Rescue	233
Hazardous Condition	5
Service Calls	28
Good Intent Calls	24
False Call	18
Other – Severe Weather	0

ALARMS – ALL TYPES

Yucca Valley Response Area

TOTAL NON-FIRE RESPONSE.....	310
TOTAL FIRE RESPONSES.....	3
TOTAL ALARMS	313

Significant Events:

- The Town of Yucca Valley Hosted the Spring 2011 CERT Academy taught by the San Bernardino County Fire Department. Over 24 students attended and graduated the class. They will become part of the Morongo Basin CERT Organization that is now building upon 50 volunteer members as Disaster Service Workers. A huge thank you to the Town's Park and Recreation Department - Maureen Randall and Jim Schooler for their support and use of the facilities.
- The Month of April is Disaster Preparedness Month – residents are urged to prepare now and be ready at a moments notice. More information may be found at WWW.SBCFIRE.ORG/FirePrevention .



SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

APRIL COMMUNITY SAFETY DISASTER PREPAREDNESS

Earthquakes are only one of many natural disasters that can hit the County of San Bernardino. It is only a matter of time before we experience an earthquake large enough that will cause major damage and result in many injuries or even deaths. There are scores of statistics and history that document the effects of these events throughout California.

Through preparedness, we can dramatically improve our readiness and survivability to these occurrences. The Month of April is Disaster Preparedness month...below are a few examples of such preparedness:

- Preparing to be earthquake safe
 - Learn “Duck, Cover, and Hold On”
 - Become a CERT member; take first aid and CPR classes
 - Secure loose furniture to walls, strap water heaters, bolt foundations, etc.
- Assemble Disaster Supply Kits
 - Food, Water, other essentials for at least 3-days per person (recommend 7-days)
 - Have an emergency tool to shut off utilities
 - Get a fire extinguisher
 - First aid kit
 - Have cash ready, not credit cards. No electricity means no ATM access!
- Create a escape plan for the entire family
 - How will you get out
 - Where will you meet
 - Keep your car full of fuel
 - Have a communications plan – out of state contacts
 - Maintain a portable battery-operated radio for news and weather reports
- Remember
 - Stay calm, think clearly and act decisively
 - Make sure you are o.k., your family, and then your neighbors
 - Extinguish small fires
 - Assist CERT teams with rescue and recovery operations

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
MARCH 1, 2011**

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

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

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

PLEDGE OF ALLEGIANCE

Led by Mayor Huntington

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. **Approve**, Regular Town Council Meeting Minutes of February 15, 2011 as presented.
2. **Waive**, further reading of all ordinances and read by title only.
3. **Adopt**, Ordinance No. 223, amending the Town of Yucca Valley Municipal Code regarding Mayor and Town Council, Revising Commission Terms, and Disbanding Public Arts Advisory Committee, Traffic Commission and TEAM Yucca Valley Commission.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REENACTING CHAPTER 2.05 OF TITLE 2 RELATING TO MAYOR AND TOWN COUNCIL, REPEALING AND REENACTING CHAPTER 4.02 OF TITLE 4, RELATING TO BOARD AND COMMISSION MEMBERS, AMENDING SECTION 4.04.010 OF CHAPTER 4.04 RELATING TO PLANNING COMMISSION CREATION AND TERMS, AMENDING SECTION 4.10.030 OF CHAPTER 4.10 RELATING TO PARKS, RECREATION AND CULTURAL COMMISSION TERMS OF OFFICE AND VACANCY, REPEALING IN ITS ENTIRETY CHAPTER 4.11 OF TITLE 4 RELATING TO PUBLIC ARTS ADVISORY COMMITTEE, REPEALING IN ITS ENTIRETY CHAPTER 4.14 OF TITLE 4 RELATING TO TRAFFIC COMMISSION, AND REPEALING IN ITS ENTIRETY CHAPTER 4.16 OF TITLE 4, RELATING TO TEAM YUCCA VALLEY COMMISSION

- 4. **Receive and file**, Treasurer’s Report for 1st and 2nd Quarter FY 2010-11, ending September 30, 2010 and December 31, 2010.
- 5. **Amend**, agreement with Rogers, Anderson, Malody & Scott, LLP, to be the Town’s Independent Auditor for a three year period beginning with the fiscal year 2010-11 audit.
- 6. **Ratify**, the Town’s Project Application to the State Office of Emergency Services for participation in the California Disaster Assistance Act (CDAA) and **adopt** Resolution No. 11-10 designating the Town’s Authorized Agent concerning all necessary written correspondence regarding the Town’s Project Application and any other related forms regarding the December 2010 storm event and the related local declaration of a state of emergency, FEMA-1952-DR.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,
CALIFORNIA, FOR DESIGNATION OF APPLICANT’S AGENT FOR THE OFFICE
OF EMERGENCY SERVICES

- 7. **Ratify**, Warrant Register total of \$389,143.08 for checks dated February 10, 2011. Ratify Payroll Registers total of \$146,632.60 for checks dated January 7, 2011 thru February 4, 2011.

Council Member Luckino moved to adopt Consent Agenda Items 1-7. Council Member Rowe seconded. Motion carried 5-0 on a roll call vote, except Item 3 which carried 4-1

- AYES: Council Member Hagerman, Luckino, Mayes, Rowe and Mayor Huntington.
- NOES: Council Member Luckino on Item 3 only.
- ABSTAIN: None
- ABSENT: None

PUBLIC HEARINGS

- 8. **Senate Bill (SB) 1693, Five Year Findings for Public Facility Development Impact Fees, Resolution.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,
CALIFORNIA, CONTINUING THE PUBLIC FACILITY DEVELOPMENT IMPACT
FEES FOR NEW DEVELOPMENT WITHIN THE TOWN OF YUCCA VALLEY

Deputy Town Manager Stueckle reported the Mitigation Fee Act requires that if funds have not been spent, the Town must make the requirement findings regardless of whether the funds are committed or uncommitted. These findings need to be made only once every five years.

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

Council Member Rowe questioned when the approximate dates on which the funding is expected to be deposited into the appropriate account or fund will be presented. Deputy Town Manager Stueckle explained.

Council Member Mayes moved to receive the report and adopt Resolution No.11-11. Council Member Hagerman seconded. Motion carried 5-0 on a voice vote.

9. Community Development Block Grant (CDBG) Prioritization Hearing.

Community Services Director Schooler reported the Town will receive an allocation of \$126,395 and has requests for \$201,829 for programs, of which only 15% or \$25,111 can be allocated, and \$628,889 for projects. The recommendation is to allocate the entire amount to the Town's Code Enforcement project. He noted that although two years of CDBG funds have been allocated to the Community Center playground project, staff recommends identifying other funding to complete that project and will return to Council for authorization to participate in the County's plan modification process in October to reallocate the playground funds.

Mayor Huntington opened the public hearing

Christine Rodriguez, Hippotherapy Inc., requested funding for their therapeutic program for disabled and low income participants.

Ronald Bridges, Reach Out Morongo Basin, requested funding to continue their senior and handicapped transportation services.

Margo Sturges, Yucca Valley, spoke in opposition to using the funding for Code Enforcement instead of applying the funds to the playground project, and encouraged the Council not to punish the low income mothers and toddlers because they are mad at her.

John Yonushonis and Kari Grimes, Morongo Basin Senior Support Center, requested funding to continue their senior services and renovations to their facility.

There being no one else wishing to speak, Mayor Huntington closed the public hearing.

Deputy Town Manager Stueckle clarified that Council gave direction that the Community Center playground and splash park improvements continue moving forward and that staff is applying to HUD for reallocation of funding received for the southside park to the Community Center park improvements. Council's commitment to that project is continuing to move forward and staff is evaluating financial opportunities to assure that

the improvements are constructed while simultaneously stretching the Town's limited capital dollars as far as possible for other physical improvements within the community. Additionally, the first two years of CDBG revenues allocated to the Community Center Park improvements continue to be allocated to the improvements, and as presented by Jim Schooler, the Council will have the opportunity to revisit the allocation of those funds prior to the County's Plan Modification in October of this year.

Council Member Luckino questioned if the allocation to Code Enforcement would account for one employee and a contract position. Administrative Services Director Yakimow advised that the decision on the ultimate configuration of employees has not taken place. Deputy Town Manager Stueckle added that the current allocation of \$50,000 is paying programmatically for a portion of three positions in that department.

Council Member Mayes commented regarding the frustration Council has had with the allocation process over the years and the difficulty in accomplishing anything with the amount of money that is received. The idea of using this allocation on one project and being able to do some financial rearranging to complete a project is good business.

Council Member Hagerman disagreed to using the entire amount for Code Enforcement noting he has seen what this money does for the non profits in town.

Council Members discussed the fact that there is an allocation in the General Fund to backfill CDBG funding for non profit organizations which does not require the administrative costs and paperwork that allocating CDBG funding does.

Council Member Luckino advised he will go along with the recommendation but doesn't want the funding to continue for Code Enforcement in future years. This is a stop gap measure at this time.

Mayor Huntington added that the federal government is currently funding CDBG to the tune of \$6 billion, but there is a proposal in the congress to cut that funding in half and in the senate to eliminate it completely. CDBG is probably not going to be available for many more years. Mayor Huntington agreed that this should be a stop gap measure for the 2011-2012 fiscal year, but that funding Code Compliance with CDBG dollars should not continue after that time.

Council Member Hagerman commented that he will make his case for the non profit organizations during the general fund budget discussions.

Council Member Mayes moved to recommend that the Town's entire 2011-12 net CDBG allocation of \$126,395 be applied to the Town of Yucca Valley's Code Enforcement project, and direct staff to reflect the additional anticipated revenue in the 2011-2012 budget proposal. Council Member Luckino 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

FUTURE AGENDA ITEMS

Council Member Mayes commented regarding the need for Council to discuss pension reform and look at a two tier program. Administrative Services Director Yakimow advised that the Town Manager is working on the issue and has set up a staff committee to come up with recommendations to take to Council. Council Member Mayes commented regarding the Little Hoover Commission report.

PUBLIC COMMENT

Jackie Taylor, Yucca Valley, commented regarding homeless issues and lack of assistance from agencies.

Margo Sturges, Yucca Valley, commented regarding the condition of the lectern, and the need for Council Members to show citizens respect.

STAFF REPORTS AND COMMENTS

Community Services Director Schooler stated there has been discussion regarding the Red Cross closing their offices in Yucca Valley, and advised that the office in its present location will be closing but the Red Cross will maintain a presence in the basin.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

10. Council Member Mayes

None

11. Council Member Hagerman

None

12. Council Member Rowe

Thanked Reach out Morongo Basin and Morongo Basin Adult Health Services for

coming out and letting Council know what they do.

13. Mayor Pro Tem Luckino

None

14. Mayor Huntington

None

ANNOUNCEMENTS

The next Town Council Meeting is Tuesday, March 15, 2011 at 6:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 6:48 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: February 23, 2011
For Council Meeting: March 15, 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 on Terry Lane following the February, 2010 storm events.

Summary: Following the recent rain storm event, the Public Works Department received requests for assistance on Terry Lane, a private non-maintained dirt road. 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:

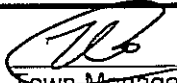
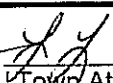
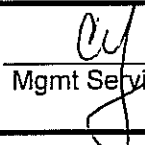

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call vote, Consent Agenda)

Discussion: Following the recent rain storm events, the Public Works Department received requests for assistance on the following private, non-maintained dirt roads.

- Terry Lane, north of Buena Vista

Public Works staff conducted the investigations and found that the surrounding 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 road, as outlined in the Town's adopted policy.

Reviewed By:    
Town Manager Town Attorney Mgmt Services Dept Head

<input 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

Based upon the Council's adopted policy, the information and findings contained in the attached Resolution existed following the storm events.

Alternatives: None. The action taken is consistent with the adopted Council policy.

Fiscal impact: The estimated costs for the repair are approximately \$500.00.

Attachments: Road Photo
Location Map/Photo
Emergency Private Road Repair Policy
Resolution No. 11-

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 FEBRUARY 2011 STORM EVENT**

WHEREAS, the Town of Yucca Valley received significant rain and snow during February, 2011; 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 February 2011 rain storm event; and

WHEREAS, the Town of Yucca Valley has an established Policy for Emergency Private Road Repair; and

WHEREAS, Public Works personnel inspected the reported location and requests for repairs to private non-maintained dirt roads; and

WHEREAS, one location, 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 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 15th day of March, 2011.

MAYOR

ATTEST:

TOWN CLERK

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Date: March 9, 2011
For Council meeting: March 15, 2011

Subject: California Energy Commission EECBG Grant Program
Budget Amendment and Emergency Findings

Prior Council Review: Council last reviewed this item on August 3, 2010 with the formal acceptance of the Town participation in the California Energy Commission's Energy Efficiency and Conservation Block Grant (EECBG) Program.

Recommendation: That the Council adopt the resolution amending the FY 2010-11 budget and adopt a resolution authorizing finding a public emergency to exist in support of non-competitive solicitation of professional services.

Summary: The recommended action will provide Capital Projects Reserve Fund resources in the amount of \$20,000 to supplement the California Energy Commission's Energy Efficiency and Conservation Block Grant program project, and allow staff to engage professional mechanical engineering services in support of the project. Secondly, the action will make the necessary findings so as to use non-competitive solicitation of professional services thereby allowing the Town to meet the aggressive time schedules established through the EECBG grant program.

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: The American Recovery and Reinvestment Act of 2009 (ARRA) provides funding to the United States Department of Energy for the issuance of formula-based block grants to states, U.S. territories, cities, counties and Indian tribes. The funding is available for implementation of the Energy Efficiency and Conservation Block Grant (EECBG) program.

The California Energy Commission has developed guidelines for the implementation of the

Reviewed By:    
Town Manager Town Attorney Mgmt Services JAS
Dept Head

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

EECBG program. The guidelines will assist cities and counties to implement the program goals of fossil fuel emission reduction, energy use reduction and energy efficiency improvement.

In September and December of 2009, the Council approved participation through resolutions in both the EECBG program as well as an associated low-interest loan program. The grant program will provide funding for the completion of needed lighting retrofits as well as selected HVAC replacement at Town facilities.

In May 2010, the Town was notified that grant funding was reserved for the Town's grant application, and in August 2010, Council formally accepted the grant and loan, and authorized participation in the program.

Current Status

Since the Council's action approving the grant participation in August 2010, staff has begun work on the actual energy efficiency projects. As part of this process, staff has identified the various components of the project that must be completed, including project scoping, analysis, specifications and bidding documents.

Based on the age and complexity of the HVAC component of the project, staff identified the necessity of utilizing professional mechanical engineering services to assist the Town in the development of the project specifications, bidding document, and project oversight. It is anticipated that such services will be required for a not to exceed contract cost of \$10,000.

While the Town would normally seek these services using a competitive process, the timelines established by the EECBG program make such a process impractical due to the delay resulting from competitive solicitation. Accordingly, staff recommends that the Council make the finding as allowed by the program guidelines that will accommodate a non-competitive proposal. While the findings are outlined in detail in the resolution, they include *"The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation."*

Based on the fact that the EECBG deadline for completion of the project and expenditure of all grant funds is June 14, 2012, time is of the essence.

This finding only applies to the solicitation of professional services for mechanical engineering services to prepare the initial bid documents. The actual equipment and installation will go out to competitive bid as normal.

Financial Update

The grant and the loan components of the EECBG program do not allow for the use of grant or loan proceeds for professional or force account services. The program funds are strictly limited to the purchase of equipment. Accordingly, staff is recommending the transfer of \$20,000 to be allocated for minor professional services and force account labor. The proposed resolution would transfer these funds from the Town's Capital Projects Fund to the EECBG Fund for administrative and project accounting purposes.

Fiscal Impact: The recommended action will transfer \$20,000 from Capital Projects Reserve Fund Contingency (800 00 00 8310 8048) to CEC EECBG Energy Project (540 00 00 8310 5401) for the energy efficiency and conservation project.

Attachments:

Proposed Funding Resolution
Proposed Findings 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; and

WHEREAS, programs and projects are expanded or contracted as funding become available.

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

Section 1. Amend the Fiscal Year 2010-11 Capital Projects Reserve and EECBG Special Revenue Funds budget by transferring \$20,000 from Capital Projects Reserve Fund Contingency (800 00 00 8310 8048 810) to CEC EECBG Energy Project (540 00 00 8310 5401) for the energy efficiency and conservation project.

APPROVED AND ADOPTED THIS 15th day of March, 2011.

MAYOR

ATTEST:

TOWN CLERK

RESOLUTION NO 11-

A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, FINDING A PUBLIC EXIGENCY OR EMERGENCY TO EXIST IN SUPPORT OF NON-COMPETITIVE SOLICITATION OF PROFESSIONAL MECHANICAL ENGINEERING SERVICES TO IMPLEMENT ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) NO. CBG-09-029

WHEREAS, the Town of Yucca Valley has received a grant of \$115,549.00 from the California Energy Commission through the Energy Efficiency and Conservation Block Grant (EECBG) Program.; and

WHEREAS, the grant recipient guidelines for procurement of goods and services with grant funds, Program Notice 10-014 dated June 23, 2010 provide for the competitive solicitation for the procurement of goods and services unless one or more specific circumstances apply; and

WHEREAS, the guidelines provide that noncompetitive solicitation of professional services may be used where "The public exigency or emergency for the [competitive solicitation] requirement will not permit a delay resulting from competitive solicitation"; and

WHEREAS, the deadline for completion of the project and expenditure of all grant funds is June 14, 2012; and

WHEREAS, mechanical engineering design services are necessary in to prepare a bid document for project construction services; and

WHEREAS, it is anticipated that the use of competitive solicitation for procurement of mechanical engineering design service will delay the completion of the project and prevent expenditure of grant funds within the time period prescribed by the grant Agreement.

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

The use of competitive solicitation for award of contract for mechanical engineering design services is infeasible and the time period within which the grant funds must be expended constitutes a public exigency or emergency for the requirement that will not permit a delay resulting from competitive solicitation of mechanical engineering design services.

APPROVED AND ADOPTED THIS 15TH DAY OF MARCH, 2011.

MAYOR

ATTEST:

TOWN CLERK



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Date: March 4, 2011
For Council Meeting: March 15, 2011

Subject: AB1234 Reporting Requirements

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

Recommendation: Receive and file the AB1234 Reporting Requirement Schedule for the month of February 2011.

Order of Procedure:

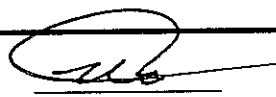
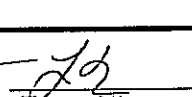
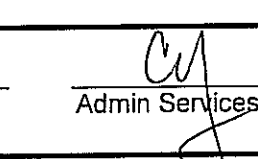
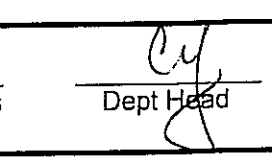
- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Roll Call Vote

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

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

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

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

Alternatives: None.

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

Attachments: **AB1234 Reporting Requirement Schedule**

Town of Yucca Valley

Councilmember AB1234 Meetings Schedule Month of February 2011

Name	Organization	Description	Location
Mayor Huntington	No Reportable Meetings		
Mayor Pro Tem Luckino	No Reportable Meetings		
Councilmember Hagerman	League of CA Cities	Desert Mountain Division Meeting	Ridgecrest
Councilmember Mayes	No Reportable Meetings		
Councilmember Rowe	No Reportable Meetings		

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council
From: Duane H. Gasaway, Consulting Project Manager
Date: March 2, 2011
For Council Meeting: March 15, 2011

Subject: Award of Construction Contract
Community Center Doors
CDH Project No. 123-32111, Case No. 2916
Town Project No. 8955




Prior Council Review: Town Council authorized the advertisement for design services on November 17, 2009 and awarded the contract for architectural design services on June 15, 2010. Town Council authorized advertisement for competitive bids for construction of the project on December 21, 2010.

Recommendation: That the Town Council awards a contact for construction of the Community Center Doors, CDH Project No. 123-32111, Case No. 2926, to Paul LeMay Construction in the amount not to exceed \$38,640, and establishes a \$4,000 contingency and authorizes the Town Manager, Town Attorney, and the Mayor to sign all necessary documents; and authorizes the Town Manager to expend the contingency funds if necessary to complete the project.

Executive Summary: The improvements include converting the north entry doors to the center to Americans With Disabilities Act and California Administrative Code Title 24 compliant electronic opening doors, including but not limited to, the removal of the two interior existing swing doors; installation of one assembly of electronic opening dark bronze anodized aluminum automatic bi-parting sliding glass doors with electronic sensors; the removal of the two exterior existing single swing doors and replacement with two electronic opening swing doors with hard wired remote push button operators at exterior and interior wall; including demolition and replacement of existing exterior door hardware and thresholds, automatic doors slide track; new exterior door thresholds with ADA compliant ramp; and door hardware, appurtenant electrical conduit, wiring and related work, rubber 6 inch base, painting, and including all appurtenant work, labor, equipment and materials.

Town ordinance requires Town Council approval of a contract for construction services.

Order of Procedure: Request Staff Report
Request Public Comment
Council Discussion/Questions of Staff
Motion/Second
Discussion on Motion

Reviewed By:    SRS
Town Manager Town Attorney Mgmt Services Dept Head

Department Report Ordinance Action Resolution Action Public Hearing
 Consent Minute Action P. 2 2 Receive and File Study Session

Call the Question (Roll Call Vote-Consent Agenda)

Discussion: The Town received seven responses to its advertisement for sealed bids as follow:

- | | |
|----------------------------------|----------|
| 1. Paul LeMay Construction | \$38,640 |
| 2. D. Webb, Inc. | \$41,160 |
| 3. William Buchanan Construction | \$44,897 |

Alternatives: No alternative action is recommended.

Fiscal impact: The original project funding consisted of CDBG and ARRA funds of \$86,220. Eleven Thousand Dollars (\$11,000) was expended for bid ready architectural plan drawings. The estimated balance of funds after constructions is \$32,580.

Total Project Funding and Costs

Original Project Funding		
	CDBG	\$35,850
	CDBG-R (ARRA Funds)	50,370
		<u>\$86,220</u>
Previously expended for architectural services		<u>(11,000)</u>
Current available balance		\$75,220
Construction Costs		
Construction	\$38,640	
Contingency	4,000	
Administrative Costs	0	
Construction Engineering	0	
	<u>\$42,640</u>	
Total Project Costs =		<u>(42,640)</u>
Balance of Project Funds		<u>\$32,580</u>

Attachments: Bid Opening Log Sheet
Copies of bids


TOWN OF YUCCA VALLEY
 BID OPENING LOG SHEET

BID OPENING DATE: February 8, 2011, 3:00 p.m.

PROJECT DESCRIPTION: Community Center Doors

BIDDER:	BID AMOUNT	BID BOND
1. <u>De May Construction</u>	<u>38,640.00</u>	<u>10% @</u>
2. <u>D. Uchik, Inc.</u>	<u>41,160.00</u>	<u>4,116.00 @ @</u>
3. <u>William Buchanan Construction</u>	<u>44,897.00</u>	<u>10% @</u>
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

CC: Town Clerk's Staff (1)
 Initiating Department (2)
 Town Manager (1)

Signed: 
 Dated: 2/8/2011

SECTION IV

BID FORMS

1. BID

TO THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY:

The undersigned, as bidder, declares that; (1) this bid is made without collusion with any other person, firm or corporation, and that the only persons or parties interested as principals are those named herein, (2) bidder has carefully examined the project plans, specifications, instructions to bidders, bid, notice to contractors and all other information furnished therefore, and the site of the proposed work, and (3) bidder has investigated and is satisfied as to the conditions to be encountered, the character, quality and quantities of work to be performed and materials to be furnished.

Furthermore, bidder agrees that submission of this bid shall be conclusive evidence that such examination and investigation have been made and agrees, in the event this contract be awarded to bidder, to enter into a contract with the Town Council of the Town of Yucca Valley, to perform said proposed work in accordance with the plans and the terms of the specifications, in the time and manner therein prescribed, and to furnish or provide all materials, labor, tools, equipment, apparatus and other means necessary so to do, except such thereof as may otherwise be furnished or provided under the terms of said specifications, for the following stated unit prices or lump sum prices as submitted on the Bid Schedule attached hereto.

Accompanying this bid is 9 Bid Bond (Note to bidder: in the preceding blank space, please insert the words "Cash" or "a Cashier's Check" or "a Certified Check" or "a Bid Bond" as the case may be) in the amount equal to at least ten percent (10%) of the total aggregate bid price hereof based on the quantities shown and the unit prices quoted for the base bid and all the deduct/add alternates, and which is given as a guarantee that the undersigned will enter into the contract if awarded the work.

The undersigned further agrees that should he be awarded the contract on the basis hereof and thereafter defaults in executing the required contract, with necessary bonds and documents, within ten (10) calendar days after having received notice that the contract has been awarded and is ready for signature, the proceeds of the security accompanying his bid shall become the property of the Town of Yucca Valley and this bid and the acceptance thereof may be considered null and void.

The undersigned is aware of the provision of Section 3700 of the Labor Code, which requires every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and shall comply with such

provisions and furnish proof of said insurance before commencing the performance of the work of this Contract.

The undersigned is licensed in accordance with the Contractors License Law, Business and Professions Code; Section 7000 *et seq.*, providing for the registration of contractors, California Contractor's License No. 728970 Class B,C-2, which expires on 10/2013.

Note: Bids which do not show the number and date of the Bidder's License under the provisions of Chapter 9 of Division 3 of the Business & Professions Code may be rejected.

Unless otherwise specified, the estimated construction quantities set forth in the Bid Schedule are approximate only, being given solely as a basis for the comparison of bids, and the Town does not expressly or by implication agree that the actual amount of work will correspond therewith, but reserves the right to increase the amount of any class or portion of the work or to omit portions of the work as may be deemed necessary or expedient by the Engineer.

Final compensation under the contract shall be based upon the actual quantities of work satisfactorily completed. The unit and/or lump sum prices bid shall include all appurtenant expenses, taxes, royalties, and fees. In the case of discrepancies in the amounts bid, unit prices shall govern over extended amounts, and words shall govern over figures.

All bids will be compared on the basis of the Engineer's Estimate of the quantities of the work to be done.

The Town reserves the right to reject any or all bids.

The contractor shall commence work of construction under the contract within the time specified within the Notice to Proceed. The contractor shall diligently prosecute the work to completion before the expiration of the contract completion period. The Notice to Proceed will be issued when the contract is fully executed. The contract completion period is inclusive of the time for delivery of materials.

The contract, if awarded, will be to the lowest responsible bidder whose bid complies with all the requirements prescribed and who complies with requirements of timely execution and return of the contract together with contract bonds.

The terms and conditions of the final contract when executed shall control and supersede anything herein to the contrary or inconsistent with such contract.

It is agreed that this bid may not be withdrawn for a period of sixty (60) calendar days from the date of opening thereof.

The names of all persons interested in the foregoing bid as principals are as follows:


Note: If bidder is a corporation, state legal name of corporation, also names of president, secretary, treasurer, and manager thereof; If a firm or co-partnership, state the true name of firm and give the names of all individual co-partners composing the firm; if bidder or other interested person is an individual, so state and give first and last name in full.

PAUL EUGENE LeMay

Legal Business Name LeMay Construction
Address: 1518 Karon St Redlands, CA 92374
Phone Number: 909 798 3847 Fax Number: 909 798 3847

I, Paul LeMay, LeMay Const. (name of bidder), hereby certify under penalty of perjury that all information and representations contained in this bid, including but not limited in the name of bidder, and above contractor's license and expiration date, are true and correct and that I agree to comply with all requirements set forth herein.

Note: Two notarized officer's signatures and the corporate seal are required for corporations. One signature must be by either the President or Vice-President and the second signature must be by either the Secretary or Assistant Secretary.

Signature of bidder 
Title: owner

"corporate seal"
(if available)

Signature of bidder _____
Title: _____

Contractor Name: LeMay Construction

2. **BID SCHEDULE**

To the Honorable Mayor and Town Council of the Town of Yucca Valley:

In compliance with the Notice Inviting Sealed Bids, the undersigned hereby agrees to enter into a contract to furnish all labor, materials, equipment, and supplies for the above-mentioned project in accordance with the Specifications and Drawings which are on file in the office of the Town Engineer of the Town of Yucca Valley at the following prices:

Item No.	Item Description	Qty.	Units	Unit Price	Extended Amount
◆ BASE BID ◆					
1	Mobilization including bonds, insurance, water, clean-up, submittal of proposed patio structure with structural calculations and demobilization and appurtenant work complete at the predetermined lump sum price of	1	LS	\$ N/A	\$ 3,500.00
2	Removal existing interior swing doors and installation of one assembly of electronic opening dark bronze anodized aluminum automatic bi-parting sliding glass doors with electronic sensors including demolition of existing interior door hardware and thresholds, installation of automatic doors slide track and appurtenant work complete and in place at the lump sum price of	1	LS	\$ N/A	\$ 11,000

(PR)

~~\$ 5,000.00~~ 11,000

3 Removal of existing two exterior existing single doors swing doors and replacement with two electronic opening swing doors with hard wired remote push button operators at exterior and interior wall including demolition and replacement of existing exterior door hardware and thresholds and appurtenant work complete and in place at the lump sum price of

1 LS \$ N/A \$ 12,000

4 Completion of all general conditions including new exterior door thresholds with ADA compliant ramp; and door hardware, appurtenant electrical conduit, wiring, and rerouting and related work, rubber 6 inch base, painting, and appurtenant work complete and in place, at the lump sum price of

1 LS \$ N/A \$ 5,700

5 Subtotal Items 1 through 4

→ \$ 39,200

6 Multiply Subtotal on Line 5 by 1.20 (ADA Mandatory 20% increase of bid price for path of travel improvements)

Enter 1.20 x subtotal from line 5 = \$ 38,640

BASIS FOR LOW BID
TOTAL BASE BID ENTER
TOTAL FROM LINE 6

Thirty eight thousand Six hundred forty
(Dollar Amount in Words) \$ 38,640.00
(Figures)

Bidder acknowledges receipt of the following Addendum:

Addendum No. N/A
Addendum No. ↓
Addendum No. ↓

Date: N/A
Date: ↓
Date: ↓

The undersigned has checked carefully all of the above figures and understands that the Town shall not be responsible for any errors or omissions on the part of the undersigned in making up this bid.

Attached to this Bid is cash, or a cashiers check or certified check in favor of the Town of Yucca Valley, in an amount equal to at least ten percent (10 %) of the grand total of all items, or a bid bond for said amount in the form furnished by the Town, with the understanding that said security shall be held by the Town until the agreement for doing the work has been entered into, and that said total security shall be forfeited to the Town as liquidated damages should the undersigned fail to enter into a contract and furnish the required bonds and insurance within the time specified in the Contract Documents regardless of the actual total of the bids included in the awards. If awarded the contract, the undersigned agrees that in the event of such failure, the actual amount of damages to the Town would be impractical and extremely difficult to determine.

Firm Name: LeMay Construction Dated: ⁽²²⁾ 7-8-2011
Name of Bidder: Paul LeMay Phone: 909 798 3847
Signature of Bidder: [Signature] Fax: 909 798 3847

Please indicate whether proprietorship, corporation, or partnership and any use of fictitious business name:

Corporation Partnership Proprietorship

Fictitious Business Name LeMay Construction

SECTION IV

BID FORMS

1. BID

TO THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY:

The undersigned, as bidder, declares that; (1) this bid is made without collusion with any other person, firm or corporation, and that the only persons or parties interested as principals are those named herein, (2) bidder has carefully examined the project plans, specifications, instructions to bidders, bid, notice to contractors and all other information furnished therefore, and the site of the proposed work, and (3) bidder has investigated and is satisfied as to the conditions to be encountered, the character, quality and quantities of work to be performed and materials to be furnished.

Furthermore, bidder agrees that submission of this bid shall be conclusive evidence that such examination and investigation have been made and agrees, in the event this contract be awarded to bidder, to enter into a contract with the Town Council of the Town of Yucca Valley, to perform said proposed work in accordance with the plans and the terms of the specifications, in the time and manner therein prescribed, and to furnish or provide all materials, labor, tools, equipment, apparatus and other means necessary so to do, except such thereof as may otherwise be furnished or provided under the terms of said specifications, for the following stated unit prices or lump sum prices as submitted on the Bid Schedule attached hereto.

Accompanying this bid is Cashier's Check (Note to bidder: in the preceding blank space, please insert the words "Cash" or "a Cashier's Check" or "a Certified Check" or "a Bid Bond" as the case may be) in the amount equal to at least ten percent (10%) of the total aggregate bid price hereof based on the quantities shown and the unit prices quoted for the base bid and all the deduct/add alternates, and which is given as a guarantee that the undersigned will enter into the contract if awarded the work.

The undersigned further agrees that should he be awarded the contract on the basis hereof and thereafter defaults in executing the required contract, with necessary bonds and documents, within ten (10) calendar days after having received notice that the contract has been awarded and is ready for signature, the proceeds of the security accompanying his bid shall become the property of the Town of Yucca Valley and this bid and the acceptance thereof may be considered null and void.

The undersigned is aware of the provision of Section 3700 of the Labor Code, which requires every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and shall comply with such

provisions and furnish proof of said insurance before commencing the performance of the work of this Contract.

The undersigned is licensed in accordance with the Contractors License Law, Business and Professions Code; Section 7000 *et seq.*, providing for the registration of contractors, California Contractor's License No. 794667 Class B, which expires on 11/30/11.

Note: Bids which do not show the number and date of the Bidder's License under the provisions of Chapter 9 of Division 3 of the Business & Professions Code may be rejected.

Unless otherwise specified, the estimated construction quantities set forth in the Bid Schedule are approximate only, being given solely as a basis for the comparison of bids, and the Town does not expressly or by implication agree that the actual amount of work will correspond therewith, but reserves the right to increase the amount of any class or portion of the work or to omit portions of the work as may be deemed necessary or expedient by the Engineer.

Final compensation under the contract shall be based upon the actual quantities of work satisfactorily completed. The unit and/or lump sum prices bid shall include all appurtenant expenses, taxes, royalties, and fees. In the case of discrepancies in the amounts bid, unit prices shall govern over extended amounts, and words shall govern over figures.

All bids will be compared on the basis of the Engineer's Estimate of the quantities of the work to be done.

The Town reserves the right to reject any or all bids.

The contractor shall commence work of construction under the contract within the time specified within the Notice to Proceed. The contractor shall diligently prosecute the work to completion before the expiration of the contract completion period. The Notice to Proceed will be issued when the contract is fully executed. The contract completion period is inclusive of the time for delivery of materials.

The contract, if awarded, will be to the lowest responsible bidder whose bid complies with all the requirements prescribed and who complies with requirements of timely execution and return of the contract together with contract bonds.

The terms and conditions of the final contract when executed shall control and supersede anything herein to the contrary or inconsistent with such contract.

It is agreed that this bid may not be withdrawn for a period of sixty (60) calendar days from the date of opening thereof.

The names of all persons interested in the foregoing bid as principals are as follows:

Note: If bidder is a corporation, state legal name of corporation, also names of president, secretary, treasurer, and manager thereof; If a firm or co-partnership, state the true name of firm and give the names of all individual co-partners composing the firm; if bidder or other interested person is an individual, so state and give first and last name in full.

D. Webb, Incorporated
David Webb - President
Kristy Webb - Secretary
Edwin Webb - Treasurer

Legal Business Name D. Webb, Incorporated
Address: 9066 Fortuna Ave. Yucca Valley CA 92289
Phone Number: 760 401-2034 Fax Number: 760 365-9111

I, David Webb (name of bidder), hereby certify under penalty of perjury that all information and representations contained in this bid, including but not limited to the name of bidder, and above contractor's license and expiration date, are true and correct and that I agree to comply with all requirements set forth herein.

Note: Two notarized officer's signatures and the corporate seal are required for corporations. One signature must be by either the President or Vice-President and the second signature must be by either the Secretary or Assistant Secretary.

Signature of bidder [Signature]
Title: President

"corporate seal"
(if available)

Signature of bidder [Signature]
Title: Assistant Secretary

State of California
County of SAN BERNARDINO
Subscribed and sworn to (or affirmed) before me on this 01st day of FEBRUARY
by DAVID WEBB I, _____, Notary Public, do hereby certify that the person(s) who appeared before me, _____, is/are the person(s) who appeared before me.



Contractor Name: D. Webb, Inc.

2. **BID SCHEDULE**

To the Honorable Mayor and Town Council of the Town of Yucca Valley:

In compliance with the Notice Inviting Sealed Bids, the undersigned hereby agrees to enter into a contract to furnish all labor, materials, equipment, and supplies for the above-mentioned project in accordance with the Specifications and Drawings which are on file in the office of the Town Engineer of the Town of Yucca Valley at the following prices:

Item No.	Item Description	Qty.	Units	Unit Price	Extended Amount
◆ BASE BID ◆					
1	Mobilization including bonds, insurance, water, clean-up, submittal of proposed patio structure with structural calculations and demobilization and appurtenant work complete at the predetermined lump sum price of	1	LS	\$ N/A	\$ 3,500.00
2	Removal existing interior swing doors and installation of one assembly of electronic opening dark bronze anodized aluminum automatic bi-parting sliding glass doors with electronic sensors including demolition of existing interior door hardware and thresholds, installation of automatic doors slide track and appurtenant work complete and in place at the lump sum price of	1	LS	\$ N/A	\$ 12,200-

3	Removal of existing two exterior existing single doors swing doors and replacement with two electronic opening swing doors with hard wired remote push button operators at exterior and interior wall including demolition and replacement of existing exterior door hardware and thresholds and appurtenant work complete and in place at the lump sum price of	1	LS	\$ N/A	\$ <u>15,600-</u>
4	Completion of all general conditions including new exterior door thresholds with ADA compliant ramp; and door hardware, appurtenant electrical conduit, wiring, and rerouting and related work, rubber 6 inch base, painting, and appurtenant work complete and in place, at the lump sum price of	1	LS	\$ N/A	\$ <u>3,000-</u>
5	Subtotal Items 1 through 4				\$ <u>34,300-</u>
6	Multiply Subtotal on Line 5 by 1.20 (ADA Mandatory 20% increase of bid price for path of travel improvements)	Enter 1.20 x subtotal from line 5			= \$ <u>41,160-</u>

	<u>Forty-one thousand</u>	
BASIS FOR LOW BID	<u>One hundred</u>	
TOTAL BASE BID ENTER	<u>Sixty</u>	\$ <u>41,160-</u>
TOTAL FROM LINE 6	(Dollar Amount in Words)	(Figures)

Bidder acknowledges receipt of the following Addendum:

Addendum No. _____	Date: _____
Addendum No. _____	Date: _____
Addendum No. _____	Date: _____

The undersigned has checked carefully all of the above figures and understands that the Town shall not be responsible for any errors or omissions on the part of the undersigned in making up this bid.

Attached to this Bid is cash, or a cashiers check or certified check in favor of the Town of Yucca Valley, in an amount equal to at least ten percent (10 %) of the grand total of all items, or a bid bond for said amount in the form furnished by the Town, with the understanding that said security shall be held by the Town until the agreement for doing the work has been entered into, and that said total security shall be forfeited to the Town as liquidated damages should the undersigned fail to enter into a contract and furnish the required bonds and insurance within the time specified in the Contract Documents regardless of the actual total of the bids included in the awards. If awarded the contract, the undersigned agrees that in the event of such failure, the actual amount of damages to the Town would be impractical and extremely difficult to determine.

Firm Name: D. Webb, Incorporated Dated: 2/2/11
Name of Bidder: David Webb Phone: 760 401-2034
Signature of Bidder: [Signature] Fax: 760 365-9111

Please indicate whether proprietorship, corporation, or partnership and any use of fictitious business name:

Corporation Partnership Proprietorship

Fictitious Business Name N/A

SECTION IV

BID FORMS

1. **BD**

TO THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY:

The undersigned, as bidder, declares that: (1) this bid is made without collusion with any other person, firm or corporation, and that the only persons or parties interested as principals are those named herein, (2) bidder has carefully examined the project plans, specifications, instructions to bidders, bid, notice to contractors and all other information furnished therefore, and the site of the proposed work; and (3) bidder has investigated and is satisfied as to the conditions to be encountered, the character, quality and quantities of work to be performed and materials to be furnished.

Furthermore, bidder agrees that submission of this bid shall be conclusive evidence that such examination and investigation have been made and agrees, in the event this contract be awarded to bidder, to enter into a contract with the Town Council of the Town of Yucca Valley, to perform said proposed work in accordance with the plans and the terms of the specifications, in the time and manner therein prescribed, and to furnish or provide all materials, labor, tools, equipment, apparatus and other means necessary so to do, except such thereof as may otherwise be furnished or provided under the terms of said specifications, for the following stated unit prices or lump sum prices as submitted on the Bid Schedule attached hereto.

Accompanying this bid is A BID BOND (Note to bidder: in the preceding blank space, please insert the words "Cash" or "a Cashier's Check" or "a Certified Check" or "a Bid Bond" as the case may be) in the amount equal to at least ten percent (10%) of the total aggregate bid price hereof based on the quantities shown and the unit prices quoted for the base bid and all the deduct/add alternates, and which is given as a guarantee that the undersigned will enter into the contract if awarded the work.

The undersigned further agrees that should he be awarded the contract on the basis hereof and thereafter defaults in executing the required contract, with necessary bonds and documents, within ten (10) calendar days after having received notice that the contract has been awarded and is ready for signature, the proceeds of the security accompanying his bid shall become the property of the Town of Yucca Valley and this bid and the acceptance thereof may be considered null and void.

The undersigned is aware of the provision of Section 3700 of the Labor Code, which requires every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and shall comply with such

provisions and furnish proof of said insurance before commencing the performance of the work of this Contract.

The undersigned is licensed in accordance with the Contractors License Law, Business and Professions Code; Section 7000 *et seq.*, providing for the registration of contractors, California Contractor's License No. 402727 Class E, which expires on 30-SEPTEMBER-2012.

Note: Bids which do not show the number and date of the Bidder's License under the provisions of Chapter 9 of Division 3 of the Business & Professions Code may be rejected.

Unless otherwise specified, the estimated construction quantities set forth in the Bid Schedule are approximate only, being given solely as a basis for the comparison of bids, and the Town does not expressly or by implication agree that the actual amount of work will correspond therewith, but reserves the right to increase the amount of any class or portion of the work or to omit portions of the work as may be deemed necessary or expedient by the Engineer.

Final compensation under the contract shall be based upon the actual quantities of work satisfactorily completed. The unit and/or lump sum prices bid shall include all appurtenant expenses, taxes, royalties, and fees. In the case of discrepancies in the amounts bid, unit prices shall govern over extended amounts, and words shall govern over figures.

All bids will be compared on the basis of the Engineer's Estimate of the quantities of the work to be done.

The Town reserves the right to reject any or all bids.

The contractor shall commence work of construction under the contract within the time specified within the Notice to Proceed. The contractor shall diligently prosecute the work to completion before the expiration of the contract completion period. The Notice to Proceed will be issued when the contract is fully executed. The contract completion period is inclusive of the time for delivery of materials.

The contract, if awarded, will be to the lowest responsible bidder whose bid complies with all the requirements prescribed and who complies with requirements of timely execution and return of the contract together with contract bonds.

The terms and conditions of the final contract when executed shall control and supersede anything herein to the contrary or inconsistent with such contract.

It is agreed that this bid may not be withdrawn for a period of sixty (60) calendar days from the date of opening thereof.

The names of all persons interested in the foregoing bid as principals are as follows:

Note: If bidder is a corporation, state legal name of corporation, also names of president, secretary, treasurer, and manager thereof; If a firm or co-partnership, state the true name of firm and give the names of all individual co-partners composing the firm; if bidder or other interested person is an individual, so state and give first and last name in full.

Legal Business Name WILLIAM BUCHANAN CONSTRUCTION
Address: 127 "B" BUSINESS CENTER DR
Phone Number: 951 898-8877 Fax Number: 951 898-8866

I, WILLIAM BUCHANAN (name of bidder), hereby certify under penalty of perjury that all information and representations contained in this bid, including but not limited to the name of bidder, and above contractor's license and expiration date, are true and correct and that I agree to comply with all requirements set forth herein.

Note: Two notarized officer's signatures and the corporate seal are required for corporations. One signature must be by either the President or Vice-President and the second signature must be by either the Secretary or Assistant Secretary.

Signature of bidder  owner
Title: _____

"corporate seal"
(if available)

Signature of bidder _____
Title: _____

Contractor Name: WILLIAM BIRKHAAN CONSTRUCTION

2. **BID SCHEDULE**

To the Honorable Mayor and Town Council of the Town of Yucca Valley:

In compliance with the Notice Inviting Sealed Bids, the undersigned hereby agrees to enter into a contract to furnish all labor, materials, equipment, and supplies for the above-mentioned project in accordance with the Specifications and Drawings which are on file in the office of the Town Engineer of the Town of Yucca Valley at the following prices:

Item No.	Item Description	Qty.	Units	Unit Price	Extended Amount
◆ BASE BID ◆					
1	Mobilization including bonds, insurance, water, clean-up, submittal of proposed patio structure with structural calculations and demobilization and appurtenant work, complete at the predetermined lump sum price of	1	LS	\$ N/A	\$ 3,500.00
2	Removal existing interior swing doors and installation of one assembly of electronic opening dark bronze anodized aluminum automatic bi-parting sliding glass doors with electronic sensors including demolition of existing interior door hardware and thresholds, installation of automatic doors slide track and appurtenant work complete and in place at the lump sum price of	1	LS	\$ N/A	\$ 15,000

3 Removal of existing two exterior existing single doors swing doors and replacement with two electronic opening swing doors with hard wired remote push button operators at exterior and interior wall including demolition and replacement of existing exterior door hardware and thresholds and appurtenant work complete and in place at the lump sum price of

1 LS \$ N/A \$ 6,685.00

4 Completion of all general conditions including new exterior door thresholds with ADA compliant ramp; and door hardware, appurtenant electrical conduit, wiring, and rerouting and related work, rubber 6 inch base, painting, and appurtenant work complete and in place, at the lump sum price of

1 LS \$ N/A \$ 12,229

5 Subtotal Items 1 through 4

\$ 37,414

6 Multiply Subtotal on Line 5 by 1.20 (ADA Mandatory 20% increase of bid price for path of travel improvements)

Enter 1.20 x subtotal from line 5 = \$ 44,897

BASIS FOR LOW BID
TOTAL BASE BID ENTER
TOTAL FROM LINE 6

\$ 44,897
(Dollar Amount in Words)
(Figures)

Forty four thousand eight hundred ninety seven dollars -

Bidder acknowledges receipt of the following Addendum:

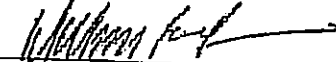
Addendum No. _____ Date: _____
 Addendum No. _____ Date: _____
 Addendum No. _____ Date: _____

The undersigned has checked carefully all of the above figures and understands that the Town shall not be responsible for any errors or omissions on the part of the undersigned in making up this bid.

Attached to this Bid is cash, or a cashiers check or certified check in favor of the Town of Yucca Valley, in an amount equal to at least ten percent (10 %) of the grand total of all items, or a bid bond for said amount in the form furnished by the Town, with the understanding that said security shall be held by the Town until the agreement for doing the work has been entered into, and that said total security shall be forfeited to the Town as liquidated damages should the undersigned fail to enter into a contract and furnish the required bonds and insurance within the time specified in the Contract Documents regardless of the actual total of the bids included in the awards. If awarded the contract, the undersigned agrees that in the event of such failure, the actual amount of damages to the Town would be impractical and extremely difficult to determine.

Firm Name: WILLIAM BUCHANAN CONSTRUCTION Dated: 08-FEBRUARY-2011

Name of Bidder: WILLIAM BUCHANAN, PRINC Phone: 951 898-8877

Signature of Bidder:  Fax: 951-898-8866

Please indicate whether proprietorship, corporation, or partnership and any use of fictitious business name:

Corporation Partnership Proprietorship

Fictitious Business Name _____

New to the report this year is the Annual Element Progress Report, Housing Element Implementation. There are several tables (Table A, A2, A3, B and C) required to be completed and submitted to the State. Tables A and A2 do not apply for this review period as there were no units constructed, rehabilitated, or acquired which restricted the units to specific income levels. Due to the absence of the restrictions all units constructed are required by the state to be counted towards the "above moderate" income range and are reported in table A3. Table B demonstrates the number of units constructed during the current Regional Housing Needs Allocation (RHNA) Planning period. Table C is an evaluation of each Program in the Housing element and the status of the implementation of that program.

Alternatives: N/A

Fiscal impact: None, other than staff time

Attachments:

1. Annual Report
2. Tables A,B, C as required by the State
3. General Plan Land Uses Table

**TOWN OF YUCCA VALLEY
2010 GENERAL PLAN ANNUAL REVIEW**

BACKGROUND:

The Town of Yucca Valley Comprehensive General Plan is an official document that is adopted by the Town Council after significant public input and a recommendation for adoption by the Planning Commission. The General Plan provides goals, policies, programs, and implementation strategies to guide development and redevelopment, and to preserve valued assets and resources.

Land Use Planning is mandated by the State of California, and has multiple components including long-range or comprehensive planning, current planning or development review, and environmental compliance with the California Environmental Quality Act. Land Use Planning processes are regulated by California law.

State law mandates that specific components are addressed within any comprehensive plan. These are termed "Plan Elements". The required Plan elements include:

- Land Use
- Circulation
- Housing
- Conservation
- Open Space
- Noise
- Safety

The Town's General Plan addresses all of these components and other local considerations. It should be noted that the Housing Element must be updated every eight years. The current Housing Element for the Town was approved by the Town Council on September 15, 2009.

The Yucca Valley General Plan was adopted December 14, 1995. By law, cities and counties must submit an annual report concerning the status of the General Plan and progress with Plan implementation to their legislative bodies. Previously these reports were for fiscal years. Since the state changed the filing date for these reports from June to April, Staff has changed the reports to reflect calendar years. This annual review addresses Plan status and Plan implementation for the period of January 1, 2010 through December 31, 2010.

State Law permits the General Plan to be amended up to four times per year. The Town has approved seventeen General Plan Amendments since incorporation. Two were approved prior to the adoption of the current General Plan.

General Plans are dynamic documents, and need to be evaluated in terms of changing views, desires, strategies, and overall effectiveness on a regular basis. It has been noted by the State office of Planning and Research that the Town of Yucca Valley has not completely revised the General Plan, in its entirety, in more than 10 years. This information is provided to the Attorney General of the State of California; but it does not mean that the Plan is out of date or ineffective. In addition, on May 26, 2009 the Town Council authorized Staff to proceed with a Development Code Update. This is currently in progress.

The Town Council authorized a comprehensive General Plan update in February of 2011. The request for proposals/qualifications was released in late February of 2011. This process will continue through calendar year 2013.

The purpose of this effort is to evaluate progress of implementation resulting from the application of various plan elements as they pertain to development, specific implementation strategies, and related mitigation measures and programs set forth in the General Plan Program Environmental Impact Report. The Development Code also plays a critical role in implementing the goals and policies of the Plan and Specific Plans provide detailed implementation programs for specific portions of the General Plan area.

This report does not discuss every component of each element, but it gives insight into general land use activity, some required elements of local consideration, and overall General Plan implementation.

The Development Code and other regulations play a critical role in implementing the goals, policies, and programs of the General Plan; Specific Plans provide more detailed goals, policies and programs for a more limited, specifically-defined area within the Town's corporate limits.

GENERAL LAND USE ACTIVITY:

The following were projects submitted and approved during 2010 calendar year:

Brehm Youth Sports Park, CUP 02-10, EA 02-10 - Submitted on March 05, 2010, this was a proposal to expand and enhance the existing park facilities to include two new 75,600 square foot soccer fields, two new 21,600 square foot soccer fields, 1 ball field, 2 volleyball courts, 5 horseshoe pits, an approximately 3,253 square foot office, restroom and concession building, tot and child play areas, water play area, walking trail, demolition of an approximately 3,000 square foot existing single family residence, maintenance area (including an existing 1,600 square foot single family residence), covered picnic areas and walkways, landscaping and parking in two phases on multiple parcels totaling approximately 20.17 acres. Future projects include an approximately 10,000 square foot Boys and Girls Club building and a croquet/bocce ball area. The project also proposes the vacation of Little League Drive approximately 525' east of Palm Ave.

T-Mobile Joshua Springs Cell Tower, CUP 03-10, - Submitted on June 03, 2010, a request to construct a 54' tall 30" wide cell tower disguised as and designed to match existing ball field lights on the campus of Joshua Springs Calvary Chapel and School.

T-Mobile St Mary of the Valley Cell Tower, CUP 04-10, - Submitted on October 20, 2010, a request to construct a 55' tall cell tower disguised as a eucalyptus tree surrounded by six (6) equipment cabinets all of which are screened by an eight (8) foot tall block/stucco wall, painted to match the existing buildings at St. Mary's Church.

The following residential development projects were approved during the 2010 Calendar year:

Pueblo Mesa, TM 18418, GPA 02-07, RZ 02-07, PD 02-07, EA 25-07: A proposal to rezone 77 acres of RL-1 to RS-2 and to subdivide into 142 residential lots as an age restricted development. The project is located on the northeast corner of Golden Bee Dr and Aster Ave. A Development Review Committee meeting was held for this project on November 04, 2009. The project was reviewed by the Parks Recreation and Cultural Commission on May 11, 2010. The project was approved by the Planning Commission on June 08, 2010 and was approved by the Town Council on September 21, 2010.

Lucas Tract, Tract Map No. 18773, EA 02-09: Submitted on December 23, 2009, a proposal to subdivide 87 acres into 60 single family lots in six phases. The project is located on the southwest corner of Cholla Ave and Carlyle Dr. This project was formerly known as Yucca 87 and previously approved by the Town, but that project was allowed to expire by the applicant. This project was reviewed by the Development Review Committee on March 10, 2010. The project was approved by the Planning Commission on August 24, 2010.

The chart below lists the General Plan Amendments that have been requested since incorporation:

General Plan Amendments Since Incorporation				
DATE	CASE NO.	APPLICANT	PROJECT DESCRIPTION	STATUS
8/23/1993	GPA-01-93	KenLar Construction	Rezone from 4MRM to CO,	Approved
11/3/1993	GPA 02-93	Town of Yucca Valley	Rezone from RS18m to IN	withdrawn
11/3/1993	GPA 03-93		Rezone from RM4M to CO,	Approved
10/24/1996	GPA-01-96	Town of Yucca Valley	Section 11 Annexation	Approved
2/16/1999	GP-01-99	Banks Vaughn		Denied
2/15/2000	GPA 01-00	Town of Yucca Valley	Housing Element Update	Approved
05/30/2001	GPA 01-01	Leon Strand	Rezone R-HR to RL-5	Approved
06/14/2001	GPA 02-01	Barton Pedersen	Rezone R-HR to RL2.5	Approved
09/06/2001	GPA 03-01	Town of Yucca Valley	State Annual Report	Accept and file
03/07/2002	GPA 01-02	Tim Humphreville	RS -RM10 (RZ 01-02)	Denied
04/24/2002	GPA 02-02	Town of Yucca Valley	2001 Annual Report	Accept and file
02/28/2003	GPA 01-03	Bill Scholar	Rezone CG to RM	Approved
05/07/2003	GPA 02-03	Cole Stillwell	Rezone RL to CG	Approved
02/25/2004	GPA-01-04	Danmark Dev	Rezone RS-2 to RS-3.5	Approved
	GPA 02-04	Town of Yucca Valley	Rezone RL-1 to RS-3.5	Approved
12/08/2004	GPA-01-05	TYV	Land use designation changes	Approved
04/07/2005	GPA 02-05	Neighborhood Housing Group	Rezone RL-1 to RM-8	Approved
07/11/2005	GPA 03-05	Century Homes		withdrawn
08/10/2005	GPA-04-05	Randy Werner	Rezone R-HR to RL-5	Approved
03/10/2006	GPA-01-06	Bill Shack	Rezone RL-5 to RS-3.5	Approved
12/07/2006	GPA-02-06	Specialty Homes	Rezone	Approved
12/13/2006	GPA-03-06	Nickolas Ventures	Rezone to RM -10	withdrawn
	GPA 01-07	TYV	Old Town Specific Plan	Approved
12/18/2007	GPA 02-07	Chris Paolini	Rezone RL-1 to RS-2	Approved
03/20/2008	GPA 01-08	Curtis McGrew	Rezone R-HR to RL	Approved
01/19/2009	GPA 01-09	Town of Yucca Valley	Housing Element Update	Approved

Coinciding with the decline in the residential housing market the Town has received no new applications for tract maps or parcel maps in the last review period. The Town did approve two previously submitted tract maps, Lucas and Pueblo Mesa.

The following chart shows the tract maps that have been approved since incorporation:

SYNOPSIS OF TENTATIVE TRACT MAPS

APPLICATION DATE	CASE NO.	APPLICANT	LOCATION	TOTAL# OF LOTS	# OF VACANT LOTS
APPROVED PROJECTS					
02/28/2003	TM 16471	Bill Scholar	Desert Vista Village E. of Palm, S of Pine	106	83
09/05/2003	TM 16649	40 Villas LP	NE corner of Camino del Cielo and Martinez	34	34
02/25/2004	TM 16587	Danmark Development	S of Mountain View between Acoma and Church	57	48
04/01/2004	TM 16786	De Silva	Vera Lane west of Joshua Lane	4	4
04/16/2004	TM 16957	Bob Stadum	E side of Acoma 1 parcel N of Joshua Drive	34	34
09/13/2004	TM 16787	Rondel Ent.	W of SR247 S of Castro	54	54
09/13/2004	TM 16733	Arthur Schultz	S of Santa Barbara E & W of Indio	17	17
10/29/2004	TM 17240	Leon Strand	Santa Barbara between Balsa and Emerson	4	3
12/13/2004	TM 17328	Yucca Estates	SW corner of Yucca Tr. And Emerson	17	17
06/14/2005	TM 17633	Burnt Mtn Haciendas	SW corner of Palomar and Onaga	61	61
01/27/2006	TM 17476	SILVATEX,INC	N of Paxton 1 parcel E of Imperial	43	43
08/22/2006	TM 18011	Specialty Homes	SE Corner of Cholla Ave. and Joshua Dr.	8 1 remain	8
03/10/2006	TM 17862	Copper Hills Homes	NE corner of Sage Ave and San Andreas	107	107
06/15/2007	TM 17985	Fred Golestani	NE corner of Palomar Ave and Juarez Dr	20	20
12/18/07	TM 18418	Pueblo Mesa	NE corner of Sage Ave and Golden Bee Drive	142	142
12/23/2009	TM18773	Beverly Lucas	SW corner of Cholla Ave and Carlyle Dr.	60	60
		TOTAL # OF APPROVED LOTS		768	
		TOTAL # OF VACANT LOTS			735

Since incorporation there have been six tract maps that have recorded. They are:

1. Tract Map 16471 Desert Vista Village
2. Tract Map 16587 Mesquite 55
3. Tract Map 16786 Da Silva
4. Tract Map 16957 Living Space
5. Tract Map 17240 Strand
6. Tract Map 17328 Yucca Valley Estates

The following chart shows all of the Tentative Parcel Maps that have been approved since incorporation:

SYNOPSIS OF TENTATIVE PARCEL MAPS

APPLICATION DATE	CASE NO.	APPLICANT	LOCATION	TOTAL # OF LOTS	# OF VACANT LOTS
APPROVED PROJECTS					
08/24/1992	PM 14325	Leonard Malin	SW corner Sunnyslope Dr and Warren Vista Ave	2	1
10/26/1993	PM 14602	Robert Smith	SE corner of Yucca Tr and Valley Vista Ave	3	2
08/24/1994	PM 14722	Alan Petty	SW corner Dulce Ave and Santa Barbara Dr	4	4
10/27/1998	PM 15202	Tom Humphreville	NW corner Country Club Rd and Quemada Tr	2	0
05/30/2001	PM 15708	Leon Strand	SE corner Balsa Ave & Terbush	4	
04/05/2004	PM 16561	Copper Hill Homes	W side of Selecta Ave N of Juarez Dr	2	0
12/10/2004	PM 17012	Andora Sprecher	SW corner Jemez Tr and Mountain View Tr	4	4
03/24/2005	PM 17093	Paul Cook/Jean Smith	SW corn Cortez and Dulce	4	4
06/28/2005	PM 17221	Ted Philips/Janet Grace	NE corner Warren Vista and Santa Barbara	4	4
06/20/2006	PM 18056	Mark Melby	NE corner of Cholla Ave and Buena Vista Dr	4	4
08/15/2006	PM 18321	Marcos Ocequeda	Borrego Tr and Papago Tr	2	2
09/25/2006	PM 18009	Robert & Amelia Smith	SW corner Yucca Tr and Valley Vista	2	2
10/06/2006	PM 17784	Phyllis Haley	corner of Balsa Ave and Vaduz Ave	2	2

03/06/2007	PM 18349	Dawn Rowe	NE corner Emerson Ave and Vera Lane	3	3
04/20/2007	PM 18472	Steve Inverno	NW corner Camino Del Cielo and Onaga Tr	2	2
06/01/2007	PM 18759	Helen Holloway	S of Griffis Rd, east and west of SR 247	2	2
09/27/2007	PM 18818	Curtis McGrew	7953 Valley Vista	2	1
03/20/2008	PM 18967	Curtis McGrew	south end of Valley Vista, east side of street	4	3
			TOTAL # OF APPROVED LOTS	52	
			TOTAL # OF VACANT LOTS		40

Planned Developments are becoming a more popular land use development option, and serve as a mechanism to further the implementation of the General Plan – especially in geographic areas with steep hillside terrain, significant drainage features, and valued natural settings. During this review period the Town approved one Planned Development, for Pueblo Mesa.

Commercial activity has significantly decreased in the current market. The Town received applications for two cell towers and one park project. Policies at the state level – particularly those relating to sewage and package treatment plants have affected and are foreseen to impact the rate, type, and scale of new commercial activity.

COMPREHENSIVE GENERAL PLAN ELEMENTS:

LAND USE ELEMENT:

The Land Use Element has an essential relationship with all other elements of the General Plan, affecting the need for resources, infrastructure, jobs, housing, public services and facilities. The purpose of the Land Use Element is to provide a comprehensive depiction of land use allocation and distribution throughout Town. The Land Use Element is commonly emphasized, due to its ties with all other Elements of the General Plan.

An on-going program of the Land Use Element is maintaining the zoning map consistent with the General Plan Map land use map and updating simultaneously with each General Plan land use Amendment. During the last reporting period, there was one General Plan Amendment approved for the Pueblo Mesa subdivision. As indicated under the General Land Use Activity section, there have been only nineteen General Plan Amendments since incorporation; two of these were approved prior to the adoption of the current General Plan. The requests were received in 1993, 1996, 2001, 2003, 2004, and 2005, 2006, 2007, 2008 and 2009.

It has been recognized by the Town and mentioned in previous updates that there are areas within the Town currently zoned R-L-1 and R-L-2.5 that are problematic for infill development or additions to existing structures. Within these specific areas, it is very difficult to meet setback requirements for a home sized typical to the area. As the Town moves forward with a General Plan Update it is expected that these areas will be evaluated and appropriate changes will be made.

Yucca Valley does not typically experience a high level of development from large-scale projects and continues to have a slower growth rate in comparison to other southern California communities. This fact is highlighted by the fact that approximately 1,748 single-family residential dwellings have been permitted in the Town over an 18 year period (June 1992 to December 31, 2010). In addition the California Department of Finance estimates the population change between January 1 2009 and January 1, 2010 at 0.4%. This slow growth rate is due to the economy, and the fact that Yucca Valley is a bedroom community to the Coachella Valley as well as a retirement community. Only during 2002-2006 was there a substantial increase in single family residential. For Calendar year 2010 a total of 8 new single family homes were permitted. This decline can be attributed to the current adjustments within the housing market.

HOUSING ELEMENT:

The purpose of the Housing Element is to provide a comprehensive understanding of the housing needs and to set policies and programs that will enable the Town to reach its defined housing goals. Housing goals are based on a Regional Housing Needs Assessment (RHNA), developed by the Southern California Association of Governments (SCAG) and the San Bernardino Associated Governments (SANBAG).

The following chart lists the numbers of single and multi-family building permits issued during the fiscal years listed:

	SFR	MFR
91-92	16	
92-93	31	
93-94	13	
94-95	24	
95-96	11	
96-97	6	
97-98	21	
98-99	44	
99-00	54	
00-01	82	

01-02	118	
02-03	188	
03-04	353	4
04-05	384	4
05-06	244	13
06-07	99	2
07-08	36	2
08-09	6	0
09-10	11	0
10-11	8	0

**YEAR TO DATE, JULY 1, 2010-December 31, 2010

As the above chart shows, the number of new single and multi-family building permits peaked in the 2004- 2005 fiscal year and has been in decrease each year since. Please note the chart above lists until December 31, 2010. During the Calendar Year 2010 only 8 new single family home permits were issued.

Specific actions and expenditures during this reporting period include the following.

LEASE OF AGENCY DUPLEXES:

The Yucca Valley Redevelopment Agency continued to lease the five existing duplex structures to Unity Homes. The duplexes provide housing to ten very low and low to moderate income families. Presently, only five units are occupied.

REVIEW OF GOVERNMENTAL CONSTRAINTS ON HOUSING:

The Town of Yucca Valley has relatively low constraints on housing. This fact is exemplified by the following.

1. Single family residential development requires no architectural review, or any other governmental process, other than the standard Building & Safety Plan Check and field inspection process;
2. The building permit and plan check fees were increased in March 2005 which had not been amended since incorporation of the Town of Yucca Valley in 1991. Per square foot residential valuation remains \$55.18 per square foot for living area which is still lower than the actual construction costs at this time.
3. There are no constraints that hinder the development and construction of affordable housing within the Town of Yucca Valley.
4. Repair and rehabilitation of housing units within the Town is not regulated, except through the Uniform Building Codes. There is no requirement for architectural review, design review, or any other entitlement process for the repair and/or rehabilitation of housing units within the Town.

5. Architectural/Site Review processes are included within the entitlement process for new multi-family development projects, and no additional time frames or costs are associated with review of these projects
6. Standard building plans are reviewed within ten business days. Engineered plans may take up to 15 business days to review.
7. The Town Council has waived Development Impact Fees for all new Infill Single Family Residences.

During the reporting period, issues remained regarding the continued use of septic systems and their impact on water quality. Discussions have continued to take place between the Hi-Desert Water District, Regional Water Quality Control Board (RWQCB), and the Town. The RWQCB has proposed a Basin Plan Amendment to prohibit septic tank discharges in the Town, thereby mandating that a wastewater system be constructed. There are three phases proposed for the sewer system. The High Desert Water District is working to move phase one forward.

REGIONAL HOUSING NEEDS BY INCOME:

The Town of Yucca Valley's adopted and State approved Housing Element indicates the Town's share of regional housing needs is outlined as follows. The Town has recently updated its Housing Element, which was approved by the Town Council on September 15, 2009. As part of the updated Housing Element the new RHNA numbers are listed below. The housing needs figures below reflect the figures for the current SCAG/SANBAG planning period, which expires 2014.

<u>Income Category</u>	<u>Number of Units</u>
Extremely Low	280
Very low Income:	280
Low Income:	399
Moderate Income:	474
<u>Above Moderate Income:</u>	<u>1,076</u>
Total	2,509

For the 2010 (calendar year) review period, building permits for 8 single family units and no multifamily units were permitted. This is a slight increase from the previous fiscal year, during which 4 single-family units and no multifamily units were permitted.

ACTIONS TO IMPLEMENT THE GENERAL PLAN ELEMENTS:

During the reporting period, development proposals of all types have been reviewed and conditioned so they conform to applicable policies of the Comprehensive General Plan.

UPDATES TO GENERAL PLAN ELEMENTS:

No updates to the General Plan took place during this review period. It is anticipated that in the coming year the Town will begin the process of a comprehensive General Plan Update.

CONCLUSION:

The Development Code is the primary tool for implementing the General Plan. At the May 26, 2009 Town Council meeting authorization was given to begin the process of a Development Code Update. A consultant has been selected and a community survey conducted. It is anticipated that in the next 18-24 months the Development Code Update will be completed. It is a goal of the Town to establish a safe, attractive community with appropriate infrastructure for area residents, business owners, and visitors. With proper tools, this goal is attainable.

END OF ANNUAL REPORT

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley
Reporting Period 1/1/2010 - 12/31/2010

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes							(4) The Description should adequately document how each unit complies with subsection (c) (7) or Government Code Section 65583.1
	(1) 100% of Area Median Income	(2) 80% of Area Median Income	(3) 60% of Area Median Income	(4) 40% of Area Median Income	(5) 20% of Area Median Income	(6) Below 20% of Area Median Income	(7) Total Units	
(1) Rehabilitation Activity							0	
(2) Preservation of Units At-Risk							0	
(3) Acquisition of Units							0	
(5) Total Units by Income	0	0	0	0	0	0	0	

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of Infill units*
No. of Units Permitted for Moderate						0	
No. of Units Permitted for Above Moderate	8					8	8

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley
Reporting Period 1/1/2010 - 12/31/2010

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Dead Restricted											560
	Non-dead restricted											
Low	Dead Restricted											399
	Non-dead restricted											
Moderate	Dead Restricted											474
	Non-dead restricted											
Above Moderate		147	73	24	4	8					255	820
Total RHNA by COG. Enter allocation number.		147	73	24	4	8					255	2,253
Total Units		147	73	24	4	8					255	2,253
Remaining Need for RHNA Period		▲	▲	▲	▲	▲	▲	▲	▲	▲		

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley
Reporting Period 1/1/2010 - 12/31/2010

Table C
Program Implementation Status

Program Description (By Housing Element Program Names)	Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
		Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Program 1.A		Maintain the Home Improvement Program for low/very low income households to encourage rehab of 120 existing housing units.	Ongoing	The RDA is in process of updating the Policy and Programs with anticipated completion within 12-18 months.
Program 1.B		All applicable codes enforced to keep existing units in good repair	Immediate, ongoing	This is monitored through Code Enforcement and determination is made on a case by case basis.
Program 1.C		Continue to ID neighborhoods with substandard infrastructure and quantify for improvements	Ongoing	The Town has continued to maintain a 5 year Capital Improvements program which identifies allocation of financial resources to infrastructure improvements Town wide.
Program 2.A		Maintain and update inventory of all land suitable for residential development	Annually	The Town continues to maintain the Zoning and General Plan Maps. Further a table is maintained which has an inventory of all general plan amendments and tabulates the acreage changes. Table III-14 in the GP Housing Element lists the vacant high density land inventory within the Town Boundaries.
Program 2.B		Maintain land use zoning designations in General Plan and zoning maps that allow different housing types consistent with low density rural character of the Town	Ongoing	The Town continues to maintain the Zoning and General Plan Maps. The Towns development Code and General Plan provide for a wide variety of housing types. These include 1 dwelling unit per 20 acres (Rural Hillside Reserve) up to 40 units per acre in the Old Town OTSP (OTMU). These designations allow for higher densities in appropriate areas along the highway and more rural type development as you move away from the Highway.
Program 2.C		RDA to establish lot consolidation for the OTSP area	2010-2011, annually thereafter	The RDA has acquired numerous parcels within the OTSP area for lot consolidation and redevelopment opportunities.
Program 2.D		Monitor capacity of all Specific Plan lands in Inventory (table III-14) to assure sufficient capacity of the Town's lower income need remains	Annually	There has been no development within the OTSP boundaries resulting in the elimination or reduction of affordable housing.

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Town of Yucca Valley	Reporting Period	1/1/2010 - 12/31/2010	Incentives development in the OTSP	Ongoing	The RDA is in process of updating the Policy and Programs with anticipated completion within 12-18 months. The RDA is continuing to evaluate opportunities for mixed use development facilitating affordable housing construction in the OTSP. The Town has not been approached with any requests for financial participation of housing in the OTSP area during this review.
Program 3.E				Town's Density Bonus Ordinance shall be updated and maintained current with State Requirements	2008-2009, Ongoing	The Town is currently updating the Development Code, and has just released Request for Proposals/Qualification for a General Plan Update. The Development Code is expected to be completed in the next 12-18 months. The density bonus ordinance will be update with the development code while the policies will be updated with the General Plan. This will be included as part of these updates.
Program 3.A				Continue coordination with San Bernardino County Housing Authority(SBCHA) to ensure section 8 housing assistance and HOME rental property rehabilitation programs within the Town are actively pursued.	Ongoing	The RDA is coordinating closely with the SBCHA for current HOME funds that are available for construction of new affordable units. The RDA has entered into an exclusive negotiating agreement(ENA) with a private developer for the construction of up to 75 affordable units, and the developer will be applying for San Bernardino County HOME funds for the project. This is phase one of the RDA's overall affordable housing efforts. Phase II will includes programs and policies for the acquisition and rehabilitation of existing units, and the RDA will aggressively seek HOME as well as other funding sources for implementation of these efforts.
Program 3.B				Work with private organizations in assisting with housing for handicap residents.	Ongoing	There have been no requests received for assistance with housing for handicapped residents.
Program 3.C				Continue to support and assist in enforcing the provisions of the Federal Fair Housing Act	Ongoing	Any complaints the Town receives are forwarded to the County for their consideration. Town Code enforcement also addresses service requests regarding the condition of housing units and take appropriate action to ensure the upgrade of substandard units.
Program 3.D				Continue working with SBCHA to encourage the development of property owned by the Housing Authority in Town for affordable housing.	Ongoing	There have been no applications received for the development of a County affordable housing project received by the Town.
Program 3.E				Amend the Development Code to allow Homeless shelters by right, with approval of a Site Plan Review, in the Industrial or Public/Quasi Public zoning Designations	2008-2009	The Town is currently updating the Development Code. This will be included in the Update.
Program 3.F						

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202.)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2010 - 12/31/2010

Program 3.G	The RDA shall establish a program of incentives for the Development of housing for extremely low and very low income residents to include application fee waivers, plan check fee waivers, and financial assistance with infrastructures improvements.	2008-2009	The RDA has entered into an exclusive negotiating agreement with a private developer for the construction of up to 75 affordable units, and the developer will be applying for San Bernardino County HOME funds for the project. As a part of this project, the RDA is currently negotiating the DDA that will consider the waiver of plan check and permit fees, or that the Agency will pay those fees as part of its financial participation in the project.
Program 3.H	Consistent with Government Code Section 65583 the Development Code Shall be amended to define Single Room Occupancy, to allow as Conditionally Permitted in the Industrial Zone and transitional/supportive housing shall be subject to only those restrictions that apply to other residential uses in the same zone.	2008-2009	The Town is currently updating the Development Code. This will be included in the Update.
Program 3.I	The Development Code shall be clarified to state handicapped ramps are permitted in front, side and rear setbacks of any residential structures.	2010-2011	The Town is currently updating the Development Code. This will be included in the Update.
Program 4.A	Expediently calculate and allocate Housing set-aside funds to affordable housing programs.	Annually	The Towns finance division allocates all LMI set aside funds to an account that is restricted to expenses for the preservation or construction of affordable housing units.
Program 4.B	The RDA will develop program(s) for the development of new residential units for very low households and assign set-aside funds for these units.	2009-2010	The RDA has entered into an exclusive negotiating agreement with a private developer for the construction of up to 75 affordable units. The Agency has committed all current and potentially several years of future LMI set a side funds for the development of the up to 75 units. The Agency has entered into an exclusive negotiating agreement and the DDA is anticipated to be considered by the Agency in approximately 90 to 180 days.
Program 4.C	Assist developers in preparation of applications for State and Federal housing grants and loans (HOME/LMI Tax credit) as available.	Ongoing	The Town assisted Highland Property Development LLC, in preparation of their applications for the California Tax Credit Allocation Committee. The project consisted of 83 affordable units. The RDA is coordinating closely with the SBOHA for current HOME funds that are available for construction of new affordable units. The RDA has entered into an exclusive negotiating agreement(ENA) with a private developer for the construction of up to 75 affordable units, and the developer will be applying for San Bernardino County HOME funds for the project. This is phase one of the RDA's overall affordable housing efforts.

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Reporting Period	Town of Yucca Valley	1/1/2010 - 12/31/2010
Program 4.D	Continue to distribute County materials for developers and low income households which contain information on assistance in the development and rehabilitation of low income housing.	Continuous	The Town provides a wide variety of handouts to assist both the citizens and development community. The Town issues requests for Proposals for an affordable housing project. This resulted in an ENA to develop a Town owned piece of property.
Program 4.E	Should the Town be notified of housing developments all possible funding sources including CDBG/RDA set asides should be considered for purchase.	Continuous	The Town has and will continue monitor if any such properties are proposed to be sold.
Program 5.A	Conversion of existing mobile home parks to permanent housing will continue to be regulated by ordinance to ensure appropriate relocation plan for park residents is developed and implemented.	Ongoing	No mobile home park conversions have been proposed.
Program 6.A	Ensure that new development and rehabilitation efforts maximize energy efficiency through architectural and landscape design and the use or renewable resources and conservation.	Ongoing	New construction is required to comply with the standards set forth in the California Building Codes.
Program 6.B	Encourage the use of LEED design principles in multifamily projects.	Ongoing	No multi-family projects have been formally submitted in this review period.
Program 7.A	Maintain a Planned Development Ordinance (PRD) permit ordinance which allows flexibility in development standards.	Continuous	The Planned development Ordinance provides for flexibility in design and helps to assist in the affordability of the units. One Planned Development was approved during this review period. The approval allowed for the construction 142 senior single family homes.
Program 8.A	Specific Plans shall incorporate a variety of housing types and shall include senior and affordable housing within the project.	Ongoing, as Specific Plans are submitted	No Specific Plans were submitted or approved during this review period.
Program 8.B	Encourage infill and expansion of existing wherever possible to lower infra structure costs.	Continuous	The Town has and will continue to encourage the development of infill projects. The majority of new single family residential units are in fact infill lots. Only 32 out of 1,700+ new single family residential permits issued since incorporation in 1991 were for lots in newly record tracts.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley
Reporting Period 1/1/2010 - 12/31/2010

Program 8.C	Ensure that infill development occurs in areas with adequate infrastructure to support neighborhood build-out.	Continuous	The Town has and will continue to encourage the development of infill projects, in areas where infrastructure can support. The majority of new single family residential units are in fact infill lots. Only 32 out of 1,700+ new single family residential permits issued since incorporation in 1991 were for lots in newly record tracts.
Program 8.D	Promote development of mixed use projects in the OTSP area. The Town shall post Table III-14 on the Towns website as part of a page dedicated to development in the OTSP.	2008-2009, ongoing	The Town has the entire OTSP posted in its website at: http://www.yucca-valley.org/departments/otlv_sp.html
Program 9.A	Encourage multi-family rental and owner-occupied projects which construct 3 and 4 bedroom units as a substantial portion of the overall development. Larger units shall be encouraged through Town funding or bond financing.	Continuous	No multifamily units were constructed during this review period. The Town will continue to encourage this as projects are submitted.
Program 9.B.	Amend the Development Code to allow second units on single family residential lots consistent with state law.	2008-2009	The Town is currently updating the Development Code. This will be included in the Update, if required.
Program 10.A	Maintain the Home Rehabilitation Program to enable 10 senior residents to maintain and rehabilitate their homes. Flyers advertising the program shall be posted at various locations.	Ongoing	The Town provides a wide variety of handouts to assist the citizens of the community. The RDA is in process of updating the Policy and Programs with anticipated completion within 12-18 months.
Program 10.B	Provide assistance to developers of affordable senior housing through Housing set-aside funds.	Ongoing	The Town and the RDA have entered into an ENA with a developer for the construction of 75 affordable senior housing units. Entitlement documents are currently in discussion.
Program 11.A	Require Specific Plan projects to develop design guidelines which provide for buffers between land uses, mall scale architecture and appropriate architecture.	Continuous	No Specific Plans were submitted or approved during this review period.

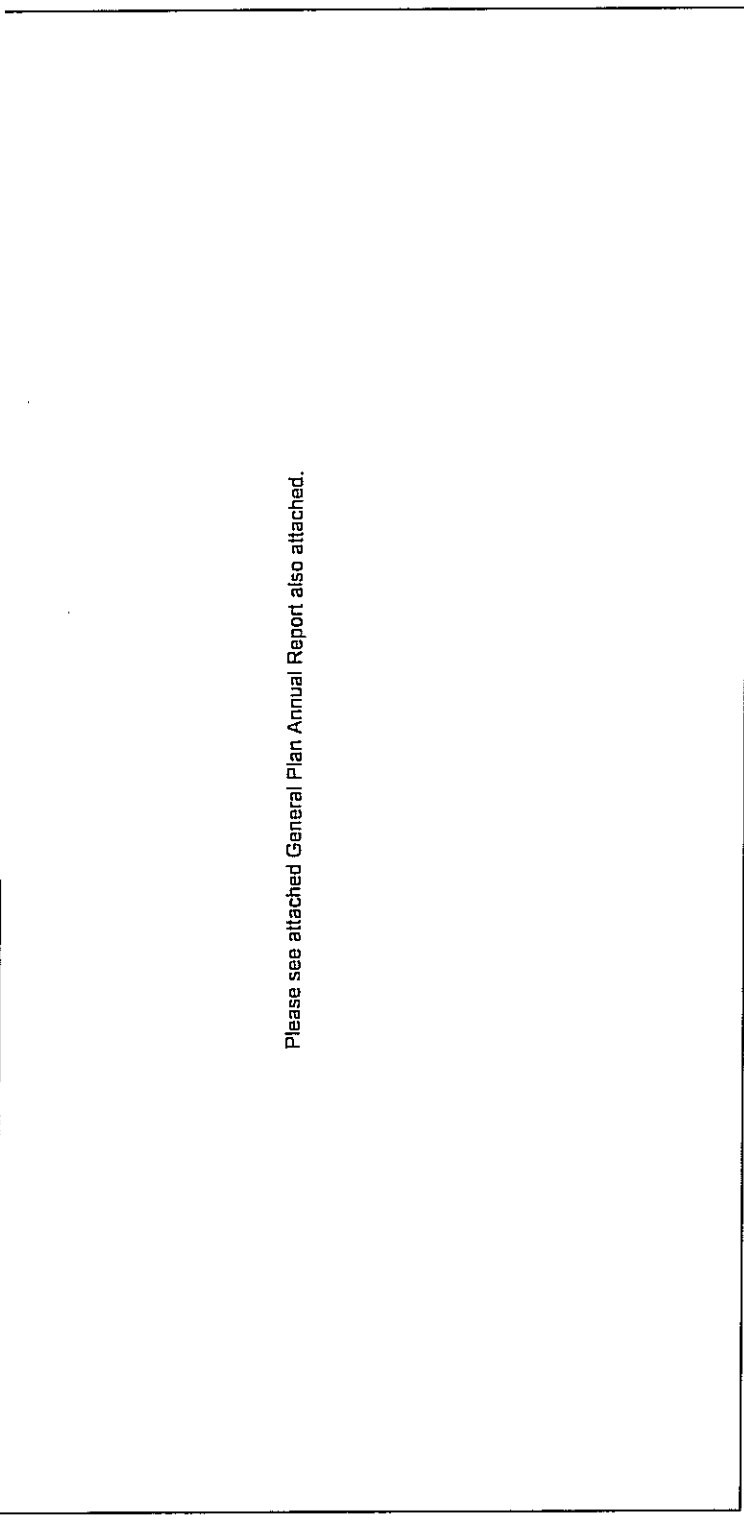
ANNUAL ELEMENT PROGRESS REPORT *Housing Element Implementation*

(CCR Title 25 §6202)

Jurisdiction	Town of Yucca Valley		
Reporting Period	1/1/2010 - 12/31/2010		
Program 11.B	Residential projects shall be required to provide bicycle and pedestrian facilities, including trails, sidewalks, benches and open space.	Continuous	The Town has an approved Trails Masterplan Map. During this review period one residential project was adjacent to a proposed bike lane. The project was conditioned to provide for this lane when construction moves forward. Additionally this project will provide sidewalks, various walking trails, open space and other amenities. An addition project was adjacent to a future horse trail and was required to provide the appropriate dedications. This Development also included large undisturbed portions and sidewalks in the more dense(1/2 acre lot) portion of the development.
Program 12.A	Require developers of affordable senior housing projects to confer with the public transit agency regarding the provision of service to the project.	Continuous	All development projects are sent to the Morongo Basin Transit Agency for review and comment. If the Agency has any conditions those are included with the Conditions of approval for the project.
Program 12.B	Ensure affordable and senior housing projects are located in areas with adequate public improvements including streets and sidewalks.	Continuous	No affordable or senior housing projects were formally submitted or approved during this review. However, as previously mentioned the Town and RDA have entered into an ENA a developer for a senior housing project in an appropriate location. The location is in close proximity to the Senior Center, Museum facility, restaurants and shopping facilities.
General Comments:			

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction	Town of Yucca Valley
Reporting Period	1/1/2010 - 12/31/2010



Please see attached General Plan Annual Report also attached.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Jim Schooler, Community Services Director
Date: March 9, 2011
For Council Meeting: March 15, 2011

Subject: Facility Use Policy amendment

Prior Council Review: In December 2003, the Council approved recommendations from the Parks, Recreation and Cultural Commission (PRCC) regarding facility use fees and policies. In April 2006, May 2007, and October 2008, the Council approved amendments to the policy based on PRCC recommendations.

Recommendation: Move to approve the recommended amendments to the Town's facility use policy and direct staff to implement the revisions within 30 days.

Summary: During a periodic review of the Town's facility use policy, staff identified several items that should be amended for the sake of clarity and practicality. The Parks, Recreation and Cultural Commission has reviewed the recommendation and forwarded it for Council review and approval.

Order of Procedure:

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

Discussion:

In the course of managing the rental, use and care of Town buildings, staff often encounters situations where insufficient clarity in the policy language leads to ambiguity and misunderstandings relative to the Town's intent. In addition, certain policies (i.e., fees, deposits, etc.) have become inadequate to conduct business responsibly in a changing fiscal environment and local culture.

Following staff's most recent review of the policy, the recommended changes were reviewed by the Parks, Recreation and Cultural Commission. While many of the suggested amendments address minor issues and language clarifications, the most significant issues are as follows:

Reviewed By:


Town Manager


Town Attorney


Mgmt Services

jas
Dept Head

Department Report

Ordinance Action

Resolution Action

Public Hearing

Consent

Minute Action

Receive and File

Study Session

- 1) redefining "non-resident" to include residents, organizations and enterprises with a primary address outside of Yucca Valley's Town limits;
- 2) applying weekend rental rates to facility use after 5:00 pm on Friday;
- 3) forfeiture of the facility use deposit if the applicant misrepresents the facts pertaining to the intended facility use (i.e., serving of alcohol, etc.);
- 4) increased fees for non-residents renting softball fields, snack bars, pool, and other facilities;
- 5) additional guideline and clarity pertaining to waiving facility use fees; and
- 6) increasing some deposits for the rental and use of Town facilities and equipment.

All of the recommended changes are indicated with strikethrough and shading notations on the attached draft of the amended policy.

Fiscal Impact: A minor positive fiscal impact could be realized with the revision of the policies regarding deposits.

Alternatives: Staff does not recommend any alternatives to the recommended action.

Attachments: Facility Use Policy with recommended amendments noted.

Town of Yucca Valley
Community Services Department

Facility Use Policy
(Amended by the YV Town Council ~~5/15/11~~)

1) Authority

In May, 2003, the Yucca Valley Town Council directed the Parks, Recreation and Cultural Commission to review the Town's facilities use policy.

History: A Commission recommendation for policy revision was forwarded to the Council in November, 2003. The revised policy was adopted by the Town Council in December, 2003. Revisions were recommended by the Commission and adopted by the Council in April 2006, May 2007, October 2008, and ~~March 2011~~.

2) Policy Statement

The Town of Yucca Valley's public parks and buildings are used for Town-sponsored recreational, cultural, civic and social activities and programs. Additionally, the Town makes use of public facilities for conducting the business of the Town Council and its appointed commissions, committees and work groups. The Town also makes certain facilities available to the public for meetings, activities, events and services that meet similar needs and interests of the community. The Director of Community Services or his/her designee is authorized to interpret and implement the policies and regulations contained herein.

3) Definitions

- a) Applicant – in a transaction involving the reserved use of Town facilities, the individual or organization that will be responsible for all rental fees, deposits, and compliance with facility use requirements.
- b) Building – refers to public buildings owned, leased and/or managed by the Town of Yucca Valley
- c) Commission – the Parks, Recreation and Cultural Commission appointed by the Yucca Valley Town Council.
- d) Council – the elected Town Council of the Town of Yucca Valley.
- e) Department – unless otherwise specified, refers to the Town of Yucca Valley's Community Services Department.

- f) Director – the Director of Community Services of the Town of Yucca Valley or his/her designee.
- g) Facility – Refers to parks, buildings and the rooms and other spaces within the buildings, common areas, and parking lots owned and/or operated by the Town of Yucca Valley.
- ~~h) Non-resident – individuals whose primary residence is outside of Yucca Valley's town limits; organizations or enterprises with a primary business address outside of Yucca Valley's town limits.~~
- i) Park – any developed or undeveloped areas owned or leased by the Town of Yucca Valley and designated for recreational purposes or conserved for scenic or historical interest, to include the landscaping and recreational elements of such facilities.
- j) Town – the municipality known as the Town of Yucca Valley.
- ~~k) User group – the applicant, whether an organization, agency or individual.~~

4) Hours of Use

- a) Parks – Town of Yucca Valley Parks are open daily from 6:00 am until 11:00 pm. Unless the hours are specifically extended by the Town to accommodate a special event, no person shall remain in any Park between the hours of 11:00 pm and 6:00 am without written permission from the Director. ~~Town of Yucca Valley Municipal Code 11-60:040(c)~~
- b) Buildings – Except for public meetings and special events conducted by the Town of Yucca Valley, Town Buildings are available for use from 7:00 am until 9:00 pm Monday through Thursday, and from 7:00 am until 10:00 pm Friday and Saturday. ~~For the purpose of determining facility use fees, weekend rates apply from Friday at 5:00 pm until Monday at 7:00 am.~~ Town Buildings are not available for rented or reserved use on Sundays or Holidays unless specifically authorized by the Director and/or Commission acting on behalf of the Council.

5) General Rules and Regulations

- a) With respect to the Town's public Parks and Facilities, the following activities are not permitted:
 - (1) Storage – to store personal property, including camping gear.
 - (2) Bulletin Boards – to affix flyers or posters of any kind to bulletin boards or display areas within or attached to Town facilities. ~~Unless specifically~~

~~designated otherwise, such~~ areas are for Town use only to provide public information or to promote Town-sponsored events or activities.

- ~~(3) The throwing or other use of rice, birdseed, glitter, confetti in relation to the approved use of Town facilities:~~
- (4) Fire – to make or kindle a fire with wood or any material other than charcoal (in designated areas only) without written approval from the Department.
 - (5) Alcohol – to possess any can, bottle or other receptacle containing any alcoholic beverage that has been opened, a seal broken, or the contents partially removed, without a permit issued by the Department.
 - (6) Bathing – to bathe in any Facility not designated for that purpose.
 - (7) Refuse – to leave garbage, cans, bottles, papers or other refuse at any Park or facility other than in the receptacles provided. If no receptacle is provided, patrons are responsible to remove all waste and dispose of it in an appropriate manner.
 - (8) Animals – to hitch, ride or let loose any animal or fowl without the written approval of the Department. This shall not apply to dogs at Town Parks when led by a leash or chain no more than six feet long. Owners of said dogs are responsible for the conduct of the animal and for the disposal of all waste and fecal matter. Pets are not permitted in the softball field area of the Town's Summer Music Festival or other similar events. Seeing eye dogs and other designated assistance dogs are not subject to these restrictions.
 - (9) Camping – to camp in or upon any Town Park without written permission from the Director.
 - (10) Smoking – to smoke in, or within 20 feet of the entrance to, any Town building or area designated for children's play, or to discard any lighted or unlighted cigar, cigarette or tobacco-related litter in said areas.
 - (11) Reckless Operation – to ride or use any roller skates, scooters, skateboards, or bicycles at any Town Park or Facility in a reckless manner or with disregard for the safety of persons or property, or to cause such items to be ridden in such a manner.

6) Reserved Use of Town Facilities

- a) The following Town of Yucca Valley Facilities are available for rental or reserved use, ~~in accordance with established procedures and rental rates:~~

	Location	Capacity Dining/Conference
Yucca Room	Community Center	250/350
Joshua Tree Room	Community Center	32/45
Cholla Room	Community Center	65/80
Ocotillo Room	Community Center	44/50
Mesquite Room	Community Center	18/30
Senior Center	Community Center	180/250
Soccer Fields	Community Center	-
Softball Field	Community Center	-
Snack Bar	Community Center	-
Community Room	Machris Park	54/75
Softball Field	Machris Park	-
Snack Bar	Machris Park	-
Community Room	Jacobs Park	54/75
Tennis Courts	Jacobs Park	-
Swimming Pool	Yucca Valley High School	-
Parking Lots	Various	-

b) Arrangements may be made with the Department for reserved use of other areas of Town parks or facilities. In such cases, the Director and/or Commission will determine appropriate parameters for use.

7) Priority use of Town Facilities

- a) Reasonable attempts will always be made to avoid scheduling conflicts, however, if clarification is needed, the following prioritization will apply to the use of Town Facilities:
- (1) Town-sponsored meetings, activities and events
 - (2) Meetings, events and activities sponsored by governmental ~~or other~~ agencies working jointly with the Town
 - (3) Local non-commercial user groups
 - (4) Local commercial enterprises and concerns
 - (5) Out of town user groups
 - (6) User groups whose rental fees have been waived

8) Reserved Use of Town Facilities

- a) Individuals ~~18 years of age or older~~ may apply for reserved use of Town Facilities at least fourteen days and no more than thirteen months prior to the proposed event.
- b) To obtain reserved use of available Town facilities, individuals or ~~organizational representatives~~ must complete and return a Facility Use Application and submit all required diagrams, deposits, permits, contracts and appropriate insurance documents to the Community Services Office at least seven days prior to the intended use.
- c) Town staff will make a reasonable effort to accommodate each application, and will provide written confirmation of approval or denial within three working days of receipt of all required materials.
- d) User groups are not entitled to place signs, banners or other such materials on Town Facilities without written permission from the Director.
- e) The Town reserves the right to ~~deny the application of~~ individuals, groups or organizations that have previously not complied with Town requirements or regulations.
- f) The applicant must notify the Department of any cancellations at least 48 hours prior to the scheduled event or activity. Failure to give the required notice of a cancellation may result in forfeiture of ~~the applicant's~~ deposit.

9) Fees for use of Town Facilities

- a) Fee Schedule. Fees for reserved use of Town Facilities will be charged for the entire time the user group requires access to the facility, including time for setting up the event, decorating, cleaning up, etc. Fees are charged in accordance with the Town's most recent adopted fee schedule (Appendix A).
- b) Deposits. When public Facilities are rented or reserved, a refundable deposit is required. ~~Personal checks are not accepted for facility use deposits.~~

Small Rooms	\$200
Large Rooms	\$500
CC Courtyard	\$200
Kitchens	\$200
Community Rooms	\$200
Athletic Fields	\$200
Snack Bars	\$200
Swimming Pool	\$500
Parking Lot	\$200

- (1) If damage to Town property occurs during use or if excessive clean-up is necessary after the use, the actual cost of repairs or clean-up will be deducted from the deposit.
 - (2) If the cost of repairs and/or clean-up exceeds the deposit amount, the user will be billed for the difference.
 - (3) If the user group remains in the facility beyond the scheduled time, the deposit will be forfeited and additional fees may be charged for the additional time in the facility.
 - ~~(4) If the user group misrepresents any material facts about the event (i.e., the serving of alcohol, etc.) the entire deposit will be forfeited.~~
- c) Setup and Breakdown. When available, the use of tables and chairs is included in the Facility rental fee. Town staff will arrange chairs and tables for indoor and outdoor assemblies as close to diagrams submitted by the applicant as possible.
- ~~d) User groups shall not obstruct any pathways or access routes inside or outside Town buildings, or otherwise interfere with the safety or convenience of the public or other facility users.~~
- e) Electrical Service. If electrical service is requested and approved for any activity or event on Town Park areas, a fee of \$25 will be charged for up to four hours of use.
- f) Fee Waivers or Fee Reductions. The Town Council has authorized the Director and the Commission to make a determination on requests for fee waivers or fee reductions. If a waiver or reduction is granted, the group will be accommodated on a space-available basis. Waivers will only be considered if the applicant complies with all Town Facility use requirements and the proposed use meets one of the following conditions:
- (1) The activity or event is conducted by a local organization and the primary purpose of the activity or event is to provide services for the youth of the community.
 - (2) The activity or event is of large scale community-wide interest or benefit, is conducted by a local organization and will be open free of charge to all members of the local community who wish to participate.
 - ~~(3) If the activity or event does not clearly meet either of the first two guidelines, it must be demonstrated that the service provided replaces the need for the Town to provide such services.~~

If the recipient of a waiver or fee reduction does not strictly comply with all conditions regulating the use of Town facilities, including adherence to approved entry and exit times, the user group will be responsible to pay all fees normally associated with such use. ~~Recipients of waivers or fee reductions may be relocated~~

~~or canceled without notice, if the facilities are required by the Town for other purposes.~~

10) Use of Town Equipment Off-Site

- a) The Town makes certain equipment available for rental and use off site. Deposits will only be refunded if the equipment is returned clean, on-time and undamaged. If the cost of repairs, replacement and/or clean-up exceeds the deposit amount, the user will be billed for the difference. The items currently available are listed in Appendix B.

11) Alcohol Use in Public Facilities

- a) The sale or use of alcoholic beverages at Town Parks and Facilities is not allowed without a permit issued by the Department. Permit information is available at the Department office. Permits will only be approved when the following conditions are met:

- (1) ~~The applicant shall ensure the full compliance with state and local laws regarding the consumption of alcohol during their facility use. The applicant will be held responsible for the behavior of all attendees.~~
- (2) The applicant shall provide the Town with a liquor liability insurance policy endorsement in the amount of \$1,000,000 naming the Town, its officers, employees, agents and volunteers as additional insured for the date(s) of facility use. Proof of such insurance shall be on file in the Community Services Office at least seven days prior to the event.
- (3) Any caterers or other concerns engaged in the sale of alcoholic beverages in or on Town Facilities shall provide the Town with a liquor liability insurance policy endorsement in the amount of \$1,000,000 naming the Town, its officers, employees agents and volunteers as additional insured for the date(s) of facility use. Proof of such insurance shall be on file in the Community Services Office at least seven days prior to the event.
- (4) The applicant is required to provide a \$1,000 security deposit, refundable if the facility is left on time, clean and without damage. Actual costs for additional time, additional maintenance requirement, or damage will be deducted from the deposit. If the cost of repairs and/or clean-up exceeds the deposit amount, the user will be billed for the difference.
- (5) The applicant shall provide proof of compliance with insurance and security requirements at least seven days prior to the event.

12) Security Requirement

- a) ~~Whenever alcohol will be served or sold at the event, or at other times~~ the Director or Commission deem appropriate, the applicant will be required to contract with the San Bernardino County Sheriff' s Department or other approved security company for event security. The Director will confer with the Sheriff' s Office to determine the specific security requirement for each event, but generally two officers will be required. Proof of the contract for security must be on file in the Community Services Department Office at least seven days prior to the event.

13) Insurance requirements

- a) For one-time events (weddings, parties, large meetings, concerts, etc.), the Town requires that the applicant provide a certificate of insurance (from an insurance company admitted in California and rated "BBB" or better) in the amount of \$1,000,000 with an endorsement naming the Town, its officers, employees, agents and volunteers as additional insured.
- b) Organizations and agencies requesting reserved use of Town Facilities may be required to provide a certificate of insurance (from an insurance company admitted in California and rated "BBB" or better) in the amount of \$1,000,000 with an endorsement naming the Town, its officers, employees agents and volunteers as additional insured.
- c) All required insurance policies and endorsements are to be primary and non-contributory with any insurance or self insurance programs carried or administered by the Town.
- d) To assist user groups in compliance with the insurance requirements, the Town of Yucca Valley makes coverage available through Alliant Insurance Services for a typical charge of \$115 to \$180 per event.

APPENDIX A

Facility Use Fee Schedule
(fee revision effective ~~March 15, 2011~~)

Small Rooms (Mesquite, Cholla, Joshua Tree, Ocotillo) 2 hr min			
	Weekdays	Weekends	Holidays
Local resident or activities where no fees are charged	\$15 / hr	\$25 / hr	\$35 / hr
Non-resident, commercial group, or activity where fees are charged	\$25 / hr	\$45 / hr	\$65 / hr
Large Rooms (Senior Center, Yucca Room) 2 hr min			
	Weekdays	Weekends	Holidays
Local resident or activities where no fees are charged	\$25 / hr	\$45 / hr	\$65 / hr
Non-resident, commercial group, or activity where fees are charged	\$45 / hr	\$65 / hr	\$95 / hr
Community Rooms (Jacobs Park, Machris Park) 2 hr min			
	Weekdays	Weekends	Holidays
Local resident or activities where no fees are charged	\$15 / hr	\$25 / hr	\$35 / hr
Non-resident, commercial group, or activity where fees are charged	\$25 / hr	\$45 / hr	\$65 / hr
Soccer Fields, Softball Fields			
Reserved use without lights	\$10 / hr (\$20/hr non-resident)		
Reserved use with lights	\$20 / hr (\$30/hr non-resident)		
Concession Facilities			
Machris Park Snack Bar	\$10 / hr (\$20/hr non-resident)		
Community Center Snack Bar	\$10 / hr (\$20/hr non-resident)		
Other Facilities			
Community Center Courtyard	\$45 (\$55 nr) per hour		
YVHS Swimming Pool (2-hr min)	\$40 (\$50 nr) per hour		
Parking Lots	\$1 per space per day (20 space min.)		
Miscellaneous facility charges			
Kitchen Charge	\$30 (\$40 nr) + \$100 deposit		
Kitchen Only	\$30 (\$40 nr) per hour + \$100 deposit		
Electricity	\$25 (\$35 nr) flat fee (up to 4 hours)		
Tennis Court Keys	\$10 (\$20 nr) per key		

APPENDIX B

Equipment Available for Off-site Rental
 (revised fees effective November 1, 2008)

	Daily Rental	Deposit
Mobile Band Stage	\$500	\$1,000
Tables	\$8	\$100 per 5 tables
Chairs	\$1.00	\$100 per 25 chairs
Cotton candy machine	\$25	\$100
Sno-cone machine	\$25	\$100
Hot dog cooker	\$25	\$100
Field chalker	\$10	\$100
Coffee pot, 100 cup	\$10	\$100

APPENDIX C

The following governmental agencies and government sponsored organizations shall be exempt from Facility Use Fees when requesting use of Town Facilities for official meetings to conduct public business, providing that the space is available as requested.

Citizens on Patrol – Yucca Valley
City of Twentynine Palms
Copper Mountain College
~~Hi Desert Water District~~
League of California Cities
~~Mojave Water Agency~~
Morongo Basin Transit Authority
San Bernardino Associated Governments (SANBAG)
San Bernardino County Food Distribution Program
San Bernardino County – meetings
San Bernardino County Sheriff's Department
YV Youth Accountability Board
Yucca Valley Branch Library
Yucca Valley Chamber of Commerce

All items listed on the consent calendar are considered to be routine or non-controversial matters. 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 Parks, Recreation and Cultural Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting.

Action Motion: **Move to approve Consent Agenda items 2-6**

Move: Kraemer 2nd: Evans Vote: 5-0-0-0

PUBLIC COMMENT

None

STAFF REPORTS

7. PERIODIC AGENCY REPORT – BREHM PARK

Director Schooler introduced Brett Morrison. Mr. Morrison put up a map of the proposed Brehm Park. He reviewed the map of the complex, pointing out elements. There was conversation on the underground utilities. He stated that Edison has giving a time frame of two to three years to start that project.

Chair Abel inquired on what the expectations of the Town are. Mr. Morrison stated from what he understands Mr. Brehm would like some kind of commitment from the Town. Chair Able asked about a time frame of phase one and an agreement in place. Mr. Morrison said construction should start in early summer of this year.

Director Schooler suggested the next step would be terms of a MOU written up and presented to the Town.

8. REVIEW OF FACILITY USE POLICY

Director Schooler open discussion on the Town Facility use policy. Staff presented an edited copy of the current Facility Use Policy. Each suggested change was reviewed and comments noted.

1. 3h) Add “Non-resident – individuals whose primary residence is outside of Yucca Valley’s town limits; organizations or enterprises with a primary business address outside of Yucca Valley’s town limits”
2. 3k) Add “User group – the applicant, whether an organization, agency or individual”.
3. 4a) Add “Town of Yucca Valley Municipal Code 11.60.040(c)”
4. 4b) Replace “open” with “available for use. Add “For the purpose of determining facility use fees, weekend rates apply from Friday at 5:00 pm until Monday at 7:00 am”.
5. 5a 2) Replace “Such” with “Unless specifically designated otherwise, such”

6. 5a 3) Add "The throwing or other use of rice, birdseed, glitter, confetti in relation to the approved use of Town facilities".
7. 5a 10) Replace "in areas" with "area". Remove "or" . Add "or tobacco-related litter"
8. 5a 11) Delete "willful"
9. 6a Add "in accordance with established procedures and rental rates"
10. 7a2) Add "or other"
11. 8a) Add "18 years of age or older", Delete "or organization"
12. 8b) Replace "organizations" with "organizational representatives"
13. 8e) Replace "refuse to permit the reserved use of public Facilities" with "deny the application"
14. 8f) Replace "some or all of" with "applicant's"
15. 9b) Add "Personal checks are not accepted for facility use deposits". Change "Small Rooms \$100 to \$200". "Large Rooms \$200 to \$500". " CC Courtyard \$100 to \$200". "Kitchens \$100 to \$200". "Swimming Pool \$200 to \$500".
16. 9b 4) Add "If the user group misrepresents any material facts about the event (i.e., the serving of alcohol, etc.) the entire deposit will be forfeited".
17. 9d) Add "User groups shall not obstruct any pathways or access routes inside or outside Town buildings, or otherwise interfere with the safety or convenience of the public or other facility users".
18. 9f 3) Add "If the activity or event does not clearly meet either of the first two guidelines, it must be demonstrated that the service provided replaces the need for the Town to provide such services". Add "Recipients of waivers or fee reductions may be relocated or canceled without notice, if the facilities are required by the Town for other purposes".
19. 10a) Add "Town"
20. 11a 1) Add "The applicant shall ensure the full compliance with state and local laws regarding the consumption of alcohol during their facility use. The applicant will be held responsible for the behavior of all attendees".
21. 11 4) Replace "\$750 with \$1,000".
22. 12a) Add "Whenever alcohol will be served or sold at the event, or at other times".

23. Appendix A "Add Non Resident fee addition \$10 per hour on Soccer Fields, Softball Field, Concession Facilities, Other Facilities, Miscellaneous facility charges".
24. Appendix B Replace "Mobile Band Stage Daily Rental \$150" with "\$500" Deposit "\$500" with "\$1,000". Delete "Race timing clock" "time and score clock" "Popcorn machine" "fog machine" "Strobe light" "Tug o War rope".
25. Appendix C Add "Hi Desert Water District" "Mojave Water Agency". Remove "Yucca Valley Clean Team"

Action Motion: **Move to approve the suggested changes to the Facility Use Policy.**

Move: Collins

2nd: Silver

Vote: 5-0-0-0

STAFF INFORMATION ITEMS

Director Schooler reported that the Youth Commission had a meeting last night in which they presented themselves very well. The agenda items were Smoke Free Parks and Social Host Ordinance. The recommendations on the Social Host Ordinance and Smoke-Free Parks Ordinance are proposed to be included on the PRCC agenda during their April 12, 2011 meeting and the April 19, 2011 Town Council meeting. Director Schooler stated there was a meeting on the Senior Housing on the front parcel. Other agencies have been brought in to the loop such as Morongo Basin Adult Health and the Senior Center. In the future there would be a signal at the corner of Dumosa Avenue and Highway 62.

An agreement was signed this morning regarding the BMX track operations. Mr. Winters picked up a key and there is hope of a soft opening in the next 45 days.

Director Schooler stated that at the January meeting there was not going to be any groups in the high school pool. Now both Hi Desert Aquatics and Yucca Valley High School swim team are hoping to be in the pool soon.

Council had discussion on how they do business. A formal vote on the appointment and terms of commissions will be coming up soon. Current discussion is to eliminate the Traffic Commission, Team Yucca Valley and the Public Arts Advisory Committee.

COMMISSIONER REPORTS AND COMMENTS

1. **Chair Abel:** Chair Abel stated enjoys working with Brehm Park and seeing it through to completion.

2. **Commissioner Collins:** Commissioner Collins no comment.

3. **Commissioner Silver:** Commissioner Silver Youth Commission meeting was rewarding, she is impressed on how they work together. Thanks Director Schooler for the updates. Enjoyed the update on Brehm Park.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Jim Schooler, Community Services Director
Lynne Richardson, Museum Supervisor
Date: March 8, 2011
For Council Meeting: March 15, 2011

Subject: Hi-Desert Nature Museum 2010 Annual Report

Prior Council Review: None

Recommendation: Receive and file the Hi Desert Nature Museum's 2010 Annual Report

Summary: Staff recently completed the Hi-Desert Nature Museum's annual report covering the exhibitions, activities, programs and events that took place in 2010. The report was presented to the Parks Recreation and Cultural Commission at their March 8th meeting.

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 Item)

Discussion: The Hi-Desert Nature Museum staff recently completed the compilation of the museum's fourth annual report which provides an overview of the activities and programs conducted in 2010. The report highlights public programs, special events, exhibitions, partnerships, awards and recognition, media, attendance, and revenues. Preparing the annual report provided an excellent opportunity for staff to reflect on the past year's accomplishments as a starting point for future planning.

A copy of the annual report will be provided to each council member during the March 15, 2011 meeting. An electronic copy will be available on the museum's web site (www.hidesertnaturemuseum.org) following Council's receipt of the report.

Attachments: None

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

8. WATER CANYON AA GROUP – REDUCTION OF FACILITIES USE FEES

Director Schooler reported on a request from Water Canyon AA Group. A member has requested the use of a small room three times a week for meetings with approximately 8 -10 in attendance. They would like to meet Tuesday, Thursday and Saturday mornings 6:45am - 8:00am. Mr. Howell has requested a reduction of rental fees for this use.

Director Schooler stated that Town buildings open at 7am and a 6:45start time would impact staff scheduling. There is also no other user group in the building at 7am on a Saturday, so staff would have to be scheduled specifically for this group, and multiple shifts might be required to accommodate other Saturday activities or event.

With discussion and no representative to speak on behalf of the request, it was denied.

Action Motion: **Move to deny the reduction of fees for the Water Canyon AA group.**

Move: Abel

2nd: Collins

Vote: 4-1-0-0

9. HI DESERT NATURE MUSEUM ANNUAL REPORT

Director Schooler reported that staff has recently completed the Hi Desert Nature Museum's Annual Report, covering the exhibitions, programs and events of 2010.

Museum Supervisor Lynne Richardson handed out a copy of the report to each commissioner and described the contents of the document. She stated that the report highlights public programs, special events, exhibits, partnerships, awards, recognition, media, attendance and revenues for last year.

Commissioner Evans stated the report was fabulous. Commissioner Silver thanked staff for a great job and enjoyed the photos in the report, and noted the increase in the donations. Commissioner Collins stated staff did an incredible job on the report.

Action Motion: **Move to Receive and file the Hi Desert Nature Museum 2010 Annual Report.**

Move: Evans

2nd: Kraemer

Vote: 5-0-0-0

STAFF INFORMATION ITEMS

Director Schooler report staff is in the budget process for 2011-12. Staff anticipates another challenging year financially. The BMX track is being revamped and soon will be up and running, probably within 30 days. The Yucca Valley High School pool is in use by the high school swim team. Hi Desert Aquatics will also join them in April, and the local Special Olympics group has requested some use of the pool as well.

The Youth Commission will be bringing the Smoke-Free Parks and Social Host draft ordinances to the Commission in April for review before they go to Council.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: March 8, 2011
For Council Meeting: March 15, 2011
Subject: Warrant Register March 15, 2011

Recommendation:

Ratify the Warrant Register total of \$ 122,079.60 for checks dated February 24, 2011. Ratify Payroll Registers total of \$ 293,090.98 for checks dated February 18, 2011 through March 4, 2011.


Order of Procedure:

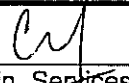
Department Report
Request Staff Report
Request Public Comment
Council Discussion
Motion/Second
Discussion on Motion
Call the Question (Roll Call)

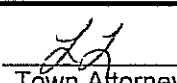
Attachments:

Payroll Register No. 34 dated February 18, 2011 total of \$ 149,108.49
Payroll Register No. 36 dated March 4, 2011 total of \$ 143,982.49
Warrant Register No. 37 dated February 24, 2011 total of \$ 122,079.60

Reviewed By:


Town Manager


Admin. Services


Town Attorney

<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

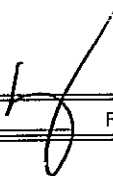
TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 34
CHECK DATE - February 18, 2011


Fund Distribution Breakdown

Fund Distribution

General Fund	\$131,876.48
Gas Tax Fund	8,026.50
Redevelopment Agency	9,205.51

Grand Total Payroll \$149,108.49

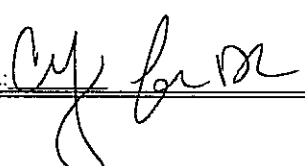
Prepared by P/R & Financial Specialist: 

Reviewed by H/R & Risk Mgr.: 

Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
 Pay Period 34 - Paid 02/18/11
 (January 29, 2011 - February 11, 2011)
 Checks: 3948-3954

	Employee	Employer	Total
Net Employee Pay			
Payroll Checks	\$3,155.56		\$3,155.56
Direct Deposit	73,071.41		73,071.41
Sub-total	\$76,226.97		\$76,226.97
Employee Tax Withholding			
Federal	12,403.98		12,403.98
Medicare	1,532.47	1,532.47	3,064.94
Social Security	-	-	-
State	4,018.13		4,018.13
Sub-total	17,954.58	1,532.47	19,487.05
Employee Benefit & Other Withholding			
Deferred Compensation	3,690.01	6,237.38	9,927.39
PERS Survivor Benefit	47.00		47.00
Health Café Plan	4,650.53	11,442.21	16,092.74
American Fidelity Pre-Tax	288.45		288.45
American Fidelity After-Tax	27.38		27.38
American Fidelity-FSA	454.86		454.86
PERS EE - Contribution 2%	1,893.44		1,893.44
PERS Retirement - Employee	59.97	5,680.22	5,740.19
PERS Retirement - Employer	-	13,776.38	13,776.38
Wage Garnishment - Employee	10.00		10.00
Life & Disability Insurance	1,016.98	-	1,016.98
Unemployment Insurance		1,029.92	1,029.92
Workers' Compensation		3,089.74	3,089.74
Sub-total	12,138.62	41,255.85	53,394.47
Gross Payroll	\$106,320.17	\$42,788.32	149,108.49

Prepared by P/R & Financial Specialist: 

Reviewed by H/R & Risk Mgr.: 

TOWN OF YUCCA VALLEY

**PAYROLL REGISTER # 36
CHECK DATE - March 4, 2011**

Fund Distribution Breakdown

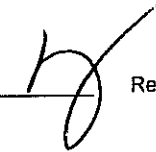
Fund Distribution

General Fund	\$125,814.75
Gas Tax Fund	9,114.99
Redevelopment Agency	9,052.75

Grand Total Payroll

\$143,982.49

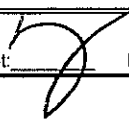
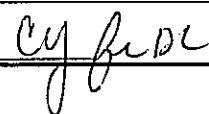
Prepared by P/R & Financial Specialist:



Reviewed by H/R & Risk Mgr.:



Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
 Pay Period 36 - Paid 3/04/11
 (February 12, 2011 through February 25, 2011)
 Checks: 3955-3961

	Employee	Employer	Total
Net Employee Pay			
Payroll Checks	\$2,854.89		\$2,854.89
Direct Deposit	72,655.49		72,655.49
Sub-total	75,510.38		75,510.38
Employee Tax Withholding			
Federal	12,803.98		12,803.98
Medicare	1,483.62	1,483.59	2,967.21
State	4,086.79		4,086.79
Sub-total	18,374.39	1,483.59	19,857.98
Employee Benefit & Other Withholding			
Deferred Compensation	2,404.33	4,060.87	6,465.20
PERS Survivor Benefit	41.00		41.00
Health Café Plan	4,650.53	11,348.11	15,998.64
American Fidelity Pre-Tax	328.35		328.35
American Fidelity After-Tax	27.38		27.38
American Fidelity-FSA	454.86		454.86
PERS EE - Contribution 2%	1,828.16		1,828.16
PERS Retirement - Employee	59.97	5,484.36	5,544.33
PERS Retirement - Employer	-	13,301.45	13,301.45
Wage Garnishment - Employee	10.00		10.00
Life & Disability Insurance		548.94	548.94
Unemployment Insurance		1,016.46	1,016.46
Workers' Compensation		3,049.36	3,049.36
Sub-total	9,804.58	38,809.55	48,614.13
Gross Payroll	\$103,689.35	\$40,293.14	\$143,982.49
Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 			

WARRANT REGISTER # 37
CHECK DATE FEBRUARY 24, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 33845 - # 33925 are valid

Checks # 33848, # 33871, # 33896, and # 33901 are included in RDA # 37

GENERAL FUND # 001	\$109,447.62
CENTRAL SUPPLIES FUND # 100	\$1,300.19
CUP DEPOSITS FUND # 200	\$380.00
COPS-SLESF FUND # 509	\$76.02
AB2928 STATE CONSTRUCTION GRANT FUND # 513	\$213.75
STREET MAINTENANCE FUND # 515	\$6,239.94
LTF FUND # 516	\$1,205.89
MEASURE I MAJOR ARTERIAL FUND # 522	\$1,890.03
MEASURE I LOCAL ROADS FUND # 523	\$23.75
MEASURE I - 2010-2040 FUND # 524	\$494.91
PUBLIC LANDS FEDERAL GRANT FUND # 527	\$308.75
PROP 1B FUND # 528	\$190.00
CA ENERGY COMMISSION FUND # 540	\$213.75
CMAQ FUND # 542	\$95.00
GRAND TOTAL	<u>\$122,079.60</u>

Prepared by Shirlene Doten, Finance  Approved by Mark Nuaimi, Town Manager _____

Reviewed by: Curtis Yakimow, Admin Svc. Dir. _____

Town of Yucca Valley

Warrant Register

February 24, 2011

Fund	Check # Vendor	Description	Amount
001	GENERAL FUND		
	33845 Ace Alternators	Facilities Maintenance	\$30.40
	33846 Animal Care Equip. & Svs.	Shelter Supplies	332.14
	33847 Action Pumping, Inc.	Septic Service	305.00
	33848 Aleshire & Wynder, LLC	Professional Services	9,538.70
	33849 Alsco/American Linen, Inc.	Facilities Maintenance Supplies	178.64
	33850 Animal Health & Sanitary Supply	Shelter Disinfectant	502.24
	33851 Barr Lumber, Inc.	Parks Maintenance	105.28
	33852 Jeff Brady	Sports Referee	80.00
	33853 Ronnie Burnette	Sports Referee	80.00
	33854 C & S Electric	Electrical Supplies	25.89
	33855 C & S Electric	Electrical Supplies	6.53
	33856 Ron Cain	Sports Referee	32.00
	33857 Caliso Learning	Museum Event Expense	150.00
	33858 Carquest Auto Parts	Facilities Maintenance	160.85
	33859 Charles Abbott & Assoc, Inc.	Professional Services	7,337.27
	33860 Clark Construc/Hal Scott Clark	Storm Clean Up 12/10	13,680.00
	33861 Companion Animal Clinic	Veterinary Supplies	114.90
	33863 Amber Cruz	Sports Referee	64.00
	33865 Desert Pacific Exterminators	Exterminator Services	49.00
	33866 Dept of Justice	Live Scan Service	66.00
	33867 Dunn Edwards Corp	Facility Maintenance	585.62
	33868 Employment Development Dept.	Unemployment Insurance	11,491.00
	33869 Ed Escalante	Sports Referee	156.00
	33870 Ewing Irrigation, Inc.	Irrigation Supplies	303.85
	33871 FedEx	Delivery Service	31.99
	33872 Fred Pryor Seminars	Cal OSHA Seminar	249.00
	33873 Fulton Distributing Co.	Janitorial Supplies	254.85
	33874 Duane Gasaway	Engineering Services	1,543.75
	33878 Art Gutierrez	Sports Referee	240.00
	33879 Hajoca Corporation	Plumbing Supplies	40.40
	33880 HdL Hinderliter, DeLlamas & Assoc	Sales Tax Services	900.00
	33881 Hi-Desert Water	Water Service	1,293.90
	33882 Hi-Desert Publishing	Advertising	944.85
	33883 Hogle-Ireland Inc.	Development Code Update	1,017.50
	33884 Inland Empire Stages Unlimited	Recreation Adult Trips	1,500.00
	33885 Kinkle, Rodiger & Spriggs	Litigation Service	4,240.50
	33886 KV Vet Supply Co.	Shelter Supplies	181.60
	33887 Brent Murphy	Sports Referee	168.00
	33888 Morongo Unified School District	Fleet Vehicle Fuel	6,999.92
	33889 Oasis Office Supply	Office Supplies	201.60
	33890 Oriental Trading Co. Inc.	Recreation Expense	63.94
	33891 Rex J. Osborne	Mediation Services	2,426.40
	33892 Pacific Telemanagement Svs.	Phone Service	82.64
	33893 Parkhouse Tires, Inc.	Fleet Tire Expense	210.26
	33894 Public Agency Retirement Services	12/10 Trust Administrator	300.00
	33895 Pet Edge	Shelter Supplies	517.92
	33896 Petty Cash-Michele Linzner	Miscellaneous Supplies	471.41
	33897 Petty Cash-Maureen Randall	Miscellaneous Supplies	225.15

Town of Yucca Valley
Warrant Register
February 24, 2011

Fund	Check #	Vendor	Description	Amount
	33898	Pro Video	Workshop Taping	170.00
	33899	Quality Street Services, Inc.	Storm Clean Up 12/10	15,060.00
	33900	Sidney Richardson	Sports Referee	172.00
	33902	SANBAG	10/11 Membership Dues	952.44
	33904	SCE	Electric Service	6,290.19
	33905	Simplot Partners, Inc.	Parks Maintenance	1,014.64
	33906	Southwest Networks, Inc.	Technology Support	5,031.63
	33907	Sprint	Phone Service	8.76
	33908	Stater Bros	Recreation Expense	41.09
	33909	Tailgunner Photography	Museum Shop Merchandise	25.00
	33910	MarilynTarbutton	Professional Services	10.00
	33911	Torrence's Farm Implements	Vehicle Maintenance	56.39
	33913	Trophy Express	Recreation Program Expense	584.27
	33914	Uline	Museum Shop Expense	137.40
	33915	Unique Crafters Co.	Museum Shop Merchandise	200.95
	33916	Unisource Worldwide, Inc.	Maintenance Supplies	403.68
	33917	Vagabond Welding Supply	Facilities Maintenance	38.06
	33918	VCA Yucca Valley Animal Hospital	Veterinary Services	505.00
	33919	Verizon	Maintenance Contract	1,730.04
	33920	Verizon	Phone Service	202.99
	33922	Walmart Community	Recreation Expense	993.10
	33923	Woods Auto Repair	Vehicle Maintenance	425.08
	33924	Yucca Valley Quick Lube	Fleet Maintenance	68.82
	33925	Yucca Valley Fire Extinguisher Co.	Annual Fire Extinguisher Svs.	1,034.71
	EFT	First Bank Card	Meetings & Operating Supplies	1,895.28
	EFT	First Bank Card	Conferences & Supplies	2,890.00
	EFT	The Home Depot	Supplies	25.21
Total 001	GENERAL FUND			\$109,447.62
100	CENTRAL SUPPLIES FUND			
	33864	Desert Images Office Equipment, Inc.	Service Contract	\$300.00
	33875	GE Capital Corporation	Copier Lease	839.28
	33889	Oasis Office Supply	Office Supplies	160.91
Total 100	CENTRAL SUPPLIES FUND			\$1,300.19
200	DEPOSITS FUND			
	33874	Duane Gasaway	Engineering Services	\$380.00
Total 200	DEPOSITS FUND			\$380.00
509	COPS-SLESF FUND			
	33921	Verizon Wireless	Phone Service	\$76.02
Total 509	COPS-SLESF FUND			\$76.02
513	AB2928-STATE CONSTRUCTION GRANT FUND			
	33874	Duane Gasaway	Engineering Services	\$213.75
Total 513	AB2928-STATE CONSTRUCTION GRANT FUND			\$213.75

Town of Yucca Valley
Warrant Register
February 24, 2011

Fund	Check # Vendor	Description	Amount
515 GAS TAX FUND			
	33849	Alsco/American Linen, Inc.	Streets Uniform Maintenance \$53.08
	33858	Carquest Auto Parts	Streets Maintenance 4.86
	33862	Crafc0, Inc.	Streets Maintenance Supplies 2,094.53
	33876	Gemini Specialized Machining	Vehicle Maintenance 900.00
	33877	Granite Construction, Inc.	Recycling Services 1,502.70
	33881	Hi-Desert Water	Water Service 288.40
	33903	SBCO-Vehicle Services	Streets Vehicles Service 729.00
	33904	SCE	Electric Service 444.65
	33912	Traffic Control Service, Inc.	Street Signs 222.72
Total 515 GAS TAX FUND			\$6,239.94
516 LTF FUND			
	33874	Duane Gasaway	Engineering Services \$1,163.75
	33871	FedEx	Delivery Service 42.14
Total 516 LTF FUND			\$1,205.89
522 MEASURE I - MAOR ARTERIAL FUND			
	33882	Hi-Desert Publishing	Hwy Median Project Ad \$299.88
	33874	Duane Gasaway	Engineering Services 1,567.50
	33871	FedEx	Delivery Service 22.65
Total 522 MEASURE I - MAOR ARTERIAL FUND			\$1,890.03
523 MEASURE I - LOCAL ROADS FUND			
	33874	Duane Gasaway	Engineering Services \$23.75
Total 523 MEASURE I - LOCAL ROADS FUND			\$23.75
524 MEASURE I - 2010-2040 FUND			
	33874	Duane Gasaway	Engineering Services \$427.50
	33871	FedEx	Delivery Service 40.46
	33904	SCE	Electric Service 26.95
Total 524 MEASURE I - 2010-2040 FUND			\$494.91
527 PUBLIC LANDS FEDERAL GRANT FUND			
	33874	Duane Gasaway	Engineering Services \$308.75
Total 527 PUBLIC LANDS FEDERAL GRANT FUND			\$308.75
528 PROP 1B FUND			
	33874	Duane Gasaway	Engineering Services \$190.00
Total 528 PROP 1B FUND			\$190.00
540 CA ENERGY COMMISSION FUND			
	33874	Duane Gasaway	Engineering Services \$213.75
Total 540 CA ENERGY COMMISSION FUND			\$213.75
542 CMAQ FUND			
	33874	Duane Gasaway	Engineering Services \$95.00
Total 542 CMAQ FUND			\$95.00

Town of Yucca Valley
Warrant Register
February 24, 2011

Fund	Check # Vendor	Description	Amount
***	Report Total		<u><u>\$122,079.60</u></u>

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Mark Nuaimi, Town Manager
Date: March 9, 2011
For Council Meeting: March 15, 2011

Subject: Financing Alternatives for Wastewater System Development

Prior Council Review: On December 8, 2010 the Town Council and HDWD Board of Directors held a joint meeting to review the status of the wastewater system development. Both agencies have formed Ad-Hoc committees to review financing strategies.

Recommendation: Provide Town staff direction on possible financial strategies

Order of Procedure:

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

Executive Summary: Town and HDWD staff members have been working on a number of potential strategies to address the challenge of delivering a wastewater treatment facility to the community. Town staff needs direction from the Town Council to continue development of these funding strategies.

Background: The Regional Water Quality Control Board (Colorado River Basin) released a staff report on December 14, 2010 supporting a Basin Plan Amendment to prohibit septic tank discharges in the Town of Yucca Valley. A copy of that staff report is included as an attachment to this item. Specifically,

“Regional Water Board staff proposes to amend Chapter 4 of the Region’s Basin Plan to also prohibit the discharge of wastes from septic systems in specific areas in the Town of Yucca Valley (Town), San Bernardino County, to mitigate and eliminate the threat of nitrate contamination to groundwater due to septic tank discharges. Because the Town lacks a municipal wastewater collection and treatment system, all residents and businesses in Yucca Valley use septic systems and subsurface disposal systems to treat and dispose of domestic wastewater. The only exceptions are Applebee’s Restaurant, the Best Western Yucca Valley Hotel, and the Desert Vista Village and Drake Development subdivisions, which utilize on-site wastewater treatment package plants.

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

Like many areas in California, the Town has experienced periods of rapid population growth and localized increases in septic system density, such as along the main business corridor, one of the areas addressed by this prohibition. This rise in system density in certain areas, combined with system failures due to age or inadequate maintenance in the Town as a whole, presents a significant threat to public health for Town residents due to increased wastewater loading to the vadose zone (unsaturated soil strata), and impacts to local groundwater used for municipal supply from nitrates, pathogens, and salts (total dissolved solids).

To assist the Town and address the threat and impacts that septic systems have on ground water quality, the Hi-Desert Water District (HDWD) has prepared a Sewer Master Plan and received sewerage authority approval from the San Bernardino County Local Agency Formation Commission. In addition, HDWD is doing groundwater recharge studies for its basins to better understand potential impacts to groundwater quality from septic system discharges, and increased septic system density. The Sewer Master Plan calls for the construction of a municipal sewage collection and wastewater treatment facility (WWTF) in three phases. The prohibition bans discharges of wastes from septic systems in Phases 1, 2, and 3 in the Town, pursuant to a time schedule, with the prohibition becoming effective for Phase 1 (essentially the main business corridor in Town) by March 17, 2016.”

Staff Report in Support of a Basin Plan
Amendment to Prohibit Septic Tank
Discharges in the Town of Yucca Valley
December 14, 2010

According to a USGS Water-Resources Investigation Report, from the late 1940s through 1994, water levels in the Warren sub-basin declined as much as 300 feet due to groundwater extraction. In response, the Hi-Desert Water District instituted an artificial recharge program in 1995 to replenish the groundwater basin using imported California State Water Project water. The artificial recharge program resulted in water-level recovery of about 250 feet between 1995 and present; however, Nitrate (NO₃) concentrations in some wells also increased from 10 mg/L to more than the U.S. EPA maximum contaminant level of 44 mg/L.

Over 10,000 households and businesses in Yucca Valley currently dispose of their wastewater using individual sewage disposal systems, or septic tanks. Studies by USGS have confirmed these septic tanks are the cause of high nitrate levels in some District groundwater wells – the community’s primary source of drinking water. Continued contamination by these septic systems could negatively impact Yucca Valley’s water supply. Recent USGS studies have indicated that nitrates from septic systems have already percolated to a depth of at least 150 feet in the older part of Yucca Valley.

To protect the water supply from potential contamination the District is working in conjunction with the California Regional Water Quality Control Board in the development and construction of the Wastewater Treatment and Water Reclamation Facility. In fact, the Regional Water Quality Control board has adopted Resolution R7-2007-0074 supporting the priority funding to the wastewater treatment and water reclamation project.

The project includes the construction of a centralized wastewater treatment and water reclamation facility and the associated collection pipelines from each property to the main facility. Preliminary cost estimates put this project at \$125 million.

To fund a project of this magnitude, the HDWD is pursuing bonds, grants, low-interest loans and other financing methods. Potential funding sources include the Bureau of Reclamation, State of California Proposition 84 Bond Funds, and State Revolving Funds. Costs not covered by grants will likely be financed over 25 years to lessen the immediate impact on the community and provide that future residents and businesses pay their fair share of the cost. A rate study was completed to develop a fair and equitable rate structure.

Discussion: The HDWD has requested the Town's assistance in identifying financial resources to help deliver the wastewater project. HDWD staff developed preliminary cost estimates for property owners in the community. These cost estimates are:

Capital Costs (Cost of the plant, collection system to the property line, financing, and planning costs)

Assessment liens will be determined on an Equivalent Dwelling Unit (EDU) basis with a Single Family Residence being used as the base unit. 1 EDU = 210 gallons of wastewater/day, which is based on consultant Montgomery Watson Harza's analysis for determining wastewater flows and sizing for system capacity. — January 2009 Sewer Master Plan and Preliminary Design Report.

Developed SFR parcel	= 1 EDU
Multi-family unit/parcel	= 3/4 EDU
Mobile home unit	= 3/4 EDU
Commercial/Industrial/Institutional*	= 1 EDU or 80% of average daily water use, whichever is greater.

*Institutional = Hospitals, churches, schools, convalescent homes, public facilities, etc.

Phase 1—Developed

Assessment Cost by EDU	=	\$14,600 (before grants)
with 30% Grants	=	<u>\$10,220</u>
Annual Assessment*	=	\$620 per year / \$52 per month

All others (Phases 2, 3* and undeveloped Phase 1**)**

Assessment Cost by EDU	=	\$4,100 (before grants)
with 30% Grants	=	<u>\$2,870</u>
Annual Assessment*	=	\$174 per year / \$15 per month

The HDWD has hosted a number of public information meetings with the public and received considerable comments concerning the financial impacts of such a project. Specific concerns regarding impacts to low income customers, hospitality businesses (hotels, motels, etc.), and the availability of low interest funding sources has been a common theme.

Town staff has been working on a number of scenarios to provide potential funding sources for the wastewater system development. These include:

- Transient Occupancy Tax
- Sales Tax
- Town "Loan" to the HDWD

Transient Occupancy Tax (TOT) --

Section 3.24.030 of the Town's Municipal Code allows for the imposition of a Transient Occupancy Tax. *"For the privilege of occupancy in any hotel, each transient is subject to, and shall pay a tax in the amount of seven percent (7%) of the rent charged by the operator or otherwise payable by the transient. Insofar as the transient is concerned, said tax constitutes a debt owed by the transient to the operator or to the town. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If the tax is not paid to the hotel operator, the tax administrator may require payment directly to him. (Ord. 94, 8-20-1998)"*

A survey of agencies across the Inland Empire reveals that the Town's current TOT (7%) is one of the lowest in the region. Staff has analyzed the potential revenue if the TOT were increased to 12%.

Agency	County	Rate
Palm Springs	Riverside	13.5%
Blythe	Riverside	13.0%
Barstow	San Bernardino	12.5%
Desert Hot Springs	Riverside	12.0%
Yucca Valley (Proposed)	San Bernardino	12.0%
Ontario	San Bernardino	11.8%
Cathedral City	Riverside	11.0%
La Quinta	Riverside	11.0%
Riverside	Riverside	11.0%
Adelanto	San Bernardino	10.0%
Beaumont	Riverside	10.0%
Calimesa	Riverside	10.0%
Canyon Lake	Riverside	10.0%
Chino Hills	San Bernardino	10.0%
Colton	San Bernardino	10.0%
Corona	Riverside	10.0%
Hemet	Riverside	10.0%
Hesperia	San Bernardino	10.0%
Indio	Riverside	10.0%
Lake Elsinore	Riverside	10.0%
Loma Linda	San Bernardino	10.0%
Menifee	Riverside	10.0%
Montclair	San Bernardino	10.0%
Murrieta	Riverside	10.0%
Needles	San Bernardino	10.0%
Perris	Riverside	10.0%

Agency	County	Rate
Rancho Cucamonga	San Bernardino	10.0%
Rancho Mirage	Riverside	10.0%
Redlands	San Bernardino	10.0%
San Bernardino	San Bernardino	10.0%
Upland	San Bernardino	10.0%
Wildomar	Riverside	10.0%
Indian Wells	Riverside	9.3%
Coachella	Riverside	9.0%
Palm Desert	Riverside	9.0%
Rialto	San Bernardino	9.0%
Twentynine Palms	San Bernardino	9.0%
Big Bear Lake	San Bernardino	8.0%
Chino	San Bernardino	8.0%
Fontana	San Bernardino	8.0%
Moreno Valley	Riverside	8.0%
Norco	Riverside	8.0%
San Jacinto	Riverside	8.0%
Temecula	Riverside	8.0%
Highland	San Bernardino	7.0%
Victorville	San Bernardino	7.0%
Yucaipa	San Bernardino	7.0%
Yucca Valley (Current)	San Bernardino	7.0%
Apple Valley	San Bernardino	6.0%
Banning	Riverside	6.0%
Grand Terrace	San Bernardino	none

As shown below, current TOT revenues provides approximately \$150,000 to the Town's General Fund. An increase to 12% (5% increase) would generate an additional \$100,000 per year. Town staff has analyzed a scenario where additional resources from a TOT increase could be allocated to cover the connection costs for local hotel / motel users in the community. These ten businesses represent nearly \$1 million in connection fees to the HDWD sewer system under the current assessment structure being presented to the community. Every year, Town staff would credit the increased TOT and loan those funds to the HDWD to cover the connection costs for these businesses. Once a business has sufficient credit to pay their connection, the additional TOT generated by that business could be allocated to additional subsidy programs (low income, non-profits, restaurants) as defined by the HDWD & Town of Yucca Valley.

Town of Yucca Valley TOT Collections Fiscal Year 09/10 Actual											
	Business "A"	Business "B"	Business "C"	Business "D"	Business "E"	Business "F"	Business "G"	Business "H"	Business "I"	Business "J"	
FY 09/10 TOT Totals	\$59,887.51	\$906.57	\$2,641.45	\$2,990.16	\$1,030.05	\$6,653.06	\$2,480.56	\$42,552.64	\$22,261.75	\$1,043.12	\$142,446.87
5% Increase in TOT	\$42,776.79	\$647.55	\$1,886.75	\$2,135.83	\$735.75	\$4,752.19	\$1,771.83	\$30,394.74	\$15,901.25	\$745.09	\$101,747.77
Sewer Connection Assessment	\$150,956	\$18,351	\$24,016	\$41,409	\$15,319	\$224,201	\$20,984	\$171,382	\$289,067	\$28,484	\$984,169
											Additional Resources Subsidy
2013	\$108,180	\$17,703	\$22,129	\$39,273	\$14,583	\$219,448	\$19,212	\$140,987	\$273,166	\$27,739	\$0
2014	\$ 65,403	\$ 17,056	\$ 20,242	\$ 37,138	\$ 13,846	\$ 214,696	\$ 17,440	\$ 110,592	\$ 257,265	\$ 26,994	\$0
2015	\$ 22,626	\$ 16,408	\$ 18,356	\$ 35,002	\$ 13,112	\$ 209,944	\$ 15,668	\$ 80,198	\$ 241,363	\$ 26,249	\$20,151
2016	\$ -	\$ 15,761	\$ 16,469	\$ 32,866	\$ 12,376	\$ 205,192	\$ 13,897	\$ 49,803	\$ 225,462	\$ 25,503	\$42,777
2017	\$ -	\$ 15,113	\$ 14,582	\$ 30,730	\$ 11,640	\$ 200,440	\$ 12,125	\$ 19,408	\$ 209,561	\$ 24,758	\$53,763
2018	\$ -	\$ 14,466	\$ 12,695	\$ 28,594	\$ 10,905	\$ 195,687	\$ 10,353	\$ -	\$ 193,660	\$ 24,013	\$73,172
2019	\$ -	\$ 13,818	\$ 10,809	\$ 26,458	\$ 10,169	\$ 190,935	\$ 8,501	\$ -	\$ 177,758	\$ 23,268	\$73,172
2020	\$ -	\$ 13,171	\$ 8,922	\$ 24,323	\$ 9,433	\$ 186,183	\$ 6,809	\$ -	\$ 161,857	\$ 22,523	\$73,172
2021	\$ -	\$ 12,523	\$ 7,035	\$ 22,187	\$ 8,687	\$ 181,431	\$ 5,037	\$ -	\$ 145,956	\$ 21,778	\$73,172
2022	\$ -	\$ 11,875	\$ 5,148	\$ 20,051	\$ 7,982	\$ 176,679	\$ 3,266	\$ -	\$ 130,055	\$ 21,033	\$73,172
2023	\$ -	\$ 11,228	\$ 3,262	\$ 17,915	\$ 7,226	\$ 171,926	\$ 1,494	\$ -	\$ 114,153	\$ 20,288	\$73,450
2024	\$ -	\$ 10,580	\$ 1,375	\$ 15,779	\$ 6,490	\$ 167,174	\$ -	\$ -	\$ 98,252	\$ 19,543	\$75,455
2025	\$ -	\$ 9,933	\$ -	\$ 13,644	\$ 5,754	\$ 162,422	\$ -	\$ -	\$ 82,351	\$ 18,798	\$76,830
2026	\$ -	\$ 9,285	\$ -	\$ 11,508	\$ 5,019	\$ 157,670	\$ -	\$ -	\$ 66,450	\$ 18,053	\$76,830
2027	\$ -	\$ 8,638	\$ -	\$ 9,372	\$ 4,283	\$ 152,918	\$ -	\$ -	\$ 50,548	\$ 17,308	\$76,830
2028	\$ -	\$ 7,990	\$ -	\$ 7,236	\$ 3,547	\$ 148,166	\$ -	\$ -	\$ 34,647	\$ 16,562	
2029	\$ -	\$ 7,343	\$ -	\$ 5,100	\$ 2,811	\$ 143,413	\$ -	\$ -	\$ 18,746	\$ 15,817	
2030	\$ -	\$ 6,695	\$ -	\$ 2,964	\$ 2,076	\$ 138,661	\$ -	\$ -	\$ 2,845	\$ 15,072	
2031	\$ -	\$ 6,047	\$ -	\$ 829	\$ 1,340	\$ 133,909	\$ -	\$ -	\$ -	\$ 14,327	
2032	\$ -	\$ 5,400	\$ -	\$ -	\$ 604	\$ 129,157	\$ -	\$ -	\$ -	\$ 13,582	
2033	\$ -	\$ 4,752	\$ -	\$ -	\$ -	\$ 124,405	\$ -	\$ -	\$ -	\$ 12,837	
2034	\$ -	\$ 4,105	\$ -	\$ -	\$ -	\$ 119,652	\$ -	\$ -	\$ -	\$ 12,092	
2035	\$ -	\$ 3,457	\$ -	\$ -	\$ -	\$ 114,900	\$ -	\$ -	\$ -	\$ 11,347	
2036	\$ -	\$ 2,810	\$ -	\$ -	\$ -	\$ 110,148	\$ -	\$ -	\$ -	\$ 10,602	
2037	\$ -	\$ 2,162	\$ -	\$ -	\$ -	\$ 105,396	\$ -	\$ -	\$ -	\$ 9,857	
2038	\$ -	\$ 1,515	\$ -	\$ -	\$ -	\$ 100,644	\$ -	\$ -	\$ -	\$ 9,112	
2039	\$ -	\$ 867	\$ -	\$ -	\$ -	\$ 95,892	\$ -	\$ -	\$ -	\$ 8,367	
2040	\$ -	\$ 220	\$ -	\$ -	\$ -	\$ 91,139	\$ -	\$ -	\$ -	\$ 7,621	
2041	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 86,387	\$ -	\$ -	\$ -	\$ 6,876	
2042	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 81,635	\$ -	\$ -	\$ -	\$ 6,131	
2043	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 76,883	\$ -	\$ -	\$ -	\$ 5,386	
2044	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 72,131	\$ -	\$ -	\$ -	\$ 4,641	
2045	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 67,378	\$ -	\$ -	\$ -	\$ 3,896	
2046	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 62,626	\$ -	\$ -	\$ -	\$ 3,151	
2047	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 57,874	\$ -	\$ -	\$ -	\$ 2,406	
2048	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 53,122	\$ -	\$ -	\$ -	\$ 1,661	
2049	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 48,370	\$ -	\$ -	\$ -	\$ 916	
2050	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 43,617	\$ -	\$ -	\$ -	\$ 171	
2051	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 38,865	\$ -	\$ -	\$ -	\$ -	

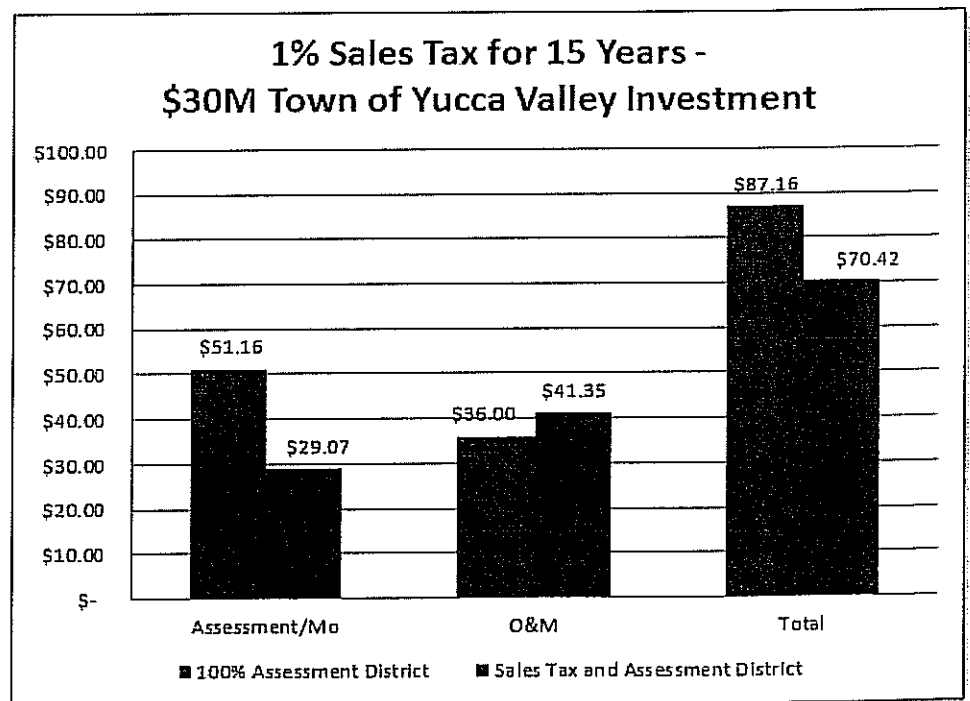
In this scenario, over \$850,000 is available in the first 15 years of the increased TOT revenue stream for potential subsidy programs. The Town could elect to continue to use these increased TOT revenues for a subsidy program beyond 15 years. However, staff reminds the Council that additional resources are also required to support Town priorities as well.

Transaction and Use (Sales) Tax --

At the Strategic Planning discussion of January 7, 2011, the Town Council was presented with a scenario for imposition of a sales tax that started at 1% and stepped down and sunset after a ten year period that would be used to deliver road and park improvements. This scenario provided roughly \$20 million to address the Town's deferred road maintenance and unmet park requirements. Staff emphasized that a key factor in proposing a sales tax was **that over 40% of sales taxes are generated by non-residents** shopping in our community.

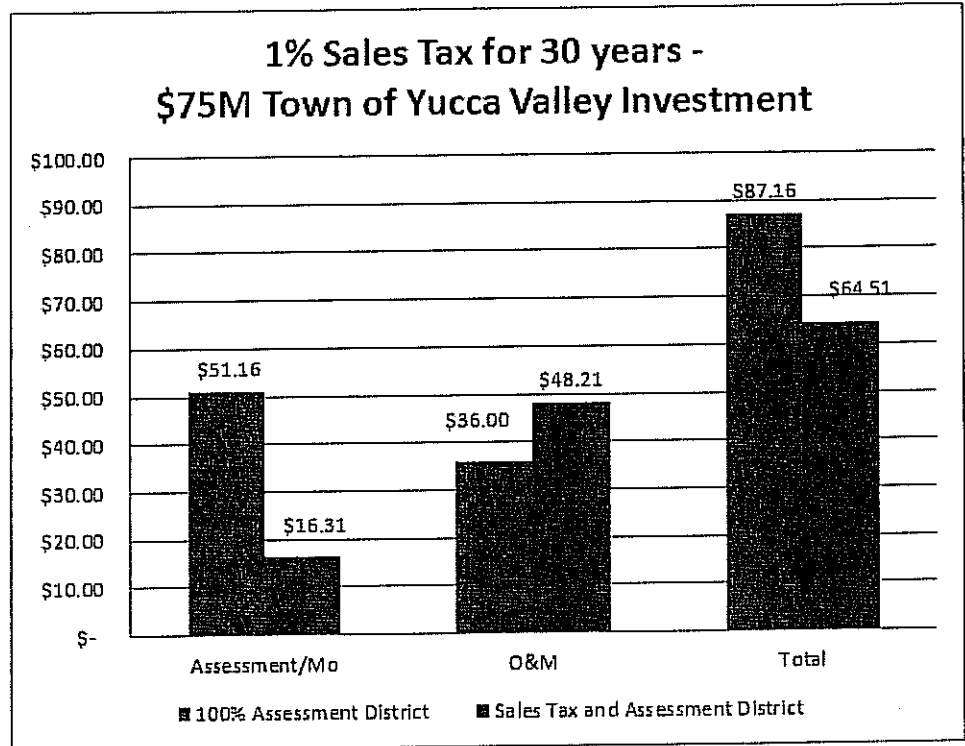
As staff has met with HDWD representatives, the concept was developed of extending a sales tax measure whereby the additional resources could be used to provide financing for the wastewater treatment facility. While an unlimited number of scenarios exist, Town staff is presenting three scenarios for Town Council consideration. In all of these scenarios, the sales tax revenues are collected by the Town of Yucca Valley and a portion are made available to the HDWD as financing for the system. In each of these scenarios, the Town would invest in the wastewater treatment system and would receive lease payments from the HDWD. In each of these scenarios, the Town's investment would be repaid over a 50 year term with a 0.5% interest rate charged to the HDWD (well below the assumed 3.5%, 25 year terms built in the current assessment discussions). By providing a longer term, lower interest rate resource, the HDWD is able to reduce the assessment imposed on their ratepayers and save their customer considerable resources over the life of their investment.

Scenario 1: 15 Year Sales Tax; 1% Constant Rate – in this scenario, the 1% sales tax is extended from the original 10 year sunset to a 15 year sunset. Additionally, rather than stepping down like the original measure, this sales tax measure would remain at a constant 1%. This would produce the same \$20 million for local roads & park needs **AND an additional \$30 million for sewer system financing.** In exchange for the investment, the Town would receive lease payments (starting in 2022) at an amount around \$774,000¹ per year for 50 years. The lease payments would be funded as part of the O&M of the sewer system. A comparison of rates is shown here.

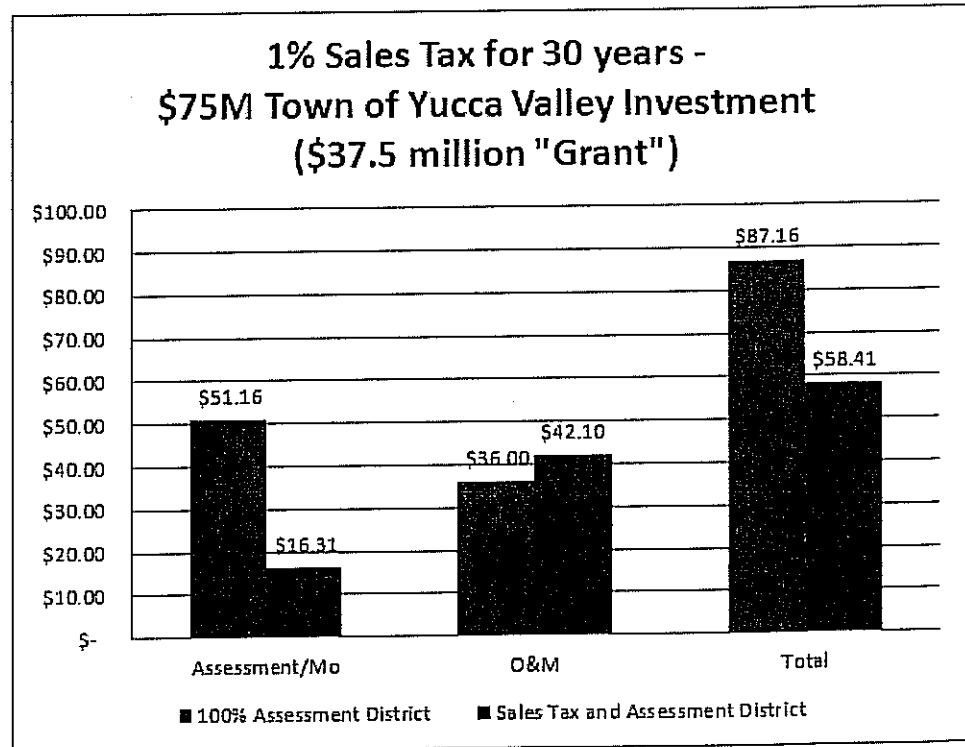


¹ Annual payment amount will be calculated based upon actual investment made by the Town through various revenue alternatives,

Scenario 2: 30 Year Sales Tax; 1% Constant Rate – in this scenario, the 1% sales tax is extended from the original 10 year sunset to a 30 year sunset. Like scenario 1, this sales tax measure would remain at a constant 1%. This would produce the same \$20 million for local roads & park needs **AND an additional \$75 million for sewer system financing.** In exchange for the investment, the Town would receive lease payments (starting in 2022) at an amount around \$1,700,000 per year for 50 years. The lease payments would be funded as part of the O&M of the sewer system. A comparison of rates is shown here.



Scenario 3: 30 Year Sales Tax; 1% Constant Rate, 50% Grant Credit – This scenario is the same as Scenario 2, producing the same \$20 million for local roads & park needs **AND an additional \$75 million for sewer system financing.** In this scenario, the Town would credit half of the investment to the benefit of the customers, similar to grant opportunities from the State Revolving Loan program, resulting in reduced lease payments (starting in 2022) at an amount around \$883,000 per year for 50 years. The lease payments would be funded as part of the O&M of the sewer system.



Each of these sales tax scenarios reduces the amount of assessment per EDU that the HDWD would need to impose on customers as compared to the current planned assessment (\$52 / month, \$10,220 assessment assuming 30% Grants). The following table summarizes these savings and also calculates a "lifetime" savings per EDU. It should be noted that if development occurs in Town, the annual O&M costs per EDU associated with the Town's lease payment will decrease, yielding even more savings to the customers.

		Original Assessment	Scenario 1 (2%, 15 yr)	Scenario 2 (2%, 25 yr)	Scenario 3 (2%, 25 yr, 50% Grant)
Phase 1 Developed	Assessment Cost (Before Grants)	\$ 14,600	\$ 9,799	\$ 5,496	\$ 5,496
	with 30% grants	\$ 10,220	\$ 6,859	\$ 3,847	\$ 3,847
	Monthly Assessment	\$ 51.16	\$ 29.07	\$ 16.31	\$ 16.31
	Annual Assessment	\$ 613.92	\$ 348.88	\$ 195.67	\$ 195.67
Phase 1 Undeveloped Phase 2 & Phase 3	Assessment Cost (Before Grants)	\$ 4,100	\$ 2,207	\$ 1,238	\$ 1,238
	with 30% grants	\$ 2,870	\$ 1,545	\$ 866	\$ 866
	Monthly Assessment	\$ 14.37	\$ 2.58	\$ 1.45	\$ 1.45
	Annual Assessment	\$ 172.44	\$ 30.98	\$ 17.38	\$ 17.38
Phase 1 Developed	Monthly O&M	\$ 36.00	\$ 41.35	\$ 48.21	\$ 42.10
	Annual O&M	\$ 432.00	\$ 496.19	\$ 578.49	\$ 505.25
Phase 1 Undeveloped Phase 2 & Phase 3	Monthly O&M	\$ -	\$ 55.35	\$ 12.21	\$ 6.10
	Annual O&M	\$ -	\$ 64.19	\$ 146.49	\$ 73.25
Annual Savings to Customers (2016-2041)			\$ 265.04	\$ 418.25	\$ 418.25
Annual Cost Increase to Customers (2022-2072)			\$ (64.19)	\$ (146.49)	\$ (73.25)
Lifetime Savings vs Original Assessment			\$ 3,416.30	\$ 3,131.67	\$ 6,793.93

Town Loan(s) --

In discussions with the staff from HDWD, the driving force to moving the assessment district vote forward this year is the lack of resources to move the design of the wastewater system forward. Such a design is estimated to cost between \$8-9 million and take 12-18 months to complete. The lack of a shelf-ready design also makes it difficult to accurately predict the final costs for construction of the system and reduces the competitiveness of the system to pursue grant funding opportunities.

Town staff has suggested that there may be resources available to loan the HDWD to support the development of the design. These resources could include loans from the Redevelopment Agency, Community Development Block Grant funding, and/or funding from the potential sales tax measure that would be earmarked for the deferred road maintenance requirements in the community. Any loans would be treated as an investment by the Town in the development of the sewer system. These investments would be included in future lease payment schedules to the Town.

Sales Tax Loan -- As was shared at the December 8, 2010 joint meeting with the HDWD Board, there is approximately \$6 million of deferred road maintenance required within the Phase I boundaries for the sewer project. Given that a sales tax measure would generate approximately \$2 million / year in the first 3 years for road maintenance, the Town could "loan" (invest) those funds in the design of the sewer system in exchange for the incorporation of the deferred road maintenance projects in the Phase I sewer system development. As the sewer system goes to construction, the deferred road maintenance projects would be bid with the total project. It is staff's expectation that such an approach would yield considerable savings through reduced mobilization costs, reduced interference in the community, and economy of scale of operations.

Redevelopment Loan – The Redevelopment Agency has capital bond proceeds that are not scheduled for expenditure in the next 24 months. These funds could be a source of funding for the HDWD to allow for continued progress on the system design. Repayment terms could be negotiated either as a component of the proposed lease payment back to the Town, direct repayment back to the Agency, through potential investments tied to the Town's need for reclaimed water, or to pre-pay the Town's connection obligations to the sewer system for all Town properties in Phase I.

Community Development Block Grant (CDBG) Loan – As staff presented at the last Town Council meeting (March 1, 2011), there will be unobligated CDBG funds once funding is shifted to complete the playground Improvements at Town hall. Town Council could direct that these CDBG funds be made available to the sewer system development. One suggestion is to have these funds credited against the costs for non-profit organizations to connect to the sewer system.

Conclusion: Town staff has identified a number of potential funding sources to assist in the development of the regional wastewater treatment facility. The TOT & Sales Tax measures would require voter approval to implement. The potential loans could be established without voter approval. Based upon the analysis, staff believes that a combination of a TOT Measure and a Sales Tax Measure would:

- Create a low-cost (0.5% APR, 50 year term) funding source for the HDWD. **A good portion (over 40%) of these resources will be provided by visitors and non-residents who shop or stay in our community;**
- Establish subsidy / assistance program(s) for key constituents;
- Establish a recurring revenue stream (through establishment of lease payment) for 50 years to the General Fund;
- Dramatically reduce the required assessment / EDU for property owners;
- Generate sufficient resources to address current Town deficiencies in road maintenance and park development / maintenance;

Town staff has also timed the lease payment requirement to coincide with when taxpayers in the Town will be paying-off their investment in the water pipeline project through Mojave water agency. This timing will reduce the overall impact to the taxpayers for ensuring a reliable and safe drinking water supply.

Depending upon the input from Town Council, HDWD Board of Directors, and community stakeholders, Town staff will prepare an implementation timetable to bring these revenue measures forward. Since both a Sales Tax and a TOT Tax are "General" taxes, they are typically scheduled at the next regular election for the Town Council. However, if a "Fiscal Emergency" is declared, a Special Election can be scheduled at any time to introduce potential revenue measures.

Finally, based upon the duration of a potential sales tax measure (15 years vs 30 years), Town staff believes that the amount of TOT increase could be reduced from a 5% increase to a 3% increase (10% TOT vs proposed 12% TOT vs current 7% TOT).

Alternatives: The Town Council can determine that none of these revenue scenarios are appealing and direct staff to discontinue discussions along this path.

Fiscal impact: While this item has no specific fiscal impact at this time, pursuing potential revenue measure(s) will require resources to structure the ballot measure(s), conduct a public information campaign, and conduct an election. These costs will be built into the FY 2011/12 Budget if Council so chooses to pursue this direction.

Attachments: **Staff Report in Support of a Basin Plan Amendment to Prohibit Septic Tank Discharges in the Town of Yucca Valley December 14, 2010**



**STAFF REPORT IN SUPPORT OF A BASIN PLAN
AMENDMENT TO PROHIBIT SEPTIC TANK
DISCHARGES IN THE TOWN OF YUCCA VALLEY**

California Regional Water Quality Control Board
California Environmental Protection Agency

Prepared by

Regional Water Board Staff

**California Regional Water Quality Control Board
Colorado River Basin Region**

DECEMBER 2010

DRAFT

- I. EXECUTIVE SUMMARY 2
- II. INTRODUCTION 4
- III. BACKGROUND..... 5
 - 1. YUCCA VALLEY – GROUNDWATER USE 5
 - 2. YUCCA VALLEY – AREA DESCRIPTION..... 6
 - 3. YUCCA VALLEY - GEOLOGY AND HYDROGEOLOGIC SETTING 7
 - 4. SEPTIC SYSTEM USE IN YUCCA VALLEY 10
- IV. REGULATORY BASIS 12
 - 1. BASIN PLAN – BENEFICIAL USE 12
 - 2. BASIN PLAN – GROUNDWATER QUALITY OBJECTIVES 12
 - 3. GUIDELINES FOR DESIGNING SEPTIC SYSTEMS 12
- V. PROBLEM STATEMENT 14
 - 1. WATER QUALITY AND PUBLIC HEALTH ISSUES ASSOCIATED WITH SEPTIC SYSTEM USE 14
 - 2. MAINTENANCE PROBLEMS AND FAILURES ASSOCIATED WITH SEPTIC SYSTEMS 15
 - 3. WATER QUALITY AND PUBLIC HEALTH IMPACTS OF SEPTIC SYSTEM USE IN YUCCA VALLEY 20
- VI. REGULATORY APPROACHES TO ADDRESS SEPTIC SYSTEM FAILURE IN YUCCA VALLEY 22
 - 1. MEMORANDUM OF AGREEMENT 22
 - 2. BASIN PLAN AMENDMENT 22
 - 3. PROHIBITION OF NEW DISCHARGES? 28
- VII. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONSIDERATION OF ALTERNATIVES 29
- VIII. RECOMMENDED ALTERNATIVE – SEPTIC SYSTEM PROHIBITION ... 30
- IX. PUBLIC PARTICIPATION 31
- X. SCIENTIFIC PEER REVIEW 32
- XI. SUMMARY 32

I. EXECUTIVE SUMMARY

The State Water Resources Control Board (State Water Board) and the nine Regional Water Quality Control Boards (regional water boards) are the "principal state agencies with primary responsibility for the coordination and control of water quality" (California Water Code (CWC) § 13001 of the Porter-Cologne Water Quality Control Act, CWC § 13000 et seq.). The State Water Board develops statewide policy, and each of the nine regional water boards adopts a region-specific water quality control plan (Basin Plan) in accordance with the California Water Code and the federal Clean Water Act (42 U.S.C. § 1251 et seq.). Basin Plans provide guidelines and describe the full range of regional water board activities that serve to optimize the beneficial uses of state waters by preserving and protecting water quality.

The Colorado River Basin Regional Water Quality Control Board (Regional Water Board) is responsible for protecting water quality within the Colorado River Basin Region (Region 7). The Region's Basin Plan provides the basis for the Regional Water Board's regulatory programs. The Basin Plan specifies beneficial uses and water quality objectives (jointly referred to as "water quality standards" in the Clean Water Act) for ground and surface waters within its region, and provides implementation plans that describe permitting options, waste discharge prohibitions, monitoring and enforcement, salt and nutrient controls, and other control measures necessary to preserve and protect water quality and beneficial uses. The Basin Plan also includes prohibitions on the use of septic tank-subsurface disposal systems (septic systems) in specific areas of Region 7.

Regional Water Board staff proposes to amend Chapter 4 of the Region's Basin Plan to also prohibit the discharge of wastes from septic systems in specific areas in the Town of Yucca Valley (Town), San Bernardino County, to mitigate and eliminate the threat of nitrate contamination to groundwater due to septic tank discharges. Because the Town lacks a municipal wastewater collection and treatment system, all residents and businesses in Yucca Valley use septic systems and subsurface disposal systems to treat and dispose of domestic wastewater. The only exceptions are Applebee's Restaurant, the Best Western Yucca Valley Hotel, and the Desert Vista Village and Drake Development subdivisions, which utilize on-site wastewater treatment package plants. Like many areas in California, the Town has experienced periods of rapid population growth and localized increases in septic system density, such as along the main business corridor, one of the areas addressed by this prohibition. This rise in system density in certain areas, combined with system failures due to age or inadequate maintenance in the Town as a whole, presents a significant threat to public health for Town residents due to increased wastewater loading to the vadose zone (unsaturated soil strata), and impacts to local groundwater used for municipal supply from nitrates, pathogens, and salts (total dissolved solids).

To assist the Town and address the threat and impacts that septic systems have on ground water quality, the Hi-Desert Water District (HDWD) has prepared a Sewer Master Plan and received sewerage authority approval from the San Bernardino County Local Agency Formation Commission. In addition, HDWD is doing groundwater recharge studies for its basins to better understand potential impacts to groundwater quality from septic system discharges and increased septic system density. The Sewer Master Plan calls for the construction of a municipal sewage collection and wastewater treatment facility (WMTF) in three phases. The prohibition bans discharges of wastes from septic systems in Phases 1, 2, and 3 in the Town, pursuant to a time schedule, with the prohibition becoming effective for Phase 1 (essentially the main business corridor in Town) by March 17, 2016.

DRAFT

II. INTRODUCTION

Each regional water board is required to develop a water quality control plan, referred to as a Basin Plan, for the waters within its jurisdiction (CWC § 13240). The Basin Plan implements relevant provisions of the federal Clean Water Act and the California Water Code, and includes water quality objectives and beneficial uses for ground and surface waters within its region.

The Basin Plan also identifies implementation plans to achieve water quality objectives (CWC § 13242). Implementation plans may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted (CWC § 13243). A prohibition on the use of septic systems must: "be supported by substantial evidence in the record that discharge of wastes from such disposal systems will result in violation of water quality objectives, will impair present or future beneficial uses of water, will cause pollution, nuisance or contamination,^[1] or will unreasonably degrade the quality of any waters in the state" (CWC § 13280). The current (2006) Basin Plan for the Colorado River Basin includes prohibitions on the use of septic systems in Cathedral Cove, and in areas that overlie the Mission Creek and Robert Hot Springs Aquifers. These prohibitions were adopted in 2002 and 2004, respectively.

Regional Water Board staff is proposing to amend the Basin Plan to include a conditional prohibition of discharge from septic systems in specific areas of the Town of Yucca Valley (Town). Substantial evidence exists to indicate that septic system usage in the Town has caused a violation of water quality objectives in groundwater and threatens to cause conditions of pollution, contamination, and nuisance. The evidence also indicates that Nitrates from septic system discharges have impaired water quality and beneficial uses in the Warren Subbasin. Furthermore, failing septic systems and increased septic system density caused by periods of high growth can exacerbate nitrate contamination to groundwater. In short, the continued discharges of wastes from these septic systems would unreasonably degrade the quality of and result in widespread pollution of waters of the state. Therefore, the statutory requirements of CWC Sections 13243 and 13280 to impose this conditional prohibition have been satisfied.

¹ "Pollution" is defined as "(1) an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) The waters for beneficial uses. (B) Facilities which serve these beneficial uses. (2) 'Pollution' may include 'contamination.'" (CWC § 13050(l).)

"Contamination" is defined as "an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. 'Contamination' includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected." (CWC § 13050(k).)

"Nuisance" is defined as "anything which meets all of the following requirements: (1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (3) Occurs during, or as a result of, the treatment or disposal of wastes." (CWC § 13050(m))

III. BACKGROUND

1. YUCCA VALLEY – GROUNDWATER USE

Historically, the sole source of municipal water supply for the Town is groundwater extracted from the Warren Subbasin, which is part of the Mojave Groundwater Basin. The Hi-Desert Water District (HDWD), the local water purveyor, initiated an artificial recharge program in February 1995 to reverse a decline in groundwater levels, which in some areas dropped about 300 feet from 1940 to 1995. HDWD operates thirteen supply wells in the Valley, and imports water from the California State Water Project (SWP) to recharge the Warren Subbasin through surface spreading. As a result of this recharge effort, groundwater levels have recovered by as much as 250 feet from 1995 to 2001.

Associated with the water level recovery, however, were groundwater nitrate (NO_3) concentration increases from background concentrations of 40 mg/L to levels exceeding the United States Environmental Protection Agency (USEPA) drinking water maximum contaminant level (MCL) and California Department of Public Health Primary MCL of 45 mg/L as nitrate (10 mg/L nitrate as nitrogen). As a result, HDWD removed wells 36L1 and 36K2 from service (see Figure B), and constructed a nitrate removal facility to treat groundwater extracted from three other impacted wells. The treated groundwater was then blended with well water not impacted by nitrate before distribution to the public. HDWD operated the nitrate removal facility from 2002 through November 2009.

In 2002, HDWD completed a "Drinking Water Source Assessment" report for each of its thirteen production wells. The assessment indicated that District wells ranked "very high" for vulnerability to nitrate contamination from septic systems, and that eight wells intersected nitrate plumes generated by septic system discharges. The District installed the above-mentioned water treatment facility to remove nitrates from groundwater. (Hi-Desert Water District, Source Water Assessments, December 2002)

In a 2003 report prepared by the U.S. Geological Survey, titled "Evaluation of the Source and Transport of High Nitrate Concentrations in Groundwater, Warren Subbasin, California" Water-Resources Investigations Report 03-4009 (USGS Report) (Appendix A), the USGS concluded that "septage from septic tanks was the primary source of nitrate (NO_3) to the ground-water system." (USGS Study, page 1). This USGS study was begun in 1997 in cooperation with HDWD and the Mojave Water Agency, in conjunction with the artificial groundwater recharge program.

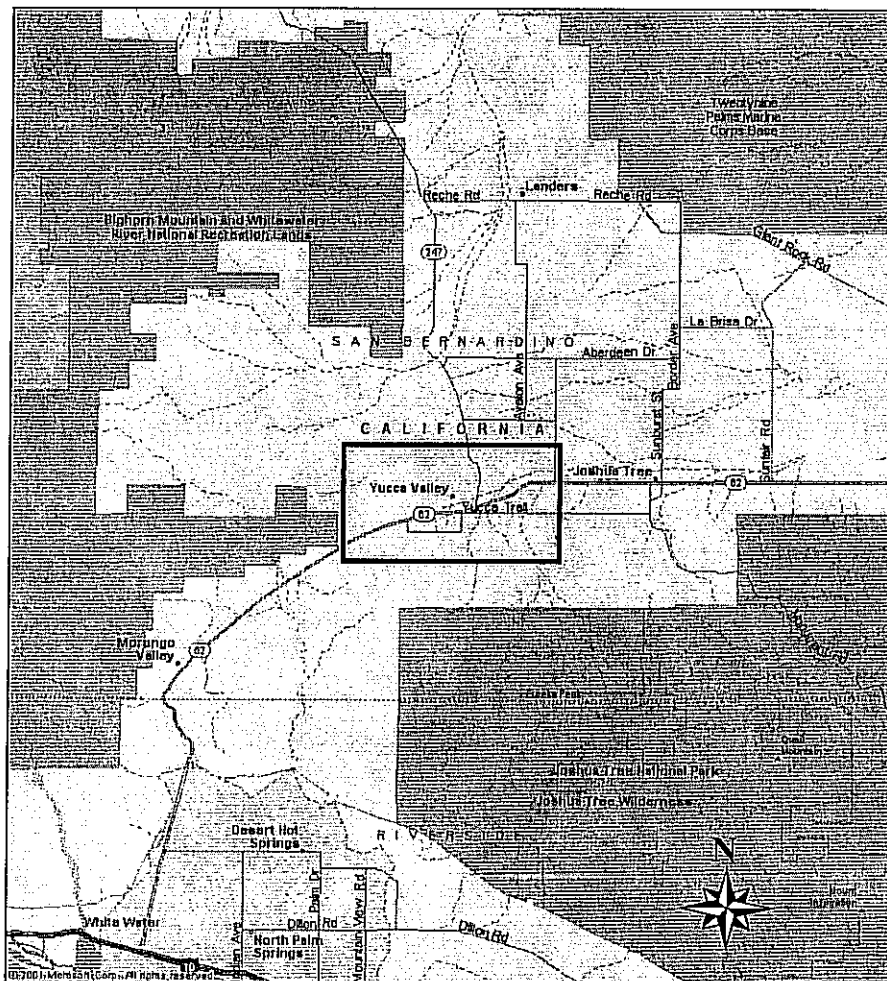
2. YUCCA VALLEY – AREA DESCRIPTION

The Town is in the southwestern area of the Mojave Desert, approximately 25 miles north of Palm Springs and 100 miles east of Los Angeles (Figure A). This southwestern part of the Mojave Desert is bordered to the north by the San Bernardino Mountains and to the south by the Little San Bernardino Mountains. The Town of Yucca Valley is the main population center in the area. The Town has experienced steady growth, increasing in population from 16,495 in 1992 to 21,044 in 2007. The current population is estimated at 25,500. Conservative growth estimates prepared for the Town of Yucca Valley by Stanley R. Hoffman and Associates indicate the Town's population will exceed 30,000 in 2021. These data were included in the Technical Advisory Committee's socio-economic sub-groups final report to the larger committee (see Section XI Public Participation below).

Annual rainfall in Yucca Valley averages 4.5 inches with most of this water lost to evaporation. Evapotranspiration averages 66.5 inches per year. The Valley is located within the Morongo Groundwater Basin. The area topography typically slopes toward Highway 62 from the north and south, while storm water generally flows to the east via Yucca Creek.

DRAFT

Figure A
Yucca Valley Location Map



3. YUCCA VALLEY - GEOLOGY AND HYDROGEOLOGIC SETTING

The Town is in the southwest corner of the Morongo Groundwater Basin. The Warren Valley Groundwater Subbasin (Warren Subbasin) is part of the Morongo Groundwater Basin, and it includes water bearing sediments beneath the Town and the surrounding area. The Warren Subbasin is bounded to the north by the Pinto Mountain fault, to the south by the Little San Bernardino Mountains, to the east by a bedrock constriction called the "Yucca Barrier", and to the west by a bedrock constriction/topographic divide that separates Warren Valley from Morongo Valley. Water-bearing deposits in the Warren Subbasin cover about 5.5 square miles (mi²) of the 19 mi² Subbasin area. The hydrogeology is complex due to tectonic activity with faults compartmentalizing water-bearing deposits into five major hydrogeologic sub-units: the west, midwest, mideast, east, and northeast hydrogeologic units (Figure B).

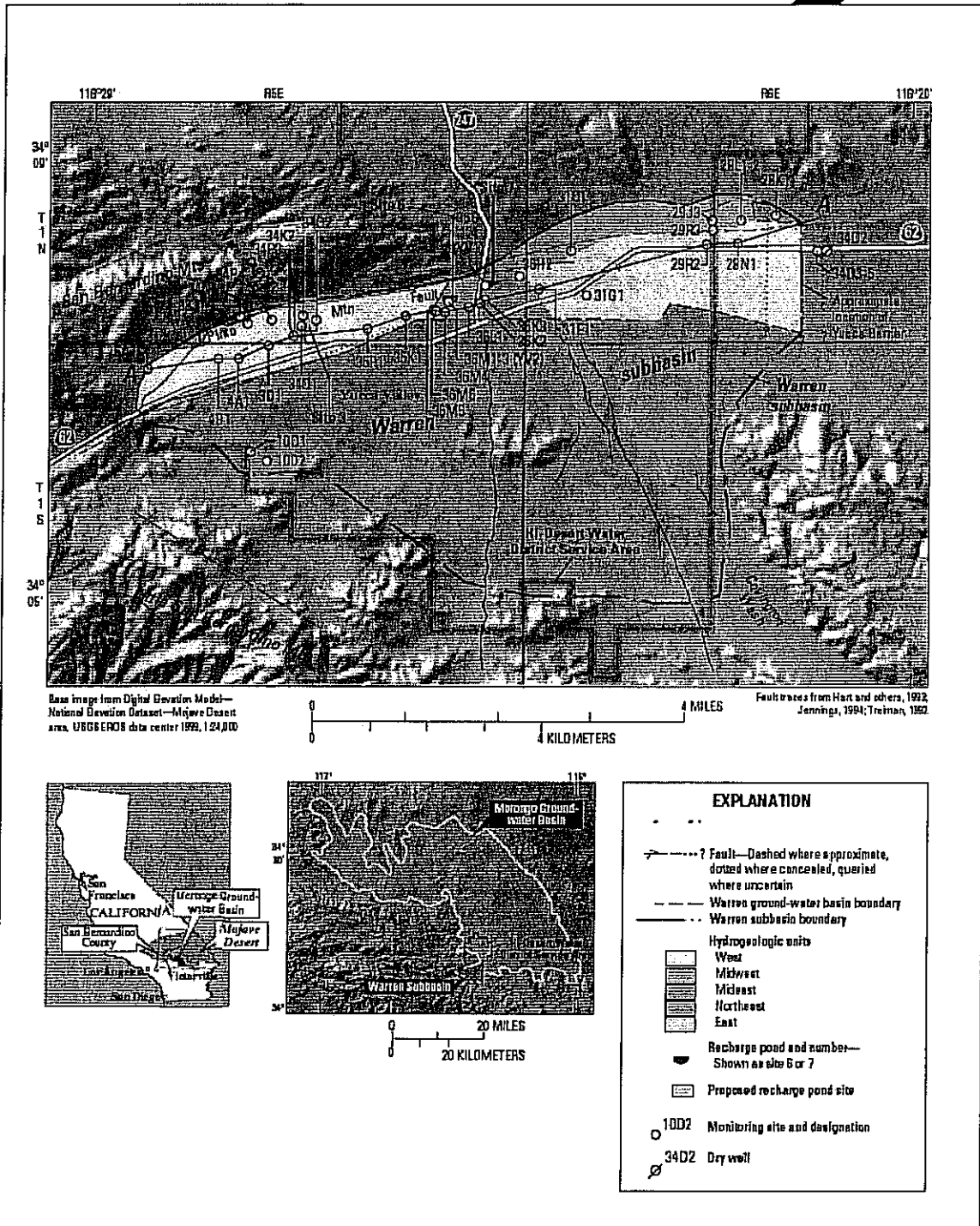
Quaternary alluvial fan deposits overlie Tertiary aged basement complex throughout most of the basin. The alluvium consists of poorly sorted detrital sand and gravel eroded from neighboring mountains, and varies in thickness from a few feet along the basin border to more than 1,000 feet at the basin axis. The alluvium becomes slightly consolidated with depth, and finer grained down slope toward the basin axis.

Productive water-bearing sediments occur in the unconsolidated to partly consolidated Miocene to Quaternary alluvial fan deposits characterized by unconfined, interbedded gravels, conglomerates, and silts. These deposits average about 11 percent specific yield, and have well yields up to 4,000 gallons per minute. Regionally, continental deposits are interpreted to range up to 1,000 feet in thickness. Wells in the Warren Subbasin are known to reach 1,610 feet below ground surface without encountering bedrock. Geophysical studies suggest Warren Valley basin deposits may exceed 2,000 feet in depth (California's Groundwater Bulletin 118, Updated 2/27/04).

Natural recharge to the Warren Subbasin varies from year to year, and occurs by percolation of precipitation and regional streams from Water Canyon in the north and Covington Canyon in the south, and from minor amounts of groundwater flow in the adjacent fractured bedrock. Natural recharge is supplemented by percolation of septic tank effluent, and State Water Project water delivered via the Morongo Basin Pipeline to spreading grounds near the Yuma Valley Airport (California's Groundwater Bulletin 118, updated 2/27/04).

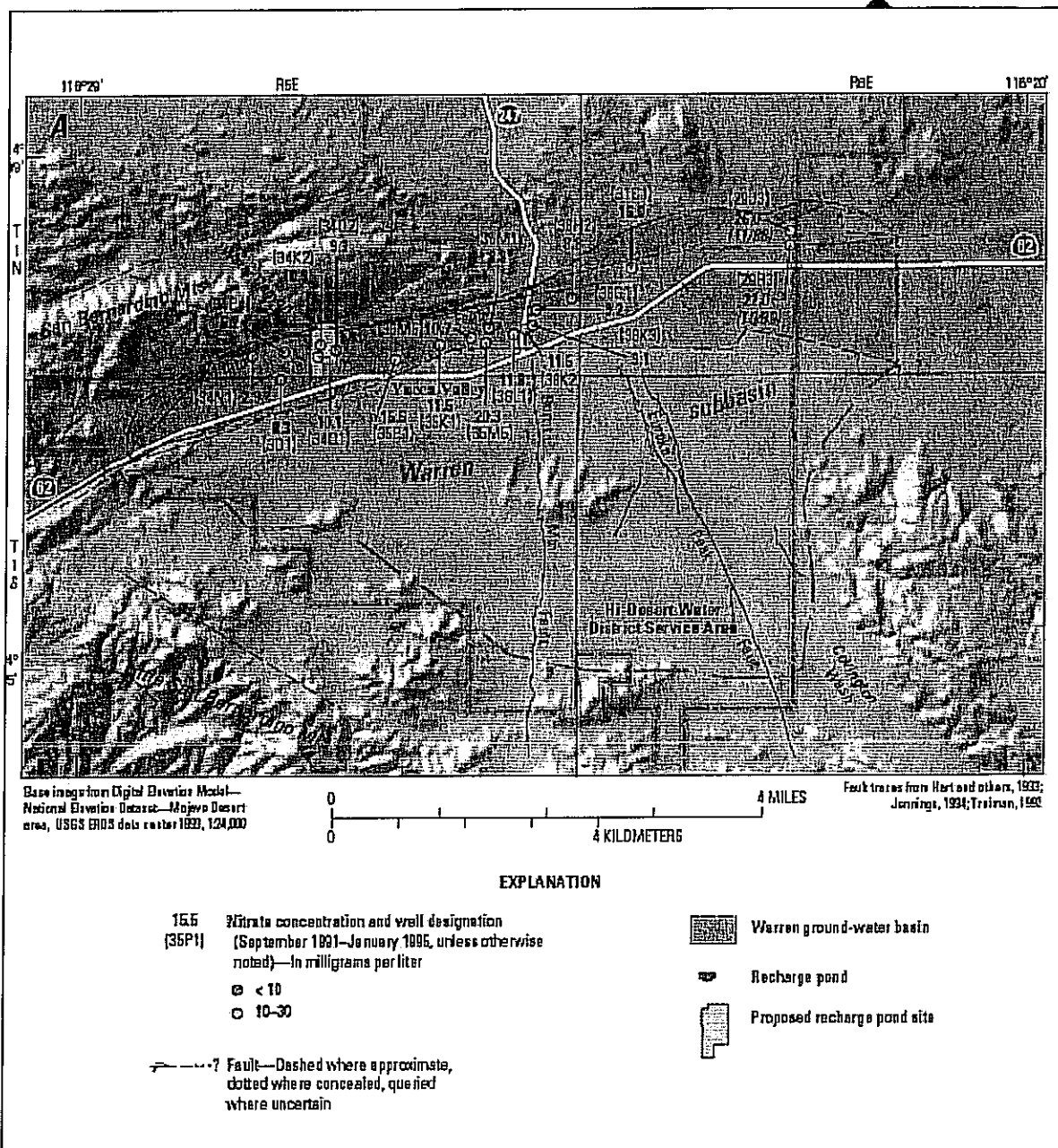
In 1977, in response to an increasing overdraft problem, the Warren Basin was adjudicated by the Superior Court of San Bernardino County, and HDWD was appointed as the Watermaster for the basin.

FIGURE B
Yucca Valley Water Bearing Hydrogeologic Units



from USGS Report 03-4009

Figure C
Municipal Wells & Recharge Basins



from USGS Report 03-4009

4. SEPTIC SYSTEM USE IN YUCCA VALLEY

HDWD estimates that it will service a population approximating 80,000 when the Yucca Valley area is completely developed. HDWD estimates that water was provided to 25,500 Town residents via 10,000 service connections in 2008, and that 8,500 housing units (including multi-family dwellings) are currently within its

jurisdiction. With the exception of a few units in new subdivisions serviced by "package plants" (small wastewater treatment facilities), all dwellings use septic tanks and subsurface disposal systems to treat and dispose of wastewater.

Businesses and restaurants in Yucca Valley are generally located along Highway 62, the main business corridor. There are fifty-three restaurants in the Town, and like most dwellings, all restaurants use septic systems for wastewater disposal except for Applebees Restaurant, which has an advanced treatment system and waste discharge requirements (WDRs) issued by the Regional Water Board. Other package plant treatment systems in the Town also have WDRs issued by the Regional Water Board (e.g., the Best Western Yucca Valley Hotel and Suites). Other than these few exceptions, wastewater discharges generated by businesses, restaurants, and housing units are not regulated by the Regional Water Board. Residential housing typically use leach fields for wastewater disposal, while businesses use seepage pits due to limited space.

Two relatively new subdivisions in Yucca Valley, the Desert Vista Village and Desert Knoll, with 105 lots and 177 lots respectively, each have a sewer system and package treatment plant designed for denitrification (i.e., nitrogen removal). Wastewater flows appear to be less than the minimum needed to successfully operate these package plants, however, due to poor sales of homes in the subdivisions. Without this minimum loading, the package plants perform similarly to community septic systems (i.e., only primary treatment) albeit with long detention times. When home sales increase and hydraulic loads reach 20% of design flows (approximately 21 and 36 homes for each respective subdivision), the package plants should be able to adequately treat (i.e., denitrify) the wastewater flows generated by the subdivision residents.

The use of septic systems must be balanced against environmental and site-specific factors, such as beneficial uses of receiving waters, depth to groundwater, as septic system density, and soil type. The systems must also be properly engineered, installed, and maintained, and soils must have the appropriate characteristics to handle the liquid loading from the septic systems. Soils in the Town are mostly porous and permeable with high percolation rates. These factors, combined with the high density of septic systems found in some areas of the Town,² are among the factors that contribute to septic system effluent, locally contaminating groundwater with salts (particularly nitrates). This contamination pathway was demonstrated in a 2003 study of the Yucca Valley area by the United States Geological Survey (USGS), which found groundwater contaminated with nitrates and other salts from septic system discharges (Appendix A). The contamination of the groundwater beneath the Town violates the Basin Plan's water quality objectives, which directly impacts the beneficial uses of the groundwater.

² Approximately 92% of the Town is zoned for residential and commercial development on one-half acre or smaller lots. The highest density occurs with multi-family zoning, which allows up to ten dwelling units per acre (see Appendix B).

IV. REGULATORY BASIS

1. BASIN PLAN – BENEFICIAL USES

Groundwater in the area subject to this conditional prohibition occurs within the Warren Hydrologic Area of the Joshua Tree Hydrologic Unit.

**Designated Beneficial Uses for Groundwater
in the Joshua Tree Hydrologic Unit**

Designated Beneficial Uses	Description
Municipal and domestic supply (MUN).	Uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply.
Industrial process supply (IND)	Uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization.

Source: California Regional Water Quality Control Plan for the Colorado River Basin Region (CRWQCB--CRBR, June 2006)

Nitrate (NO₃), Total Dissolved Solids (TDS), and pathogens are the main constituents of concern in septic system effluent. As previously mentioned, the primary Maximum Contaminant Level (MCL) for nitrate allowed in public drinking water systems is 45 mg/L, which is equivalent to 10 mg/L nitrate expressed as nitrogen (NO₃-N).

2. BASIN PLAN – GROUNDWATER QUALITY OBJECTIVES

The Basin Plan for the Colorado River Basin Region has narrative groundwater quality objectives, which state in relevant part:

"...the Regional Board's objective is to minimize the quantities of contaminants reaching any groundwater basin. ...the objective will be to maintain the existing water quality where feasible."

3. GUIDELINES FOR DESIGNING SEPTIC SYSTEMS

In 1979, the Regional Water Board adopted: "Guidelines for Sewage Disposal from Land Developments" to establish minimum criteria for septic systems necessary to comply with water quality objectives, and to protect beneficial uses of groundwater within the region. These guidelines prescribe percolation rates, soil characteristics,

minimum depth to groundwater, and ground slopes needed to protect groundwater from effluent impacts.

In addition, septic systems installed in Yucca Valley must meet requirements prescribed by the San Bernardino County Health Department discussed in various publications including: "Got Septic?"; "FAQ's for Single Family Residences"; "FAQ's for Multiple Residences/Commercial Projects"; "Minimum Setbacks and Locations of Septic System", and "How to Size Your Leach Lines".

In accordance with CWC Section 13291, which became law pursuant to Assembly Bill 885, the State Water Board issued draft regulations for septic systems statewide. The public comment period for the draft regulations extended from November 7, 2008, to February 23, 2009. During that time, the State Water Board received over 2,500 e-mails, and hundreds of comment letters. In addition, the State Water Board recorded hours of oral comments from twelve public workshops held throughout the state. State Water Board staff is currently revising the draft regulations to address the comments received.

DRAFT

V. PROBLEM STATEMENT

1. WATER QUALITY AND PUBLIC HEALTH ISSUES ASSOCIATED WITH SEPTIC SYSTEM USE

A conventional septic system consists of a septic tank, and either a leach field or a seepage pit. The function of the septic tank is to remove solids and floatables, while the leach field, or seepage pit, allows the clarified wastewater to percolate into the underlying soil. If soil conditions are appropriate, some natural biological treatment of nutrients and bacteria found in septic tank wastewater occurs in the vadose zone (unsaturated soil strata), reducing nutrient loading and the threat to human health posed by bacteria and other pathogens. However, even under proper operation and maintenance of the septic systems (tank and subsurface disposal system), the systems still pose a threat to water quality because certain constituents (e.g., salts and organic chemicals) pass-through the system and can reach and impact groundwater quality. Typical constituents found in domestic wastewater are listed in Table 1 below (USEPA, 2002).

**Table 1
Typical Constituents and Concentration Ranges in Residential Wastewater**

Constituent	Concentration In milligrams/liter ³
Total Solids	500-880
Volatile Solids	280-375
Total Suspended Solids	155-330
Volatile Suspended Solids	110-265
Biochemical Oxygen Demand	155-286
Chemical Oxygen Demand	500-660
Total Nitrogen (TN)	26-75
Ammonia (NH ₄)	4-13
Nitrites and Nitrates (NO ₂ -N; NO ₃ -N)	<1
Total Phosphorus (TP)	6-12
Fats, Oils, and Grease	70-105
Volatile Organic Compounds	0.1-0.3
Surfactants	9-18
Total Coliforms (TC) ⁴	10 ⁸ -10 ¹⁰
Fecal Coliforms (FC) ⁵	10 ⁶ -10 ⁸

The use of decentralized systems (including septic systems) is usually a low-cost, long-term approach to wastewater treatment, particularly in less densely populated areas (EPA Response to Congress, April 1997). These low density areas

³ Based on assumed water use of 60 gallons/person/day.

⁴ Most probable number of organisms per 100 milliliters.

⁵ Most probable number of organisms per 100 milliliters.

assimilate the waste within the soil, and provide filtration by percolation, minimizing the threat to public health due to exposure to inadequately treated waste. Typically, bacteria present within the top five feet of soil can reduce the amount of nitrogen in septic tank effluent through a process called "biological denitrification", which converts NO_3 into nitrogen gas.

2. MAINTENANCE PROBLEMS AND FAILURES ASSOCIATED WITH SEPTIC SYSTEMS

Septic systems can fail, which may result in severe short-term or long-term adverse impacts to groundwater. Town staff, who are responsible for issuing permits to replace failed septic tanks, leach fields, and seepage pits, provided the following data for the Town from 2002 through March 2010 (Table 2):

Table 2
Town of Yucca Valley - Septic System Component Replacement Permits
2002 – March 2010

Component Requiring Permit for Replacement	Commercial/Industrial	Residential
Septic Tanks		480
Leach Fields	3	124
Seepage Pits	35	140

The data in Table 2 translate to a failure rate (i.e., number of replacements/number of septic systems) of 8.8% for residential (or 8,500 residences), and 5.4% for Commercial and Industrial (or 1,000 businesses). Ninety-two percent of the failures occur in areas scheduled to be sewered during one of three wastewater facility treatment and collection installation phases (Figure E). Some septic systems are repaired without a permit. Thus, the above failure rates are very conservative estimates.

Septic system malfunctions can result from a number of factors, including, but not limited to:

a) Poor soil conditions:

If sediments are too coarse grained, wastewater percolation will be too fast and filtration poor. Alternatively, if sediments are too fine grained, wastewater can not percolate quickly enough, which may cause the wastewater to pond on the surface. Shallow bedrock, caliche, and other impermeable layers can also cause wastewater surfacing.

b) Elevated groundwater:

An elevated groundwater table can reduce or eliminate treatment provided by a properly functioning leach field disposal system. The Regional Water Board's 1979 "Guidelines for Sewage Disposal for Land Developments" requires a minimum ten-foot separation between the ground surface and the highest anticipated groundwater elevation, and a minimum five foot separation between the base of the disposal facility and the highest anticipated groundwater elevation. If these minimum separations are not maintained, effluent may surface and/or contaminate groundwater. Groundwater in Yucca Valley is generally deep (i.e., typically greater than 100 feet), except where mounding occurs due to artificial recharge.

c) Hydraulic overloads caused by high septic system density:

A high density of septic systems (i.e., several per acre), and/or septic system use beyond design capacity can exacerbate septic system failure rates.

d) Improper design or construction

Properly designed septic systems are sized and constructed according to site specific conditions, and the requirements of the Uniform Plumbing Code (UPC). Improperly designed/constructed septic systems typically result in premature failure. In the past, many septic tanks installed in Yucca Valley were constructed of steel. Steel tanks can oxidize (rust) over time, causing a loss of structural integrity and creating a safety hazard.

e) Use of seepage pits for subsurface disposal

A seepage pit is basically a covered pit with porous walls through which treated effluent can seep into the surrounding soil. The use of seepage pits for wastewater disposal inhibits the conversion of NH_4 (ammonia) to NO_3 (nitrate), a process known as biological oxidation that is essential to the biological denitrification process that occurs to some extent in properly designed leach fields. Additionally, wastewater discharges from the pit into the surrounding soil typically occur several feet below the ground surface, where adequate sources of carbon needed for biological denitrification are unavailable. The lack of oxidizing conditions and a carbon source hinders denitrification, enhancing nitrate movement into groundwater (EPA 9009-F-01-001, Seepage Pits May Endanger Groundwater Quality).

f) Lack of septic system maintenance:

If septic systems are not properly designed and regularly maintained, failures can result. If residents dispose of hazardous chemicals, toxic substances, pesticides or other chemicals into septic systems, surface and/or groundwater quality may be adversely impacted. Restaurants typically install grease traps before their septic tanks, and require more maintenance than residential systems. Regional Water Board staff has

observed overflows from restaurant systems in parking lots on several occasions, and received complaints from the public regarding unpleasant odors emanating from on-site systems in restaurant parking lots.

Regional Water Board staff reviewed records from January 2006 to May 2008 from four septic tank pumping companies that service the Town. The record review included 1,471 addresses with 1,335 single-family residences, 33 restaurants, 11 mobile home parks, and 92 other non-residential systems. The 1,471 addresses represent 15% of the estimated 9,500 septic systems in use in the Town. Data indicate that 1,335 residential septic tanks (i.e., 17.8% of all residential systems) were pumped once every three years. Forty-eight residential systems required multiple pumpings in the same year, which indicates problems with those systems. Restaurants required pumping on average 3.1 times per year, or 8.5 times as frequently as residential systems, while other non-residential systems required pumping three times as often as residential systems, or approximately 1.1 times per year. Pumping frequency for restaurants varied from once in 29 months to once per month, which was the case for several establishments, highlighting the difficulty of treating restaurant discharges using septic systems. This is due to high flow rates which increase the potential for carry over of solids; the presence of fats, oils, and grease in the waste stream; and the high "strength" (i.e., organic loading) of wastewater. Use and proper maintenance of grease traps is critical to effectively treating restaurant discharges using on-site wastewater systems. Clogging of septic pits and drain fields by grease is a frequent cause of failure.

Most area businesses, including restaurants, are located in the Town's main business corridor along California State Highway 62. The majority of areas zoned for high density (up to ten dwelling units per acre) are located along this corridor (Appendix B). Phase 1 of HDW's planned municipal sewer system (Figure E) was designed to capture as many of these high density areas as practicable.

In summary, septic system failures are likely to occur if systems are improperly designed, installed or maintained; hydrogeologic conditions are unsuitable; and/or septic system density is too high. Discharges from failed systems can adversely affect public health and ground and surface water quality. Typical contaminants found in domestic wastewater, and their potential environmental impacts, are provided in Table 3 (USEPA, 2002).

Table 3: Typical Septic Tank Constituents of Concern in Groundwater

CONSTITUENTS OF CONCERN	REASON FOR CONCERN
Pathogens	Parasites, bacteria, and viruses can cause disease through direct and indirect body contact, or ingestion of contaminated water. Pathogens can persist, and migrate significant distances in ground and surface waters.
Nitrogen	Nitrogen is an aquatic plant nutrient that contributes to eutrophication and loss of dissolved oxygen in surface waters such as lakes. Nitrogenous compounds migrating to groundwater typically oxidize to nitrate. In drinking water, excess levels of nitrate can cause methemoglobinemia, or "blue baby" disease in infants, which can be fatal.
Toxic Organic Compounds	Organic compounds toxic to humans and aquatic life are present in household chemicals and cleaning agents. These compounds can persist in groundwater and contaminate down-gradient sources of drinking water. Some organic compounds accumulate in ecosystem food chains.
Heavy Metals	Heavy Metals can cause serious human health concerns, including cancer.
Dissolved Inorganic Compounds	Sodium is deleterious to soil structure (dispersion agent), and septic system leach field performance. Salts and some dissolved ions, are resistant to degradation, and very mobile in groundwater.
Endocrine Disruptor Compounds	The occurrence of pharmaceuticals, cleaners, and personal care products (e.g. Shampoo) in wastewater, is an emerging water quality concern and public health issue.

NITROGEN TRANSFORMATION

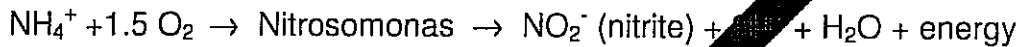
Nitrogen is the major constituent of concern in septic system effluent in Yucca Valley. Most nitrogenous compounds in septic tank effluent eventually convert to nitrate in soil by the processes discussed below.

The mobility of ammonium and organic forms of nitrogen in soil are dependent upon the oxidation-reduction potential of the soil. Ammonium and organic forms of

nitrogen in septic tank effluent are not very mobile. Most organic nitrogen is converted to ammonium-nitrogen ($\text{NH}_4^+\text{-N}$) by bacterial enzymes as indicated below; a process known as mineralization.

Organic N \rightarrow bacterial enzymes (mineralization) \rightarrow NH_4^+ + other products

Mineralization can be carried out under aerobic or anaerobic conditions. In both instances, ammonium-N is first converted to nitrite, and then to nitrate by soil bacteria (nitrification).

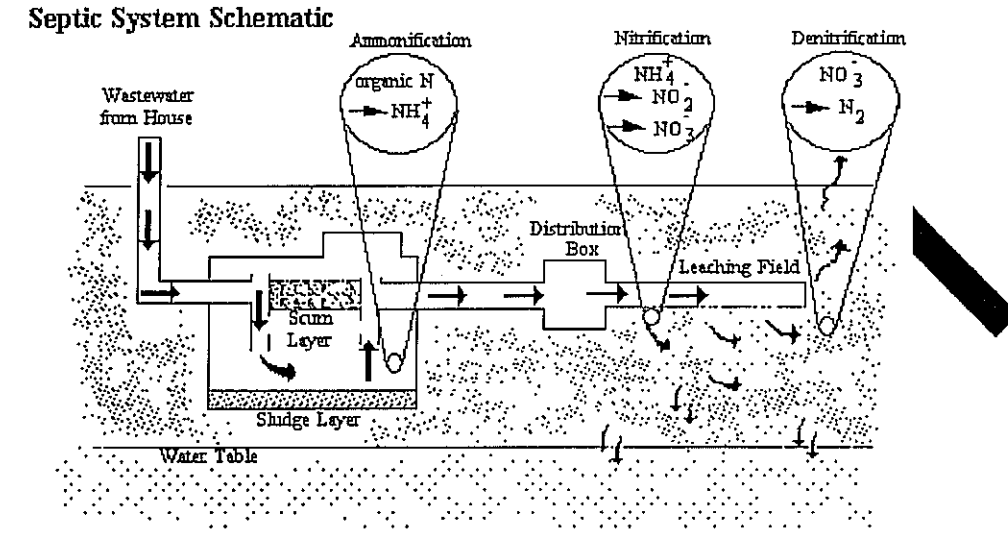


Nitrification occurs in soil under aerobic conditions only. Unlike ammonium and organic forms of nitrogen, nitrate ions are very soluble and readily migrate with water. Under suitable conditions, most nitrogen in septic tank effluent is converted to nitrate, which can migrate to groundwater by percolation of wastewater or rainfall. Under anaerobic conditions, nitrate is converted into nitrogen gas in the unsaturated zone (denitrification) if an energy source is available.



Some nitrogen escapes into the atmosphere through the denitrification process (see Figure 1). The remaining nitrate percolates through the vadose zone, eventually contacting groundwater. When septic systems fail, various species of nitrogen (i.e., nitrate, nitrite, and ammonia) occur in wastewater effluent, contaminating groundwater through percolation. Percolation of septic tank effluent can introduce high levels of nitrate into groundwater, violating water quality objectives. High nitrate concentrations in water used for domestic supply may cause methemoglobinemia ("blue baby syndrome") in infants six months or younger that consume water with nitrate levels that exceed the maximum contaminant level (MCL). These infants may become seriously ill and die if untreated (<http://water.epa.gov/drink/contaminants/basicinformation/nitrate.cfm>).

Figure D. Schematic of Septic System Nitrification & Denitrification Processes



N = nitrogen, NH_4^+ = ammonium ion, NO_2^- = nitrite, NO_3^- = nitrate, N_2 = nitrogen (gas)

Malfunctioning septic systems are a significant source of groundwater contamination. According to the USEPA, septic tank discharges are the third leading cause of groundwater pollution in the United States. (USEPA, Onsite Wastewater Treatment Systems Manual, February, 2002). Poorly functioning septic systems are a threat to public health, and ground and surface water quality, and deflate property value (10). Septic systems are not a suitable option for wastewater disposal in high-density areas (i.e., residences on small, $\leq 1/2$ acre lots) because they may not provide sufficient dilution for percolating effluent, thereby contributing excess nutrients to groundwater. Additionally, high septic system density may cause wastewater to mound or surface, potentially exposing the public to health threats from inadequately treated wastewater. The Regional Water Board has adopted waste discharge prohibitions for septic tanks in the Cathedral City Cove area, and for areas that overlie the Mission Creek or Desert Hot Springs aquifers to protect groundwater from the threat of contamination posed by septic systems in those areas (California Regional Water Quality Control Plan for the Colorado River Basin Region, June 2006).

3. WATER QUALITY AND PUBLIC HEALTH IMPACTS OF SEPTIC SYSTEM USE IN YUCCA VALLEY

Virtually all residents in the Town use septic systems and subsurface disposal systems to treat and dispose of domestic wastewater. The exact number of septic systems in Yucca Valley is unknown, but is believed by staff to exceed 9,500. If septic systems are installed on all buildable lots, the number of septic systems in Yucca Valley will approximate 25,000 (Town of Yucca Valley Master Plan). At least

some septic systems are currently "failing", causing inadequately treated wastewater to percolate to, and contaminate groundwater. Failures are due to disintegrating steel septic tanks, and failed disposal systems (Table 2).

a) **Nitrogen Loading to Groundwater in Yucca Valley Due to Septic System Use**

Total nitrogen (TN) in septic system effluent typically ranges from 20 to 85 mg/l, averaging around 40 mg/l (Metcalf & Eddy, 2003; Edison). Using an average wastewater flow rate of 83 gpd/capita (NDWD-MWR Preliminary Design Report Part 1), nitrogen loading from septic systems in Yucca Valley is conservatively estimated by regional water board staff at over 94 tons per year. (Appendix E)

b) **Pollution, Contamination and Nuisance Resulting From Failing Septic Systems in Yucca Valley**

As indicated by the maps of repair permits issued in Appendix C, failing septic systems in Yucca Valley are an ongoing problem. On multiple occasions, Regional Water Board staff has observed grease and effluent overflowing in restaurant parking lots in Yucca Valley. Effluent discharges from failed systems can percolate to groundwater. As a result, these discharges have violated water quality objectives for nitrate, total dissolved solids (TDS), and pathogens, thereby impacting beneficial uses. Surfacing discharges from failed systems are a hazard to public health since they consist of sanitary wastes and the public is directly exposed to them. Discharges of sanitary waste from septic system failures also generate odors and aesthetic conditions offensive to the community; hence, the discharges create a nuisance since they interfere with the public's enjoyment and use of property. Continued use of septic systems in Yucca Valley will continue to cause conditions of pollution, contamination, and nuisance, thereby unreasonably degrading the water quality of waters of the state.

VI. REGULATORY APPROACHES TO ADDRESS SEPTIC SYSTEM FAILURE IN YUCCA VALLEY

1. MEMORANDUM OF AGREEMENT

In June of 2008, the Regional Water Board, the Town of Yucca Valley and the Hi-Desert Water District entered into a Memorandum of Agreement (MOA) in order to provide interim policy to mitigate the impacts from septic systems, while the proposed WWTF is built and this proposed regulation is implemented. The MOA is intended to clarify the roles, duties, and responsibilities of each Party with respect to the proposed municipal WWTF, and for addressing groundwater contamination caused by septic tank systems. Under the terms of the MOA, the Town reviews, approves, and oversees the installation and maintenance of those septic systems, pursuant to USEPA standards, that discharge 1,000 gallons per day or less. Generally, the San Bernardino County Health Department requires an onsite percolation test performed by a state certified engineer or geologist, and a report summarizing test results for their review and approval. Percolation test reports submitted to the County for the Yucca Valley area indicate soils typically meet the minimum criteria established by the County/Regional Water Board.

CWC Section 13286 prohibits the use of new or existing septic systems if there exists:

....substantial evidence in the record that discharge of waste from such disposal systems will result in a violation of water quality objectives, will impair present or future beneficial uses of water, will cause pollution, nuisance, or contamination, or will unreasonably degrade the quality of any waters of the State.

Regional Water Board staff and other agencies have collected evidence to indicate septic system use in Yucca Valley has caused and continues to cause:

- a. violations of water quality objectives;
- b. impairment of groundwater beneficial uses;
- c. conditions of pollution, nuisance, and/or contamination and
- d. unreasonable degradation of the quality of State waters.

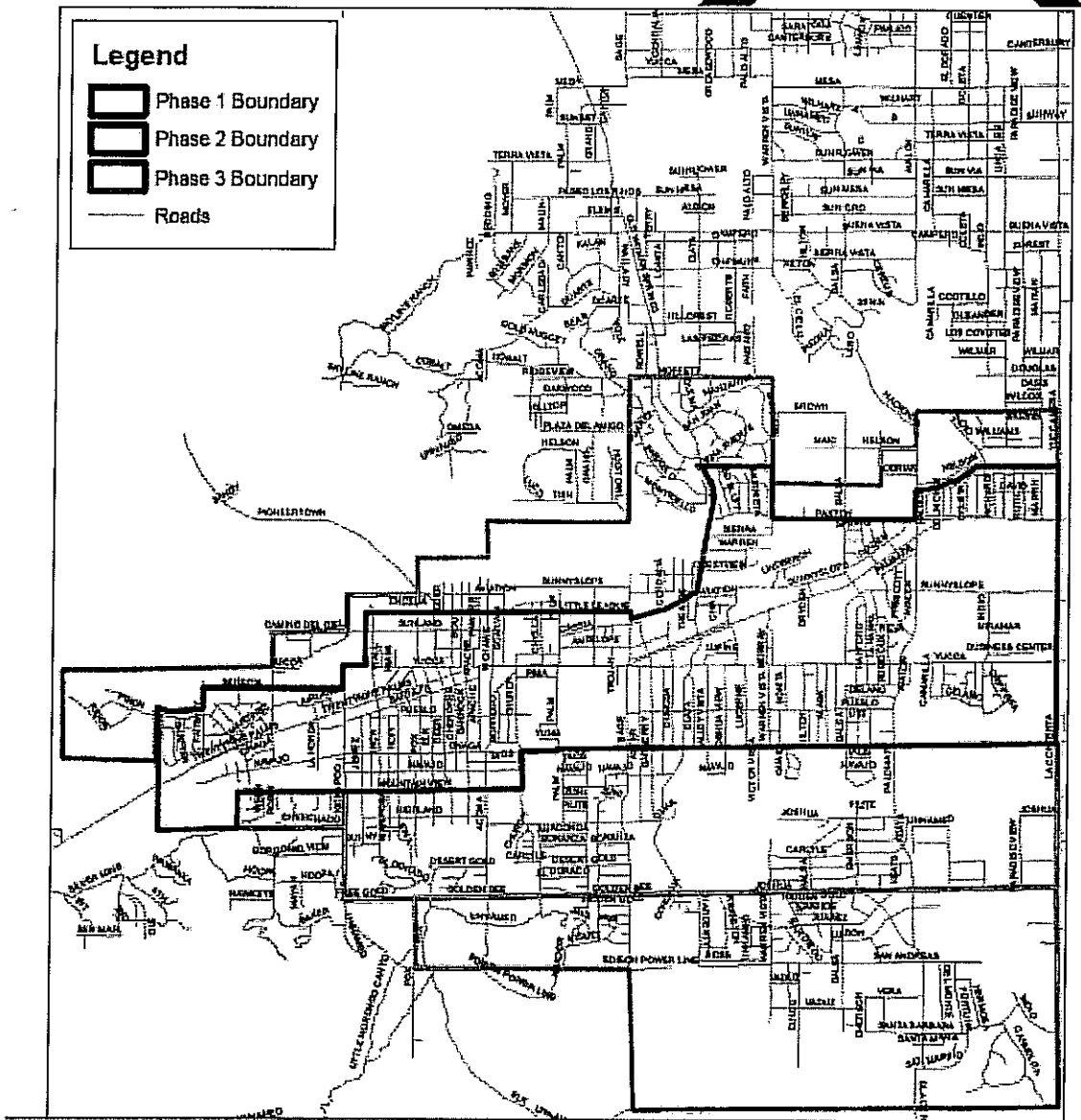
This evidence is substantial and thus, supports the Regional Water Board staff's decision to propose amending the Region's Basin Plan to incorporate a conditional waste discharge prohibition for certain septic systems in Yucca Valley.

2. BASIN PLAN AMENDMENT

Regional Water Board staff propose to amend Chapter 4 of the Region's Basin Plan to prohibit septic system use in three areas of the Town to address

groundwater pollution and degradation caused by septic tank effluent. The amendment proposes that all septic system discharges within the Phase 1 cease by March 17, 2016, within Phase 2 by March 17, 2019; and within Phase 3 by March 17, 2021. The proposed prohibition recognizes the time needed to design, finance, and construct a sanitary sewer system and the lack of disposal alternatives in the interim. Figure E, below, shows the areas covered by each Phase.

**Figure E
HDWD SEWER MASTER PLAN PHASES**



From HDWD-MWH Sewer Master Plan, January 2009

The Phase 1 area is bounded by the Nelson Avenue to the north, Onaga Trail to the south, La Contenta Road to the east, and Rockaway Avenue to the west. The Phase 2 area is bounded by Onaga Trail to the north, Golden Bee Drive to the south, La Contenta Road to the east, and Kickapoo Trail to the west. The Phase 3

area covers the remaining residential customers on the west end of HDWD's service area along with some low to medium density residential customers located north of the Yucca Wash up to Cobalt Road.

a) Septic System Prohibition Considerations

The proposed Basin Plan amendment provides an adaptive approach for addressing this problem. As indicated above, the hydrogeology of Yucca Valley is complex, with most areas characterized by hilly topography with shallow alluvium overlying fractured bedrock. Septic system density varies in the Town. However, the USGS Study clearly indicates groundwater in the Town has been degraded by septic system discharges, particularly in areas with high densities of residential lots (i.e., several septic systems per acre). This is caused in part by the poor performance of septic systems in high density areas due to inadequate soils and excessive loading.

The proposed Basin Plan amendment will prohibit the discharge of septic system effluent in densely populated areas along the main business corridor (Phase 1), as well as in two other relatively low-density areas within the three-phased collection system delineated in HDWD's Sewer Master Plan. Construction of a sanitary sewer system designed to serve these lots is the most cost-effective solution. Eliminating discharges in high-density areas may facilitate proper operation of septic systems in low-density areas by improving assimilative capacity of the groundwater. Under this scenario, property owners located outside the sewer master plan area benefit from the elimination of discharges within the plan's area through improved groundwater quality.

However, if this approach is determined later to be ineffective in addressing groundwater quality throughout the Town, and septic system effluent is shown to continue to adversely impact community groundwater supplies, the prohibition may need to be amended to prohibit septic system discharges elsewhere in the Town. This adaptive approach will enable water quality concerns to be addressed in a timely manner, and may also help reduce the hardship residents would have to endure if faced with a blanket discharge prohibition for both small and large lots.

Based on site conditions, a septic system prohibition is necessary to protect public health and water quality in Yucca Valley. Community feedback to Regional Water Board staff at town hall meetings, and during meetings with HDWD (June 13, 2007) attended by several of community residents and other interested individuals, suggests community support for groundwater protection and the construction of a sanitary sewer system, but significant concerns over the cost of such municipal system.

b) Economic Considerations

California Environmental Quality Act (CEQA) regulation (Public Resources Code § 21159) requires that economics be considered when evaluating

methods of compliance for proposed Basin Plan amendments. CWC Section 13280 requires the Regional Water Board to consider factors identified in CWC Section 13241, which includes economic considerations and the need for housing. Affordable housing is still available to Yucca Valley, with many residences consisting of manufactured homes. A report from the US Census Bureau recorded 16,865 people residing in the Town of Yucca Valley in the year 2000, with a median household income of \$30,420. This was considerably lower than the state median household income for 2000, estimated at \$47,493.

Regional Water Board staff believes that the proposed amendment will in the long-term have a positive impact on property values, given that converting to a public sewer system typically increases market value, while a failing septic system decreases market value. HDWD's Collection System Value Engineering Study evaluated sewer collection improvements/costs in Yucca Valley (*Preliminary Value Engineering Study Report, HDWD Collection System*, August 2008). The study estimated capital costs to construct a Wastewater Treatment Plant (WWTP) and conventional sewer system ranging from \$25 million to \$128 million, or \$8,500 to \$12,800 per residence assuming 10,000 water connections, and no financial assistance. HDWD, using the engineering consulting firm of Webb and Associates, subsequently estimated costs during the formation of the assessment district. They estimated the cost for the WWTP and conventional sewer system at approximately \$125 million, or approximately \$12,500 per residence assuming all three phases covered by the sewer master plan pay their fair share. In addition, each parcel owner will need \$3,000 to \$6,000 to construct lateral sewer lines, connect to the main sewer, and properly abandon their existing septic system (see Table 3, below). The lateral sewer line will cost \$80-\$150 per foot to construct depending on terrain; easements needed; engineering work required; pipe and backfill materials; methods of construction; and surface restoration. Septic system abandonment involves: (1) obtaining a permit (approximately \$300), (2) pumping the tank, (3) removing and disposing of the lid, and (4) filling of the empty septic tank with compacted dirt or sand (\$600-\$1600). Finally, there may be specific local agency requirements for septic tank abandonment. Once sewers are constructed, the process can take four to six months to complete. It is emphasized that all costs presented in this staff report are preliminary estimates. HDWD anticipates that the Webb and Associates Engineers Report will be finalized and available in January 2011.

Table 3
Approximate Cost to Connect to Conventional Sewer

<i>Item Unit Cost</i>	<i>Number of Units</i>	<i>Total Average Cost</i>
Sewer Connection Fee \$8,500	1 dwelling	\$8,500
Septic Abandonment Fee \$300	1 tank	\$300
Pump & Fill Septic Tank \$1,200	1 tank	\$1,200
Lateral Construction \$100/foot	30 feet	\$3,000
Total Cost	1 dwelling	\$13,000

As an alternative to a conventional sewer and WWP, HDWD has also considered a Septic Tank Effluent with Pumped or Gravity collection system (STEP/STEG), and a recirculating textile system (RTS) system, for wastewater treatment. This system offers advantages including reduced capital costs for both wastewater collection and treatment. With a STEP/STEG, septic tanks are retained and used for primary treatment, which allows use of small diameter collection lines installed to contour local topography. Capital costs for a central treatment system are typically reduced, since effluent has received primary treatment. However, operation and maintenance costs may increase because service providers are usually responsible for facilities at individual properties, resulting in increased service calls from property owners.

Total capital cost estimates for constructing a STEP/STEG collection system and RTS treatment plant range from \$29 million to \$115 million, or \$2,900 to \$11,500 per residence assuming 10,000 water connections, and no financial assistance.

Table 4
Approximate Cost to Connect to STEP/STEG System

<i>Item Unit Cost</i>	<i>Number of Units</i>	<i>Total Average Cost</i>
Sewer Connection Fee \$8,500	1 dwelling	\$8,500
Lateral Construction \$325.50/foot	30 feet	\$9,765
Total Cost	1 dwelling	\$9,675

With a median household income of \$30,420 in the year 2000 revenue is not expected to increase significantly since a large portion of the Town's population is retired. Thus, converting to a sewer system will be a significant burden to many Town residents. To defray economic impacts, the Town, HDWD, or community can apply for funding through grants or

other sources, or extend expenses over several years by forming an assessment district. With an assessment district, the HDWD and/or the Town of Yucca Valley can address septic tank impacts to the environment and public health through a centralized authority. This will require HDWD to develop a mechanism to assess sewer costs in a given service area. Some of the costs shown in Tables 3 and 4 above can be amortized over several years to minimize immediate costs to residents.

CWC section 13291.5 states:

It is the intent of the Legislature to assist private property owners with existing systems who incur costs as a result of the implementation of the regulations established under this section by encouraging the state board to make loans under Chapter 6.5 (commencing with Section 13475) to local agencies to assist private property owners whose cost of compliance with these regulations exceeds one-half of one percent of the current assessed value of the property on which the onsite sewage system is located.

HDWD is exploring this and other options to obtain financial assistance to sewer Yucca Valley and to assist local residents. Regional Water Board staff is committed to working with HDWD, municipalities and other entities to identify and procure funding to mitigate the financial burden to Yucca Valley residents.

c) **Other Consideration**

In addition, CWC section 13281 requires the Regional Water Board to consider Health and Safety Code section 117435, such as evaluating adverse impacts if septic systems discharges are permitted, failure rates of individual disposal systems, and other criteria.

As part of a cooperative agreement between HDWD and USGS, it was observed (letter to Joe Glowitz, from USGS, April 27, 2009) that a well located in the east hydrogeologic subunit sampled on February 4, 2009, had a nitrate as N concentration of 18.4 mg/L (federal MCL for nitrate as N is 10 mg/L). This is significant because the east hydrogeologic unit has not received any recharge, suggesting that the high nitrate concentration in groundwater in this area may be due to downward migration of septic tank effluent rather than rising groundwater intersecting effluent plumes.

In general, Town residents support constructing a wastewater treatment plant/sewer, given adverse impacts to groundwater and public health from septic system discharges, provided it is not cost prohibitive.

3. PROHIBITION OF NEW DISCHARGES?

Regional Water Board staff considered including an immediate prohibition of new septic system discharges in the Basin Plan Amendment for the business corridor of Yucca Valley, Phase 1 in HDWD's Sewer Master Plan. Such a prohibition of new discharges would not have been a strict moratorium on new construction, because building could have proceeded so long as developers used holding tanks, package plants, or other means for waste disposal. This option could also have been implemented for new housing developments in Yucca Valley on an interim basis, until sewer infrastructure is constructed by HDWD. However, proliferation of package plants throughout the Town could have significant impact on the environment and undermine the viability of a centralized sewage collection and treatment system for the Town (see also CEQA Checklist discussion on pg. 19). Therefore, the Regional Water Board will continue to review new development on a case-by-case basis pursuant to the MOA it has with the Town and HDWD.

Efforts set forth by HDWD and the Town to provide sewer service to areas at risk of groundwater contamination from septic tank discharges, combined with the positive community response to convert to sewer, obviates the need for an immediate discharge prohibition for new development. However, if the sewer effort fails to win public approval or stalls for other reasons, the Regional Water Board may need to take other measures to protect water quality. These may include prohibiting new wastewater discharges throughout Yucca Valley and progressive enforcement (e.g., cease and desist orders and administrative civil liability complaints) to ensure dischargers and responsible parties comply with the terms of this prohibition.

VII. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONSIDERATION OF ALTERNATIVES

The California Secretary for Natural Resources has certified the basin planning process as meeting the requirements of Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). (CEQA Guidelines, tit. 14, § 15251(g); Cal. Code Regs., tit. 23, § 3782.) Based on the Secretary's certification, the basin planning process is exempt from certain environmental review requirements of CEQA, including preparation of an Initial Study, Negative Declaration, and Environmental Impact Report. However, as part of the Basin Planning process, the Regional Water Board is required to prepare: (1) a Basin Plan amendment; (2) an Environmental Checklist that identifies potentially significant adverse environmental impacts of the amendment, measures to mitigate significant adverse environmental impacts identified in the Checklist, and (3) a description of the proposed amendment and range of reasonable alternatives to comply with the amendment. (Cal. Code Regs., tit. 23, § 3777.)

Regional Water Board staff has prepared the draft staff report, Environmental Checklist, and proposed Basin Plan amendment for distribution to interested parties, including Town residents. These documents may be revised based on comments received from the public of the Regional Water Board. If revised, the final staff report will address any additional CEQA considerations, including economics, which may arise as a result of any changes to the proposed amendment.

The Environmental Checklist also contains a detailed discussion on alternatives to the proposed prohibition (Preferred Alternative), including the "No Action" alternative. It also has a detailed discussion on the range of reasonable alternatives/methods available to comply with the proposed prohibition. The Preferred Alternative is summarized in the following Section.

VIII. RECOMMENDED ALTERNATIVE – SEPTIC SYSTEM PROHIBITION

Regional Water Board staff is recommending that the Regional Water Board amend the Region's Basin Plan to prohibit septic system use in three areas of the Town, in accordance with the following time schedule for each area, or sooner than the prescribed time schedule if sewer service becomes available:

- Phase 1 by March 17, 2016
- Phase 2 by March 17, 2019
- Phase 3 by March 17, 2022

The HDWD's Sewer Master Plan (January 2009) proposes three phases of sewer service for the Town and the surrounding area (Figure E). Areas selected for sewer service pose the greatest risk to public health and water quality due to a high density (too many septic systems per unit area), or a high failure rate (causing wastewater surfacing and/or groundwater impacts). Sewer in these areas, along with a hook-up requirement when sewer service becomes available, should mitigate current impacts to public health and water quality from septic system use in the Town.

If, however, the septic system prohibition proposed above fails to adequately address public health and water quality impacts in Yucca Valley, the Regional Water Board may need to amend the Basin Plan further. Such amendments may include, for example, extending the area subject to the prohibition. Alternatively, if the sewer project does not go forward due to financial problems or for other reasons, the Regional Water Board may need to amend the Basin Plan to immediately prohibit all new septic systems discharges, and eliminate existing systems via a time schedule order.

IX. PUBLIC PARTICIPATION

Public participation is an integral part of the Basin Plan amendment process. On November 15 2007, Regional Water Board staff published a Public Notice inviting concerned, interested, and affected individuals, as well as public and private entities, to participate in a Technical Advisory Committee (TAC) to develop a Basin Plan amendment to conditionally prohibit septic systems in Yucca Valley. The reason for this action was to eliminate groundwater impacts from discharges of septic system effluent. The objectives of the TAC were as follows:

- advise staff to develop and implement the prohibition;
- provide expert opinion and scientific evaluations;
- provide CEQA documentation;
- identify financial assistance/resources, and
- assist with public outreach and education.

The TAC, which conducted its first meeting on February 21, 2008, was comprised of nine individuals representing the community, HDWD, and the Town. The TAC conducted a total of ten meetings before it was formally dissolved in May 2009.

On June 13, 2007, Regional Water Board staff conducted a town hall meeting in Yucca Valley with representatives from HDWD and the Town to discuss septic system problems and potential solutions.

On December 13, 2007, Regional Water Board staff held a public workshop and CEQA Scoping Meeting in the HDWD meeting room in Yucca Valley. Board staff presented the draft environmental checklist and an overview of the Basin Plan amendment. HDWD staff presented findings from its sewer feasibility study. Interested parties, community representatives, and area residents were present, and provided comments. Comments received and responses from staff are posted on the Regional Water Board's webpage.

The Regional Water Board will consider adoption of the proposed Basin Plan amendment at a public hearing scheduled as follows:

Thursday, March 17, 2011, 10:00 a.m.: ****.

City of La Quinta, City Council Chambers

78-495 Calle Tampico

La Quinta, CA 92253

The Basin Plan amendment may be revised in response to comments received during the public hearing. A Notice for the Public Hearing will be mailed to residents and interested parties in the affected area, published in local newspapers, and posted in local libraries and post offices. Additionally, the Notice and all relevant documents will be posted on the Regional Water Board's webpage.

X. SCIENTIFIC PEER REVIEW

Health and Safety Code, §57004 requires that the scientific basis of any statewide plan, basin plan, plan amendment, guideline, policy, or regulation undergo external peer review before adoption by the State or Regional Board. The "scientific basis" and "scientific portions" are defined as those "foundations of a rule that are premised upon, or derived from, empirical data or other scientific findings, conclusions, or assumptions establishing a regulatory level, standard, or other requirement for the protection of public health or the environment." Accordingly, regional water board staff submitted the draft staff report in support of the proposed basin plan amendment to prohibit septic tank discharges in the Town of Yucca Valley to the peer review process in July of 2010. Two peer reviewers were chosen by State Water Board staff, in a process independent of regional board staff.

Both of the participating peer reviewers concurred that the scientific information presented in the staff report supports the proposed septic tank discharge prohibition. One reviewer stated:

"I felt the staff report was very well written and highlights the evidence for failing septic tanks in the Yucca Valley area – something that is not covered in the USGS report. This result, in conjunction with all the evidence provided by the USGS, indicates that the proposed amendment to the basin plan is needed and scientifically warranted."

The second peer reviewer concurred:

"The installation of a sewer during Phase I implementation is justified by the annual rate of failures of septic systems within Yucca Valley. Septic systems for residential development at that density along with commercial establishments exceed waste accommodation rates and the soil's infiltration capacity."

The comment letters from both reviewers, and regional water board staff responses to comments, can be found in Appendix F.

XI. SUMMARY

Laboratory analyses of groundwater samples collected from supply wells in the Town indicate an exceedance in the drinking water standard (i.e., maximum contaminant level) for nitrate (NO_3^-). As a result, HDWD removed supply wells from service and treated well water to remove NO_3^- before distribution to the public. The USGS Study concluded that septage from septic tanks is the primary source of NO_3^- to the ground-water system (in Yucca Valley). This investigation provided the core scientific basis to prohibit septic tank use in the Town.

HDWD's 2002 "Source Water Assessment" completed for Yucca Valley's production wells rated *all* supply wells "most vulnerable" to nitrate contamination from septic systems. Irrespective of the source(s) of the existing nitrate contamination in groundwater, additional mass loading of nitrate from new development/high density septic system use will clearly cause further degradation to groundwater. It is therefore necessary to immediately protect vulnerable sub-basins in the Yucca Valley area not currently impacted by septic systems, where high density septic system use may ultimately lead to further water quality degradation.

Violations of water quality objectives and conditions of pollution, contamination, and nuisance have resulted from septic system use in the Yucca Valley area. The building boom that has occurred over the last 10 years has exacerbated water quality problems associated with septic system use in the area, including excess nutrients (nitrate) in groundwater.

In June 2007, Regional Water Board staff in collaboration with HDWD and Town officials formalized discussions to address water quality and public health concerns caused by septic system use in the Town. These discussions led to the adoption of a Memorandum of Agreement (MOA) to establish interim policy to mitigate the impact from the septic systems while a municipal sewage collection and treatment system for the Town is designed and built. On September 19, 2007, the Regional Water Board adopted Resolution R7-2007-0074 in support of the efforts by the Town of Yucca Valley and the HDWD to reduce or eliminate wastewater discharges from septic systems. The resolution states, in relevant part:

"...The Regional Board considers construction of the RWWTF (regional wastewater treatment facility) proposed by the District and Yucca Valley and elimination of the groundwater quality threat and impacts from septic systems in Yucca Valley to be strategic regional water quality priorities..."

In response to violations of water quality objectives for nitrate, scientific evidence, directives from the Regional Water Board, and requests from local entities, Regional Water Board staff is proposing a Basin Plan amendment to prohibit septic tank discharges in three areas of the Town to protect high quality municipal beneficial use groundwater aquifers vulnerable to degradation from septic system discharges

REGIONAL BOARD CONTACT

All enquiries regarding the proposed Basin Plan Amendment should be directed to:
Jon Rokke (760) 776-8959

REFERENCES

1. Hi-Desert Water District, Source Water Assessments, December 2002
2. USGS, Evaluation of the Source and Transport of High Nitrate Concentrations in Groundwater, Warren Subbasin, California, (Water-Resources Investigations Report 03-4009)
3. USEPA, Onsite Wastewater Treatment Systems Manual, February 2002.
4. EPA Response to Congress on Use of Decentralized Wastewater Treatment Systems, April 1997
5. USEPA National Primary Drinking Water Regulations, EPA 816-F-09-004, May 2009
6. USEPA, Basic Information About Nitrate In Drinking Water, <http://www.epa.gov/CW/WDW/contaminants/basicinformation/nitrate.html#six>
7. California's Groundwater Basin 118, updated 2/27/04
8. California Regional Water Quality Control Plan for the Colorado River Basin Region, June 2006
9. HDWD-MWH Preliminary Design Report, Volume 1, January 2009
10. HDWD-MWH Sewer Master Plan Final Report, January 2009
11. USEPA Seepage Pits May Endanger Groundwater Quality, EPA 909-F-01-001, April 2001
12. US Census Bureau, Yucca Valley town, California, Census 2000 Demographic Profile Highlights
13. Metcalf & Eddy, Wastewater Engineering Treatment Disposal and Reuse, 3rd Edition 1991
14. Letter from USGS to Joe Glowitz, April 27, 2009
15. Technical Advisory Committees Socio-economic subgroup Final Report
16. Onsite Wastewater Treatment Systems by Burkes & Minnis, 1994

APPENDIX A

U.S. Department of the Interior
U.S. Geological Survey

Evaluation of the Source and Transport of High Nitrate Concentrations in
Groundwater, Warren Subbasin, California

Water-Resources Investigations Report 03-4009

(Attach complete report)

DRAFT

APPENDIX B

(Attach Town of Yucca Valley Zoning Map)

DRAFT

APPENDIX C

(Attach Septic Failure Data and Location Maps)

DRAFT

APPENDIX D

(Attach Recent Nitrate and Ground water Elevation Data)

DRAFT

APPENDIX E

(Attach CEQA Checklist)

DRAFT

APPENDIX F

(Attach Scientific Peer Review Comment Letters, and Staff Responses to
Comments Letters)

DRAFT



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: March 8, 2011
For Council Meeting: March 15, 2011

Subject: FY 2010-11 Mid-year Budget Report

Recommendation: Receive and file the Mid-year Budget Report

Executive Summary: At the March 15, 2011 Council meeting, staff will present the Mid-year Budget report. In summary, the Town's Mid-year review indicates that with minor modifications, projected year-end financial results will be in line with the FY 2010-11 amended budget.

Order of Procedure:

- Staff Report
- Public Comment
- Council Discussion
- Motion/Second
- Discussion on Motion
- Roll Call Vote (voice vote)

Discussion: In reviewing the Town's financial performance through December 31, 2010, the analysis indicates some variances in the receipt of revenues and expenditure of funds from the financial plan adopted in the FY 2010-11 amended budget. To assist in the mid-year review, a summary of the significant activity in the revenue, expenditure and reserve components of the Town's General Fund budget is presented for Council consideration.

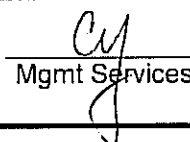
Revenues

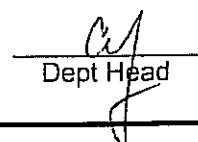
The majority of the Town's revenues are from tax and intergovernmental sources, with the three primary being sales tax, property tax, and vehicle license fees. These three sources comprise three-fourths of the Town's total revenue. The remaining quarter comes from the Town's charges for services, transient occupancy taxes, franchise taxes and other miscellaneous sources.

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 Item

Revenues received through December 31, 2010 total \$2.9 million, or about 32% of budget. This is consistent with year over year activity as the Town traditionally receives one-third of its revenue between July and December, and two-thirds between January and June.

In projecting year-end results, both sales tax and Franchise/TOT/Interest revenues are forecasted to fall short of the budget amounts. In the case of sales tax, projected revenues are anticipated to be 2% below budgeted amounts. It is likely that the recession continues to affect retail sales in the basin. Fourth quarter sales data which will be received at the end of this month will be a good indicator of whether the Town's retail sales have bottomed out, or if they will continue to trend downward. While the Town's retail sales continue to be flat or slightly down, regional retail sales are showing modest improvement. Of further interest will be the level of auto sales in the first two quarters of the calendar year. There does seem to be positive signs in overall auto sales.

Franchise/TOT/Interest revenues are projected to be approximately 10% down from budgeted amounts. This is result of a combination of factors, including lower occupancy numbers for local hotels, and reduced usage of franchise utilities. Additionally, interest revenue continues to suffer as rates of return on idle cash plunge toward less than 0.50%, or 50 basis points. This is not expected to rise materially in the next 12 to 18 months, and will be a continuing factor as the Town enters the FY 2011-12 budget process.

Other revenues are trending flat and inline with original budget projections. The 2004 State Budget included a permanent reduction of the Vehicle License Fees (VLF) rate (from 2% to 0.65%), eliminated the VLF backfill payments, and replaced that backfill payment with a property tax payment. Subsequent "Property Tax In-Lieu of VLF" payments were then indexed to increase proportionally with growth. The State indexed these payments to gross assessed valuation in each jurisdiction. As a result, VLF amounts for FY 2010-11 are down about \$200,000 from \$1.7 million to \$1.5 million, consistent with the drop in gross assessed valuation of property within the Town of Yucca Valley.

Year end changes are summarized as follows:

FY 2010-11 Adopted Budget Revenue	\$8,666,620
Decrease in sales tax	(54,000)
Decrease in Fran/TOT/Int	(95,820)
Other combined changes	<u>117,360</u>
FY 2010-11 Forecast Revenue	\$8,634,160
Net Change	\$(32,460)

Expenditures

The Town's expenditures are predominantly related to the provision of services provided. This includes public safety, community services (recreation programs), planning, and

community development. Expenditures through December 31, 2010 total \$4.25 million, or 48% of budget. To date the majority of expenditures, \$3.3 million, are associated with the Town's public safety contract with the San Bernardino County Sheriff, and the provision of services through personnel expenditures. Due to organizational changes that were made early on in the fiscal year and the one-time receipt of CDBG funding for Code Enforcement, it is anticipated that personnel services will be under budget by approximately \$144,000.

Other areas of potential savings include the deferral of a planned vehicle purchase, anticipated reductions in public safety overtime, and a number of smaller reductions in other Town departments, total expenditures are expected to be under budget by approximately \$287,000. Additionally, some budgeted costs have not been incurred due to the timing of certain projects and services

In projecting year-end results, total expenditures are anticipated at \$8.63 million.

Year end changes are summarized as follows:

FY 2010-11 Adopted Budget Expenditures	\$8,913,465
Decrease in Personnel Services	(143,983)
Decrease in Contract Safety	(30,200)
Decrease in Operating Expenditures	<u>(113,282)</u>
FY 2010-11 Forecast Expenditures	\$8,626,000
Net Change	\$(287,465)

Mid-Year Budget Changes

At this point in the fiscal year, it appears that all planned expenditures will be accommodated by the currently adopted budget. Accordingly, no changes are proposed.

Reserves

Town reserves as of December 31, 2010 total \$3.712 million and represent a \$1.6 million drawdown of July 1, 2009 reserve levels. This drawdown is generally consistent with the Town's annual cash flow pattern. Expenditures typically occur consistently throughout the year, while the receipt of revenues is significantly weighted toward the second half of the fiscal year.

A second factor influencing the drawdown is the completion of some of the encumbered projects and expenditures. The Council will recall that encumbered expenditures do not impact total spending, only the timing of such spending.

In projecting year-end results, Town reserves are anticipated to total \$5.0 million, in line with the reserve level incorporated in the FY 2010-11 amended budget. Projected reserve levels remain consistent with the Town's reserve policy.

The projections do not reflect any additional policy items that may come before council as separate action items. As such, anticipated policy items will be individually presented and discussed at the requisite time.

Alternatives: None.

Fiscal impact: Anticipated budget results appear in line with the financial plan established in the FY 2010-11 amended budget, with projected decreases in revenue offset by projected decreases in expenditures.

Attachments:

FY 2010-11 Mid-Year Budget Report
Yucca Valley 3rd Quarter Sales Tax Newsletter



Town of Yucca Valley
Mid-Year Budget Report
Fiscal Year 2010-11

December 31, 2010

Town of Yucca Valley

Mid-Year Budget Report Fiscal Year 2010-11

Quarterly Financial Highlights

Revenues

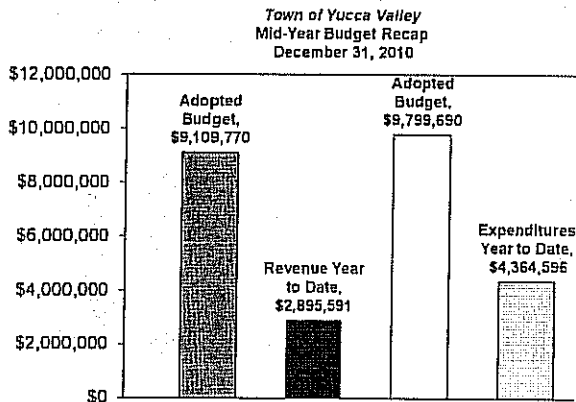
- Sales and Use tax down from prior year reflecting approximately 8% decrease in year over year point of sale transactions.
- Property and VLF backfill tax revenues in line with budget. First significant tax receipts of the year received in late December.
- Franchise/TOT/Interest revenue trending lower reflecting lower franchise revenue

from the Town's utility payments, and sustained drop in interest earnings on available cash, and lower occupancy rates.

- Community development and community service revenues in line with the FY 2010-11 adopted budget. Residential building activity remains muted. Select commercial activity continues toward completion.

Expenditures

- Salaries and benefit expenditures lower due to organizational changes made in the fall of 2010, as well as through the receipt of one-time CDBG revenues.
- Major non-personnel expenditure remains Public safety, accounting for 77% of FY 10-11 expenditures to date.
- Operating expenditures remain in line with the adopted budget. Some expenditures related to capital projects may not be completed in FY 10-11 and will carry-over in FY 11-12.



Upcoming Financial Events

January

- Continued monthly advances and apportionments of Sales and Use and VLF tax revenues.
- Cash receipt of 2Q LAIF investment earnings.
- First receipt of triple-flip sales tax revenue from the County.

February

- Continued monthly advances and apportionments of Sales and Use and VLF tax revenues.
- Continued receipts of property tax payments.
- Beginning receipts of one-time CDBG Code Enforcement revenues.

March

- Notification of 4th Quarter sales tax receipts

Town of Yucca Valley

**General Fund Revenues and Expenditures
Second Quarter Budget Report**

December 31, 2010

	Prior Year			Current Year		
	FY 2009-10			FY 2010-11		
	Amended Budget	Revenue Year to Date	% of Budget	Adopted Budget	Revenue Year to Date	% of Budget
REVENUES						
Sales and Use Tax	\$2,755,000	\$951,707	34.54%	\$2,775,000	\$852,409	30.72%
Property Tax	4,325,000	1,244,850	28.78%	3,905,000	1,113,205	28.51%
Vehicle License Fees	50,000	14,231	28.46%	65,000	19,533	30.05%
Franchise/TOT/Interest	1,073,020	254,061	23.68%	1,020,820	195,868	19.19%
Community Development	553,200	227,320	41.09%	606,250	289,491	47.75%
Community Services	196,000	105,870	54.02%	195,000	97,731	50.12%
Administrative/Other	157,550	97,552	61.92%	99,550	124,657	125.22%
Total Revenues	\$9,109,770	\$2,895,591	31.79%	\$8,666,620	\$2,692,894	31.07%
EXPENDITURES						
Personnel Services	\$3,855,570	\$1,813,181	47.03%	\$3,197,983	\$1,631,850	51.03%
Contract Safety	3,141,500	1,489,555	47.42%	3,349,200	1,649,640	49.25%
Operating Supplies and Services	2,344,535	897,898	38.30%	1,973,282	861,254	43.65%
Partnerships	154,385	80,980	52.45%	143,000	85,500	59.79%
Capital Projects	303,700	82,982	27.32%	250,000	21,916	8.77%
Total Expenditures	\$9,799,690	\$4,364,596	44.54%	\$8,913,465	\$4,250,160	47.68%

Notes

1. Primary VLF revenues are not reflected as part of the Property Tax revenue line due to Statewide reporting methods. For comparative purposes, Property Tax and VLF revenue can be combined in both fiscal years for analysis.
2. Adopted budget for FY 2010-11 shown includes FY 2009-10 carryover amounts.
3. Expenditures in excess of revenues reflect planned expenditures of prior year carryover items and are offset by higher than budgeted reserves as of June 30, 2010.

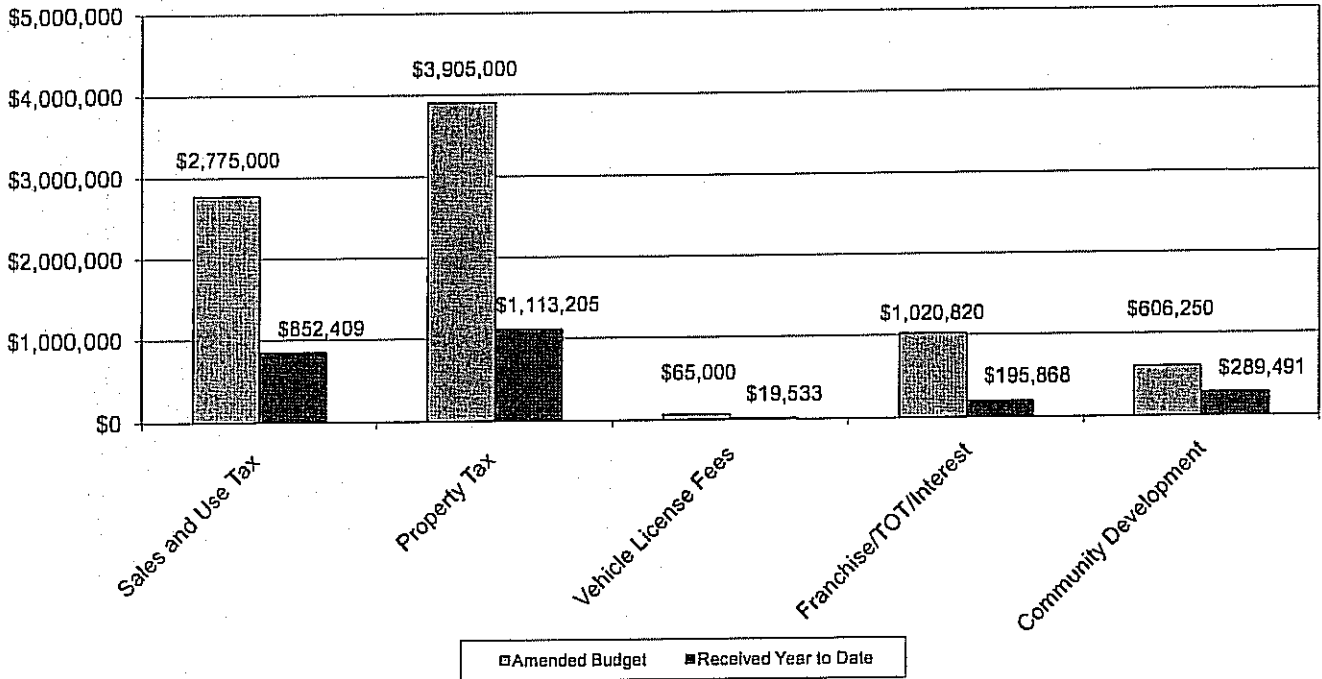
Town of Yucca Valley

**General Fund Revenues and Expenditures
Second Quarter Budget Report**

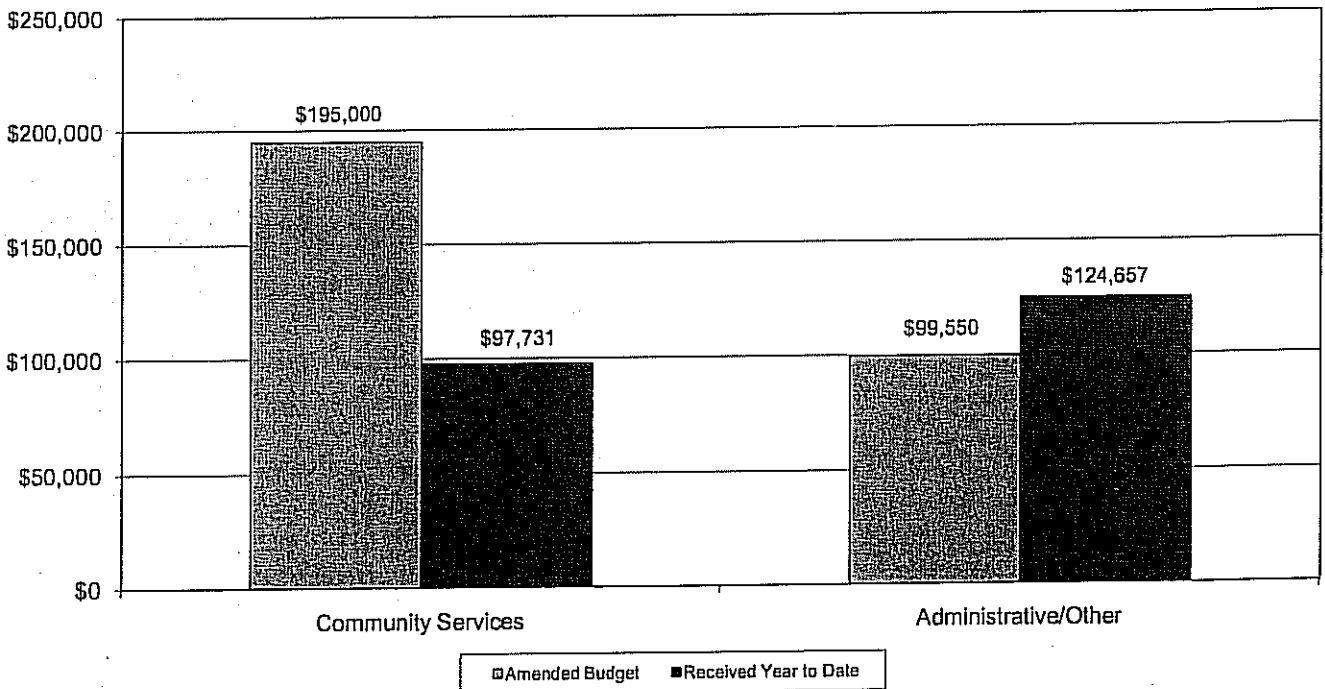
December 31, 2010

	Current Year			Year-end Forecast		
	FY 2010-11			FY 2010-11		
REVENUES	Adopted Budget	Revenue Year to Date	% of Budget	Year-end Projection	Projected Variance	% of Budget
Sales and Use Tax	\$2,775,000	\$852,409	30.72%	\$2,721,000	(\$54,000)	98.05%
Property Tax	3,905,000	1,113,205	28.51%	3,960,160	55,160	101.41%
Vehicle License Fees	65,000	19,533	30.05%	58,000	(7,000)	89.23%
Franchise/TOT/Interest	1,020,820	195,868	19.19%	925,000	(95,820)	90.61%
Community Development	606,250	289,491	47.75%	625,000	18,750	103.09%
Community Services	195,000	97,731	50.12%	190,000	(5,000)	97.44%
Administrative/Other	99,550	124,657	125.22%	155,000	55,450	155.70%
Total Revenues	\$8,666,620	\$2,692,894	31.07%	\$8,634,160	(\$32,460)	99.63%
EXPENDITURES	Adopted Budget	Expenditures Year to Date	% of Budget	Year-end Projection	Projected Variance	% of Budget
Personnel Services	\$3,197,983	\$1,631,850	51.03%	\$3,054,000	(\$143,983)	95.50%
Contract Safety	3,349,200	1,649,640	49.25%	3,319,000	(30,200)	99.10%
Operating Supplies and Services	1,973,282	861,254	43.65%	1,885,000	(88,282)	95.53%
Partnerships	143,000	85,500	59.79%	143,000	0	100.00%
Capital Projects	250,000	21,916	8.77%	225,000	(25,000)	90.00%
Total Expenditures	\$8,913,465	\$4,250,160	47.68%	\$8,626,000	(\$287,465)	96.77%
Reserve Analysis	FY 2010-11 Budgeted Reserves			FY 2010-11 Year-end Forecast Reserves		
Reserve Balance Summary	Beginning Balance	Ending Balance		Beginning Balance	Ending Balance	
Undesignated Reserve	\$ 5,094,397	\$ 5,057,923		\$ 5,094,397	\$5,066,083	
Catastrophic	1,000,000	1,000,000		1,000,000	1,000,000	
Other	433,416	433,416		433,416	433,416	
Total	\$ 6,527,813	\$ 6,491,339		\$ 6,527,813	\$ 6,499,499	
Reserve Policy Percentage		57%			59%	

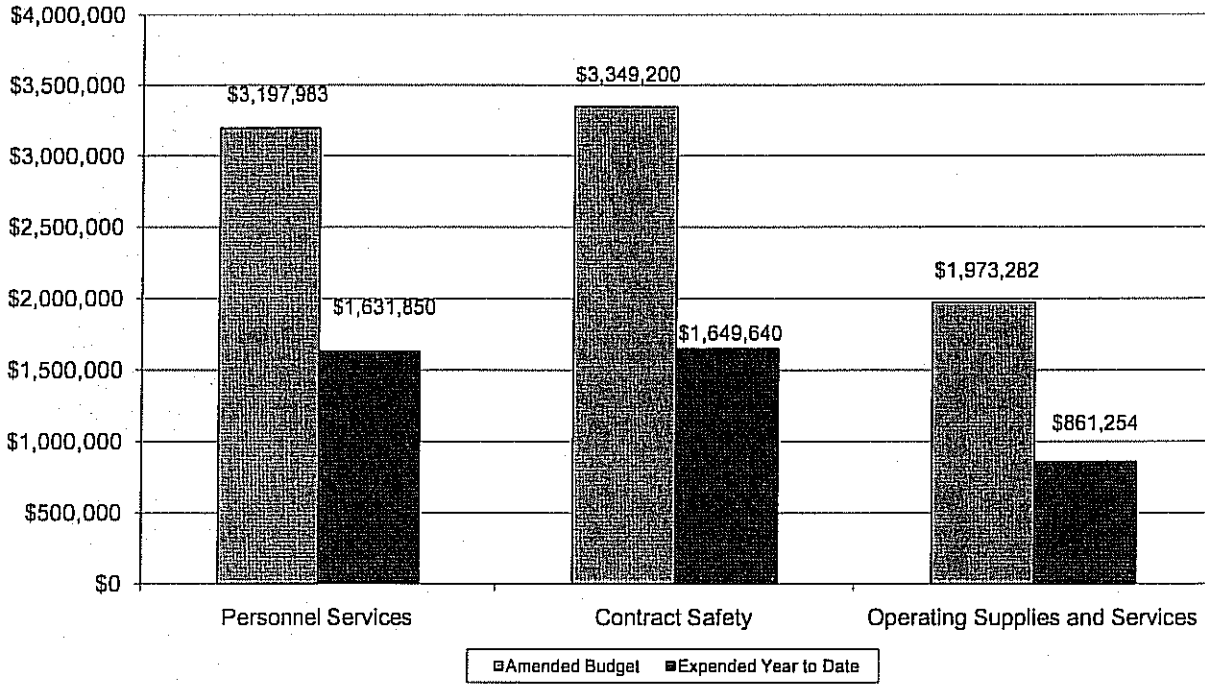
**Town of Yucca Valley
Major Revenue Sources
December 31, 2010**



**Town of Yucca Valley
Other Revenue Sources
December 31, 2010**



Town of Yucca Valley
Major Expenditure Categories
 December 31, 2010



Town of Yucca Valley
Other Expenditure Categories
 December 31, 2010

