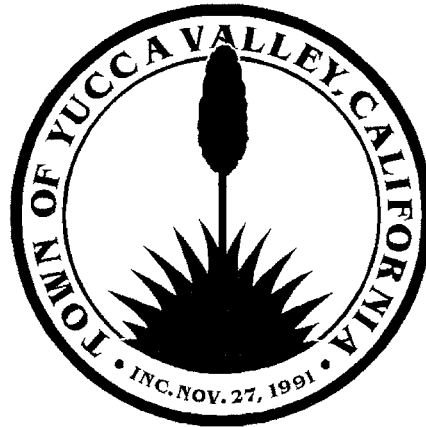


TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING



*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, JUNE 21, 2011
TOWN COUNCIL: 6:00 p.m.
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

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

* * * *

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

* * * *

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

**AGENDA
MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY, JUNE 21, 2011, 6:00 P.M.**

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

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

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

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

OPENING CEREMONIES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. National Park Proclamation
2. Longevity Awards

AGENCY REPORTS

Chamber of Commerce

- 3. Monthly report for May, 2011.

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Voice Vote _____

CONSENT AGENDA

- 1-14 4. Regular Town Council Meeting Minutes of May 17, 2011.

Recommendation: Approve minutes as presented.

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

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

- 15-17 6. Alternative Procedures for Filling of Vacancies on Town Council

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADDING SECTION 2.05.060½ TO CHAPTER 2.05, TITLE II OF THE YUCCA VALLEY MUNICIPAL CODE RELATING TO ALTERNATIVE PROCEDURES FOR THE FILLING OF COUNCILMEMBER VACANCIES CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 36512

Recommendation: Adopt the Ordinance

- 18-31 7. Authorization to Submit Grant Application, San Bernardino Associated Governments, Transportation Development Act, Pedestrian and Bicycle Facilities, Resolution

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR SAN BERNARDINO ASSOCIATED GOVERNMENTS TDA CALL FOR PROJECTS

Recommendation: Adopt the Resolution authorizing the Town Manager to submit a grant application to the San Bernardino Associated Governments for funding consideration in the

Transportation Development Act (TDA) Pedestrian and Bicycle Facilities call for projects for the Yucca Valley Community Center Pedestrian Access Improvement Project.

- 32-57 8. California Department of Transportation (Caltrans), Cooperative Agreement – Project Approval & Environmental Determination PA&ED Phase of the SR 62 Widening Project (EA 0M890) District Agreement No. 08-1503, Resolution

A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE COOPERATIVE AGREEMENT, DISTRICT AGREEMENT NUMBER 08-1503 AND AUTHORIZING THE MAYOR TO SIGN ALL NECESSARY DOCUMENTS RELATING TO THE SR 62 WIDENING PROJECT 08-SBD-62-8.75/9.31 AND 11.38/12.64; EA 0M890

Recommendation: Adopt the Resolution, authorizing the Mayor to sign the Cooperative Agreement for the PA&ED Phase of the SR 62 Widening Project (EA 0M890) District Agreement No. 08-1503

- 58-76 9. Requests for a Pawnbrokers License, SPL 11-11, Rocky's Pawn Shop

Recommendation: Approve Special License, SPL 11-11 based on the recommended Conditions of Approval.

- 77-86 10. Agreement with San Bernardino County, Animal Shelter Services

Recommendation: Approve the contract agreement between the County of San Bernardino for providing animal shelter services for FY 2011/12

- 87-88 11. Annual Veterinary Services/Supplies Expenses, Companion Animal Clinic

Recommendation: Authorize staff to procure veterinary services and supplies from Companion Animal Clinic in an amount not to exceed \$22,000 for FY 2011/2012 and waive the formal bidding procedures (Chapter 3.12) finding that adherence would be impractical in this situation

- 89-90 12. Annual Spay/Neuter Services for Adopted Dogs and Cats at the Yucca Valley Animal Shelter

Recommendation: Authorize the Animal Shelter to contract with three veterinarian offices, Hi Desert Animal Hospital, Animal Clinic of Desert Hot Springs and Companion Animal Clinic for spay/neuter services for FY 2011/2012, in an aggregate amount not to exceed

\$45,000, and to waive the formal bidding procedures (Chapter 3.12) that would be inefficient and unnecessary in this instance.

- 91-92 13. Dead Animal Removal & Disposal, D & D Services

Recommendation: Authorize animal shelter staff to contract with D & D Services for the removal and disposal of dead animals for fiscal year 2011/2012 in the amount not to exceed \$11,000.00.

- 93-94 14. Annual Animal Food Purchases

Recommendation: Authorize the Animal Shelter to contract with up to three vendors (Cowboy Corral, Wal-Mart and Newco Distributors) for the purchase of animal food, litter and bedding for FY 2011/2012, in an aggregate amount not to exceed \$18,000, and to waive formal bidding procedures finding that the established procedures (Chapter 3.12) would be impractical for these purchases.

- 95-102 15. Warrant Register June 7, 2011

Recommendation: Ratify the Warrant Register total of \$128,007.13 for checks dated June 2, 2011. Ratify Payroll Registers total of \$152,427.04 for checks dated May 27, 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 4-15)(roll call vote)

Action: Move _____ 2nd _____ Roll Call Vote _____

PUBLIC HEARING

- 103-154 16. Annual Assessment Engineer's Report for Previously Formed Street & Drainage and Landscape & Lighting Maintenance Districts, Levying Annual Assessments Upon Real Property Within Districts, Resolution

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CONFIRMING THE ASSESSMENTS AS SET

FORTH IN THE ENGINEER'S REPORTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS AND STREET AND DRAINAGE MAINTENANCE DISTRICTS AND DECLARING ITS INTENT TO LEVY AND COLLECT ASSESSMENTS UPON REAL PROPERTY WITHIN SAID DISTRICTS FOR THE 2011-2012 TAX YEAR

Staff Report

Recommendation: Adopt the Resolution approving and confirming the assessments as set forth in the Engineer's Reports and declare its intent to levy and collect assessments upon real property within the existing districts for the 2011-12 tax years and authorize the levy of assessments as recommended in the Engineer's Reports.

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

- 155-201 17. Church Street, Between Onaga Trail and Joshua Drive, Improvement Project, Acquisition of Property

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE INTERESTS IN PORTIONS OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NO. 0587-011-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE INTERESTS IN PORTIONS OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NOS. 0587-011-04 & 0587-011-024

Staff Report

Recommendation: Adopt the Resolutions declaring that the public interest and necessity require acquisition of fee interests in portions of the property known as Assessor's Parcel No. 0587-011-18 and Assessor Parcel Nos. 0587-011-04 & 0587-011-024

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

- 202-224 18. FY 2011-12 Proposed Budget Adoption.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING THE BUDGET AND APPROVING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2011 AND ENDING JUNE 30, 2012 AND DESIGNATING THOSE

OFFICIALS AUTHORIZED TO MAKE REQUISITIONS FOR ENCUMBRANCES AGAINST APPROPRIATIONS

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ESTABLISHING THE SPENDING LIMITATION FOR FISCAL YEAR 2011-12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING POSITIONS AND SALARY SCHEDULE FOR FISCAL YEAR 2011-12

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, FOR EMPLOYER PAID MEMBER CONTRIBUTIONS

Staff Report

Open Public Hearing

Recommendation:

- **Adopt a Resolution approving the Fiscal Year 2011-12 proposed budget, and designating those officials authorized to make requisitions for encumbrances against appropriations**
- **Adopt a Resolution establishing the spending limitation for Fiscal Year 2011-12**
- **Adopt a Resolution authorizing positions for Fiscal Year 2011-12, and authorizing pay ranges for such positions for Fiscal Year 2011-12, effective July 2, 2011.**
- **Adopt a Resolution that Town Employees contribute eight percent of the Employee Portion of the employee's PERS retirement plan, effective July 2, 2011; limit merit increases for eligible employees to a one-step increase (2.5%), and approve a transition assistance package for current employees whose positions have been eliminated for the 2011-12 Fiscal Year.**
- **Approve an amendment to the contract with the San Bernardino County Sheriff's Department, and authorize the Town Manager to sign on behalf of the Town.**
- **Approve the staff recommendation regarding the public safety budget including the continuation of the FY 2010-11 funding level, with the intent to absorb any potential reduction in hours through grant applications, current grant funding, or specialized task force activity, and direct staff to return prior to October 1, 2011 with an update.**
- **Approve the staff recommendation of the proposed employee benefits package that was presented to Council on May 17, 2011, and direct**

staff to update, revise and return the Town's Employee Handbook to Council for ratification in August 2011

- Approve the staff recommendation for the reservation of fund balance in an amount of \$700,000 to be used in meeting a portion of the Town's infrastructure deficit.

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

DEPARTMENT REPORTS

- 225-264 19. Memorandums of Understanding Between Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California, San Bernardino County, and the City of Twentynine Palms

Staff Report

Recommendation: Approve the Memorandums of Understanding (MOU) for Emergency Management, Communication Support, Public Works Support, Transportation Support, Logistics Management and Resources Support, and External Affairs between the Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, California, San Bernardino County, and the City of Twentynine Palms.

Action: Move _____ 2nd _____ Voice Vote _____.

- 265-266 20. Authorization to Submit Grant Application to the State of California Department of Parks and Recreation for Proposition 84 Funding.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY APPROVING THE APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS

Staff Report

Recommendation: Adopt the Resolution authorizing staff to submit a grant application to the State of California Department of Parks and Recreation to seek Proposition 84 funding for the Brehm Park project.

Action: Move _____ 2nd _____ Voice Vote _____.

- 267-295 21. General Plan Update, Preliminary Staff Report, Award of Contract Service Agreement

Staff Report

Recommendation:

- Award the General Plan Update Contract Services Agreement to _____ in an amount not to exceed \$ _____, authorizing the Town Manager to negotiate the final contract sum and scope of services within the not to exceed amount, and authorizing the Mayor, Town Manager, and Town Attorney to sign the agreement.
- Amend the Fiscal Year 2010-11 Adopted Budget by appropriating \$450,000 of General Fund Reserves to assist in the funding of the General Plan Update.

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

296-302 22. Approval of the GASB 54 Fund Balance Policy and Resolution

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE TOWN OF YUCCA VALLEY GENERAL FUND EMERGENCY CONTINGENCY RESERVE COMMITMENT OF FUND BALANCE FOR THE GENERAL FUND

Staff Report

Recommendation: Approve the Fund Balance Policy and Adopt the Resolution approving the Town of Yucca Valley General Fund Emergency Contingency Commitment of fund balance for the General Fund.

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

- 23. Council Member Abel
- 24. Council Member Hagerman
- 25. Council Member Rowe
- 26. Mayor Pro Tem Luckino
- 27. Mayor Huntington

ANNOUNCEMENTS

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

Next Town Council Meeting, Tuesday, August 2, 2011, 6:00 p.m.

CLOSED SESSION

- 28. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION
Subsection (c) of Section 54956.9, the legislative body is deciding whether or not to initiate litigation.

CLOSING ANNOUNCEMENTS

ADJOURNMENT

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
JUNE 7, 2011**

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

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

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

PLEDGE OF ALLEGIANCE

Led by Mayor Huntington

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Desert Regional Tourism Agency Quarterly Report

Cary Harwin, DRTA, gave the quarterly report.

2. Employee of the Year

Presented to Deputy Town Manager Stueckle.

2a. Youth Commission Recognition.

Certificates of appreciation were presented to: Krista Blevins, London Caldwell, Kaitlyn Denison, Velda Denison, Didra Felix, Ana Goddard, Cassidy Hyso, Joey Jackson, Ian Lafferty, Kiarra Mora, James Ritchie, and Kaitlyn Woolling.

APPROVAL OF AGENDA

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

CONSENT AGENDA

3. Approve, Special Town Council Meeting Minutes of May 10 and 11, 2011, Regular Town Council Meeting Minutes of May 17, 2011 as presented.

4. Waive, further reading of all ordinances and read by title only.

5. Adopt, Ordinance No. 225, Specific Plan S 01-11, Senior Affordable Housing Project.

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

- 6. **Approve**, Amendment No. 1 to the contract for architectural design services with Interactive Design Corporation (IDC), in the amount of \$1,500, increasing total compensation to \$12,500, including total reimbursable expense not to exceed \$900.00, and architect's construction administration billed on an hourly rate not to exceed \$4,000.00, and authorize the Mayor, Town Manager, and Town Attorney to sign all necessary documents.
- 7. **Authorize**, staff to proceed with advertisement for construction bids at the earliest opportunity upon approval from the funding agency, American Recovery and Reinvestment Act (ARRA)-Energy Efficiency Conservation Block Grant (EECBG) Project, Community Center and Library HVAC Upgrade and Town Wide (Public Building) Lighting Replacement, Town Project No. 5401, Authorization to Advertise for Public Bid for Construction
- 8. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of March and April 2011
- 10. **Receive and File**, the Quarterly Desert Regional Tourism Agency (DRTA) Activity Report for the period ending April 30, 2011, and receive and update regarding the request of the DRTA for fiscal year 2011-12.
- 11. **Ratify**, Warrant Register total of \$450,458.41 for checks dated May 19, 2011. Ratify Payroll Registers total of \$145,634.74 for checks dated May 13, 2011.

Margo Sturges, Yucca Valley, objected to placing Item No. 9 regarding formation of CFD 11-1 on the Consent Agenda.

Council Member Luckino requested to pull Item No. 9

Council Member Luckino moved to adopt Consent Agenda Items 3-8 and 10-11. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

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

9. Declaration of Intent to Form CFD 11-1, Resolution; Resolution Adopting CFD Local Goals & Policies; Formation of Community Facilities District No. 11-1, Warren Vista Shopping Center; CUP-01-08/Parcel Map 19103

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 11-1

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY ADOPTING LOCAL GOALS AND POLICIES CONCERNING DISTRICTS FORMED PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

Deputy Town Manager Stueckle advised the item is a recommendation to adopt two resolutions regarding the formation of a Community Facilities District for the Warren Vista Center Project and establishing goals and policies for Districts formed under the Mello-Roos Community Facilities act. He gave a PowerPoint presentation giving the background of maintenance districts and specific background of the Warren Vista Center. The Town has received a letter from Richard Gottlieb, owner, concurring with the findings.

Council Member Luckino questioned why a traditional assessment district could not support the maintenance costs. Deputy Town Manager Stueckle advised the nature of the parcel map is such that traffic and storm drainage waters directly attributable to the project cannot be sufficiently identified to meet the legal requirements of an assessment district, noting the CFD is a more flexible approach that allows the town to recover 100% of the maintenance costs created by the new infrastructure constructed as part of the development. Council Member Luckino questioned if, going forward, the CFD is going to be the preferred method. Deputy Town Manager Stueckle advised the standard Landscape and Lighting Maintenance District and Street Drainage Assessment District will be used in most cases. Council Member Luckino commented that the Town has started instituting these districts over last 7 years so that the costs of new developments do not impact existing residents.

Council Member Rowe requested clarification that the goals and policies have to be in place in order to create any CFD. Deputy Town Manager Stueckle stated that is correct. The terms you see are necessary components in the goals and policies. He added that, while the Council doesn't have to take action again in future, these goals and policies can be amended at any time. Council Member Rowe questioned if this fee is levied upon new tenants that may open in the project. Deputy Town Manager Stueckle advised that they are not, it is assessed to the property itself. Council Member Rowe requested an explanation of the special election and the tax. Deputy Town

Manager Stueckle advised the property owner has to vote in favor in order for the district to go into effect.

Council Member Hagerman questioned if this method of district formation is normal and customary for other areas in the state. Deputy Town Manager Stueckle advised that it is becoming very standard throughout the state. Council Member Hagerman stated this is a win win for residents and developers.

Council Member Abel commented regarding the perception of Mello-Roos Districts and questioned what happens if the assessment isn't sufficient to maintain the property. Deputy Town Manager Stueckle advised that Engineers prepared the actual maintenance budgets and review of this project allows for a maximum 4% annual increase. He noted there is a correction on Page 53 of the staff report amending the annual tax increase to 4%. The escalator is placed to keep up with the maintenance costs. He added that it is possible for an inaccurate estimate, but this action establishes the maximum fees to be imposed subject to the annual escalator, and once the numbers are set we are required to live with those amounts.

Mayor Huntington commented that the north boundary of the district does not include medians on highway. Deputy Town Manager Stueckle advised that the medians are in the public right of way and not included in the vote, but the maintenance costs are covered by the district.

Council Member Luckino moved to adopt the Resolutions necessary to form, following the required Public Hearings scheduled for August 2, 2011, Community Facilities District No. 11-1 as follows: Resolution No. 11-22 adopting the Goals and Policies concerning the formation of Community Facilities Districts pursuant to the Mello-Roos Community Facilities Act of 1982, and Resolution No. 11-23, declaring the Intent of the Town Council of the Town of Yucca Valley to establish Community Facilities District No. 11-1. Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

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

PUBLIC HEARING

- 12. **Public Nuisances Abated at Town's Expense, Placement of Lines on the Tax Roll, Resolution**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CONFIRMING STATEMENTS OF COSTS AGAINST REAL PROPERTY LOCATED IN THE TOWN OF YUCCA VALLEY FOR ABATEMENTS OF PUBLIC NUISANCES AND DIRECTING THAT SAID STATEMENTS OF COSTS CONSTITUTE A LIEN UPON SAID PROPERTIES

Supervising Code Compliance Officer Ponder reported the Resolution places 5 properties on the County tax rolls to collect a total of \$5,844.19.

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

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

Council Member Hagerman moved to adopt Resolution No. 11-24, placing tax liens on the FY 2011/12 San Bernardino County Tax Rolls. Council Member Abel seconded. Motion carried 5-0 on a voice vote.

DEPARTMENT REPORTS

13. **Appointment to Planning Commission**

Town Manager Nuaimi reported the position was advertised and one application received from Vickie Bridenstine.

Margo Sturges, Yucca Valley, spoke in favor of appointing Vicki Bridenstine.

Council Member Hagerman advised he is pleased to have Vickie apply noting he worked with her previously.

Mayor Huntington commented she will be a great fit for the Commission.

Council Member Abel moved to nominate Vickie Bridenstine to the Planning Commission. Council Member Luckino seconded. Motion carried 5-0 on a voice vote.

14. **Alternative Procedures for Filling of Vacancies on Town Council**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADDING SECTION 2.05.060½ TO CHAPTER 2.05, TITLE II OF THE YUCCA VALLEY MUNICIPAL CODE RELATING TO ALTERNATIVE PROCEDURES FOR THE FILLING OF COUNCILMEMBER VACANCIES CONSISTENT WITH CALIFORNIA GOVERNMENT CODE

SECTION 36512

Town Attorney Laymon gave the staff report and read the title of the Ordinance giving the Council the option of making an interim only appointment to fill a Council vacancy pending a special election of a new Council Member.

Council Member Rowe questioned if the Council has addressed the appointment process for commissioners and whether or not an appointed Council Member has the right to make a new appointment in the midterm. Town Manager Nuaimi stated that is silent in the Commission ordinance.

Council Member Abel stated his understanding that if a Council Member is going to remove someone from a commission they would need a majority vote of the Council to do so. Town Manager Nuaimi advised that is correct. Council Member Abel commented this ordinance gives Council multiple opportunities to choose what they feel would be an appropriate response to a vacancy. Town Attorney Laymon advised that is correct and noted the Council always has the default options available.

It was noted that a majority of the Council Members cannot be appointed.

Council Member Luckino moved to introduce the Ordinance to implement alternative procedures for the filling of vacancies upon the Town Council. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

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

15. Irrigation Water Rates, Request for Rate Reduction, Resolution

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY REQUESTING A REDUCTION IN IRRIGATION WATER RATES FOR PUBLIC AGENCIES AND NON PROFITS WHICH PROVIDE ACTIVE RECREATION AND SPORTS FACILITIES FOR THE GENERAL PUBLIC WHILE UTILIZING IRRIGATION WATER CONSERVATION AND MANAGEMENT SYSTEMS

Council Member Luckino recused himself due to his employment with the Water District.

Deputy Town Manager Stueckle presented the staff report included in the meeting

packet and retained in the files and advised the recommendation is to adopt the resolution requesting a reduction in irrigation water rates, noting the community suffers from shortages of turfed areas.

Margo Sturges, Yucca Valley, commented regarding the request for a lower rate stating that citizens and rate payers can't subsidize a special group.

Curt Duffy, Yucca Valley, stated the resolution reads "any nonprofit which provides active recreation and sports turf facilities to the general public" and questioned what the specifications are. Town Manager Nuaimi explained.

With reference to the comment regarding being given a discounted rate, Town Manager Nuaimi advised that if the water use is divided by the number of town residents, we are using about 1 unit per resident.

Mayor Huntington questioned if the water rate costs and units shown on stamped page 167 is for the same number of facilities. Deputy Town Manager Stueckle advised that they are.

Council Member Abel questioned the real costs to Water District. Deputy Town Manager Stueckle explained the fee study that identifies the operational costs in order to arrive at the cost for water. He advised that it is common in other cities to have public facilities rates similar to residential rates, noting the water being used is for the benefit of the entire community. Council Member Abel questioned what percentage the Town uses compared to the rest of the residents. Town Manager Nuaimi advised the Town's use is about 1.3% to 1.4% of water consumption and has ½ of irrigation accounts. Council Member Abel questioned why the Town is going to bat for the nonprofits in the area. Deputy Town Manager Stueckle advised one of the anomalies in our community is the high proportion of recreational facilities being provided by nonprofits, adding that is why a large portion of the Town's CDBG allocations continue to go into maintenance or construction of those nonprofit facilities. If Tri Valley Little League was not available, it would only compound the problem on Town facilities.

Council Member Hagerman commented that the Town serves the same residents as the Water District.

Council Member Rowe moved to adopt Resolution No. 11-25, requesting the reduction in irrigation water rates for those turfed recreation and sports facilities which are available to the general public and are provided by public agencies and nonprofits. Council Member Abel seconded. Motion carried 4-0-1 on a voice vote with Council Member Luckino abstaining.

Council Member Luckino returned to the dais

16. FY 2011-12 Proposed General Fund Budget

Administrative Services Director Yakimow presented the staff report included in the meeting packet and retained in the permanent file and gave a PowerPoint presentation outlining proposed revenues, expenses, and budget reduction initiatives for the year.

Mark Cain, Yucca Valley, questioned if eliminating positions is the right thing to do, commented regarding the increase in vacation cap, the paid time off going from 56 to 80 hours for specific employees, the increase in the health benefit allowance, and questioned why PERS costs are increasing when the employees are paying a bigger share.

Margo Sturges, Yucca Valley, requested that the Council continue to fund the tennis program.

Curt Duffy, Yucca Valley, commented regarding the need to market the Town to bring up the property values.

Council Member Luckino expressed concern about cutting public safety hours and funding for the nonprofit agencies, and questioned if the public will be impacted by the staffing cuts. Administrative Services Director Yakimow explained the various aspects of the public safety contract and the application for a grant to cover any lost hours that might occur. Town Manager Nuaimi advised that the public will be impacted with the staffing cuts and presented possible proposals to cut counter hours in various buildings. It was noted that some of the partnerships were shifted from the General Fund budget to other special funds. Council Member Luckino questioned the nexus between Reach Out Morongo and MBTA funding. Administrative Services Director Yakimow advised that MBTA has grant funding available for nonprofit transportation providers such as Reach Out Morongo Basin. Council Member Luckino questioned the progress of discussions with the County regarding partnerships for the museum. Town Manager Nuaimi advised the initial outreach has been made, however, the county is looking at a deficit also. He noted that staff has discussed a number of issues with them seeking participation but those dollars are not there. Council Member Luckino questioned if a full time engineering person is needed. Town Manager Nuaimi advised that there are a lot of resources going to contract staff which is well over cost of the potential addition including benefits.

Council Member Rowe questioned if the Town can seek to get funding for the School Resource Officer back from the School District. Town Manager Nuaimi advised staff will go back to the district for that funding. Council Member Rowe questioned if the

Veterans Day event will be presented by 29 Palms, so not funded by the Town. Community Services Director Schooler advised that is correct. Council Member Rowe questioned the difference between a contract engineer and full time staff member. Administrative Services Director Yakimow identified the contract engineer is \$100 per hour, noting it would give lot of flexibility to have someone on staff. The salary range is identified at approximately \$80,000 plus benefits and would be an exempt position.

Council Member Hagerman commented he has a hard time cutting our services when we provide a School Resource Officer, and advised he will lobby with School Board Members for assistance with that expense. He expressed concern about reducing services to our residents, and closing the Museum on Sundays, and agreed that the Tennis Program should be funded. Town Manager Nuaimi advised that staff counts the number of visitors who come to the Museum by day and Sunday was a better day to shut down.

Council Member Abel questioned if holding the line on the contract safety issues is in line with other municipalities. Town Manager Nuaimi advised that he has been discussing the issue with his peers and they are all facing difficult decisions regarding cutting staff and contract prices going up, and are doing the same thing.

Council Member Luckino expressed concern regarding the amount of public dollars going to the Museum when funds are being cut to the nonprofits, noting that Council had asked staff to look at the Museum and their costs previously. Town Manager Nuaimi cautioned the Council from classifying a single program or facility, noting staff members wear many hats, and the Museum is part and parcel to Community Services. He noted that staff did meet with the National Park to talk about potential partnerships, and those discussions continue, but there is not an obvious successor agency at this time. The Museum staff is continuing to pursue grants, and evaluating whether it is prudent to charge admission.

Council Member Hagerman commented there needs to be a Council directive regarding what we feel are necessities in the community.

Mayor Huntington commented the Museum provides a valuable service to this community and is part of the Community Services Department, with its staff involved in a lot of other functions. He is against pulling funding. He agreed to finding funding for the tennis program, and noted that it crucial to monitor the public safety budget to make sure services are kept at a certain level.

Council Member Luckino stated he supports revisiting the Museum as well as Council Member Hagerman. Council Member Rowe stated she would also like to see it revisited. Town Manager Nuaimi requested clarification as to what Council wants to

revisit or try to attempt to fund. Council Member Luckino questioned how much has been cut from the partnership budget. Town Manager Nuaimi advised much of the partnership funding has been transferred to RDA. Council Member Luckino commented that all those organizations are struggling, however, there is one entity under the Town's wing that isn't struggling because it is funded by tax payers, and he would like to look at whether or not is it worth reallocating responsibility for the Museum, as the Council did with the California Welcome Center. Administrative Services Director Yakimow stated that staff can look at that and advised that over the last 4 years staff has looked at the Museum, made substantial changes, and cut the budget about \$100,000.

Council Member Rowe commented if the Town is looking at cutting Public Safety, it should also be looking at some of our other expenditures. Town Manager Nuaimi questioned if Council wants to look at the Museum specifically or the entire Community Services Department. Council Member Luckino stated the Council needs to prioritize the services we provide and give staff direction.

Mayor Huntington stated he is assuming the tax program that MBTA is offering this year will fully fund the Reach Out Morongo Basin, but if it doesn't he would like to see the issue come back to Council.

Council Member Hagerman stated he doesn't think it is a negative thing to look at Community Services and priorities.

Town Manager Nuaimi summarized that Council direction is as follows: Tennis Association to be funded; staff to monitor the metrics as far as Public Safety and not wait until October to bring it back if there is a change in response time; Staff to bring back a full description of Community Services programs for review; continue to support Reach Out Morongo Basin for MBTA dollars, and if not successful will bring back to Council. He added that there is not a lot of room for hiccups in this budget and it is likely the Council will be seeing it addressed more frequently than usual. While we have a healthy reserve, it doesn't take long to dissipate when there is a problem. Staff will continue to monitor that and bring back conservative policies to make sure to maintain it. He requested guidance toward the 10% goal toward the infrastructure fund. Council agreed

Council Member Luckino thanked and acknowledged staff for their dedication.

Council Member Luckino moved to accept the staff recommendation regarding the actions necessary to address the projected deficit and present a balanced budget including the vacating of an Executive Assistant, Administrative Assistant III, and

Maintenance Worker II, and the addition of an Engineering Manager or equivalent position; accept the staff recommendation regarding the public safety budget including the continuation of the FY 2010-11 funding level, with the intent to absorb any potential reduction in hours through grant applications, current grant funding, or specialized task force activity; accept the staff recommendation related to the Town's Public Partnership budget eliminating, reducing or transferring specific partnership contributions, continuing the Tennis Program funding at \$3,000; accept the staff recommendation of the proposed employee benefits package that was presented to Council on May 17, 2011, and direct staff to update, revise and return the Town's Employee Handbook to Council for ratification in August 2011; accept the staff recommendation of the reservation of fund balance in an amount ranging from \$500,000 - \$750,000 to be used in meeting a portion of the Town's infrastructure deficit; and direct staff to incorporate the proposed changes into the Town's final proposed budget plan for fiscal year 2011-12, and return a proposed balanced budget for adoption with the implementing resolutions on June 21, 2011. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

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

17. PERS Contract Amendment Ordinance

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

Human Resources/Risk Manager Lassetter gave the staff report, advising this is the 2nd reading of the Ordinance that was presented at the May 17th meeting and relates to the 2% at 60 retirement formula for those employees hired after July 17, 2011.

Council Member Luckino moved to adopt Ordinance No. 226. Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

POLICY DISCUSSION

18. General Fund Allocation to Roadway Improvements, Preliminary General Fund Road Maintenance Program

Deputy Town Manager Stueckle gave the staff report and a PowerPoint presentation showing the roads to be included in the preliminary general fund road maintenance program.

Council Member Rowe agreed with working toward the goal of allocating 10% of general fund dollars to road maintenance. Council agreed.

Council Member Abel questioned how a road is added to the list. Deputy Town Manager Stueckle advised the competition for road maintenance dollars is very steep and the Town doesn't have the ability to address all the requests. Council Member Abel commented that some streets are beyond needing just maintenance and have to go to complete removal and resurfacing. Deputy Town Manager Stueckle advised that is correct, however, the desired maintenance approach is slurry seal with the goal to keep them maintained so that they don't deteriorate. Expenditures are prioritized to preserve the roads we have today.

Council Member Hagerman moved to receive the report and direct staff to include the projects in the 2011-2012 Capital Projects Budget. Council Member Rowe seconded. Motion carried 5-0 on a voice vote.

FUTURE AGENDA ITEMS

None

PUBLIC COMMENT

None

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi thanked the Mayor and Council for comments this evening in the budget process and for the guidance given in the beginning of the year to help formulate some of the tough decisions staff had to bring forward. He also thanked the management team for their outstanding efforts fighting to maintain services. Congratulations to Deputy Town Manager Stueckle for being selected as employee of the year.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

19. Council Member Abel

Reported regarding a meeting with Senator Feinstein's staff regarding the proposal for desert lands.

Congratulated Deputy Town Manager Stueckle.

Congratulated the Youth Commission.

Welcomed Vickie Bridenstine to the Planning Commission.

Thanked staff for their dedication.

20. Council Member Hagerman

Commended the Management team and employees for the public services they perform and Town Manager Nuaimi for all the hours he puts in. The Town does have a dedicated staff and the cuts that have to be made are hard but necessary.

Congratulated Deputy Town Manager Stueckle.

Congratulated Vickie Bridenstine.

21. Council Member Rowe

Congratulated Vickie Bridenstine for being selected for the Planning Commission.

Thanked Administrative Services Director Yakimow for his work on the budget.

Congratulated the Youth Commission members.

Thanked DRTA for their work lowering their budget themselves

Extended congratulations to Deputy Town Manager Stueckle.

22. Mayor Pro Tem Luckino

Echoed congratulations to Deputy Town Manager Stueckle

Advised that school is out for the summer.

Commended staff for the Grubstakes celebration.

Welcomed Vickie Bridenstine to the Planning Commission.

Stated that he hopes to see discussion on underground utilities soon.

Welcomed former Sheriff's Capt. Williams to the meeting.

23. Mayor Huntington

Echoed congratulations to Deputy Town Manager Stueckle, Vickie Bridenstine on her appointment to the Planning Commission and the Youth Commission for a successful year.

Thanked staff for a successful Grubstakes Days celebration.

Reported regarding the Animal Care JPA meeting.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, June 21, 2011, 6:00 p.m.

CLOSING ANNOUNCEMENTS

Deputy Town Manager Stueckle expressed appreciation for all the comments, noting that his success is only as good as the team.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADDING SECTION 2.05.060½ TO CHAPTER 2.05, TITLE II, OF THE YUCCA VALLEY MUNICIPAL CODE RELATING TO ALTERNATIVE PROCEDURES FOR THE FILLING OF COUNCILMEMBER VACANCIES CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 36512

WHEREAS, Subsection (b) of Section 36512 of the California Government Code provides that when a vacancy occurs on a city council, the city council must, within sixty days of the occurrence of such vacancy, fill the vacancy by appointment or by calling a special election; and,

WHEREAS, Subsection (b) of said Section 36512 provides that the person so appointed or elected at special election to fill the vacancy shall—in the absence of a local ordinance holding otherwise—hold office for the unexpired term of the former incumbent; and,

WHEREAS, Subsection (c)(3) of said Section 36512 provides that, notwithstanding Subsection (b) of Section 36512 of the Government Code, a city may enact an ordinance that provides that a person appointed to fill a vacancy on a city council shall hold office only until the date of a special election, which shall be called to fill the remainder of the term; and,

WHEREAS, Subsection (c)(3) of said Section 36512 provides that such election may be held on the date of the next regularly-established election or regularly-scheduled municipal election to be held throughout the city that is not less than 114 days from the call of such special election; and,

WHEREAS, Subsection (c)(3) of said Section 36512 provides that such ordinances shall apply to a vacancy on a city council but not to a vacancy in the office of an elective mayor, which, instead, shall be filled in the manner provided for by Section 34902 of the Government Code; and,

WHEREAS, by limiting the term of a council appointee to vacancy, the voters shall have the opportunity to fill the balance of the vacancy by election while maintaining the Town Council's discretion to temporarily fill the vacancy until such election may be held.

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

SECTION 1. The recitals set forth above are hereby incorporated by reference into this ordinance and made a part hereof.

SECTION 2. Section 2.05.060½ of the Yucca Valley Municipal Code is hereby added to Chapter 2.05 of Title II of the Yucca Valley Municipal Code to read, in its entirety, as follows:

"Section 2.05.060½. Alternate methodologies for Filling Council Vacancy

- A. Appointment. Pursuant to Government Code Section 36512(b), the town council may fill a vacancy on the town council by appointment within the time frame established by state law. An appointment under this subsection shall be for the remainder of the term of the former incumbent.
- B. Special election. Pursuant to Government Code Section 36512(b), the town council may fill a vacancy on the town council by calling a special election within the time frame and process called for under state law. The term of office under this subsection following the special election shall be for the remainder of the term of the former incumbent.
- C. Interim appointment and special election. Pursuant to Government Code Section 36512(c)(3), the town council also has the option of filling a vacancy on the town council by making an interim appointment and immediately calling a special election. Such interim appointment and calling of a special election shall be done within the timeframe called for under state law. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election. An appointment under this option shall be only for that period of time until the results of the special election for the vacant council seat are certified and accepted by the town council. Thereafter, the person elected to fill the vacant council seat shall serve the remainder of the term of the former incumbent.
- D. No majority-appointed council. Notwithstanding any other provision of this Section, an appointment shall not be made to fill a vacancy on the town council if the appointment would result in a majority of the members serving on the town council having been appointed. In that instance, the vacancy shall be filled in the following manner:
 - 1. The town council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.
 - 2. If the town council does not call an election pursuant to subsection (D)(1) of this section, the vacancy shall be filled at the next regularly established election date.
- E. Election form. If authorized by state law, if the town council determines to call a special election, the council may determine that that election will be conducted as an all mailed ballot election or a special election as set forth herein.
- F. Vacancy in Seat of Rotational Mayor or Mayor Pro Tempore. If the town council vacancy to be filled pursuant to the procedures of this section consists of the seat of mayor or mayor pro tempore, then the councilmembers remaining after such vacancy shall, before making any appointment or calling

a special election pursuant to this section, appoint the title of mayor or mayor pro tempore, as appropriate, to a currently-seated councilmember. Such appointment of mayor or mayor pro tempore shall be made by majority vote of the council body present. If the seated councilmembers are unable to decide upon an appointment to mayor or mayor pro tempore, then the appointment shall pass according to councilmember seniority. Such seniority shall be based upon the length of time each councilmember has been seated; as between councilmembers who have held their seats for the same length of time, seniority between them shall be based on the number of votes received for their seat.

- G. Not for elected mayor. This provision only applies in the event that the Town designates the mayoral seat as an elected position. An elected mayor may not be filled by an interim appointment. If a vacancy is in the office of an elected mayor, then the town council has 60 days to make an appointment, and if it fails to make an appointment, then must call a special election as required by Government § 34902 (a).”

SECTION 3. SEVERABILITY. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The town council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 4. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 7th day of June, 2011.

MAYOR

ATTEST:

APPROVED AS TO FORM &
CONTENT

TOWN CLERK

TOWN ATTORNEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: June 15, 2011
For Council Meeting: June 21, 2011

Subject: Resolution No. 11-
Authorization to Submit Grant Application
San Bernardino Associated Governments
Transportation Development Act (TDA)
Pedestrian and Bicycle Facilities

Prior Council Review: There has been no prior review of this matter

Recommendation: That the Town Council adopts the Resolution, authorizing the Town Manager to submit a grant application to the San Bernardino Associated Governments for funding consideration in the Transportation Development Act (TDA) Pedestrian and Bicycle Facilities call for projects for the Yucca Valley Community Center Pedestrian Access Improvement Project.

Executive Summary: San Bernardino Associated Governments issued calls for projects under the Transportation Development Act (TDA), Pedestrian and Bicycle Facilities, as well as the Transit Stop Access Improvement programs. The grant submittal deadline is June 29, 2011.

Order of Procedure:

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

Discussion: The call for projects provides funding opportunities for the following types of improvement projects.

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

Eligible Expenditures:

- Preliminary engineering leading to construction of pedestrian or bicycle facility
- Right-of-way acquisition necessary for pedestrian or bicycle facility
- Construction or reconstruction of Class I, II and III bicycle facilities and sidewalks
- Provision of curbs, gutters, and driveway ramp paving on a sidewalk project
- Purchase and installation of bicycle lockers and/or racks at major employment centers, park-and-ride lots and transit terminals.

The criteria allow agencies to apply for bike lane facilities as well as pedestrian access improvement projects.

While the Town has an adopted Bike and Trails Plan and support implementation of dedicated bike lanes within the community, the existing street infrastructure is not of sufficient right of way or improvement width to facilitate the construction of Class II bicycle lanes. Class II bicycle facilities provide a specified area for bicycles which is separate from vehicle travel lanes. Class I bicycle facilities are totally separated from the road.

Through the use of prior grant resources, the Town established Class III Bike Routes along a number of the major arterials within the community. A bike route is the lowest level of designed bike facilities, and provides no separation of bicyclists from motorists.

Based upon the limits established by existing roadways not being constructed to the necessary widths in order to accommodate a dedicated bicycle lane, and the complete lack of right of way for a class I facilities, staff evaluated opportunities to pursue pedestrian pathway funding.

The identified project is the Yucca Valley Community Center Pedestrian Access Improvement Project. The purpose of this project is to construct sidewalks on SR 62 between SR 247 and Sage Avenue on the north side of SR 62, connecting to the future Senior Housing Project, and linking the Senior Housing Project to the Senior Center, Yucca Valley Branch Library, Town Hall, the Community Center, and the Desert Hills Plaza (Food-4-Less Center). These pedestrian links would provide much needed pedestrian access in the Town's core commercial and governmental service area. This project would be closely tied into the upcoming Compass Blueprint project being funded by Southern California Association of Governments in addressing access and circulation in the Town's central area.

The Town Council has identified the need for pedestrian improvements along SR 62,

and this call for projects provides the opportunity to provide for those much needed improvements.

As with all current competitive infrastructure grant opportunities, competition for these resources is anticipated to be significant. There is no separate funding allocation for the Morongo Basin, and as such, the Town will be competing against more urbanized areas with this program.

Alternatives: Staff recommends no alternative actions.

Fiscal impact: A preliminary cost estimate projects total project costs, as the project is defined above, at approximately \$181,200. Proposed projects will receive the following points based upon the extent of local match provided: 5 points for 15-24% (\$43,500 @ 24%); 10 points for 25-34%(\$61,700 @ 34%); 15 points for 35-49%(\$88,800 @ 49%); and 20 points for 50% or greater.

In order to maximize project scoring, staff is recommending that the Town Council direct staff to return with the Measure I 5 Year Plan with approximately \$91,000 directed as matching funds for this grant application.

Attachments: Resolution No. 11-
San Bernardino Associated Governments
TDA Call for Projects

RESOLUTION NO. 11-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR SAN BERNARDINO ASSOCIATED GOVERNMENTS TDA CALL FOR PROJECTS

WHEREAS, San Bernardino Associated Governments issued a call for projects under the Transportation Development Act (TDA), Pedestrian and Bicycle Facilities; and

WHEREAS, the Town of Yucca Valley finds that infrastructure grant resources are critical to the continued development of infrastructure within the Town; and

WHEREAS, the Town infrastructure deficiencies exceed available revenue to address current and future needs.

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

Section 1: The Town Council authorizes the Town Manager to submit all necessary applications and materials to San Bernardino Associated Governments for the TDA Pedestrian and Bicycle Facilities call for projects.

Section 2: The Town Council authorizes the Town Manager to sign all necessary documents related to applications and grant administration for the TDA Pedestrian and Bicycle Facilities call for projects established by San Bernardino Associated Governments.

Section 3: The Town Council directs staff to return to the Town Council with the Measure I 5-Year Plan with \$91,000 allocated to the Yucca Valley Community Center Pedestrian Access Improvement Project, and the Town Council commits those funds to the development of the project.

APPROVED AND ADOPTED THIS 21st day of June, 2011.

MAYOR

ATTEST:

TOWN CLERK

**TRANSPORTATION DEVELOPMENT ACT
ARTICLE 3 BIENNIAL CALL FOR PROJECTS
FOR
PEDESTRIAN AND BICYCLE FACILITIES**



Issued: May 5, 2011
Revised: May 25, 2011

Background:

In August 1999, the SANBAG Board approved a policy that 20% of the Transportation Development Act (TDA) Article 3 funds would be made available for projects that improve access to bus stops for pedestrians and persons with disabilities. The remaining 80% would be available for pedestrian and bicycle facilities. The total amount available in this call for projects is \$3,677,092 and is comprised of funds from unused allocation of prior TDA awards and two fiscal years of revenue (FY 2010 & 2011).

Upon approval of a project list by the SANBAG Board, Article 3 funds will be allocated to the project sponsor agency. Allocated funds will remain available for two full fiscal years after the year of Board approval.

Proposed bicycle projects must meet the following guideline requirements:

- Bicycle projects submitted for approval must be included in the 2011 Non-Motorized Plan. Project costs do not necessarily need to match.
- Sidewalk or other pedestrian projects do not need to be included in the 2011 Non-Motorized Transportation Plan.
- Local jurisdiction must have adopted the 2011 Non-Motorized Plan or adopted a Non-Motorized Plan that is in conformity with the requirements of the State Bicycle Transportation Account. Resolution adopting plan must be included as an attachment to the application.
- The minimum match for this grant program is 10%. No award of Article 3 Bicycle and Pedestrian funds will be for more than 90% of the total project cost. However, overmatching is encouraged and provides additional application points as outlined in the scoring criteria below. In the event that a project cannot be fully funded, SANBAG may recommend partial funding for award.
- Agencies awarded funds will not be reimbursed for any project cost overruns. The allocated amount represents the maximum amount eligible for reimbursement. For projects completed under the allocated amount, the agency will be reimbursed at the matching ratio in effect at the time of project selection and approval. (Example: If an agency commits to a 25% match for a \$10,000 project, the amount of Article 3 awarded would be \$7,500. If the completed project cost was \$8,000, the amount of Article 3 funds disbursed to the agency would be \$6,000.)
- Design and construction of facilities must conform to the general design criteria for non-motorized facilities as outlined in the Caltrans Highway Design Manual.

Eligible Expenditures:

1. Preliminary engineering leading to construction of pedestrian or bicycle facility
2. Right-of-way acquisition necessary for pedestrian or bicycle facility

3. Construction or reconstruction of Class I, II and III bicycle facilities and sidewalks
4. Provision of curbs, gutters, and driveway ramp paving on a sidewalk project
5. Purchase and installation of bicycle lockers and/or racks at major employment centers, park-and-ride lots and transit terminals.

The construction of sidewalks fronting undeveloped land on a project may not exceed 15% of the total project length. Match paving for sidewalk projects is not an eligible project cost.

Additional Information:

Jurisdictions shall submit one application per project and transmit the application to SANBAG with a cover letter. Should a jurisdiction submit more than one project, provide a prioritization list for all of the applications submitted as part of the cover letter.

The application must include a clear project description discussing the nature and type of project being proposed for funding. The description shall include important design considerations and identify the location of the project and the transportation purpose to be served. A map showing the project location and limits along with principle streets, transit routes, nearby city and county boundaries, and prominent landmarks shall be included. The map shall be inserted on page 1 of the project submittal form.

Project Evaluation Criteria:

Evaluation Criteria	Possible Score
Overall Quality of Application – Up to ten points will be awarded based on the overall quality of the application submitted for a project.	10
Potential Use – Up to 10 points will be awarded based on the extent of the potential use of a bicycle or pedestrian facility. Provide socioeconomic data, ADT/trip generation information or other data to support the forecasted use and/or need for the project.	10
Connectivity – The relation of the proposed project to the regional and local systems. Proposed projects will receive 5 points if it is linked or connects to two or more existing regional facilities; 5 points if project involves more than one jurisdiction. Five points for Class I projects that are listed included in the list of backbone projects on page 7-2 and three points for connecting to one of the backbone projects listed on page 7-2.	15
Destinations Served – One point will be awarded for each destination served by the proposed project (e.g., employment center, school or college, retail center and/or downtown area, park and other recreational use, public building, including library, museum, government office) up to a maximum of ten points.	10

Safety – The extent to which the proposed project will increase safety for the non-motorized public. Consideration will be given to number of accidents in a project area, severity of accidents in an area and whether or not the project exceeds the minimum standards identified in the Caltrans Highway Design Manual.	10
Local Matching Funds – Proposed projects will receive the following points based upon the extent of local match provided: 5 points for 15-24%; 10 points for 25-34%; 15 points for 35-49%; and 20 points for 50% or greater.	20
Intermodal Access – Five points will be award to proposed projects connecting to park-and-ride lots, major existing intermodal transit stations (bus and rail), and regional airports. Three points will be awarded to proposed projects connecting to future park-and-ride lots, major existing intermodal transit stations (bus and rail), and regional airports and one point will be awarded to proposed projects including an existing bus stop within its limits.	5
Project readiness/Cost Effectiveness – Five points will be awarded where existing roadways, pavement conditions, intersection signalization and other existing infrastructure accelerate project development. Ten points will be awarded where project design and environment clearances are complete and can be verified.	15
Timeliness of Prior Project Completion – Five points will be awarded if the project proponent delivered the project within the two year timeline the last time the agency was awarded TDA funding.	5
Total Possible Score	100

Project proposals will be reviewed by an evaluation committee. The evaluation committee, using the criteria contained in this call-for-projects, will score the proposed projects. The evaluation committee will be comprised of two SANBAG staff, engineering, public works or parks and recreation representatives from two cities/towns and the County and one member from an adjacent county transportation commission. The evaluation committee will make its recommendation to SANBAG Plans and Programs Committee who will forward its recommendation to the full SANBAG Board.

Call for Projects Schedule:

Issue Call for Projects	Wednesday, May 4, 2011
Project Proposals Due	Wednesday, June 29, 2011
Recommendation to Plans & Programs	Wednesday, July 20, 2011
Recommendation to Board	Wednesday, August 7, 2011

Project Completion and Payment:

Sponsor agencies receiving an allocation of \$250,000 or less shall be reimbursed in arrears and upon proof of satisfactory project completion. Agencies receiving an

allocation of \$250,000 or more may request progress payments; however, 20% of the awarded funds shall be held by SANBAG until proof of satisfactory project completion. Each recipient shall prepare a project completion report, including pictures of completed project(s) when requesting reimbursement. SANBAG will reimburse the recipient within 45 days. Recipient must retain all records necessary for the compliance and fiscal audit that will be conducted at the end of each fiscal year. Projects selected under this process must be completed within the two full fiscal year period. Any funds allocated and not disbursed by the end of the two full fiscal year period shall be unallocated and returned the Article 3 Bicycle and Pedestrian Facilities fund.

**San Bernardino Associated Governments
Project Submittal Form
LTF, Article 3 Pedestrian/Bicycle Program
FY 2010-2011**

AGENCY:	CONTACT:	PHONE:
PROJECT NAME:		
PROJECT LOCATION MAP		
<i>Insert Project Map Here</i>		
PROJECT DESCRIPTION:		
PROJECT TYPE:		
PROJECT LENGTH:		
AMOUNT OF THE LOCAL MATCH:		
SOURCE OF FUNDS FOR LOCAL MATCH:		
IS RESOLUTION ATTACHED TO APPLICATION:		

PLEASE PROVIDE DATA TO SUPPORT THE POTENTIAL USE OF THE BICYCLE OR SIDEWALK FACILITY PROPOSED IN THIS APPLICATION:

PLEASE DESCRIBE HOW THE PROJECT IS SITUATED WITHIN THE REGIONAL SYSTEM:

PLEASE OUTLINE THE DESTINATIONS SERVED BY THIS PROJECT:

DESCRIBE HOW THIS PROJECT IMPROVE THE SAFETY OF CYCLISTS AND/OR PEDESTRIANS USING THE CORRIDOR:

EXPLAIN THE MULTIMODAL OR TRANSIT SYSTEM CONNECTIVITY PROVIDED BY THIS PROJECT:

ESTABLISH THE LEVEL OF THE PROJECT'S READINESS:

HAS THE AGENCY DELIVERED PAST PROJECTS ON SCHEDULE? IF YES, WHAT STEPS WILL BE TAKEN TO ENSURE SIMILAR RESULTS. IF NO, WHAT STEPS WILL BE TAKEN TO PREVENT A SIMILAR OCCURRENCE.

ESTIMATED PROJECT COSTS (FOR MATCHING FUND CALCULATIONS:

**1. PRELIMINARY ENGINEERING, PROJECT
ENGINEERING AND DESIGN COSTS** \$ _____

2. RIGHT-OF-WAY COST \$ _____

3. PROJECT DEVELOPMENT COST \$ _____

4. TOTAL PROJECT COST \$ _____

5. LTF, ARTICLE 3 FUNDS REQUESTED \$ _____

6. LOCAL MATCH \$ _____

7. PERCENT LOCAL MATCH (LINE 6/LINE 4) \$ _____

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Duane Gasaway, Consulting Project Manager
Date: June 15, 2011
For Council Meeting: June 21, 2011

Subject: Resolution No. 11-
California Department of Transportation (Caltrans)
Cooperative Agreement- Project Approval & Environmental Determination
PA&ED Phase of the SR 62 Widening Project (EA 0M890) District
Agreement No 08-1503

Prior Council Review: None for this specific item. On May 10, 2007 Town Council approved the budgeting of funds for the SR 62 widening segments of Fairway to Camino Del Cielo, Cholla to Trojan, and Sage to Airway in the 2007-08 FY budget. On August 9, 2007 Town Council authorized award of a Professional Services Agreement to RBF Consulting for preparation of the PA&ED for Fairway to Camino Del Cielo/Sage to Airway/ and Cholla to Trojan in preparation for the ultimate widening of SR 62.

Recommendation: That the Town Council adopts the Resolution, authorizing the Mayor to sign the Cooperative Agreement for the PA&ED Phase of the SR 62 Widening Project (EA (0M890) District Agreement No 08-1503.

Executive Summary: Caltrans requires that Town Council approve a Resolution authorizing the Mayor to sign the Cooperative Agreement. The agreement sets forth the terms and conditions between the Town and California Department of Transportation (Caltrans), to perform the Project Approval & Environmental Documentation (PA&ED) phase of this project.

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

Discussion:

The purpose of the Cooperative Agreement is to set forth the respective responsibilities of the Town and Caltrans with respect to the PA&ED phase of the project. The PA&ED phase is the initial step in a Caltrans highway improvement project and serves and the initial project approval and environmental determination which when completed will allow

Reviewed By:


Town Manager


Town Attorney

Mgmt Services

SRS

Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

the project to proceed to next phase of PS&E at which time construction drawings for the project are prepared.

The balance of the PA&ED phase schedule is outlined below:

Project Study Report/Project Report

June 21, 2011-Submittal of signed Cooperative Agreement

July 1, 2011-Submittal of draft Project Study Report/Project Report (PSR/PR)

6 week Caltrans review

Return to Consultant for corrections-2 week

Resubmittal to Caltrans for second 6 week review

Nov 15, 2011-If comments, 1 week Consultant corrections

If no comments, Caltrans finalizes PSR/PR

Final approval of PSR/PR awaits environmental approval

Environmental Review

April 2011-Initial Study submitted to Caltrans

Series of review and amendments by Caltrans

March 2012-Estimated approval of environmental review

Signing of PSR/PR by Caltrans

The Town is eligible to commence PS&E when the above have been completed.

The PA&ED phase of the SR 62 Widening project has been underway since August 2007.

The PA&ED is the project approval and environmental documentation for the project which includes the segment extending from Fairway to Camino Del Cielo, Cholla to Trojan, Sage to Airway and consists of highway widening, raised median islands, sidewalk, street lighting, drainage improvements, and curb & gutter.

Typically, the Cooperative Agreement with Caltrans is executed earlier in the process; however Caltrans only recently forwarded the document for consideration and approval. The signing of the Cooperative Agreement is a necessary step to complete the PA&ED phase of the project.

The Cooperative Agreement is a standardized agreement which set forth the respective responsibilities of the Town and Caltrans and includes the following:

Term of the Agreement

Lead agency responsibility of NEPA and CEQA

Applicable Federal and State Statutes

Environmental Permits and Approvals

General conditions
Definition of terms
Contact information for Town and Caltrans
Three Page Scope Summary of Responsibilities

Alternatives: No alternative action is recommended. This action is required to complete the Project Approval/Environmental Documentation phase of the project.

Fiscal impact: There is no direct fiscal impact in signing the Cooperative Agreement. The State agrees to act, at no cost to the Town, as the CEQA Lead Agency and has issued a no fee encroachment permit for the purposes of performing survey and other investigatory work necessary for the PA&ED.

The contract compensation to RBF Consulting for the professional services was \$747,004 (\$496,724 for the Cholla/Trojan and Sage/Airway segments and \$250,280 for the Fairway/Camino Del Cielo segment). The remaining balance of the contract as of 4/29/11 is \$92,902.

Attachments: Town of Yucca Valley Resolution 11-_____
Caltrans Cooperative Agreement No. 08-1503

RESOLUTION NO 11-

A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE COOPERATIVE AGREEMENT, DISTRICT AGREEMENT NUMBER 08-1503 AND AUTHORIZING THE MAYOR TO SIGN ALL NECESSARY DOCUMENTS RELATING TO THE SR 62 WIDENING PROJECT 08-SBD-62-8.75/9.31 AND 11.38/12.64; EA 0M890

WHEREAS, the Town of Yucca Valley has initiated the preparation of Project Approval and Environmental Document (PA&ED) through the California Department of Transportation (CALTRANS) for the widening and improvement of SR 62 from Fairway Drive to Camino Del Cielo and from Palm Avenue to Airway Avenue; and

WHEREAS, District Agreement Number 08-1503 attached hereto as Exhibit "A" outlines the terms and conditions of cooperation between and the respective responsibilities of CALTRANS and the Town of Yucca Valley in completing the PA&ED.

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

Section 1. Cooperative Agreement Number 08-1503 between the State of California, acting by and through its Department of Transportation, and the Town of Yucca Valley is hereby approved.

Section 2. The Mayor is authorized to sign Cooperative Agreement Number 08-1503 and all other necessary documents.

APPROVED AND ADOPTED THIS 21ST DAY OF JUNE, 2011.

MAYOR

ATTEST:

TOWN CLERK

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

AGREEMENTS (MS 1070)

464 WEST 4TH STREET, 6TH FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4068



*Flex your power!
Be energy efficient!*

May 20, 2011

Mr. Shane Stueckle
Deputy Town Manager
Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284

08-SBD-62-8.75/9.31 and 11.38/12.64
EA: 0M890
District Agreement 08-1503

Dear Mr. Stueckle:

Enclosed for execution by the Town of Yucca Valley (Town) are five (5) original Cooperative Agreements, District Agreement Number 08-1503, for the above-referenced project.

Please ²¹ have the appropriate parties for the Town sign and return all original agreements by ~~June 20~~, 2011 with a certified, notarized Resolution or Minute Decree approving the agreement and authorizing the execution of the agreement.

Please leave the effective date blank. The effective date will be the date the District Director signs the agreement.

After the agreement is fully executed, we will return one (1) original for your records.

Alterations of any kind made to the enclosed agreements will render them null and void and will require further review from the State's Legal Counsel.

If you need more information, please contact me at (909) 383-4068.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Craig".

DENISE CRAIG
Office Chief
Agreements

Enclosures

c: Xiao Zahng, Program/Project Management

COOPERATIVE AGREEMENT

This agreement, effective on _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

Town of Yucca Valley, a public entity referred to as TOWN.

For the purpose of this agreement, the term PARTNERS collectively refers to CALTRANS and TOWN (all signatory parties to this agreement). The term PARTNER refers to any one of those signatory parties individually.

RECITALS

1. California Streets and Highways Code sections 114 and 130 authorize PARTNERS to enter into a cooperative agreement for performance of work within the State Highway System (SHS) right of way.
2. This agreement outlines the terms and conditions of cooperation between PARTNERS to do the Project Approval and Environmental Document (PA&ED) for improvements on State Route 62 from Fairway Drive to Camino Del Cielo and from Palm Avenue to Airway Avenue.

For the purpose of this agreement, improvements on State Route 62 from Fairway Drive to Camino Del Cielo and from Palm Avenue to Airway Avenue will be referred to as PROJECT. All responsibilities assigned in this agreement to do the Project Approval and Environmental Document (PA&ED) will be referred to as OBLIGATIONS.

3. There are no prior PROJECT-related cooperative agreements.
4. No PROJECT deliverables have been completed prior to this agreement.
5. The estimated date for OBLIGATION COMPLETION is December 31, 2020.
6. In this agreement capitalized words represent defined terms and acronyms. The Definitions section contains a complete definition for each capitalized term.
7. From this point forward, PARTNERS define in this agreement the terms and conditions under which they will accomplish OBLIGATIONS.

RESPONSIBILITIES

8. TOWN is SPONSOR for 100% of PROJECT.
9. CALTRANS will provide IQA for the portions of WORK within existing and proposed SHS right of way. CALTRANS retains the right to reject noncompliant WORK, protect public safety, preserve property rights, and ensure that all WORK is in the best interest of the SHS.
10. TOWN may provide IQA for the portions of WORK outside existing and proposed SHS right of way.
11. TOWN is the only FUNDING PARTNER for this agreement. TOWN's funding commitment is defined in the FUNDING SUMMARY.
12. CALTRANS is the CEQA lead agency for PROJECT.
13. CALTRANS is the NEPA lead agency for PROJECT.
14. TOWN is IMPLEMENTING AGENCY for PA&ED.

SCOPE

Scope: General

15. PARTNERS will perform all OBLIGATIONS in accordance with federal and California laws, regulations, and standards; FHWA STANDARDS; and CALTRANS STANDARDS.
16. IMPLEMENTING AGENCY for a PROJECT COMPONENT will provide a Quality Management Plan (QMP) for that component as part of the PROJECT MANAGEMENT PLAN.
17. Any PARTNER may, at its own expense, have representatives observe any OBLIGATIONS performed by another PARTNER. Observation does not constitute authority over those OBLIGATIONS.
18. Each PARTNER will ensure that all of its personnel participating in OBLIGATIONS are appropriately qualified, and if necessary licensed, to perform the tasks assigned to them.
19. PARTNERS will invite each other to participate in the selection and retention of any consultants who participate in OBLIGATIONS.
20. If WORK is done under contract (not completed by a PARTNER's own employees) and is governed by the California Labor Code's definition of "public works" (section

1720(a)(a)), that PARTNER will conform to sections 1720 – 1815 of the California Labor Code and all applicable regulations and coverage determinations issued by the Director of Industrial Relations.

21. IMPLEMENTING AGENCY for each PROJECT COMPONENT included in this agreement will be available to help resolve problems generated by that component for the entire duration of PROJECT.

22. CALTRANS will issue, upon proper application, the encroachment permits required for WORK within SHS right of way.

Contractors and/or agents, and utility owners will not perform WORK without an encroachment permit issued in their name.

23. If any PARTNER discovers unanticipated cultural, archaeological, paleontological, or other protected resources during WORK, all WORK in that area will stop and that PARTNER will notify all PARTNERS within 24 hours of discovery. WORK may only resume after a qualified professional has evaluated the nature and significance of the discovery and a plan is approved for its removal or protection.

24. PARTNERS will hold all administrative draft and administrative final reports, studies, materials, and documentation relied upon, produced, created, or utilized for PROJECT in confidence to the extent permitted by law. Where applicable, the provisions of California Government Code section 6254.5(e) will govern the disclosure of such documents in the event that PARTNERS share said documents with each other.

PARTNERS will not distribute, release, or share said documents with anyone other than employees, agents, and consultants who require access to complete PROJECT without the written consent of the PARTNER authorized to release them, unless required or authorized to do so by law.

25. If any PARTNER receives a public records request, pertaining to OBLIGATIONS, that PARTNER will notify PARTNERS within five (5) working days of receipt and make PARTNERS aware of any disclosed public records. PARTNERS will consult with each other prior to the release of any public documents related to the PROJECT.

26. If HM-1 or HM-2 is found during a PROJECT COMPONENT, IMPLEMENTING AGENCY for that PROJECT COMPONENT will immediately notify PARTNERS.

27. CALTRANS, independent of PROJECT, is responsible for any HM-1 found within the existing SHS right of way. CALTRANS will undertake HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to PROJECT schedule.

28. TOWN, independent of PROJECT, is responsible for any HM-1 found within PROJECT limits and outside the existing SHS right of way. TOWN will undertake or cause to be

undertaken HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to PROJECT schedule.

29. If HM-2 is found within PROJECT limits, the public agency responsible for the advertisement, award, and administration (AAA) of the PROJECT construction contract will be responsible for HM MANAGEMENT ACTIVITIES related to HM-2.
30. CALTRANS' acquisition or acceptance of title to any property on which any HM-1 or HM-2 is found will proceed in accordance with CALTRANS' policy on such acquisition.
31. PARTNERS will comply with all of the commitments and conditions set forth in the environmental documentation, environmental permits, approvals, and applicable agreements as those commitments and conditions apply to each PARTNER's responsibilities in this agreement.
32. IMPLEMENTING AGENCY for each PROJECT COMPONENT will furnish PARTNERS with written quarterly progress reports during the implementation of OBLIGATIONS in that component.
33. Upon OBLIGATION COMPLETION, ownership or title to all materials and equipment constructed or installed for the operations and/or maintenance of the SHS within SHS right of way as part of WORK become the property of CALTRANS.

CALTRANS will not accept ownership or title to any materials or equipment constructed or installed outside SHS right of way.

34. IMPLEMENTING AGENCY for a PROJECT COMPONENT will accept, reject, compromise, settle, or litigate claims of any non-agreement parties hired to do WORK in that component.
35. PARTNERS will confer on any claim that may affect OBLIGATIONS or PARTNERS' liability or responsibility under this agreement in order to retain resolution possibilities for potential future claims. No PARTNER will prejudice the rights of another PARTNER until after PARTNERS confer on claim.
36. PARTNERS will maintain, and will ensure that any party hired by PARTNERS to participate in OBLIGATIONS will maintain, a financial management system that conforms to Generally Accepted Accounting Principles (GAAP), and that can properly accumulate and segregate incurred PROJECT costs, and provide billing and payment support.
37. PARTNERS will comply with the appropriate federal cost principles and administrative requirements outlined in the Applicable Cost Principles and Administrative Requirements table below. These principles and requirements apply to all funding types included in this agreement.

Applicable Cost Principles and Administration Requirements		
The federal cost principles and administrative requirements associated with each organization type apply to that organization.		
Organization Type	Cost Principles	Administrative Requirements
Federal Governments	2 CFR Part 225	OMB A-102
State and Local Government	2 CFR, Part 225	49 CFR, Part 18
Educational Institutions	2 CFR, Part 220	2 CFR, Part 215
Non-Profit Organizations	2 CFR, Part 230	2 CFR, Part 215
For Profit Organizations	48 CFR, Chapter 1, Part 31	49 CFR, Part 18
CFR (Code of Federal Regulations)		
OMB (Office of Management and Budget)		
Related URLs:		
• Various OMB Circular:	http://www.whitehouse.gov/omb/grants_circulars	
• Code of Federal Regulations:	http://www.gpoaccess.gov/CFR	

- 38. PARTNERS will maintain and make available to each other all OBLIGATIONS-related documents, including financial data, during the term of this agreement.
- 39. PARTNERS will retain all OBLIGATIONS-related records for three (3) years after the final voucher.
- 40. PARTNERS have the right to audit each other in accordance with generally accepted governmental audit standards.

CALTRANS, the state auditor, FHWA, and TOWN will have access to all OBLIGATIONS-related records of each PARTNER, and any party hired by a PARTNER to participate in OBLIGATIONS, for audit, examination, excerpt, or transcription.

The examination of any records will take place in the offices and locations where said records are generated and/or stored and will be accomplished during reasonable hours of operation. The auditing PARTNER will be permitted to make copies of any OBLIGATIONS-related records needed for the audit.

The audited PARTNER will review the draft audit, findings, and recommendations, and provide written comments within 30 calendar days of receipt.

Upon completion of the final audit, PARTNERS have 30 days to refund or invoice as necessary in order to satisfy the obligation of the audit.

Any audit dispute not resolved by PARTNERS is subject to dispute resolution. Any costs arising out of the dispute resolution process will be paid within 30 calendar days of the final audit or dispute resolution findings.

- 41. Any PARTNER that hires another party to participate in OBLIGATIONS will conduct a pre-award audit of that party in accordance with the *Local Assistance Procedures Manual*.
- 42. PARTNERS will not incur costs beyond the funding commitments in this agreement. If IMPLEMENTING AGENCY anticipates that funding for WORK will be insufficient to complete WORK, IMPLEMENTING AGENCY will promptly notify SPONSOR.

IMPLEMENTING AGENCY has no obligation to perform WORK if funds to perform WORK are unavailable.

- 43. If WORK stops for any reason, IMPLEMENTING AGENCY will place all facilities impacted by WORK in a safe and operable condition acceptable to CALTRANS.
- 44. If WORK stops for any reason, each PARTNER will continue to implement all of its applicable commitments and conditions included in the PROJECT environmental documentation, permits, agreements, or approvals that are in effect at the time that WORK stops, as they apply to each PARTNER’s responsibilities in this agreement, in order to keep PROJECT in environmental compliance until WORK resumes.
- 45. Each PARTNER accepts responsibility to complete the activities that it selected on the SCOPE SUMMARY. Activities marked with “N/A” on the SCOPE SUMMARY are not included in the scope of this agreement.

Scope: Environmental Permits, Approvals and Agreements

- 46. Each PARTNER identified in the Environmental Permits table below accepts the responsibility to complete the assigned activities.

Environmental Permits						
Permit	Coordinate	Prepare	Obtain	Implement	Renew	Amend
401 RWQCB	TOWN	TOWN	TOWN	TOWN	TOWN	TOWN
NPDES SWRCB	TOWN	TOWN	TOWN	TOWN	TOWN	TOWN
1602 DFG	TOWN	TOWN	TOWN	TOWN	TOWN	TOWN

Scope: Project Approval and Environmental Document (PA&ED)

- 47. CALTRANS is the CEQA lead agency for PROJECT. CALTRANS will determine the type of environmental documentation required and will cause that documentation to be prepared.
- 48. Any PARTNER involved in the preparation of CEQA environmental documentation will follow the CALTRANS STANDARDS that apply to the CEQA process including, but

not limited to, the guidance provided in the Standard Environmental Reference available at www.dot.ca.gov/ser.

49. Pursuant to SAFETEA-LU Section 6004 and/or 6005, CALTRANS is the NEPA lead agency for PROJECT. CALTRANS will assume responsibility for NEPA compliance and will prepare any needed NEPA environmental documentation or will cause that documentation to be prepared.
50. Any PARTNER involved in the preparation of NEPA environmental documentation will follow FHWA STANDARDS that apply to the NEPA process including, but not limited to, the guidance provided in the SER available at www.dot.ca.gov/ser and the FHWA Environmental Guidebook available at www.fhwa.dot.gov/hep/index.htm.
51. TOWN will prepare the appropriate CEQA environmental documentation to meet CEQA requirements.
52. TOWN will prepare the appropriate NEPA environmental documentation to meet NEPA requirements.
53. Any PARTNER preparing any portion of the CEQA environmental documentation, including any studies and reports, will submit that portion of the documentation to the CEQA lead agency for review, comment, and approval at appropriate stages of development prior to public availability.
54. Any PARTNER preparing any portion of the NEPA environmental documentation (including, but not limited to, studies, reports, public notices, and public meeting materials, determinations, administrative drafts, and final environmental documents) will submit that portion of the documentation to CALTRANS for CALTRANS' review, comment, and approval prior to public availability.
55. TOWN will prepare, publicize, and circulate all CEQA-related public notices and will submit said notices to the CEQA lead agency for review, comment, and approval prior to publication and circulation.
56. TOWN will prepare, publicize, and circulate all NEPA-related public notices, except Federal Register notices. TOWN will submit all notices to CALTRANS for CALTRANS' review, comment, and approval prior to publication and circulation.

CALTRANS will work with the appropriate federal agency to publish notices in the Federal Register.
57. The CEQA lead agency will attend all CEQA-related public meetings.
58. TOWN will plan, schedule, prepare materials for, and host all CEQA-related public meetings and will submit all materials to the CEQA lead agency for review, comment, and approval at least 10 working days prior to the public meeting date.

- 59. The NEPA lead agency will attend all NEPA-related public meetings.
- 60. TOWN will plan, schedule, prepare materials for, and host all NEPA-related public meetings. TOWN will submit all materials to CALTRANS for CALTRANS' review, comment, and approval at least 10 working days prior to the public meeting date.
- 61. If a PARTNER who is not the CEQA or NEPA lead agency holds a public meeting about PROJECT, that PARTNER must clearly state its role in PROJECT and the identity of the CEQA and NEPA lead agencies on all meeting publications. All meeting publications must also inform the attendees that public comments collected at the meetings are not part of the CEQA or NEPA public review process.

That PARTNER will submit all meeting advertisements, agendas, exhibits, handouts, and materials to the appropriate lead agency for review, comment, and approval at least 10 working days prior to publication or use. If that PARTNER makes any changes to the materials, it will allow the appropriate lead agency to review, comment on, and approve those changes at least three (3) working days prior to the public meeting date.

The CEQA lead agency maintains final editorial control with respect to text or graphics that could lead to public confusion over CEQA-related roles and responsibilities. The NEPA lead agency has final approval authority with respect to text or graphics that could lead to public confusion over NEPA-related roles and responsibilities.

- 62. The PARTNER preparing the environmental documentation, including the studies and reports, will ensure that qualified personnel remain available to help resolve environmental issues and perform any necessary work to ensure that PROJECT remains in environmental compliance.

COST

Cost: General

- 63. The cost of any awards, judgments, or settlements generated by OBLIGATIONS is an OBLIGATIONS COST.
- 64. CALTRANS, independent of PROJECT, will pay all costs for HM MANAGEMENT ACTIVITIES related to HM-1 found within the existing SHS right of way.
- 65. TOWN, independent of PROJECT, will pay, or cause to be paid, all costs for HM MANAGEMENT ACTIVITIES related to HM-1 found within PROJECT limits and outside of the existing SHS right of way.
- 66. HM MANAGEMENT ACTIVITIES costs related to HM-2 are CONSTRUCTION SUPPORT and CONSTRUCTION CAPITAL costs.

67. The cost to comply with and implement the commitments set forth in the environmental documentation is an OBLIGATIONS COST.
68. The cost to ensure that PROJECT remains in environmental compliance is an OBLIGATIONS COST.
69. The cost of any legal challenges to the CEQA or NEPA environmental process or documentation is an OBLIGATIONS COST.
70. Independent of OBLIGATIONS COST, CALTRANS will fund the cost of its own IQA for WORK done within existing or proposed future SHS right of way.
71. Independent of OBLIGATIONS COST, TOWN will fund the cost of its own IQA for WORK done outside existing or proposed future SHS right of way.
72. CALTRANS will provide encroachment permits to PARTNERS, their contractors, consultants and agents, at no cost.
73. Fines, interest, or penalties levied against a PARTNER will be paid, independent of OBLIGATIONS cost, by the PARTNER whose actions or lack of action caused the levy. That PARTNER will indemnify and defend each other PARTNER.
74. Travel, per diem, and third-party contract reimbursements are an OBLIGATIONS COST only after those hired by PARTNERS to participate in OBLIGATIONS incur and pay those costs.

Payments for travel and per diem will not exceed the rates paid rank and file state employees under current California Department of Personnel Administration (DPA) rules current at the effective date of this agreement.

If TOWN invoices for rates in excess of DPA rates, TOWN will fund the cost difference and reimburse CALTRANS for any overpayment.
75. The cost of any engineering support performed by CALTRANS includes all direct and applicable indirect costs. CALTRANS calculates indirect costs based solely on the type of funds used to pay support costs. State and federal funds are subject the current Program Functional Rate. Local funds are subject to the current Program Functional Rate and the current Administration Rate. Caltrans periodically adjusts the Program Functional Rate and the Administration Rate.
76. If CALTRANS reimburses TOWN for any costs later determined to be unallowable, TOWN will reimburse those funds.
77. The cost to place PROJECT right of way in a safe and operable condition and meet all environmental commitments is an OBLIGATIONS cost.

78. Because IMPLEMENTING AGENCY is responsible for managing the scope, cost, and schedule of a project component, if there are insufficient funds available in this agreement to place the right of way in a safe and operable condition, the appropriate IMPLEMENTING AGENCY accepts responsibility to fund these activities until such time as PARTNERS amend this agreement.

That IMPLEMENTING AGENCY may request reimbursement for these costs during the amendment process.

79. If there are insufficient funds in this agreement to implement applicable commitments and conditions included in the PROJECT environmental documentation, permits, agreements, and/or approvals that are in effect at a time that WORK stops, each PARTNER implementing commitments or conditions accepts responsibility to fund these activities, as they apply to each PARTNER's responsibilities, until such time are PARTNERS amend this agreement.

Each PARTNER may request reimbursement for these costs during the amendment process.

80. PARTNERS will pay invoices within 30 calendar days of receipt of invoice.

Cost: Environmental Permits, Approvals and Agreements

81. The cost of coordinating, obtaining, complying with, implementing, and if necessary renewing and amending resource agency permits, agreements, and/or approvals is an OBLIGATIONS COST.

Cost: Project Approval and Environmental Document (PA&ED)

82. The cost to prepare, publicize, and circulate all CEQA and NEPA-related public notices is an OBLIGATIONS COST.

83. The cost to plan, schedule, prepare, materials for, and host all CEQA and NEPA-related public hearings is an OBLIGATIONS COST.

SCHEDULE

84. PARTNERS will manage the schedule for OBLIGATIONS through the work plan included in the PROJECT MANAGEMENT PLAN.

GENERAL CONDITIONS

85. PARTNERS understand that this agreement is in accordance with and governed by the Constitution and laws of the State of California. This agreement will be enforceable in the State of California. Any PARTNER initiating legal action arising from this agreement

will file and maintain that legal action in the Superior Court of the county in which the CALTRANS district office that is signatory to this agreement resides, or in the Superior Court of the county in which PROJECT is physically located.

86. All OBLIGATIONS of CALTRANS under the terms of this agreement are subject to the appropriation of resources by the Legislature, the State Budget Act authority, and the allocation of funds by the California Transportation Commission.
87. Any PARTNER performing IQA does so for its own benefit. No one can assign liability to that PARTNER due to its IQA activities.
88. Neither TOWN nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under this agreement.

It is understood and agreed that CALTRANS will fully defend, indemnify, and save harmless TOWN and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under this agreement.

89. Neither CALTRANS nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by TOWN and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon TOWN under this agreement.

It is understood and agreed that TOWN will fully defend, indemnify, and save harmless CALTRANS and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by TOWN and/or its agents under this agreement.

90. PARTNERS do not intend this agreement to create a third party beneficiary or define duties, obligations, or rights in parties not signatory to this agreement. PARTNERS do not intend this agreement to affect their legal liability by imposing any standard of care for fulfilling OBLIGATIONS different from the standards imposed by law.
91. PARTNERS will not assign or attempt to assign OBLIGATIONS to parties not signatory to this agreement.
92. PARTNERS will not interpret any ambiguity contained in this agreement against each other. PARTNERS waive the provisions of California Civil Code section 1654.

93. A waiver of a PARTNER's performance under this agreement will not constitute a continuous waiver of any other provision. An amendment made to any article or section of this agreement does not constitute an amendment to or negate all other articles or sections of this agreement.
94. A delay or omission to exercise a right or power due to a default does not negate the use of that right or power in the future when deemed necessary.
95. If any PARTNER defaults in its OBLIGATIONS, a non-defaulting PARTNER will request in writing that the default be remedied within 30 calendar days. If the defaulting PARTNER fails to do so, the non-defaulting PARTNER may initiate dispute resolution.
96. PARTNERS will first attempt to resolve agreement disputes at the PROJECT team level. If they cannot resolve the dispute themselves, the CALTRANS district director and the executive officer of TOWN will attempt to negotiate a resolution. If PARTNERS do not reach a resolution, PARTNERS' legal counsel will initiate mediation. PARTNERS agree to participate in mediation in good faith and will share equally in its costs.

Neither the dispute nor the mediation process relieves PARTNERS from full and timely performance of OBLIGATIONS in accordance with the terms of this agreement. However, if any PARTNER stops fulfilling OBLIGATIONS, any other PARTNER may seek equitable relief to ensure that OBLIGATIONS continue.

Except for equitable relief, no PARTNER may file a civil complaint until after mediation, or 45 calendar days after filing the written mediation request, whichever occurs first.

PARTNERS will file any civil complaints in the Superior Court of the county in which the CALTRANS district office signatory to this agreement resides. The prevailing PARTNER will be entitled to an award of all costs, fees, and expenses, including reasonable attorney fees as a result of litigating a dispute under this agreement or to enforce the provisions of this article including equitable relief.

97. PARTNERS maintain the ability to pursue alternative or additional dispute remedies if a previously selected remedy does not achieve resolution.
98. If any provisions in this agreement are deemed to be, or are in fact, illegal, inoperative, or unenforceable, those provisions do not render any or all other agreement provisions invalid, inoperative, or unenforceable, and PARTNERS will automatically sever those provisions from this agreement.
99. PARTNERS intend this agreement to be their final expression and supersede any oral understanding or writings pertaining to OBLIGATIONS.

100. If during performance of WORK additional activities or environmental documentation is necessary to keep PROJECT in environmental compliance, PARTNERS will amend this agreement to include completion of those additional tasks.
101. PARTNERS will execute a formal written amendment if there are any changes to OBLIGATIONS.
102. This agreement will terminate upon OBLIGATION COMPLETION or an amendment to terminate this agreement, whichever occurs first.

However, all indemnification, document retention, audit, claims, environmental commitment, legal challenge, and ownership articles will remain in effect until terminated or modified in writing by mutual agreement.

103. The following documents are attached to, and made an express part of this agreement: SCOPE SUMMARY, FUNDING SUMMARY.

DEFINITIONS

CALTRANS – The California Department of Transportation

CALTRANS STANDARDS – CALTRANS policies and procedures, including, but not limited to, the guidance provided in the *Guide to Capital Project Delivery Workplan Standards* (previously known as WBS Guide) available at <http://www.dot.ca.gov/hq/projmgmt/guidance.htm>.

CEQA (California Environmental Quality Act) – The act (California Public Resources Code, sections 21000 et seq.) that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those significant impacts, if feasible.

CFR (Code of Federal Regulations) – The general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

COOPERATIVE AGREEMENT CLOSURE STATEMENT – A document signed by PARTNERS that verifies the completion of all OBLIGATIONS included in this agreement and in all amendments to this agreement.

COST – The responsibility for cost responsibilities in this agreement can take one of three assignments:

- **OBLIGATIONS COST** – A cost associated with fulfilling OBLIGATIONS that will be funded as part of this agreement. The responsibility is defined by the funding commitments in this agreement.
- **PROJECT COST** – A cost associated with PROJECT that can be funded outside of OBLIGATIONS. A PROJECT COST may not necessarily be part of this agreement. This

responsibility is defined by the PARTNERS' funding commitments at the time the cost is incurred.

- **PARTNER cost** – A cost that is the responsibility of a specific PARTNER, independent of PROJECT.

FHWA – Federal Highway Administration

FHWA STANDARDS – FHWA regulations, policies and procedures, including, but not limited to, the guidance provided at www.fhwa.dot.gov/topics.htm.

FUNDING PARTNER – A PARTNER that commits a defined dollar amount to fulfill OBLIGATIONS. Each FUNDING PARTNER accepts responsibility to provide the funds identified on the FUNDING SUMMARY under its name.

FUNDING SUMMARY – The table that designates an agreement's funding sources, types of funds, and the PROJECT COMPONENT in which the funds are to be spent. Funds listed on the FUNDING SUMMARY are "not-to-exceed" amounts for each FUNDING PARTNER.

GAAP (Generally Accepted Accounting Principles) – Uniform minimum standards and guidelines for financial accounting and reporting issued by the Federal Accounting Standards Advisory Board that serve to achieve some level of standardization. See <http://www.fasab.gov/accepted.html>.

HM-1 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law whether it is disturbed by PROJECT or not.

HM-2 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law only if disturbed by PROJECT.

HM MANAGEMENT ACTIVITIES – Management activities related to either HM-1 or HM-2 including, without limitation, any necessary manifest requirements and disposal facility designations.

IMPLEMENTING AGENCY – The PARTNER responsible for managing the scope, cost, and schedule of a PROJECT COMPONENT to ensure the completion of that component.

IQA (Independent Quality Assurance) – Ensuring that IMPLEMENTING AGENCY's quality assurance activities result in WORK being developed in accordance with the applicable standards and within an established Quality Management Plan (QMP). IQA does not include any work necessary to actually develop or deliver WORK or any validation by verifying or rechecking work performed by another partner.

NEPA (National Environmental Policy Act of 1969) – The federal act that establishes a national policy for the environment and a process to disclose the adverse impacts of projects with a federal nexus.

OBLIGATION COMPLETION – PARTNERS have fulfilled all OBLIGATIONS included in this agreement, and all amendments to this agreement, and have signed a COOPERATIVE AGREEMENT CLOSURE STATEMENT.

OBLIGATIONS – All responsibilities included in this agreement.

OBLIGATIONS COST – See COST.

OMB (Office of Management and Budget) – The federal office that oversees preparation of the federal budget and supervises its administration in Executive Branch agencies.

PA&ED (Project Approval and Environmental Document) – See PROJECT COMPONENT.

PARTNER – Any individual signatory party to this agreement.

PARTNERS – The term that collectively references all of the signatory agencies to this agreement. This term only describes the relationship between these agencies to work together to achieve a mutually beneficial goal. It is not used in the traditional legal sense in which one PARTNER's individual actions legally bind the other partners.

PROJECT – The undertaking to improvements on State Route 62 from Fairway Drive to Camino Del Cielo and from Palm Avenue to Airway Avenue.

PROJECT COMPONENT – A distinct portion of the planning and project development process of a capital project as outlined in California Government Code, section 14529(b).

- **PID (Project Initiation Document)** – The activities required to deliver the project initiation document for PROJECT.
- **PA&ED (Project Approval and Environmental Document)** – The activities required to deliver the project approval and environmental documentation for PROJECT.
- **PS&E (Plans, Specifications, and Estimate)** – The activities required to deliver the plans, specifications, and estimate for PROJECT.
- **R/W (Right of Way) SUPPORT** – The activities required to obtain all property interests for PROJECT.
- **R/W (Right of Way) CAPITAL** – The funds for acquisition of property rights for PROJECT.
- **CONSTRUCTION SUPPORT** – The activities required for the administration, acceptance, and final documentation of the construction contract for PROJECT.
- **CONSTRUCTION CAPITAL** – The funds for the construction contract.

PROJECT COST – See COST.

PROJECT MANAGEMENT PLAN – A group of documents used to guide a project's execution and control throughout that project's lifecycle.

QMP (Quality Management Plan) – An integral part of the Project Management Plan that describes IMPLEMENTING AGENCY's quality policy and how it will be used.

SAFETEA-LU – Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SCOPE SUMMARY – The attachment in which each PARTNER designates its commitment to specific scope activities within each PROJECT COMPONENT as outlined by the *Guide to Capital Project Delivery Workplan Standards* (previously known as WBS Guide) available at <http://www.dot.ca.gov/hq/projmgmt/guidance.htm>.

SHS (State Highway System) – All highways, right of way, and related facilities acquired, laid out, constructed, improved, or maintained as a state highway pursuant to constitutional or legislative authorization.

SPONSOR – Any PARTNER that accepts the responsibility to establish scope of PROJECT and the obligation to secure financial resources to fund PROJECT. SPONSOR is responsible for adjusting the PROJECT scope to match committed funds or securing additional funds to fully fund the PROJECT scope. If a PROJECT has more than one SPONSOR, funding adjustments will be made by percentage (as outlined in Responsibilities). Scope adjustments must be developed through the project development process and must be approved by CALTRANS as the owner/operator of the SHS.

WORK – All scope activities included in this agreement.

CONTACT INFORMATION

The information provided below indicates the primary contact data for each PARTNER to this agreement. PARTNERS will notify each other in writing of any personnel or location changes. Contact information changes do not require an amendment to this agreement.

The primary agreement contact person for CALTRANS is:
Xiao Zhang, Project Manager
464 West 4th Street, 6th Floor, (MS-1229)
San Bernardino, California 92401
Office Phone: (909) 383-4580
Fax Number: (909) 383-6938
Email: xiao.zhang@dot.ca.gov

The primary agreement contact person for TOWN is:
Shane Stueckle, Deputy Town Manager
58928 Business Center Drive
Yucca Valley, California 92284
Office Phone: (760) 369-6575
Email: [sstueckle@yucca-valley.org](mailto:ssstueckle@yucca-valley.org)

SIGNATURES

PARTNERS declare that:

- 1. Each PARTNER is an authorized legal entity under California state law.
- 2. Each PARTNER has the authority to enter into this agreement.
- 3. The people signing this agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

TOWN OF YUCCA VALLEY

APPROVED

APPROVED

By: _____
Raymond W. Wolfe, PhD
District Director

By: _____
George Huntington
Mayor

Date: _____

Date: _____

CERTIFIED AS TO FUNDS:

By: _____
Janet M. Anderson
TOWN Clerk

By: _____
Lisa Pacheco
Budget Manager

Date: _____

APPROVED AS TO FORM AND PROCEDURE

Date: _____

By: _____
Lona N. Laymon
TOWN Attorney

Date: _____

SCOPE SUMMARY

4	5	6	7	8	Description	CALTRANS	TOWN	N/A
2	160				Perform Preliminary Engineering Studies and Draft Project Report	X	X	
		05			Updated Project Information		X	
		10			Engineering Studies		X	
		15			Draft Project Report		X	
		20			Engineering and Land Net Surveys		X	
		30			Environmental Study Request (ESR)		X	
		40			NEPA Delegation	X		
		45			Base Maps and Plan Sheets for Project Report and Environmental Studies		X	
2	165				Perform Environmental Studies and Prepare Draft Environmental Document	X	X	
		05			Environmental Scoping of Alternatives Identified for Studies in Project Initiation Document	X		
		10			General Environmental Studies		X	
		15			Biological Studies		X	
		20			Cultural Resource Studies		X	
			05		Archaeological Survey		X	
				05	Area of Potential Effects/Study Area Maps		X	
				10	Native American Consultation		X	
				15	Records and Literature Search		X	
				20	Field Survey		X	
				25	Archaeological Survey Report		X	
				99	Other Archaeological Survey Products		X	
			10		Extended Phase I Archaeological Studies		X	
				05	Native American Consultation		X	
				10	Extended Phase I Proposal		X	
				15	Extended Phase I Field Investigation		X	
				20	Extended Phase I Materials Analysis		X	
				25	Extended Phase I Report		X	
				99	Other Phase I Archaeological Study Products		X	
			15		Phase II Archaeological Studies		X	
				05	Native American Consultation		X	
				10	Phase II Proposal		X	
				15	Phase II Field Investigation		X	
				20	Phase II Materials Analysis		X	
				25	Phase II Report		X	
				99	Other Phase II Archaeological Study Products		X	
			20		Historical and Architectural Resource Studies		X	
				05	Preliminary Area of Potential Effects/Study Area Maps for Architecture		X	

			10	Historic Resources Evaluation Report - Archaeology		X	
			15	Historic Resource Evaluation Report - Architecture (HRER)		X	
			20	Bridge Evaluation		X	
			99	Other Historical and Architectural Resource Study Products		X	
		25		Cultural Resource Compliance Consultation Documents		X	
			05	Final Area of Potential Effects/Study Area Maps		X	
			10	PRC 5024.5 Consultation		X	
			15	Historic Property Survey Report/Historic Resources Compliance Report		X	
			20	Finding of Effect		X	
			25	Archaeological Data Recovery Plan/Treatment Plan		X	
			30	Memorandum of Agreement		X	
			99	Other Cultural Resources Compliance Consultation Products		X	
		25		Draft Environmental Document or Categorical Exemption/Exclusion	X	X	
			10	Section 4(F) Evaluation	X		
			20	Environmental Quality Control and Other Reviews	X		
			25	Approval to Circulate Resolution	X		
			30	Environmental Coordination		X	
			99	Other Draft Environmental Document Products		X	
		30		NEPA Delegation	X		
2	170			Permits, Agreements, and Route Adoptions during PA&ED component	X	X	
		05		Required permits		X	
		15		Railroad Agreements		X	
		20		Freeway Agreements		X	
		25		Agreement for Material Sites		X	
		30		Executed Maintenance Agreement		X	
		40		Route Adoptions		X	
		45		MOU From Tribal Employment Rights Office (TERO)		X	
		55		NEPA Delegation	X		
2	175			Circulate Draft Environmental Document and Select Preferred Project Alternative Identification	X	X	
		05		DED Circulation		X	
		10		Public Hearing	X	X	
		15		Public Comment Responses and Correspondence		X	
		20		Project Preferred Alternative	X		
		25		NEPA Delegation	X		
2	180			Prepare and Approve Project Report and Final Environmental Document	X	X	
		05		Final Project Report		X	
		10		Final Environmental Document	X	X	
			05	Approved Final Environmental Document	X		
			05	Draft Final Environmental Document Review	X		
			10	Revised Draft Final Environmental Document	X		
			15	Section 4(F) Evaluation	X		
			20	Findings	X		
			25	Statement of Overriding Considerations	X		
			30	CEQA Certification	X		
			40	Section 106 Consultation and MOA	X		
			45	Section 7 Consultation			X
			50	Final Section 4(F) State p. 55	X		

			55	Floodplain Only Practicable Alternative Finding	X		
			60	Wetlands Only Practicable Alternative Finding	X		
			65	Section 404 Compliance			X
			70	Mitigation Measures	X		
		10		Public Distribution of Final Environmental Document and Respond To Comments	X		
			15	Final Right of Way Relocation Impact Document		X	
			99	Other Final Environmental Document Products		X	
		15		Completed Environmental Document	X	X	
			05	Record of Decision (NEPA)	X		
			10	Notice of Determination (CEQA)	X		
			20	Environmental Commitments Record		X	
			99	Other Completed Environmental Document Products		X	
		20		NEPA Delegation	X		

FUNDING SUMMARY

Funding Source	Funding Partner	Fund Type	PA&ED	Subtotal Support	Subtotal Capital	Subtotal Funds Type
LOCAL	TOWN	Local	\$747,004	\$747,004	\$0	\$747,004
		Subtotals by Component	\$747,004	\$747,004	\$0	\$747,004

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Diane Olsen, Planning Technician
Date: May 24, 2011
For Council Meeting: June 21, 2011

Subject: Request for a Pawnbrokers License
SPL 11-11, Rocky's Pawn Shop

Prior Council Review: There has been no prior review of this matter.

Recommendation: That the Town Council approves Special License, SPL 11-11 based on the recommended Conditions of Approval.

Policy Discussion: Under Code Section 41.025 (c) and (d), all pawnbroker license/permit applications are subject to review and approval by Town Council. The Code requires that the Planning Division and the Sheriff Department investigate the application and submit a report of their findings together with a recommendation for approval or denial to the Town Council.

Order of Procedure:

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

Discussion: The applicant is requesting approval to operate a Pawn Shop from an existing commercial building located at 55405 29 Palms Hwy. The property is zoned Old Town Highway Commercial (OTHC). The site is improved with paved parking and has access from 29 Palms Hwy. Please see attached detailed staff report.

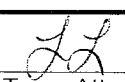
Alternatives: Staff recommends no alternative action

Fiscal impact: There is no fiscal impact resulting from the approval of this application.

Attachments: Detailed Staff Report
Recommended Conditions of Approval
Application Materials
Code Section 41.02 Junk and Secondhand Dealers

Reviewed By:


Town Manager


Town Attorney

Mgmt Services

Dept Head

Department Report

X

Consent

Ordinance Action P.58

X

Minute Action

Resolution Action

Receive and File

Public Hearing

Policy
Discussion

Town Council: June 21, 2011
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION
STAFF REPORT
ROCKYS PAWN SHOP

Case: SPECIAL PERMIT LICENSE, SPL 11-11
PAWNBROKER'S BUSINESS

Request: THE APPLICANT REQUESTS APPROVAL OF SPECIAL LICENSE, SPL 11-11, TO ALLOW A PAWNBROKER'S BUSINESS TO OCCUPY AN EXISTING COMMERCIAL BUILDING AT 55405 29 PALMS HWY, ON THE SOUTH SIDE OF 29 PALMS HWY. THE SITE IS APPROXIMATELY 1.35 ACRES.

Applicant: ROCCO ANTHONY DILUCCHIO
45330 FARGO ST
INDIO, CA 92201

Property Owner:
R & D LIVING TRUST
45330 FARGO ST
INDIO, CA 92201

Representative
SAME AS APPLICANT

Location: THE PROJECT IS LOCATED AT 55405 29 PALMS HWY AND IS IDENTIFIED AS ASSESSOR PARCEL NUMBERS 586-102-38 & 586-102-39.

Existing General Plan Land Use Designation

THE SITE IS CURRENTLY ZONED OLD TOWN HIGHWAY COMMERCIAL (OTHC)

Existing Zoning Designation:

THE SITE IS CURRENTLY ZONED OLD TOWN HIGHWAY COMMERCIAL (OTHC)

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

Department Report Ordinance Action P.59 _____ Resolution Action _____ Public Hearing Policy Discussion
 Consent Minute Action _____ Receive and File

Surrounding General Plan Land Use Designation

NORTH: OLD TOWN HIGHWAY COMMERCIAL (OTHC)
SOUTH: OLD TOWN COMMERCIAL/RESIDENTIAL (OTCR)
WEST: OLD TOWN HIGHWAY COMMERCIAL (OTHC) AND OLD TOWN
COMMERCIAL/RESIDENTIAL (OTCR)
EAST: OLD TOWN HIGHWAY COMMERCIAL (OTHC) AND OLD TOWN
COMMERCIAL RESIDENTIAL (OTCR)

Surrounding Zoning Designations:

NORTH: OLD TOWN HIGHWAY COMMERCIAL (OTHC)
SOUTH: OLD TOWN COMMERCIAL/RESIDENTIAL (OTCR)
WEST: OLD TOWN HIGHWAY COMMERCIAL (OTHC) AND OLD TOWN
COMMERCIAL/RESIDENTIAL (OTCR)
EAST: OLD TOWN HIGHWAY COMMERCIAL (OTHC) AND OLD TOWN
COMMERCIAL RESIDENTIAL (OTCR)

Surrounding Land Use:

NORTH: RECREATIONAL VEHICLE PARK, VACANT LAND, ACROSS 29
PALMS HWY
SOUTH: ASSISTED LIVING FACILITY, ACROSS SANTA FE TRAIL
WEST: COMMERCIAL OFFICE BUILDING
EAST: COMMERCIAL OFFICE BUILDING

RECOMMENDATIONS:

SPECIAL LICENSE, SPL 11-11: THAT THE TOWN COUNCIL APPROVES SPECIAL
LICENSE, SPL 11-11 BASED ON THE RECOMMENDED CONDITIONS OF APPROVAL.

PROJECT PLANNER: DIANE OLSEN, PLANNING TECHNICIAN
REVIEWED BY: ROBERT KIRSCHMANN, ASSOCIATE PLANNER
SHANE STUECKLE, DEPUTY TOWN MANAGER

I. GENERAL INFORMATION

PROJECT DESCRIPTION: .The applicant requests approval of Special License, SPL-11-11, to allow a pawnbrokers business to occupy an existing commercial building at 55405 29 Palms Hwy, on the south side of 29 Palms Hwy.

LOCATION: The project is located at 55405 29 Palms Hwy. and is identified as Assessor Parcel Numbers 586-102-38 and 586-102-39.

PROJECT SYNOPSIS:

SITE COVERAGE

PROJECT AREA	1.35 acre
BUILDING AREA	No new buildings or expansions are proposed Existing building is approx 9,772 square feet
PHASED CONSTRUCTION:	No
FLOOD ZONE	Map 8855 Zone X, not located in a flood zone
ALQUIST PRIOLO ZONE	No
OFF-SITE IMPROVEMENTS REQ.	No new offsite improvements are recommended
ASSESSMENT DISTRICTS REQ.	No
RIGHT-OF-WAY DEDICATION REQ.	NA
UTILITY UNDERGROUNDING:	NA
AIRPORT INFLUENCE AREA:	No
TRAILS & BIKE LANE MASTER PLAN	No facilities on or adjacent to the project
PUBLIC FACILITY MASTER PLAN	No facilities on or adjacent to the project.
PARKS AND RECREATION MASTER PLAN	No facilities on or adjacent to the project
MASTER PLAN OF DRAINAGE:	The Burnt Mountain Wash is north of the project site
STATE OF CALIFORNIA STORM WATER POLLUTION PREVENTION	

PLAN (SWPPP) REQUIRED:	No, less than 1 acre disturbed
REDEVELOPMENT PROJECT AREA:	Yes
STREET LIGHTS:	Not Required
SPECIFIC PLAN/ PLANNED DEVELOPMENT AREA:	Yes, Old Town Specific Plan
FUTURE PLANNING COMMISSION ACTION REQUIRED	No
FUTURE TOWN COUNCIL ACTION REQUIRED	No

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: Policy 1 of the Land Use Element of the General Plan states “A full range of commercial land uses conveniently and appropriately distributed throughout the Town, meeting the community’s need and taking full advantage of emerging development and economic opportunities”. The site is developed with a 9,772 square foot commercial building and as currently developed is consistent with the General Plan.

ENVIRONMENTAL CONSIDERATIONS: As defined by Section 15301, Existing Facilities, of the California Environmental Quality Act, the project is exempt from environmental review.

SURROUNDING LAND USES: The land uses surrounding the subject property consist of a Recreational Vehicle park and vacant land to the north, an assisted living facility to the south and commercial office buildings to the east and west.

SURROUNDING GENERAL PLAN LAND USE AND ZONING DESIGNATIONS: The properties surrounding the site have zoning designations of Old Town Highway Commercial and Old Town Commercial/Residential.

PARKING: Bases upon the size of the structure at 9772 square feet, the property is required to have 39 paved parking stalls. The property currently has 43 paved parking stalls, and therefore has an excess of 4 parking stalls.

DISCUSSION : The applicant is proposing to utilize a vacant commercial building of approximately 9,772 square feet as a pawnbroker business. The property is located within the Old Town Highway Commercial and Old Town Commercial/Residential land

use district. The site is improved with paved parking to the east, west and south of the building and has access from 29 Palms Highway. The property also has street frontage on Santa Fe Trail. The site consists of an L-shaped lot of one acre and a small rectangular lot of 0.35 acres for a total of 1.35 acres. The property is the former Hutchins Harley Davidson location, which consisted of motorcycle sales and repair, with a small restaurant on site.

The application was forwarded to the Sheriff's Department on May 26, 2011. The Town has received no response from the Sheriff's Department as of the writing of this staff report.

**TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS OF APPROVAL
ROCKY'S PAWN SHOP**

This Special License, SPL 11-11 is for the operation of a pawnbrokers business at 55405 29 Palms Highway. This Special License cannot be transferred to any other individual except the applicant. Any proposed change of location will require review and approval by the Town Council prior to the business's relocation to a new site. The property is identified as Assessor Parcel Numbers 586-102-38 and 586-102-39

I. GENERAL CONDITIONS

1. The applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. This Special Use Permit shall become null and void if all conditions have not been complied with and the occupancy or use of the land has not taken place within the one year approval period granted by the Town of Yucca Valley. The annual renewal of the Special Permit License shall be in conformance with Code Section 41.025. The applicant is responsible for the initiation of a renewal request.

APPROVED: JUNE 21, 2011

EXPIRATION: JUNE 21, 2011

3. The applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the permit license. These include, but are not limited to, County Sheriff's Department, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments. The applicant is required to comply with other Town and agency requirements related to subsequent implementing permits related to the Special Permit License. Subsequent implementing permits may have individual conditions

and standard provision which the applicant is required to comply with other permits related to this approval.

4. The business shall be adequately alarmed, reducing the possibility of burglary and/or robbery. The alarm system is to be determined by the applicant.
5. All signage shall conform to the Town's Sign Ordinance No. 156. No sign shall be installed without the necessary Town sign permit approvals. Should the unit become vacant the signs shall either be removed and/or blanked out in conformance with Code Section 87.07150, regarding abandoned signs.
6. Any exterior lights attached to this unit for private security purposes shall comply with Ordinance 90, Outdoor Lighting. Any lights used to illuminate the site and/or the unit's exterior shall be hooded and designed so as to reflect away from adjoining properties, public thoroughfares, and from being directed into the sky. Such on-site lighting is subject to approval by the Town of Yucca Valley. Any new on-site lighting poles shall not exceed a height of ten (10) feet, and shall be designed with motion detector systems or placed on timers to shut-off no later than 9:00 P.M.
7. Parking and on-site circulation for the commercial unit shall be maintained.
 - a. Any occupancy which requires additional parking that has not been provided for through this Special Permit License shall not be approved until a revision is submitted for review and approval showing the additional parking.
 - b. All marking to include parking spaces, directional designation, no parking designation and fire lane designations shall be clearly defined and said marking shall be maintained in good condition at all times. The Town Traffic Engineer shall approve all signage and markings for the circulation related signage.
 - c. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines with the two lines being located an equal 9 inches on either side of the stall sidelines.
8. Noise levels shall be maintained below Town Standards, Development Code Section 87.0905(b).
9. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual, noise, or other impacts, and environmental public health nuisances are minimized and complies with the Yucca Valley Code 33087.
10. All refuse shall be removed from the premises at least one (1) time per week in conformance with Yucca Valley Town Code 33.083.

11. All tenant improvements shall be inspected by the Building and Safety department (as appropriate). Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
12. No outdoor storage activity will be allowed in conjunction with the business.
13. Any existing handicapped site access improvements shall be maintained in conformance with the requirements of Title 24 of the California Building Code.
14. Prior to the issuance of the Special License the applicant shall submit a copy of a Pawnbroker License issued by the State of California.
15. Prior to the issuance of the Special License, the applicant shall submit a signed copy of the Conditions of Approval.
16. Applicant shall provide a copy Business Registration prior to issuance of permit.

APPLICANT SIGNATURE

DATE

Chapter 2

JUNK AND SECONDHAND DEALERS

Sections:

- 41.021 Definitions and License Requirements.
 - (a) Junk Dealer.
 - (b) Pawnbroker.
 - (c) Salvage Collector.
 - (d) Secondhand Dealer.
- 41.022 Daily Reports.
- 41.023 Inspection.
- 41.024 Property.
- 41.025 Licenses.
 - (a) Renewals.
 - (b) License Not Transferable.
 - (c) Application for License, Contents and Investigation.
 - (d) Issuance of License.
 - (e) Temporary Permits.
 - (f) Display of License.
 - (g) Suspension or Revocation of License.
 - (h) Disciplinary Action – Grounds.
 - (i) Suspension or Revocation Without Hearing.
 - (j) Procedure.
 - (k) Pending Revocation or Suspension Proceedings – Effect on Permittee.
- 41.026 Purchase Report Forms.
- 41.027 Cost and Inspection of Purchase Report Forms.
- 41.028 Correct Name and Address Required.
- 41.029 Penalty.

41.021 Definitions and License Requirements.

(a) JUNK DEALER.

(1) Junk Dealer means any person having a fixed place of business and conducting, managing or maintaining any place where secondhand and used machinery and scrap metals, including automobiles, tools, implements, or parts or portions thereof, are gathered together, stored, purchased or kept for shipment, sale or transfer.

(2) Every junk dealer shall be licensed and pay an annual license fee of:

- (A) \$165.00 for the first year; and
- (B) \$55.00 for each annual renewal.

(b) PAWNBROKER.

(1) "Pawnbroker" means any person engaged in any one or more of the following businesses:

- (A) Pawnbroking;
- (B) Lending money for himself or any other person on personal property, pawns, or pledges in the possession of the lender;
- (C) Purchasing articles of personal property and reselling or agreeing to resell such articles to the vendors or assignees at prices agreed upon at or before the time of such purchase.

(2) Every pawnbroker shall obtain a license and pay an annual license fee of:

- (A) \$165.00 for the first year; and
- (B) \$55.00 for each annual renewal.

(c) SALVAGE COLLECTOR.

(1) "Salvage collector" means a person not having a fixed place of business who goes from house to house or place to place gathering, collecting, buying, selling, or otherwise dealing in secondhand and used machinery and scrap metals including automobiles, tools, implements, or parts or portions thereof, or other articles commonly known as salvage.

(2) Every salvage collector shall be licensed and pay an annual license fee of:

- (A) \$15.00 for the first year; and
- (B) \$5.00 for each renewal.

(d) SECONDHAND DEALER.

(1) "Secondhand dealer" means any person, copartnership, firm or corporation whose principal business is that of engaging in buying, selling, trading, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand personal property.

(2) Every secondhand dealer shall obtain a license and shall pay an annual license fee of:

- (A) \$50.00 for the first year; and
- (B) \$25.00 for each annual renewal.

41.022 Daily Reports.

Junk dealers, pawnbrokers, and secondhand dealers under this chapter shall report to the Sheriff of San Bernardino County at the office of the Sheriff, Courthouse, San Bernardino, California, every day before twelve o'clock noon, on a blank form, all personal property that is required to be reported by this chapter.

The specific information to be set out on the purchase form is as follows:

1. Dealer's name, business, address and telephone number;
2. Date of purchase;
3. Seller's name, description, residence address, vehicle license number, driver's license or County business license number;
4. Material category descriptions;
5. Weight of material, amount paid, and time of payment;

6. Description and identification number of automobile and automobile bodies. Such information may be provided by submission of a vehicle report completed by the seller of any automobile or automobile body. The vehicle report forms will be made available by the Sheriff.

Junk dealers shall make a complete report of information set out on the purchase form and wherever possible include the driver's license number of the seller or sellers, and the motor vehicle license number of the automobile driven by said seller or sellers.

Junk dealers shall include a general description where the scrap or junk is comprised of such things as castings, wire, tubing, pipe or such items which may be commonly described.

Junk dealers shall report on purchase forms all nonferrous materials and shall report the following ferrous materials: fence material, pipe, chain, machinery parts, new foundry castings, cable, automobiles, and automobile bodies.

Any transactions totaling five dollars (\$5.00) or less need not be reported, except automobile or automobile bodies, which may be reported in accordance with item 6., above. It shall not be necessary to report any automobile or automobile bodies purchased from auto dismantlers licensed by the State of California.

Pawnbrokers and secondhand dealers shall make their reports in compliance with the provisions of Business and Professions Code, Section 21500 et seq., of the State of California.

Salvage collectors shall maintain purchase records.

The records required by this section shall be retained for a period of three (3) years and shall be available for inspection upon demand of any law enforcement officer.

The reports shall be written in the English language in a clear and legible manner.

41.023 Inspection.

Every junk dealer, pawnbroker and secondhand dealer shall hold and keep exposed any property acquired by them in the course of their business for inspection on their business premises during business hours.

41.024 Property.

Junk dealers shall hold all personal property received as received except automobile bodies until the expiration of three (3) days after the submission of the report required by this chapter.

41.025 Licenses.

(a) RENEWALS. Upon expiration of any license issued pursuant to this chapter, the holder thereof shall upon the payment of the required license fee, be entitled to a new license for the ensuing year without making

a new application therefor, provided the required license fee is paid before the expiration of the license.

(b) LICENSE NOT TRANSFERABLE. Each license issued hereunder shall be issued to a specific person and shall in no event be transferable from one person to another.

(c) APPLICATION FOR LICENSE, CONTENTS AND INVESTIGATION. Application for licenses under this chapter shall be made in writing and filed with the Clerk of the Board of Supervisors. Each application shall be accompanied by a ten dollar (\$10.00) fee. Said fee shall be credited as part of the first annual license fee. The application shall contain the name of the applicant, the person's interest in the business, his business address, or if the applicant is an itinerant dealer, his residence address. The application shall be immediately referred to the Planning Department, the Building and Safety Department, and to the Sheriff for investigation concerning the applicant's business and character of the applicant. The Planning Department, Building and Safety Department, and the Sheriff shall make reports of their findings, together with a recommendation as to whether or not the applicant shall be granted a license, to the Board of Supervisors within ten (10) days after the application was referred to them.

(d) ISSUANCE OF LICENSE: The Board of Supervisors shall, upon receiving an application and reports of the Planning Department, Building and Safety Department, and the Sheriff, either approve or disapprove the issuance of such license.

(e) TEMPORARY PERMITS. Any applicant for a business license under this chapter may be issued a temporary permit for a period of one (1) year commencing January 19, 1967. During the year such application shall be investigated by the Planning and Building and Safety Departments. Where any violation of County ordinances or pertinent State laws is determined, such violation shall be corrected within the one (1) year period. In the event corrections are not so made within the one (1) year period, the temporary permit shall terminate.

(f) DISPLAY OF LICENSE. Every pawnbroker, junk dealer and secondhand dealer shall display the license issued by the County of San Bernardino in a conspicuous place in his business premises.

(g) SUSPENSION OR REVOCATION OF LICENSE. The Board may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any permittee and may temporarily suspend for a period not exceeding one (1) year, or revoke the permit of any permittee who commits any one or more of the acts or omissions constituting grounds for disciplinary action under this chapter.

(h) DISCIPLINARY ACTION - GROUNDS. It shall be a ground for disciplinary action if any permittee, his agent or employee or any person connected or associated with the permittee as partner, director, officer, stockholder, general manager, or person who is exercising managerial authority of or on behalf of the permittee has:

- (1) Knowingly made any false, misleading or fraudulent statement of a material fact in an application for a permit, or in any report or record required to be filed with the Board; or
- (2) Violated any provision of this chapter or of any statute relating to his permitted activity; or
- (3) Been convicted of a felony or any crime involving theft, embezzlement or moral turpitude; or
- (4) Committed any act constituting dishonesty or fraud; or
- (5) A bad moral character, intemperate habits or a bad reputation for truth, honesty or integrity; or
- (6) Committed any unlawful, false, fraudulent, deceptive or dangerous act while conducting a permitted business; or
- (7) Published, uttered or disseminated any false, deceptive or misleading statements or advertisements in connection with the operation of a permitted business; or
- (8) Violated any rule or regulation adopted by the Board relating to the permittee's business; or
- (9) Wilfully failed to comply with the terms of any contract made as a part of the exercise of the permitted business; or
- (10) Conducted the permitted business in a manner contrary to the peace, health, safety, and general welfare of the public; or
- (11) Demonstrated that he is unfit to be trusted with the privileges granted by such permit; or
- (12) Failed to comply with zoning regulations of San Bernardino County.

(i) **SUSPENSION OR REVOCATION WITHOUT HEARING. CONVICTION.** If any person holding a permit under this chapter is convicted in any court of the violation of any law relative to his permit, the Board may revoke the permit forthwith without any further action thereon other than giving notice of revocation to the permittee.

(j) **PROCEDURE.** The licensee may, within ten (10) days after service upon him of a written notice of suspension or revocation of his license, file a request for a hearing with the Board. The request for hearing shall be in writing and signed by or on behalf of the applicant. It need not be verified or follow any particular form. Failure to file such a request for a hearing shall constitute a waiver of the licensee's right to a hearing.

(k) **PENDING REVOCATION OR SUSPENSION PROCEEDINGS – EFFECT ON PERMITTEE.**

(1) **Continuing business.** Pending the final determination of a proceeding for revocation or suspension of a permit, a permittee may continue to engage in the business for the period of his permit or until the Board makes such final determination.

(2) **Renewal – Application.** A permittee may file an application for renewal of a permit pursuant to Subsection (h) accompanied by the required fee during the pendency of a proceeding to suspend or revoke his

permit. Such filing shall continue such permit in full force and effect until the entry of the final order by the Board terminating the proceedings. Failure of the Board to revoke, suspend, limit or condition the permit shall have the effect of granting the permit. The application for renewal shall become a part of the pending proceeding and be subject to all evidence which has been or is thereafter presented. No further notice to the applicant is required and the Board or Hearing Examiner is authorized to consider and make findings upon such application in accordance with this chapter.

41.026 Purchase Report Forms.

The Sheriff of the County of San Bernardino, in conjunction with the Purchasing Agent of the County of San Bernardino, shall immediately upon the adoption and publication of the ordinance codified in this chapter, cause such number of Sheriff's Purchase Report Forms to be printed, as may be necessary for pawnbrokers, junk dealers and secondhand dealers to report the transactions required by this chapter.

41.027 Cost and Inspection of Purchase Report Forms.

The Sheriff of the County of San Bernardino shall cause the blanks referred to in Section 41.026 to be printed in books and shall furnish the books to any junk dealer or secondhand dealer upon payment of the sum specified in Section 16.0226 of Chapter 2 of Title 1, Division 6 of the San Bernardino County Code. Upon the receipt of the report from any of the persons from whom the reports are required, the Sheriff shall file the same in his office and the same shall be open to inspection only to any peace officer and to the District Attorney, Deputy District Attorney or investigator from the office of the District Attorney, or upon the order of a duly authorized court for such purpose.

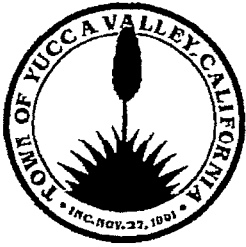
41.028 Correct Name and Address Required.

(a) Every pawnbroker, junk dealer and secondhand dealer, their agents and employees, shall cause the person or persons by whom property is left in pledge, stored, deposited, or from whom purchased, to sign his true name and give his correct address in each Sheriff's purchase report.

(b) It shall be unlawful for any person or persons to sign a fictitious name or fictitious address in connection therewith.

41.029 Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500) or imprisonment in the County Jail for not more than six (6) months, or both such fine and imprisonment.



Date Received	05/23/11
By	D. OLSEN
Fee	10A.00
Case #	SPL-11-11

**SPECIAL LICENSE
SECOND HAND DEALER
PEDDLING, HAWKING & SOLICITING**

(Please check one)

JUNK DEALER PAWNBROKER SECONDHAND DEALER
 PEDDLER HAWKER SOLICITER

NEW RENEWAL (Pawnbroker/Secondhand Dealer)

(Please Type or Print Legibly. You may attach additional sheets if necessary.)

APPLICANT Rocco Anthony DiLuocchio PHONE 760 567 2357
 ADDRESS 55405 - 29 Palm Hwy Yucca Valley STATE Ca. ZIP 92284
 DRIVERS LICENSE # A0591915 STATE Calif.
 CONTACT PERSON Rocky DiLuocchio PHONE 760 567 2357
 ADDRESS 45330 Fargo St. CITY Indio STATE Ca. ZIP 92201
 BUSINESS NAME (dba or Fictitious Name) Rocky's Pawnshop PHONE 760 567 2357
 ADDRESS SAME CITY _____ STATE _____ ZIP _____
 PROPERTY OWNER SAME PHONE _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 PROPERTY OWNER'S SIGNATURE [Signature] DATE 5-19-11
 RESALE NO. (Board of Equalization) SR Y EHC HEALTH PERMIT NO. _____
99-339854

UNDER PENALTY OF PERJURY, I DECLARE THAT ALL INFORMATION ON THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE AND BELIEVE TRUE AND CORRECT STATEMENT OF FACT. I UNDERSTAND THAT IN ADDITION TO OBTAINING A PERMIT/ LICENSE, I MUST COMPLY WITH ALL OTHER CITY, COUNTY, STATE AND FEDERAL LAWS, REGULATIONS AND ORDINANCES. NOTE: THIS APPLICATION DOES NOT CONSTITUTE A LICENSE. THE APPLICATION WILL BE REVIEWED AND DETERMINATION WILL BE BASED UPON PROVIDED INFORMATION. A RENEWAL APPLICATION MUST BE SUBMITTED ANNUALLY.

APPLICANT SIGNATURE [Signature] DATE 5-18-11

LD TOWN HWY COMM

**Town of Yucca Valley
Community Development Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084
P.73**

EMPLOYEES WORKING UNDER THIS PERMIT:

NAME Rocky DiLuccio DRIVERS LICENSE # A0591915

NAME Jessie Rae Martin DRIVERS LICENSE # D 1173175

(If additional space is needed attach a separate sheet of paper)

SUPPLIER OF GOODS TO BE SOLD M+M Merchandisers Inc.

ADDRESS 1923 Bonn Ave CITY Ft Worth STATE TX ZIP 76103-262

DESCRIPTION OF MERCHANDISE OR SERVICE THAT APPLICANT PROPOSES TO HAWK, PEDDLE, SOLICIT, OR SELL

musical instruments, jewelry, tools,

LOCATION(S) WHERE GOODS WILL BE SOLD, INCLUDE ASSESSOR PARCEL NUMBERS 55405-29 Palm Hwy - Yucca Valley Ca. 92284

APN-0506-102-3 & 0586-102-39

DATES AND TIMES THAT APPLICANT PROPOSES TO HAWK, PEDDLE, SOLICIT, OR SELL Monday - Friday 9am - 5pm

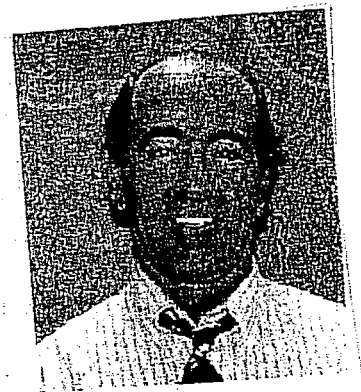
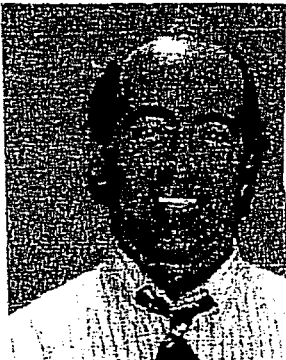
Attachments: In addition to completing the application form, the following information must be attached for review.

- License and application fee.
- Copy of any court judgement rendered against the applicant
- Copy of State Sales Tax Permit
- Two photographs at least two by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner taken within sixty days immediately prior to the date of the filing of the application.

A license issued by the Town of Yucca Valley will authorize the licensee to peddle, hawk or solicit in the locations and during the time designated in this application only, and when there is no interference with the free flow of vehicle traffic or obstruction of pedestrian traffic. The licensed person shall be permitted to do the licensed activity only during daylight hours. There shall be no licensed activity until the license is actually issued. Licensees shall comply with all applicable State law, including California Business and Professions Code Section 17510 et seq., and Health and Safety laws.

00000000000000000000

y laws.



CALIFORNIA STATE BOARD OF EQUALIZATION

CONSOLIDATED SELLER'S PERMIT

THIS PERMIT DOES NOT AUTHORIZE RETAIL SALES



CONSOLIDATED ACCOUNT NUMBER

7/1/1993 SR Y EHC 99-339854

ROCKY DI LUGGHIO ENTERPRISES
 ROCCO ANTHONY DI LUGGHIO
 45330 FARGO ST
 INDIO, CA 92201-4420

NOTICE TO PERMITTEE:
 You are required to obey all Federal and State laws that regulate or control your business. This permit does not allow you to do otherwise.

IS HEREBY AUTHORIZED PURSUANT TO RULES AND REGULATIONS OF THE BOARD TO FILE CONSOLIDATED SALES AND USE TAX RETURNS UNDER THE ABOVE CONSOLIDATED ACCOUNT NUMBER

THIS PERMIT IS VALID UNTIL REVOKED OR CANCELED AND IS NOT TRANSFERABLE. IF YOU SELL YOUR BUSINESS OR DROP OUT OF A PARTNERSHIP, NOTIFY US OR YOU COULD BE RESPONSIBLE FOR SALES AND USE TAXES OWED BY THE NEW OPERATOR OF THE BUSINESS.

For general tax questions, please call our Information Center at 800-400-7115.

For information on your rights, contact the Taxpayers' Rights Advocate Office at 888-324-2798 or 916-324-2798.

BOE-442-M REV. 12 (2-06)

A MESSAGE TO OUR NEW PERMIT HOLDER

As the holder of a Consolidated Seller's Permit, each of your selling locations will receive a Seller's Permit authorizing sales of tangible personal property at that location.

As a seller, you have rights and responsibilities under the Sales and Use Tax Law. In order to assist you in your endeavor and to better understand the law, we offer the following sources of help:

- Visiting our website at www.boe.ca.gov
- Visiting a district office
- Attending a Basic Sales and Use Tax Law class offered at one of our district offices
- Sending your questions in writing to any one of our offices
- Calling our toll-free Information Center at 800-400-7115

As a seller, you have the right to issue resale certificates for merchandise that you intend to resell. Conversely, you have the responsibility of not misusing resale certificates. While the sales tax is imposed upon the retailer,

- You have the right to seek reimbursement of the tax from your customer
- You are responsible for filing and paying your sales and use tax returns timely
- You have the right to be treated in a fair and equitable manner by the employees of the Board
- You are responsible for following the regulations set forth by the Board

As a seller, you are expected to maintain the normal books and records of a prudent businessperson. You are required to maintain these books and records for no less than four years, and make them available for inspection by a Board representative when requested. You are also expected to notify us if you are buying, selling, adding a location, or discontinuing your business, adding or dropping a partner, officer or member, or when you are moving any or all of your business locations. If it becomes necessary to surrender this permit, you should only do so by mailing it to a Board office, or giving it to a Board representative.

If you would like to know more about your rights as a taxpayer, or if you are unable to resolve an issue with the Board, please contact the Taxpayers' Rights Advocate Office for help by calling toll-free, 888-324-2798 or 916-324-2798. Their fax number is 916-323-3319.

Please post this permit at the address for which it was issued and at a location visible to your customers.

STATE BOARD OF EQUALIZATION
 Sales and Use Tax Department

State of California
PAWNBROKER LICENSE
(SECTION 21300 & 21301, FINANCIAL CODE)

CHECK IF RENEWAL

LICENSE NUMBER: 3600-0960
CRI EST

BUSINESS NAME: Rocky's Pawn Shop

BUSINESS ADDRESS: 49-574 29 Palms Hwy
STREET ADDRESS

Morongo Valley 92256
CITY ZIP CODE

OFF SITE STORAGE LOCATION (IF ANY):

None
STREET ADDRESS CITY

BUSINESS PHONE: (760) 363-7443

BUSINESS OWNER(S): Rocco A. Dilucchio

LICENSING AGENCY: San Bernardino Sheriff Dept.

This license enables the business shown above to engage in the business of a pawnbroker and secondhand dealer at the address shown above in accordance with the provisions of Division 8, Chapter 3 of the Financial Code.

Green-Licensee copy
Pink-Licensing Authority copy
Blue-DOJ copy

THIS LICENSE IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED ON THE BUSINESS PREMISES.

This license does not affect the power of a city, county, or city and county to charge a fee or tax upon the conduct of the business specified above.

DATE OF ISSUE: 04-25-09


DATE OF EXPIRATION: 04-25-11


SIGNATURE OF ISSUING OFFICER

Greg Loup
NAME OF ISSUING OFFICER

Sergeant
TITLE OF ISSUING OFFICER

JUS 126B (5/03)

 OSP 03 77234

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Melanie A. Crider, Animal Care & Control Manager
Date: May 12, 2011
For Council Meeting: June 21, 2011

Subject: Agreement with San Bernardino County
Animal Shelter Services

Prior Council Review: The Town Council approved the FY 2006/07 and the FY 2007/08 contract agreement between the Town and the County at the meeting of June 8, 2006. The Town Council approved the FY 2008/09 contract agreement with the Town and County on October 9, 2008 and the FY 2009/10 contract agreement was approved by the Town Council on June 23, 2009. FY 2010/11 contract agreement was approved by the Town Council on June 15, 2010.

Recommendation: That the Town Council approves the contract agreement between the County of San Bernardino for providing animal shelter services for FY 2011/2012.

Executive Summary: The Town and the County have entered into animal shelter service agreements since August 14th, 2006. The Contract before the Council at this time would continue this arrangement through June 30, 2012.

Order of Procedure:

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

Discussion: The Final Draft Agreement and implementing documents are attached to this staff report. The County has indicated an interest in continuing to partner with the Town in shelter operations. Legal counsel, Finance/Risk Management staff, and Animal Care and Control staff have reviewed the draft contract, and all issues appear to be resolved to the satisfaction of all concerned.

The Agreement is for fiscal year 2011/2012. The Contract establishes Town and County responsibilities, as well as the financial obligations of the parties.

Reviewed By:



Town Manager



Town Attorney

Mgmt Services

JAS

Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

Alternatives: Staff recommends no alternative action.

Fiscal Impact: The Contract provides County financial participation in the amount of \$315,044 for fiscal year 2011/12.

Attachments: Agreement with Attachments



County of San Bernardino

F A S

STANDARD CONTRACT

FOR COUNTY USE ONLY

<input type="checkbox"/> New	Vendor Code		SC		Dept.	Contract Number	
<input checked="" type="checkbox"/> Change	TOWNOFY145		PHL		A	08-1152 A-3	
<input type="checkbox"/> Cancel							
County Department			Dept.	Orgn.	Contractor's License No.		
Department of Public Health							
County Department Contract Representative				Telephone		Total Contract Amount	
Jeri Quick				(909)388-0255		\$ 1,195,260	
Contract Type							
<input type="checkbox"/> Revenue <input type="checkbox"/> Encumbered <input checked="" type="checkbox"/> Unencumbered <input type="checkbox"/> Other:							
If not encumbered or revenue contract type, provide reason:				Costs based on volume of services			
Commodity Code		Contract Start Date	Contract End Date	Original Amount	Amendment Amount		
96206		07/01/08	06/30/12	\$274,257	\$ 315,044		
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No	Amount	
AAA	PHL	2600	200	2165		\$ 315,044	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount	
						\$	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount	
						\$	
Project Name			Estimated Payment Total by Fiscal Year				
Animal Shelter Services			FY	Amount	I/D	FY	Amount
			11-12	\$315,044	I		

THIS CONTRACT is entered into in the State of California by and between the County of San Bernardino, Department of Public Health, hereinafter called the County, and

Name
Town of Yucca Valley hereinafter called Town

Address
57090 Twentynine Palms Highway

Yucca Valley, CA 92284

Telephone (760) 369 - 7207 Federal ID No. or Social Security No.

IT IS HEREBY AGREED AS FOLLOWS:

AMENDMENT NO. 3

It is hereby agreed to amend Contract No. 08-1152 between the County and Town as follows:

SECTION II. TOWN SERVICE RESPONSIBILITIES

Paragraph W is added to read as follows:

W. Town agrees that the impound holding period for stray dogs and cats will be consistent with the time period stated in Title 3 Division 2 Chapter 1 Subsection 32.0108 (d) of the San Bernardino County Code.

SECTION V. FISCAL PROVISIONS

Paragraph B is amended to read as follows:

B. The maximum amount of payment made under this Contract shall not exceed \$1,195,260 and shall be subject to the availability of funds to the County. The consideration to be paid to Town, as provided herein, shall be full payment for all Town's services and expenses incurred in the performance hereof, including travel and per diem. County shall not be responsible for any costs incurred by Town, associated with Town's provision of animal shelter services to County, which exceed the maximum amounts identified in

Auditor/Controller-Recorder Use Only

<input type="checkbox"/> Contract Database	<input type="checkbox"/> FAS
Input Date	Keyed By

this paragraph. The maximum amount is a total dollar amount; it includes the original contract amount and all subsequent amendments, and is broken down as follows:

Original Contract	\$274,257	July 1, 2008 through June 30, 2009
Amendment No.1	\$298,461	July 1, 2009 through June 30, 2010
Amendment No. 2	\$307,498	July 1, 2010 through June 30, 2011
Amendment No. 3	\$315,044	July 1, 2011 through June 30, 2012

SECTION VIII. TERM

Section VIII is amended to read as follows:

This Contract is effective as of July 1, 2008, and is being extended from its amended expiration date of June 30, 2011, to expire on June 30, 2012, but may be terminated earlier in accordance with provisions of Section IX of this Contract.

ATTACHMENT B

Attachment B – Schedule of County Fees shall be replaced with updated County Fees Schedule effective July 1, 2010.

ATTACHMENT C

Attachment C – Town of Yucca Valley FY 2010-11 Estimated Budget will be replaced with FY 2011-12 Estimated Budget dated May 2011.

All other terms and conditions remain in full force and effect.

COUNTY OF SAN BERNARDINO

Town of Yucca Valley

(Print or type name of corporation, company, contractor, etc.)

▶

Josie Gonzales, Chair, Board of Supervisors

By ▶

(Authorized signature - sign in blue ink)

Dated _____

Name George Huntington
(Print or type name of person signing contract)

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

Title Mayor
(Print or Type)

Laura H. Welch
Clerk of the Board of Supervisors
of the County of San Bernardino.

Dated _____

By _____
Deputy

Address 57090 Twentynine Palms Highway
Yucca Valley, CA 92284

Approved as to Legal Form
▶

Kristina Robb, Deputy County Counsel
Date _____

Reviewed by Contract Compliance
▶

Lory Klopfer, HS Contracts Unit
Date _____

Presented to BOS for Signature
▶

Allan Rawland, Acting Director
Date _____

COUNTY FEE SCHEDULE

SECTION 20. Effective July 1, 2010, section 16.021.A of the San Bernardino County Code is amended, to read:

16.0213A Health Services

(a) Administration:

- (1) Vital statistics (per state law).....Per state law
 - (A) Children’s Trust Fund Certified Birth Certificate Fee.....\$3.00
- (2) After hours death registration.....\$50.00

(b) Animals:

- (1) Animal handling:
 - (A) Pick-up/handling of dog or cat
 - (I) During normal operating hours.....\$35.00
 - (II) Picked up between 6:00 p.m. and 7:00 a.m.\$80.00
 - (B) Pick-up, euthanasia, and disposal of Owned animal (owner requested)\$70.00
 - (C) Apprehension fee (leash law areas only):
 - (I) Altered dog, loose dog violation
 - (i) First violation\$40.00
 - (ii) Second violation\$80.00
 - (iii) Third & every subsequent violation\$180.00
 - (II) Unaltered dog or cat, loose animal violation
 - (i) First violation\$80.00
 - (ii) Second violation\$160.00
 - (iii) Third and every subsequent violation\$210.00
 - (III) Animal picked up after hours (6 p.m. – 7 a.m.)\$70.00 additional
 - (IV) Refund to animal owner if animal is altered within Thirty (30) days of redemption (owner must apply)\$40.00
 - (D) Trap rentals, per day\$2.00
 - (E) Large animals, pickup and impoundment: (see section 32.0102)
 - (I) Pickup for large animals: Horses, cattle\$75.00/hour/minimum 1 hour
 - (II) Pickup for small animals: Goats, calves, sheep and pigs\$75.00/hour/minimum 1 hour
 - (F) Animal Investigations:
 - (I) Investigation time\$68.00/hour
 - (II) Investigation report\$25.00

- (III) Vicious Animal Compliance Inspection\$50.00/year
- (G) Quarantine of Animals (other than at shelter):
 - (I) At owner’s home\$25.00
 - (II) Quarantine break\$52.00/hour
- (H) Owner Relinquishment Fee:
 - (I) Relinquish in field
 - (i) Dog\$124.00
 - (ii) Cat\$112.00
 - (iv) Other\$124.00
 - (II) Relinquish in Shelter
 - (i) Dog\$89.00
 - (ii) Cat\$77.00
 - (iii) Other\$89.00
- (I) State-mandated unaltered animal fine (Per CA Food and Agriculture Code 30804.7 and 31751.7)
 - (I) First violation\$35.00
 - (II) Second violation\$50.00
 - (III) Third violation\$100.00
- (2) Animal licensing:
 - (A) Dog license fees:
 - (I) Unspayed/unneutered monthly fee\$8.00
 - (II) Spayed/neutered monthly fee
 - (i) 1-23 months\$1.25
 - (ii) 24-35 months\$1.05
 - (iii) 36 or more months\$1.00
 - (IV) Spayed/neutered – owned by persons 65 years of age or older (monthly)\$0.75
 - (V) Delinquent fee (waived at licensing clinic) (does not include annual fee)\$15.00
 - (VI) Medically Determined monthly fee \$2.00 (Animal is at high risk for Spay/Neuter surgery)
 - (B) Voluntary cat registration fees:
 - (I) Unspayed/unneutered monthly fee\$0.75
 - (II) Spayed/neutered monthly fee\$0.50
 - (III) Spayed/neutered – owned by persons 65 years of age or older (monthly)\$0.25
 - (IV) Spayed/neutered – owned by disabled Persons – monthly fee\$0.25
 - (C) New owner registration of Currently licensed/registered animal\$3.00
 - (D) Replacement dog/cat tag\$3.00
 - (E) Registration of dog/cat currently licensed/registered

In another jurisdiction and issuance of County tag\$3.00

- (3) Animal sheltering:
 - (A) Impound and disposal fee:
 - (I) Initial Impoundment\$44.00
 - (II) Daily (after initial impoundment)\$11.00
 - (B) Euthanasia fee:
 - (I) Dogs\$35.00
 - (II) Cats\$25.00
 - (C) Dead animal disposal \$5.00
 - (D) Owner turned in animals
 - (I) Without adoption hold\$35.00
 - (II) With adoption hold\$55.00
 - (E) Spay/Neuter fee
 - (I) Dog (over 4 months)\$55.00
 - (II) Cat (over 4 months)\$30.00
 - (F) Adoption fee (persons 65 or older exempt – 1 per year)
 - (I) Dog\$15.00
 - (II) Cat\$10.00
 - (III) Puppy (under 4 months)\$20.00
 - (IV) Kitten (under 4 months)\$15.00
 - (G) Adoption fee – horses\$50.00
 - (H) Adoption fee – donkeys\$50.00
 - (I) Adoption fee – pigs 200 lbs. in weight or more\$20.00
 - (J) Adoption fee – pigs under 200 lbs in weight\$20.00
 - (K) Adoption fee – sheep\$20.00
 - (L) Adoption fee – goats\$20.00
 - (M) Adoption fee – rabbits\$5.00
 - (N) Adoption fee – chickens and other fowl\$5.00
 - (O) Daily board charge:
 - (I) Horses, cattle, large animals per day\$10.00
 - (II) Calves, sheep, small animals per day\$8.00
 - (III) Chickens, other fowl per day\$2.00

Maximum holding period – 7 days. After 7 days,
Animals will be sold at public auction to reclaim County expense.
 - (P) Microchip Fee\$20.00
 - (Q) Vaccination Fees:

	(I)	Dogs – 5 in 1	\$10.00
	(II)	Cats – 4 in 1	\$8.00
(4)	Kennel license:		
	(A)	5 – 10 dogs	\$150.00
	(B)	11 – 15 dogs	\$155.00
	(C)	16 – 20 dogs	\$160.00
	(D)	21 – 30 dogs	\$170.00
	(E)	31 – 40 dogs	\$180.00
	(F)	41 – 60 dogs	\$190.00
	(G)	61 – 80 dogs	\$205.00
	(H)	81 – 100 dogs	\$215.00
	(I)	101 – 150 dogs	\$250.00
	(J)	For each successive range of 50 dogs, add	\$50.00
(5)	Cattery License:		
	(A)	5 – 10 cats	\$140.00
	(B)	11 – 20 cats	\$150.00
	(C)	21 – 30 cats	\$160.00
	(D)	31 – 40 cats	\$170.00
	(E)	41 – 50 cats	\$180.00
	(F)	For each successive range of 10 cats, add	\$40.00
(6)	Calf growers permit fees:		
	(A)	10 – 2,500 calves	\$365.00
	(B)	2,501 – 5,000 calves	\$425.00
	(C)	5,001 – 10,000 calves	\$480.00
	(D)	10,001 calves or more	\$645.00
(7)	Privately owned wild, exotic or Non-domestic animals permit fee		
			\$150.00/year
(8)	Game bird farm permit fee		
			\$190.00/year
(9)	Pet grooming parlor permit fee		
			\$145.00/year
(10)	Pet shop permit fee		
			\$165.00/year
(11)	Petting zoo permit fee		
			\$110.00/year
(12)	Public aquarium permit fee		
			\$85.00/year
(13)	Animal menagerie permit fee		
			\$225.00/year
(14)	Wild animal breeding or boarding permit fee		
			\$165.00/year
(15)	Miscellaneous animal auction/swap meet permit fee		
			\$110.00/year
(16)	Application fee for permit to operate an educational (student) animal project		
			\$17.00

- (17) Hot ranch permit fee:
 - (A) Less than 5,000 hogs\$365.00/year
 - (B) 5,001 to 10,000 hogs\$550.00/year
 - (C) Over 10,000 hogs\$825.00/year
- (18) Application fee – kennels, catteries,
Menageries, exotic animals\$165.00
- (19) Renewal application late fee – kennels, catteries, menageries, exotic
Animals25% of permit fee
- (20) Application fee – pet shops, grooming parlors\$85.00
- (21) Renewal application late fee – pet shops, grooming parlors 25% of permit fee

(c) Professional services: See Fee Schedule for the Department of Public Health which is maintained in the Office of the Clerk of the Board of Supervisors and reflects fees for professional services established by the Public Health Director in accordance with statutory requirements, actual costs of providing the services, and/or prevailing rates. The fees are periodically adjusted based on inflationary and other criteria commonly used in standard accounting practices.

**TOWN OF YUCCA VALLEY
FISCAL YEAR 2011-2012 ESTIMATED BUDGET**

Cost Item	Total Cost to Contractor	Percent Charged to Contract	Total Cost to Contract
A. Salaries and Benefits			
1. Position Title - Animal Care & Control Manager			
FTE - 0.75			
Salary & Benefits	\$73,977	50%	\$36,989
2. Position Title - Administrative Assistant II			
FTE - 0.5			
Salary & Benefits	\$35,936	50%	\$17,968
3. Position Title - Animal Shelter Specialist			
FTE - 1.0			
Salary & Benefits	\$61,428	50%	\$30,714
4. Position Title - Animal Shelter Specialist			
FTE - 1.0			
Salary & Benefits	\$59,116	50%	\$29,558
5. Position Title - Kennel Tech			
FTE - 1.0			
Salary & Benefits	\$51,674	50%	\$25,837
6. Position Title - Kennel Tech			
PTE - 0.5			
Salary & Benefits	\$13,724	50%	\$6,862
7. Position Title - Animal Control Officer II			
PTE - 0.25			
Salary & Benefits	\$40,726	50%	\$20,363
8. Position Title - Animal Control Officer II			
PTE - 0.25			
Salary & Benefits	\$15,922	50%	\$7,961
9. Position Title - Facilities Maintenance Specialist			
PTE - 0.05			
Salary & Benefits	\$4,156	50%	\$2,078
10. Position Title - Overtime including Vacation/Illness/Holiday Coverage			
FTE -			
Salary & Benefits	\$5,000	50%	\$2,500
Subtotal A	\$361,659	---	\$180,830
B. Services and Supplies			
1. Office Supplies	\$1,800	50%	\$900
2. Operating Supplies	\$3,800	50%	\$1,900
3. Promotional Supplies	\$3,500	50%	\$1,750
4. Animal Food/Bedding	\$18,000	50%	\$9,000
5. Veterinary Supplies	\$22,000	50%	\$11,000
6. Clothing	\$2,200	50%	\$1,100
7. Custodial Supplies	\$4,000	50%	\$2,000
8. Reference Materials	\$500	50%	\$250
9. Tools & Equipment	\$2,000	50%	\$1,000
10. Professional Services	\$58,000	50%	\$29,000
11. Contract Legal Svcs	\$1,500	50%	\$750
12. Utilities	\$16,900	50%	\$8,450
13. Computer Maint.	\$2,500	50%	\$1,250
14. Maintenance - Equipment	\$1,000	50%	\$500
15. Printing	\$2,500	50%	\$1,250
16. Education/Promotion	\$3,500	50%	\$1,750
17. Dues/Memberships	\$500	50%	\$250
18. Basic Phone	\$1,800	50%	\$900
19. Internet/DSL	\$3,900	50%	\$1,950
20. Vehicle Replacement	\$7,000	50%	\$3,500
Subtotal B	\$156,900	---	\$78,450
Subtotal A	\$361,659	---	\$180,830
Subtotal B	\$156,900	---	\$78,450
Administrative Overhead	\$54,249	50%	\$27,124
Program Cost Sub-Total	\$572,808	---	\$286,404
Unanticipated Costs (10%)	\$57,281	---	\$28,640
Total	\$630,089	---	\$315,044

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Melanie A. Crider, Animal Care & Control Manager
Date: May 12, 2011
For Council Meeting: June 21, 2011

Subject: Annual Veterinary Services/Supplies Expenses
Companion Animal Clinic

Prior Council Review: The Town Council has previously authorized staff to secure necessary veterinary services and controlled drugs and medications from Companion Animal Clinic.

Recommendation: That the Town Council authorizes staff to procure veterinary services and supplies from Companion Animal Clinic in an amount not to exceed \$22,000 for FY 2011/2012. Staff recommends that the Town Council waive the formal bidding procedures (Chapter 3.12) finding that adherence would be impractical in this situation.

Executive Summary: The Town uses the services of Companion Animal Clinic and the Yucca Valley Animal Hospital for treatment of injured and/or sick animals. The animal shelter also needs to purchase various drugs and medications, which can only be dispensed with a veterinarian's license. Dr. Norman Smith, DVM of the Companion Animal Clinic has been identified as the sole private veterinarian that will provide supplies such as euthanasia, tranquilizers and medical supplies at a reduced cost to the Town's animal shelter.

Order of Procedure:

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

Discussion: The Town's animal shelter receives animals (with the exception of large livestock) from within Town limits and the surrounding County areas. The shelter is required to provide treatment for animals when needed. The shelter also vaccinates animals and when necessary, euthanizes animals. The Yucca Valley animal shelter uses the services of Companion Animal Clinic and the Yucca Valley Animal Hospital for

Reviewed By:


Town Manager


Town Attorney

Mgmt Services

Dept Head

Department Report
 Consent

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treatment of injured and/or sick animals. The animal shelter also must purchase various drugs and medications for the animals, most of which cannot be dispensed without a veterinarian's license.

Staff has determined that Dr. Smith, DVM is the only local private veterinarian that will provide supplies, such as euthanasia, tranquilizers and animal-related medical supplies at a reduced cost to the Town's animal shelter. The cost of these supplies is the expense the animal shelter most frequently incurs with Companion Animal Clinic.

Alternatives: No alternatives are recommended. Town purchasing policies require Town Council approval of the purchase of supplies and services in excess of \$10,000.00.

Fiscal impact: \$22,000.00 is budgeted for veterinary supplies and services for FY 2011/2012 and 2012/2013. Total annual expenditures should not exceed this amount.

Attachments: None

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Melanie A. Crider, Animal Care & Control Manager
Date: May 12, 2011
For Council Meeting: June 21, 2011

Subject: Annual Spay/Neuter Services for Adopted Dogs and Cats at the Yucca Valley Animal Shelter

Prior Council Review: Town Council Meeting on August 3, 2010.

Recommendation: That the Town Council authorizes the Animal Shelter to contract with three veterinarian offices: Hi Desert Animal Hospital, Animal Clinic of Desert Hot Springs, and Companion Animal Clinic for spay/neuter services for FY 2011/2012, in an aggregate amount not to exceed \$45,000, and to waive the formal bidding procedures (Chapter 3.12) that would be inefficient and unnecessary in this instance.

Executive Summary: The Yucca Valley Animal Shelter (YVAS) uses the services of various veterinary offices to have adoptable animals altered. Due to fluctuations in the schedules and availability of the few spay/neuter service providers in the local area, staff recommends that the Town Council waive the formal bidding procedures, finding that adherence would be impractical in the current situation.

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: California Food and Agricultural Code Sections 30503 and Section 31751.3 mandates that no public animal control agency shall adopt out a dog or cat that has not been spayed or neutered. The YVAS complies with this regulation by transporting animals to area veterinary offices for the spaying and neutering of the adoptable animals.

While most procedures take place at Yucca Valley's High Desert Animal Hospital due to their availability, the Animal Clinic of Desert Hot Springs and Yucca Valley's Companion Animal Clinic (CAC) also provide spay/neuter services when schedules permit.

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

Current veterinary service fees for altering a dog average \$81.00 (including rabies vaccines); cats average \$55.00 per animal. In 2010/11 fiscal year the Town's expenditures for this service was approximately \$30,000 (\$2,000 of which was paid for by donors). Based on recent trends, staff anticipates an increase in animal adoptions during 20011/12.

Due to the limited number of spay/neuter services offered within a reasonable proximity of the shelter, staff recommends that the Town Council waive the formal bidding procedures, finding that adherence is unnecessary in this situation.

Alternatives: No alternatives are recommended. The Town's purchasing policy requires Town Council approval of the purchase of supplies and services in excess of \$10,000.00.

Fiscal impact: \$45,000.00 is budgeted for spay/neuter services for FY 2011/2012. Total annual expenditures are not expected to exceed this amount. These costs are offset by revenues associated with the adoption of the animals.

Attachments: None

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Melanie A. Crider, Animal Care & Control Manager
Date: May 12, 2011
For Council Meeting: June 21, 2011

Subject: Dead Animal Removal & Disposal
D & D Services

Prior Council Review: The Council has previously authorized the use of D & D Services during annual budget adoption processes.

Recommendation: That the Town Council authorizes animal shelter staff to contract with D & D Services for the removal and disposal of dead animals for fiscal year 2011/2012 in the amount not to exceed \$11,000.00.

Executive Summary: The Town's Animal Shelter uses the services of D & D for the purpose of dead animal removal and disposal. The monthly costs include the rental of a large freezer. D & D animal disposal also serves the 29 Palms animal shelter and the local veterinarian businesses. D & D is the sole provider of such services in the region.

Order of Procedure:

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

Discussion: The Town's animal shelter accepts and disposes of dead animals (with the exception of large livestock) from within the Town limits and surrounding County areas. Additionally, when euthanasia is necessary for shelter animals or in response to citizen requests, the deceased animals are stored until picked up by a service that specializes in the removal of such animals.

The Town's Animal Shelter has used the services of D & D for the purpose of dead animal removal and disposal. The fees (currently \$890 per month) include the rental of a large freezer for interim storage. D & D animal disposal is the sole provider in the region, also serving the 29 Palms animal shelter and the local veterinarian businesses.

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

Staff recommends that the Town Council authorize contracting with D & D Services for the removal and disposal of dead animals for fiscal year 2011/2012 in the amount not to exceed \$13,000.00. Because D & D Services is the region's sole provider of such services, staff recommends that the Town Council waive the formal bidding procedures.

Alternatives: No alternatives are recommended. Town purchasing policies require Town Council approval of the purchase of supplies and services in excess of \$10,000.00.

Fiscal impact: \$11,000.00 is currently budgeted for dead animal removal and disposal and large freezer rental for FY 2011/2012. Total annual expenditures are not anticipated to exceed \$11,000.00.

Attachments: none

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Melanie A. Crider, Animal Care & Control Manager
Date: May 12, 2011
For Council Meeting: June 21, 2011

Subject: Annual Animal Food Purchases

Prior Council Review: Town Council Meeting on August 3, 2010.

Recommendation: That the Town Council authorizes the Animal Shelter to contract with up to three vendors (Cowboy Corral, Wal-Mart and Newco Distributors) for the purchase of animal food, litter and bedding for FY 2011/2012, in an aggregate amount not to exceed \$18,000, and to waive the formal bidding procedures finding that the established procedures (Chapter 3.12) would be impractical for these purchases.

Executive Summary: The Town's animal shelter operations require the regular purchase of food, litter and bedding for the impounded animals. Whenever feasible, the animal shelter also accepts food donations to offset expenses. Due to variations in availability and pricing, staff recommends that the Town Council waive the formal bidding procedures.

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: To provide proper care for the impounded animals, the Town's animal shelter regularly purchases food, litter and bedding. The purchasing decisions are based on the availability of the brands of wholesome and nutritious dog and cat food that can be purchased at a reasonable price. Supplies and pricing vary throughout the year.

The Town's animal shelter staff typically uses the services of three vendors (Cowboy Corral, Wal-Mart and Newco Distributors) for the purchase of animal food, litter and bedding.

Reviewed By:


Town Manager


Town Attorney

Mgmt Services

Dept Head

Department Report
 Consent

Ordinance Action
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 Receive and File

Public Hearing
 Study Session

Because of the limited supplies and varying costs of required products, staff recommends that the Town Council waive the formal bidding procedures as they would be inefficient, impractical and unnecessary in the current situation.

Alternatives: None recommended

Fiscal impact: Not to exceed \$18,000.00 as approved by the Town Council in the 2011/12 budget for the animal shelter.

Attachments: None

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: June 14, 2011
For Council Meeting: June 21, 2011
Subject: Warrant Register June 21, 2011

Recommendation:

Ratify Payroll Registers total of \$ 152,427.04 for checks dated May 27, 2011.
Ratify the Warrant Register total of \$ 128,007.13 for checks dated June 2, 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. 48 dated May 27, 2011 total of \$ 152,427.04
Warrant Register No. 51 dated June 2, 2011 total of \$ 128,007.13

Reviewed By:


Town Manager


Admin. Services


Town Attorney

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

TOWN OF YUCCA VALLEY

PAYROLL REGISTER # 48

CHECK DATE - May 27, 2011


Fund Distribution Breakdown

Fund Distribution



General Fund	\$133,864.25
Gas Tax Fund	9,183.96
Redevelopment Agency	<u>9,378.83</u>

Grand Total Payroll \$152,427.04

Prepared by P/R & Financial Specialist: 

Reviewed by H/R & Risk Mgr.: 

Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
Pay Period 48 - Paid 5/27/11
(May 07, 2011 - May 20, 2011)
Checks: 4006-4014

	Employee	Employer	Total
Net Employee Pay			
Payroll Checks	\$4,728.87		\$4,728.87
Direct Deposit	73,602.82		73,602.82
Sub-total	78,331.69		78,331.69
Employee Tax Withholding			
Federal	13,054.28		13,054.28
Medicare	1,586.30	1,586.30	3,172.60
SDI - EE	(0.37)	-	(0.37)
State	4,213.04		4,213.04
Sub-total	18,853.25	1,586.30	20,439.55
Employee Benefit & Other Withholding			
Deferred Compensation	3,432.11	6,782.97	10,215.08
PERS Survivor Benefit	46.00		46.00
Health Café Plan	4,650.53	11,715.00	16,365.53
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%	1,857.00		1,857.00
PERS Retirement - Employee	59.97	5,570.90	5,630.87
PERS Retirement - Employer	-	13,511.29	13,511.29
Wage Garnishment - Employee	10.00		10.00
Life & Disability Insurance		964.95	964.95
Unemployment Insurance		1,061.11	1,061.11
Workers' Compensation		3,183.38	3,183.38
Sub-total	10,866.20	42,789.60	53,655.80
Gross Payroll	\$108,051.14	\$44,375.90	\$152,427.04
Prepared by P/R & Financial Specialist: 	Reviewed by H/R & Risk Mgr.: 		



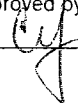
WARRANT REGISTER # 51
CHECK DATE - JUNE 2, 2011

FUND DISTRIBUTION BREAKDOWN

Checks # 34458 to # 34555 are valid

Checks # 34458, # 34464, # 34473, # 34504, # 34518, # 34520 # 34533 and
and an EFT are included in RDA Warrant # 51

GENERAL FUND # 001	\$106,486.89
CENTRAL SUPPLIES FUND # 100	\$2,700.00
CUP DEPOSITS FUND # 200	\$3,895.53
AB2928 STATE CONSTRUCTION FUND # 513	\$3,535.00
STREET MAINTENANCE - FUND # 515	\$5,686.22
MEASURE I MAJOR ARTERIAL FUND # 522	\$41.71
MEASURE I LOCAL ROADS FUND # 523	\$498.75
MEASURE I 2010-2040 FUND # 524	\$379.53
PUBLIC LANDS FEDERAL GRANT FUND # 527	\$118.75
CA ENERGY COMMISSION FUND # 540	\$356.25
CMAQ FUND # 542	\$118.75
LANDSCAPE/LIGHTING DISTRICT FUND # 581	\$1,901.00
STREET/DRAINAGE DISTRICT FUND # 582	\$2,288.75
GRAND TOTAL	<u>\$128,007.13</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

June 2, 2011

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	34462	Ace Alternators	Fleet Vehicle Maintenance	\$1,252.67
	34463	Action Pumping, Inc.	Septic System Service	1,005.00
	34464	Aleshire & Wynder, LLC	April 2011 Professional Service	13,815.10
	34465	Melinda Allen	Grubstake Days Vendor	50.00
	34466	AlSCO/American Linen, Inc.	Facilities Maintenance Supplies	161.54
	34467	Animal Health & Sanitary Supply	Shelter Disinfectant	1,087.16
	34468	Arrowhead Mountain Water	Office Supplies	147.18
	34469	AT & T Mobility	Phone Services	420.07
	34470	Avalon Urgent Care	Employee Physicals	105.00
	34472	Beam, Brobeck, West, Borges & Rosa	Green Litigation Service	7,136.93
	34474	BSN Sports	Recreation Class Expense	143.33
	34475	CA Energy Resources Conservation	Loan Payment	5,634.87
	34476	CACEO	Code Enforcement Course	25.00
	34477	Carquest Auto Parts	Vehicle Maintenance	53.88
	34478	Charles Abbott & Assoc, Inc.	Permit Fee Services	17,279.12
	34479	Companion Animal Clinic	Veterinary Supplies	1,440.00
	34480	Lesley Copeland	Tuition Reimbursement	1,500.00
	34482	Teresa Danek	Grubstake Days Vendor	50.00
	34483	Jerry Day	Abatement Service	788.99
	34484	Department of Fish & Game	Museum Permit Renewal	494.31
	34485	Desert Images Office Equipment, Inc	Color Toners	371.57
	34486	Desert Oasis Healthcare	Grubstake Days Vendor	50.00
	34487	Desert Pacific Exterminators	Exterminator Services	49.00
	34488	Desert Fire Extinguisher	Facilities Maintenance	247.64
	34489	ECS Imaging Incorporated	Annual Laserfische Support	6,018.00
	34490	Gordon Elwood	Grubstake Days Vendor	50.00
	34491	Francisco Enriauez	Grubstake Days Vendor	50.00
	34492	Ed Escalante	Sports Referee	16.00
	34493	Family Funnel Cakes	Grubstake Days Vendor	50.00
	34494	Farmer Bros. Co.	Office Supplies	130.99
	34495	FedEx	Delivery Service	145.05
	34496	First Southern Baptist Church	Grubstake Days Vendor	50.00
	34497	Fulton Distributing Co.	Janitorial Supplies	676.55
	34498	Duane Gasaway	Engineering Services	1,710.00
	34499	Stefano Geogea	Grubstake Days Vendor	50.00
	34501	Art Gutierrez	Sports Referee	44.00
	34502	Totalfunds by Hasler	Postage	999.95
	34503	Carey Hays	Grubstake Days Vendor	50.00
	34504	Hi-Desert Water	Water Service	262.20
	34505	Hi-Desert Publishing	Ordinance Advertising	515.69
	34506	Hi-Desert Medical Center	Grubstake Days Vendor	50.00
	34507	Hill's Towing	Tow Service	160.00
	34508	ICMA	FY 11/12 Membership	1,400.00
	34509	Intervet, Inc.	Shelter Adoption Supplies	1,085.96
	34510	Jessup Auto Plaza	Vehicle # 15 Maintenance	4,794.92
	34511	Kinkle, Rodiger & Spriggs	Willison Litigation	155.00
	34513	Knights of Columbus	Grubstake Day Refund	175.00
	34514	Sharon Mc Intosh	Grubstake Days Vendor	50.00

Town of Yucca Valley

Warrant Register

June 2, 2011

Fund	Check #	Vendor	Description	Amount
	34515	Mojave Desert & Mtn. Integ. Wst JPA	FY 10/11 4th Qtr Contribution	6,016.00
	34516	Morongo Unified School District	YVHS Pool Utilities	2,265.55
	34517	Ron Newhouse	Grubstake Days Vendor	50.00
	34519	Oasis Hawaiian Shaved Ice	Grubstake Days Vendor	50.00
	34520	Oasis Office Supply	Office Supplies	1,514.48
	34522	Pacific Telemanagement Svs.	Public Phone Service	82.64
	34523	Public Agency Retirement Services	03/11 Trust Administrator	300.00
	34524	The Printing Place	Sports Program Brochure	792.99
	34525	Pro Video	Town Council Taping	300.00
	34526	Reach Out Morongo Basin	Grubstake Days Vendor	50.00
	34530	Office of the County Recorder	Filing Fee	36.00
	34531	SCE	Electric Service	2,648.55
	34532	Smith Pipe & Supply, Inc.	Parks Irrigation Supplies	743.83
	34533	So. Cal. Gas Co.	Natural Gas Service	1,200.81
	34534	Southwest Networks, Inc.	Technology Equipment	7,638.86
	34535	Stater Bros	Senior Faire Expense	408.49
	34536	Michael Summers	Museum Rehabilitation	500.00
	34537	Traffic Control Service, Inc.	Street Signage	935.79
	34538	Trophy Express	Engraving Services	120.11
	34539	Delanford Truitt	Sports Referee	44.00
	34540	Vagabond Welding Supply	Facilities Equipment	225.11
	34541	VCA Yucca Valley Animal Hospital	Veterinary Services	1,036.66
	34543	Verizon	Phone Service	2,798.56
	34544	Amanda Villarreal	Grubstake Days Vendor	50.00
	34545	Valley Independent	Senior Service Flyers	732.10
	34546	Walmart Community	Shelter Supplies	1,379.87
	34547	Ed Wamhoff	Sports Referee	66.00
	34548	Shaun Watkins	Sports Referee	66.00
	34549	Wayside Harvesters	Grubstake Days Vendor	50.00
	34550	Woods Auto Repair	Vehicle Maintenance	375.80
	34551	Guy Wulf	Sports Referee	154.00
	34552	Yellowmart	Safety Equipment	134.84
	34553	Yucca Valley Quick Lube	Fleet Maintenance	114.55
	34554	Yucca Valley Lobos Youth Football	Grubstake Days Vendor	50.00
	34555	VCA Twentynine Palms Animal Hospital	Museum Veterinary Service	195.00
	EFT	First BankCard	Operating Supplies/Meeting Exp.	1,362.63
Total 001	GENERAL FUND			\$106,486.89
100	CENTRAL SUPPLIES FUND			
	38445	GE Capital	Quarterly Copier Leases	\$2,700.00
Total 100	CENTRAL SUPPLIES FUND			\$2,700.00

Town of Yucca Valley

Warrant Register

June 2, 2011

Fund	Check #	Vendor	Description	Amount
200 DEPOSIT ACCOUNT FUND				
	34459	Keith Katchmark	Deferred Compensation	\$2,000.00
	34495	FedEx	Delivery Service	40.66
	34498	Duane Gasaway	Engineering Services	1,515.75
	34505	Hi-Desert Publishing	CUP Advertisement	239.12
	34529	SBCO-Clerk/Board of Supervisors	Notice Filing Fee	100.00
Total 200	DEPOSIT ACCOUNT FUND			\$3,895.53
513 AB2928-STATE CONSTRUCTION FUND				
	34498	Duane Gasaway	Engineering Services	\$285.00
	34521	Overland Pacific & Cutler, Inc.	TCRP Phase 3 Services	3,250.00
Total 513	AB2928-STATE CONSTRUCTION FUND			\$3,535.00
515 GAS TAX FUND				
	34466	AlSCO/American Linen, Inc.	Streets Uniform Maintenance	\$52.68
	34471	Barr Lumber, Inc.	Streets Supplies	20.88
	34481	CraFCO, Inc.	Streets Maintenance Supplies	2,094.53
	34500	Great West Equipment, Inc.	Streets Maintenance	32.94
	34527	SBCO-Vehicle Services	Streets Vehicles Service	294.00
	34531	SCE	Electric Service	426.01
	34537	Traffic Control Service, Inc.	Street Signs	2,457.26
	34550	Woods Auto Repair	Vehicle Maintenance	166.56
	34552	Yellowmart	Safety Equipment	141.36
Total 515	GAS TAX FUND			\$5,686.22
522 MEASURE I MAJOR ARTERIAL FUND				
	34498	Duane Gasaway	Engineering Services	\$23.75
	34495	FedEx	Delivery Service	17.96
Total 522	MEASURE I MAJOR ARTERIAL FUND			\$41.71
523 MEASURE I -LOCAL ROADS FUND				
	34498	Duane Gasaway	Engineering Services	\$498.75
Total 523	MEASURE I -LOCAL ROADS FUND			\$498.75
524 MEASURE I - 2010-2040 FUND				
	34498	Duane Gasaway	Engineering Services	\$356.25
	34531	SCE	Electric Service	23.28
Total 524	MEASURE I - 2010-2040 FUND			\$379.53
527 PUBLIC LANDS FEDERAL GRANT FUND				
	34498	Duane Gasaway	Engineering Services	\$118.75
Total 527	PUBLIC LANDS FEDERAL GRANT FUND			\$118.75
540 CA ENERGY COMMISSION FUND				
	34498	Duane Gasaway	Engineering Services	\$356.25
Total 540	CA ENERGY COMMISSION FUND			\$356.25

Town of Yucca Valley
Warrant Register
June 2, 2011

Fund	Check #	Vendor	Description	Amount
542 CMAQ FUND	34498	Duane Gasaway	Engineering Services	\$118.75
Total 542 CMAQ FUND				\$118.75
581 LANDSCAPE/LIGHTING DISTRICT FUND	34498	Duane Gasaway	Engineering Services	\$551.00
	34512	K. Dennis Klingelhofer	Engineering Services	1,350.00
Total 581 LANDSCAPE/LIGHTING DISTRICT FUND				\$1,901.00
582 STREET & DRAINAGE DISTRICT FUND	34498	Duane Gasaway	Engineering Services	\$688.75
	34512	K. Dennis Klingelhofer	Engineering Services	1,600.00
Total 582 STREET & DRAINAGE DISTRICT FUND				\$2,288.75
***		Report Total		\$128,007.13

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council
From: Duane Gasaway, Consulting Project Manager
Date: June 13, 2011
For Council Meeting: June 21, 2011

Subject: Resolution No. 11-
Annual Assessment Engineer's Report for Previously Formed Street & Drainage and Landscape & Lighting Maintenance Districts.
Levying Annual Assessments Upon Real Property Within The Districts

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

On May 17, 2011 the Town Council approved Resolution No.11-19 directing the preparation of an Assessment Engineers Report describing any new improvements within the districts or any substantial changes in the existing improvements within the existing assessment districts and preliminarily approving the assessment engineering reports and setting the date of 6:00 pm, Tuesday, June 21, 2011 to consider the levy of annual assessments upon real property within the districts for the 2011-12 tax year.

Recommendation: That the Town Council approves the Resolution approving and confirming the assessments as set forth in the Engineer's Reports and declares its intent to levy and collect assessments upon real property within the existing districts for the 2011-12 tax years and authorizes the levy of assessments as recommended in the engineer's reports

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

Order of Procedure:

Request Staff Report
Open Public Hearing
Request Public Comment
Close Public Hearing
Council Discussion/ Council Questions of Staff

Reviewed By:


Town Manager


Town Attorney

Mgmt Services

SRS

Dept Head

___ Department Report

___ Ordinance Action

Resolution Action

Public Hearing

___ Consent

___ Minute Action

P. 103 ___ Receive and File

___ Study Session

Motion/Second
Discussion on Motion
Call the Question (Roll Call Vote)

Discussion: Subdivision development projects are approved subject to conditions of approval that require the formation of Landscape & Light Maintenance Assessment Districts and Street & Drainage Maintenance Districts. The assessment of an annual fee upon properties within the District provides the revenue to offset the cost of maintenance of the public improvements necessary to serve the development.

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

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

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

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

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

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

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

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

TM 16957:

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

No. of Lots: 34 residential lots

Map Recorded: Yes

District type:

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

TM 16587:

Location: Northeast corner of Acoma Trail and Zuni Trail

No. of Lots: 55 Residential lots

Map Recorded: Yes

District type:

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

TM 17328:

Location: Southwest corner of Emerson Avenue and Yucca Trail.

No. of Lots: 17 residential lots.

Map Recorded: Yes

District type:

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

TM 17455:

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

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

Map Recorded: Yes

District Type:

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

TM 17633:

Location: Southwest corner of Palomar Avenue and Onaga Trail

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

Map Recorded: No

District Initiated and Levy Assessed: District initiated and levy approved by Town

Council. Final map and supporting documents not yet submitted for approval and recording.

District type:

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

The proposed maximum annual assessments for and the recommended annual assessments are as follows.

**TOWN OF YUCCA VALLEY
ASSESSMENT DISTRICTS**

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

Alternatives: No alternatives are recommended.

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

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

administrative costs of these districts.

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

RESOLUTION NO. 11-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CONFIRMING THE ASSESSMENTS AS SET FORTH IN THE ENGINEER'S REPORTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS AND STREET AND DRAINAGE MAINTENANCE DISTRICTS AND DECLARING ITS INTENT TO LEVY AND COLLECT ASSESSMENTS UPON REAL PROPERTY WITHIN SAID DISTRICTS FOR THE 2011-2012 TAX YEAR.

WHEREAS, the following Landscape and Lighting Maintenance Districts and Street and Drainage Maintenance Districts have previously been formed pursuant to California Streets and Highways Code Section 22565 et. seq. and Government Code Section 53753 and Section 4 of Article XIID of the Constitution of the State of California:

Street and Drainage Maintenance District No. 1 and Landscape and Lighting Maintenance District No. 1 both districts comprised of Tract Map 16957 (34 residential lots) located on the east side of Acoma Trail between Joshua Drive and Golden Bee Drive. Improvements in these Districts are not yet constructed.

Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2 and Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2 both districts comprised of Tract Map 16587 (55 residential lots) located at the northeast corner of Acoma Trail and Zuni Trail. Improvements in these Districts are not yet constructed.

Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 and Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3 both districts comprised of Tract Map 17328 (17 residential lots) located at the southwest corner of Emerson Avenue and Yucca Trail. Improvements in these Districts are not yet constructed.

Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4 and Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4 both districts comprised of Tract Map 17633-Phase I (61 residential lots) located at the southwest corner of Palomar Avenue and Onaga Trail. Improvements in these Districts are not yet constructed.

Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5 comprised of Parcel Map 17455 (4 commercial lots) located approximately 1000 feet east of the intersection of Avalon Avenue and State Route 62. Improvements in these Districts are constructed; and

WHEREAS, the improvements in the Landscape and Lighting Maintenance Districts are generally described as follows:

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

WHEREAS, the improvements in the Street and Drainage Maintenance Districts are generally described as follows:

Regular maintenance and operation of streets, roads and highways including but not limited to pavement rehabilitation, re-striping, slurry sealing, signing, street sweeping, traffic control devices and other repairs needed to keep the streets in a safe condition and to preserve the street network; maintenance and operation of drainage and flood control facilities, including but not limited to floodways, channels, percolation pond, storm drain systems including pipes and catch basins and appurtenant facilities, and administrative services to operate the District including related administration, legal and contracted services costs; and

WHEREAS, the assessment in the Districts is increased annually, as established at the time of initial formation of the District, by the change in the Consumer Price Index for all Urban Consumers for the Los Angeles Area (December – December); and

WHEREAS, no changes are proposed in the improvements in the Landscape and Lighting Maintenance District and the Street and Drainage Districts are proposed; and

WHEREAS, the Town Council approved Resolution No. 11- directing that an Engineer's Report be prepared for each the aforementioned Districts for purposes of determining the levy of assessments for the 2011-2012 tax year; and

WHEREAS, notice of this public hearing and Resolution of Intent has been given pursuant to Streets and Highways Code Sections 22626, 22552, and 22553 and Government Code Section 53753.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Yucca Valley does resolve as follows:

1. The assessments set forth in the Engineer's Reports attached hereto as Exhibit A and hereby incorporated in this Resolution for the following Districts are hereby confirmed:

Street and Drainage Maintenance District No. 1 and Landscape and Lighting Maintenance District No. 1 both districts comprised of Tract Map 16957 (34 residential lots) located on the east side of Acoma Trail between Joshua Drive and Golden Bee Drive.

Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2 and Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2 both districts comprised of Tract Map 16587 (55 residential lots) located at the northeast corner of Acoma Trail and Zuni Trail.

Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 and Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3 both districts comprised of Tract Map 17328 (17 residential lots) located at the southwest corner of Emerson Avenue and Yucca Trail.

Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4 and Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4 both districts comprised of Tract Map 17633-Phase I (61 residential lots) located at the southwest corner of Palomar Avenue and Onaga Trail.

Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5 comprised of Parcel Map 17455 (4 commercial lots) located approximately 1000 feet east of the intersection of Avalon Avenue and State Route 62; and

2. The following assessments may be levied upon real property within the Town of Yucca Valley for fiscal year 2011-2012 at the rate not to exceed the maximum allowable assessment:

Street and Drainage Maintenance District No. 1: **\$58.82**
Landscape and Lighting Maintenance District No. 1: **\$58.82**
both districts comprised of Tract Map 16957 (34 residential lots).

Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2:
\$36.36

Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2:
\$36.36
both districts comprised of Tract Map 16587 (55 residential lots).

Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3:
\$117.65
Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3:
\$117.65
both districts comprised of Tract Map 17328 (17 residential lots).

Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4: **\$32.79**
Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4:
\$32.79
both districts comprised of Tract Map 17633-Phase I (61 residential lots).

Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5
comprised of Parcel Map 17455 (4-commercial lots). The Maximum Annual
Assessment per EDU shall be:

- Parcel 1: \$1.96 per Benefit Unit for a total annual assessment of \$8,157.52**
- Parcel 2: \$1.96 per Benefit Unit for a total annual assessment of \$2,355.92**
- Parcel 3: \$1.96 per Benefit Unit for a total annual assessment of \$650.72**
- Parcel 4: \$1.96 per Benefit Unit for a total annual assessment of \$2,916.48**

APPROVED AND ADOPTED this 21st day of June, 2011.

MAYOR

ATTEST:

TOWN CLERK

TOWN OF YUCCA VALLEY
ASSESSMENT DISTRICTS

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

TOTAL:

\$2.05

\$2.07

\$1.96

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

Fiscal Year 2011-12

Prepared for:

TOWN OF YUCCA VALLEY
San Bernardino County, California

Prepared by:

K. Dennis Klingelhofer
Assessment Engineer

April, 2011

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

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

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

Dated: May 4, 2011

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

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

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

By _____

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

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

By _____

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

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

By _____

SECTION I - INTRODUCTION

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

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

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

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

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

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

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

SECTION II - PLANS AND SPECIFICATIONS

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

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

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

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

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

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

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

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

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

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

SECTION III - ESTIMATE OF COST

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

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

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

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

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

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

Maximum Allowable Assessments

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

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

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

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

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

SECTION IV - ASSESSMENT ROLL

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

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

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

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

SECTION V - METHOD OF APPORTIONMENT OF ASSESSMENT

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

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

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

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

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

Method of Assessment – Zones 1- 4

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

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

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

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

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

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

Method of Assessment - Zone 5

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

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

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

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

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

SECTION VI - PROPERTY OWNER LIST

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

APPENDIX A

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

Benefit Zone 1 - Tract 16957

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

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

Benefit Zone 2 - Tract 16587

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

Benefit Zone 3 - Tract 17328

APN	Maximum Allowable Assessment	Assessment to Levy
588311100000	\$661.89	\$235.28
588311110000	\$661.89	\$235.28
588311120000	\$661.89	\$235.28
588311130000	\$661.89	\$235.28
588311140000	\$661.89	\$235.28
588311150000	\$661.89	\$235.28
588311160000	\$661.89	\$235.28
588311170000	\$661.89	\$235.28
588311180000	\$661.89	\$235.28
588311190000	\$661.89	\$235.28
588311200000	\$661.89	\$235.28
588311210000	\$661.89	\$235.28
588311220000	\$661.89	\$235.28
588311230000	\$661.89	\$235.28
588311240000	\$661.89	\$235.28
588311250000	\$661.89	\$235.28
588311260000	\$661.89	\$235.28
TOTAL ASSEMENT	\$11,252.13	\$3,999.76

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

Benefit Zone 4 - Tract 17633

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

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

Benefit Zone 5 - Map 17455

Assessor Parcel Number	Landuse	Building Sq Ft	Avg Daily Trips	Total EDUs	Rate/EDU	Total Asmt.
601201450000	Parcel 1 - Home Depot	139,656	4,162	4,162	\$1.96	\$ 8,142.67
601201460000	Parcel 2 – Specialty Retail	27,110	1,202	1,202	\$1.96	\$ 2,351.63
601201470000	Parcel 3 – Specialty Retail	7,500	332	332	\$1.96	\$ 649.54
601201480000	Parcel 4 – Fast Food	3,000	1,488	1,488	\$1.96	\$ 2,911.17
Total						\$14,055.00

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

Fiscal Year 2011-12

Prepared for:

TOWN OF YUCCA VALLEY
San Bernardino County, California

Prepared by:

K. Dennis Klingelhofer, P.E.
Assessment Engineer

April, 2011

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

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**TOWN OF YUCCA VALLEY
LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1
BENEFIT ZONES 1-4**

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

Dated: May 4 , 2011

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

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

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

By _____

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

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

By _____

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

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

By _____

SECTION I - INTRODUCTION

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

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

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

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

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

SECTION II - PLANS AND SPECIFICATIONS

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

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

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

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

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

SECTION III - ESTIMATE OF COST

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

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

Town of Yucca Valley Lighting and Landscape Maintenance District No. 1 Estimated Annual Costs				
Fiscal Year 2011-12	Benefit Zone 1 (Tract 16957)	Benefit Zone 2 (Tract 16587)	Benefit Zone 3 (Tract 17328)	Benefit Zone 4 (Tract 17633)
Direct Cost				
Electricity for Street Lights	\$ -	\$ -	\$ -	\$ -
Acoma Trail Parkway Maintenance	\$ -	\$ -	\$ -	\$ -
Irrigation Water	\$ -	\$ -	\$ -	\$ -
Landscape Maintenance	\$ -	\$ -	\$ -	\$ -
Retention Basin Landscape & Irrigation	\$ -	\$ -	\$ -	\$ -
Capital Replacements	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ -	\$ -	\$ -	\$ -
Administration Costs				
Town Administration	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Assessment Engineering	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
County Administration Fees	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Annual Levy				
Total Direct and Administration Costs	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Capital Replacement Reserve Contribution	\$ -	\$ -	\$ -	\$ -
Operating Reserve Contribution				
Less Contribution from Reserves				
Operating	\$ -	\$ -	\$ -	\$ -
Capital Replacement	\$ -	\$ -	\$ -	\$ -
Balance to Levy	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Total EDU's	34	55	17	61
Proposed Levy per Edu	\$ 58.82	\$ 36.36	\$ 117.65	\$ 32.79
Maximum Allowable Levy	\$ 198.32	\$ 225.26	\$ 389.84	\$ 192.42
Fund Balance Summary (Projected as of June 30, 2011)				
Operating Reserve (Projected as of July 1, 2011)	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00
Contribution to Operating Reserve	\$ -	\$ -	\$ -	\$ -
Projected Operating Reserve as of June 30, 2012	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00
Capital Replacement Reserve (Projected as of July 1, 2011)	\$ -	\$ -	\$ -	\$ -
Contribution to Capital Replacement Reserve	\$ -	\$ -	\$ -	\$ -
Projected Capital Replacement Reserve as of June 30, 2012	\$ -	\$ -	\$ -	\$ -

Since construction of the improvements in several of the benefit zones have not been completed, a reduced assessment is proposed to be levied for 2011-12. However, as established at the time of District Formation, the Maximum Allowable Annual Assessment per EDU which may be levied in future years will be increased by the Consumer Price Index

for all Urban Consumers for the Los Angeles Area (December – December) to provide sufficient revenues for the maintenance of the improvements in future years. The Maximum Allowable Annual Assessment for 2011-12 shall be as shown below:

Maximum Allowable Assessments

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

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

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

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

SECTION IV - ASSESSMENT DISTRICT DIAGRAM

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

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

SECTION V - METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

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

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

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

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

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

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

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

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

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

LANDSCAPING BENEFIT DETERMINATION

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

STREET LIGHTING BENEFIT DETERMINATION

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

PARCEL CLASSIFICATIONS

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

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

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

ZONE CLASSIFICATION

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

BENEFIT SPREAD METHODOLOGY

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

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

BENEFIT ZONE NO. 1-4

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

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

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

SECTION VI- PROPERTY OWNER LIST & ASSESSMENT ROLL

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

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

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

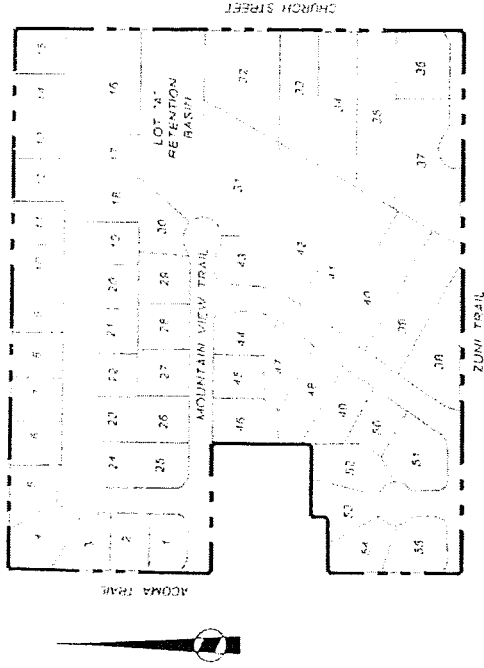
APPENDIX A

Assessment Diagrams

TOWN OF YUCCA VALLEY
 Landscape & Lighting Maintenance District No. 1
 Benefit Zones 1-4

ASSESSMENT DIAGRAM
 LANDSCAPE AND LIGHTING MAINTENANCE
 DISTRICT NO. 1
 ANNEXATION NO. 1
 ZONE 2 - TENTATIVE TRACT NO. 16587
 TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO
 STATE OF CALIFORNIA

REDUCED COPY -
 NOT TO SCALE



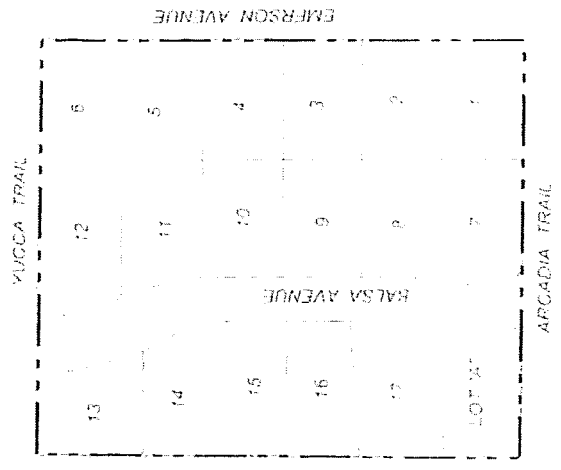
Berryman & Henigar
 6100 S. Sanderson Ave., Suite 300
 Fontana, CA 92335
 Tel: (923) 498-7103 Fax: (923) 408-7443
 www.bh-engineers.com

REFERENCE THE SAN BERNARDINO COUNTY ASSESSOR'S MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

TOWN OF YUCCA VALLEY
 Landscape & Lighting Maintenance District No. 1
 Benefit Zones 1-4

ASSESSMENT DIAGRAM
 LANDSCAPE AND LIGHTING MAINTENANCE
 DISTRICT NO. 1
 ZONE 3 - TENTATIVE TRACT NO. 17328
 TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO
 STATE OF CALIFORNIA

REVISED 08/11
 NOT TO SCALE



Berryman & Henegar
 PROFESSIONAL LANDSCAPE ARCHITECTS
 1000 N. GATEWAY AVENUE, SUITE 100
 YUCCA VALLEY, CALIFORNIA 92389
 (951) 851-1111
 www.berrymanandhenegar.com

APPROVED BY THE BOARD OF SUPERVISORS AND THE BOARD OF PUBLIC WORKS OF THE TOWN OF YUCCA VALLEY

APPENDIX B
FY 2011-12
ASSESSMENT ROLL

Benefit Zone 1 - Tract 16957

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

TOWN OF YUCCA VALLEY
Landscape & Lighting Maintenance District No. 1
Benefit Zones 1-4

Benefit Zone 2 - Tract 16587

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

Benefit Zone 3 - Tract 17328

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

Benefit Zone 4 - Tract 17633

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

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Lona Laymon, Town Attorney
Date: June 14, 2011
For Council Meeting: June 21, 2011

Subject: Church Street, between Onaga Trail and Joshua Drive
Improvement Project
Acquisition of Property

Prior Council Review: There has been no prior review of this specific matter.

Recommendation: That the Town Council adopts the Resolutions declaring that the public interest and necessity require acquisition of fee interests in portions of the property known as Assessor's Parcel No. 0587-011-18 and Assessor Parcel Nos. 0587-011-04 & 0587-011-024.

Executive Summary: The Town of Yucca Valley (the "Town") seeks to improve and reconstruct Church Street from Joshua Drive northerly to Onaga Trail (the "Project"). The Town seeks only a small portion of the affected surrounding properties for the rights-of-way for the Project. To this end, portions of two properties are proposed for acquisition; hence two Resolutions are presented. Further information on both potential parcels is presented in Attachment 1 hereto.

Town staff has attempted to acquire portions of the above described properties necessary for the Project. Negotiations for acquisitions have been undertaken with the property owners, and purchase offers based on appraisals have been made. Town staff is recommending the use of eminent domain to acquire the fee interests in these properties. The fee interests to be acquired in each respective property are described in Exhibit A and depicted in Exhibit B attached to each respective Resolution submitted with this Agenda Report.

Acquisition of properties through eminent domain will require the Town to pay just compensation for the properties acquired, as determined by the court. An appraiser on behalf of the Town has determined that the fair market values of the fee interests to be acquired in portions of parcels are detailed in Attachment 1 hereto.

Order of Procedure:

Request Staff Report
Open Public Hearing, Request Public Comment

Reviewed By:


Town Manager


Town Attorney

Mgmt Services

SRS

Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

Close Public Hearing
Council Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (Voice Vote)

Discussion: The Town of Yucca Valley was incorporated November 27, 1991. Upon incorporation the ownership of streets and right of way within the Town was “conveyed” to the Town of Yucca Valley by operation of law. Streets within the Town limits that were maintained by the County of San Bernardino at the time of Town incorporation became the “Town maintained street system” while streets not maintained by the County at time of incorporation remain outside the maintained system. Town policy (with occasional exceptions) provides that a street may be added to the Town maintained system only if it is first improved to Town standards.

This portion of Church Street is not part of the Town maintained system. With the exception of occasional grading on an emergency basis to make the road passable, the Town does not maintain Church Street. Church Street is in poor condition. There are remnants of paving done some years ago prior to Town incorporation. Much of the road is unimproved dirt surface. The street has experienced significant storm water damage annually of varying degrees since prior to incorporation often rendering the street impassable for passenger vehicles and creating hazardous conditions for the traveling public.

The proposed street reconstruction project extends from Joshua Drive northerly to Onaga Trail and consists of constructing a 26 foot wide roadway surface with berm within a 60 foot right of way (30 feet each way from centerline). The newly constructed pavement will join any remnant of earlier pavement if it is good condition and the areas which are presently unimproved dirt will be paved. In order to construct the roadway the Town seeks additional right of way along the subject parcels to bring the right of way to the minimum Town standard of 60 feet.

The Town has retained the services of an independent real estate appraiser and has made Government Code offers to purchase the fee interests in the properties necessary for the Project based on the fair market value established by the appraiser.

At this time, the Town is requested to commence the eminent domain process, for which the Town is required to formally adopt Resolutions of Necessity. The Town has not been able to negotiate a settlement. While negotiations will continue, staff is recommending beginning the eminent domain process to acquire the properties necessary for the Project.

Notices of this Hearing prepared in accordance with Section 1245.235 of the California Code of Civil Procedure were mailed to the property owners (Jakubiec and Kazangian), on April 6, 2011.

The subject hearing is being conducted to determine whether the Town should proceed with an eminent domain action to acquire the properties and to establish whether the following five basic criteria are met:

- The public interest and necessity require the Project.
- The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- The properties sought to be acquired are necessary for the Project.
- An offer meeting the requirements of Section 7267.2 of the *Government Code* has been made to the owners of record.
- Whether all other prerequisites for the exercise of eminent domain to acquire the properties have been met.

1. The Public Interest and Necessity Require the Proposed Project

The public interest, convenience and necessity require the acquisition of fee interests in portions of the properties by the Town to improve and reconstruct Church Street to allow for the development of the subject properties to their highest and best use and to alleviate hazardous conditions for the traveling public.

2. The Project is Planned or Located in the Manner that will be Most Compatible with the Greatest Public Good and the Least Private Injury

The proposed street improvements are consistent with the Town's adopted Circulation Element, calling for a sixty (60) foot standard right-of-way. The project has been situated to coincide with previously improved portions of Church Street and represent the logical alignment for this facility. Any realignment of this right-of-way would result in far greater private injury to property owners in the area.

3. The Real Property Sought to be Acquired is Necessary for the Project

The acquisition of the fee interests in portions of the parcels in Attachment 1 is necessary for the Project because without these interests, the widening Project cannot be constructed. Acquisition of the interests is expressly authorized by Section 19 of Article 1 of

the California Constitution, California *Code of Civil Procedure* Sections 1240.010 through 1240.050 and Sections 1240.410 through 1240.430, and *Government Code* Sections 37350, 37353, 37350.5 and 40404.

4. The Offers of Just Compensation Have Been Made to the Property Owners

The offer required by *Government Code* Section 7267.2 has been made to the owners of the parcels in Attachment 1 and copies of offer letters (exhibits excluded) for said parcels are attached hereto as Attachment 2, and incorporated by this reference. The Town has pursued negotiations with the owners of the properties; however, said negotiations have been unsuccessful.

5. All other prerequisites for the exercise of eminent domain to acquire the properties have been met

The Project is consistent with the general plan, and all prerequisites for adopting Resolutions of Necessity and for commencing an eminent domain action to acquire portions of the parcels for the Project have been met.

Alternatives: Do not proceed with the acquisition and do not proceed with the construction project.

Fiscal impact: The Town has budgeted \$166,112 for the Church Street Project in the 2010/2011 Capital Projects Budget. Property acquisition costs are included in the existing appropriations (523 55 59 8310 8348, \$27,841 and 524 55-59 8310 8348, \$138,271).

Attachments: Resolutions
Time-Line for Acquisition Process

RESOLUTION NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE INTERESTS IN PORTIONS OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NO. 0587-011-18

WHEREAS, for the public purposes set forth herein, the Town of Yucca Valley, California is authorized to acquire property through the exercise of eminent domain pursuant to Section 19 of Article 1 of the California Constitution, Section 1240.010 through 1240.050 and Sections 1240.410 through 1240.430 of the California *Code of Civil Procedure*, and Sections 37350, 37353, 37350.5 and 40404 of the California *Government Code*; and

WHEREAS, the "Project" for the purposes of this acquisition consists of Church Street right-of-way improvements (referred to herein as the "Project"); and

WHEREAS, in order to carry out and make effective the principal purpose of the Project, it is necessary for the Town of Yucca Valley to acquire a fee interest in a portion of certain privately-owned real property located in Section 2, Township 1 South of the San Bernardino Base and Meridian, in the Town of Yucca Valley, County of San Bernardino, California with Assessor's Parcel No. 0587-011-18, as more particularly described in Exhibit "A" which is attached hereto and incorporated by this reference, (hereinafter the "Property") and to be located as depicted on the diagram attached hereto as Exhibit "B" which is incorporated by this reference; and

WHEREAS, on or about May 13, 2011, the Town made a written offer to acquire the fee interest in a portion of the Property to the record owners of the Property at an amount that was not less than the appraised fair market value in compliance with *Government Code* Section 7267.2(a), and the owners of the Property have not accepted said offer or otherwise conveyed the fee interest to the Town as of the date of this Resolution; and

WHEREAS, on June 6, 2011, a Notice of Intention to Adopt a Resolution of Necessity for Acquisition of A Fee Interest in Certain Real Property identified as Assessor's Parcel No. 0587-011-18 (a copy of which is attached hereto as Exhibit "C" and incorporated by this reference) was served to all persons whose names appear on the last equalized County Assessment Roll as having an ownership interest in the Property, and to the address appearing on said Roll and to other addresses, which Notice of Hearing advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein; and

WHEREAS, the hearing set out in said Notice of Hearing was held on June 21, 2011, at the time and place stated therein and all interested parties were given an opportunity to be heard on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- (c) Whether the fee interest proposed to be acquired is necessary for the Project;
- (d) Whether the offer meeting the requirements of *Government Code* Section 7267.2 has been given; and
- (e) Whether all other prerequisites for the exercise of eminent domain to acquire the fee interest have been met.

WHEREAS, the Town Council, as a result of such hearing, has determined that public health, safety, and welfare require the Town to acquire the fee interest in a portion of the Property for the stated purposes.

NOW THEREFORE, BE IT RESOLVED, that the Town Council, hereby does find, determine, and declare based upon evidence presented to it as follows:

Section 1. The facts and conclusions referenced in this Resolution, and the findings made by the Town Council herein, are supported by substantial evidence contained in the record of this proceeding.

Section 2. The interest to be acquired consists of a fee interest for the Project in a portion of the Property located within the Town of Yucca Valley, County of San Bernardino, State of California, Assessor's Parcel No. 302-100-002, and more specifically described above and in Exhibit "A".

Section 3. That the public interest, convenience, and necessity requires the acquisition by the Town of a fee interest of portions of the Property for the Project. The Project will improve traffic flow and ease congestion through the Project area. The Project will further provide for the necessary public improvements for the development of the Property. The Property is located within the boundaries of the Town of Yucca Valley and the Project will improve traffic safety, provide a means of access to the properties located adjacent to the Project and for the Property, and will provide an identity to this revitalized area and enhance property values. The Project is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury. The Property is currently vacant and cannot be developed without the Project. The taking of the fee interest in a portion of said Property as described above is necessary for the Project because the Project cannot be constructed without the fee interest and the acquisition is authorized by Section 19 of Article 1 of the California Constitution, Section 1230.010 *et seq.* of the California *Code of Civil Procedure*, and Sections 37350, 37350.5, 37353, and 40404 of the California *Government Code*.

Section 4. The offer required by *Government Code* Section 7267.2 has been made to the owners of record of the Property, by way of letter dated May 13, 2011, and the Town has pursued negotiations thereafter, and negotiations with the owners of the fee interest in the Property have not been successful.

Section 5. The environmental impacts and effects of the Project were fully addressed and all obligations imposed by the California Environmental Quality Act have been complied with for the Project.

Section 6. The Town hereby declares its intent to acquire a fee interest in a portion of the Property described in Exhibit "A" in the Town's name in accordance with the provisions of the law of the State of California and finds that all conditions, statutory requirements and prerequisites to the exercise of eminent domain to acquire the fee interest in a portion of the Property described herein have been complied with by the Town.

Section 7. The law firm of Aleshire & Wynder, LLP, is hereby authorized and directed to prepare, institute, and prosecute in the name of the Town such proceedings, in the Court having proper jurisdiction thereof, as may be necessary for the acquisition of the fee interest in a portion of the Property in accordance with the provisions of the California Eminent Domain Law and the Constitution of California. Said counsel are also authorized and directed to obtain any necessary order of the Court granting the Town the right of immediate possession and occupancy of the Property.

PASSED, APPROVED and ADOPTED at a regular meeting of the Town Council of the Town of Yucca Valley this 21st day of June, 2011.

MAYOR

ATTEST:

TOWN CLERK

May 11, 2011

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Roza Kazangian
1846 N. New Hampshire Ave
Los Angeles, CA 90027-4210

Re: APN: 0587-011-18
Property: East side of Church Street, north of Zuni Trail, Yucca Valley,
CA
Subject: Offer to Purchase Property - \$2,400

Dear Property Owner:

This letter is being forwarded to you as the owners of the property located on Church Street, in the Town of Yucca Valley, County of San Bernardino, California.

The Town of Yucca Valley ("Town") hereby offers to purchase portions of your property in the Town of Yucca Valley, Assessor Parcel Number 0587-011-18, as described in Exhibit "A" attached hereto ("Subject Interest"). This Subject Interest is sought for the street improvements and reconstruction of Church Street project ("Project"), and consists of acquiring the fee simple interest.

The Subject Interest has been appraised by a professional real estate appraiser retained by the Town. The Town is offering the full amount reflected in the appraisal as the fair market value for the Subject Interest.

Attached hereto as Exhibit "B" is a summary of the basis of the Town's appraisal fixing the amount established by the Town as just compensation for the Subject Interest. The date of value is March 8, 2011. The Town is offering \$2,400 for the fee simple purchase of the Subject Interest it seeks to acquire in the property as the total just compensation for land and improvements.

This letter is being sent to you in compliance with California *Government Code* § 7267.2. This appraised value does not reflect consideration of, or make allowance for, any relocation assistance payments, any payments for loss of goodwill or other benefits under California *Government Code* § 7262, et seq. or California Code of Regulations § 6100, et seq. that you may or may not be entitled to.

Planning
(760) 369-6575
Public Works
(760) 369-6579
Building and Safety
(760) 365-0099
Code Compliance
(760) 369-6575
Engineering
(760) 369-6575
Animal Control
(760) 365-1807
Animal Shelter
(760) 365-3111
FAX (760) 228-0084

The Town of
Yucca Valley

COMMUNITY DEVELOPMENT/PUBLIC WORKS DEPARTMENT

58928 Business Center Dr.

Yucca Valley, California 92284

P.162

01105/0017/96009.1



This offer is for title to the fee simple interest in the Subject Interest. The Town is not seeking to acquire any mineral rights in the Subject Interest. Payment will be made when the title to the Subject Interest vests in the Town, free and clear of all recorded or unrecorded liens, encumbrances, assessments, leases and taxes, except:

1. Taxes for the year in which the property is purchased shall be prorated to close of escrow;
2. Covenants, conditions, restrictions and reservations of record that do not interfere with the Town's proposed use of the property;
3. Easements or rights-of-way over the land for public or quasi-public utility or public street purposes, if any; and
4. Any other interests in the property or exceptions to title appearing on a preliminary title report or litigation guarantee, which are accepted by the Town in writing through escrow.

The Town will pay all usual fees, charges, and costs which arise out of this escrow.

This offer is subject to, and contingent upon, acceptable soil conditions of the property, and the absence from the Subject Interest of toxic or hazardous substances and any other kind of soil or water contamination, delivery of a disclosure statement regarding such conditions, and the grant of a right of entry to the Town for the purpose of conducting a soils, toxic and hazardous substances investigation of the subject property and approval. This offer is subject to modification depending on the results of such an investigation. Your ongoing cooperation in allowing access to the property for inspection, assessments and testing will be appreciated.

Please be advised that the offer stated above presumes the property is free of hazardous substances (as that term is defined under California *Health & Safety Code* Section 33459(b)) and all other subsurface soil contamination. In the event that any facts or circumstances arise which indicate the presence of such subsurface contamination, the Town reserves the right to rescind, or modify, the offer stated above at any time prior to its written acceptance, to reflect the estimated or actual costs to remediate the property to the satisfaction and approval of all applicable regulatory agencies. Further, in the event the Town discovers such soil contamination after it acquires the property, the Town reserves all rights and remedies it may have against you and all prior owners to seek damages or other obligations the Town incurs as a result of the contamination, as may be permitted or authorized by any law, including but not limited to CERCLA (42 U.S.C. §

May 11, 2011

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9601, et seq.), the Hazardous Waste Control Law (California *Health and Safety Code* §§ 25100, et seq.), the Porter Cologne Act (California *Water Code* §§ 13000, et seq.), California *Health and Safety Code* §§ 25280, et seq., 33459, et seq., and provisions of Proposition 65.

You are entitled to have the Subject Interest independently appraised by an appraiser of your own selection and choice. If the appraiser you retain is licensed by the California Office of Real Estate Appraisers, the Town will reimburse you for the reasonable cost of that appraisal, not to exceed \$5,000. You will be reimbursed thirty (30) days after the Town receives a true and correct copy of the invoice for the appraisal services and confirmation that your appraiser is properly licensed. You will be personally responsible for all additional costs and expenses associated with any appraiser retained by you in excess of the maximum reimbursement amount of \$5,000.00.

For your information, as required by *Government Code* § 7267.2(b), and not as an indication that the Town has made any determination as to whether it would exercise the power of eminent domain to acquire your property, an informational pamphlet regarding the process of eminent domain and the property owner's rights under the Eminent Domain Law is enclosed as Exhibit "C".

YOU ARE HEREBY GIVEN NOTICE THAT:

The Town's offer to acquire the Subject Interests in the subject property as collectively constituted by this letter and enclosures is subject to approval by the Town of Yucca Valley Town Council;

The Town's offer to acquire the Subject Interests in the subject property as collectively constituted by this letter and enclosures shall expire on the fifteenth (15th) day after its mailing; and

You are not obligated to accept the Town's offer to acquire the Interests in the subject property as collectively constituted by this letter and enclosures. If you reject this offer or this offer expires and the Town determines to acquire the Interests in the subject property by eminent domain, you will be entitled to have the amount of just compensation determined by a court of law in accordance with the laws of the State of California.

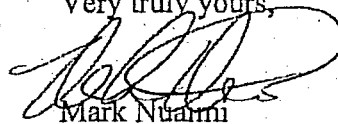
Town staff are available to meet with you to explain the offer or commence further negotiations concerning the desired acquisitions. I can be reached at (760) 369-7207, extension 224.

May 11, 2011

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If for any reason you are not satisfied with this offer of just compensation, and have relevant information regarding the value of the property that you would like the Town to consider, it will be happy to do so. If you have such information or have any questions, please contact me.

Very truly yours,



Mark Nuami
Town Manager

Enclosures

cc: Duane H. Gasaway (via email)
Lona Laymon, Town Attorney (via email)
Sunny Soltani, Deputy Town Attorney (via email)

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the Town of Yucca Valley, County of San Bernardino, State of California,
described as follows:

THE NORTH ½ OF THE SOUTH ½ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF THE
SOUTHWEST ¼ OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 5 EAST, SAN BERNARDINO BASE
AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND.

APN: 0587-011-04-0-000

Site Analysis

Planned Right-of-Way

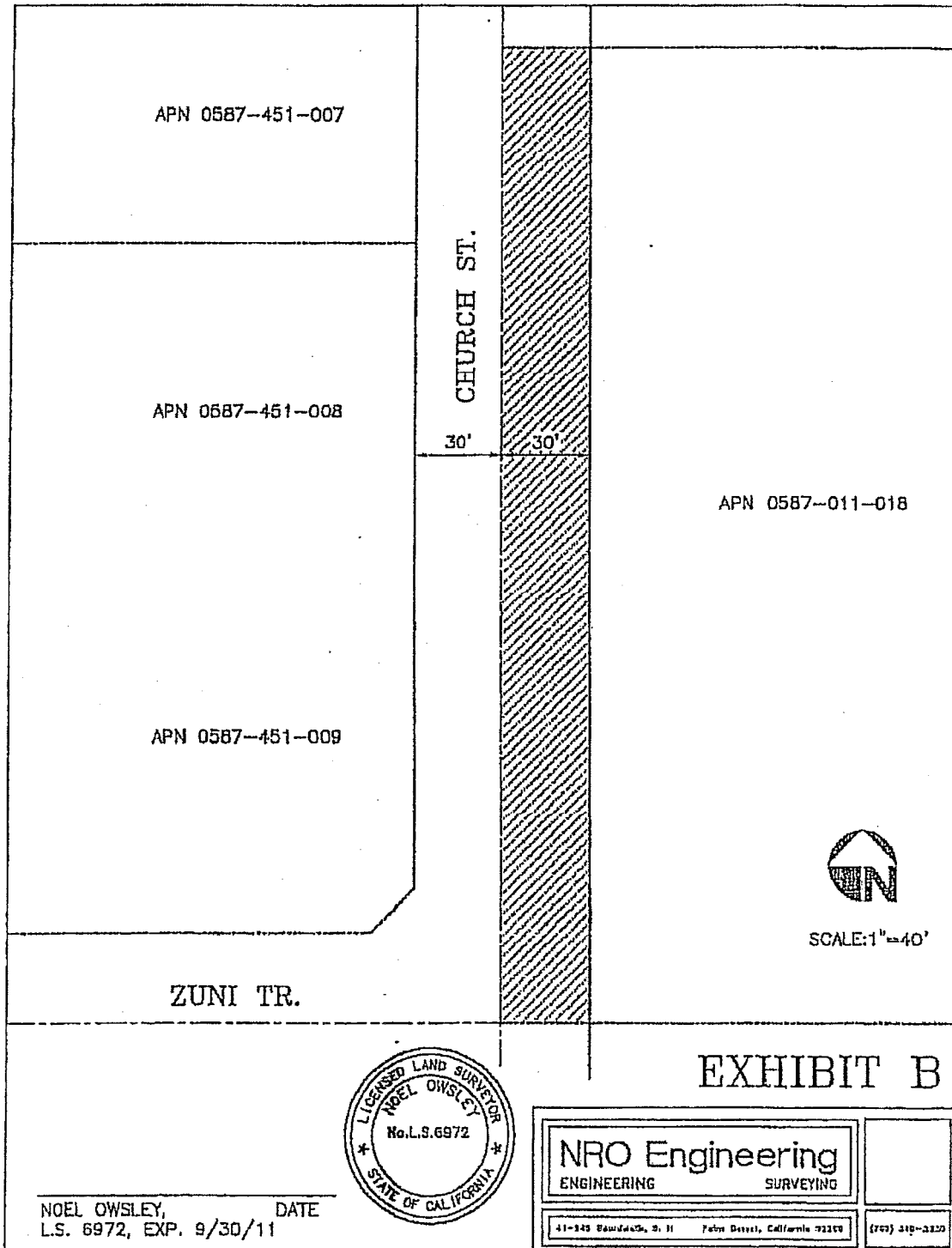


EXHIBIT "B"

Summary of Important Facts and Conclusions

Proposed Acquisition:	9,450-ft ² right-of-way for road widening of Church Street
Owner of Record:	Roza Kazangian
Existing Improvements:	Perimeter fencing
Topography:	Level at street grade
Zoning:	R-S-2, Single Family Residential
General Plan:	Residential
Utilities:	All Available to the site - except sewer
Easements & Encumbrances:	I did not receive or examine a preliminary title report for the subject property. This analysis assumes there are no atypical conditions or exceptions that would influence the marketability, functional utility or sale of the subject site. A legal opinion from a qualified title expert as to the actual marketability of the subject's title is required to ascertain there are no easements or encumbrances.
Highest and Best Use:	The highest and best use of the subject is to hold for future development.
Final Value Estimate:	Based on the available data, it is my opinion the market value and just compensation estimate of the fee simple estate in the subject property, as-is, on March 8, 2011, is as follows:

\$2,400.00

(Two Thousand Four Hundred Dollars)

Sales Comparison Approach

As-Is Valuation Model

Data Point	Location	Sale Date	Size Acres	Units	Zoning	Sale Price	Price Per Lot	Price Per Acre
1	8881 Quail Trail Yucca Valley, CA	8/11/10	1.21	2	RS-2	\$6,500	\$3,250	\$5,372
2	North side of Baker Trail, West of Kickapoo Trail Yucca Valley, CA	10/7/09	2.50	1	R-HR	\$20,000	\$20,000	\$8,000
3	7613 Barberry Avenue Yucca Valley, CA	4/7/09	0.41	1	RS-2	\$15,000	\$15,000	\$35,714
List 1	North side of Baker Trail, West of Kickapoo Trail Yucca Valley, CA	Active	2.50	1	R-HR	\$20,000	\$20,000	\$8,000
List 2	SWC of Pueblo Trail & Joshua View Yucca Valley, CA	Active	1.00	2	RS-2	\$20,000	\$10,000	\$20,000
List 3	57157 Onaga Trail Yucca Valley, CA	Active	1.23	2	RS-2	\$30,000	\$15,000	\$24,390
Subj.	East side of Church Street, north of Zuni Trail Yucca Valley, CA	NA	5.00	10	RS-2	NA	NA	

Data Overview

I have selected three closed comparable sales and three active listings. The data group represents the most recent comparable residential data points from within the broader Yucca Valley submarket. Sale one provides a clear illustration of the discounts seen in the market resulting from the oversupplied conditions. Two of the three comparable sales are considered older transactions and all of the data points are considered to have similar locational attributes. Two of the six data points illustrate a more restrictive residential hillside reserve zoning. These two data points offer price comparisons of larger residential parcels similar to the subject size. Each data point reflects a similar highest and best use and provides solid comparable data offering a reliable conclusion to the fee simple value estimate.

EXHIBIT "C"

EMINENT DOMAIN
INFORMATION PAMPHLET

TOWN OF YUCCA VALLEY
58928 Business Center Drive
Yucca Valley, CA 92284

EMINENT DOMAIN - Information Pamphlet
(SB 698 / California Gov. Code § 7267.2(a)(2))

This pamphlet regarding the process of eminent domain and the property owner's rights under the Eminent Domain Law is provided by the Town of Yucca Valley pursuant to Government Code § 7267.2(a)(2). This pamphlet reflects the current law as of January 1, 2008. However, the information in this pamphlet is not, nor should it be construed as, legal advice. You should consult with a qualified attorney regarding your specific situation rather than relying on this pamphlet as legal advice.

I. Introduction

Eminent domain is the power of the government to purchase private property for a "public use" so long as the property owner is paid "just compensation." The decision to acquire private property for a public project usually involves many persons and many decisions. The final decision to proceed with a project that requires acquisition of private property is made by the Town of Yucca Valley after a thorough review of the project, which often includes public hearings. Whenever feasible, Town of Yucca Valley tries to avoid use of the eminent domain power, but sometimes it is necessary.

This pamphlet provides general information about the eminent domain process and the rights of property owners and tenants in that process.

- **What is a "public use"?**

A "public use" is a use which concerns the whole community or promotes the general interest in relation to government objectives like public health, safety and welfare. Public uses include a wide variety of projects such as street improvements, construction of water storage facilities, construction of civic buildings, redevelopment of blighted areas, and levee improvements to increase flood protection. Some public uses are for private entities, such as universities, hospitals and public utilities, which serve the public.

- **What is "just compensation"?**

Just compensation is the **fair market value** of the property being acquired by the government. The statutory definition of fair market value is "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available."

II. The Eminent Domain Process and Your Rights

The eminent domain process begins with a public use project. When selecting a project location, the goal is to render the greatest public good and the least private injury or inconvenience. If it is

determined that all or a portion of a property may be necessary for a public use project, the Town of Yucca Valley will begin the appraisal process to determine the property's fair market value.

- **How is the fair market value of your property determined?**

The Town of Yucca Valley will hire an independent, accredited appraiser familiar with local property values to appraise your property. The appraiser will invite the owner to accompany him or her during an inspection of your property. The owner may give the appraiser any information about improvements and any special features that he or she believes may affect the value of your property. If an owner is unable to meet with the appraiser, he or she may wish to have a person who is familiar with the property meet with the appraiser instead.

After the inspection, the appraiser will complete an appraisal that will include the appraiser's determination of the property's fair market value and the information upon which the fair market value is based. The appraiser will provide the Town of Yucca Valley with the appraisal. The Town of Yucca Valley will then make a written offer to purchase the property along with a summary of the appraisal. The offer will be for no less than the amount of the appraisal.

- **What factors does the appraiser consider in determining fair market value?**

Each parcel of real property is different and, therefore, no single formula can be used to appraise all properties. Among the factors an appraiser typically considers in estimating fair market value are:

- The location of the property;
- The age and condition of improvements on the property;
- How the property has been used;
- Whether there are any lease agreements relating to the property;
- Whether there are any environmental issues, such as contaminated soil;
- Applicable zoning and land use requirements;
- How the property compares with similar properties in the area that have been sold recently;
- How much it would cost to reproduce the buildings and other structures, less any depreciation; and
- How much rental income the property produces, or could produce if put to its highest and best use

- **Will I receive a copy of the appraisal?**

The Town of Yucca Valley is only required to show the owner a copy of the full appraisal if the property is an owner-occupied residential property with four or fewer residential units. Otherwise, the Town of Yucca Valley may, but is not required, to disclose its full appraisal during negotiations. However, the Town of Yucca Valley is required to provide with its purchase offer, a summary of the appraiser's opinion and the basis for the Town of Yucca Valley's offer. Among other things, this summary must include:

- A general statement of the Town of Yucca Valley's proposed use for the property;
- An accurate description of the property to be acquired;
- A list of the improvements covered by the offer; and
- The amount of the offer; and
- The amount considered to be just compensation for each improvement which is owned by a tenant and the basis for determining that amount.

• **Can I have my own appraisal done?**

Yes. A property owner may decide to obtain his or her own appraisal of the property in negotiating the fair market value with the Town of Yucca Valley. At the time of making its initial offer, the Town of Yucca Valley must offer to reimburse the owner for the reasonable costs, not to exceed \$5,000, of an independent appraisal of the property. To be eligible for reimbursement, the independent appraisal must be conducted by an appraiser licensed by the Office of Real Estate Appraisers.

• **What advantages are there in selling property to the Town of Yucca Valley?**

A real estate transaction with the Town of Yucca Valley is handled in the same way as the sale of private property. However, there may be a financial advantage to selling to the Town of Yucca Valley.

- You will not be required to pay for real estate commissions, title costs, preparation of documents, title policy or recording fees required in closing the sale. The Town of Yucca Valley will pay all these costs.
- Although the Town of Yucca Valley cannot give you tax advice or direction, you might also be eligible for certain property tax and income tax advantages.

• **If only a portion of my property is taken, will I be paid for the loss to my remaining property?**

In general, when only a part of a property is needed, every reasonable effort is made to ensure there is no financial loss to the "remainder" property. The Town of Yucca Valley will pay for the fair market value of the property being taken as well as compensation for any loss in value to the remaining property that is not offset by the benefits conferred by the project. The compensation for the loss in value to the remaining property is often referred to as "severance damages."

• **Will I be compensated for loss of goodwill to my business?**

If you are the owner of a business that is conducted on the property being acquired, you may have a right to compensation for lost business goodwill if the loss of goodwill is a result of the acquisition of the property and you have taken reasonable steps to preserve the goodwill of the business. "Goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of a new patronage. A business owner who is a tenant in the property being acquired may be entitled to goodwill compensation.

- **What will happen to the loan on my property?**

When the Town of Yucca Valley is acquiring the entire property, generally the compensation payable to the owner would first be used to satisfy outstanding loans or liens as in a typical real estate transaction. Where less than the entire property is being acquired, whether outstanding loans or liens are paid from the compensation will depend on the particular facts and circumstances.

- **Do I have to sell at the price offered?**

No. If you and the Town of Yucca Valley are unable to reach an agreement on a mutually satisfactory price, you are not obligated to sign an offer to sell or purchase agreement.

- **If I agree to accept the Town of Yucca Valley's offer, how soon will I be paid?**

If you reach a voluntary agreement to sell your property or property interest to the Town of Yucca Valley, payment will be made at a mutually acceptable time. Generally, this should be possible within 30 to 60 days after a purchase contract is signed by all parties.

- **What happens if we are unable to reach an agreement on the property's fair market value?**

The Town of Yucca Valley, to the greatest extent practicable, will make every reasonable effort to acquire property by negotiated purchase. If, however, the negotiations are unsuccessful, the Town of Yucca Valley may file an eminent domain action in a court located within the same county where the property is located.

The first step is for Town of Yucca Valley staff to request authority from the [legislative body] to file a condemnation action. The approval from the [legislative body] is called a "Resolution of Necessity" ("RON"). In considering whether to adopt the RON, the [legislative body] must determine whether the public interest and necessity require the project, whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury, and whether your property is necessary for the project. You will be given notice and an opportunity to appear before the [legislative body] when it considers whether to adopt the RON. You may want to call an attorney so that you or your representatives can raise any objections to the RON and the condemnation either orally before the [legislative body] or in writing to the [legislative body].

If the (legislative body) adopts the RON, the Town of Yucca Valley can file a complaint to acquire title to the property upon payment of the property's fair market value. The Town of Yucca Valley is the plaintiff. Anyone with a legal interest in the property (including a tenant) is named as a defendant. Often, the Town of Yucca Valley will also deposit the amount the Town of Yucca Valley believes is the "probable amount of compensation" with the State Treasurer or the county treasurer where the complaint is filed. A deposit must be made if the Town of Yucca Valley is seeking to acquire possession of the property before agreement is reached on the fair market value.

- **Can the Town of Yucca Valley acquire possession of my property before an agreement is reached as to the property's fair market value?**

In some cases, the Town of Yucca Valley may decide it needs possession of the property before the property's fair market value is finally determined. In such a case, the Town of Yucca Valley must apply to the court for an "order for possession" to allow it to take possession and control of the property prior to resolution of the property's fair market value. The Town of Yucca Valley is required to schedule a hearing with the court on the proposed order for possession and give notice of the hearing. Notice generally will be given 90 days before the hearing date if the property is occupied and 60 days before the hearing date if the property is unoccupied. A judge will decide whether the order for possession should be granted. As noted above, the Town of Yucca Valley must deposit with the State Treasurer or county the "probable amount of compensation" in order to obtain possession of the property.

- **Can I oppose the motion for an order for possession?**

Yes. You may oppose the motion in writing by serving the Town of Yucca Valley and the court with your written opposition within the period of time set forth in the notice from the Town of Yucca Valley.

- **Can I withdraw the amount deposited with the State Treasurer or county before the eminent domain action is completed, even if I don't agree that the amount reflects the fair market value of my property?**

Yes. Subject to the rights of any other persons having a property interest (such as a lender, tenant, or co-owner), you may withdraw the amount deposited with the State Treasurer or county before the eminent domain action is completed. If you withdraw the amount on deposit, you may still seek a higher fair market value during the eminent domain proceedings, but you may not contest the right of the Town of Yucca Valley to acquire the property, meaning you cannot contest that the acquisition of the property is for a public purpose or is otherwise not proper.

You also have the right to ask the court to require the Town of Yucca Valley to increase the amount deposited with the State Treasurer or county if you believe the amount the Town of Yucca Valley has deposited is less than the "probable amount of compensation. "

- **Can I contest the condemning agency's acquisition of the property?**

Yes. Provided you have not withdrawn the amount deposited, you can challenge in court the Town of Yucca Valley's right to acquire or condemn the property.

- **What happens in an eminent domain trial?**

The main purpose of an eminent domain trial is to determine the fair market value of your property, including compensable interests such as lost business goodwill caused by the taking. The trial is usually conducted before a judge and jury. Both the owner (and others with interests in the property) and the Town of Yucca Valley will have the opportunity to

present evidence of value, and the jury will determine the property's fair market value. In cases where the parties choose not to have a jury, the judge will decide the property's fair market value. Generally, each party to the litigation must disclose its respective appraisals to the other parties prior to trial.

If you challenge the Town of Yucca Valley's right to acquire the property, the eminent domain trial will also determine whether or not the Town of Yucca Valley has the legal right to acquire the property. This issue, if it is raised, will be decided by the judge.

- **Am I entitled to interest?**

Anyone receiving compensation in an eminent domain action is generally entitled to interest on that compensation from the date the condemning agency takes possession of the property until the person receiving the compensation has been fully paid. The rate and calculation of the interest is determined under formulas in State law.

- **Will the condemning agency pay my attorneys' fees and costs?**

In an eminent domain action, you are entitled to be reimbursed by the condemning agency for your court costs such as court filing fees. In some circumstances, you may also be entitled to be reimbursed by the condemning agency for your attorneys' fees in the lawsuit. Whether you will be entitled to receive reimbursement for your attorneys' fees will depend on the particular facts and circumstances of the case and the offers and demand for compensation made in the case.

- **Will I receive assistance with relocation?**

Any person, business, or farm operation displaced as a result of the property acquisition is entitled to relocation advisory and financial assistance for eligible relocation expenses, such as moving expenses. The amount of relocation compensation is determined on a case-by-case basis in accordance with prescribed law. Relocation benefits are handled separate and apart from the determination of the property's fair market value and are not part of the eminent domain process.

RESOLUTION NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE INTERESTS IN PORTIONS OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NOS. 0587-011-04 & 0587-011-024

WHEREAS, for the public purposes set forth herein, the Town of Yucca Valley, California is authorized to acquire property through the exercise of eminent domain pursuant to Section 19 of Article 1 of the California Constitution, Section 1240.010 through 1240.050 and Sections 1240.410 through 1240.430 of the California *Code of Civil Procedure*, and Sections 37350, 37353, 37350.5 and 40404 of the California *Government Code*; and

WHEREAS, the "Project" for the purposes of this acquisition consists of Church Street right-of-way improvements (referred to herein as the "Project"); and

WHEREAS, in order to carry out and make effective the principal purpose of the Project, it is necessary for the Town of Yucca Valley to acquire a fee interest in a portion of certain privately-owned real property located in Section 2, Township 1 South of the San Bernardino Base and Meridian, in the Town of Yucca Valley, County of San Bernardino, California with Assessor's Parcel Nos. 0587-011-04 and 0587-011-024, as more particularly described in Exhibit "A" which is attached hereto and incorporated by this reference, (hereinafter the "Property") and to be located as depicted on the diagram attached hereto as Exhibit "B" which is incorporated by this reference; and

WHEREAS, on or about May 13, 2011, the Town made a written offer to acquire the fee interest in a portion of the Property to the record owners of the Property at an amount that was not less than the appraised fair market value in compliance with *Government Code* Section 7267.2(a), and the owners of the Property have not accepted said offer or otherwise conveyed the fee interest to the Town as of the date of this Resolution; and

WHEREAS, on June 6, 2011, a Notice of Intention to Adopt a Resolution of Necessity for Acquisition of A Fee Interest in Certain Real Property identified as Assessor's Parcel Nos. 0587-011-04 and 0587-011-24 (a copy of which is attached hereto as Exhibit "C" and incorporated by this reference) was served to all persons whose names appear on the last equalized County Assessment Roll as having an ownership interest in the Property, and to the address appearing on said Roll and to other addresses, which Notice of Hearing advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein; and

WHEREAS, the hearing set out in said Notice of Hearing was held on June 21, 2011, at the time and place stated therein and all interested parties were given an opportunity to be heard on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- (c) Whether the fee interest proposed to be acquired is necessary for the Project;
- (d) Whether the offer meeting the requirements of *Government Code* Section 7267.2 has been given; and
- (e) Whether all other prerequisites for the exercise of eminent domain to acquire the fee interest have been met.

WHEREAS, the Town Council, as a result of such hearing, has determined that public health, safety, and welfare require the Town to acquire the fee interest in a portion of the Property for the stated purposes.

NOW THEREFORE, BE IT RESOLVED, that the Town Council, hereby does find, determine, and declare based upon evidence presented to it as follows:

Section 1. The facts and conclusions referenced in this Resolution, and the findings made by the Town Council herein, are supported by substantial evidence contained in the record of this proceeding.

Section 2. The interest to be acquired consists of a fee interest for the Project in a portion of the Property located within the Town of Yucca Valley, County of San Bernardino, State of California, Assessor's Parcel No. 302-100-002, and more specifically described above and in Exhibit "A".

Section 3. That the public interest, convenience, and necessity require the acquisition by the Town of a fee interest of portions of the Property for the Project. The Project will improve traffic flow and ease congestion through the Project area. The Project will further provide for the necessary public improvements for the development of the Property. The Property is located within the boundaries of the Town of Yucca Valley and the Project will improve traffic safety, provide a means of access to the properties located adjacent to the Project and for the Property, and will provide an identity to this revitalized area and enhance property values. The Project is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury. The Property is currently vacant and cannot be developed without the Project. The taking of the fee interest in a portion of said Property as described above is necessary for the Project because the Project cannot be constructed without the fee interest and the acquisition is authorized by Section 19 of Article 1 of the California Constitution, Section 1230.010 *et seq.* of the *California Code of Civil Procedure*, and Sections 37350, 37350.5, 37353, and 40404 of the *California Government Code*.

Section 4. The offer required by *Government Code* Section 7267.2 has been made to the owners of record of the Property, by way of letter dated May 13, 2011, and the Town has pursued negotiations thereafter, and negotiations with the owners of the fee interest in the Property have not been successful.

Section 5. The environmental impacts and effects of the Project were fully addressed and all obligations imposed by the California Environmental Quality Act have been complied with for the Project.

Section 6. The Town hereby declares its intent to acquire a fee interest in a portion of the Property described in Exhibit "A" in the Town's name in accordance with the provisions of the law of the State of California and finds that all conditions, statutory requirements and prerequisites to the exercise of eminent domain to acquire the fee interest in a portion of the Property described herein have been complied with by the Town.

Section 7. The law firm of Aleshire & Wynder, LLP, is hereby authorized and directed to prepare, institute, and prosecute in the name of the Town such proceedings, in the Court having proper jurisdiction thereof, as may be necessary for the acquisition of the fee interest in a portion of the Property in accordance with the provisions of the California Eminent Domain Law and the Constitution of California. Said counsel are also authorized and directed to obtain any necessary order of the Court granting the Town the right of immediate possession and occupancy of the Property.

PASSED, APPROVED and ADOPTED at a regular meeting of the Town Council of the Town of Yucca Valley this 21st day of June, 2011.

MAYOR

ATTEST:

TOWN CLERK

May 11, 2011

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Michael Jakubiec
7564 Bannock Trl.
Yucca Valley, CA 92284-3242

Re: APN: 0587-011-04 and 0587-011-24
Property: Southeast corner of Church Street and Onaga Trail, Yucca Valley, CA
Subject: Offer to Purchase Property - \$4,200

Dear Property Owner:

This letter is being forwarded to you as the owner of the property located on Church Street, in the Town of Yucca Valley, County of San Bernardino, California.

The Town of Yucca Valley ("Town") hereby offers to purchase portions of your property in the Town of Yucca Valley, Assessor Parcel Numbers 0587-011-04 and 0587-011-24, as described in Exhibit "A" attached hereto ("Subject Interest"). This Subject Interest is sought for the street improvements and reconstruction of Church Street project ("Project"), and consists of acquiring the fee simple interest.

The Subject Interest has been appraised by a professional real estate appraiser retained by the Town. The Town is offering the full amount reflected in the appraisal as the fair market value for the Subject Interest.

Attached hereto as Exhibit "B" is a summary of the basis of the Town's appraisal fixing the amount established by the Town as just compensation for the Subject Interest. The date of value is March 8, 2011. The Town is offering \$4,200 for the fee simple purchase of the Subject Interest it seeks to acquire in the property as the total just compensation for land and improvements.

This letter is being sent to you in compliance with California *Government Code* § 7267.2. This appraised value does not reflect consideration of, or make allowance for, any relocation assistance payments, any payments for loss of goodwill or other benefits under California *Government Code* § 7262, et seq. or California Code of Regulations § 6100, et seq. that you may or may not be entitled to.

Planning
(760) 369-6575
Public Works
(760) 369-6579
Building and Safety
(760) 365-0099
Code Compliance
(760) 369-6575
Engineering
(760) 369-6575
Animal Control
(760) 365-1807
Animal Shelter
(760) 365-3111
FAX (760) 228-0084



The Town of
Yucca Valley

COMMUNITY DEVELOPMENT/PUBLIC WORKS DEPARTMENT
58928 Business Center Dr.
Yucca Valley, California 92284

P. 183

01105/0017/96265.1

This offer is for title to the fee simple interest in the Subject Interest. The Town is not seeking to acquire any mineral rights in the Subject Interest. Payment will be made when the title to the Subject Interest vests in the Town, free and clear of all recorded or unrecorded liens, encumbrances, assessments, leases and taxes, except:

1. Taxes for the year in which the property is purchased shall be prorated to close of escrow;
2. Covenants, conditions, restrictions and reservations of record that do not interfere with the Town's proposed use of the property;
3. Easements or rights-of-way over the land for public or quasi-public utility or public street purposes, if any; and
4. Any other interests in the property or exceptions to title appearing on a preliminary title report or litigation guarantee, which are accepted by the Town in writing through escrow.

The Town will pay all usual fees, charges, and costs which arise out of this escrow.

This offer is subject to, and contingent upon, acceptable soil conditions of the property, and the absence from the Subject Interest of toxic or hazardous substances and any other kind of soil or water contamination, delivery of a disclosure statement regarding such conditions, and the grant of a right of entry to the Town for the purpose of conducting a soils, toxic and hazardous substances investigation of the subject property and approval. This offer is subject to modification depending on the results of such an investigation. Your ongoing cooperation in allowing access to the property for inspection, assessments and testing will be appreciated.

Please be advised that the offer stated above presumes the property is free of hazardous substances (as that term is defined under California *Health & Safety Code* Section 33459(b)) and all other subsurface soil contamination. In the event that any facts or circumstances arise which indicate the presence of such subsurface contamination, the Town reserves the right to rescind, or modify, the offer stated above at any time prior to its written acceptance, to reflect the estimated or actual costs to remediate the property to the satisfaction and approval of all applicable regulatory agencies. Further, in the event the Town discovers such soil contamination after it acquires the property, the Town reserves all rights and remedies it may have against you and all prior owners to seek damages or other obligations the Town incurs as a result of the contamination, as may be permitted or authorized by any law, including but not limited to CERCLA (42 U.S.C. §

9601, et seq.), the Hazardous Waste Control Law (California *Health and Safety Code* §§ 25100, et seq.), the Porter Cologne Act (California *Water Code* §§ 13000, et seq.), California *Health and Safety Code* §§ 25280, et seq., 33459, et seq., and provisions of Proposition 65.

You are entitled to have the Subject Interest independently appraised by an appraiser of your own selection and choice. If the appraiser you retain is licensed by the California Office of Real Estate Appraisers, the Town will reimburse you for the reasonable cost of that appraisal, not to exceed \$5,000. You will be reimbursed thirty (30) days after the Town receives a true and correct copy of the invoice for the appraisal services and confirmation that your appraiser is properly licensed. You will be personally responsible for all additional costs and expenses associated with any appraiser retained by you in excess of the maximum reimbursement amount of \$5,000.00.

For your information, as required by *Government Code* § 7267.2(b), and not as an indication that the Town has made any determination as to whether it would exercise the power of eminent domain to acquire your property, an informational pamphlet regarding the process of eminent domain and the property owner's rights under the Eminent Domain Law is enclosed as Exhibit "C".

YOU ARE HEREBY GIVEN NOTICE THAT:

The Town's offer to acquire the Subject Interests in the subject property as collectively constituted by this letter and enclosures is subject to approval by the Town of Yucca Valley Town Council;

The Town's offer to acquire the Subject Interests in the subject property as collectively constituted by this letter and enclosures shall expire on the fifteenth (15th) day after its mailing; and

You are not obligated to accept the Town's offer to acquire the Interests in the subject property as collectively constituted by this letter and enclosures. If you reject this offer or this offer expires and the Town determines to acquire the Interests in the subject property by eminent domain, you will be entitled to have the amount of just compensation determined by a court of law in accordance with the laws of the State of California.

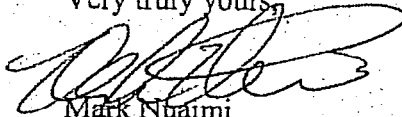
Town staff are available to meet with you to explain the offer or commence further negotiations concerning the desired acquisitions. I can be reached at (760) 369-7207, extension 224.

May 11, 2011

Page 4

If for any reason you are not satisfied with this offer of just compensation, and have relevant information regarding the value of the property that you would like the Town to consider, it will be happy to do so. If you have such information or have any questions, please contact me.

Very truly yours,



Mark Nuaimi
Town Manager

Enclosures

cc: Duane H. Gasaway (via e-mail)
Lona Laymon, Town Attorney (via email)
Sunny Soltani, Deputy Town Attorney (via email)

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the Town of Yucca Valley, County of San Bernardino, State of California, described as follows:

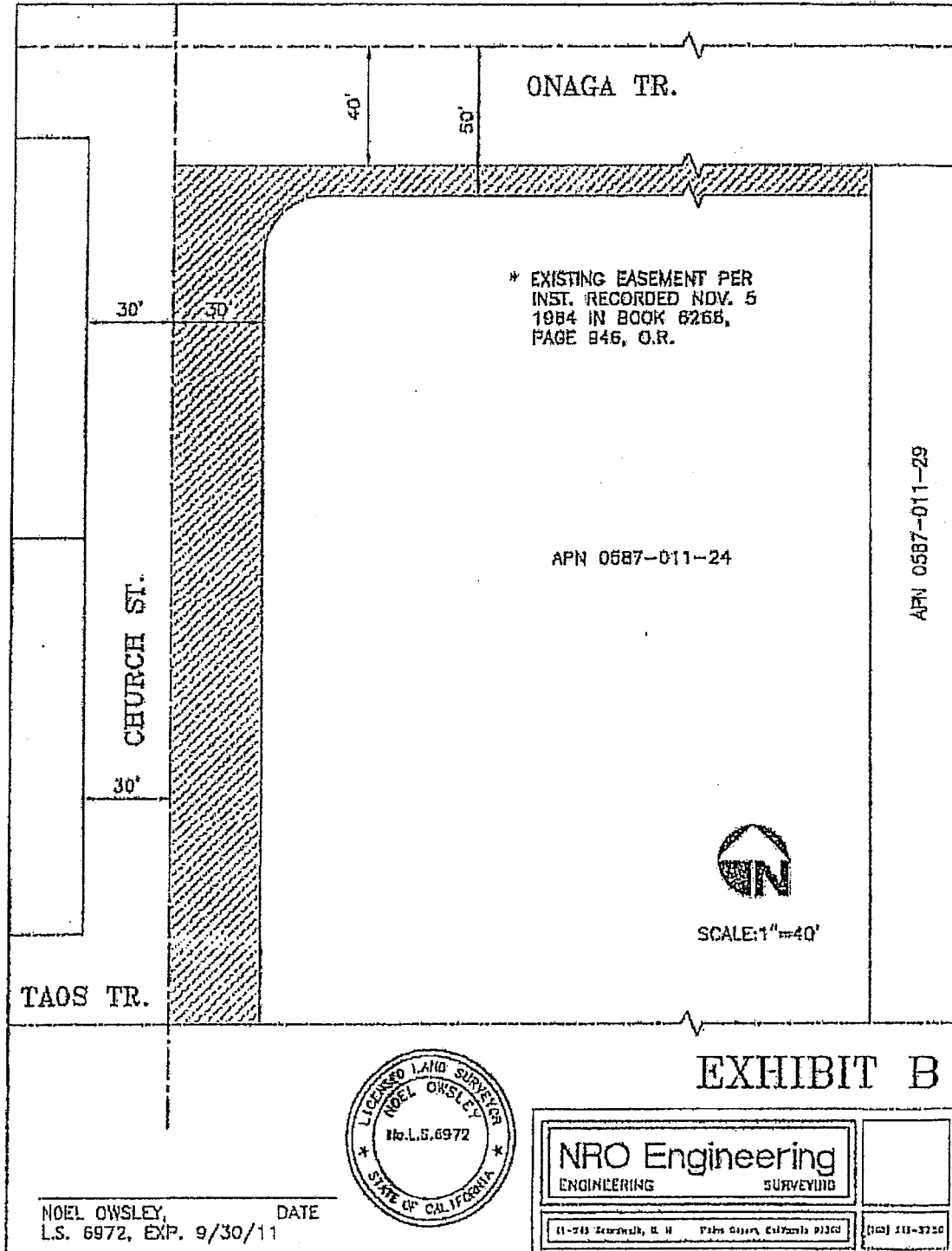
THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 2, TOWNSHIP 1 SOUTH, RANGE 5 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND APPROVED BY SURVEYOR GENERAL DATED IN FEBRUARY.

EXCEPTING MINERAL RIGHTS AS RESERVED OF RECORD BY DEED RECORDED IN BOOK 279, PAGE 80, OFFICIAL RECORDS.

APN: 0587-011-18-0-000

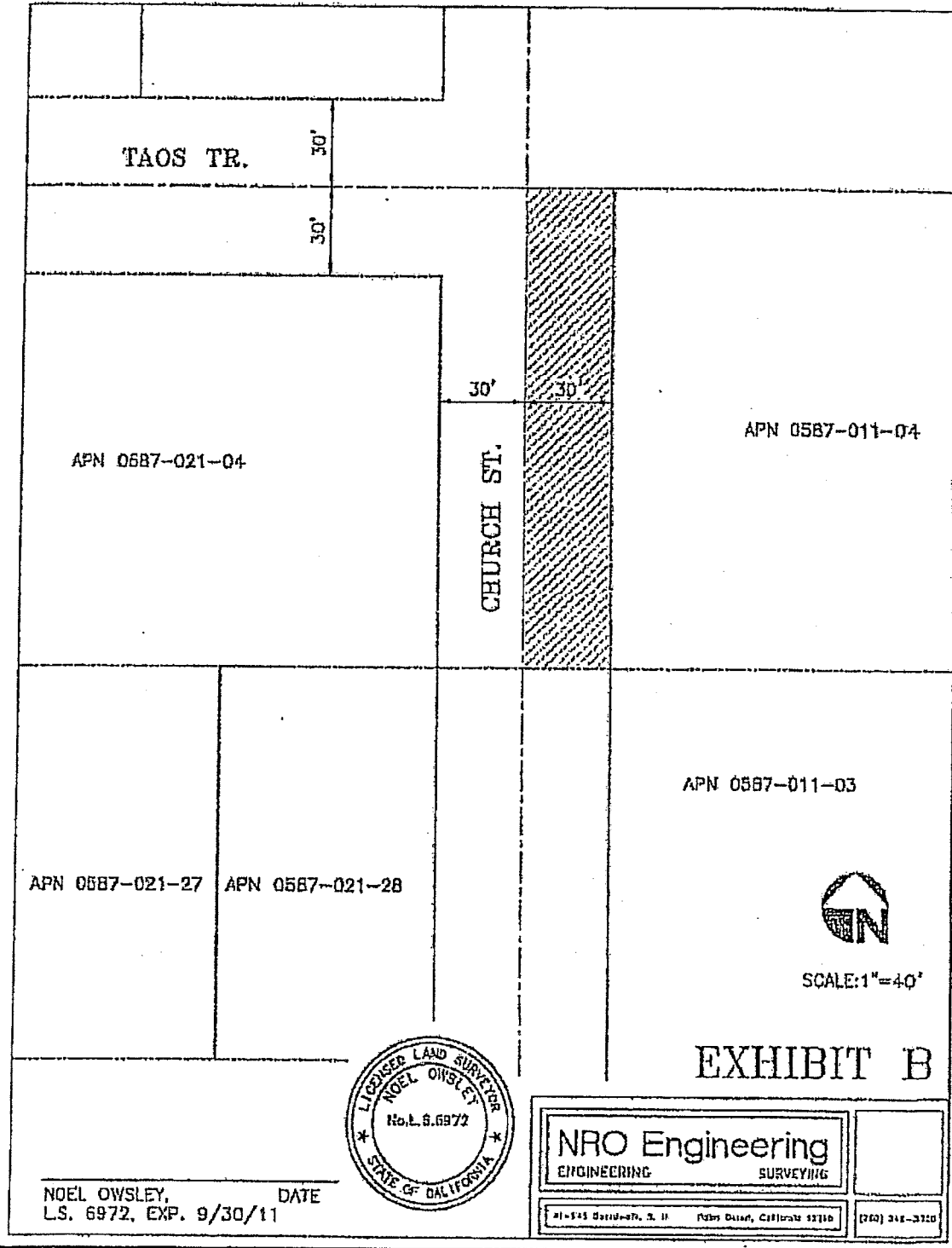
Site Analysis

Planned Right-of-Way



Site Analysis

Planned Right-of-Way



NOEL OWSLEY, DATE
L.S. 6972, EXP. 9/30/11

NRO Engineering	
ENGINEERING	SURVEYING
21-545 Street-Dr. S. II	PO Box 2100, California 92110
(760) 348-3320	

EXHIBIT "B"

Summary of Important Facts and Conclusions

Proposed Acquisition:	16,571-ft ² right-of-way for road widening of Church Street and Onaga Trail
Owner of Record:	Michael Jakubiec
Existing Improvements:	None
Topography:	Level at street grade
Zoning:	R-5-2, Single Family Residential
General Plan:	Residential
Utilities:	All Available to the site - except sewer
Easements & Encumbrances:	I did not receive or examine a preliminary title report for the subject property. This analysis assumes there are no atypical conditions or exceptions that would influence the marketability, functional utility or sale of the subject site. A legal opinion from a qualified title expert as to the actual marketability of the subject's title is required to ascertain there are no easements or encumbrances.
Highest and Best Use:	The highest and best use of the subject is to hold for future development.
Final Value Estimate:	Based on the available data, it is my opinion the market value and just compensation estimate of the fee simple estate in the subject property, as-is, on March 8, 2011, is as follows: <p style="text-align: center;">\$4,200.00 (Four Thousand Two Hundred Dollars)</p>
Exposure Time:	18 Months
Marketing Time:	24 Months

Sales Comparison Approach

As-Is Valuation Model

Data Point	Location	Sale Date	Size Area	Lots	Zoning	Sale Price	Price Per Lot	Price Per Acre
1	8081 Quail Trail Yucca Valley, CA	8/11/10	1.21	2	RS-2	\$6,500	\$3,250	\$5,372
2	North side of Baker Trail, West of Kickapoo Trail Yucca Valley, CA	10/7/09	2.50	1	R-HR	\$20,000	\$20,000	\$8,000
3	7613 Barbary Avenue Yucca Valley, CA	4/7/09	0.42	1	RS-2	\$15,000	\$15,000	\$35,714
List 1	North side of Baker Trail, West of Kickapoo Trail Yucca Valley, CA	Active	2.50	1	R-HR	\$20,000	\$20,000	\$8,000
List 2	SWC of Pueblo Trail & Joshua View Yucca Valley, CA	Active	1.00	2	RS-2	\$20,000	\$10,000	\$20,000
List 3	57157 Onaga Trail Yucca Valley, CA	Active	1.23	2	RS-2	\$30,000	\$15,000	\$24,390
Subj.	SEC of Church Street and Onaga Trail Yucca Valley, CA	NA	4.71	9	RS-2	NA	NA	

Data Overview

I have selected three closed comparable sales and three active listings. The data group represents the most recent comparable residential data points from within the broader Yucca Valley submarket. Sale one provides a clear illustration of the discounts seen in the market resulting from the oversupplied conditions. Two of the three comparable sales are considered older transactions and all of the data points are considered to have similar locational attributes. Two of the six data points illustrate a more restrictive residential hillside reserve zoning. These two data points offer price comparisons of larger residential parcels similar to the subject size. Each data point reflects a similar highest and best use and provides solid comparable data offering a reliable conclusion to the fee simple value estimate.

EXHIBIT "C"

EMINENT DOMAIN
INFORMATION PAMPHLET

TOWN OF YUCCA VALLEY
58928 Business Center Drive
Yucca Valley, CA 92284

EMINENT DOMAIN - Information Pamphlet
(SB 698 / California Gov. Code § 7267.2(a)(2))

This pamphlet regarding the process of eminent domain and the property owner's rights under the Eminent Domain Law is provided by the Town of Yucca Valley pursuant to Government Code § 7267.2(a)(2). This pamphlet reflects the current law as of January 1, 2008. However, the information in this pamphlet is not, nor should it be construed as, legal advice. You should consult with a qualified attorney regarding your specific situation rather than relying on this pamphlet as legal advice.

I. Introduction

Eminent domain is the power of the government to purchase private property for a "public use" so long as the property owner is paid "just compensation." The decision to acquire private property for a public project usually involves many persons and many decisions. The final decision to proceed with a project that requires acquisition of private property is made by the Town of Yucca Valley after a thorough review of the project, which often includes public hearings. Whenever feasible, Town of Yucca Valley tries to avoid use of the eminent domain power, but sometimes it is necessary.

This pamphlet provides general information about the eminent domain process and the rights of property owners and tenants in that process.

- **What is a "public use"?**

A "public use" is a use which concerns the whole community or promotes the general interest in relation to government objectives like public health, safety and welfare. Public uses include a wide variety of projects such as street improvements, construction of water storage facilities, construction of civic buildings, redevelopment of blighted areas, and levee improvements to increase flood protection. Some public uses are for private entities, such as universities, hospitals and public utilities, which serve the public.

- **What is "just compensation"?**

Just compensation is the **fair market value** of the property being acquired by the government. The statutory definition of fair market value is "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available."

II. The Eminent Domain Process and Your Rights

The eminent domain process begins with a public use project. When selecting a project location, the goal is to render the greatest public good and the least private injury or inconvenience. If it is

determined that all or a portion of a property may be necessary for a public use project, the Town of Yucca Valley will begin the appraisal process to determine the property's fair market value.

- **How is the fair market value of your property determined?**

The Town of Yucca Valley will hire an independent, accredited appraiser familiar with local property values to appraise your property. The appraiser will invite the owner to accompany him or her during an inspection of your property. The owner may give the appraiser any information about improvements and any special features that he or she believes may affect the value of your property. If an owner is unable to meet with the appraiser, he or she may wish to have a person who is familiar with the property meet with the appraiser instead.

After the inspection, the appraiser will complete an appraisal that will include the appraiser's determination of the property's fair market value and the information upon which the fair market value is based. The appraiser will provide the Town of Yucca Valley with the appraisal. The Town of Yucca Valley will then make a written offer to purchase the property along with a summary of the appraisal. The offer will be for no less than the amount of the appraisal.

- **What factors does the appraiser consider in determining fair market value?**

Each parcel of real property is different and, therefore, no single formula can be used to appraise all properties. Among the factors an appraiser typically considers in estimating fair market value are:

- The location of the property;
- The age and condition of improvements on the property;
- How the property has been used;
- Whether there are any lease agreements relating to the property;
- Whether there are any environmental issues, such as contaminated soil;
- Applicable zoning and land use requirements;
- How the property compares with similar properties in the area that have been sold recently;
- How much it would cost to reproduce the buildings and other structures, less any depreciation; and
- How much rental income the property produces, or could produce if put to its highest and best use

- **Will I receive a copy of the appraisal?**

The Town of Yucca Valley is only required to show the owner a copy of the full appraisal if the property is an owner-occupied residential property with four or fewer residential units. Otherwise, the Town of Yucca Valley may, but is not required, to disclose its full appraisal during negotiations. However, the Town of Yucca Valley is required to provide with its purchase offer, a summary of the appraiser's opinion and the basis for the Town of Yucca Valley's offer. Among other things, this summary must include:

- A general statement of the Town of Yucca Valley's proposed use for the property;
- An accurate description of the property to be acquired;
- A list of the improvements covered by the offer; and
- The amount of the offer; and
- The amount considered to be just compensation for each improvement which is owned by a tenant and the basis for determining that amount.

• **Can I have my own appraisal done?**

Yes. A property owner may decide to obtain his or her own appraisal of the property in negotiating the fair market value with the Town of Yucca Valley. At the time of making its initial offer, the Town of Yucca Valley must offer to reimburse the owner for the reasonable costs, not to exceed \$5,000, of an independent appraisal of the property. To be eligible for reimbursement, the independent appraisal must be conducted by an appraiser licensed by the Office of Real Estate Appraisers.

• **What advantages are there in selling property to the Town of Yucca Valley?**

A real estate transaction with the Town of Yucca Valley is handled in the same way as the sale of private property. However, there may be a financial advantage to selling to the Town of Yucca Valley.

- You will not be required to pay for real estate commissions, title costs, preparation of documents, title policy or recording fees required in closing the sale. The Town of Yucca Valley will pay all these costs.
- Although the Town of Yucca Valley cannot give you tax advice or direction, you might also be eligible for certain property tax and income tax advantages.

• **If only a portion of my property is taken, will I be paid for the loss to my remaining property?**

In general, when only a part of a property is needed, every reasonable effort is made to ensure there is no financial loss to the "remainder" property. The Town of Yucca Valley will pay for the fair market value of the property being taken as well as compensation for any loss in value to the remaining property that is not offset by the benefits conferred by the project. The compensation for the loss in value to the remaining property is often referred to as "severance damages."

• **Will I be compensated for loss of goodwill to my business?**

If you are the owner of a business that is conducted on the property being acquired, you may have a right to compensation for lost business goodwill if the loss of goodwill is a result of the acquisition of the property and you have taken reasonable steps to preserve the goodwill of the business. "Goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of a new patronage. A business owner who is a tenant in the property being acquired may be entitled to goodwill compensation.

- **What will happen to the loan on my property?**

Where the Town of Yucca Valley is acquiring the entire property, generally the compensation payable to the owner would first be used to satisfy outstanding loans or liens as in a typical real estate transaction. Where less than the entire property is being acquired, whether outstanding loans or liens are paid from the compensation will depend on the particular facts and circumstances.

- **Do I have to sell at the price offered?**

No. If you and the Town of Yucca Valley are unable to reach an agreement on a mutually satisfactory price, you are not obligated to sign an offer to sell or purchase agreement.

- **If I agree to accept the Town of Yucca Valley's offer, how soon will I be paid?**

If you reach a voluntary agreement to sell your property or property interest to the Town of Yucca Valley, payment will be made at a mutually acceptable time. Generally, this should be possible within 30 to 60 days after a purchase contract is signed by all parties.

- **What happens if we are unable to reach an agreement on the property's fair market value?**

The Town of Yucca Valley, to the greatest extent practicable, will make every reasonable effort to acquire property by negotiated purchase. If, however, the negotiations are unsuccessful, the Town of Yucca Valley may file an eminent domain action in a court located within the same county where the property is located.

The first step is for Town of Yucca Valley staff to request authority from the [legislative body] to file a condemnation action. The approval from the [legislative body] is called a "Resolution of Necessity" ("RON"). In considering whether to adopt the RON, the [legislative body] must determine whether the public interest and necessity require the project, whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury, and whether your property is necessary for the project. You will be given notice and an opportunity to appear before the [legislative body] when it considers whether to adopt the RON. You may want to call an attorney so that you or your representatives can raise any objections to the RON and the condemnation either orally before the [legislative body] or in writing to the [legislative body].

If the (legislative body) adopts the RON, the Town of Yucca Valley can file a complaint to acquire title to the property upon payment of the property's fair market value. The Town of Yucca Valley is the plaintiff. Anyone with a legal interest in the property (including a tenant) is named as a defendant. Often, the Town of Yucca Valley will also deposit the amount the Town of Yucca Valley believes is the "probable amount of compensation" with the State Treasurer or the county treasurer where the complaint is filed. A deposit must be made if the Town of Yucca Valley is seeking to acquire possession of the property before agreement is reached on the fair market value.

- **Can the Town of Yucca Valley acquire possession of my property before an agreement is reached as to the property's fair market value?**

In some cases, the Town of Yucca Valley may decide it needs possession of the property before the property's fair market value is finally determined. In such a case, the Town of Yucca Valley must apply to the court for an "order for possession" to allow it to take possession and control of the property prior to resolution of the property's fair market value. The Town of Yucca Valley is required to schedule a hearing with the court on the proposed order for possession and give notice of the hearing. Notice generally will be given 90 days before the hearing date if the property is occupied and 60 days before the hearing date if the property is unoccupied. A judge will decide whether the order for possession should be granted. As noted above, the Town of Yucca Valley must deposit with the State Treasurer or county the "probable amount of compensation" in order to obtain possession of the property.

- **Can I oppose the motion for an order for possession?**

Yes. You may oppose the motion in writing by serving the Town of Yucca Valley and the court with your written opposition within the period of time set forth in the notice from the Town of Yucca Valley.

- **Can I withdraw the amount deposited with the State Treasurer or county before the eminent domain action is completed, even if I don't agree that the amount reflects the fair market value of my property?**

Yes. Subject to the rights of any other persons having a property interest (such as a lender, tenant, or co-owner), you may withdraw the amount deposited with the State Treasurer or county before the eminent domain action is completed. If you withdraw the amount on deposit, you may still seek a higher fair market value during the eminent domain proceedings, but you may not contest the right of the Town of Yucca Valley to acquire the property, meaning you cannot contest that the acquisition of the property is for a public purpose or is otherwise not proper.

You also have the right to ask the court to require the Town of Yucca Valley to increase the amount deposited with the State Treasurer or county if you believe the amount the Town of Yucca Valley has deposited is less than the "probable amount of compensation."

- **Can I contest the condemning agency's acquisition of the property?**

Yes. Provided you have not withdrawn the amount deposited, you can challenge in court the Town of Yucca Valley's right to acquire or condemn the property.

- **What happens in an eminent domain trial?**

The main purpose of an eminent domain trial is to determine the fair market value of your property, including compensable interests such as lost business goodwill caused by the taking. The trial is usually conducted before a judge and jury. Both the owner (and others with interests in the property) and the Town of Yucca Valley will have the opportunity to

present evidence of value, and the jury will determine the property's fair market value. In cases where the parties choose not to have a jury, the judge will decide the property's fair market value. Generally, each party to the litigation must disclose its respective appraisals to the other parties prior to trial.

If you challenge the Town of Yucca Valley's right to acquire the property, the eminent domain trial will also determine whether or not the Town of Yucca Valley has the legal right to acquire the property. This issue, if it is raised, will be decided by the judge.

- **Am I entitled to interest?**

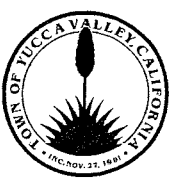
Anyone receiving compensation in an eminent domain action is generally entitled to interest on that compensation from the date the condemning agency takes possession of the property until the person receiving the compensation has been fully paid. The rate and calculation of the interest is determined under formulas in State law.

- **Will the condemning agency pay my attorneys' fees and costs?**

In an eminent domain action, you are entitled to be reimbursed by the condemning agency for your court costs such as court filing fees. In some circumstances, you may also be entitled to be reimbursed by the condemning agency for your attorneys' fees in the lawsuit. Whether you will be entitled to receive reimbursement for your attorneys' fees will depend on the particular facts and circumstances of the case and the offers and demand for compensation made in the case.

- **Will I receive assistance with relocation?**

Any person, business, or farm operation displaced as a result of the property acquisition is entitled to relocation advisory and financial assistance for eligible relocation expenses, such as moving expenses. The amount of relocation compensation is determined on a case-by-case basis in accordance with prescribed law. Relocation benefits are handled separate and apart from the determination of the property's fair market value and are not part of the eminent domain process.



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Mark Nuaimi, Town Manager
Curtis Yakimow, Director of Administrative Services
Date: June 15, 2011
For Council Meeting: June 21, 2011

Subject: FY 2011-12 Proposed Budget Adoption

Recommendation: It is recommended that the Council;

- Adopt a resolution approving the fiscal year 2011-12 proposed budget, and designating those officials authorized to make requisitions for encumbrances against appropriations.
- Adopt a resolution establishing the spending limitation for fiscal year 2011-12.
- Adopt a resolution authorizing positions for fiscal year 2011-12, and authorizing pay ranges for such positions for fiscal year 2011-12, effective July 2, 2011.
- Adopt a resolution that Town employees contribute eight percent of the Employee Portion of the employee's PERS retirement plan, effective July 3, 2010; limit merit increases for eligible employees to a one-step increase (2.5%), and approve a transitional assistance package for current employees whose positions have been eliminated for the 2011-12 fiscal year.
- Approve an amendment to the contract with the San Bernardino County Sheriff's Department, and authorize the Town Manager to sign on behalf of the Town.
- Approve the staff recommendation regarding the public safety budget including the continuation of the FY 2010-11 funding level, with the intent to absorb any potential reduction in hours through grant applications, current grant funding, or specialized task force activity, and direct staff to return prior to October 1, 2011 with an update.
- Approve the staff recommendation of the proposed employee benefits package that was presented to Council on May 17, 2011, and direct staff to update, revise and return the Town's Employee Handbook to Council for ratification in August 2011.

Reviewed By:


Town Manager


Town Attorney

Admin Services

Dept Head

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

- Approve the staff recommendation of the reservation of fund balance in an amount of \$700,000 to be used in meeting a portion of the Town's infrastructure deficit.

Order of Procedure:

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

Discussion:

Distributed under separate cover, the Fiscal Year 2011-12 Proposed Budget is presented for Council consideration. To assist in the review of the proposed budget, a copy of the Town Manager's Transmittal Letter is provided as an attachment to this Staff Report. The Transmittal Letter affords a comprehensive overview of the Town's spending plan for all Town funds, and identifies and discusses the major trends and issues affecting the Town in the near future.

At the council meeting of June 7, 2011, town staff presented an overview of the proposed budget for Fiscal Year 2011-12. After comment and discussion, staff has incorporated final changes and alterations into the proposed budget. The primary changes are recapped as follows:

Partnerships

Program funding in the amount of \$3,000 has been restored to the Morongo Basin Tennis Association in assistance of the annual youth tennis programming.

Funding for Reach Out Morongo Basin remains eliminated out of the proposed budget for 2011-12. Staff is in contact with the non-profit, and will remain engaged as the agency seeks funding from the Morongo Basin Transit Authority. If the non-profit is unable to secure replacement funding, staff will return to council with alternatives for consideration.

Staffing and Benefits

All changes discussed at the meetings of May 17th and June 7th meetings are incorporated into the proposed budget. To assist the employees affected by the

recommended personnel changes, a transitional assistance package equal to two months' salary and health benefits is proposed. Total cost of this package for all employees is approximately \$25,000, will be funded out of the fiscal year 2010-11 leave accrual reserve, and is not an ongoing expenditure in the 2011-12 budget.

San Bernardino County Sheriff's Department Contract Amendment

The recommended approach in the 2011-12 budget holds the Schedule A budget allocation at the same level as the 2010-11 amount. In doing so, the Town is recommending that the School Resource Officer position be funded until October 1, 2011, unless additional funding is secured. Because of the importance of providing quality public service to the Town, Town staff is diligently seeking other sources of revenue whereby this reduction in personnel may not be necessary. These efforts include the following:

- *Completion of a FY 2011-12 Cops Hiring Program Grant.*
- *Planned discussions with the Morongo Unified School District to restore partnership funding.*
- *Continued tracking of the County's negotiations aimed at controlling contract safety costs.*
- *Potential backfill with State booking fee revenues.*

It is the hope that the Town will be successful in all or some of these efforts, and that the Town will be able to maintain the current level of staffing.

Revenue

Minor revenue updates have been made resulting in the addition of \$20,000.

Infrastructure Investment Program

The preliminary budget plan is an operationally balanced budget in that recurring revenues exceed recurring expenditures by approximately \$290,000. As part of the Council's strategic planning sessions earlier this year, Council directed their intent to allocate funding from the General Fund towards the maintenance of infrastructure. This final budget provides the option of allocating slightly under \$300,000 to that effort. It is the intent of staff to continue the allocation of a percentage of general fund dollars to the maintenance of the Town infrastructure assets, with the long-term goal of attaining a 10% set aside of general fund revenues for such purposes.

Accordingly, the proposed budget includes an allocation of the majority of the 2011-12 revenues in excess of expenditures to addressing the Town's infrastructure deficit. In doing so, these funds will be available for maintenance and rehabilitation of critical Town assets including roads and parks. To assist in this effort, the proposed budget includes a recommendation to use \$410,000 in one-time revenues associated with the sale of Town property to supplement the projected 2011-12 balance of \$290,000 and deliver a total of \$700,000 in road and park maintenance projects from the General Fund.

Conclusion

In drafting the proposed fiscal year 2011-12 budget, staff has factored in the most current information available regarding the State budget. As the State budget proceeds through the approval process, there may be subsequent changes which may positively or negatively impact the Town's proposed budget. Staff will keep the Town Council apprised of any such changes as information becomes available.

Alternatives: Adopt and approve with modifications.

Fiscal impact: The proposed budget for fiscal year is a balanced budget for all Town funds. General Fund revenues are anticipated to exceed expenditures by approximately \$290,000 with total general fund reserves of \$6,847,802. All special revenue fund budgets are balanced throughout the fiscal year.

Attachments:

FY 2011-12 Proposed Budget (under separate cover)

Town Manager's Transmittal Letter

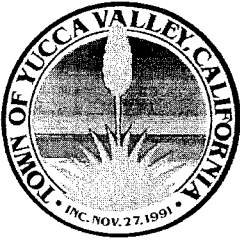
Budget Resolution

GANN Resolution

Personnel Resolution

PERS Resolution

Generic Draft of the San Bernardino County Sheriff's Department Contract Amendment



Transmittal Letter

To: Honorable Mayor and Town Council
From: Mark N. Nuaimi, Town Manager
Subject: FY 2011-12 Proposed Budget
Date: June 21, 2011

Introduction

It is my pleasure to present to you the proposed budget for the 2011-12 fiscal year for the Town of Yucca Valley and the Yucca Valley Redevelopment Agency. Because of its importance as both a funding and policy document, the Town's annual budget is one of the most critical tasks undertaken by both Town Council and staff. With its adoption, the budget document becomes the financial plan for the Town, embodies the Town's priorities and responsibilities, and provides for the implementation of the Town's programs and services.

This budget establishes the Town's spending plan, along with applicable funding resources, to meet the service requirements of Yucca Valley's residents, businesses, and institutions. Equally important, the budget addresses a variety of community priorities, as defined by the Town Council through their Strategic Planning Session, residents and staff. Highlights of these priorities include:

- Emphasis on Fiscal Responsibility – The proposed budget for 2011-12 is a ***balanced budget***, with anticipated revenues exceeding anticipated expenditures by \$294,000, and includes a \$20,000 contingency account.

- Conservative Approach – The housing and economic correction continues into its fourth year, and the Riverside/San Bernardino County area remains as one of the most affected in the country. While the ramifications of the correction can be felt nationwide, it is very real here in our Town. Examples include continuing weakness in retail sales, decreased property values, and higher incidences of home foreclosures. In light of these realities, the budget process was most difficult as both the staff and council wrestled with significant changes affecting Town operations, Town services, public safety, and ultimately, Town personnel. Through this process, the resulting budget endeavors to project conservative revenue estimates, streamlined expenditures, and a suspension of any discretionary capital projects in the General Fund, unless absolutely necessary.

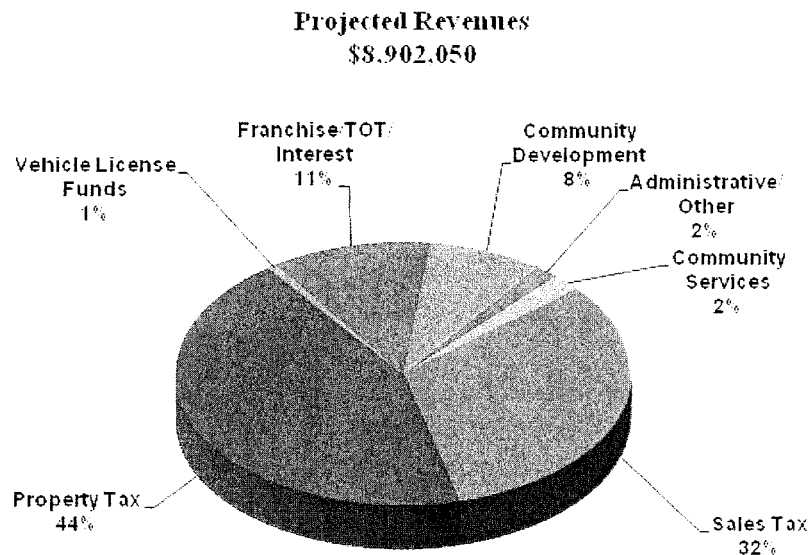
- Emphasis on Stable Reserves – Continues to implement the Council’s current reserve policy, and provides for a solid level of reserves, both designated and undesignated. The budget identifies a reserve level that exceeds the upper end of the Council’s adopted reserve policy, and will provide for a reasonable amount of resources in the event of economic hardships or emergency. While it is not anticipated that reserves will be needed to supplement current appropriations, reserves remain available should the Town be negatively impacted by budgetary actions taken at the Federal, State or County level.
- Investment in Infrastructure Maintenance – For a number of years, the Town Council has stated that addressing deferred infrastructure maintenance was a top priority. This budget begins to address that priority, committing approximately 3% of recurring General Fund revenues to infrastructure maintenance. This will continue to receive considerable attention until the Town Council goal of 10% has been achieved.

In the following sections, these priorities are discussed in greater detail. In addition, a brief overview of the various budget components is provided for your review.

Revenue Outlook

As with many municipalities, the Town of Yucca Valley receives the majority of its funding for services through the Town’s General Fund. With projected revenues of \$8.9 million, the General Fund accounts for the majority of the \$16.4 million total Town budget. While the General Fund receives revenues from a variety of sources, the bulk of the revenues come from five primary sources:

- *Sales and use tax*
- *Property Tax*
- *Vehicle License Fee Revenues*
- *Charges for services*
- *Franchise fees*



Combined, these sources provide \$8.4 million of the Town's \$8.9 million budget, or 94%. Clearly, the Town's revenues are tied to a limited number of sources, and as such, remain vulnerable to fluctuations in these sources. While the Town revenues have experienced contraction over the past three years, the Town anticipates that FY 2011-12 will be the bottom of our economic cycle, translating into flat retail sales and a modest decrease in property tax revenues for the Town. Total General Fund revenues for 2011-12 are budgeted at \$8.9 million, just marginally higher than the \$8.6 million in FY 2010-11, about in line with the current rate of inflation. Each of these revenues sources are more fully discussed below.

Sales Tax

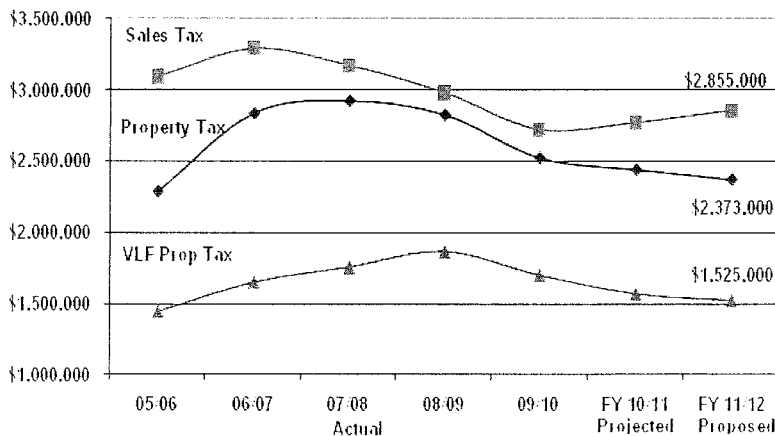
In the mid-2000's, the sales tax base of the Town increased about 9% on average, reflecting strong local sales tax growth, increases in local business reach, and the addition of new sales tax generating businesses. This growth slowed considerably in fiscal year 2007-08, when sales tax flattened to negligible year over year growth. As anticipated, Home Depot opened in Yucca Valley in late 2007 and several smaller stores a few months later including the relocated Sears store, and the new Dollar Tree. As each of these businesses was established, they became an ever-important part of the Town's sales tax base. Unfortunately, the closure of two auto dealerships offset any of the gains realized by these new business operations.

Over the past three years, retail sales have decreased in excess of 15%, reflecting a weak economy. Some moderating factors to the slowing sales tax growth remain high fuel costs, increased material costs, and increasing inflationary trends across all lines of goods. With the high concentration of general consumer goods retailers in Yucca Valley, the Town enjoys some insulation from highly variable discretionary purchases; however, the decrease in purchasing power of the local economic base remains a concern.

Property Tax

The Town of Yucca Valley receives 16.8 cents of each property tax dollar received by San Bernardino County for property tax collected on property located within the Town limits. This tax is based on the assessed value of the individual property at the time of purchase or completion, and remains fixed (subject to a 2% annual adjustment) until the property is reassessed with a change in ownership or valuation.

Major Revenue Trends



Over the past three years, the Town's property tax revenues have decreased dramatically as assessed values county wide have seen an almost 20% reduction. This contraction in assessed value serves as the corollary to the unsustainable run-up in property values in the middle of the prior decade. This decrease in assessed value has a compounding effect on the Town as it also impacts the Town's property tax in lieu of motor vehicle license fees as described below.

For 2011-12, property tax is anticipated to decrease 2% from the 2010-11 projected level reflecting the current and anticipated continued weakness in the housing market. It is likely that 2011-12 may reflect a bottom in the assessed valuations within the Town; however the Town is uncertain as to the scope of property valuation reductions which may be granted by the County Assessor. Any such reductions will have a negative impact on current and future property tax allocations due to the Town, and depending on the number and size, may continue to be significant.

Motor Vehicle License Fee (VLF)

The Town receives a property tax equivalent to the VLF tax in the amount of 2% of the current value of registered vehicles from two different funding sources. The first source is the actual VLF based on 0.65% of the value. The second is property tax in lieu of VLF in the differential amount that would bring the Town's total share up to 2%. The increase in annual VLF is based upon the increase in gross assessed valuation, which includes growth within the Town's redevelopment project area. The total VLF backfill amount of \$1,530,000 in 2011-12 reflects a corresponding decrease in the assessed valuation Town wide, and continues a pattern of falling revenue over the past three years.

Other Revenue Sources

The Town receives the remaining General Fund revenues from a variety of sources including franchise fees, service fee revenues, interest earnings, transient occupancy tax, and various reimbursements. The fiscal year 2011-12 budget reflects the following significant items of impact:

- Interest Earnings – Over the past year, monetary action taken at the Federal level has resulted in lower investment earnings rates nationwide. Accordingly, Town interest earnings are projected at \$40,000 for 2011-12 representing a decrease of over 33% from fiscal year 2010-11 adopted budget, and reflects the overall low interest rate environment.
- Franchise Fee Revenues – Projected to remain slightly higher at \$755,000 for the period, franchise fee revenue remains a significant source of General Fund revenue. The majority of the increase is related to higher service rates by the underlying service providers. Additionally, the Town continues to work toward a newly negotiated solid waste contract with Burrtec, the result of which may impact related fee revenue beyond the proposed budget in fiscal year 2011-12.
- Other Reimbursements – The proposed budget reflects the current agreement with San Bernardino County for Animal Care and Control activities. This agreement provides for reimbursement of approximately \$295,000 in 2011-12.

General Fund Expenditures

General Fund expenditures are primarily town-wide general service type expenditures, and represent the costs of providing the basic service needs of the community. Examples of such expenditures include public safety costs, Town partnerships, community contracts, personnel costs, operating supplies and services, and park and facility maintenance. Total General Fund expenditures are budgeted at \$8.6 million, reflecting a decrease of 3.4% from the FY 2010-11 projected actual.

Public Safety

The Town's public safety services are provided through a contract with the San Bernardino County Sheriff's Department. In May of each year, the County provides the Town with a draft estimate of the contract costs for public safety. The proposed Schedule A costs for 2011-12 was \$3,303,539, an increase of approximately \$148,500. As the Town staff developed the entire budget, it became apparent that at some point,

the Town will not be able to continue to absorb year over year increases in the public safety budget without action. Though considered in each of the past three years, given the Council's strategic priority of providing the best public safety program within the Town's means, no changes were made, and the public safety budget was increased as needed to provide the existing service levels.

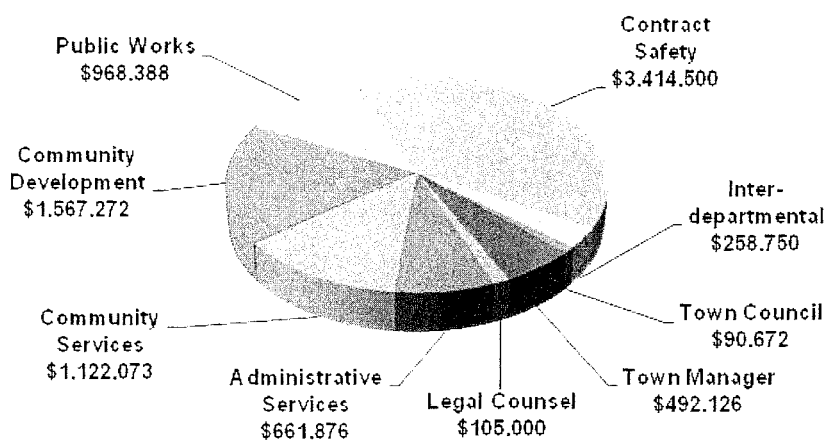
The recommended approach in the 2011-12 budget holds the Schedule A budget allocation at the same level as the 2010-11 amount. In doing so, the Town is recommending that the School Resource Officer position be funded until October 1, 2011, unless additional funding is secured. Because of the importance of providing quality public service to the Town, Town staff is diligently seeking other sources of revenue whereby this reduction in personnel may not be necessary. These efforts include the following:

- *Completion of a FY 2011-12 Cops Hiring Program Grant.*
- *Planned discussions with the Morongo Unified School District to restore partnership funding.*
- *Continued tracking of the County's negotiations aimed at controlling contract safety costs.*
- *Potential backfill with State booking fee revenues.*

It is our expectation that the Town will be successful in all or some of these efforts, and that the Town will be able to maintain the current level of staffing. Nonetheless, the community needs to be aware that difficult choices lie ahead if costs and revenues continue to go in opposite directions.

Expenditures by Department

\$8,680,657



The County will continue to invoice cities directly for the actual costs associated with fleet fuel and maintenance. This cost to the Town is estimated at \$105,000 annually above the contract cost. The proposed safety budget funds a service level consisting of 13.5 deputies, including two motorcycle deputies and one school resource officer through September 30, 2011. While the majority of the Town's public safety costs are funded through the General Fund, there are additional one-time grant funds the Town receives to assist in defraying the capital costs associated with public safety. These are identified in the Town's Special Revenue funds. It is assumed that the State will continue to fund the Supplemental Law Enforcement Special Fund. If funding is not provided, the Town will incur an additional General Fund charge of approximately \$100,000 related to special activity overtime charges.

Personnel Services

Since 2007-08, the Town has eliminated 12 full time positions. This reduction in work force has resulted in doing more with less each and every day, and places an enormous challenge on the remaining staff. The 2011-12 proposed budget continues that trend with the elimination of three additional positions. These changes are not easy, and are never taken lightly. However, the Town is committed to remaining fiscally sound even in these challenging economic times.

Personnel costs represent the total direct and indirect costs associated with the Town's current and projected staff. For 2011-12, these costs are projected to total \$3.2 million, essentially flat year over year, and reflect the following changes:

- No cost of living adjustment
- Reclassifications / Adjustments to a number of positions to reflect additional responsibilities and to address market rate disparity
- Employee pick up of the entire employee portion of retirement of 8%
- Limitation of merit increases to 2.5%, if applicable
- Addition of a longevity benefit of 2.5%, if applicable
- Reduction in workforce of three full time positions
- Conversion of one contract position to a full time position
- Reduction in vacation accrual rates
- Increase in the medical benefits cap to \$1,050
- Other minor changes implemented to increase employee flexibility in the usage of benefits

Over the past three years, these reductions in staffing have not resulted in many visible service changes to the public. With regret, there will be some impact to the community as a result of the continued economic downturn. In the next few months, Town staff will continue to evaluate operational efficiencies, and will return to Council with a recommended course of action. It is anticipated that such a plan will have a negative impact on the Town's ability to provide existing levels of service. Such changes may include reduced operating hours, changes in employee work schedules, redeployment of staff to various departments, and other operational adjustments.

Operating Supplies and Services

Expenditures for Town operations and contract services, excluding the contingency account, are projected to total \$2.03 million. Included in these expenditures are specific line items such as Town legal counsel, information technology services and supplies, planning, building and safety, and engineering professional services contracts, and risk management activities. The proposed budget reflects the emphasis on only those services and supplies that are most critical to ongoing Town operations. Many important projects have been deferred pending the financial outlook of the local and state economies.

As with personnel services, the proposed budget reflects the initial implementation of the Town’s Cost Allocation Study, resulting in direct and indirect operating supplies and services cost recovery from eligible Special Revenue Funds totaling \$130,000.

Other Expenditures

Other expenditures include community partnership requests, disaster preparedness activities, recycling and solid waste programs, and the Town’s Operation and Salary Contingency account. The contingency account reflects the amount of funding set aside for unforeseen operational or personnel expenditures. For 2011-12, \$20,000 has been set aside for this account.

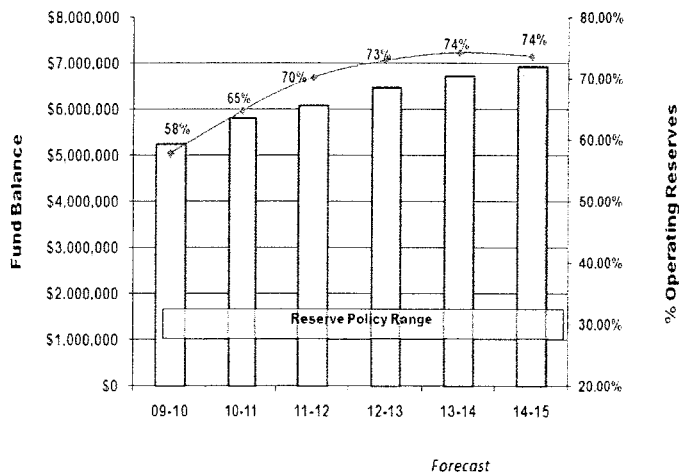
General Fund Reserve

As one of the Council’s priorities, a sound fiscal reserve is embodied in the proposed budget. Such a reserve is essential to accommodate the ever-changing economic environment that municipalities function within. Events such as State subvention takeaways, economic recession, environmental emergencies, and other unforeseen fiscal emergencies will place an enormous burden on the local municipality. As such, a conservative, prudent fiscal reserve policy is essential to ensure the Town’s ability to respond to such uncertainties.

The anticipated General Fund reserve for the proposed two-year budget is as follows:

<u>Reserve Designation</u>	<u>FY 2011-12</u>
Undesignated	\$5,547,802
Catastrophic	1,000,000
Other	300,000
Total	<u>\$6,847,802</u>

Town of Yucca Valley
General Fund Operating Budget
Forecast Summary



Under the Town’s current reserve policy, the level of General Fund undesignated reserves is to remain in the range of 50 – 60 percent of operating expenditures. The proposed level of reserve is projected to be approximately 74% for 2011-12 with the undesignated reserve approximately 64%. This conservative approach will provide the Town with an added measure of financial flexibility should the economic challenges at either the state or local level be more significant than anticipated.

Strategic Planning Integration

I am pleased to report that the proposed spending plan incorporates eight of the top ten Council’s strategic priorities identified in January, and provides a portion of the resources necessary to continue the staff work plan developed to implement the strategic plan. Specifically, major Town initiatives planned for fiscal year 2011-12 include:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <i>General Plan Update</i> 2. <i>Development Code Update/Ordinance Review</i> | <ol style="list-style-type: none"> 3. <i>Infrastructure Maintenance</i> 4. <i>Regional Wastewater Development Support</i> |
|---|---|

The preliminary budget plan is an operationally balanced budget in that recurring revenues exceed recurring expenditures by approximately \$290,000. As part of the Council’s strategic planning sessions earlier this year, Council directed their intent to allocate funding from the General Fund towards the maintenance of infrastructure. This preliminary budget provides the option of allocating slightly under \$300,000 to that effort. It is the intent of staff to continue the allocation of a percentage of general fund dollars to the maintenance of the Town infrastructure assets, with the long-term goal of attaining a 10% set aside of general fund revenues for such purposes.

Accordingly, the proposed budget includes an allocation of the majority of the 2011-12 revenues in excess of expenditures to addressing the Town’s infrastructure deficit. In doing so, these funds will be available for maintenance and rehabilitation of critical Town assets including roads and parks. To assist in this effort, the proposed budget includes a recommendation to use \$410,000 in one-time revenues associated with the sale of Town property to supplement the projected 2011-12 balance of \$290,000 and deliver a total of \$700,000 in road and park maintenance projects from the General Fund.

As always, staff and Council will continue to identify the needed resources for the implementation of these priorities as well as the preferred alternatives for securing the necessary resources. Such activities may include educational forums, community surveys, public hearings, and polling to better understand the community's willingness to support the Council's strategic plan, and the requisite revenue requirements that may accompany them.

Special Revenue Funds

In addition to the Town's General Fund, the Town also receives and expends funds through its Special Revenue Funds. These funds account for monies received in the form of some of the following:

- Gas Tax Revenues
- COPS/SLESF Grants
- Local Transportation Fund(LTF)
- SANBAG Measure I Fund(s)
- Town Assessment Districts
- Other Grants/Loans

Of particular note is the Town's Gas Tax Fund, through which the Town funds all of its street and road maintenance activities. The proposed budget continues to reflect no staffing changes from current levels. At some point, it will be necessary to address this deficit, as a road crew of four is often overwhelmed with maintenance activities. Additionally, as material and energy costs continue to increase, routine maintenance duties are becoming more and more costly. The result is that the relatively stable amount of gas tax revenue is not sufficient to fund the increasing street maintenance activities, thus necessitating the usage of the prior Prop 42 TCRP-Maintenance and LTF funds. This results in less available monies in those funds for new capital projects or major rehabilitations.

Current State budget information indicates that Prop 42 replacement funds for maintenance, but not for capital, are scheduled to be included. For the Town, total Gas Tax maintenance funding including Prop 42 replacement funds is anticipated to be \$542,000 in fiscal year 2011-12.

Capital projects included in the proposed 2011-12 Special Revenue or Internal Service Funds include:

- *Street maintenance and paving in various locations*
- *Continued work on SR 62 median islands and widening design*
- *CDBG programming for Code Enforcement activities*
- *Continued grant work to assist Town wide park development*
- *Vehicle replacement for safety and economic concerns*
- *Continued work with Army Corp regarding flood control project assessment review*
- *Leveraging of transportation funding to maximize grant opportunities*

Additional detail for each special revenue fund is provided in the individual fund budget. Each budget identifies projected revenues, operating expenditures, capital expenditures and indirect cost expenditures proposed for 2011-12 in each of the Town's special revenue funds.

Yucca Valley Redevelopment Agency

The proposed Yucca Valley Redevelopment Agency budget for fiscal year 2011-12 assumes the continued existence of redevelopment at the state level. With the various alternatives and proposals under consideration in the state capital as part of the current year budget, there is a distinct possibility that the redevelopment landscape in 2011-12 will look and function much differently than today. Given the uncertainty, the Town's RDA proposed budget assumes redevelopment continuance at the fiscal year 2010-11 level. Any significant changes at the state level subsequent to the adoption of the Town RDA's budget will result in the need for additional analysis, planning and revision of the proposed budget.

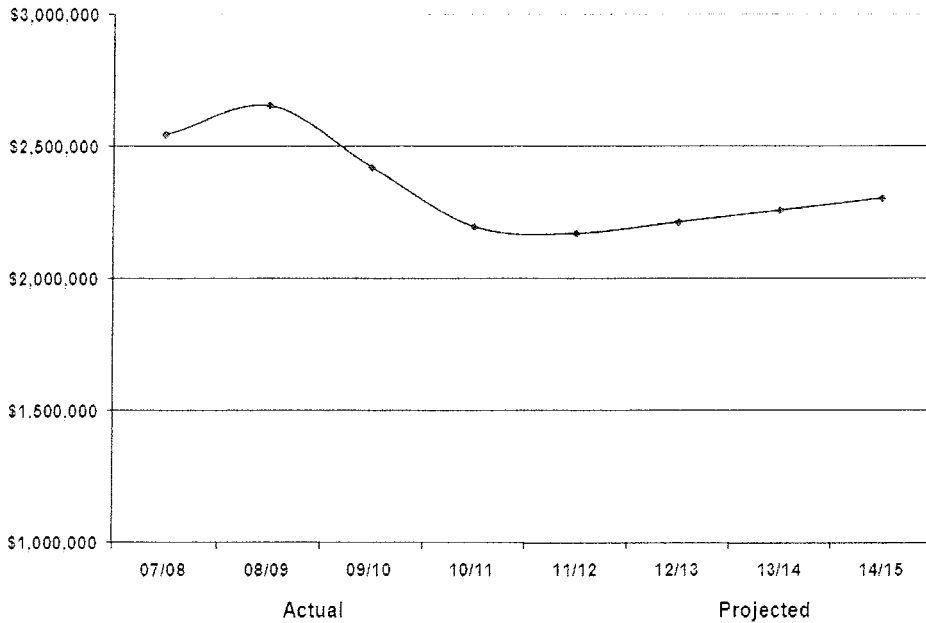
The Yucca Valley Redevelopment Agency consists of one project area, and two sub-project areas. The first project area is generally aligned with the SR 62 business corridor and includes much of the Town's commercial district including the Old Town business district. In fiscal year 2007-08, the Town Council adopted the Old Town Specific Plan setting the stage for initial assessment of new projects located in the Old Town area that are consistent with the design standards of the Specific Plan. Projects that may be considered in the near future include those of commercial, civic, residential or mixed-use varieties. In May 2008, the Agency closed on the Tax Allocation Bond Series 2008 to refund prior issues, and obtain \$5.5 million in new monies. This action allowed the Agency to proceed with appropriate capital expenditures that assist the Agency in meeting its redevelopment goals and objectives.

The second project subarea generally lies on the eastern boundary of the Town, and includes certain north and south residential areas adjacent to SR62. The RDA has taken steps in an effort to address the affordable housing deficit. The Agency does this in part by providing residential facilities to the Unity Homes non-profit organization for use by income-qualified occupants. Further, the Agency is responsible for the maintenance and upkeep of these facilities.

All of the activities of the Yucca Valley RDA are financed through tax increment funding. This mechanism allows the Agency to meet its objectives without placing an enormous burden upon the Town of Yucca Valley or private businesses, while assisting in the provision of low and moderate housing.

Over the past two years, the increment funding provided by the project area has decreased approximately 5% year over year, significantly impacting the Agency's ability to move forward new initiatives, outside of affordable housing. Additionally, the continuous uncertainty at the state level with respect to redevelopment has limited the ability of staff to engage in long-term planning with any specificity as many development entities are reluctant to discuss redevelopment projects until there is greater visibility at the state level. In 2011-12, the Agency is budgeting over \$2.1 million in gross revenues, prior to housing set asides and pass through agreements.

Yucca Valley Redevelopment Agency
 Operating Budget
 Gross Tax Increment Trend



The proposed 2011-12 budget continues with the planned support of the Agency’s affordable senior housing project on Dumosa Avenue. While there is limited funding allocated for the next fiscal year, the budget forecast identifies the Agency’s planned contribution of \$1.5 - \$3.0 million in the 2013-14 fiscal year, based upon the anticipated completion date of the project. As related grant and project information is clarified, the timing of such distributions will likely shift. Staff will continue to keep the Agency apprised of the progress of these programs as they progress.

Conclusion

In keeping with the priorities set by Council, the proposed budget reflects a continued period of economic contraction, both within the Town, and within the Basin at large. The proposed budget projects a General Fund reserve balance of \$6,847,802 in 2011-12. Of this amount, the undesignated reserve balance is anticipated at \$5,547,802. While staff has factored in the most current information regarding the State budget, there may be subsequent changes once the State budget reaches its final form. As always, these changes may positively or negatively impact the Town’s proposed budget. Staff will keep the Town Council apprised of any such changes as information becomes available.

Finally, I would like to thank all of those who have contributed to the preparation of this budget. Without their assistance, input, ideas and discussion, this budget would not be possible. I also extend a special thanks to the Town’s Finance Department staff and to the department heads for their diligent efforts and indispensable insight, and the continuous guidance and participation of the Town Council.



RESOLUTION NO. 11-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING THE BUDGET AND APPROVING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2011 AND ENDING JUNE 30, 2012 AND DESIGNATING THOSE OFFICIALS AUTHORIZED TO MAKE REQUISITIONS FOR ENCUMBRANCES AGAINST APPROPRIATIONS.

THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY DOES RESOLVE AS FOLLOWS:

SECTION 1: The budget for the Town of Yucca Valley for the fiscal year commencing July 1, 2011 and ending June 30, 2012 as prepared and submitted by the Town Manager and as reviewed by the Town Council, is hereby approved and adopted as the Town of Yucca Valley Budget for said fiscal year. A copy of said budget is hereby ordered filed in the office of the Town Clerk and shall be certified by the Town Clerk as having been adopted by this resolution.

SECTION 2: From the effective date of said budget, the total amount as stated therein for each departmental activity in the Operating Budget shall be and is appropriated subject to expenditure pursuant to all applicable ordinances of the Town and the statutes of the State of California. An appropriation may be reallocated from one departmental activity account to another within the Operating Budget upon recommendation and approval of the Town Manager or Director of Administrative Services, providing there is no change in the total appropriations within any fund as authorized by the Town Council.

SECTION 3: At the close of fiscal year 2011-12, unexpended appropriations in the General Fund Operating Budget may be encumbered as necessary to underwrite the expense of budgeted outstanding purchase commitments. For all Special Revenue Funds, unexpended appropriations for approved individual capital projects will be carried forward into fiscal year 2012-13.

SECTION 4: Total appropriations within funds will be increased or decreased only by amendment of the budget by motion of the Town Council.

SECTION 5: The Director of Administrative Services is hereby authorized to transfer monies in accordance with the Interfund Transfers listed in said budget and to transfer monies to cover operational expenditures of the Town through transfers of funds in such amounts and at such times during the fiscal year as he/she may determine necessary to the competent operation and control of Town business, except that no such transfer shall be made in contravention of State law or Town ordinance. No transfer provided within the budget shall exceed in total the amount stated herein or as amended by the Town Council.

SECTION 6: The following Officials are authorized to request and approve for payment purchases against budget accounts:

Mayor
Town Council
Town Manager
Town Clerk
Director of Administrative Services
Deputy Town Manager
Director of Community Services
Human Resources and Risk Manager

SECTION 7: This resolution is incorporated by reference in said budget as if set out in full therein.

SECTION 8: The Town Clerk shall certify to the adoption of this resolution.

APPROVED AND ADOPTED this 21st day of June, 2011.

MAYOR

ATTEST:

TOWN CLERK

RESOLUTION NO. 11-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
YUCCA VALLEY, CALIFORNIA, ESTABLISHING THE SPENDING
LIMITATION FOR FISCAL YEAR 2011-2012

WHEREAS, Section 7910 of the California Government Code provides that each year the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit for the following fiscal year pursuant to Article XIII B at a regularly scheduled meeting or a noticed special meeting and that fifteen days prior to such meeting, documentation used in the determination of the appropriations limit shall be available to the public; and

WHEREAS, Proposition 111 as approved by the voters of the State of California, requires a recorded vote of the Town Council regarding which of the annual adjustment factors have been selected each year; and

WHEREAS, Section 7902(a) of the Government Code sets forth the method for determining the appropriations limit for each local jurisdiction for the 2011-12 Fiscal Year; and

WHEREAS, the Town Council of the Town of Yucca Valley wishes to revise the appropriations limit for Fiscal Year 2011-12 for the Town of Yucca Valley, California;

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

SECTION 1. That it is hereby found and determined that the documentation and data used in the determination of the appropriations limit for the Town of Yucca Valley for Fiscal Year 2011-12 was available to the public at Town Hall at least fifteen days prior to this date.

SECTION 2. That the appropriation limit for the Town of Yucca Valley as amended in accordance with Section 7902(a) of the California Government Code is \$29,297,061 as set forth in "Exhibit A" included herewith.

APPROVED AND ADOPTED this 21st day of June, 2011.

TOWN OF YUCCA VALLEY

MAYOR

ATTEST:

TOWN CLERK

RESOLUTION NO. 11-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
YUCCA VALLEY, CALIFORNIA, AUTHORIZING POSITIONS AND
SALARY SCHEDULE FOR FISCAL YEAR 2011-2012

The Town Council of the Town of Yucca Valley does resolve as follows:

SECTION 1: Personnel positions for fiscal year 2011-12 are hereby authorized as showing in Exhibit "A".

SECTION 2: Personnel salary schedule for fiscal year 2011-12 is hereby authorized as showing in Exhibit "B", effective with the pay date beginning July 22, 2011.

APPROVED AND ADOPTED THIS 21st day of June, 2011.

TOWN OF YUCCA VALLEY

MAYOR

ATTEST:

TOWN CLERK

RESOLUTION NO. 11-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
YUCCA VALLEY, CALIFORNIA, FOR EMPLOYER PAID MEMBER
CONTRIBUTIONS

WHEREAS, the Town Council of the Town of Yucca Valley has the authority to implement Government Code Section 20691; and

WHEREAS, the Town Council of the Town of Yucca Valley has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the Town Council of the Town of Yucca Valley of a Resolution to commence said Employer Paid Contributions (EPMC); and

WHEREAS, the Town Council of the Town of Yucca Valley has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all employees of Miscellaneous Group
- This benefit shall consist of paying 0.0% of the normal member contributions as EPMC.
- The effective date of this Resolution shall be 07/02/2011.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Yucca Valley elects to terminate the EPMC, as set forth above.

APPROVED AND ADOPTED THIS 21st day of June, 2011.

MAYOR

ATTEST:

TOWN CLERK



County of San Bernardino

F A S

STANDARD CONTRACT

FOR COUNTY USE ONLY

<input type="checkbox"/> New	Vendor Code		SC	Dept. SHR	A	Contract Number 94-832 A-17	
<input checked="" type="checkbox"/> Change							
<input type="checkbox"/> Cancel							
County Department Sheriff			Dept. SHR	Orgn. SHR	Contractor's License No.		
County Department Contract Representative Mario Quesada, Captain			Telephone (909)387-0640		Total Contract Amount \$3,128,857		
Contract Type <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Encumbered <input type="checkbox"/> Unencumbered <input type="checkbox"/> Other:							
If not encumbered or revenue contract type, provide reason:							
Commodity Code		Contract Start Date 07/01/10	Contract End Date 06/30/11	Original Amount \$	Amendment Amount \$3,128,857		
Fund AAA	Dept. SHR	Organization SHR	Appr.	Obj/Rev Source 9565	GRC/PROJ/JOB No. YUCCAV	Amount \$3,128,857	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount \$	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount \$	
Project Name Contract Law Enforcement 2010-11			Estimated Payment Total by Fiscal Year				
			FY	Amount	I/D	FY	Amount

THIS CONTRACT is entered into in the State of California by and between the County of San Bernardino, hereinafter called the County, and

Name Town of Yucca Valley
 Address 57090 Twentynine Palms Hwy
Yucca Valley, CA 92284
 Telephone (760) 369-7207 Federal ID No. or Social Security No.

hereinafter called TOWN

IT IS HEREBY AGREED AS FOLLOWS:

(Use space below and additional bond sheets. Set forth service to be rendered, amount to be paid, manner of payment, time for performance or completion, determination of satisfactory performance and cause for termination, other terms and conditions, and attach plans, specifications, and addenda, if any.)

SEVENTEENTH AMENDMENT

Contract No. 94-832 providing law enforcement service to the Town of Yucca Valley is hereby amended, effective July 1, 2010, by replacing Schedule A, referred to in Paragraph IV, with the Schedule A attached hereto and incorporated herein by reference.

Except as amended, all other terms and conditions remain as stated therein.

Auditor/Controller-Recorder Use Only

<input type="checkbox"/> Contract Database	<input type="checkbox"/> FAS
Input Date	Keyed By

Proposed - Not Final

SCHEDULE A
LAW ENFORCEMENT SERVICES CONTRACT
TOWN OF YUCCA VALLEY
FY 2011-12

Rollover - Includes Salary Increases for Safety and Professional Staff

<u>LEVEL OF SERVICE</u>	<u>FY 2011-12</u> <u>COST</u>
0.45 - Lieutenant	96,611 ¹
1.93 - Sergeant	360,888 ¹
1.11 - Detective/Corporal (40 hours/week)	173,518 ¹
10.41 - Deputy Sheriff (376 hours/week)	1,483,094 ¹
2.00 - Deputy Sheriff - Motorcycle	294,621 ¹
1.00 - School Resource Officer	142,468 ¹
1.00 - Sheriff's Service Specialist	66,985 ¹
2.70 - Office Specialist	170,326 ¹
0.31 - Motor Pool Services Assistant	19,140 ¹
5.00 - Marked Unit	60,940 ²
1.00 - Marked Unit - Grant Purchase (Tahoe)	1,284 ²
1.00 - Unmarked Unit	7,477 ²
1.00 - Mini Van (Non-Code 3)	4,371 ²
1.00 - Motorcycle	7,780 ²
1.00 - Grant Motorcycle (Radio/Communication Costs Only)	624 ³
3.00 - Citizen Patrol	3,813 ³
Dispatch Services	175,730 ¹
3.00 - Radar Unit	1,380
8 - HTs (Amortized over 7-years)	3,856
8 - HTs (Access & Maint Only)	4,992
1 - Additional MDCs	2,710
18 - Taser Replacement (Amortized over 4-years)	5,112
Administrative Support	14,404
Facility Costs	7,036
Office Automation	10,906
Services & Supplies	26,136
Vehicle Insurance	12,484
Personnel Liability & Bonding	54,919
County Administrative Cost	89,934
TOTAL COST:	\$ 3,303,539 ¹

Monthly Payment Schedule

1st payment due July 15, 2011:	\$275,305
2nd through 12th payments due the 5th of each month:	\$275,294

¹ Personnel costs include salary and benefits and are subject to change by Board of Supervisors' action.

² Vehicle costs do not include fuel and maintenance. The city is responsible for fuel and maintenance of all contract vehicles. Any fuel and maintenance costs charged to the county will be billed to the city on a quarterly invoice.

³ No replacement cost is included for donated and grant-funded vehicles.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Dani Lassetter
Date: June 14, 2011
For Council Meeting: June 21, 2011

Subject: Memorandums of Understanding Between Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California, San Bernardino County, and the City of Twentynine Palms

Prior Council Review: None

Recommendation: Move to approve the Memorandums of Understanding (MOU) for Emergency Management, Communication Support, Public Works Support, Transportation Support, Logistics Management and Resources Support, and External Affairs between the Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, California, San Bernardino County, and the City of Twentynine Palms.

Summary: As part of the Morongo Basin's Emergency Managers' goals to provide assistance in a cohesive and collaborative way during significant disaster events, staff from the MAGTFTC, MCAGCC presented the Town of Yucca Valley, City of Twentynine Palms and the County of San Bernardino an opportunity to augment the Basin's emergency response by entering into MOUs. The MOUs provide formal agreements between the municipalities and unincorporated areas of the Morongo Basin to utilize resources available through MAGTFTC, MCAGCC in the event that the Town, City and County are unable to respond effectively during a catastrophic disaster that impacts a large area of the County. These agreements streamline the process to request assistance from MAGTFTC, MCAGCC and outline the process to request resources, if all other resources through local, county, and state emergency responders have been exhausted or overwhelmed.

Order of Procedure:

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

Reviewed By:   _____ *all*
Town Manager Town Attorney Mgmt Services Dept Head

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

Discussion: One of the goals of the Emergency Preparedness Department of the Town of Yucca Valley is to collaborate and participate with the major Emergency Response teams in the Morongo Basin to ensure that the citizens within the region have adequate resources if a catastrophic event impacts the region.

As identified in the attached MOUs, there has been a long standing relationship between MAGTFTC, MCAGCC and the City and Town. A majority of the 70,000 residents of the Morongo Basin are directly connected to MAGTFTC, MCAGCC as active duty personnel and their families, retired military personnel and their families, Department of Defense (DoD) employees and their families, federal contractors and their families and those who conduct business in direct support of MAGTFTC, MCAGCC.

The San Bernardino County Operations of Emergency Services (SBOES) and the State of California Emergency Management Agency (CalEMA) provide the primary support and guidance for both the City of Twentynine Palms and the Town of Yucca Valley in any declared disaster. These two agencies have provided the structure for reimbursement and assistance to the citizens of the Morongo Basin through all the disasters that have impacted the region.

However, in the wake of Indian Ocean tsunami, Katrina, Japan's earthquake, tsunami and power plant failure, and Joplin's catastrophic tornado it is easy to understand how quickly resources and response to a major event can be overwhelmed. Emergency managers and responders are specially trained to deal with such events, but the sheer magnitude of some disasters require quick, well-trained, specialized support.

The Town has participated on a smaller scale when "local disasters" occur by providing Public Works support during major rain events in the City of Twentynine Palms that caused significant flooding over the course of several days. Conversely, the City of Twentynine Palms responded in-kind when the Town was overwhelmed during the snow event of 2009. Both of these events were monitored and supported by teams from the County, State, and a collaborative effort in the region.

In January of this year, the Town of Yucca Valley's Management team met with civilian and military staff from MAGTFTC, MCAGCC, and San Bernardino County representatives to discuss the military's offer of support to the region in the event of a major disaster. Deb Helton, Installation Emergency Manager and Jim Ricker, Assistant Chief of Staff provided the group with an overview of the current process, without MOUs in place, to utilize resources from the MAGTFTC/MCAGCC, if the Town needs additional assistance because of road closures or other resource demands. The MAGTFTC, MCAGCC resources are not considered as a primary resource to replace the current structure, but as an additional resource if current resources are unable to respond.

The group discussed some alternative methods for streamlining the processes so that resources available on the military installation could be utilized very quickly if all other support systems were unable to provide immediate and necessary response and resources.

The end result of these discussions was the compilation of six (6) MOUs that can be implemented independent of each other so that road blocks to response would be minimized while anticipating the specific activities that the region may need to request resources. These MOUs are presented in the staff report as Exhibits A through F. These MOUs create the ability for MAGTFTC, MCAGCC to assist neighboring communities in the following areas:

- Emergency Management – Establish and maintain communications, deploy liaisons to the participants, and deploy resources in response to the identified courses of action.
- Communication Support – Assist in maintaining emergency communication, create and maintain local communications infrastructure maps when appropriate.
- Public Works Support – Create and maintain utilities and transportation infrastructure maps when an incident affecting infrastructure within municipalities of the Morongo Basin, work with participants to provide emergency repair of damaged infrastructure and critical public facilities (temporary power, emergency water, sanitation systems, etc).
- Transportation Support – Create and maintain transportation route maps within the Morongo Basin with primary and secondary routes identified, and maintain communications with the participant during a disaster to participate in and complete a transportation route damage assessment and develop appropriate courses of action for consideration.
- Logistics Management and Resources Support – Receive and assess logistical and resource support requests from the participants, assist participants with the acquisition and distribution of needed resources.
- External Affairs – Deploy a liaison to each of the participants, and coordinate communications to various audiences within the emergency support functions of the participants.

The City of Twentynine Palms and the Town of Yucca Valley have worked together in the past and know first hand the importance of sharing resources when neighboring communities are in trouble. In discussions with the County regarding the proposed MOUs, the Town has assured the County that the use of these MOUs is an absolute last step in managing any disaster that the County and the State would take the lead in managing. In fact, the MOUs state that before any resources will be provided by the

MAGTFTC, MCAGCC, the County must provide a formal statement regarding an inability to assist the City and Town during a declared “Local Emergency” along with a formal request that the MOUs between the Parties be activated.

It is in the best interest of the participants to these MOUs to work together in responding to disasters that impact the region. Communication between all of the participants preparing for and responding to a disaster is critical. The participants to the MOUs will be able to take action with the framework of the MOUs when a “local emergency” has been declared by the appropriate authorities.

Fiscal impact: Each of the Memoranda state that any request would require reimbursement, in the event resources are provided. However, it is impossible to identify the actual cost of any resource until the Town requests the resources and evaluates the costs associated at the time of the request. The Town, City and County are coordinating the process for utilizing resources provided through MAGTFTC, MCAGCC within the CalEMA and Federal Emergency Management Agency (FEMA) structure to ensure reimbursement.

Attachments: Exhibit A – Memorandum of Understanding Between Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California and The County of San Bernardino, California and The City of Twentynine Palms California and the Town of Yucca Valley, California For Emergency Management

Exhibit B - Memorandum of Understanding Between Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California and The County of San Bernardino, California and The City of Twentynine Palms California and the Town of Yucca Valley, California For Communication Support

Exhibit C - Memorandum of Understanding Between Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California and The County of San Bernardino, California and The City of Twentynine Palms California and the Town of Yucca Valley, California For Public Works Support

Exhibit D - Memorandum of Understanding Between Marine Air

Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California and The County of San Bernardino, California and The City of Twentynine Palms California and the Town of Yucca Valley, California For Transportation Support

Exhibit E - Memorandum of Understanding Between Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California and The County of San Bernardino, California and The City of Twentynine Palms California and the Town of Yucca Valley, California For Logistics Management and Resources Support

Exhibit F - Memorandum of Understanding Between Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California and The County of San Bernardino, California and The City of Twentynine Palms California and the Town of Yucca Valley, California For External Affairs

MEMORANDUM OF UNDERSTANDING

BETWEEN

MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
TWENTYNINE PALMS, CALIFORNIA

AND

THE COUNTY OF SAN BERNARDINO, CALIFORNIA

AND

THE CITY OF TWENTYNINE PALMS, CALIFORNIA

AND

THE TOWN OF YUCCA VALLEY, CALIFORNIA

FOR

EMERGENCY MANAGEMENT

1. Purpose. The purpose of this Memorandum of Understanding (MOU) is to document the types of manpower and assets that the Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC) has available, depending upon military operational and readiness requirements, to assist local jurisdictions in responding to a disaster. The MOU further defines how local officials can request and coordinate the resources in support of domestic operations during response and recovery from a disaster.

2. Parties. The parties to this MOU are MAGTFTC, MCAGCC, hereinafter referred to as "MAGTFTC, MCAGCC", the County of San Bernardino, hereinafter referred to as the "County", the City of Twentynine Palms, hereinafter referred to as the "City", and the Town of Yucca Valley, hereinafter referred to as the "Town". MAGTFTC, MCAGCC, and the County, City, and Town are hereinafter referred together as the "Parties."

3. Background

a. The Morongo Basin is commonly referred to as the area of the County that encompasses MAGTFTC, MCAGCC, the City and Town, and a large unincorporated area. There is a long standing

relationship between MAGTFTC, MCAGCC and the City and Town. A majority of the over 100,000 residents of the Morongo Basin are directly connected to MAGTFTC, MCAGCC as active duty personnel and their families, retired military personnel and their families, Department of Defense (DoD) employees and their families, federal contractors and their families, and those who conduct business in direct support of MAGTFTC, MCAGCC.

b. The Morongo Basin has limited access routes to and from the region. These routes will most likely contribute to limited accessibility immediately after a catastrophic disaster (i.e. severe earthquake or flooding). In recent history, severe thunderstorms have caused inaccessibility by forcing road closures along every major access route throughout the Morongo Basin.

c. It is in the best interest of the Parties to this MOU to work together in responding to a man-made or natural disaster that directly affects the region. Communication between the Parties in preparing for and responding to a disaster is critical. In such cases, the Parties will take action within the framework of this MOU when a "local emergency" has been declared by the appropriate authorities.

d. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, 42 U.S.C. §§ 5121, et seq.) authorizes the President to make a wide range of federal aid available to states that are stricken by a natural or man-made disaster. This act provides statutory authority for employing the United States armed forces for domestic disaster relief only after formal request by the Governor to the executive level. The President, upon request by the Governor, may task the DoD to provide any emergency work the President deems essential for the preservation of life and property in the immediate aftermath of an incident that may ultimately qualify for assistance under a declaration. Such assistance is available for up to ten days prior to a presidential declaration of an emergency or a major disaster, 42 U.S.C. § 5170b(c). Emergency work can include the clearance and removal of debris and wreckage and the restoration of essential public facilities and services, 42 U.S.C. § 5170(c)(6)(B). The provision is designed for instances where communications problems impede the ability to meet the prerequisites for declaring an emergency or major disaster or the ability to coordinate the work through the Federal Emergency Management Agency. DoD doctrine does allow local commanders to provide resources and assistance to civil authorities without or prior to a declaration under the Stafford Act when a disaster

overwhelms the capabilities of local authorities and necessitates immediate action "to prevent human suffering, save lives, or mitigate great property damage, per DoD Directive 3025.1 § 4.5 (1993)." Such assistance will be provided on a cost-reimbursable basis. However, assistance will not be delayed or denied due to the inability or unwillingness of the civil authority to make a commitment to reimburse MAGTFTC, MCAGCC.

4. Responsibilities

a. MAGTFTC, MCAGCC, within available resources and legal constraints, shall:

- (1) Establish and maintain communications with the Parties.
- (2) Deploy liaisons to the Parties.
- (3) Receive and evaluate requests for support from the Parties.
- (4) Request support from the Parties.
- (5) Deploy resources in response to the chosen courses of action (COA) to the Parties.
- (6) Maintain appropriate accounting records of the costs incurred in providing assistance and resources due to the local emergency.
- (7) Request reimbursement from the County, Town, or City due to the local emergency.

b. The County shall:

- (1) Provide a formal statement regarding an inability to assist the City and Town during a declared "Local Emergency".
- (2) Formally request that MOUs between the Parties be activated.
- (3) Maintain communications with the Parties and develop appropriate COAs for consideration when requested and deemed supportable.

(4) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

c. The City shall:

(1) In accordance with Chapter 2.20 of the City's Municipal Code titled "Emergency Organization and Functions", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all disaster projects under their jurisdiction and request the support of the Parties.

(4) Identify an Emergency Manager and provide that individual's name and contact information to the Parties.

(5) Define support needs and communicate that information to all Parties.

(6) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

d. The Town shall:

(1) In accordance with Chapter 2.40 of the Town's Municipal Code titled "Emergency Organization", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all disaster projects under their jurisdiction and request the support of the Parties.

(4) Identify an Emergency Manager and provide that individual's name and contact information to the Parties.

(5) Define support needs and communicate that information to all parties.

(6) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

5. Effective Date. This MOU will become effective upon signature of all Parties and will remain in effect indefinitely.

6. Modification. This MOU may be modified at any time as mutually agreed upon. Written requests for modifications will be forwarded by one Party to the other not less than 30 days prior to the desired effective date of such modification.

7. Termination. This MOU shall not be terminated, by any Party, without at least 90 days written notice.

8. Approval. All Parties identified on the signature page agree to the provisions and terms of this MOU.

J. P. HOLDEN
Chief of Staff

Date

Brad Mitzelfelt
1st District Supervisor
County of San Bernardino, California

Date

Neil Derry
3rd District Supervisor
County of San Bernardino, California

Date

Richard N. Warne
City Manager
City of Twentynine Palms, California

Date

Mark Nuaimi
Town Manager
Town of Yucca Valley, California

Date

MEMORANDUM OF UNDERSTANDING

BETWEEN

MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
TWENTYNINE PALMS, CALIFORNIA

AND

THE COUNTY OF SAN BERNARDINO, CALIFORNIA

AND

THE CITY OF TWENTYNINE PALMS, CALIFORNIA

AND

THE TOWN OF YUCCA VALLEY, CALIFORNIA

FOR

COMMUNICATION SUPPORT

1. Purpose. The purpose of this Memorandum of Understanding (MOU) is to document the types of manpower and assets that the Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC) has available, depending upon military operational and readiness requirements, to assist local jurisdictions in responding to a disaster. The MOU further defines how local officials can request and coordinate the resources in support of domestic operations during response and recovery from a disaster.

2. Parties. The parties to this MOU are MAGTFTC, MCAGCC, hereinafter referred to as "MAGTFTC, MCAGCC", the County of San Bernardino, hereinafter referred to as the "County", the City of Twentynine Palms, hereinafter referred to as the "City", and the Town of Yucca Valley, hereinafter referred to as the "Town". MAGTFTC, MCAGCC, and the County, City, and Town are hereinafter referred together as the "Parties."

3. Background

a. The Morongo Basin is commonly referred to as the area of the County that encompasses MAGTFTC, MCAGCC, the City and Town, and a large unincorporated area. There is a long standing

relationship between MAGTFTC, MCAGCC and the City and Town. A majority of the over 100,000 residents of the Morongo Basin are directly connected to MAGTFTC, MCAGCC as active duty personnel and their families, retired military personnel and their families, Department of Defense (DoD) employees and their families, federal contractors and their families, and those who conduct business in direct support of MAGTFTC, MCAGCC.

b. The Morongo Basin has limited access routes to and from the region. These routes will most likely contribute to limited accessibility immediately after a catastrophic disaster (i.e. severe earthquake or flooding). In recent history, severe thunderstorms have caused inaccessibility by forcing road closures along every major access route throughout the Morongo Basin.

c. It is in the best interest of the Parties to this MOU to work together in responding to a man-made or natural disaster that directly affects the communications infrastructure within the region. Communication between the Parties in preparing for and responding to a disaster that may cause significant disruption of communications systems is critical. In such cases, the Parties will take action within the framework of this MOU when a "local emergency" has been declared by the appropriate authorities.

d. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, 42 U.S.C. §§ 5121, et seq.) authorizes the President to make a wide range of federal aid available to states that are stricken by a natural or man-made disaster. This act provides statutory authority for employing the United States armed forces for domestic disaster relief only after formal request by the Governor to the executive level. The President, upon request by the Governor, may task the DoD to provide any emergency work the President deems essential for the preservation of life and property in the immediate aftermath of an incident that may ultimately qualify for assistance under a declaration. Such assistance is available for up to ten days prior to a presidential declaration of an emergency or a major disaster, 42 U.S.C. § 5170b(c). Emergency work can include the clearance and removal of debris and wreckage and the restoration of essential public facilities and services, 42 U.S.C. § 5170(c)(6)(B). The provision is designed for instances where communications problems impede the ability to meet the prerequisites for declaring an emergency or major disaster or the ability to coordinate the work through the Federal Emergency Management Agency. DoD doctrine does allow local commanders to

provide resources and assistance to civil authorities without or prior to a declaration under the Stafford Act when a disaster overwhelms the capabilities of local authorities and necessitates immediate action "to prevent human suffering, save lives, or mitigate great property damage, per DoD Directive 3025.1 § 4.5 (1993)". Such assistance will be provided on a cost-reimbursable basis. However, assistance will not be delayed or denied due to the inability or unwillingness of the civil authority to make a commitment to reimburse MAGTFTC, MCAGCC.

4. Responsibilities

a. MAGTFTC, MCAGCC, within available resources and legal constraints, shall:

(1) Assist in maintaining emergency communications and restoration of public safety communications systems and first responder networks.

(2) Create and maintain local communications infrastructure maps when appropriate.

(3) Maintain communications with the Parties during a disaster to participate in and complete a communications assessment and develop appropriate courses of action (COA) for consideration.

(4) Evaluate the proposed COAs to determine the best method within the framework to support MAGTFTC, MCAGCC's primary mission.

(5) Deploy personnel and assets when appropriate.

(6) Work with the Parties to restore communications capabilities that support emergency operations centers and field teams.

(7) Assist in surveying the status of the communications infrastructure within the City and Town, determine residual capabilities, and assess the extent of damage within the incident area.

(8) Maintain appropriate accounting records of the costs incurred in providing assistance and resources due to the local emergency.

(9) Request reimbursement from the County, Town, or City due to the local emergency.

b. The County shall:

(1) Provide a formal statement regarding an inability to assist the City and Town during a declared "Local Emergency".

(2) Formally request that MOUs between the Parties be activated.

(3) Maintain communications with the Parties during a disaster to participate in and complete a communications assessment and develop appropriate COAs for consideration.

(4) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

c. The City shall:

(1) In accordance with Chapter 2.20 of the City's Municipal Code titled "Emergency Organization and Functions", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all communications projects under their jurisdiction and request the support of the Parties.

(4) Maintain communications with the Parties during a disaster to participate in and complete a communications assessment and develop appropriate COAs for consideration.

(5) Work with the Parties to assess anticipated and actual damage to communications capabilities within the impacted area and be prepared to provide assistance to all Parties.

(6) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

d. The Town shall:

(1) In accordance with Chapter 2.40 of the Town's Municipal Code titled "Emergency Organization", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all communications projects under their jurisdiction and request the support of the Parties.

(4) Maintain communications with the Parties during a disaster to participate in and complete a communications assessment and develop appropriate COAs for consideration.

(5) Work with the Parties to assess anticipated and actual damage to communications capabilities within the impacted area and be prepared to provide assistance to all Parties.

(6) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

5. Effective Date. This MOU will become effective upon signature of all Parties and will remain in effect indefinitely.

6. Modification. This MOU may be modified at any time as mutually agreed upon. Written requests for modifications will be forwarded by one Party to the others not less than 30 days prior to the desired effective date of such modification.

7. Termination. This MOU shall not be terminated, by any Party, without at least 90 days written notice.

8. Approval. All Parties identified on the signature page agree to the provisions and terms of this MOU.

J. P. HOLDEN
Chief of Staff

Date

Brad Mitzelfelt
1st District Supervisor
County of San Bernardino, California

Date

Neil Derry
3rd District Supervisor
County of San Bernardino, California

Date

Richard N. Warne
City Manager
City of Twentynine Palms, California

Date

Mark Nuaimi
Town Manager
Town of Yucca Valley, California

Date

MEMORANDUM OF UNDERSTANDING

BETWEEN

MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
TWENTYNINE PALMS, CALIFORNIA

AND

THE COUNTY OF SAN BERNARDINO, CALIFORNIA

AND

THE CITY OF TWENTYNINE PALMS, CALIFORNIA

AND

THE TOWN OF YUCCA VALLEY, CALIFORNIA

FOR

PUBLIC WORKS SUPPORT

1. Purpose. The purpose of this Memorandum of Understanding (MOU) is to document the types of manpower and assets that the Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC) has available, depending upon military operational and readiness requirements, to assist local jurisdictions in responding to a disaster. The MOU further defines how local officials can request and coordinate the resources in support of domestic operations during response and recovery from a disaster.

2. Parties. The parties to this MOU are MAGTFTC, MCAGCC, hereinafter referred to as "MAGTFTC, MCAGCC", the County of San Bernardino, hereinafter referred to as the "County", the City of Twentynine Palms, hereinafter referred to as the "City", and the Town of Yucca Valley, hereinafter referred to as the "Town". MAGTFTC, MCAGCC, and the County, City, and Town are hereinafter referred together as the "Parties".

3. Background

a. The Morongo Basin is commonly referred to as the area of the County that encompasses MAGTFTC, MCAGCC, the City and Town, and a large unincorporated area. There is a long standing

relationship between MAGTFTC, MCAGCC and the City and Town. A majority of the over 100,000 residents of the Morongo Basin are directly connected to MAGTFTC, MCAGCC as active duty personnel and their families, retired military personnel and their families, Department of Defense (DoD) employees and their families, federal contractors and their families, and those who conduct business in direct support of MAGTFTC, MCAGCC.

b. The Morongo Basin has limited access routes to and from the region. These routes will most likely contribute to limited accessibility immediately after a catastrophic disaster (i.e. severe earthquake or flooding). In recent history, severe thunderstorms have caused inaccessibility by forcing road closures along every major access route throughout the Morongo Basin.

c. It is in the best interest of the Parties to this MOU to work together in responding to a man-made or natural disaster that directly affects the infrastructure of the region. Communication between the Parties in preparing for and responding to a disaster that may cause significant damage to infrastructure is critical. In such cases, the Parties will take action within the framework of this MOU when a "local emergency" has been declared by the appropriate authorities.

d. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, 42 U.S.C. §§ 5121, et seq.) authorizes the President to make a wide range of federal aid available to states that are stricken by a natural or man-made disaster. This act provides statutory authority for employing the United States armed forces for domestic disaster relief only after formal request by the Governor to the executive level. The President, upon request by the Governor, may task the DoD to provide any emergency work the President deems essential for the preservation of life and property in the immediate aftermath of an incident that may ultimately qualify for assistance under a declaration. Such assistance is available for up to ten days prior to a presidential declaration of an emergency or a major disaster, 42 U.S.C. § 5170b(c). Emergency work can include the clearance and removal of debris and wreckage and the restoration of essential public facilities and services, 42 U.S.C. § 5170(c)(6)(B). The provision is designed for instances where communications problems impede the ability to meet the prerequisites for declaring an emergency or major disaster or the ability to coordinate the work through the Federal Emergency Management Agency. DoD doctrine does allow local commanders to provide resources and assistance to civil authorities without or

prior to a declaration under the Stafford Act when a disaster overwhelms the capabilities of local authorities and necessitates immediate action "to prevent human suffering, save lives, or mitigate great property damage, per DoD Directive 3025.1 § 4.5 (1993)". Such assistance will be provided on a cost-reimbursable basis. However, assistance will not be delayed or denied due to the inability or unwillingness of the civil authority to make a commitment to reimburse MAGTFTC, MCAGCC.

4. Responsibilities

a. MAGTFTC, MCAGCC, within available resources and legal constraints, shall:

(1) Create and maintain utilities and transportation infrastructure maps when an incident affecting infrastructure within municipalities of the Morongo Basin occurs.

(2) Maintain communications with the Parties during a disaster to participate in and complete an infrastructure damage assessment and develop appropriate courses of action (COA) for consideration.

(3) Work with the Parties to provide assistance in the monitoring and stabilization of damaged structures and the demolition of structures designated as immediate hazards to public health and safety.

(4) Evaluate the proposed COAs to determine the best method within the framework to support MAGTFTC, MCAGCC's primary mission.

(5) Deploy personnel and assets when appropriate.

(6) Work with the Parties to provide emergency repair of damaged infrastructure and critical public facilities (temporary power, emergency water, sanitation systems, etc.).

(7) Support the restoration of critical navigation, flood control, and other water infrastructure systems, including drinking water distribution and wastewater collection systems.

(8) Maintain appropriate accounting records of the costs incurred in providing assistance and resources due to the local emergency.

(9) Request reimbursement from the County, Town, or City due to the local emergency.

b. The County shall:

(1) Provide a formal statement regarding an inability to assist the City and Town during a declared "Local Emergency".

(2) Formally request that MOUs between the Parties be activated.

(3) Maintain communications with the Parties during a disaster to participate in and complete an infrastructure damage assessment and develop appropriate COAs for consideration.

(4) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

c. The City shall:

(1) In accordance with Chapter 2.20 of the City's Municipal Code titled "Emergency Organization and Functions", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all public works and engineering projects under their jurisdiction and request the support of the Parties.

(4) Maintain communications with the Parties during a disaster to participate in and complete an infrastructure damage assessment and develop appropriate COAs for consideration.

(5) Work with the Parties to provide assistance in the monitoring and stabilization of damaged structures and the demolition of structures designated as immediate hazards to public health and safety.

(6) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

d. The Town shall:

(1) In accordance with Chapter 2.40 of the Town's Municipal Code titled "Emergency Organization", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all public works and engineering projects under their jurisdiction and request the support of the Parties.

(4) Maintain communications with the Parties during a disaster to participate in and complete an infrastructure damage assessment and develop appropriate COAs for consideration.

(5) Work with the Parties to provide assistance in the monitoring and stabilization of damaged structures and the demolition of structures designated as immediate hazards to public health and safety.

(6) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

5. Effective Date. This MOU will become effective upon signature of all Parties and will remain in effect indefinitely.

6. Modification. This MOU may be modified at any time as mutually agreed upon. Written requests for modifications will be forwarded by one Party to the others not less than 30 days prior to the desired effective date of such modification.

7. Termination. This MOU shall not be terminated, by any Party, without at least 90 days written notice.

8. Approval. All Parties identified on the signature page agree to the provisions and terms of this MOU.

J. P. HOLDEN
Chief of Staff

Date

Brad Mitzelfelt
1st District Supervisor
County of San Bernardino, California

Date

Neil Derry
3rd District Supervisor
County of San Bernardino, California

Date

Richard N. Warne
City Manager
City of Twentynine Palms, California

Date

Mark Nuaimi
Town Manager
Town of Yucca Valley, California

Date

MEMORANDUM OF UNDERSTANDING

BETWEEN

MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
TWENTYNINE PALMS, CALIFORNIA

AND

THE COUNTY OF SAN BERNARDINO, CALIFORNIA

AND

THE CITY OF TWENTYNINE PALMS, CALIFORNIA

AND

THE TOWN OF YUCCA VALLEY, CALIFORNIA

FOR

TRANSPORTATION SUPPORT

1. Purpose. The purpose of this Memorandum of Understanding (MOU) is to document the types of manpower and assets that the Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC) has available, depending upon military operational and readiness requirements, to assist local jurisdictions in responding to a disaster. The MOU further defines how local officials can request and coordinate the resources in support of domestic operations during response and recovery from a disaster.

2. Parties. The parties to this MOU are MAGTFTC, MCAGCC, hereinafter referred to as "MAGTFTC, MCAGCC", the County of San Bernardino, hereinafter referred to as the "County", the City of Twentynine Palms, hereinafter referred to as the "City", and the Town of Yucca Valley, hereinafter referred to as the "Town". MAGTFTC, MCAGCC, and the County, City, and Town are hereinafter referred together as the "Parties".

3. Background

a. The Morongo Basin is commonly referred to as the area of the County that encompasses MAGTFTC, MCAGCC, the City and Town, and a large unincorporated area. There is a long standing relationship between MAGTFTC, MCAGCC, and the City and Town. A

majority of the over 100,000 residents of the Morongo Basin are directly connected to MAGTFTC, MCAGCC as active duty personnel and their families, retired military personnel and their families, Department of Defense (DoD) employees and their families, federal contractors and their families, and those who conduct business in direct support of MAGTFTC, MCAGCC.

b. The Morongo Basin has limited access routes to and from the region. These routes will most likely contribute to limited accessibility immediately after a catastrophic disaster (i.e. severe earthquake or flooding). In recent history, severe thunderstorms have caused inaccessibility by forcing road closures along every major access route throughout the Morongo Basin.

c. It is in the best interest of the Parties to this MOU to work together in responding to a man-made or natural disaster that directly affects the transportation infrastructure within the region. Communication between the Parties in preparing for and responding to a disaster that may cause significant disruption of the transportation systems is critical. In such cases, the Parties will take action within the framework of this MOU when a "local emergency" has been declared by the appropriate authorities.

d. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, 42 U.S.C. §§ 5121, et seq.) authorizes the President to make a wide range of federal aid available to states that are stricken by a natural or man-made disaster. This act provides statutory authority for employing the United States armed forces for domestic disaster relief only after formal request by the Governor to the executive level. The President, upon request by the Governor, may task the DoD to provide any emergency work the President deems essential for the preservation of life and property in the immediate aftermath of an incident that may ultimately qualify for assistance under a declaration. Such assistance is available for up to ten days prior to a presidential declaration of an emergency or a major disaster, 42 U.S.C. § 5170b(c). Emergency work can include the clearance and removal of debris and wreckage and the restoration of essential public facilities and services, 42 U.S.C. § 5170(c)(6)(B). The provision is designed for instances where communications problems impede the ability to meet the prerequisites for declaring an emergency or major disaster or the ability to coordinate the work through the Federal Emergency Management Agency. DoD doctrine does allow local commanders to provide resources and assistance to civil authorities without or prior to a declaration under the Stafford Act when a disaster

overwhelms the capabilities of local authorities and necessitates immediate action "to prevent human suffering, save lives, or mitigate great property damage, per DoD Directive 3025.1 § 4.5 (1993)". Such assistance will be provided on a cost-reimbursable basis. However, assistance will not be delayed or denied due to the inability or unwillingness of the civil authority to make a commitment to reimburse MAGTFTC, MCAGCC.

4. Responsibilities

a. MAGTFTC, MCAGCC, within available resources and legal constraints, shall:

(1) Create and maintain transportation route maps within the Morongo Basin with primary and secondary routes identified.

(2) Maintain communications with the Parties during a disaster to participate in and complete a transportation route damage assessment and develop appropriate courses of action (COA) for consideration.

(3) Evaluate the proposed COAs to determine the best method within the framework to support MAGTFTC, MCAGCC's primary mission.

(4) Deploy personnel and assets when appropriate.

(5) Maintain appropriate accounting records of the costs incurred in providing assistance and resources due to the local emergency.

(6) Request reimbursement from the County, Town, or City due to the local emergency.

b. The County shall:

(1) Provide a formal statement regarding an inability to assist the City and Town during a declared "Local Emergency".

(2) Formally request that MOUs between the Parties be activated.

(3) Maintain communications with the Parties during a disaster to participate in and complete a transportation route damage assessment and develop appropriate COAs for consideration.

(4) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

c. The City shall:

(1) In accordance with Chapter 2.20 of the City's Municipal Code titled "Emergency Organization and Functions", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all transportation infrastructure projects under their jurisdiction and request the support of the Parties.

(4) Maintain communications with the Parties during a disaster to participate in and complete a transportation route damage assessment and develop appropriate COAs for consideration.

(5) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

d. The Town shall:

(1) In accordance with Chapter 2.40 of the Town's Municipal Code titled "Emergency Organization", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all transportation infrastructure projects under their jurisdiction and request the support of the Parties.

(4) Maintain communications with the Parties during a disaster to participate in and complete a transportation route damage assessment and develop appropriate COAs for consideration.

(5) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

5. Effective Date. This MOU will become effective upon signature of all Parties and will remain in effect indefinitely.

6. Modification. This MOU may be modified at any time as mutually agreed upon. Written requests for modifications will be forwarded by one Party to the others not less than 30 days prior to the desired effective date of such modification.

7. Termination. This MOU shall not be terminated, by any Party, without at least 90 days written notice.

8. Approval. All Parties identified on the signature page agree to the provisions and terms of this MOU.

J. P. HOLDEN
Chief of Staff

Date

Brad Mitzelfelt
1st District Supervisor
County of San Bernardino, California

Date

Neil Derry
3rd District Supervisor
County of San Bernardino, California

Date

Richard N. Warne
City Manager
City of Twentynine Palms, California

Date

Mark Nuaimi
Town Manager
Town of Yucca Valley, California

Date

MEMORANDUM OF UNDERSTANDING

BETWEEN

MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
TWENTYNINE PALMS, CALIFORNIA

AND

THE COUNTY OF SAN BERNARDINO, CALIFORNIA

AND

THE CITY OF TWENTYNINE PALMS, CALIFORNIA

AND

THE TOWN OF YUCCA VALLEY, CALIFORNIA

FOR

LOGISTICS MANAGEMENT AND RESOURCES SUPPORT

1. Purpose. The purpose of this Memorandum of Understanding (MOU) is to document the types of manpower and assets that Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC) has available, depending upon military operational and readiness requirements, to assist local jurisdictions in responding to a disaster. The MOU further defines how local officials can request and coordinate the resources in support of domestic operations during response and recovery from a disaster.

2. Parties. The parties to this MOU are MAGTFTC, MCAGCC, hereinafter referred to as "MAGTFTC, MCAGCC", the County of San Bernardino, hereinafter referred to as the "County", the City of Twentynine Palms, hereinafter referred to as the "City", and the Town of Yucca Valley, hereinafter referred to as the "Town". MAGTFTC, MCAGCC, and the County, City, and Town are hereinafter referred together as the "Parties".

3. Background

a. The Morongo Basin is commonly referred to as the area of the County that encompasses MAGTFTC, MCAGCC, the City and Town, and a large unincorporated area. There is a long standing

relationship between MAGTFTC, MCAGCC and the City and Town. A majority of the over 100,000 residents of the Morongo Basin are directly connected to MAGTFTC, MCAGCC as active duty personnel and their families, retired military personnel and their families, Department of Defense (DoD) employees and their families, federal contractors and their families, and those who conduct business in direct support of MAGTFTC, MCAGCC.

b. The Morongo Basin has limited access routes to and from the region. These routes will most likely contribute to limited accessibility immediately after a catastrophic disaster (i.e. severe earthquake or flooding). In recent history, severe thunderstorms have caused inaccessibility by forcing road closures along every major access route throughout the Morongo Basin.

c. It is in the best interest of the Parties to this MOU to work together in responding to a man-made or natural disaster that directly affects the region. Communication between the Parties in preparing for and responding to a disaster that may cause a significant need for logistics management and resources is critical. In such cases, the Parties will take action within the framework of this MOU when a "local emergency" has been declared by the appropriate authorities.

d. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, 42 U.S.C. §§ 5121, et seq.) authorizes the President to make a wide range of federal aid available to states that are stricken by a natural or man-made disaster. This act provides statutory authority for employing the United States armed forces for domestic disaster relief only after formal request by the Governor to the executive level. The President, upon request by the Governor, may task the DoD to provide any emergency work the President deems essential for the preservation of life and property in the immediate aftermath of an incident that may ultimately qualify for assistance under a declaration. Such assistance is available for up to ten days prior to a presidential declaration of an emergency or a major disaster, 42 U.S.C. § 5170b(c). Emergency work can include the clearance and removal of debris and wreckage and the restoration of essential public facilities and services, 42 U.S.C. § 5170(c)(6)(B). The provision is designed for instances where communications problems impede the ability to meet the prerequisites for declaring an emergency or major disaster or the ability to coordinate the work through the Federal Emergency Management Agency. DoD doctrine does allow local commanders to provide resources and assistance to civil authorities without or

prior to a declaration under the Stafford Act when a disaster overwhelms the capabilities of local authorities and necessitates immediate action "to prevent human suffering, save lives, or mitigate great property damage, per DoD Directive 3025.1 § 4.5 (1993)". Such assistance will be provided on a cost-reimbursable basis. However, assistance will not be delayed or denied due to the inability or unwillingness of the civil authority to make a commitment to reimburse MAGTFTC, MCAGCC.

4. Responsibilities

a. MAGTFTC, MCAGCC, within available resources and legal constraints, shall:

(1) Receive and assess logistical and resource support requests from the Parties.

(2) Assist the Parties with the acquisition of needed resources.

(3) Assist the Parties with the distribution of needed resources when appropriate.

(4) Deploy personnel and assets when appropriate.

(5) Maintain communications with the Parties during a disaster to participate in and complete a logistics management and resource support assessment and develop appropriate courses of action (COA) for consideration.

(6) Evaluate the proposed COAs to determine the best method within the framework to support MAGTFTC, MCAGCC's primary mission.

(7) Maintain appropriate accounting records of the costs incurred in providing assistance and resources due to the local emergency.

(8) Request reimbursement from the County, Town, or City due to the local emergency.

b. The County shall:

(1) Provide a formal statement regarding an inability to assist the City and Town during a declared "Local Emergency".

(2) Formally request that MOUs between the Parties be activated.

(3) Maintain communications with the Parties during a disaster to participate in and complete a logistics management and resource support assessment and develop appropriate COAs for consideration.

(4) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

c. The City shall:

(1) In accordance with Chapter 2.20 of the City's Municipal Code titled "Emergency Organization and Functions", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all logistics management and resource support projects under their jurisdiction and request the support of the Parties.

(4) Maintain communications with the Parties during a disaster to participate in and complete a logistics management and resource support assessment and develop appropriate COAs for consideration.

(5) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

d. The Town shall:

(1) In accordance with Chapter 2.40 of the Town's Municipal Code titled "Emergency Organization", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all logistics management and resource support projects under their jurisdiction and request the support of the Parties.

(4) Maintain communications with the Parties during a disaster to participate in and complete a logistics management and resource support assessment and develop appropriate COAs for consideration.

(5) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

5. Effective Date. This MOU will become effective upon signature of all Parties and will remain in effect indefinitely.

6. Modification. This MOU may be modified at any time as mutually agreed upon. Written requests for modifications will be forwarded by one Party to the others not less than 30 days prior to the desired effective date of such modification.

7. Termination. This MOU shall not be terminated, by any Party, without at least 90 days written notice.

8. Approval. All Parties identified on the signature page agree to the provisions and terms of this MOU.

J. P. HOLDEN
Chief of Staff

Date

Brad Mitzelfelt
1st District Supervisor
County of San Bernardino, California

Date

Neil Derry
3rd District Supervisor
County of San Bernardino, California

Date

Richard N. Warne
City Manager
City of Twentynine Palms, California

Date

Mark Nuaimi
Town Manager
Town of Yucca Valley, California

Date

MEMORANDUM OF UNDERSTANDING

BETWEEN

MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
TWENTYNINE PALMS, CALIFORNIA

AND

THE COUNTY OF SAN BERNARDINO, CALIFORNIA

AND

THE CITY OF TWENTYNINE PALMS, CALIFORNIA

AND

THE TOWN OF YUCCA VALLEY, CALIFORNIA

FOR

EXTERNAL AFFAIRS

1. Purpose. The purpose of this Memorandum of Understanding (MOU) is to document the types of manpower and assets that the Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC) has available, depending upon military operational and readiness requirements, to assist local jurisdictions in responding to a disaster. The MOU further defines how local officials can request and coordinate the resources in support of domestic operations during response and recovery from a disaster.

2. Parties. The parties to this MOU are MAGTFTC, MCAGCC, hereinafter referred to as "MAGTFTC, MCAGCC", the County of San Bernardino, hereinafter referred to as the "County", the City of Twentynine Palms, hereinafter referred to as the "City", and the Town of Yucca Valley, hereinafter referred to as the "Town". MAGTFTC, MCAGCC, and the County, City, and Town are hereinafter referred together as the "Parties".

3. Background

a. The Morongo Basin is commonly referred to as the area of the County that encompasses MAGTFTC, MCAGCC, the City and Town, and a large unincorporated area. There is a long standing relationship between MAGTFTC, MCAGCC and the City and Town. A

majority of the over 100,000 residents of the Morongo Basin are directly connected to MAGTFTC, MCAGCC as active duty personnel and their families, retired military personnel and their families, Department of Defense (DoD) employees and their families, federal contractors and their families, and those who conduct business in direct support of MAGTFTC, MCAGCC.

b. The Morongo Basin has limited access routes to and from the region. These routes will most likely contribute to limited accessibility immediately after a catastrophic disaster (i.e. severe earthquake or flooding). In recent history, severe thunderstorms have caused inaccessibility by forcing road closures along every major access route throughout the Morongo Basin.

c. It is in the best interest of the Parties to this MOU to work together in responding to a man-made or natural disaster that directly affects the region. Communication between the Parties in preparing for and responding to a disaster is critical. In such cases, the Parties will take action within the framework of this MOU when a "local emergency" has been declared by the appropriate authorities.

d. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, 42 U.S.C. §§ 5121, et seq.) authorizes the President to make a wide range of federal aid available to states that are stricken by a natural or man-made disaster. This act provides statutory authority for employing the United States armed forces for domestic disaster relief only after formal request by the Governor to the executive level. The President, upon request by the Governor, may task the DoD to provide any emergency work the President deems essential for the preservation of life and property in the immediate aftermath of an incident that may ultimately qualify for assistance under a declaration. Such assistance is available for up to ten days prior to a presidential declaration of an emergency or a major disaster, 42 U.S.C. § 5170b(c). Emergency work can include the clearance and removal of debris and wreckage and the restoration of essential public facilities and services, 42 U.S.C. § 5170(c)(6)(B). The provision is designed for instances where communications problems impede the ability to meet the prerequisites for declaring an emergency or major disaster or the ability to coordinate the work through the Federal Emergency Management Agency. DoD doctrine does allow local commanders to provide resources and assistance to civil authorities without or prior to a declaration under the Stafford Act when a disaster overwhelms the capabilities of local authorities and necessitates immediate action "to prevent human suffering, save

lives, or mitigate great property damage, per DoD Directive 3025.1 § 4.5 (1993)". Such assistance will be provided on a cost-reimbursable basis. However, assistance will not be delayed or denied due to the inability or unwillingness of the civil authority to make a commitment to reimburse MAGTFTC, MCAGCC.

4. Responsibilities

a. MAGTFTC, MCAGCC, within available resources and legal constraints, shall:

(1) Deploy a liaison to each of the Parties.

(2) Coordinate communications to various audiences within the emergency support functions of the Parties.

(3) Maintain appropriate accounting records of the costs incurred in providing assistance and resources due to the local emergency.

(4) Request reimbursement from the County, Town, or City due to the local emergency.

b. The County shall:

(1) Provide a formal statement regarding an inability to assist the City and Town during a declared "Local Emergency".

(2) Formally request that MOUs between the Parties be activated.

(3) Maintain communications with the Parties during a disaster when requested and deemed supportable.

(4) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

c. The City shall:

(1) In accordance with Chapter 2.20 of the City's Municipal Code titled "Emergency Organization and Functions", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all disaster projects under their jurisdiction and request the support of the Parties.

(4) Communicate all requests for assistance with the MAGTFTC, MCAGCC liaison and other Parties.

(5) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

d. The Town shall:

(1) In accordance with Chapter 2.40 of the Town's Municipal Code titled "Emergency Organization", promptly proclaim a "Local Emergency".

(2) Formally request that MOUs be activated between the Parties only after County support has been declared not possible.

(3) Assume the lead for all disaster projects under your jurisdiction and request the support of the Parties.

(4) Communicate all requests for assistance with the MAGTFTC, MCAGCC liaison and other Parties.

(5) Reimburse MAGTFTC, MCAGCC for the costs incurred in providing assistance and resources during the emergency.

5. Effective Date. This MOU will become effective upon signature of all Parties and will remain in effect indefinitely.

6. Modification. This MOU may be modified at any time as mutually agreed upon. Written requests for modifications will be forwarded by one Party to the others not less than 30 days prior to the desired effective date of such modification.

7. Termination. This MOU shall not be terminated, by any Party, without at least 90 days written notice.

8. Approval. All Parties identified on the signature page agree to the provisions and terms of this MOU.

J. P. HOLDEN
Chief of Staff

Date

Brad Mitzelfelt
1st District Supervisor
County of San Bernardino, California

Date

Neil Derry
3rd District Supervisor
County of San Bernardino, California

Date

Richard N. Warne
City Manager
City of Twentynine Palms, California

Date

Mark Nuaimi
Town Manager
Town of Yucca Valley, California

Date

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Jim Schooler, Community Services Director
Date: June 14, 2011
For Council Meeting: June 21, 2011

Subject: Authorization to submit grant application to the State of California Department of Parks and Recreation for Proposition 84 funding

Prior Council Review: None

Recommendation: That the Council adopts the resolution authorizing staff to submit a grant application to the State of California Department of Parks and Recreation to seek Proposition 84 funding for the Brehm Park project.

Order of Procedure:

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

Discussion: The Basin Wide Foundation has acquired 12+ acres of property for the development of a community park. The park location was recommended in the Town's Park Master Plan Update, adopted by the Council in 2008. The Foundation has held several stakeholder meetings and Town staff has conducted community input workshops to promote project awareness and identify and prioritize needed recreational elements.

The application period to apply for supplemental project funding under the 2008 Statewide Park Development and Community Revitalization Program (Prop 84) is currently open. With formal Council authorization, staff will continue preparation and submittal of the grant application to seek funding to assist with the park development. The grant application deadline is July 1, 2011.

Alternatives: Decline to authorize the submittal of the grant application.

Attachments: Authorizing resolution

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

RESOLUTION NO.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA
VALLEY APPROVING THE APPLICATION FOR STATEWIDE PARK
PROGRAM GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Program, setting up necessary procedures governing the Application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the State; and

WHEREAS, the applicant will enter into a contract with the State of California to complete the grant scope project;

NOW, THEREFORE, BE IT RESOLVED that the Yucca Valley Town Council hereby:

Approves the filing of an application for the Brehm Park Project, and

1. Certifies that said applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
2. Certifies that the applicant has or will have sufficient funds to operate and maintain the project(s), and
3. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to the Town Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope; and
5. Agrees to comply with all applicable federal, state, and local laws, ordinances, rules, regulations, and guidelines.

Approved and adopted the 21st day of June, 2011.

MAYOR

ATTEST:

TOWN CLERK

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: June 15, 2011
For **Council** June 21, 2011
Meeting:

Subject: General Plan Update
Preliminary Staff Report
Award of Contract Services Agreement
Budget Amendment

Note: Interviews are scheduled for Thursday, June 16, 2011. A revised Staff Report will be prepared following the interview process and distributed to the Town Council on Monday, June 20, 2011.

Prior Council Review: The Town Council authorized release of the General Plan Update Request for Proposals (RFP) at its meeting of February 15, 2011. The Town Council discussed the need for the General Plan update during the January 2011 Strategic Planning session. The General Plan update is a key element of the Strategic Plan.

Recommendation: That the Town Council

- Awards the General Plan Update Contract Services Agreement to _____ in an amount not to exceed \$ _____, authorizing the Town Manager to negotiate the final contract sum and scope of services within the not to exceed amount, and authorizing the Mayor, Town Manager, and Town Attorney to sign the Agreement.
- Amend the Fiscal Year 2010-11 Adopted Budget by appropriating \$450,000 of General Fund Reserves to assist in the funding of the General Plan Update.

Executive Summary: The Town's General Plan was adopted in 1995. There have been no updates or major amendments to the General Plan since its adoption, less the State mandated housing element updates and adoption of the Old Town Specific Plan.

A general plan update is commonly a 24 to 30 month process, and costs to complete general plan updates are estimated at approximately \$1.0 million.

Order of Procedure:

Request Staff Report
Request Public Comment

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

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

Council Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (Roll Call Vote)

Discussion: The Town Council authorized the release of the General Plan Update RFP at its meeting of February 7, 2011. A mandatory pre-proposal meeting was held on March 11, 2011.

A total of six proposals were submitted by the April 7, 2011 deadline established in the RFP. The submitting firms include the following.

- Terra Nova Planning and Research, Palm Desert, CA
- The Planning Center, Costa Mesa, CA
- Hogle-Ireland, Inc., Riverside, CA
- RBF Inc., Irvine, CA
- Golder Associates, Irvine, CA
- The Altum Group, Palm Desert CA

The proposals have been reviewed internally by the General Plan Proposal Review Committee, consisting of the following:

- Deputy Town Manager
- Administrative Services Director
- Town Manager
- Community Services Director
- Associate Planner
- Town Engineer

The General Plan Proposal Review Committee was unanimous in their selection of three firms to be interviewed prior to the final recommendation being brought forward for Town Council consideration. The finalists included: The Planning Center, Hogle-Ireland, and RBF, Inc. Copies of their proposals are on file with the Town Clerk.

Interviews are scheduled for Thursday, June 16, 2011. A revised Staff Report will be prepared following the interview process and distributed to the Town Council on Monday, June 20, 2011.

Attached to this Staff Report is the Request for Qualifications/Proposals for the Yucca Valley General Plan update. The RFQ/RFP establishes the scope, content, and timeline for completion of the update.

The project includes broad based public participation throughout the process. The first activity associated with the project is a comprehensive Visioning process that will include considerable outreach, a statistically valid survey, and consensus building. The

primary focus of the update is the Land Use Plan and Element, which are the basis for update. The focus areas of Old Town, East End, and Mid-Town are identified for specific evaluations and recommendations in this process. Additionally, the Town's industrial land use designations are identified for analysis and recommendations for potential land use changes.

A general plan advisory committee is recommended to be formed following identification of the preferred land use plan (year 2 of the project). The general plan advisory committee will review the draft plan and its elements and forward recommendations to the Planning Commission for consideration.

Financing of the General Plan Update project's \$1.0 million budget will be provided primarily by the General Fund and the Yucca Valley Redevelopment Agency, in approximately equal amounts. Additionally funding in lesser amounts may be provided by other special revenue funds as appropriate.

Alternatives: Staff recommends no alternative actions.

Fiscal impact: General Plan updates and accompanying environmental documentation are estimated at approximately \$1.0 million. Proposal cost as submitted by the three firms selected for interviews, including optional tasks, range from \$949,855 to \$1,082,620. The recommended action will allocate \$450,000 from General Fund Undesignated Reserves and establish the General Plan Update project 001 50 50 8xxx within the General Fund. The remaining funding for the General Plan Update will come from the Yucca Valley Redevelopment Agency and potentially other special revenue funds.

Attachments: RFQ/RFP

RESOLUTION NO. 11-

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

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

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

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

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

Section 1. Amend the Fiscal Year 2010-11 General Fund budget by appropriating \$450,000 of General Fund – Undesignated Reserves to the General Fund Planning Budget line item 001 50 50 8xxx – General Plan Update.

APPROVED AND ADOPTED THIS 21st day of June, 2011.

MAYOR

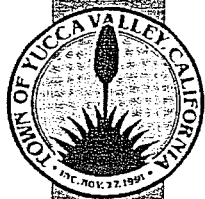
ATTEST:

TOWN CLERK

TOWN OF YUCCA VALLEY
REQUEST FOR QUALIFICATIONS/PROPOSALS

PLANNING SERVICES
FOR
YUCCA VALLEY GENERAL PLAN UPDATE

COMMUNITY DEVELOPMENT DEPARTMENT
58928 BUSINESS CENTER DRIVE
YUCCA VALLEY, CA 92284



The Town of
Yucca Valley

COMMUNITY DEVELOPMENT/PUBLIC WORKS DEPARTMENT
58928 Business Center Dr.
Yucca Valley General Plan Update RFP
Yucca Valley, California 92284

Planning
(760) 369-6575
Public Works
(760) 369-6579
Building and Safety
(760) 365-0099
Code Compliance
(760) 369-6575
Engineering
(760) 369-6575
Animal Control
(760) 369-7207

TOWN OF YUCCA VALLEY· REQUEST FOR QUALIFICATIONS/PROPOSALS
PLANNING SERVICES
YUCCA VALLEY GENERAL PLAN UPDATE

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PROPOSALS DUE BY 4:00 PM, April 7, 2011.

Deliver to: Jamie Anderson, Town Clerk
Town of Yucca Valley
57090 29 Palms Highway
Yucca Valley, CA 92284

MANDATORY PRE-PROPOSAL CONFERENCE:

A **mandatory** pre-proposal conference will be held on March 11, 2011, at: 10:00 AM.

Town of Yucca Valley
Community Center, Yucca Room
57090 29 Palms Highway
Yucca Valley, California
92284

QUESTIONS:

All questions should be directed to Mr. Shane Stueckle, Deputy Town Manager at [sstueckle@yucca-valley.org](mailto:ssstueckle@yucca-valley.org) . All questions will be due by 5:00 PM Monday, March 21th, 2011. Answers to all questions will be electronically delivered to all pre-proposal conference attendees by Monday, March 28th, 2011.

I. INTRODUCTION AND BACKGROUND

The Town of Yucca Valley is requesting proposals from experienced planning firms for the preparation of a comprehensive General Plan update and associated environmental documentation. The General Plan was last updated in 1995, with the exception of the Housing Element, which was updated in 2009. The requested General Plan update will provide long term development policy that is internally consistent, ensures maximum defensibility and is responsive to community concerns. The process and final document will be clear, concise, and will also provide the Town with the most current technology that will make the General Plan accessible to the general public. The project shall be completed within two calendar years.

The Town of Yucca Valley is located in San Bernardino County, approximately 20 miles north of Interstate 10 on State Route 62. The intersection of State Route 62 and State Route 247 is identified as approximately the center of the Town of Yucca Valley.

The Town of Yucca Valley encompasses approximately 39 square miles. The Town is predominately a low density residential rural community, with approximately 86 percent of the Town designated and zoned for single family residential development. Commercial zoning and land use abuts State Route 62, and several industrial zoning districts are scattered throughout the Town. Joshua Tree National Park abuts the Town's southern boundary. The two closest incorporated communities are the City of Twentynine Palms and the City of Desert Hot Springs.

The Town adopted its General Plan in 1995. The Town adopted the San Bernardino County Development Code at the time of incorporation (November 27, 1991), and has amended the County Development Code numerous times since incorporation. A comprehensive update to the Town's Development Code is currently underway.

The Town of Yucca Valley, with a population of approximately 22,000, is a General Law town, incorporated on November 27, 1991, and operates under the Council/Manager form of government. Yucca Valley is a contract Town providing Administration, Community Development, Community Services, including Animal Care and Control, and Public Works with a staff of approximately 43 FTE's. Fire and water/sewer services are provided by special districts. Police services are provided through contract with the San Bernardino County Sheriff's Department. Public transit is provided by the Morongo Basin Transit Authority. Library and Senior Services are provided by San Bernardino County.

II. STATUS OF THE CURRENT GENERAL PLAN

The Town of Yucca Valley's General Plan is in need of a comprehensive update. The General Plan was last updated in 1995. The Housing Element was updated outside of this process in 2009. The General Plan is not currently organized around the seven mandatory General Plan Elements. The General Plan is currently organized into the following chapters:

- 1.0 Introduction
- 2.0 Administration & Implementation
- 3.0 Community Development
- 4.0 Environmental Resources
- 5.0 Environmental Hazards
- 6.0 Public Services & Facilities
- 7.0 Glossary
- 8.0 Appendices
- 9.0 Implementation Strategies

While the General Plan is functional in its current format, one of the primary goals of the consultant's work on this project will be to reorganize the General Plan based on the seven mandatory General Plan Elements: Land Use, Housing, Circulation, Open Space, Conservation, Noise and Safety. In addition, the 2009 Housing Element must be incorporated into the overall document.

Despite the recent approval of various planning documents over the past several years, the General Plan must be updated to meet the changing needs of the community and address shifts in development patterns throughout the Town and region. The General Plan must establish the blueprint for development in the Town by refocusing overall goals and policies to meet changing trends. The General Plan must comply with Sustainable Communities Strategies, as mandated by SB 375 and Regional Planning activities endorsed by the Southern California Association of Governments (SCAG).

III. SCOPE OF SERVICES

The Town of Yucca Valley is requesting proposals for professional planning services to provide a comprehensive update to the General Plan, heavily focused on the Land Use Element. In addition, an Environmental Impact Report or other environmental documentation is required to evaluate the changes recommended through the General Plan process.

The following is a general description of the anticipated project components. The project components should be viewed as somewhat flexible in terms of their scope and order of completion.

A. DEVELOP A COMMUNITY PARTICIPATION PROGRAM

The Town of Yucca Valley intends to provide many opportunities for community involvement. The consultant will be expected to develop a community outreach and participation program for Town review and approval that will facilitate public involvement throughout the entire process, from the initial review of the General Plan to public hearings. The Town anticipates engaging stakeholders throughout the duration of the project.

In addition, the Town of Yucca Valley is seeking ways to solicit input from a broad segment of the community in the process. The Town is interested in creative approaches the consultant can offer to meet the goal of Town-wide participation. This may include community workshops, "town hall" style meetings, tele-Town Hall meetings, design charettes, mailed information, surveys, focused topical meetings, and events with stakeholders. In this process, the Town desires to obtain results from a statistically valid survey instrument. The consultants shall identify and specify the methods by which this shall be accomplished. The Town and the selected consultant will coordinate the preparation of the issues, concerns and questions to be included in the survey instrument.

While consultants are encouraged to identify and propose methods of facilitating high levels of public participation throughout this process, including the Visioning process identified below and the number of public meetings conducted to complete these tasks, the following identifies a general outline of minimum anticipated outreach meetings, public workshops, and Planning Commission and Town Council meetings and hearings. The Town anticipates the formation of a General Plan Advisory Committee following completion of the Visioning process, the Community Participation process, and following the identification of the preferred land use plan alternative. The Town anticipates the General Plan Advisory Committee to participate in the review and recommendations of Draft General Plan elements and associated information to the Planning Commission and Town Council.

Public Participation and Visioning:

Between 4 and 8 Community Outreach meetings.

Identification of Preferred Land Use Plan

Public Workshops: 2

Planning Commission Meetings: 2

Town Council Meetings: 1

General Plan Advisory Committee Meetings:

Between 3 and 5 Workshop Meetings for review and Recommendation of Draft General Plan Elements:

General Plan Adoption Hearings:

Planning Commission: 3 Adoption Hearings

Town Council: 2 Adoption Hearings

The proposal shall identify the specific number and category or purpose of meetings based upon the above guidance.

Community Vision:

The Town desires to complete a community-wide visioning process within an anticipated timeline of approximately 6 months. The process must include extensive, diverse and effective engagement of the public and other key stakeholders within the community. The intended outcomes include identifying and analyzing demographics, emerging development trends and community issues, articulating core community values, developing general community vision based on the community's core values, establishing a vision action plan to implement the vision and defining a method to revisit and update the vision and vision action plan.

The Town is seeking a consultant team with sufficient experience to work quickly in a collaborative framework with other team members, the public, citizen ad-hoc committees, business and industry representatives, service clubs, non-profit organization and school and Town elected officials and staff. The visioning process must include extensive and sustained public involvement activities, including innovative outreach efforts through various approaches toward the goal of engaging a broad and deep cross section of the community.

The Town is looking for a blend of involvement and collaborative approaches that will engage those community members that typically are not engaged in civic or community dialogue. Such approaches could include, for example, workshops, citizen polling, consensus building, participatory decision-making, focus groups, small "coffee-klatch" gatherings in citizen's homes, personal interviews, engagement at community events, youth, church group or other target group outreach activities, opinion surveys, mailings, media coverage, Town-wide newsletter, interactive use of a project web site, town hall meetings, vision fairs and other techniques.

It is the Town's expectation that the Vision document that results from this process will be a marriage between what is wanted by the community and what is likely supported by the development community / economic trends.

B. REVIEW EXISTING CONDITIONS AND DATA

The consultant will be expected to research all pertinent resources and plans available at the Town and available for the region, and interface on a regular basis with Town staff in compiling an initial inventory and database of existing conditions and significant trends. The Town has undertaken master planning processes and has concluded some significant planning efforts over the past several years. The Town expects the selected consultant to include the data from these reports as appropriate in the inventory of conditions and trends.

The consultant shall conduct a thorough review and analysis of land use, environmental, fiscal, social, educational, cultural, political, and economic factors so as to gain an understanding of the important trends and issues that have a bearing on the Town's future. In addition to reviewing existing data, the consultant will be expected to compile additional data as necessary based on field research or other required research. The work plan shall identify the types of data and technical studies to be prepared, which shall include but not be limited to maps, illustrations, photos, or other supporting visuals and a summary of the following:

- General land use and growth patterns
- Open space, recreation, schools, libraries, and cultural, civic, and park facilities
- Housing, population, demographic and socio-economic characteristics
- Economic conditions and factors
- Local business conditions, including recent commercial and industrial development trends
- Any other data deemed relevant to complete the project

In terms of existing information, the Town will provide a number of background documents and resources for use of the Consultant. The following documents will be available for review and use:

- Yucca Valley General Plan (1995)
- General Plan Housing Element (2009)
- Yucca Valley General Plan Environmental Impact Report (1995)
- Yucca Valley Municipal Code
- Parks and Recreation Master Plan (2008)
- Public Facilities Master Plan (2008)
- Master Plan of Drainage (1999)
- Yucca Valley Airport Comprehensive Land Use Plan (1992)
- Old Town Specific Plan and Environmental Impact Report (2007)
- Home Depot Specific Plan and Environmental Impact Report (2006)
- Super Wal-Mart Specific Plan and Environmental Impact Report (2009)

The following link provides information regarding the efforts of the Morongo Basin Open Space Group. The Morongo Basin Open Space Group is a collaborative effort of agencies, non-profits, and private individuals in the Morongo Basin working towards the development of open space plans and related planning efforts Basin-wide. <http://morongobasinopenspacegroup.camp7.org/>

C. PREPARATION OF DRAFT GENERAL PLAN ELEMENTS:

A key overall component of the project is the reorganization and reformatting of the existing General Plan into a cohesive, user-friendly document that is organized around the seven mandatory Elements. Much of the information in the existing General Plan can be reorganized to achieve this goal. Using public input and background research, the consultant shall develop a series of policy recommendations for each element to be considered for incorporation into the updated General Plan.

Elements shall conform to all legal requirements and to the most current General Plan Guidelines prepared by the State Office of Planning and Research. Each draft Element shall be internally consistent with the balance of the General Plan. Goals, objectives, policies, and implementation measures shall be stated clearly and in a manner easily understood by the general public.

Proposals should discuss the recommended format of the General Plan in depth, including the types of exhibits, maps, and other graphics envisioned. One of the key components of the final product will be to make it available on compact disc, via the Internet for ease of access and search, and shall be available on the Town's Web Page.

The expected work program for each of the mandatory Elements is described below.

Land Use Element

This is the General Plan Element that requires the most attention. In addition to updating this Element in terms of goals, objectives, and format, the Land Use Element needs to be carefully integrated with both the Housing and Circulation Elements. Some of the key issues that need to be addressed are land use designations, intensities of residential development in multi-family areas and/or commercial areas, floor area ratios for commercial and industrial development, and additional detail on "opportunity sites or areas" for mixed use commercial and residential development.

Land Use Element Focus Areas: There are three focus areas that the Town desires to evaluate and incorporate into the updated General Plan. These include the following.

Old Town: The Town adopted the Old Town Specific Plan and Environmental Impact Report in December 2007. This area is located on both sides of SR 62, between approximately Kickapoo Trail and Church Street. The Town desires to continue into the future with the general vision established in the Old Town Specific Plan, while evaluating opportunities to expand its boundaries further north and south, including the Blue Skies Golf Course and surrounding Country Club neighborhood. This effort should also include assessment of potential land use changes that may result from circulation alternatives around the Old Town planning area.

Mid-Town: The Mid-Town area includes development patterns spanning from the 1970s to today. This area is generally located both north and south of SR 62, between Warren Vista Avenue and Palm Avenue. The Town desires this project to evaluate the potential for mixed use development, while implementing sustainable community's strategies. Additionally, this area includes a number of public and quasi-public facilities including the Town Hall/Community Center, including the Senior Center, Library, and the Hi Desert Nature Museum; Yucca Valley High School; the Yucca Valley Airport; California Welcome Center/Chamber of Commerce; and County Government offices. The Town has submitted this planning activity for consideration by the SCAG COMPASS Blueprint program. If awarded, this General Plan effort would need to integrate with that effort.

East Side: New commercial development continues to move east along SR 62. The East Side area is located between approximately Warren Vista Avenue and the eastern Town boundary of La Contenta/Yucca Mesa Road. This area contains the Town's larger commercial development including the Home Depot and the upcoming Super-Wal-Mart Center, and also includes the proposed Hi Desert Water District wastewater treatment facility site. This area also contains a significant amount of land designated and zoned for Industrial use. This project shall address land use designations and compatibility while evaluating

opportunities for expanded commercial and mixed use development within this area.

Low Density, Rural Character: Moving north and south from SR 62, the Town has several neighborhoods characterized by low density and “rural” characteristics and lifestyles, including neighborhoods which abut Joshua Tree National Park. While this project will address mixed use development and increased densities in the three primary focus areas identified in this RFQ/RFP, this project will also address the preservation of low density “rural” neighborhoods. The Town of Yucca Valley is interested in preserving these single-family neighborhoods and the Land Use Element must include policies that achieve this goal. There are also several areas of conflict between rural neighborhoods and properties that have historically been zoned industrial. This project should develop transition strategies to ensure adequate buffers between these types of use.

The Land Use Element is the most important component of the GP because this Element designates the type, intensity, and general distribution of uses of the land for housing, business, industry, open-space, public facilities, and other categories of public and private uses.

The consultant will also be required to integrate specific plan areas into the element. Specific issues/work products to be updated and revised in this element include but are not limited to:

- An inventory of undeveloped and under-developed parcels by zone with accompanying maps.
- A complete description of GP land use designations and zoning designations including acreages, number of parcels and comparison to acreages in previous years
- An estimate of population and housing based on land use/ zoning designations, using SCAG forecasts and other reliable sources
- A description of community facilities including schools, hospitals, public works facilities and transit facilities.
- A description of the implementation of the Land Use Element through the zoning regulations, specific plan areas, and redevelopment project areas.
- Diagrams and descriptions to specific sites which may be designated for a course of action through redevelopment, changes in land use designations or a course of action to be undertaken on a macro level.
- A description of goals, objectives and programs.
- A list of parcels which may require either a general plan amendment or zone change as a result of changes made within the Land Use Element
- An analysis of floor area ratio's for each of the Land Use classifications
- Analyze and identify areas for mixed land use developments (commercial/residential)

- Implementation of the Global Warming Solution Act of 2006 (AB 32) Climate Action Plan
- Implementation of Sustainable Communities Strategy (SB 375)

It is anticipated that a preferred land use alternatives will be developed within 6 months following the Visioning process.

Housing Element

The Housing Element was last updated in 2009 and this project shall incorporate the 2009 Housing Element into the pertinent Elements of the General Plan Update.

- **Optional Task: Housing Element Update for 2014 Cycle:** The Town is requesting an Optional Task for the Housing Element update that will be necessary for the next required Housing Element Update Cycle in 2014. All efforts and costs related to this Optional Task shall clearly be identified within the proposed work program and cost proposal as Optional Task 1.

Optional Housing Element, 2014

The purpose of the Housing element is to facilitate the improvement and development of housing in order to make adequate provision for the housing needs of all economic segments of the community. The Housing element shall include a Town profile and assessment of the Town's population, housing characteristics, employment trend and special housing needs. The Needs Assessment also includes the Town's share of the Regional Housing Needs. The element shall also discuss availability of suitable sites for residential construction, opportunities for recycling/rezoning, redevelopment, as well as financial resources for the development of housing. Government and non-government constraints upon the development, improvement or maintenance of housing, including construction costs, government regulations, financial costs, permit fees, regional constraints, etc. Review of existing housing program including a progress report and discussion of the overall effectiveness of the housing element, and the established goals and programs. The establishment or modification of goals and policies relative to the development, improvement and preservation of housing shall be included. The element shall also include the Five Year Housing Program listing the programs that will be undertaken during the 5 years of the Housing element to address housing needs in the community. Citizen Participation shall be identified including any oral or written comments received during the review period and at the Planning Commission and Town Council public hearings.

Circulation Element

The Circulation Element will be updated in association with the Land Use Element. The Circulation Element needs to include new and updated level of

service (LOS) policies, and other long-range transportation, transit, and pedestrian policies. The update to the Circulation element must be coordinated with San Bernardino Associated Governments' preparation, development, and update to the County-wide transportation model, specifically for the Morongo Basin. The update to the Circulation element must also be coordinated with Riverside County transportation planning due to SR 62 connecting Yucca Valley to Interstate 10, passing through a portion of Riverside County.

Recent traffic and circulation information from the Old Town Specific Plan/EIR, Home Depot Specific Plan/EIR, and Super Wal-Mart Specific Plan/EIR are available to assist in this process.

Traffic circulation is a very important issue to be considered for this project. The update will require comprehensive analysis that accurately predicts future traffic volumes on all the major Town roadways. This analysis will review the existing traffic volumes and patterns, and will consider the necessary infrastructure to accommodate the projected new and cumulative vehicles trips.

The traffic analysis needs to be broad in scope to address the Town's traffic issues at a regional level as well as detailed to identify site specific traffic flow and circulation projected conditions. A traffic model that can accurately make traffic projections should assist in the design of intersection geometrics and other critical turning movements. The traffic model must be coordinated and incorporated with San Bernardino Associated Governments transportation model and/or modeling system.

Old Town Specific Plan: SR 62 Realignment Alternatives:

The update to the Circulation Element will include the reevaluation of the Old Town Specific Plan, preferred alternative for the realignment of SR 62 around Old Town. Four alternatives were evaluated at various levels during the Old Town planning process. The Town desires to reevaluate several of those alternatives as a part of this project.

Since the circulation element is one of the most complex planning components of the update, there are a number of relevant issues that must to be considered. These issues included: major thoroughfares, transportation routes, and other local public facilities. Other transportation topics that should be considered during the update process include but are not limited to the following:

- Roadway Classification System including digital illustrations of right-of-way requirements and cross section of each type of street
- Service Level Objectives for each roadway classification and how they relate to the Floor Area Ratios (FAR) in the Land Use element
- Description of Circulation System deficiencies

- Existing and projected roadway conditions including regional growth as projected by SCAG's 2012 Regional Transportation Plan and Growth Forecast
- Identification and discussion of other regional transportation issues, studies and programs.
- Discussion of Public Transit Service (e.g. bus routes, stops and terminals, etc.) and future needs.
- Discussion of bicycle, trails, and pedestrian routes and facilities including future demands.
- Discussion of truck routes and future demands
- Discussion of Transportation Demand Management (e.g. car pooling, van pooling, bus service, transit terminal) systems
- Discussion of emergency evacuation routes
- Discussion of other Infrastructure issues including Energy and Communications
- Implementation of the Global Warming Solution Act of 2006 (AB 32) Climate Action Plan
- Implementation of Sustainable Communities Strategy (SB 375)
- Implementation of Complete Street Act of 2008

The update will need to ensure that the circulation element corresponds directly with the Land Use Element. The circulation element also has direct relationships with the housing, open-space, noise and safety elements which will need to be compatible and consistent as a result of the update process.

Open Space Element:

The Open Space Element should be developed using existing goals, policies, and objectives from the General Plan in addition to new goals and objectives developed through community input and research. In addition, the Town recently completed an update to its Parks and Recreation Master Plan. The open space component details plans and measures for preserving and managing natural resources, as well as outdoor recreation.

Specific issues that should be considered with the update and revised in this Element include but are not limited to:

- The preservation of natural resource areas that require the preservation of sensitive or endangered ecological areas; and watersheds.
- The managed production of resources such as areas for recharge of ground water basins.
- The review of outdoor recreation consisting of areas that provide: outstanding scenic, historic and cultural value; that are suited for park and recreation purposes; and that serve as links between major recreation and open-space reservations, including utility easements, trails, and scenic highway corridors.

- The production of digital maps depicting the Town's planned trail system and current open space resources.

This element will need to be revised to ensure that the Goals and Policies are consistent with current State Guidelines and ensure that this element reflects the Town's vision. The update will ensure that this element is consistent with the other elements such as Land Use.

Options for incorporating open spaces into new developments should also be explored.

Conservation Element

The Conservation Element should be developed using existing goals, policies, and objectives from the General Plan in addition to new goals and objectives developed through community input and research.

The Town is interested in incorporating goals into the Conservation Element on Green Building programs and/or incentives as well as general environmental stewardship. Goals related to energy and water provision and conservation are important as are policies related to storm water. Air quality policies both locally and regionally are important to the Town as is coordination with the Mojave Desert Air Quality Management District (MDAQMD). Air quality policies could be included in the Conservation Element or throughout the document as they relate to other Elements. In addition, the urban forest is very important to the Town of Yucca Valley and goals related to street trees and tree preservation in general should be considered.

The element should be updated to reflect changes affecting significant or noteworthy resources within the planning area including water and watersheds, wildlife habitat, soils, and minerals. The element is to include a discussion of climate change and the utilization of "green" technology within the community to reduce the "carbon footprint" on the environment taking into consideration a cost benefit approach.

Specific issues that may need to be updated and revised in this element include but are not limited to:

- Soil conditions
- Substructure and drainage
- Geotechnical effects
- Wastewater and Treatment Facilities
- Implementation of the Global Warming Solution Act of 2006 (AB 32)
- Implementation of Sustainable Communities Strategy (SB 375)
- Minimize changes in hydrology and pollutant loading; require incorporation of control, including structural and non-structural BMPs, to mitigate the

projected increases in pollutant loads and flows; ensure that post development runoff rates and velocities from a site have no significant adverse impact on downstream erosion and stream habitat; minimize the quality of storm water directed to impermeable surfaces (municipal storm drain); and maximize the percentage of permeable surfaces to allow more percolation of storm water into the ground.

- Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site.
- Establish development guidelines for areas particularly susceptible to erosion and sediment loss

Noise Element

The Noise Element should be developed using existing goals, policies, and objectives from the General Plan in addition to new goals and objectives developed through community input and research. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels. The Noise Element is to be used to guide decisions concerning land use and the location of new roads and other new noise generating sources that are commonly sources of excessive noise levels

- Highways
- Primary arterials and major local streets
- Local industrial operations
- Other ground stationary noise sources
- Residential areas for single family and multi-family
- Sensitive receptors including hospitals, convalescent homes, schools, churches, as well as wildlife habitat

Noise contours should be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours should be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified above. The noise contours should be used as a guide for establishing a pattern of land uses in the Land Use Element that minimizes the exposure of community residents to excessive noise.

The noise element shall include implementation measures and possible solutions that address existing and future noise problems. In addition, the policies and standards must be sufficient to serve as a guideline for compliance with sound transmission control requirements. An adopted noise element should act as a guideline for compliance with the State's noise insulation standards.

Safety Element

The Safety Element should be developed using existing goals, policies, and objectives from the General Plan in addition to new goals and objectives developed through community input and research. The Element should include information from the Town's Emergency Operations Plan and Draft Hazard Mitigation Plan.

The safety element should address the following issues related to protecting the community from any unreasonable risks associated with:

- Seismically induced surface rupture, ground shaking, and ground failure
- Slope instability
- Subsidence, liquefaction, and other seismic hazards identified on seismic hazard maps
- Other known geologic hazards
- Flooding
- Wild land and urban fires
- Fire and geologic hazards
- Evacuation routes and signage
- Evacuation of individuals with disabilities
- Evacuation of pets
- Peak load water supply requirements
- Minimum road widths and turnouts
- Clearance around structures
- Police protection
- Fire protection

The safety element should include a map(s) that identify known seismic and other geologic hazards.

The update of the Safety Element will ensure that the element's goals and policies are consistent with current State General Plan Guidelines and that this element reflects the safe development of the Town in the future.

The update of this element should consider: policies to minimize the loss of property and life as result of earthquakes, identifying flood hazard areas and establish policies that will avoid unreasonable flood risks, identifying residential areas that are prone to wild land fire hazards, the identification of hazards and hazard abatement measures, general hazard and risk reduction strategies and policies supporting hazard mitigation measures, policies that address the identification of hazards, policies for emergency response, as well as mitigation through avoidance of hazards in new projects and reduction of risk in developed areas. The update should consider and be compatible with the Town's adopted Emergency Management Plan.

The safety element overlaps topics also mandated in the land use, conservation, and open space elements. The State General Plan Guidelines suggest

addressing these common topics in a single place rather than in different elements of the General Plan. The update should provide that this element is consistent with the other elements such as Land Use.

D. FINAL GENERAL PLAN

A Final General Plan incorporating all changes adopted by the Planning Commission and Town Council shall be provided to the Town.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The scope of services includes the preparation, completion and submittal of all required CEQA documents. It is anticipated that this project will require an Environmental Impact Report (EIR) due to projected modifications to the Town's build-out potential and other alterations. However, it is possible another form of CEQA compliance may be acceptable. The consultant shall prepare all notices, consult with affected agencies, prepare technical studies as necessary, and prepare the Administrative Draft, Draft, and Final EIR (or other CEQA documentation) along with any associated Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations, if necessary.

IV. PROPOSAL CONTENT/FORMAT

The Consultant shall submit a Proposal that addresses the Scope of Services outlined in Section III. The proposal shall include a separate cost estimate. Proposals shall be sealed and marked on the outside of the envelope: "TOWN OF YUCCA VALLEY GENERAL PLAN UPDATE PROPOSAL" with the name of the firm. A cost proposal shall be submitted in a separate envelope marked "YUCCA VALLEY GENERAL PLAN UPDATE-COST PROPOSAL". Consultants shall submit six (6) copies of the Proposal and one copy of the Cost Proposal. Proposals shall also be submitted in Word 1997-2003 on CD.

Proposals shall include the information identified below. The following describes specific components that should be included in the scope of work. The Town is open to suggestions and recommendations other than those listed here which would be of value to producing a General Plan that reflects Yucca Valley's characteristics.

- Name and address of firm (Please include address of local office if applicable.)
- Resumes and experience of Principal(s) of firm and identified project manager; total number of staff in firm (indicate number in local office if more than one office).
- Proposals shall be prepared in Word 1997-2003, and the proposal submitted will include the proposal on CD. The technical proposal shall be limited to a maximum of 30 printed pages (30 single side printed, 15 double sided printed). Minimum font size of 12 shall be used. Resumes and reference materials will not be counted in the 30 page material limit.
- Prepare a detailed work program for the General Plan update, including detailed schedules of dates and activities. The General Plan update should take into consideration upcoming deadlines for the adoption of the Sustainable Communities Strategies currently being led and coordinated by San Bernardino Associated Governments, the 2012 Regional Transportation Plan and Growth Forecast, the Regional Housing Need Assessment, and the 2010 United States Census.
- Experience of firm in providing requested scope of services, specifically referencing experience in completion of General Plans and Environmental Impact Reports for similar cities or jurisdictions. Provide contact person/representative for each project listed who can provide information regarding the firm's work. This is especially important of projects completed by the identified project manager, even if they were completed with a different firm.
- A list of current projects the firm is involved with and other projects and references that the firm believes would address qualifications for this assignment.
- A list of all subcontractors the Consultant proposes to utilize on this project. Identify the roles and responsibilities each team member will have.

Identify the key personnel who will be assigned to this project and a description of their responsibilities. Also, list recent projects on which principal staff have worked and describe their responsibilities. Town reserves the right to approve or reject any subcontractor proposed by the Consultant for this project. After the proposal deadline, substitution of consultants may only be made with permission of the Town. Identify experience of consultant and provide a list of relevant projects/references demonstrating their qualifications for this work.

- General Proposal Terms and Conditions are attached to this RFP; submittal of a proposal by Consultant signifies Consultant understands, and will abide by, these Terms and Conditions.
- Exceptions - The Town reserves the right to grant exceptions to the RFP. However, Consultant must note any exceptions, and the reasons, in his/her proposal.
- Methodology Proposed - The proposal shall include a narrative describing the procedure and methodology recommended to meet the stated objectives of the Town and the identified scope of services. Key portions of the methodology must include the recommended citizen participation process, timing of how the optional Housing Element (with a State mandated completion date) is integrated into the overall General Plan update, and how the EIR and the specific CEQA requirements will be integrated with the project timeline.
- Optional Task: Housing Element Update for 2014 Cycle: The Town is requesting an Optional Task for the Housing Element update that will be necessary for the next required Housing Element Update Cycle in 2014. All efforts and costs related to this Optional Task shall clearly be identified within the proposed work program and cost proposal as Optional Task 1.

Optional Housing Element, 2014

The purpose of the Housing element is to facilitate the improvement and development of housing in order to make adequate provision for the housing needs of all economic segments of the community. The Housing element shall include a Town profile and assessment of the Town's population, housing characteristics, employment trend and special housing needs. The Needs Assessment also includes the Town's share of the Regional Housing Needs. The element shall also discuss availability of suitable sites for residential construction, opportunities for recycling/rezoning, redevelopment, as well as financial resources for the development of housing. Government and non-government constraints upon the development, improvement or maintenance of housing, including construction costs, government regulations, financial costs, permit fees, regional constraints, etc. Review of existing housing program including a progress report and discussion of the overall effectiveness of the housing element, and the established goals and programs. The establishment or modification of goals and policies relative to the development, improvement and preservation of housing shall be included. The element shall also include the Five Year Housing Program listing the

programs that will be undertaken during the 5 years of the Housing element to address housing needs in the community. Citizen Participation shall be identified including any oral or written comments received during the review period and at the Planning Commission and Town Council public hearings.

- Number and Types of Products - The proposal should indicate the maximum number and types of products to be provided to the Town. The Town requests a minimum of twenty (20) hardcopies of the Draft General Plan Elements, Administrative Draft, Draft, and Final EIR and Final General Plan as well as twenty (20) CD-ROM copies and a reproducible PDF copy of each document. This includes all graphics, maps, and technical appendices produced. Note: This number of copies is preliminary and may be adjusted as necessary.
- Project Schedule - The proposal shall indicate a logical breakdown of project tasks and completion deadlines. It should be designed to provide time for staff input, community participation, and public hearings with both the Planning Commission and Town Council. While the Town is looking for a 24 month completion, applicants are encouraged to propose strategies for shortening this timeline.
- Staff & Consultant Project Meetings: The proposal shall identify the number and frequency of recommended meetings that will be designed to keep the project on or ahead of schedule.
- Cost Proposal - The proposal shall include a project cost to complete the scope of services identified and the methodology proposed. In addition to the proposed project cost, the consultant shall provide a schedule of hourly billing rates for the various levels of staff who may participate in the project, should the need for extra services arise. The Cost Proposal shall provide a List of Deliverables and Cost per Deliverable. The Town prefers to reimburse for completed deliverables, allowing for a 10% retention amount until major milestones are completed. The Cost Proposal shall be provided in a separate envelope from the overall proposal.
- State the approach you will use on this project, including the following information:
 - a. Overall approach to the project.
 - b. Scope of work
 - c. Project Schedule
 - d. Project Management
 - e. Provide a project budget broken down by objective, function, and consultant, work phases. Indicate hourly rates of individuals involved and the fee structure for additional work outside of contract. This information should be written so that it may be incorporated, as modified during the contract negotiation meetings, as an attachment to the consultant agreement

Visioning & Public Participation Process:

The consultants shall identify the specific approach and number of meetings required to implement the Visioning and Community Participation processes identified in this RFQ/RFP. While consultants are encouraged to identify and propose methods of facilitating high levels of public participation throughout this process, including the Visioning process identified and the number of public meetings conducted to complete these tasks, the following identifies a general outline of anticipated outreach meeting, public workshops, and Planning Commission and Town Council meeting and hearings. The Town anticipates the formation of a General Plan Advisory Committee following completion of the Visioning process, the Community Participation process, and following the identification of the preferred land use plan alternative. The Town anticipates the General Plan Advisory Committee to participate in the review and recommendations of Draft General Plan elements and associated information to the Planning Commission and Town Council. The proposal shall identify all meetings necessary for the General Plan and environmental review and hearing processes.

Community Participation and Visioning:

Between 4 and 8 Community Outreach meetings.

Identification of Preferred Land Use Plan

Public Workshops:	2
Planning Commission Meetings:	2
Town Council Meetings:	1

General Plan Advisory Committee Meetings:

Between 3 and 5 Workshop Meetings for review and recommendation of Draft General Plan Elements:

General Plan Adoption Hearings:

Planning Commission: 3 Adoption Hearings
Town Council: 2 Adoption Hearings

The following identifies the level and types of deliverables anticipated with the General Plan project. The consultant shall identify all deliverables within the proposal. Electronic copies shall be provided on CD in 1997-2003 word for all documents.

- All maps and related documents shall be prepared utilizing the Arc View 10 system unless otherwise noted. Consultants shall ensure compatibility with SCAG, San Bag, San Bernardino County, and other commonly used GIS data bases.
- Provide internet-ready material of all work generated as it becomes available.

- Provide a general plan "administrative proof document" to be used for reproduction and tracking updates.
- Provide an internet-ready General Plan document (including maps).
- Integrate all elements into one General Plan document with uniform text layout and format.
- Work with staff to identify inconsistencies between the updated General Plan and the Municipal Code and recommend a list of programs to ensure consistency with General Plan goals and programs or to be implemented.
- Provide updated Zoning Map with established Overlay Zones, approved Specific Plans, and approved Planned Developments.
- Two rounds of review for each of the GP elements and technical reports (5 copies)
- Review of the final version of the GP elements and technical reports (5 copies)
- Two rounds of review of the preliminary draft GP (5 copies)
- Review of final version of the draft GP (5 copies)
- Submittal of 20 copies of the final version of the draft GP for Town Council and Planning Commission hearings.
- Submittal of adopted GP (20 copies + 1 camera ready copy)
- Two rounds of review of the screen check draft Initial Study (IS) and Notice of Preparation (NOP) (5 copies)
- Review of final version of the IS and NOP (5 copies)
- Prepare distribution list of agencies to receive the IS, NOP, and EIR
- Distribute IS, NOP, EIR, and Notice of Determination (ND) to agencies.
- Meeting summary of Public Comments received from the scoping meeting
- Two rounds of review of the Administrative Draft EIR (5 copies)
- Review of the final version of approved Draft EIR (5 copies)
- Prepare Notice of Availability of the Draft EIR
- Two rounds of review of the Draft Responses to Comments (5 copies)
- Review of final version of the approved Responses to Comments (5 copies)
- Distribute Response to Comment to commenting agencies and individuals
- Submittal of 20 copies of the final version of Response to Comments for Town Council and Planning Commission hearings
- Two rounds of review of the draft Mitigation Monitoring Program (MMP)
- Review of final version of approved MMP
- Submittal of 20 copies of final version of the MMP for Town Council and Planning Commission hearings
- Two rounds of review for the Findings of Fact and Statement of Overriding Consideration (5 copies)
- Review of final version of approved Findings of Fact and Statement of Overriding Consideration (5 copies)

- Submittal of 20 copies of final version of the Findings of Fact and Statement of Overriding Consideration for Town Council and Planning Commission hearings
- Submittal of 5 copies of the Final EIR
- Prepare the ND

For reference, a sample Professional Services Agreement (PSA) is included as Attachment A to this proposal.

V. PROPOSAL EVALUATION AND SELECTION

Proposals, including a separately sealed cost proposal, should be addressed to:

Jamie Anderson, Town Clerk
Town of Yucca Valley
57090 29 Palms Highway
Yucca Valley, CA 92284

and received before

April 7, 2011, 4:00 P.M.

No postmarks or faxes will be accepted after the above date or time.

The Proposal will be evaluated by a Review Committee based on the following criteria:

- Understanding of identified Scope of Services
- Understanding of State requirements for General Plan production and individual Element requirements
- Demonstrated professional skills and credentials of the staff to be assigned to the project and the overall strength of the technical team. The primary or lead consulting team shall demonstrate recent experience in California General Plan updates without sub-consultants assuming the lead role for Draft General Plan and/or Element preparation. This experience may be illustrated by completing three General Plan projects in California in the past 5 years.
- Related experience and demonstrated ability in the development of General Plans and Environmental Impact Reports.
- Creativity of proposed methodology to complete the Scope of Services
- References
- Cost of proposal

The proposals shall be ranked according to the qualification-based selection criteria, including proposed costs. Interviews will be conducted with the top-ranked proposers. The firm ranked as the most qualified to provide the requested services may be invited to negotiate a final agreement. If an agreement is not reached, negotiations may be terminated and commenced with the next most qualified proposer.

The award of contract will be made by the Town Council, based on a combination of all of the above factors. The Town reserves the right to reject all proposals.

The Town is not liable for any costs incurred by the consultant and any sub-consultants in preparing and presenting the proposal.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow
Date: June 16, 2011
For Council Meeting: June 21, 2011

Subject: Approval of the GASB 54 Fund Balance Policy and Resolution

Prior Council Review: None

Recommendation: Move to approve the Fund Balance Policy and Adopt the Resolution approving the Town of Yucca Valley General Fund Emergency Contingency commitment of fund balance for the General Fund.


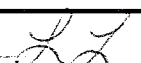


Order of Procedure:

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

Discussion: The Governmental Accounting Standards Board (GASB) has issued its Statement No. 54: Fund Balance Reporting and Governmental Fund Type Definitions. The requirements of this statement are intended to improve financial reporting by providing fund balance categories and classifications that will be more easily understood. The categories are more clearly defined to make the nature and extent of the constraints placed on a government's fund balance more transparent.

Part of the Town's implementation of this statement for Fiscal Year 2010-11 is the formal adoption of a fund balance policy. The policy explains the five components of fund balance and formally delegates to the Administrative Services Director, as required by the statement, the assignment of fund balance for specific purposes for inclusion in the annual financial reports. Prior to GASB Statement No. 54, these amounts were reported by the Administrative Services Director as unreserved and designated and did not require Town Council delegation.

This resolution is the Town Council's formal commitment of an amount of fund balance to be set aside specifically for emergency contingencies defined as a state or federal state of emergency or declaration of a local emergency. The amount is set at

Reviewed By:    

Town Manager Town Attorney Mgmt Services Dept Head

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

\$1,000,000 for Fiscal Year 2011-12. It should be noted that this amount and/or commitment may be changed with the adoption of a new resolution by the affirming vote of three (3) council members.

Fiscal impact: The adoption of this resolution will allow the Town to comply with the requirements of GASB 54. It will not affect the calculation of the ending fund balances. It is only a reclassification on ending fund balances into five possible categories instead of the three categories prior to GASB 54.

Attachments:

Resolution

Fund Balance Policy

RESOLUTION NO. 11-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE TOWN OF YUCCA VALLEY GENERAL FUND EMERGENCY CONTINGENCY RESERVE COMMITMENT OF FUND BALANCE FOR THE GENERAL FUND

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued its Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions with the intent of improving financial reporting by providing fund balance categories that will be more easily understood; and

WHEREAS, the Town Council of the Town of Yucca Valley has considered the Policy entitled Fund Balance Policy which outlines the policy and procedures enacted to accurately categorize and report fund balance in the General Fund; and

WHEREAS, the Administrative Policy entitled Fund Balance Policy provides that the Town Council may commit General Fund balance for specific purposes by taking formal action and these committed amounts cannot be used for any other purpose unless the Town Council removes or changes the specific use through the same formal action taken to establish the commitment; and

WHEREAS, the Director of Administrative Services has recommended to the Town Council that the General Fund Catastrophic Reserve Commitment of General Fund balance be established at \$1,000,000 for Fiscal Year 2010-11;

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

SECTION 1. The Town Council hereby establishes and approves the General Fund Catastrophic Reserve Commitment of General Fund balance of \$1,000,000 for Fiscal Year 2010-11;

SECTION 2. The Town Council has determined that the specific purposes for which the General Fund Catastrophic Reserve Commitment may be used are the declaration of a state or federal state of emergency or a local emergency as declared by the Town Council and these uses may only be changed by approval of a subsequent resolution.

PASSED, APPROVED AND ADOPTED this 21st day of June, 2011.

MAYOR

ATTEST:

TOWN CLERK

Town of Yucca Valley
Fund Balance Policy
June 2011

Policy

This Fund Balance Policy establishes the procedures for reporting unrestricted fund balance in the General Fund financial statements. Certain commitments and assignments of fund balance will help ensure that there will be adequate financial resources to protect the Town against unforeseen circumstances and events such as revenue shortfalls and unanticipated expenditures. The policy also authorizes and directs the Director of Administrative Services to prepare financial reports which accurately categorize fund balance as per Governmental Accounting Standards Board (GASB) Statement No.54, Fund Balance Reporting and Governmental Fund Type Definitions.

PROCEDURES

Fund balance is essentially the difference between the assets and liabilities reported in a governmental fund. There are five separate components of fund balance, each of which identifies the extent to which the Town is bound to honor constraints on the specific purposes for which amounts can be spent.

- Nonspendable fund balance (*inherently nonspendable*)
 - Restricted fund balance (*externally enforceable limitations on use*)
 - Committed fund balance (*self-imposed limitations on use*)
- Assigned fund balance (*limitation resulting from intended use*)
- Unassigned fund balance (*residual net resources*)

The first two components listed above are not addressed in this policy due to the nature of their restrictions. An example of nonspendable fund balance is inventory. Restricted fund balance is either imposed by law or constrained by grantors, contributors, or laws or regulations of other governments, and applies to the Town's Special Revenue Funds. This policy is focused on financial reporting of unrestricted fund balance, or the last three components listed above. These three components are further defined below.

Committed Fund Balance

The Town Council, as the Town's highest level of decision-making authority, may commit fund balance for specific purposes pursuant to constraints imposed by formal actions taken, such as an ordinance or resolution. These committed amounts cannot be used for any other purpose unless the Town Council removes or changes the specified use through the same type of formal action taken to establish the

commitment Town Council action to commit fund balance needs to occur within the fiscal reporting period; however the amount can be determined subsequently.

- Catastrophic Emergency Reserve

The Town's General Fund balance committed for emergency contingencies is established at \$1,000,000. As defined in the resolution establishing this commitment, the specific uses are listed as the declaration of a state or federal state of emergency or a local emergency as declared by the Town Council. The Town Council may, by the affirming vote of three members, change the amount of this commitment and/or the specific uses of these monies.

- Risk Management Reserve

The provisions for the appropriation and use of the Risk Management Reserve are established in the annual budget resolution adopted by Town Council and the amount is recorded as committed fund balance. Upon receipt of the revenues and at the request of the specific department, up to \$50,000 may be appropriated for departmental use with the recommendation of the Director of Administrative Services. Amounts in excess of \$50,000 will require Town Council approval, which may occur through the budget approval process or through individual Town Council actions. Those Risk Management Reserve Revenues not appropriated at fiscal year end are reported as committed fund balance.

Assigned Fund Balance

Amounts that are constrained by the Town's *intent* to be used for specific purposes, but are neither restricted nor committed, should be reported as assigned fund balance. This policy hereby delegates the authority to assign amounts to be used for specific purposes to the Director of Administrative Services for the purpose of reporting these amounts in the annual financial statements. A few examples of assigned fund balance follow.

- Continuing Appropriations

Fund balance levels must be sufficient to meet funding requirements for projects approved in prior years and which must be carried forward into the new fiscal year.

- Debt Service

Established to provide for future debt service obligations.

- Budget Balancing Measures

Funds set aside for the purpose of stabilizing the delivery of Town services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.

Unassigned Fund Balance

These are residual positive net resources of the general fund in excess of what can properly be classified in one of the other four categories.

Fund Balance Classification

The accounting policies of the Town consider restricted fund balance to have been spent first when an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available. Similarly, when an expenditure is incurred for purposes for which amounts in any of the unrestricted classifications of fund balance could be used, the Town considers committed amounts to be reduced first, followed by assigned amounts and then unassigned amounts.

This policy is in place to provide a measure of protection for the Town against unforeseen circumstances and to comply with GASB Statement No. 54. No other policy or procedure supersedes the authority and provisions of this policy.