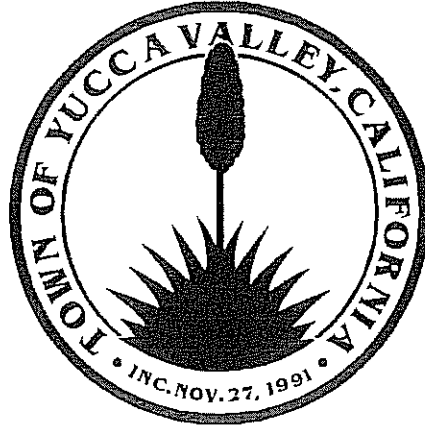


TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING



*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, APRIL 17, 2012
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

Dawn Rowe, Mayor

Isaac Hagerman, Mayor Pro Tem

Merl Abel, Council Member

George Huntington, Council Member

Robert Lombardo, Council Member

* * * *

TOWN ADMINISTRATIVE OFFICE:

760-369-7207

www.yucca-valley.org

**AGENDA
MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY, APRIL 17, 2012
TOWN COUNCIL 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, Huntington, Lombardo, and Mayor Rowe.

PLEDGE OF ALLEGIANCE

INVOCATION

Led by Chaplain Mike Kelliher, Joshua Springs Calvary Chapel

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Employee of the Quarter
2. Longevity Awards.

AGENCY REPORTS

Chamber of Commerce

3. Monthly Statistical Report for March 2012

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Vote _____

CONSENT AGENDA

- 1-4 4. Regular Town Council Meeting Minutes of April 3, 2012.

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.

- 5-7 6. Monthly Statistical Fire Department Report for March, 2012

Recommendation: Receive and file the report

- 8-10 7. AB 1234 Reporting Requirements

Recommendation: Receive and file the AB 1234 Reporting Requirement Schedule for March 2012

- 11-32 8. Award Contract for SR 62/247 Median Island Improvements

Recommendation: That the Town Council:

1. Waives, based on the findings and substantial evidence described below, the minor defects in the bid consisting of the bidder's failure to allocate a maximum of \$25,000 for Caltrans permit fees as described in the Town's bid document, finding that the bid submitted by Steiny and Company Inc., substantially conforms to the Call for Bids and the defect in the bid did not affect the lowest responsible and responsive bidder determination, nor was any bidder given an advantage or

benefit not allowed other bidders. Moreover, the defect in the Steiny and Company Inc., proposal do not relate to, or impact, the issue of bidder responsibility;

2. Awards the construction contract to Steiny and Company, Inc., in the amount of \$245,371.00, and authorizes a construction contingency in the amount of \$24,629.00, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project.
3. Amends the 2011-2012 fiscal year budget, appropriating and transferring \$20,000 from Traffic Safety Fund 507 to Measure I – Major Arterial Fund 522, for the project.

- 33-43 9. Authorization to bid Town-Wide Slurry Seal Project

Recommendation: That the Town Council adopts the Resolution, approves the plans and specifications for Project No. 8340, and authorizes the Town Clerk to advertise and receive bids.

- 44-47 10. Summer 2012 Program Offerings- Community Services Department

Recommendation: That the Town Council move to receive and file the report outlining the Summer 2012 programs and events to be organized and conducted by the Community Services Department

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 4-10) (roll call vote)

Action: Move _____ 2nd _____ Vote _____

DEPARTMENT REPORTS

- 48-75 11. Award of bid for South Side Neighborhood Park, Phase 1A

Recommendation: That the Town Council:

1. Approves the withdraw of bid by C.S. Legacy Construction, based upon the findings further described below;
 - A. C.S. Legacy Construction made a clerical mistake establishing an incorrect bid amount for grading;
 - B. C.S. Legacy Construction gave the Town of Yucca Valley written notice within five working days, excluding Saturdays, Sundays, and state holidays, after the opening of the bids of the mistake, and specified in the letter in detail how the clerical mistake occurred by failure to include an additional \$100,000 in grading costs.
 - C. The clerical mistake made by C.S. Legacy Construction is materially different than C.S. Legacy intended by the failure to include \$100,000 in grading costs that were not included in the bid item due to the clerical mistake;
 - D. The clerical mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications
2. Awards the “Base Bid” construction contract to Doug Wall Construction, Inc., in the amount of \$932,775.00, and awards the “Bid Alternate B” construction contract in the amount of \$140,000.00, subject to all final HUD approvals, authorizing a construction contingency in the amount of \$93,275.00, and authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project;
3. Authorizes the Town Manager to execute the standard contract between the Town of Yucca Valley and the County of San Bernardino related to the granting of County discretionary funds (\$200,000) towards the project;
4. Adopts the resolution amending the FY 2011-12 adopted budget approving a loan from the General Fund (001) Unassigned Fund Balance to the Development Impact Fee Special Revenue Fund (350) in an amount not to exceed \$300,000 and directs repayment of loan out of future Development Impact Fees and/or Redevelopment Agency funding, and authorizing all related project funding transfers;

5. Directs staff to return to the Town Council for potential award of additive alternates based upon final determination of Redevelopment Agency funding for the project.

Action: Move _____ 2nd _____ Voice Vote _____

- 76-92 12. Mandatory Commercial Recycling – AB 341

Staff Report

Recommendation: That the Town Council receive and file the informational report regarding the recent approval of Assembly Bill 341 that requires mandatory commercial recycling, effective July 1, 2012.

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

- . Council Member Huntington
- . Council Member Lombardo
- . Council Member Abel
- . Mayor Pro Tem Hagerman

Mayor Rowe

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)

Lovell v. Town of Yucca Valley, Case No. CIVMS 1200185

CONFERENCE WITH LEGAL COUNSEL---ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

One case.

ANNOUNCEMENTS

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

Next Town Council Meeting, Tuesday, May 1, 2012, 6:00 p.m.

CLOSING ANNOUNCEMENTS

ADJOURNMENT

Yucca Valley Town Council

Meeting Procedures

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

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

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

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

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

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

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

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

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

ACRONYM LIST

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

COUNCIL COMMITTEE MEETING TIMES

<u>COMMITTEE</u>	<u>REPRESENTATIVE</u>	<u>TIMES</u>	<u>LOCATION</u>
SANBAG	HUNTINGTON ROWE (ALT)	9:30am 1st Wed	San Bernardino
MEASURE 1	HUNTINGTON ROWE (ALT)	9:00 a.m. 3rd Fri.	Apple Valley
DESERT SOLID WASTE JPA	HUNTINGTON LOMBARDO (ALT)	10:00am 2nd Thurs Feb, May, Aug, Nov	Victorville
LEAGUE OF CALIFORNIA CITIES DESERT/MOUNTAIN DIVISION	LOMBARDO ROWE (ALT)	10:00am. 4th Fri quarterly	Various Locations
MORONGO BASIN TRANSIT AUTHORITY	ABEL HUNTINGTON ROWE (ALT)	5:00 pm 4th Thurs	Joshua Tree
MOJAVE AIR QUALITY DISTRICT	ABEL ROWE (ALT)	10:00am 4th Mon	Victorville
LEAGUE OF CALIFORNIA CITIES LEGISLATIVE DELEGATE	MAYOR		
SANBAG PLANS AND PROGRAMS (appointed by Sanbag Board)	HUNTINGTON	12:00 p.m. 3 rd Wed.	San Bernardino
LEGISLATIVE TEAM	HUNTINGTON ROWE	Proposed for Council Member to work with Town Manager meeting with legislators when necessary.	
FLOOD CONTROL ZONE 6	MAYOR		

CITY/COUNTY ANIMAL SERVICES JPA

HUNTINGTON
HAGERMAN

10:00 a.m. last Thurs.

Yucca Valley

AD HOC COMMITTEES

SENIOR HOUSING

HUNTINGTON
ROWE

SEWER FINANCING

ROWE
HAGERMAN

COUNCIL RULES & PROCEDURES

HUNTINGTON
LOMBARDO

MORONGO UNIFIED SCHOOL DISTRICT

ROWE
HAGERMAN

AUDIT

TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
April 3, 2012

CLOSED SESSION

Mayor Pro Tem Hagerman called the meeting to order at 5:04 p.m. with Council Members Abel, Huntington, Lombardo and Mayor Pro Tem Hagerman present.

- A. **CONFERENCE WITH LEGAL COUNSEL -EXISTING LITIGATION**
Subsection (a) of Section 54956.9(a), Town of Yucca Valley vs. Bond Blacktop Inc. CIVMS 1100141

As there was no one present for public comments, Mayor Pro Tem Hagerman adjourned to Closed Session at 5:04 p.m., returned at 5:24 p.m. and recessed the Town Council Meeting to 6:00 p.m.

OPENING CEREMONIES

Mayor Pro Tem Hagerman reconvened the meeting at 6:00 p.m.

Council Members Present: Abel, Huntington, Lombardo, and Mayor Pro Tem Hagerman. Mayor Rowe was out of town.

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 Pro Tem Hagerman

INVOCATION

Led by Mike Yost, Joshua Springs Calvary Chapel

Mayor Pro Tem Hagerman announced there was no reportable action from the closed session.

APPROVAL OF AGENDA

Council Member Lombardo moved to approve the agenda amended. Council Member Huntington seconded. Motion carried 4-0-1, with Mayor Rowe absent.

CONSENT AGENDA

YUCCA VALLEY TOWN COUNCIL MINUTES

April 3, 2012

1. Approve, Regular Town Council Meeting Minutes of March 20, 2012, as presented.
2. Waive, further reading of all ordinances and read by title only.
3. Receive and file, informational report regarding the Town's 2012 spring Cleanup Day event being held on Saturday, April 14, 2012 and the Earth Day Event being held on Saturday, April 21, 2012.
4. Accept, Project No. 8340 Town Wide Slurry Seal, as substantially complete, authorize staff to file the Notice of Completion, authorize the reduction of the Faithful Performance Bond to 10%, and direct staff to retain the Labor and Material Bond for six (6) months.
5. Accept, Project No. 5201/5221 Library HVAC; Component Replacement and Lighting Replacement, as substantially complete, authorize staff to file the Notice of Completion, authorize the reduction of the Faithful Performance Bond to 10%, and direct staff to retain the Labor and Material Bond for six (6) months, and Amend the Fiscal Year 2011-12 adopted budget as identified in the revised project budget attached as exhibit A.
6. Adopt, Resolution No. 12-08, approving Program Supplemental Agreement No. 010-N, Federal Project No. SHIPLN-5466(018), SR 62/247/Joshua Lane Raised Median Islands & Traffic Signal Modifications, and authorize the Town Manager to sign all necessary documents for the program.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PROGRAM SUPPLEMENTAL AGREEMENT NO. 010-N FOR THE HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECT AND APPROVING AUTHORIZED SIGNATORS TO ALL NECESSARY AGREEMENTS AND DOCUMENTS

7. Ratify, the Warrant Register total of \$132,876.07 for checks dated March 21, 2012. Ratify Payroll Registers total of \$194,744.66 for checks dated March 16, 2012.

Council Member Lombardo moved to adopt Consent Agenda Items 1-7. Council Member Huntington seconded. Motion carried 4-0-1 on a roll call vote.

AYES: Council Member Abel, Huntington Lombardo, and Mayor Pro Tem Hagerman.
 NOES: None
 ABSTAIN: None
 ABSENT: Mayor Rowe

PUBLIC COMMENT

None

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi advised that the Town was not successful in its efforts to obtain Proposition 84 Grant Funds for the Brehm Youth Sports Park.

Deputy Town Manager Stueckle advised of the General Plan update efforts noting the Planning Center has been conducting the statistically valid survey, and background research is underway. We are now beginning outreach efforts for the land use plan and will be distributing the dates and times for the upcoming hearings from now through June, next week.

Town Manager Nuaimi advised we are very close to having a full panel for the Oversight Board for the Successor Agency to the Yucca Valley Redevelopment Agency noting Bob Dunn and David Cooper have been appointed by the County of San Bernardino as their appointees. We will be moving very quickly to meet the many deadlines imposed by AB 26.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

8. Council Member Huntington

Complemented the Fire department for another job well done knocking down the fire above Sunnyslope.

Advised that Spring Cleanup Day is coming on Saturday, April 14th. Burrtec will take all recyclables and trash at the lot next to Wal-Mart. He noted that hazardous materials are not under purview of Burrtec but there is a facility in Joshua Tree for those materials.

Reported regarding participation in the Viet Nam Veterans Welcome Home day last Friday, noting there were about 80-100 people there. The event is the result of Assemblyman Cook's legislation that was signed by the Governor 3 years ago.

9. Council Member Lombardo

Reported regarding attendance at the City County Conference in Lake Arrowhead, noting it was a great opportunity to expand his knowledge, meet others and formulate ideas about how to go about developing our communities.

10. Council Member Abel

Commented that as the weather is improving we are already seeing an increase in the amount people out exercising, and asking motorists to be extra cautious.

YUCCA VALLEY TOWN COUNCIL MINUTES

April 3, 2012

Reminded everyone of Earth Day on April 21st.

11. **Mayor Pro Tem Hagerman**

Thanked the Fire and Sheriff's Departments for their work during the fire north of the highway and sent thanks to the Citizens on Patrol for their assistance.

12. **Mayor Rowe**

Absent

ANNOUNCEMENTS

Next Town Council Meeting. Tuesday, April 17-3, 2012, 6:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 6:14 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk



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

March 2012 Summary

ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to a total of 422 requests for assistance within our town boundaries. Division wide responses for the South Desert during the Month of March were 694 incidents.

EMERGENCY RESPONSES

ESTIMATED FIRE LOSS (In dollars)

Total Loss	\$	2,500	Value	\$	2,500
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RESPONSES OTHER THAN FIRES

Fires	8
Rupture / Explosion	0
EMS / Rescue	315
Hazardous Condition	4
Service Calls	43
Good Intent Calls	44
False Call	8
Other	0

ALARMS - ALL TYPES

Yucca Valley Response Area

TOTAL NON-FIRE RESPONSE	414
TOTAL FIRE RESPONSES	8
TOTAL ALARMS	422

Significant Events:

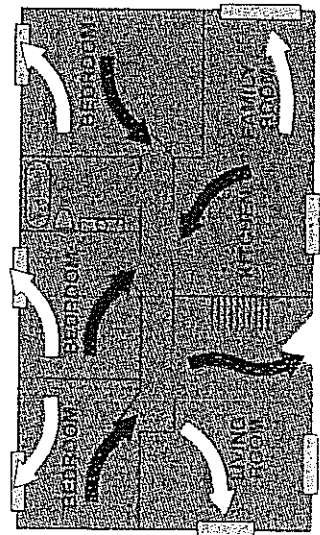
- Vegetation Fires are on the increase throughout the Town Boundaries. We've had several in upwards of 12 ac. as a result of careless or unattended open fires used for recreation, cooking, and/or warmth. We urge the public to remain vigilant and take action to properly clear vegetation and rubbish away from their homes to create a fire safe zone.

Create a Family Disaster Plan

Meet with your family to discuss the importance of being prepared in a disaster.

Explain the dangers of EARTHQUAKES, FIRE, and SEVERE WEATHER to children.

1. Discuss the different types of disasters that are likely to happen and explain what to do in each situation.
2. Pick two meeting places.
 - Somewhere outside your home
 - Outside a neighborhood just in case you can't return to your home.
3. Select an out-of-state family contact. Make sure that everyone knows the number.
4. Assemble a disaster supply kit for each member in your household.
5. Plan on how to take care of your pets.
6. Make sure to practice your family disaster plan so that everyone will remember what to do.



If Disaster Strikes

- Remain calm, put your plan into action.
- Prepare for aftershocks.
- Check for injuries. Give first aid & call for help if anyone is seriously injured.
- Turn on your radio for further instructions. If advised to evacuate, do so. Leave a message on the door telling family members where you can be reached.
- Leave the road clear for emergency vehicles. Do not use your vehicle unless it is an absolute emergency.
- Check for damage in your home.
- Check for fires in your home.
- If you smell gas, turn off the main gas valve, open the windows and get out quickly.
- Shut off damaged utilities.



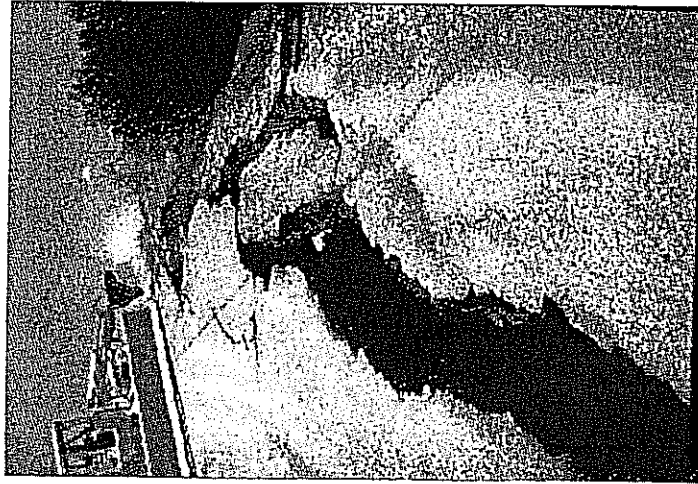
Remember to:

1. Secure your pets.
2. Call your family contact.
3. Check on your neighbors, especially the elderly and disabled.
4. Make sure you have an adequate supply of water.

San Bernardino County Fire Department
620 South "E" Street
San Bernardino, CA 92415-0179
(909) 386-8472
www.sbcfire.org



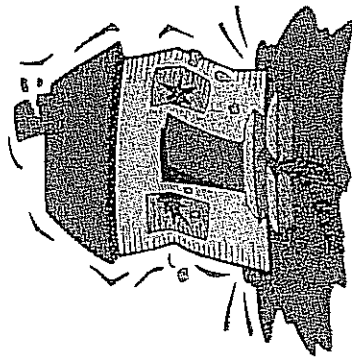
Earthquake & Disaster Preparedness



San Bernardino County Fire Department
Community Safety Division

Preparing to be Earthquake Safe

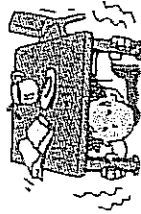
- In case of an earthquake make sure you know the safe spots in each room, under desks & sturdy tables.
- Learn CPR & First Aid.
- Decide where & how your family will meet if separated during a quake.
- Learn how to shut off the water, electricity & gas in case the lines get damaged.
- Make sure your water heater is secured properly.
- Make sure your house is bolted to the foundation.
- Secure mirrors, furniture, & anything that maybe loose or that can fall & cause injuries.
- Keep hazardous or flammable liquids in a secured cabinet.
- Practice earthquake drills & place yourself in the areas you consider to be safe.
- Update your disaster kit.







Develop a neighborhood earthquake plan so your neighborhood can be self sufficient after an earthquake.

Staying Safe During a Quake












- If you're indoors, get under a sturdy table or desk.
- If you're outside, get into an open area away from buildings, trees, and power lines.
- If you're in a business building, don't use the elevator. Get away from the windows and get under a sturdy table.
- If you are in a public place, don't panic & go towards the doors. Move away from anything that could fall or break.
- If you are driving, pull over to the side of the road and remain inside. Try to avoid power lines and over passes.

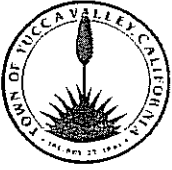


Additional Items to add to your Disaster Supply Kit

-  Family Documents ~ Insurance information, identification, bank information, etc. Keep in a water proof portable container. Matches too!
-  Sleeping Bags ~ Warm blankets, pillows, & bedding. Enough for each person.
-  Dust Mask ~ To filter if contaminates are in the air. Plastic sheeting & Duct tape to create a shelter or cover.
-  Entertainment ~ books, puzzles, games, paper/pencil, children's activities, etc.

Assembling Your Disaster Supply Kit

-  Water ~ Have at least 3 gallons per person in airtight containers. Replace it every six months. Household chlorine bleach (no color safe/scented/ or wadded cleaners) can be used to purify water: 16 drops per gallon. (ONLY if necessary.)
-  Food ~ At least enough to last you a week. Have non-perishable items and don't forget a can opener!
-  First aid kit ~ Keep it well stocked.
-  Flashlights ~ Keep them beside your bed and in other accessible locations. Keep fresh extra batteries.
-  Radio ~ Keep a battery operated or crank radio. It will be the best source of information. (keep extra batteries)
-  Special needs ~ Have at least a weeks supply of infant food, pet food, and medication. Also glasses if needed.
-  Tools ~ Have an adjustable pipe wrench to turn off utilities.
-  Fire extinguisher ~ Type ABC (for all types of fire). Teach each family member how to use it.
-  Cooking sources ~ Have an outdoor camping stove with pots, pans, paper cups, plates, utensils paper towels.
-  Whistle ~ to signal for help.
-  Clothes ~ Have extra clothes, shoes, personal items, hygiene items, & money.



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Date: April 9, 2012
For Council Meeting: April 17th, 2012

Subject: AB1234 Reporting Requirements

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

Recommendation: Receive and file the AB1234 Reporting Requirement Schedule for the month of March 2012.

Order of Procedure:

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

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

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

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

Reviewed By [Signatures]
Town Manager, Town Attorney, Admin Services, Dept Head
Department Report, Ordinance Action, Resolution Action, Public Hearing, Consent, Minute Action, Receive and File, Study Session

Alternatives: None.

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

Attachments: AB1234 Reporting Requirement Schedule

Town of Yucca Valley

Councilmember AB1234 Meetings Schedule Month of March 2012

<u>Name</u>	<u>Organization</u>	<u>Description</u>	<u>Location</u>
Mayor Rowe	County of San Bernardino	City/County Conference	San Bernardino
	County of San Bernardino (Meeting 02-29-12)	State of the County	San Bernardino
Mayor Pro Tem Hagerman	No reportable meetings		
Councilmember Abel	County of San Bernardino	City/County Conference	San Bernardino
Councilmember Huntington	County of San Bernardino (Meeting 02-29-12)	State of the County	San Bernardino
Councilmember Lombardo	County of San Bernardino	City/County Conference	San Bernardino

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Alex Qishta, Project Engineer
Date: April 9, 2012
For Council April 17, 2012
Meeting:

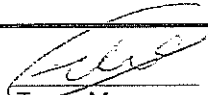
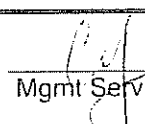
Subject: SR62/SR247 Median Island and Traffic Signal Improvements
 Town Project No.8325
 Award of Construction Contract
 Budget Amendment

Prior Council Review: The Town Council appropriated funds for this project with adoption of the FY 2011/2012 Budget.

Recommendation: That the Town Council:

1. Waives, based on the findings and substantial evidence described below, the minor defects in the bid consisting of the bidder's failure to allocate a maximum of \$25,000 for Caltrans permit fees as described in the Town's bid document, finding that the bid submitted by Steiny and Company Inc., substantially conforms to the Call for Bids and the defect in the bid did not affect the lowest responsible and responsive bidder determination, nor was any bidder given an advantage or benefit not allowed other bidders. Moreover, the defect in the Steiny and Company Inc., proposal do not relate to, or impact, the issue of bidder responsibility;
2. Awards the construction contract to Steiny and Company, Inc., in the amount of \$245,371.00, and authorizes a construction contingency in the amount of \$24,629.00, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project.
3. Amends the 2011-2012 fiscal year budget, appropriating and transferring \$20,000 from Traffic Safety Fund 507 to Measure I – Major Arterial Fund 522, for the project.

Executive Summary: Project No. 8325 involves the installation of raised medians on Joshua Lane and SR 247, upgrading to the traffic signal located at the intersection of SR62/SR247 to include protected left hand turning movements, and extending the turn pocket in the existing median islands for east bound traffic on SR 62.

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

Order of Procedure:

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

Discussion: On March 27, 2012, the Town received 4 bids for Project No. 8325 as follows:

BIDDER	BID AMOUNT
Steiny and Company, Inc.*	\$245,371.00
PMT General Engineering Service, Inc.	\$281,999.00
DBX, Inc.	\$292,350.00
AToM Engineering Construction, Inc.	\$312,498.00

*The apparent low bidder used \$29,000 for bid item #12, where the Town's bid documents required a maximum of \$25,000 for item #12, Caltrans permit fees. The apparent low bidder has submitted a letter to the Town acknowledging the error and their willingness to accept the contract with the revised amount. By adjusting the Caltrans permit fee from the bid, the revised bid amount would be: \$245,371.00. The apparent low bidder remains as the apparent low bidder, both with and without the adjusted Caltrans permit fee costs. The failure to report the correct amount in the bid schedule is considered as a clerical error.

The lowest responsible bidder is Steiny and Company, Inc. of Baldwin Park, California, with a bid of \$245,371.00. The Town has reviewed all 4 bid packages, and confirmed that Steiny and Company, Inc. is the lowest responsible and responsive bidder. If awarded by the Town Council, construction is anticipated to begin in June 2012, and be substantially complete by August 2012.

Alternatives: Staff recommends no alternative action. While the bid submitted by Steiny and Company, Inc. contained a clerical error, Steiny and Company, Inc. is the apparent low bidder with and without the adjusted Caltrans permit fee. The Town Council may elect to reject all bids and authorize the Town Clerk to re-advertise Project No. 8325.

Fiscal impact: The Project Engineer's cost estimate for the project was \$261,750.00 without contingency. The Engineer's estimate was based upon traffic signal light modifications at \$100,000.00.

The estimated project costs, as well as the available funding in the adopted FY 11-12 Capital Project Budget and proposed budget action, are summarized below.

Estimated Project Cost

Basic Bid Amount	\$245,371.00
Construction Contingency	\$24,629.00
Total Contract Work:	<u>\$270,000.00</u>

Funding

Highway Safety Improvement Program (HSIP)	\$184,900.00
Measure I, Arterial Fund 522	\$67,100.00
Traffic Safety Fund 507 (proposed)	\$20,000.00
Total Project Funding	<u>\$272,000.00</u>

Attachments: Bidders Summary List
 Steiny and Company, Inc. Bid

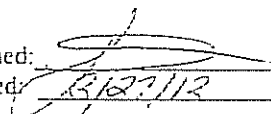
TOWN OF YUCCA VALLEY
 BID OPENING LOG SHEET

BID OPENING DATE: March 27, 2012, 3:00 p.m.

PROJECT DESCRIPTION: SR 62/247 Median Island and Traffic Signal Improvements

BIDDER:	BID AMOUNT	BID BOND
1. <u>D&K Inc.</u>	<u>292,350.⁰⁰</u>	<u>10%³</u>
2. <u>Stine and Company, Inc</u>	<u>249,371.⁰⁰</u>	<u>10%⁰</u>
3. <u>Atom Engineering and Inc.</u>	<u>312,498.⁰⁰</u>	<u>10%⁰</u>
4. <u>PJM General Engineering</u>	<u>281,999</u>	<u>10%⁰</u>
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

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

Signed: 
 Dated: 3/27/12

CONTRACTOR'S PROPOSAL

Steiny and Company, Inc.
Company

12907 E. Garvey Avenue
Address

Baldwin Park, CA 91706

626-338-9923
Telephone Number

161273
State License Number

Town of Yucca Valley
57090 29 Palms Highway
Yucca Valley, California 92284

Ladies and Gentleman:

Pursuant to the Public Notice inviting bids or proposals, the undersigned declares that he has carefully examined the location of the proposed work, that he has examined plans, profiles, and specifications for Project 8325: SR62/SR247 Median Island and Traffic Signal Improvements, Federal Project No. HSIPLN-5466(018), and read the accompanying proposal requirement, and hereby proposes to furnish all materials and do all work required to complete the said work in accordance with said plans, profiles, specifications, and special provisions for the unit or lump sum price set forth in the Schedule of Work Items.

Unless otherwise specified by the Contractor, the listing of an Item No. of Work shall be conclusive evidence that the subcontractor proposed to perform the Item of Work and shall perform the entirety of the work for that Item No. of Work.

All persons or parties submitting a bid proposal on the project shall complete the following form setting forth the Item Number (as specified in the "Schedule of Work Items"), the name, location, and place of business of each subcontractor who will perform work or labor or render services to the prime Contractor in or about the construction of the work of improvements, or a subcontractor licensed by the State of California, who, under subcontract to the prime Contractor, specially fabricates and installs a portion of the work or improvements according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent (1/2%) of the prime Contractor's total bid, or, if the bid is for the construction of streets or highways, including bridges, in excess of one-half of one percent (1/2%) of the prime Contractor's total bid or ten thousand dollars (\$10,000.00), whichever is greater.

It is noted that if a Contractor fails to specify a subcontract for any portion of the work to be performed under the Contract, he shall be deemed to have agreed to perform such portion himself, and he shall not be permitted to subcontract that portion of the work except by written consent of the awarding authority. The requirement of the submission of this list, the legal consequences for failure of the Contractor to do so, and other particular details concerning the same shall be as set forth in the "Subletting and Subcontracting Fair Practices Act", California Public Contract Code (§ 4100, *et seq.*) to which the bidder is hereby referred.

Item No. of Work	Name of Firm or Contractor	Location of Mill, Shop or Office	Contractor Classification (if applicable)	Town of Yucca Valley Business License No. *
9	LOOP MASTERS	ANAHEIM CA	C-10	N/A
10	CHRISP CO.	BLOOMINGTON CA	C-32	N/A
2, 3, 5 & 6	ROADWORK EBS	CORONA CA	A	N/A
4	TRIFELAND SURVEYORS	GRANDE CA	N/A	N/A
2	TRAFFIC SOLUTIONS	FONTANA CA	N/A	N/A

* All Subcontractors are required to obtain a Town of Yucca Valley Business License before a Notice to Proceed may be issued.

The undersigned further agrees that in case of default in executing the required contract with necessary bonds within ten (10) calendar days after the notice of award of contract has been mailed, the proceeds of the check or bond accompanying his bid shall become the property of the Town. If the Town awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the Town to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. The undersigned further agrees to complete the work within ninety (90) calendar days from the execution of the first contract. Project must be completed by June 30, 2012.

Contractor, and any subcontractors utilized, shall be licensed in accordance with the provisions of the Contractor's License Law, Chapter 9 of Division 3 of the State Business and Professions Code.

Additionally, the Contractor must have at the time of bid opening for this project the following classification(s) of Contractor's license and experience:

Classification A: General Engineering Contractor

SCHEDULE OF WORK ITEMS

Project No. 8325,
SR62/SR247 Median Island Improvements and Traffic Signal Improvements
Federal Project No. HSIPLN-5466(018)

ITEM NO.	QUANTITY	UNIT	DESCRIPTION WITH UNIT PRICE <u>WRITTEN IN WORDS</u>	UNIT PRICE IN FIGURES	AMOUNT
1	1	LS	Storm Water Pollution Prevention/ Erosion Control	2,575 -	2,575 -
2	1	LS	Traffic Control and Safety	28,387 -	28,387 -
3	1	LS	Clearing, Grubbing, and Grading	33,550 -	33,550 -
4	1	LS	Construction Survey	7,677 -	7,677 -
5	3000	LF	Construct P.C.C. 6" Curb	12.80	38,400.00 -
6	50	Ton	Construct Asphalt Concrete Pavement	239.00	11,950.00
7	120	LF	Furnish and Install 3" Conduit	141.00	16,920.00
8	1	LS	Traffic Signal and Safety Light Modifications	46,380.00	46,380.00 -

ITEM NO.	QUANTITY	UNIT	DESCRIPTION WITH UNIT PRICE <u>WRITTEN IN WORDS</u>	UNIT PRICE IN FIGURES	AMOUNT
9	32	EA	Remove, Furnish and Install Traffic Signal Loops	<u>332.00</u>	<u>10,624.00</u>
10	1	LS	Pavement Markers, Markings, Legends, Striping, and Signages	<u>17,618.00</u>	<u>17,618.00</u>
11	2	EA	Construction Project Signs	<u>3,145.00</u>	<u>6,290.00</u> 2,290.00
12	1	EA	Caltrans Permit	\$25,000	<u>29,000.00</u>

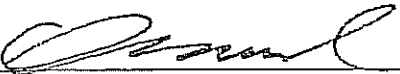
TOTAL PRICE FOR ITEMS 1-12

249,371.00

TOTAL PRICE IN WORDS:

TWO HUNDRED FORTY NINE THOUSAND THREE HUNDRED SEVENTY ONE DOLLARS ~~XXX~~

BIDDER: Steiny and Company, Inc.

BY:  DATE 03/22/12

Vincent P. Mauch, CFO

(If an individual, so state. If a firm or co-partnership, state the firm name and give names of all individual co-partners composing the firm. If a corporation, state legal name of corporation, also names of President, Secretary, Treasurer, and Manager thereof.)

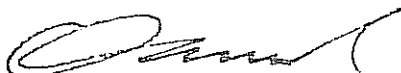
Corporation

See Attached Corporate Resolution

12907 E. Garvey Avenue
Baldwin Park, CA 91706

Business Address

Dated: March 22, 20 12.

By: 
Vincent P. Mauch, CFO

By: _____

By: _____

STEINY AND COMPANY, INC.

Certification by Secretary
of Corporate Resolution

At the meeting of the Directors of Steiny and Company, Inc., a corporation organized and existing under the laws of the State of California, duly called and held in accordance with the articles of incorporation and bylaws of the corporation at its office on May 03, 2010 at which a quorum of the directors were present the following resolution was adopted to wit:

Resolved, that:

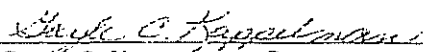
President and Treasurer
Chief Financial Officer
Vice President
Vice President
Secretary

Susan Steiny
Vincent P. Mauch
Willie B. Hadley
Walter E. Johansen III
Gayle C. Kappelman

Are hereby authorized to sign contracts/agreements in the name of and on behalf of Steiny and Company, Inc.

I Gayle C. Kappelman, Secretary of Steiny and Company, Inc., do hereby certify that I am the Secretary of Said corporation and that the above is a full, true, and correct copy of a resolution of the Board of Directors of said corporation, duly adopted at the meeting held on May 03, 2010 and that said resolution has not been revoked or rescinded.

In witness whereof, I have hereunto subscribed my name and affixed the seal of said corporation.



Gayle C. Kappelman, Secretary

NON-COLLUSION AFFIDAVIT

To: The Town of Yucca Valley:

State of California)
County of Los Angeles) ss.

Vincent P. Mauch, being first duly sworn, deposes and says that he or she is CEO of Steiny and Company, Inc. the party making the foregoing bid that the bid is not made in the interest of or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.



Signature

Vincent P. Mauch

STATE OF CALIFORNIA)
COUNTY OF) ss.

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public in and for the County _____
of _____, State of California

My Commission expires _____, 20____.

See attached

JURAT WITH AFFIANT STATEMENT

State of California
County of Los Angeles } ss.

- See Attached Document (Notary to cross out lines 1-7 below)
- See Statement Below (Lines 1-7 to be completed only by document signer(s), not Notary)

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
Signature of Document Signer No. 1 _____
Signature of Document Signer No. 2 (if any) _____

Subscribed and sworn to (or affirmed) before me
this 22 day of MARCH
Date Month
2012, by Kathy M. Edwards
Year



- (1) Vincent P. Mauch
Name of Signer(s)
- (2) _____
Name of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Handwritten Signature]
Signature of Notary Public

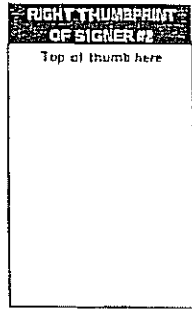
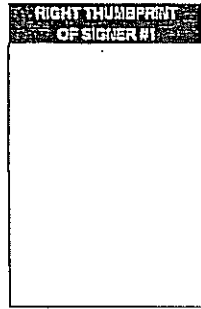
Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document :

Title or Type of Document: NON-COLLUSION AFFIDAVIT
Document Date: 03/22/12 Number of Pages: 1
Signer(s) Other Than Named Above: N/A



DECLARATION OF ELIGIBILITY TO CONTRACT
[Labor Code Section 1777.1; Public Contract Code Section 6109]

The undersigned contractor, certifies and declares that:

1. The undersigned contractor is aware of Sections 1771.1 and 1777.7 of the California Labor Code, which prohibit a contractor or subcontractor who has been found by the Labor Commissioner or the Director of Industrial Relations to be in violation of certain provisions of the Labor Code, from bidding on, or being awarded, or performing work as a subcontractor on a public works project for specified periods of time.

2. The undersigned contractor is not ineligible to bid on, be awarded or perform work as a subcontractor on a public works project by virtue of the foregoing provisions of Sections 1771.1 or 1777.7 of the California Labor Code or any other provision of law.

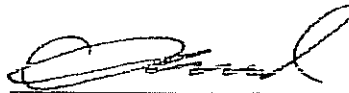
3. The undersigned contractor is aware of California Public Contract Code Section 6109, which states:

“(a) A public entity, as defined in Section 1100 [of the Public Contract Code], may not permit a contractor or subcontractor who is ineligible to bid or work on, or be awarded, a public works project pursuant to Section 1771.1 or 1777.7 of the Labor Code to bid on, be awarded, or perform work as a subcontractor on, a public works project. Every public works project shall contain a provision prohibiting a contractor from performing work on a public works project with a subcontractor who is ineligible to perform work on the public works project pursuant to Section 1777.1 or 1777.7 of the Labor Code.

(b) Any contract on a public works project entered into between a contractor and a debarred subcontractor is void as a matter of law. A debarred subcontractor may not receive any public money for performing work as a subcontractor on a public works contract, and any public money that may have been paid to a debarred subcontractor by a contractor on the project shall be returned to the awarding body. The contractor shall be responsible for the payment of wages to workers of a debarred subcontractor who has been allowed to work on the project.”

4. The undersigned contractor has investigated the eligibility of each and every subcontractor the undersigned contractor intends to use on this public works project, and determined that none of them is ineligible to perform work as a subcontractor on a public works project by virtue of the foregoing provisions of the Public Contract Code, Sections 1771.1 or 1777.7 of the Labor Code, or any other provision of law.

The undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 22 day of MARCH, 2012, at Baldwin Park, California.
(place of execution)



Signature

Vincent P. Mauch

Name (print or type)

CFO

Title

Steiny and Company, Inc.

Name of company

(THE BIDDER'S EXECUTION ON THE SIGNATURE PORTION OF THIS PROPOSAL SHALL ALSO CONSTITUTE AN ENDORSEMENT AND EXECUTION OF THOSE CERTIFICATIONS WHICH ARE A PART OF THIS PROPOSAL)

EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION

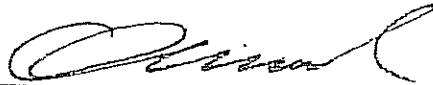
The bidder Steiny and Company, Inc., proposed subcontractor -----, hereby certifies that he has X, has not , participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246, and that, where required, he has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

Note: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b) (1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts, which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

Signature of bidder:



Vincent P. Mauch

Title:

CFO

Name of Organization: Steiny and Company, Inc.

DEBARMENT AND SUSPENSION CERTIFICATION
TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29

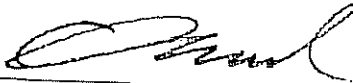
The bidder, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, and manager:

- Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
- Has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years;
- Does not have a proposed debarment pending; and
- Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Notes: Providing false information may result in criminal prosecution or administrative sanctions. The above certification is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Certification.

Signature of bidder: 
Vincent P. Mauch
CFO
Title: _____
Name of Organization: Steiny and Company, Inc.

NONLOBBYING CERTIFICATION FOR FEDERAL-AID CONTRACTS

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such sub recipients shall certify and disclose accordingly.

DISCLOSURE OF LOBBYING ACTIVITIES

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:	
Congressional District, if known	Congressional District, if known	
6. Federal Department/Agency:	7. Federal Program Name/Description:	
8. Federal Action Number, if known:	9. Award Amount, if known:	
10. a. Name and Address of Lobby Entity (if individual, last name, first name, MI)	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI)	
(attach Continuation Sheet(s) if necessary)		
11. Amount of Payment (check all that apply) \$ _____ <input checked="" type="checkbox"/> actual <input type="checkbox"/> planned	13. Type of Payment (check all that apply) <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other, specify _____	
12. Form of Payment (check all that apply): <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ value _____	14. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 11:	
(attach Continuation Sheet(s) if necessary)		
15. Continuation Sheet(s) attached: Yes <input type="checkbox"/> No <input type="checkbox"/>		

16. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying reliance was placed by the filer above when his transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

Standard Form LLL Rev. 09-17-97

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of covered Federal action or a material change to previous filing pursuant to title 31 U.S.C. section 1352. The filing of a form is required for such payment or agreement to make payment to lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress an officer or employee of Congress or an employee of a Member of Congress in connection with a covered Federal action. Attach a continuation sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence, the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last, previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District if known. Check the appropriate classification of the reporting entity that designates if it is or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Subawardee" then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organization level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identification in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitments for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influenced the covered Federal action.
(b) Enter the full names of the individual(s) performing services and include full address if different from 10 (a). Enter Last Name, First Name and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed or will be expected to perform and the date(s) of any services rendered. Include all preparatory and related activity not just time spent in actual contact with Federal officials. Identify the Federal officer(s) or employee(s) contacted or the officer(s) employee(s) or Member(s) of Congress that were contacted.
15. Check whether or not a continuation sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name title and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Alex Qishta, Project Engineer
Date: April 9, 2012
For Council Meeting: April 17, 2012

Subject: Town-Wide Slurry Seal Project – Town Project No.8340
Approval of Plans and Specifications
Authorization to Advertise for Construction

Prior Council Review: The Town Council approved the Measure I 5 Year Plan on September 20, 2011.


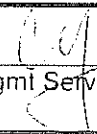
Recommendation: That the Town Council adopts the Resolution, approves the plans and specifications for Project No. 8340, and authorizes the Town Clerk to advertise and receive bids.

Executive Summary: Town Council authorization to advertise construction of capital projects is sought prior to staff proceeding with the advertising process. The bidding period for this project concludes on May 24, 2012. Bid recommendations will be made to the Town Council in June 2012, with the project construction commencing in July 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 Town Wide Slurry Seal Project is an annual maintenance effort that is a part of the Town's overall pavement maintenance program. The annual maintenance effort is implemented to extend the lifetime of the roadway pavement throughout the Town prior to roads deteriorating to the degree where road reconstruction is necessary. The annual slurry seal project generally consists of applying a Type II Slurry Seal to the roadway, as well as replacement of obliterated traffic striping and damaged Raised Pavement Markers (RPM's).

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

The candidate streets for this year are presented in Attachment A. Engineering staff has selected locations for slurry seals and cape seals for the annual maintenance effort in conjunction with the annual review of the Pavement Management Program, field inspections, and the adopted Measure I 5 Year Plan. The listed streets are included in the Draft 2012-2013 Capital Projects Budget that will be presented to the Town Council for adoption in June 2012. Staff has included specific street location modifications to the approved Measure I 5 Year Plan based upon existing road conditions. Staff will be returning to the Town Council with the updated Measure I 5 Year plan at the June 19, 2012 Town Council meeting.

The bid documents are structured with a base bid and two additive alternates. As the Town Council is aware, the Town allocated 3% of general fund revenues to street maintenance in the current fiscal year, and those funds were expended in the recently completed slurry seal maintenance effort. As the organization is currently preparing the draft 2012-2013 budget, the available General Fund allocation to annual road maintenance has not yet been determined. Staff expects to allocate at least 3% of general fund revenues and is targeting 6%, depending upon other budgetary priorities.

Therefore staff has structured the bid documents with a base bid amount reflecting known street/road maintenance funding availability. Additionally, two additive alternates (each in the amount of \$250,000) provide the Town with the ability to award up to a \$1.0 million annual maintenance effort, based upon the final General Fund allocation. Award of the construction contract will be timed and coordinated with budget adoption.

BID ITEM	AMOUNT
Base Bid – Measure I Funds	\$500,000.00
Alternate Bid 1 – Potential General Fund Allocation	\$250,000.00
Alternate Bid 2 – Potential General Fund Allocation	\$250,000.00

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

Alternatives: Staff recommends no alternative actions. The timing of this project is structured for construction to commence at the conclusion of the 2011/2012 school year and to be completed prior to the start of the 2012/2013 school year.

Fiscal impact: The Draft 2012-13 Capital Project Budget contains the identified roadways. Award of the construction contract will be timed and coordinated with budget adoption.

Project Funding as Currently Planned (Measure I)	\$500,000.00
Additional Appropriations Recommended	
Alternate Bid 1 – Potential General Fund Allocation	\$250,000.00
Alternate Bid 2- Potential General Fund Allocation	\$250,000.00
Total Project Funding	\$1,000,000.00

Attachments: Notice Inviting Bids
Resolution No.
Attachment A, Street Listing
Location Map

RESOLUTION NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE 2012/13 TOWN WIDE SLURRY SEAL IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE TO RECEIVE BIDS.

WHEREAS, It is the intention of the Town of Yucca Valley to construct certain improvements in the Town; and

WHEREAS, The Town has prepared plans and specifications for the construction of certain improvements.

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

SECTION 1: That the plans and specifications presented to the Town Council are hereby approved as the plans and specifications for: **2012/13 TOWN WIDE SLURRY SEAL, PROJECT NO.8340**

SECTION 2: That the Town Clerk is hereby authorized and directed to advertise as required by law for the receipt of sealed bids or proposals for doing of the work specified in the aforesaid plans and specifications, which said advertisement shall be in form and content as approved by the Town Attorney and a copy of this Resolution shall be contained in each specification package for the work.

"NOTICE INVITING SEALED BIDS OR PROPOSALS"

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, **NOTICE IS HEREBY GIVEN** that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 P.M. **on the MAY 24, 2012** sealed bids or proposals for the construction of:

2012/13 TOWN WIDE SLURRY SEAL, PROJECT NO.8340

Bids will be opened and publicly read immediately thereafter.

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

2012/13 TOWN WIDE SLURRY SEAL, PROJECT NO.8340

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

available to any interested party on request. The Town also shall cause a copy of such determinations to be posted at the job site.

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

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

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

§ 1777.5, as amended, requires the Contractor or subcontractor employing tradesmen in any apprenticeable occupation to apply to the joint apprenticeship committee nearest the site of the public works project and which administers the apprenticeship program in that trade for a certificate of approval. The certificate will also fix the ratio of apprentices to journeymen that will be used in the performance of the contract. The ratio of apprentices to journeymen in such cases shall not be less than one to five except:

- A. When employment in the area of coverage by the joint apprenticeship committee has exceeded an average of 15 percent in the 90 days prior to the request for certificate, or
- B. When the number of apprentices in training in the area exceeds a ratio of one to five, or
- C. When the trade can show that it is replacing at least 1/30 of its membership through apprenticeship training on an annual basis statewide or locally, or
- D. When the Contractor provides evidence that he employs registered apprentices on all of his contracts on an annual average of not less than one apprentice to eight journeymen.

The Contractor is required to make contributions to funds established for the administration of apprenticeship programs if he employs registered apprentices or journeymen in any apprenticeable trade on such contracts and if other contractors on the public works site are making such contributions.

The Contractor and subcontractor under him shall comply with the requirements of §§ 1777.5 and 1777.6 in the employment of apprentices.

Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the Director of Industrial Relations, *ex-officio* the Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.

Eight (8) hours of labor shall constitute a legal day's work for all workmen employed in the execution of this contract and the Contractor and any subcontractor under him shall comply with and be governed by the laws of the State of California having to do with working hours as set

forth in Division 2, Part 7, Chapter 1, Article 3 of the Labor Code of the State of California as amended.

The Contractor shall forfeit, as a penalty to the Town, twenty-five dollars (\$25.00) for each laborer, workman, or mechanic employed in the execution of the contract, by him or any subcontractor under him, upon any of the work hereinbefore mentioned, for each calendar day during which said laborer, workman, or mechanic is required or permitted to labor more than eight (8) hours in violation of said Labor Code.

Contractor agrees to pay travel and subsistence pay to each workman needed to execute the work required by this contract as such travel and subsistence payments are defined in the applicable collective bargaining agreements filed in accordance with Labor Code § 1773.8.

The bidder must submit with his proposal cash, cashier's check, certified check, or bidder's bond, payable to the Town for an amount equal to at least ten percent (10%) of the amount of said bid as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and in event of failure to enter into such contract said cash, cashier's check, certified check, or bond shall become the property of the Town.

If the Town awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the Town to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

The amount of the bond to be given to secure a faithful performance of the contract for said work shall be one hundred percent (100%) of the contract price thereof, and an additional bond in an amount equal to one hundred (100%) of the contract price for said work (except as otherwise modified in the General Provisions section of the contract documents) shall be given to secure the payment of claims for any materials or supplies furnished for the performance of the work contracted to be done by the Contractor, or any work or labor of any kind done thereon, and the Contractor will also be required to furnish a certificate that he carries compensation insurance covering his employees upon work to be done under contract which may be entered into between him and the said Town for the construction of said work.

No proposal will be considered from a Contractor who is not properly licensed as required by the Notice Inviting Bids at time of bid in accordance with the provisions of the Contractor's License Law (California Business and Professions Code, § 7000, *et seq.*) and rules and regulations adopted pursuant thereto or to whom a proposal form has not been issued by the Town.

The work is to be done in accordance with the profiles, plans, and specifications of the Town of Yucca Valley on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of \$25.00, said \$25.00 is nonrefundable.

Upon written request by the bidder, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with an additional non-reimbursable payment of \$20.00 to cover the cost of mailing charges and overhead.

The successful bidder will be required to enter into a contract satisfactory to the Town.

In accordance with the requirements of the General Provisions, as set forth in the Plans and Specifications regarding the work contracted to be done by the Contractor, the Contractor may, upon the Contractor's request and at the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The Town of Yucca Valley reserves the right to reject any and all bids.

ADOPTED AND APPROVED this 17th day of April, 2012.

MAYOR

ATTEST:

TOWN CLERK

NOTICE INVITING SEALED BIDS OR PROPOSALS

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, NOTICE IS HEREBY GIVEN that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 o'clock P.M. on the 24th day of May, 2012, sealed bids or proposals for the Construction of:

Project No. 8340, 2012/13 Town Wide Slurry Seal.

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

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

Project No. 8340, 2012/13 Town Wide Slurry Seal.

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

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

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

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

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

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

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

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

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

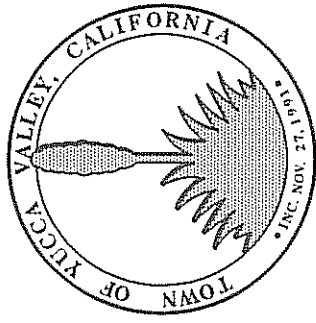
The work is to be done in accordance with the plans and specifications on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of **\$25.00** which sum is nonrefundable. Upon written request, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with a nonrefundable payment of **\$20.00** to cover mailing charges and overhead.

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

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

By order of the Town Council this 17th day of April 2012.

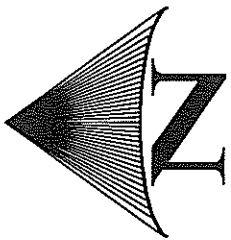
By: _____
Town Clerk
Town of Yucca Valley



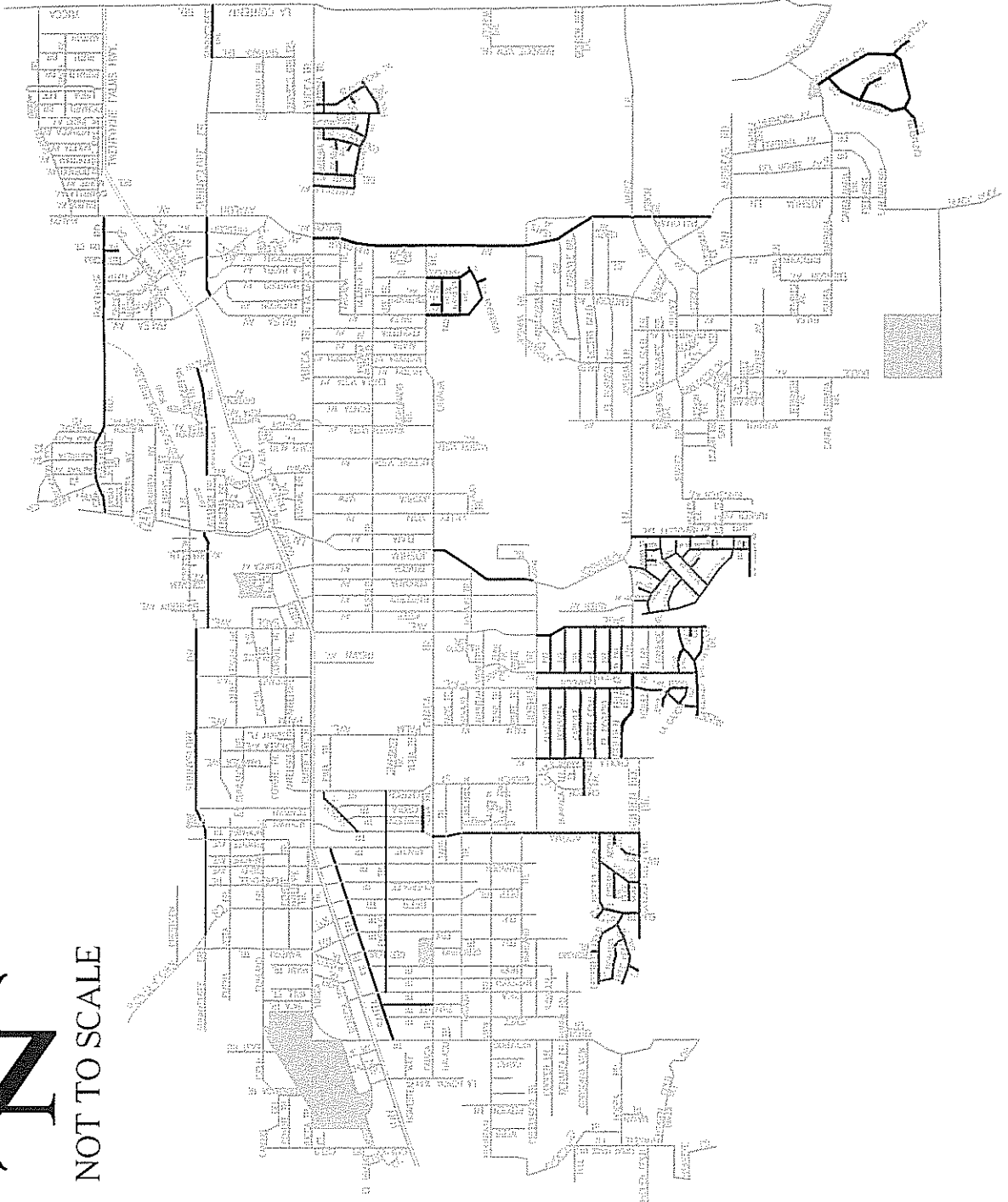
Town of
YUCCA VALLEY
 2012-13 SLURRY SEAL

Legend

- Circulation
- MAJOR ARTERIAL (FOUR LANES)
 - MAJOR ARTERIAL
 - MINOR ARTERIAL
 - MAJOR COLLECTOR
 - LOCAL
- \$500K
 \$250K
 \$250K



NOT TO SCALE



2012-13 Slurry/Cape Seal

BASE BID

Acoma: Golden Bee/Onaga
Acoma Ct.: Acoma/End
Amador: Kismet/Joshua Dr.
Anaconda: Cholla/Amador
Anaconda: Grand/Sage
Aranza Ct.: Bolero/End
Arcadia: Del Monte/End
Arcadia: Goleta/End
Asio: GoldenMeadow/Jarana
Barberry: Golden Bee/Juarez
Bolera: Selecta/End
Bonanza: Cholla/Amador
Bonanza: Grand/Sage
Bannock Ct.: Golden Bee/End
Camarilla: S Delano/Yucca Trail
Carlyle: Cholla/Amador
Carlyle: Grand/Sage
Carlyle: W End/Cholla
Condalia: Juarez/Golden Bee
Chippewa: Pueblo/N End
Cholla: Carlyle/Joshua Dr.,
Deer: GoldenBee/DesertGold
Del Monte: S Delano/Yucca Trail
Delano: Camarilla to Chippewa
Delano: Chippewa Tr. to End
Desert Gold: W/End to Elk Tr.
Desert Gold: Elk/Acoma
Desert Gold: Cholla/Amador
Desert Gold: Grand/Sage
Dumosa: San Andreas/Juarez
Dumosa Ct: Dumosa/End
El Dorado: Cholla/Amador
El Dorado: Grand/Sage
El Dorado: Deer/End
El Dorado: DesertGold/FreeGold
Elk: Golden Bee/Elk Ct.
Elk Ct: Elk-Desert Gold/End
Facia: Bolero/GoldenMeadow
Free Gold: Grand/Sage
Free Gold: Desert Gold/W End
Free Gold: Deer/End
Free Gold Ct: Free Gold/End
Geronimo Ct.: DesertGold/End
Golden Bee: W End/Acoma

BASE BID

GoldenMeadow: Selecta/Hardesty
Goleta: Delano/Natoma
Grand: Kismet/Joshua Dr.
Hermosa: S Delano/Yucca Tr.
Indio: S Pueblo/Yucca Trail
Jarana Ct.: Condalia/End
Juarez: Selecta/GoldenMeadow
Juarez: Bolero/Hardesty
Juarez Ct: Juarez/End
LaMirada: Goleta/End
LaMirade: Hermosa/End
Millstone: GoldenMeadow/Selecta
Natoma: Goleta/Hermosa
Natoma: Indio/E End
Papago: Acoma/Church
Pueblo: Inca/Church
Pueblo: Indio/Chippewa-End
Selecta: NW End/SE End
Shawnee: Onaga/Santa Fe
Taft Ct: Jarana Ct/End
Titan Ct: Dumosa/End
Townwide Stripping
MtView: Balsa/Hanford-End
Pueblo: Condalia/Valley Vista
Sage: El Dorado/Desert Gold

ALTERNATE BID 1

Sage: La Cadena/Joshua Ln
Santa Fe: Kickapoo/Apache
Sage Ct: Sage/W End
Yuma Tr.: Acoma/Cibola
Balsa: Mt. View/Onaga
Camelita Cir: Santa Barbara/End
Carmelita Wy: Carmelita Cir/End
Carmelita Ct: Carmelita Cir/End
Carmelita Pl: Carmelita Cir/End
Emerson: Mt View/End
Gold: Java/LaCadena
Golden Bee: Cholla/Grand
Hanford: Mt View/Onaga
Hardesty: SanAndreas/Joshua Ln
Java: End/Gold
Java: Grand/Kismet
Joshua Ln: Joshua Dr/Onaga

ALTERNATE BID 2

Kismet: W Amador/Sage
La Cadena: Amador/Gold
La Cadena: Kismet/Sage
MtView: Balsa/E Hanford
Navajo: Balsa/Hanford
Palomar: Joshua Ln/Yucca Tr.
Paxton: SR247/Avalon
San Andreas: End/Hardesty
Sunnyslope: PiTown/SR247
Sunnyslope: Airway/Hilton
Sunnyslope: Hanford-Avalon
Sunnyslope: W End/LaContenta
Taos Ct: Taos/End
Taos Trail: Balsa/Hanford

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Jim Schooler, Community Services Director
Date: April 12, 2012
For Council Meeting: April 17, 2012

Subject: Summer 2012 Program Offerings – Community Services Department

Prior Council Review: None

Recommendation: That the Council move to receive and file the report outlining the Summer 2012 programs and events to be organized and conducted by the Community Services Department.

Order of Procedure:

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



Discussion: The programming staff of both the Hi Desert Nature Museum and the Recreation division of the Community Services Department has developed a schedule of programs and events that will be offered in the summer of 2012 (June, July, August). Descriptions are being prepared to be included in the printed Experience Yucca Valley summer activity guide that will be distributed throughout the community in mid May.

The Parks, Recreation and Cultural Commission reviewed the list of intended program offerings at their April 10th meeting, discussed various activities and events with program staff, and forwarded a recommendation that the Council receive and file the report.

Alternatives: None recommended

Fiscal impact: None

Attachments: Hi Desert Nature Museum summer 2012 program summary
Recreation Division summer 2012 program summary

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

HI-DESERT NATURE MUSEUM PROGRAMS

JUNE, JULY & AUGUST 2012

Science Saturdays:

11:00 – 11:30 a.m., Free

Each program presents information and performs experiments relating to biological and physical sciences suitable for school age children.

June 9, Optical Illusions

June 23, Light and Color

July 14, Paleontology

July 28, Biochemistry, Human Body

August 11, Rocks and Minerals

Art & Culture Wednesdays:

10:00 – 11:00 a.m., \$2 per student

Each program presents information on the country's culture followed by a hands-on craft.

June 27, Mexico

July 11, Germany

July 25, Australia

August 8, Japan

Brown Bag Lunch Lecture Series:

2nd and 4th Thursdays June – August, 12:00 – 1:00 p.m., Free

June 14, NPS Park Ranger Kristen Lalumiere will present information on bats and their importance to the desert ecosystem

June 28, Stefanie Ritter will present information on local insects

July 12, Crystal Mason will present a lecture focusing on the reaction in the brain that causes fear and the difference between natural and conditioned fear

July 26, Archaeologist Joan Schneider will discuss local sites and discoveries

August 9, NPS Park Ranger Michael Vamstad will discuss desert wildlife

August 23, Fellow Earthlings will present information on the meerkat sanctuary located in Morongo Valley and the interesting social world of meerkats

Temporary Exhibitions:

Yucca Valley High School Art Show

May 1 – June 2, 2012

This exhibit highlights the finest work of some of this community's rising talent from YVHS. The show displays a variety of compelling subjects in different art forms such as drawing and painting.

Cold-Blooded in the Desert

June 9 – September 15, 2012

Our desert is teeming with plant and animal life that is adapted to the harsh environment, and reptiles are almost everywhere. We share our desert with these fascinating creatures but we often overlook them, and many of us know very little about them. This exhibit will help you discover the world of reptiles – and get ready to be surprised!

Community Services Department
Planned Recreation Programs - Summer 2012

Aquatics

Swim Lessons

Session I, June 18 - 28	Monday through Thursday morning instructor; 5 time slots; 5 age and skills-based levels of instruction; 17 classes per session; 6 swimmers per class	\$36 res / \$40 NR
Session II, June 2 - July 12		\$36 res / \$40 NR
Session III, July 16 - 26		\$36 res / \$40 NR
Session IV, July 30 - Aug 9		\$36 res / \$40 NR

Adult Swim Lessons

June 13 - 15	All skill levels	\$5 per lesson
August 13 - 17		\$5 per lesson

Guard-Start Training Program

Session I, June 11 - 15	Basic lifeguarding skills and endurance training; not a certification course	\$36
Session II, Aug 13 - 17		\$36

Morning Water Aerobics

June 14 - Aug 17, 7 am	45-minute instructor led water exercises	\$2 per class
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Lap Swimming Sessions

Saturdays, 8am and 9 am	Drop-in sessions; divided swim lanes, circle swimming format	\$2 per session
Mon thru Fri, 8am		\$2 per session
Mon thru Fri, 12:15 pm		\$2 per session
M-W-F, 5:30 & 6:30 pm		\$2 per session

Fun Swim Sessions

Mon - Fri, 1:30 - 4:30 pm	Public recreational swim	\$3 per person
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Family Swim Sessions

M-W-F, 5:30 to 7:30 pm	Drop-in sessions	\$2 per person
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Swim Passes

Fun Swim Pass	12 admissions to Fun Swim sessions	\$25 res / \$30 NR
Water Fitness Pass	10 admissions to Water Aerobics, Lap Swimming, or Family Swim sessions	\$20

Special Events

Summer Music Festival (family concerts)

Saturday, June 23, 2012	Upstream (reggae)	no charge
Saturday, June 30, 2012	Working Poets (50's to 80's harmony)	no charge
Saturday, July 07, 2012	There Be Pirates	no charge
Saturday, July 14, 2012	Silverado (Country Western)	no charge
Saturday, July 21, 2012	TBD	no charge
Saturday, July 28, 2012	The Answer (Classic Rock)	no charge
Saturday, August 04, 2012	Southbound (Buddy Holly Tribute)	no charge
Saturday, August 11, 2012	TBD	no charge

Softball Tournaments

Saturday, June 23, 2012	Ladies Only Tournament	\$140.00 per team
Saturday, July 14, 2012	Co-ed Tournament & BBQ	\$190.00 per team

Fitness Fun Runs

Friday, August 3, 2012	Full Moon 5K Run (Sky Harbor loop)	\$20, \$18
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Youth Programs

Kamp Kool Beans (themed summer day camps)

Week 1 (June 25 - 28)	Superheroes	\$35 Res/\$40 NR
Week 2 (July 2,3,5,6)	Global Kids	\$35 Res/\$40 NR
Week 3 (July 9 - 12)	Camp Seussville	\$35 Res/\$40 NR
Week 4 (July 16 - 19)	Jurassic Jamboree	\$35 Res/\$40 NR
Week 5 (July 23 - 26)	Goin' Buggy	\$35 Res/\$40 NR
Week 6 (July 30 - Aug 2)	All Ball	\$35 Res/\$40 NR

Classes

Beginning Guitar	14 & older, Tuesday evenings	\$40/6 weeks
Bellydance	10 & older, Wednesday evenings	\$35/6 weeks
Gymnastics	6 & older, Monday afternoons	\$35/4 weeks
Kinder Gym	3-5 year olds, Monday afternoons	\$25/4 weeks

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

June 22, July 6, July 20, August 3, August 17)	no charge
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Paradise Park Drop-in Recreation

Ages 5 -16, Monday through Thursday, all summer, no charge	no charge
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Girls Volleyball Camp

Grades 6-10, Mon thru Thurs, July 23-26	\$60 per person
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Adults & Seniors

Enrichment Classes

Beginning Guitar	14 & older, Tuesday evenings	\$40/6 weeks
Bellydance	10 & older, Wednesday evenings	\$35/6 weeks
Bridge Club	18 & older, Friday afternoons	\$2 per session
Dog Obedience	18 & older, Friday evenings	\$135/ 6 weeks
Get Fit Club	18 & older, Monday evenings	\$2 per session
Irrigation Workshop	One-time class, Saturday, June 2	no charge
Knit & Crochet	18 & older, Thursday mornings	\$2 per session
Stretch N Tone	18 & older, Monday thru Friday mornings	\$2 per session
Table Tennis	18 & older, Wednesday afternoons	\$2 per session
Tai Chi Chuan	All ages, Wednesday evenings	\$30 per month
Open Art Studio Workshop	18 & older, Thursday mornings	\$2 per session
Western Line Dancing	18 & older, Mon evenings & Thurs afternoons	\$2 per session
Woodcarving	16 & older, Tuesday evenings	\$2 per session
Walking Club	18 & older, ongoing	\$15 one-time fee

Open Gym

Sunday drop-in mens basketball at Boys & Girls Club gym	\$2 per person
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Seniors & Adult Trips

Wednesday June 13	San Diego Wild Animal Park	\$81 per person
Wednesday, August 15	Big Bear Village & Paddleboat Ride	\$66 per person

Softball Leagues

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

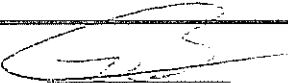
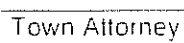

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Alex Qishta, Project Engineer
Date: April 9, 2012
For Council Meeting: April 17, 2012
Subject: South Side Neighborhood Park, Phase 1A
 Town Project No.8961
 Award of Construction Contract

Prior Council Review: The Town Council appropriated funds for this project with adoption of the FY 2011/2012 Budget. Council authorized bid advertisement at the Town Council meeting of September 20, 2011.

Recommendation: That the Town Council:

1. Approves the withdraw of bid by C.S. Legacy Construction, based upon the findings further described below;
 - A. C.S. Legacy Construction made a clerical mistake establishing an incorrect bid amount for grading;
 - B. C.S. Legacy Construction gave the Town of Yucca Valley written notice within five working days, excluding Saturdays, Sundays, and state holidays, after the opening of the bids of the mistake, and specified in the letter in detail how the clerical mistake occurred by failure to include an additional \$100,000 in grading costs.
 - C. The clerical mistake made by C.S. Legacy Construction is materially different than C.S. Legacy intended by the failure to include \$100,000 in grading costs that were not included in the bid item due to the clerical mistake;
 - D. The clerical mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications
2. Awards the "Base Bid" construction contract to Doug Wall Construction, Inc., in the amount of \$932,775.00, and awards the "Bid Alternate B" construction contract in the amount of \$140,000.00, subject to all final HUD approvals, authorizing a construction contingency in the amount of \$93,275.00, and authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project;

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

3. Authorizes the Town Manager to execute the standard contract between the Town of Yucca Valley and the County of San Bernardino related to the granting of County discretionary funds (\$200,000) towards the project;
4. Adopts the resolution amending the FY 2011-12 adopted budget approving a loan from the General Fund (001) Unassigned Fund Balance to the Development Impact Fee Special Revenue Fund (350) in an amount not to exceed \$300,000 and directs repayment of loan out of future Development Impact Fees and/or Redevelopment Agency funding, and authorizing all related project funding transfers;
5. Directs staff to return to the Town Council for potential award of additive alternates based upon final determination of Redevelopment Agency funding for the project.

Executive Summary: The Southside Neighborhood/Community Center Park is a multi-purpose active, passive, and sports recreational facility that is planned for development in phases over multiple years.

Project No. 8961 is Phase 1 A of the project and is focused on the north eastern portion of the project site. Phase 1A includes a playground, dog park, parking lot and a supporting appurtenances. The project is contained in the Fiscal Year 2011-12 Capital Projects Budget. Phase 1A was brought forward to ensure that federal funding granted to this project were not lost for lack of use.

Order of Procedure:

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

Discussion: On March 15, 2012, the Town received 10 bids for Project No. 8961 as follows:

Bidder	Base Bid	Bid Alternate A	Bid Alternate B	Bid Alternate C	Total
C-S. Legacy Construction*	\$781,874.00	\$63,194.00	\$140,063.00	\$6,792.00	\$991,923.00
DWC Construction	\$932,775.00	\$64,545.00	\$140,000.00	\$12,300.00	\$1,149,620.00
MJS Construction	\$978,575.00	\$78,880.00	\$130,000.00	\$15,000.00	\$1,202,455.00
Simon Contracting	\$1,004,250.00	\$77,020.00	\$126,500.00	\$10,800.00	\$1,218,570.00
Clean Cut Landscape	\$1,033,910.00	\$76,271.00	\$127,750.00	\$48,600.00	\$1,286,531.00
Rock Bottom, Inc.	\$1,067,692.00	\$71,445.00	\$144,400.00	\$42,000.00	\$1,325,537.00
Tri Star Contracting	\$1,268,735.00	\$81,769.00	\$148,160.00	\$18,036.00	\$1,516,700.00
Vido Samarzich	\$1,278,000.00	\$89,500.00	\$170,000.00	\$24,000.00	\$1,561,500.00
Sunrise Landscape	\$1,315,327.48	\$182,100.12	\$138,777.00	\$0.00	Non Responsive
MG Enterprises	\$1,380,350.00	\$116,000.00	\$230,000.00	\$30,000.00	\$1,756,750.00

*Bid Withdrawn

The apparent low bidder at the time of bid opening, C.S. Legacy Construction has submitted a letter to the Town officially withdrawing their bid. The letter states that a clerical error in bid item#6, Grading, occurred when the clerk entered \$43,124.00 instead of \$143,124.00. The letter was submitted to the Town within the mandatory 5 day period following bid opening. As such, C.S. Legacy Construction's bid is withdrawn from consideration.

The Base Bid for the project involves street improvement to Warren Vista Road, utilities, parking lot, electrical, site construction, playground equipment installation, walking trail improvements, landscaping, and irrigation. Alternate Bid A for the project involves the installation of a Hexagon picnic shelter, lighting, and picnic tables. Alternate Bid B for the project involves the installation of a prefabricated restroom. Alternate Bid C for the project involves parking lot lighting.

The lowest bidder was Doug Wall Construction Company, Inc. of Bermuda Dunes, California, with a Base bid of \$932,775.00. The following additive alternates were bid with the project.

Additive Alternate A:	Shade Shelter:	\$64,545.00
Additive Alternate B:	Restroom:	\$140,000.00
Additive Alternate C:	Parking Lot Lighting:	\$12,300.00

The Town has reviewed all 10 bid packages, and confirmed that Doug Wall Construction Company, Inc. is the lowest responsible and responsive bidder. If awarded by the Town Council, construction is anticipated to begin in May 2012, and be substantially complete by August 2012.

Fiscal impact: The Project Engineer's cost estimate for the project (base bid) was \$1,042,725.00, \$87,100.00 for alternate bid A (shade shelter), \$140,000.00 for alternate bid B (restroom), and \$18,000.00 for alternate bid C (parking lot lighting), without contingency.

In the September 20, 2011 agenda report, staff presented a funding package that included a variety of sources as shown below. As noted, some of these funds had use restrictions based upon the source of the funding.

Source	Amount	Use Restrictions
HUD EDI	\$434,160	Construction
LTF	300,000	Road Improvements
Doran May Park DIF	25,000	Park Improvements
County CIP	200,000	Playground Improvements
Town Park DIF	13,680	Park Improvements
Quimby Fees	88,888	Park Improvements
Redevelopment Funds	250,000	Flexible
Total Available Funding:	\$1,311,728	

Upon review of the lowest bid, all the available LTF funds (\$300,000) cannot be used on this project – the bid provides for \$135,000 of road improvements within the construction contract. Additionally, with the dissolution of redevelopment agencies, the Successor Agency Oversight Board will need to approve use of RDA funds for this project. Making these two adjustments, the immediately available funding is reduced to:

Available Funding (most current)

HUD EDI 0379	\$434,160.00
LTF (based upon apparent low bidder road costs)	\$135,000.00
Doran May Park DIF	\$25,000.00
County CIP	\$200,000.00
Town Park DIF	\$22,000.00
Quimby Fees	\$50,000.00
Total Project Funding, Without RDA	\$866,160.00

Based upon staff's recommendation, the project costs for the Base Bid and Bid Alternate "B" (Restroom), including contingency, is as follows:

Estimated Project Cost

Total Basic Bid Amount	\$932,775.00
Bid Alternate "B" (Restroom)	140,000.00
Construction Contingency	\$93,275.00
Total Contract Work:	\$1,166,050.00
Funding Shortfall	(\$299,890.00)

Staff's recommendation is to establish a loan from the General Fund (001) Unassigned Fund Balance to the Development Impact Fee Special Revenue Fund (350) in an amount not to exceed \$300,000. This loan would be repaid to the General Fund Unassigned Fund Balance as new residential development occurs. New development generates Park Development fees at a rate of \$2,568 (\$1,122) per Single-Family (Multi-Family) unit.

Interfund loans are commonly used for capital project delivery. This is a common approach where capital projects are funded by several revenue sources, including grants and restricted funds, and where project timelines and revenue streams are not perfectly aligned. A similar approach was taken with the Yucca Valley Animal Shelter project when the Town provided partial project funding in order for the Shelter design process to be initiated so that the project could move forward.

The former Redevelopment Agency previously appropriated \$250,000 in Redevelopment Agency bond proceeds for the development of the park facility. The Town is preparing to take forward to the Oversight Board the allocation of these funds for development of the park facility, in addition to numerous other recommendations. Those actions are anticipated to be completed prior to June 30, 2012. Staff will return to the Town Council following Oversight Board and state agency review and approval of the allocation of the funds, for Town Council consideration of award of additive alternates. If the RDA bond proceeds are made available to the project, the loan from the General Fund Unassigned Fund Balance may be reduced

Alternatives:

1. Reject all bids and authorize the Town Clerk to re-advertise a reduced scope Project No. 8961 to allow for project delivery that does not require any RDA funding or General Fund loan to the Development Impact Fee fund; or
2. Award the Base Bid contract only, reducing the loan required from the General Fund to the Development Impact Fee Special Revenue fund to an amount not to exceed \$160,000; or
3. Provide alternative direction to staff.

Attachments: Bidders Summary List
Doug Wall Construction Company, Inc. Bid Package

RESOLUTION NO. 12-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,
CALIFORNIA, AMENDING THE FY 2011-12 BUDGET

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

WHEREAS, from time to time it is necessary to amend the budget based upon
changing circumstances; and

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

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

Section 1. Amend the Fiscal Year 2011-12 General Fund and Special Revenue
Funds budgets as reflected in Exhibit A.

APPROVED AND ADOPTED THIS 17th day of April, 2012.

MAYOR

ATTEST:

TOWN CLERK

Exhibit "A"

Town of Yucca Valley
 Fiscal Year 2011-12
 HUD Park Special Revenue Fund (551) Budget Amendment

Amendment Detail

Fund	Description of Amendment	Amount	Account
General Fund 001			
Loan Transfer	Loan to Development Impact Fees S.R. Fund	(300,000)	
Subtotal General Fund		(300,000)	
Dev Impact Fee S.R. Fund - 350			
Loan Proceeds	Loan from General Fund	300,000	
Fund Transfer	Transfer to Project Fund	(300,000)	
Fund Transfer	Transfer of existing funds to Project Fund	(22,000)	
Subtotal DIF Fund		(322,000)	
Quimby Fees S.R. Fund -300			
Fund Transfer	Transfer to Project Fund	(75,000)	
Subtotal Quimby Fund		(75,000)	
LTF Fund - 516			
Fund Transfer	Transfer to Project Fund for eligible costs	(135,000)	
Subtotal LTF Fund		(135,000)	
HUD Park Special Revenue Fund -551			
Transfer In	Transfer from DIF - 350	322,000	
Transfer In	Transfer from Quimby - 300	75,000	
Transfer In	Transfer from LTF - 516	135,000	
Increase in Revenue	New revenue from SB County	200,000	
Subtotal HUD Project Transfers & New Revenue		732,000	
Southside Phase 1A Project Budget			
Existing Funds		434,160	
Project Transfers & New Revenue		732,000	
Total Southside Phase 1A Proposed Budget		\$1,166,160	

TOWN OF YUCCA VALLEY
 BID OPENING LOG SHEET

BID OPENING DATE: MARCH 15, 2012

PROJECT DESCRIPTION: SOUTHSIDE COMMUNITY PARK -PHASE 1A #8961

	BIDDER	BID AMOUNT	BID BOND	ADDENDUM #1
1	<u>Tri-Star Contracting</u>	<u>1,268,735.00</u>	<u>X</u>	<u>X</u>
2	<u>Clean Cut Landscape</u>	<u>1,033,910.00</u>	<u>X</u>	<u>X</u>
3	<u>Simon Contracting</u>	<u>1,004,250.00</u>	<u>X</u>	<u>X</u>
4	<u>Rock Bottom Inc.</u>	<u>1,067,692.00</u>	<u>X</u>	<u>X</u>
5	<u>Sunrise Landscape Co., Inc.</u>	<u>1,315,327.48</u>	<u>X</u>	<u>X</u>
6	<u>Vido Samarzich, Inc.</u>	<u>1,278,000.00</u>	<u>X</u>	<u>X</u>
7	<u>MG Enterprises</u>	<u>1,380,350.00</u>	<u>X</u>	<u>X</u>
8	<u>MJS Construction</u>	<u>978,575.00</u>	<u>X</u>	<u>X</u>
9	<u>DWC (Doug Wall Construction)</u>	<u>932,775.00</u>	<u>X</u>	<u>X</u>
10	<u>CS Legacy Construction</u>	<u>781,874.00</u>	<u>X</u>	<u>X</u>
11	<u></u>	<u></u>	<u></u>	<u></u>
12	<u></u>	<u></u>	<u></u>	<u></u>
13	<u></u>	<u></u>	<u></u>	<u></u>
14	<u></u>	<u></u>	<u></u>	<u></u>
15	<u></u>	<u></u>	<u></u>	<u></u>
16	<u></u>	<u></u>	<u></u>	<u></u>
17	<u></u>	<u></u>	<u></u>	<u></u>
18	<u></u>	<u></u>	<u></u>	<u></u>
19	<u></u>	<u></u>	<u></u>	<u></u>
20	<u></u>	<u></u>	<u></u>	<u></u>

CONTRACTOR'S PROPOSAL

Doug Wall Construction, Inc.
Company

78450 Avenue 41
Address

Bermuda Dunes, CA 92203

760-772-8446
Telephone Number

743112
State License Number

Town of Yucca Valley
57090 29 Palms Highway
Yucca Valley, California 92284

Ladies and Gentleman:

Pursuant to the Public Notice inviting bids or proposals, the undersigned declares that he has carefully examined the location of the proposed work, that he has examined plans, profiles, and specifications for **Project 8961: Southside Community Park – Phase 1A**. And read the accompanying proposal requirement, and hereby proposes to furnish all materials and do all work required to complete the said work in accordance with said plans, profiles, specifications, and special provisions for the unit or lump sum price set forth in the Schedule of Work Items.

Unless otherwise specified by the Contractor, the listing of an Item No. of Work shall be conclusive evidence that the subcontractor proposed to perform the Item of Work and shall perform the entirety of the work for that Item No. of Work.

All persons or parties submitting a bid proposal on the project shall complete the following form setting forth the Item Number (as specified in the "Schedule of Work Items"), the name, location, and place of business of each subcontractor who will perform work or labor or render services to the prime Contractor in or about the construction of the work of improvements, or a subcontractor licensed by the State of California, who, under subcontract to the prime Contractor, specially fabricates and installs a portion of the work or improvements according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent (1/2%) of the prime Contractor's total bid, or, if the bid is for the construction of streets or highways, including bridges, in excess of one-half of one percent (1/2%) of the prime Contractor's total bid or ten thousand dollars (\$10,000.00), whichever is greater.

It is noted that if a Contractor fails to specify a subcontract for any portion of the work to be performed under the Contract, he shall be deemed to have agreed to perform such portion himself, and he shall not be permitted to subcontract that portion of the work except by written consent of the awarding authority. The requirement of the submission of this list, the legal consequences for failure of the Contractor to do so, and other particular details concerning the same shall be as set forth in the "Subletting and Subcontracting Fair Practices Act", California Public Contract Code (§ 4100, et seq.) to which the bidder is hereby referred.

Item No. of Work	Name of Firm or Contractor	Location of Mill, Shop or Office ** PLEASE SEE ATTACHED **	Contractor Classification (if applicable)	Town of Yucca Valley Business License No. *

* All Subcontractors are required to obtain a Town of Yucca Valley Business License before a Notice to Proceed may be issued.

DOUG WALL CONSTRUCTION INC
 DESIGNATION OF SUBCONTRACTORS
 SOUTHSIDE COMMUNITY PARK - PHASE 1A

ITEM NO. OF WORK	NAME OF FIRM OR CONTRACTOR	LOCATION OF MILL SHOP OR OFFICE	CONTRACTOR CLASSIFICATION	TOWN OF YUCCA VALLEY BUS LIC #
4, 6	DEPENDABLE GRADING	12831 MORENO BEACH DR #107-181 MORENO VALLEY, CA 92555	EARTHWORK	
18,62,64-72	UNITED GLI	45100 GOLF CTR PKWY SUITE 3 INDIO, CA 92201	IRRIGATION, PLANTING	
21, 60, B-2	SO CAL & ASSOCIATES PLUMBING	PO BOX 955 YUCCA VALLEY, CA 92286	UTILITIES	
22-27, A-2, C-1	BRUDVIK ELECTRIC INC	600 EUGENE RD PALM SPRINGS, CA 92264	ELECTRICAL	
44	ROBERTS CONSTRUCTION	1778 FOURTH ST NORCO, CA 92860	ROUGH CARPENTRY	
50-51	ECONO FENCE	5261 PEDLEY RD RIVERSIDE, CA 92509	FENCE, GATE	
52-59	TOT LOT PLUS	15719 HOME COURT FONTANA, CA 92336	PLAYGROUND EQUIPMENT	
A-1	HANSON ASSOCIATES	275 CENTENNIAL WAY #211 TUSTIN, CA 92780	SHADE STRUCTURE	
B-1	PUBLIC RESTROOM COMPANY	9390 GATEWAY DR SUITE 102 RENO, NV 89521	PREFAB BUILDING	

The undersigned further agrees that in case of default in executing the required contract with necessary bonds within ten (10) calendar days after the notice of award of contract has been mailed, the proceeds of the check or bond accompanying his bid shall become the property of the Town. If the Town awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the Town to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. The undersigned further agrees to complete the work within one hundred twenty (120) calendar days from the execution of the first contract. Project must be completed by September 30, 2012.

Contractor, and any subcontractors utilized, shall be licensed in accordance with the provisions of the Contractor's License Law, Chapter 9 of Division 3 of the State Business and Professions Code. Additionally, the Contractor must have at the time of bid opening for this project the following classification(s) of Contractor's license and experience:

Classification A: General Engineering Contractor

BIDDING FORM

SOUTHSIDE COMMUNITY PARK - PHASE 1A

Name of Bidder Doug Wall Construction, Inc.

The undersigned, having examined the proposed Contracts and having visited the site and examined the conditions affecting the work, hereby and agrees to furnish all labor, materials, equipment, and appliances, and perform operations necessary to complete the work as required by said proposed Contract Documents, excluding work of alternates for.

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	AMOUNT	SUBTOTAL
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BASIC BID (Items 1-98)

MOBILIZATION, DEMOLITION, GRADING AND CONSTRUCTION SURVEY

1	General Overhead & Mobilization/Demobilization	1	LS	80,000 ⁰⁰	80,000 ⁰⁰
2	Stormwater Pollution Prevention /Erosion Control	1	LS	8,000 ⁰⁰	8,000 ⁰⁰
3	Traffic Control	1	LS	22,000 ⁰⁰	22,000 ⁰⁰
4	Clearing & Grubbing	1	LS	29,680 ⁰⁰	29,680 ⁰⁰
5	Pavement Markers, Markings, Legends, Striping, and Signage's	1	LS	3838 ⁰⁰	3838 ⁰⁰
6	Grading	1	LS	52,640 ⁰⁰	52,640 ⁰⁰
7	Construction Survey	1	LS	5,320 ⁰⁰	5,320 ⁰⁰
8	Construction Sign	1	EA	1,200 ⁰⁰	1,200 ⁰⁰

STREET IMPROVEMENTS - WARREN VISTA ROAD

9	Construct P.C.C. 8" Curb and Gutter	1,300	LF	12.31	16,000 ⁰⁰
10	Construct P.C.C. 4.5" Sidewalk	7,000	SF	2.80	19,600 ⁰⁰

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	AMOUNT	SUBTOTAL
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11	Construct Commercial Dwy.	2	EA	3,203 ⁰⁰	6,406 ⁰⁰
12	Construct ADA Access Ramp	1	EA	720 ⁰⁰	720 ⁰⁰
13	Construct Cut-off Wall	175	LF	37.12	6,496 ⁰⁰
14	Construct Asphalt Pavement	300	Ton	104.53	31,360 ⁰⁰
15	Construct Class 2 Aggregate Base	500	Ton	31.36	15,680

UTILITIES

16	2" Hot Tap Irrigation	1	EA	0	0
17	Furnish and Install 2" Irrigation Water Meter	1	EA	0	0
18	Furnish and Install 2" Irrigation Water Backflow Preventer	1	EA	1,344 ⁰⁰	1,344 ⁰⁰
19	1" Hot Tap Domestic Water	1	EA	0	0
20	Furnish and Install 1" Water Meter	1	EA	0	0
21	Furnish and Install 1" Domestic Water Backflow Preventer	1	EA	9,000 ⁰⁰	9,000 ⁰⁰

ELECTRICAL

22	Furnish and Install New Electrical Meter Pedestal	1	LS	4,506 ⁰⁰	4,506 ⁰⁰
23	Furnish and Install Conduit, Pull Ropes, and Pull Boxes for Parking Lot Lighting	1	LS	9,077 ⁰⁰	9,077 ⁰⁰
24	Furnish and Install Conduit, Pull Ropes, and Pull Boxes for Walkway Lighting	1	LS	1,900 ⁰⁰	1,900 ⁰⁰
25	Furnish and Install Conduit, Pull Ropes, and Pull Boxes for Playground Lighting	1	LS	6,344 ⁰⁰	6,344 ⁰⁰
26	Furnish and Install Conduit, Pull Ropes, and Pull Boxes for Other Future Work	1	LS	10,754 ⁰⁰	10,754 ⁰⁰
27	Furnish and Install Flood Light at Playground	1	EA	2,684 ⁰⁰	2,684 ⁰⁰

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	AMOUNT	SUBTOTAL
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SITE CONSTRUCTION					
28	Furnish and Install Decomposed Granite in Parking Lot	14,000	SF	2.00	28,000 ⁰⁰
29	Furnish and Install Decomposed Granite in Walkway	7,000	SF	2.08	14,560 ⁰⁰
30	Furnish and Install Decomposed Granite in Dog Park	7,500	SF	2.08	15,568 ⁰⁰
31	Furnish and Install 6" Concrete Paving	12,000	SF	4.11	49,280 ⁰⁰
32	Construct Concrete Curb and Gutter	200	LF	13.44	2,688 ⁰⁰
33	Construct Concrete Curb	600	LF	10.08	6,048 ⁰⁰
34	Furnish and Install Parkway Culvert	2	EA	4,200 ⁰⁰	8,400 ⁰⁰
35	Furnish and Install Disabled Access Ramps at Parking Lot	1	EA	672 ⁰⁰	672 ⁰⁰
36	Furnish and Install Disabled Parking Stall Concrete	600	SF	4.48	2,688 ⁰⁰
37	Construct 6"x6" Concrete Paving for Walkway	700	LF	8.40	5,880 ⁰⁰
38	Construct 6"x6" Concrete Paving for Trail in Dog Park	1,200	LF	8.40	10,080 ⁰⁰
39	Construct 6"x12" Concrete Paving for Trail in Dog Park	800	LF	11.76	9,408 ⁰⁰
40	Construct playground Curb	500	LF	15.68	7,840 ⁰⁰
41	Construct Concrete Curb Into Playground	1	LS	6,000 ⁰⁰	6,000 ⁰⁰
42	Construct Trash Enclosure	1	LS	9,968 ⁰⁰	9,968 ⁰⁰

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	AMOUNT	SUBTOTAL
43	Furnish and Install Dog Poop Bag Holder	2	EA	504 ⁰⁰	1,008 ⁰⁰
44	Furnish and Install Bulletin Board in Dog Park	1	EA	15,184 ⁰⁰	15,184 ⁰⁰
45	Furnish and Install Picnic Table	4	EA	1,350 ⁰⁰	5,400 ⁰⁰
46	Furnish and Install Trash Receptacle	5	EA	784 ⁰⁰	3,920 ⁰⁰
47	Furnish and Install Bench	4	EA	840 ⁰⁰	3,360 ⁰⁰
48	Furnish and Install Drinking Fountain with Pet Bowl	2	EA	4,200 ⁰⁰	8,400 ⁰⁰
49	Furnish and Install Water Fountain	1	EA	2,800 ⁰⁰	2,800 ⁰⁰
50	Furnish and Install 5' Chain Link Fence	1,300	LF	18 ⁰⁰	23,400 ⁰⁰
51	Furnish and Install 4' Chain Link Gate	8	EA	632.75	5,062 ⁰⁰
52	Furnish and Install Wood Chips with Fabric for Playground	12,000	SF	3.04	36,461 ⁰⁰
53	Furnish and Install 5-12 Age Play Structure	1	LS	44,287 ⁰⁰	44,287 ⁰⁰
54	Furnish and Install 2-5 Age Play Structure	1	LS	27,718 ⁰⁰	27,718 ⁰⁰
55	Furnish and Install Stagecoach	1	EA	3,164 ⁰⁰	3,164 ⁰⁰
56	Furnish and Install Horse	1	EA	1,548 ⁰⁰	1,548 ⁰⁰
57	Furnish and Install Climbing Rock	1	EA	5,670 ⁰⁰	5,670 ⁰⁰
58	Furnish and Install Spring Rider	1	EA	1,624 ⁰⁰	1,624 ⁰⁰
59	Furnish and Install Swings	1	EA	3,973 ⁰⁰	3,973 ⁰⁰
60	Furnish and Install Gravel Sump in Playground	11	EA	800 ⁰⁰	8,800 ⁰⁰

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	AMOUNT	SUBTOTAL
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61	Furnish and Install Portable Restroom	1	EA	8,000 ⁰⁰	8,000 ⁰⁰
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IRRIGATION AND PLANTING

62	Furnish and Install Irrigation Controller with Enclosure	1	LS	16,290 ⁰⁰	16,290 ⁰⁰
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63	Furnish and Install Rain master Weather Station	1	EA	0	0
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64	Furnish and Install Master Valve	1	EA	1,093 ⁰⁰	1,093 ⁰⁰
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65	Furnish and Install Flow Meter	1	EA	520 ⁰⁰	520 ⁰⁰
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66	Furnish and Install Stub outs for Future Shrub and Groundcover Irrigation	1	LS	848 ⁰⁰	848 ⁰⁰
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67	Furnish and Install Turf Irrigation	1	LS	117,000 ⁰⁰	117,000 ⁰⁰
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68	Furnish and Install Sodded Turf	42,000	SF	.54	43,100 ⁰⁰
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69	Furnish and Install 36" Box Tree	12	EA	510.33	6,124 ⁰⁰
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70	Relocate Existing Native Tree	7	EA	724.57	5,072 ⁰⁰
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71	Weed Abatement, Soil Preparation & Fine Grade	1	LS	9,408 ⁰⁰	9,408 ⁰⁰
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72	90 Day Maintenance	1	LS	1,912 ⁰⁰	1,912 ⁰⁰
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TOTAL BASIC BID ITEMS 1 - 76 (In Figures) 932,775⁰⁰

TOTAL BASIC BID ITEMS 1 - 76 (In Words)

NINE HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED SEVENTY FIVE DOLLARS

PART A - ADDITIVE ALTERNATE BID ITEMS

A-1	Furnish and Install Hexagon Picnic Shelter	1	LS	52,640 ⁰⁰	52,640 ⁰⁰
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A-2	Furnish and Install Electrical and lighting for Picnic Shelter	1	LS	1,702 ⁰⁰	1,702 ⁰⁰
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ITEM NO.	DESCRIPTION	QUANTITY	UNIT	AMOUNT	SUBTOTAL
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A-3	Construct 6" Concrete Paving	700	SF	7. ⁰⁰	4,900. ⁰⁰
A-4	Construct 6"x6" Concrete Curb for trail	120	LF	21.67	2,600. ⁰⁰
A-5	Construct Decomposed Granite	500	SF	1.14	569. ⁰⁰
A-6	Furnish and Install Picnic Table	1	EA	1,350. ⁰⁰	1,350. ⁰⁰
A-7	Furnish and Install Trash Receptacle	1	EA	784. ⁰⁰	784. ⁰⁰

TOTAL ADDITIVE ALTERNATE BID (PART A) - ITEMS A-1 through A7 (In Figures) 64,545.⁰⁰

TOTAL ADDITIVE ALTERNATE BID (PART A) - ITEMS A-1 through A7 (In Words)
 SIXTY-FOUR THOUSAND FIVE HUNDRED FORTY-FIVE DOLLARS

TOTAL BASIC BID + ADDITIVE BID A (In Figures) 997,320.⁰⁰

TOTAL BASIC BID + ADDITIVE BID A (In Words)
 NINE HUNDRED NINETY-SEVEN THOUSAND, THREE HUNDRED TWENTY DOLLARS

PART B - ADDITIVE ALTERNATE BID ITEMS

B-1	Furnish and Install PREFABRICATED Restroom with Janitors Closet	1	LS	122,000. ⁰⁰	122,000. ⁰⁰
B-2	Furnish and Install Septic Tank System	1	LS	18,000. ⁰⁰	18,000. ⁰⁰

TOTAL ADDITIVE ALTERNATE BID (PART B) - ITEMS B-1 through B2 (In Figures) 140,000.⁰⁰

TOTAL ADDITIVE ALTERNATE BID (PART B) - ITEMS B-1 through B-2 (In Words)
 ONE HUNDRED FORTY THOUSAND DOLLARS

TOTAL BASIC BID + ADDITIVE BID A + ADDITIVE BID B (In Figures) 1,137,320.⁰⁰

TOTAL BASIC BID + ADDITIVE BID A + ADDITIVE BID B (In Words)
 ONE MILLION ONE HUNDRED THIRTY SEVEN THOUSAND, THREE HUNDRED TWENTY DOLLARS


ITEM NO.	DESCRIPTION	QUANTITY	UNIT	AMOUNT	SUBTOTAL
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PART C - ADDITIVE ALTERNATE BID ITEMS					
C-1	Furnish and Install Parking lot lights	6	EA	2,050 ⁰⁰	12,300 ⁰⁰
TOTAL ADDITIVE ALTERNATE BID (PART C) - ITEMS C-1 (In Figures)				12,300 ⁰⁰	
TOTAL ADDITIVE ALTERNATE BID (PART C) - ITEMS C-1 (In Words)					
TWELVE THOUSAND THREE HUNDRED					
TOTAL BASIC BID + ADDITIVE BID A + ADDITIVE BID B + ADDITIVE BID C (In Figures)				1,149,620 ⁰⁰	
TOTAL BASIC BID + ADDITIVE BID A + ADDITIVE BID B + ADDITIVE BID C (In Words)					
ONE MILLION, ONE HUNDRED FORTY NINE THOUSAND SIX HUNDRED TWENTY DOLLARS					

Contractor's License Number 743112

Date of Expiration 11/30/13

(Seal - if Bid is by a Corporation)

Attest  Doug Wall, President

114,962⁰⁰
Amount of Certified Check or Bid Bond

Berkley Regional Insurance Company
Name of Bonding Company

DECLARATION OF ELIGIBILITY TO CONTRACT
[Labor Code Section 1777.1; Public Contract Code Section 6109]

The undersigned contractor, certifies and declares that:

1. The undersigned contractor is aware of Sections 1771.1 and 1777.7 of the California Labor Code, which prohibit a contractor or subcontractor who has been found by the Labor Commissioner or the Director of Industrial Relations to be in violation of certain provisions of the Labor Code, from bidding on, or being awarded, or performing work as a subcontractor on a public works project for specified periods of time.

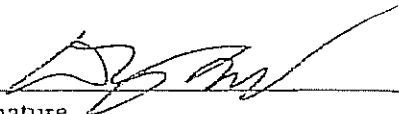
2. The undersigned contractor is not ineligible to bid on, be awarded or perform work as a subcontractor on a public works project by virtue of the foregoing provisions of Sections 1771.1 or 1777.7 of the California Labor Code or any other provision of law.

3. The undersigned contractor is aware of California Public Contract Code Section 6109, which states:

- “(a) A public entity, as defined in Section 1100 [of the Public Contract Code], may not permit a contractor or subcontractor who is ineligible to bid or work on, or be awarded, a public works project pursuant to Section 1771.1 or 1777.7 of the Labor Code to bid on, be awarded, or perform work as a subcontractor on, a public works project. Every public works project shall contain a provision prohibiting a contractor from performing work on a public works project with a subcontractor who is ineligible to perform work on the public works project pursuant to Section 1777.1 or 1777.7 of the Labor Code.
- (b) Any contract on a public works project entered into between a contractor and a debarred subcontractor is void as a matter of law. A debarred subcontractor may not receive any public money for performing work as a subcontractor on a public works contract, and any public money that may have been paid to a debarred subcontractor by a contractor on the project shall be returned to the awarding body. The contractor shall be responsible for the payment of wages to workers of a debarred subcontractor who has been allowed to work on the project.”

4. The undersigned contractor has investigated the eligibility of each and every subcontractor the undersigned contractor intends to use on this public works project, and determined that none of them is ineligible to perform work as a subcontractor on a public works project by virtue of the foregoing provisions of the Public Contract Code, Sections 1771.1 or 1777.7 of the Labor Code, or any other provision of law.

The undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 15 day of March, 2012, at Bermuda Dunes, California.
(place of execution)



Signature

Doug Wall

Name (print or type)

President

Title

Doug Wall Construction, Inc.

Name of company

NON-COLLUSION AFFIDAVIT

To: The City of Upland:

State of California)
County of RIVERSIDE) ss.

DOUG WAH, being first duly sworn, deposes and says that he or she is PRESIDENT of DOUG WAH CONSTRUCTION INC. the party making the foregoing bid that the bid is not made in the interest of or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

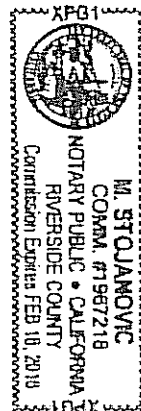
[Signature]
Signature

STATE OF CALIFORNIA)
COUNTY OF) ss.

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public in and for the County of _____, State of California.

My Commission expires Feb. 18th, 2016.



State of California
County of Riverside
Subscribed and sworn to (or affirmed) before me on this 18th day of March, 2016
By Doug Wah proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me:
(Seal) Signature [Signature]

March 12, 2012

To: All Bidders - Town of Yucca Valley Project 8961,
Southside Community Park - Phase 1 A

From: Alex Qishta, Project Engineer

Subject: Addendum No. 1

Addendum No. 1 is attached. Please sign the attached letter acknowledging receipt of Addendum No. 1 and include it in your bid.

TOWN OF YUCCA VALLEY
ENGINEERING DIVISION



Alex Qishta, P.E.
Project Engineer

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) 365-1607
Animal Shelter
(760) 365-3111
FAX (760) 228-0084



The Town of
Yucca Valley

COMMUNITY DEVELOPMENT/PUBLIC WORKS DEPARTMENT
58926 Business Center Dr.
Yucca Valley, California 92284

ADDENDUM NO. 1

TO THE
BID DOCUMENTS
FOR

PROJECT 8961

SOUTHSIDE COMMUNITY PARK - PHASE 1A



To: ALL BID DOCUMENT HOLDERS

The bid documents for this bid have been amended as follows:

1. Page CP-5, and CP-8, please amend bid items 16, 17, 19, 20, 63, & 68 as follow:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	CHANGE TO
16	2" Hot Tap Irrigation	1	EA	0
17	Furnish and Install 2" Irrigation Water Meter	1	EA	0
19	1" Hot Tap Domestic Water	1	EA	0
20	Furnish and Install 1" Water Meter	1	EA	0
63	Furnish and Install Rainmaster Weather Station	1	EA	0
68	Furnish and Install Sodded Turf	42,000	SF	80,000

2. Sheet E1.0 of the plans, Detail 5, note to change to "ELECTRICAL METER PEDESTAL TO PROVIDED AND INSTALLED BY CONTRACTOR".
3. Page SP-22: BID ITEM 6: GRADING; Ad the following to the bid item:
"The bid item should include any import necessary, it also should include the construction of Note #10 (Construct 8"x6" thick grouted rock apron), additionally, it includes the installation of 3" RIP RAP as shown on sheet 2 of the Precise Grading Plan.

TOWN OF YUCCA VALLEY
ENGINEERING DIVISION

 Alex Qishta
 Project Engineer
Acknowledgment of Receipt
ADDENDUM NO. 1

 Signature of Bidder

THE AMERICAN INSTITUTE OF ARCHITECTS



ALA Document A310

Bid Bond

Bond No. N/A

KNOW ALL MEN BY THESE PRESENTS, that we

Doug Wall Construction, Inc.
78-450 Ave. 41
Bermuda Dunes, CA 92203

(Here insert full name, and address or legal title of Contractor)

as Principal, hereinafter called the Principal, and
Berkley Regional Insurance Company

a corporation duly organized under the laws of the State of DELAWARE as Surety, hereinafter called the Surety, are held and firmly bound unto

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

(Here insert full name, and address or legal title of Owner)

as Obligee, hereinafter called the Obligee, in the sum of (10%) Ten percent of the attached bid amount
(10% of bid amount) for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for
Project No. 8961, Southside Community Park- Phase 1A

(Here insert full name, address and description of project)

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed on February 28, 2012

Shelley Baker
(Witness) Shelley Baker

Doug Wall Construction, Inc.
(Principal) _____ (Seal)
(Title) Doug Wall President

Vanessa Kruep
(Witness) Vanessa Kruep

Berkley Regional Insurance Company
(Surety) _____ (Seal)
(Title) Shawn Blume Attorney-in-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Orange

On 2/28/12 before me, Irene Luong, Notary Public

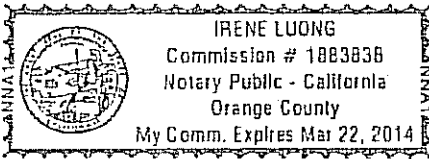
personally appeared Shawn Blume

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature [Handwritten Signature] Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

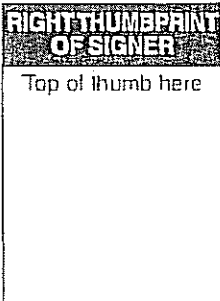
Document Date: Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: Shawn Blume

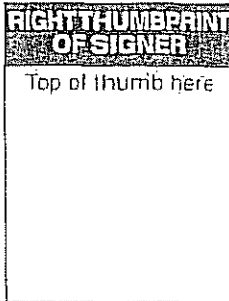
- Individual
Corporate Officer - Title(s):
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing:

Signer's Name:

- Individual
Corporate Officer - Title(s):
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing:

POWER OF ATTORNEY
BERKLEY REGIONAL INSURANCE COMPANY
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY REGIONAL INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Urbandale, Iowa, has made, constituted and appointed, and does by these presents make, constitute and appoint: *Eric Lowey, Mark Richardson, Stephanie Hoang or Shawn Blume of Pinnacle Surety & Insurance Services, Inc. of Costa Mesa, CA* its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Twenty Five Million and 00/100 U.S. Dollars (U.S.\$25,000,000), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on August 21, 2000:

"RESOLVED, that the proper officers of the Company are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued."

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 2 day of October, 2011.

Attest:

Berkley Regional Insurance Company

(Seal)

By Ira S. Lederman
Ira S. Lederman
Senior Vice President & Secretary

By Jeffrey M. Hafter
Jeffrey M. Hafter
Senior Vice President

WARNING:-THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.

STATE OF CONNECTICUT)

) ss:

COUNTY OF FAIRFIELD)

Sworn to before me, a Notary Public in the State of Connecticut, this 2 day of October, 2011, by Jeffrey M. Hafter and Ira S. Lederman who are sworn to me to be the Senior Vice President, and the Senior Vice President and Secretary, respectively, of Berkley Regional Insurance Company.

EILEEN KILLEEN
NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 30, 2012

Eileen Killeen
Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY REGIONAL INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 28th day of February, 2012.

(Seal)

Andrew M. Tuma
Andrew M. Tuma

WARNING - Any unauthorized reproduction or alteration of this document is prohibited. This power of attorney is void unless seals are readable and the certification seal at the bottom is embossed. The background imprint, warning and confirmation (on reverse) must be in blue ink.

Inquiry and Notification Rider

Berkley Surety Group, LLC is the affiliated underwriting manager for all of the surety business of the following affiliated companies: Acadia Insurance Company, Berkley Regional Insurance Company, Carolina Casualty Insurance Company, Union Standard Insurance Company, Union Insurance Company and Continental Western Group Insurance Company.

**To verify the authenticity of this bond please call:
(973) 775-5021 or Telefax (973) 775-5024**

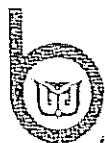
Any written notices, inquiries, claims or demands to the surety on the bond to which this Rider is attached should be directed to:

**Berkley Surety Group, LLC
412 Mt. Kemble Ave.
Suite 310N
Morristown, NJ 07960
Attention: Surety Claims Department**

Or

Telefax: (866) 408-2421

Please include with all notices the bond number and the name of the principal on the bond. Where a claim is being asserted please set forth generally the basis of the claim. In the case of a payment or performance bond please identify the project to which the bond pertains.



BERKLEY SURETY GROUP

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Jessica Rice, Administrative Assistant II
Date: March 21, 2012
For Council Meeting: April 17, 2012

Subject: Mandatory Commercial Recycling – AB 341

Prior Council Review: None.

Recommendation: That Town Council receive and file the informational report regarding the recent approval of Assembly Bill 341 that requires mandatory commercial recycling, effective July 1, 2012.

Order of Procedure:

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

Discussion: California's Mandatory Commercial Recycling Bill (AB 341) was adopted on January 17, 2012. Among other mandates, this bill requires that effective July 1, 2012, all businesses, multi-family units of 5 or more, and public entities that generate at least four cubic yards of solid waste per week arrange for recycling services.

Commercial Business Requirements

The stated goals of AB 341 are to reduce commercial solid waste from landfills by diverting 75% of solid waste by the year 2020, reduce greenhouse gases, create jobs and expand recycling manufacturing in California. According to CalRecycle, seventy-five percent of all solid waste that is taken to the landfills originates from commercial businesses and larger multi-family housing units. With the passage of AB 341, businesses will be required to "...arrange for recycling services, ...to the extent that these services are offered and reasonably available from a local service provider." The commercial business or multi-family unit can meet this mandate by taking either of the following actions.

- 1. Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials.

Reviewed By:

[Signature]
Town Manager

Town Attorney

[Signature]
Mgmt Services

[Signature]
Dept Head

[X] Department Report

___ Ordinance Action

___ Resolution Action

___ Public Hearing

___ Consent

___ Minute Action

[X] Receive and File

___ Study Session

2. Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

While the business may elect either of these options, the Town's franchise solid waste hauler (Burrtec) offers the services identified in option two above. Additionally, if the business is able to restructure their existing waste disposal service, the business may be able to reduce their disposal cost by utilizing the recycling services in place of some of the existing solid waste service.

Town Requirements

Under the new legislation, each jurisdiction must implement a commercial solid waste recycling program that consists of education, outreach and monitoring of businesses that fall under the requirements. The progress achieved in implementing this program will be reported by each jurisdiction to CalRecycle by providing updates as part of the existing annual report.

Since January 2012, Town Staff has been working with Burrtec to identify the businesses and multi-family units who fall under AB 341's requirement. This review identified approximately 105 businesses meeting the AB 341 criteria for mandatory commercial recycling. To assist the business community in meeting the legislative requirements, the Town, Burrtec and Mojave Solid Waste JPA are working together in a collaborative effort to inform and educate the affected entities. These efforts include the following:

- Each business and multi-family dwelling will be contacted by phone to be informed of the recent legislation to recycle and will be given options of how Burrtec can assist them with compliance.
- Collaborative letters will be sent on behalf of the Town and Burrtec, explaining the requirements of AB 341 and how it affects them, and will include an educational tool explaining what items can and cannot be recycled.
- Outreach activities including a "brown bag" lunch presentation to the business community in coordination with the Chamber of Commerce.

In addition, the Mojave Desert & Mountain Solid Waste JPA is also assisting by contracting with the communications firm, Passantino Andersen. The firm will assist with identifying what the barriers are to recycling in our community and then develop the appropriate marketing strategies and materials to assist businesses with local commercial recycling compliance. Other activities of the joint outreach approach include a comprehensive website with community-specific information, general and targeted brochures, news releases, posters and prompts.

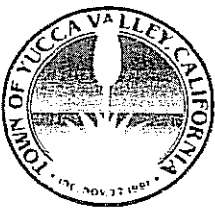
The combined efforts of Town Staff, Burrtec and the Mojave JPA will allow the Town's recycling program to be in place as of July 1, 2012, in accordance with the legislative guidelines.

Alternatives: None.

Fiscal impact: AB341 identifies the new requirements as a state mandate, with specific authority granted to the municipalities to charge an appropriate levy, assessment or fee sufficient to pay for the program or level of service mandated by this act. Through this mechanism, the legislation is not considered an "unfunded mandate."

Town staff is not recommending the imposition of a fee at this time. Staff will continue to monitor and track costs associated with administration of this program, and may return to Council at a later time with a specific commercial recycling policy and/or ordinance, with any accompanying cost recovery structure.

Attachments: Collaborative Letters from the Town and Burrtec
AB 341



April 18, 2012

Dear Customer,

You are receiving this letter because our records indicate that recent legislative action will affect your waste service effective July 1, 2012.

Components of State Assembly Bill 341 set forth requirements for a statewide mandatory commercial recycling program. Burrtec Waste & Recycling, in partnership with the Town of Yucca Valley, is providing this information in an effort to help you reach and maintain compliance with the new law.

Business Commercial Recycling Requirements

Effective July 1, 2012 - A business (including public entities) that generates four cubic yards or more of commercial solid waste per week must have a recycling program in place. *CalRecycle*, the state agency that monitors compliance, advises businesses to contact their local recycling coordinator to find out how to recycle in their communities. Your recycling coordinator may be reached through *Burrtec Waste & Recycling*. Contact information is at the bottom of this page.

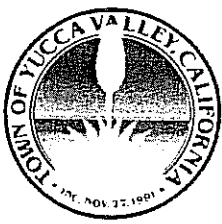
Recycling benefits identified by CalRecycle include:

- o Opportunities for businesses or multifamily complexes to save money.
- o Creating jobs in California by providing materials for recycling manufacturing facilities.
- o Reducing greenhouse gas emissions.
- o Keeping valuable materials out of landfills.
- o Creating a healthy environment for the community and future generations by recovering natural resources.

Thank you,

Jennifer Salciccioli
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Burrtec Waste & Recycling Services
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57090 Twentynine Palms Highway
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April 18, 2012

Dear Customer,

You are receiving this letter because our records indicate that recent legislative action will affect your waste service effective July 1, 2012.

Components of State Assembly Bill 341 set forth requirements for a statewide mandatory commercial recycling program. Burrtec Waste & Recycling, in partnership with the Town of Yucca Valley, is providing this information in an effort to help you reach and maintain compliance with the new law.

Multi-Unit Residential Recycling Requirements

Effective July 1, 2012 – Multi-residential housing complexes (apartments, condominiums, mobile parks, etc.) with 5 or more units must have a recycling program in place. This is usually accomplished with the addition of a commercial-style recycling container. However there are other options available for properties that have limited space.

CalRecycle, the state agency that monitors compliance, advises property owners / managers to contact their local recycling coordinator to find out how to recycle in their communities. Your recycling coordinator may be reached through *Burrtec Waste & Recycling*. Contact information is at the bottom of this page.

Recycling benefits identified by CalRecycle include:

- Opportunities for businesses or multifamily complexes to save money.
- Creating jobs in California by providing materials for recycling manufacturing facilities.
- Reducing greenhouse gas emissions.
- Keeping valuable materials out of landfills.
- Creating a healthy environment for the community and future generations by recovering natural resources.

Thank you,

Jennifer Salciccioli
District Environmental Coordinator
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Jessica Rice
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E-mail: jrice@yucca-valley.org

ACCEPTABLE ITEMS for Commingle Recycling

- ⑤ White & Colored Paper
- ⑤ Shredded Paper
- ⑤ File Folders
- ⑤ Paper with Staples, Post its, Tape or Paper Clips
- ⑤ Newspaper, Glossy Paper
- ⑤ Window envelopes
- ⑤ Phone Books
- ⑤ Junk Mail
- ⑤ Envelopes
- ⑤ Magazines
- ⑤ Entire Soft Bound Books
- ⑤ Hard Bound Books (insides only - no cover)
- ⑤ Chipboard (like cereal boxes)
- ⑤ Cardboard - Flattened
- ⑤ Aluminum Cans
- ⑤ Plastic Drink Bottles
- ⑤ Plastic Food Containers (#1-7)
- ⑤ Plastic Medicine Bottles (empty)
- ⑤ Glass Bottles & Jars
- ⑤ Aerosol Containers
- ⑤ Tin Cans (like food cans)

UN-ACCEPTABLE ITEMS

- Bathroom Tissues, Kleenex
- Sharps (needles - syringes)
- Medical Waste
- Tyvec Envelopes (like FedEx)
- Non Numbered Plastics
- Food & Plants
- Plastic Padded Envelopes
- Wax Boxes
- Broken ceramic dishes/plates
- Soiled paper
- Oil and Household Chemicals
- Tempered Glass
- Clothes
- Broken Glassware
- Plastic Dry Cleaning Bags
- Bubble Wrap
- Shrink wrap
- Styrofoam

For any questions concerning Acceptable versus Non-acceptable Items please contact Burrtec Waste & Recycling Customer Service at 760-365-2015. Please note this is only a guideline and not a complete list of all items.



BILL NUMBER: AB 341 CHAPTERED
BILL TEXT

CHAPTER 476
FILED WITH SECRETARY OF STATE OCTOBER 6, 2011
APPROVED BY GOVERNOR OCTOBER 5, 2011
PASSED THE SENATE SEPTEMBER 8, 2011
PASSED THE ASSEMBLY SEPTEMBER 8, 2011
AMENDED IN SENATE SEPTEMBER 2, 2011
AMENDED IN SENATE AUGUST 30, 2011
AMENDED IN SENATE JULY 7, 2011
AMENDED IN ASSEMBLY MAY 5, 2011
AMENDED IN ASSEMBLY APRIL 6, 2011

INTRODUCED BY Assembly Member Chesbro
 (Principal coauthor: Senator Padilla)
 (Coauthors: Assembly Members Blumenfield and Williams)

FEBRUARY 10, 2011

An act to amend Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, to add Sections 40004, 41734.5, and 41780.01 to, to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and to add and repeal Section 41780.02 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 341, Chesbro. Solid waste: diversion.

(1) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components, including a source reduction component, a recycling component, and a composting component. With certain exceptions, the source reduction and recycling element of that plan is required to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities. The department is required to file an annual progress report with the Legislature by March 1 that includes specified information regarding the act.

This bill would make a legislative declaration that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020, and would require the department, by January 1, 2014, to provide a report to the Legislature that provides strategies to achieve that policy goal and also includes other specified information and recommendations. The bill would allow the department to provide the report required by the bill in conjunction with the annual progress report, if the combined report is submitted by January 1, 2014. The bill would repeal the report requirement on January 1, 2017.

(2) Existing law requires a city, county, and city and county to incorporate the nondisposal facility element and any amendment to the element into the revised source reduction and recycling element at the time of the 5-year revision of the source reduction and recycling element. Existing law requires the department to review an amendment to a nondisposal facility element and requires a local task force to review and comment on amendments to a nondisposal facility element.

This bill would repeal those requirements. The bill would instead require a city, county, city and county, or regional agency to update

all information required to be included in the nondisposal facility element. The bill would provide that the update is not subject to approval by the department or comment and review by a local task force.

(3) Existing law requires a local agency to impose certain requirements on an operator of a large venue or event to facilitate solid waste reduction, reuse, and recycling.

This bill would require a business, defined to include a commercial or public entity, that generates more than 4 cubic yards of commercial solid waste per week or is a multifamily residential dwelling of 5 units or more to arrange for recycling services, on and after July 1, 2012.

The bill would also require a commercial waste generator to take specified actions with regard to recyclable materials.

The bill would require a jurisdiction, on and after July 1, 2012, to implement a commercial solid waste recycling program meeting specified elements but would not require the jurisdiction to revise its source reduction and recycling element if the jurisdiction adds or expands a commercial solid waste recycling program to meet this requirement. The bill would authorize a local agency to charge and collect a fee from a commercial waste generator to recover the local agency's costs incurred in complying with the commercial solid waste recycling program requirements. By requiring a jurisdiction to implement a commercial solid waste recycling program, this bill would impose a state-mandated local program.

The bill would require the department to review a jurisdiction's compliance with the above requirement as a part of the department's review of a jurisdiction's compliance with the 50% solid waste diversion requirement and would authorize the department to review a jurisdiction's compliance pursuant to a specified procedure.

(4) Existing law requires each state agency to submit an annual report to the department summarizing its progress in reducing solid waste that is due on September 1 of each year starting in 2009.

This bill would change the due date to May 1 of each year.

(5) Existing law requires an operator of a solid waste facility that wants to change the design or operation of the solid waste facility in a manner not authorized by the current permit to apply for a revised permit. Within 60 days of receipt of the application for the revised permit, the enforcement agency is required to inform the operator, and in some circumstances the department, of its determination to allow the change without revision of the permit, disallow the change, require a revision of the permit to allow the change, or require review under the California Environmental Quality Act before a decision is made.

This bill would also require the enforcement agency to give notice of its determination to allow certain changes without a revision to the permit through a modification to the permit allowed by regulations developed by the department.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares both of the following:

(1) Since the enactment of the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code), local governments and private

industries have worked jointly to create an extensive material collection and recycling infrastructure and have implemented effective programs to achieve a statewide diversion rate above 50 percent.

(2) Although the state now leads the nation in solid waste reduction and recycling, the state continues to dispose of more than 40 million tons of solid waste each year, which is more than the national average on a per capita basis. Additional efforts must be undertaken to divert more solid waste from disposal in order to conserve scarce natural resources.

(b) The Legislature further finds and declares all of the following:

(1) Approximately 64 percent of the state's solid waste disposal is from commercial sources, including commercial, industrial, construction, and demolition activities. In addition, 8 percent of the state's solid waste disposal is from multifamily residential housing that is often collected along with the commercial waste stream.

(2) The state's local governments have made significant progress in reducing the amount of solid waste disposal from single-family residential sources that make up 28 percent of the state's disposal, but have faced more challenges in reducing disposal from the commercial and multifamily sources.

(3) The disposal of recyclable materials in the commercial solid waste stream prevents materials from circulating in the state economy to produce jobs and new products. Reducing the disposal of these materials will conserve landfill capacity and contribute to a reduction in greenhouse gas emissions and climate change.

(4) The state has long been a national and international leader in environmental stewardship efforts and mandating the diversion of solid waste away from disposal. Bold environmental leadership and a new approach are needed to divert commercial solid waste away from disposal.

(5) By exercising a leadership role, the state will lead the business community toward a future in which the environment and the economy both grow stronger together by recycling materials, which creates new jobs, instead of burying resources, which exit the economy forever.

(6) By requiring commercial recycling, the state will help businesses reduce costly disposal fees and reclaim valuable resources.

SEC. 2. Section 40004 is added to the Public Resources Code, to read:

40004. (a) The Legislature finds and declares all of the following:

(1) Solid waste diversion and disposal reduction require the availability of adequate solid waste processing and composting capacity.

(2) The existing network of public and private solid waste processing and composting facilities provides a net environmental benefit to the communities served, and represents a valuable asset and resource of this state, one that must be sustained and expanded to provide the additional solid waste processing capacity that will be required to achieve the additional solid waste diversion targets expressed in Section 41780.01 and the commercial solid waste recycling requirement expressed in Section 42649.

(3) The provisions in existing law that confer broad discretion on local agencies to determine aspects of solid waste handling that are of local concern have significantly contributed to the statewide diversion rate exceeding 50 percent, and further progress toward decreasing solid waste disposal requires that this essential element of local control be preserved.

(b) It is the intent of the Legislature to encourage the

development of the additional solid waste processing and composting capacity that is needed to meet state objectives for decreasing solid waste disposal by identifying incentives for local governments to locate and approve new or expanded facilities that meet and exceed their capacity needs, and to recognize local agencies that make significant contributions to the state's overall solid waste reduction and recycling objectives through the siting of facilities for the processing and composting of materials diverted from the solid waste stream.

(c) By setting new commercial solid waste recycling requirements in Section 42649, the Legislature does not intend to limit a right afforded to local governments pursuant to Section 40059, or to modify or abrogate in any manner the rights of a local government or solid waste enterprise with regard to a solid waste handling franchise or contract.

SEC. 3. Section 41730 of the Public Resources Code is amended to read:

41730. Except as provided in Section 41750.1, each city shall prepare, adopt, and, except for a city and county, transmit to the county in which the city is located a nondisposal facility element that includes all of the information required by this chapter and that is consistent with the implementation of a city source reduction and recycling element adopted pursuant to this part. The nondisposal facility element and any updates to the element shall not be subject to the approval of the county and the majority of cities with the majority of the population in the incorporated area.

SEC. 4. Section 41731 of the Public Resources Code is amended to read:

41731. Except as provided in Section 41750.1, each county shall prepare, adopt, and, except for a city and county, transmit to the cities located in the county a nondisposal facility element that includes all of the information required by this chapter and that is consistent with the implementation of a county source reduction and recycling element adopted pursuant to this part. The nondisposal facility element and any updates to the element shall not be subject to the approval of the majority of cities with the majority of the population in the incorporated area.

SEC. 5. Section 41734 of the Public Resources Code is amended to read:

41734. (a) (1) Prior to adopting a nondisposal facility element, the city, county, or regional agency shall submit the element to the task force created pursuant to Section 40950 for review and comment.

(2) Prior to adopting a regional agency nondisposal facility element, if the jurisdiction of the regional agency extends beyond the boundaries of a single county, the regional agency shall submit the element for review and comment to each task force created pursuant to Section 40950 of each county within the jurisdiction of the regional agency.

(b) Comments by the task force shall include an assessment of the regional impacts of potential diversion facilities and shall be submitted to the city, county, or regional agency and to the department within 90 days of the date of receipt of the nondisposal facility element for review and comment.

SEC. 6. Section 41734.5 is added to the Public Resources Code, to read:

41734.5. (a) Once a nondisposal facility element has been adopted, the city, county, or regional agency shall update all information required to be included in the nondisposal facility element, including, but not limited to, new information regarding existing and new, or proposed, nondisposal facilities.

(b) Updates shall be provided to the department within 30 days of any change in information.

(c) Copies of the updated information shall also be provided to

the local task force and shall be appended or otherwise added to the nondisposal facility element.

(d) The local task force shall not be required to review and comment on the updates to the nondisposal facility elements.

(e) Updates to the nondisposal facility elements are not subject to approval by the department.

SEC. 7. Section 41735 of the Public Resources Code is amended to read:

41735. (a) Notwithstanding Division 13 (commencing with Section 21000), the adoption or update of a nondisposal facility element shall not be subject to environmental review.

(b) Local agencies may impose a fee on project proponents to fund their necessary and actual costs of preparing and approving updates to nondisposal facility elements.

SEC. 8. Section 41736 of the Public Resources Code is amended to read:

41736. It is not the intent of the Legislature to require cities and counties to revise their source reduction and recycling elements to comply with the requirements of this chapter.

SEC. 9. Section 41780.01 is added to the Public Resources Code, to read:

41780.01. (a) The Legislature hereby declares that it is the policy goal of the state that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter.

(b) Notwithstanding subdivision (a), the department shall not establish or enforce a diversion rate on a city or county that is greater than the 50 percent diversion rate established pursuant to Section 41780.

SEC. 10. Section 41780.02 is added to the Public Resources Code, to read:

41780.02. (a) On or before January 1, 2014, the department shall submit a report to the Legislature that provides strategies to achieve the state's policy goal that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter, pursuant to Section 41780.01.

(b) The report shall also include all of the following:

(1) A review and update of the information required pursuant to subparagraph (A) of paragraph (4) of subdivision (c) of Section 40507, with emphasis on new and emerging trends in resource management.

(2) Identification of problematic waste streams and sources and recommendations on handling those waste streams.

(3) Evaluation of current programs and their effectiveness, and recommendations for changes to those programs.

(4) Recommendations for reprioritizing existing resources to best achieve the purpose of Section 41780.01.

(5) Recommendations for legislative changes, if any, that are necessary to achieve the goals of Section 41780.01.

(6) Report on regulatory changes, if any, that are necessary, to achieve the goals of Section 41780.01.

(7) Any other information or recommendations the department deems pertinent.

(c) The department may provide the report required pursuant to this section in conjunction with the report required pursuant to Section 40507 if the combined report is submitted on or before January 1, 2014.

(d) The department may hold public workshops to gather input from stakeholders.

(e) (1) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2017.

(2) The report shall be submitted in compliance with Section 9795

of the Government Code.

SEC. 11. Section 41800 of the Public Resources Code is amended to read:

41800. (a) Except as provided in subdivision (b), within 120 days from the date of receipt of a countywide or regional integrated waste management plan that the department has determined to be complete, or any element of the plan that the department has determined to be complete, the department shall determine whether the plan or element is in compliance with Article 2 (commencing with Section 40050) of Chapter 1 of Part 1, Chapter 2 (commencing with Section 41000), and Chapter 5 (commencing with Section 41750), and, based upon that determination, the department shall approve, conditionally approve, or disapprove the plan or element.

(b) (1) Within 120 days from the date of receipt of a city, county, or regional agency nondisposal facility element that the department has determined to be complete, the department shall determine whether the element that the department has determined to be complete is in compliance with Chapter 4.5 (commencing with Section 41730) and Article 1 (commencing with Section 41780) of Chapter 6, and, based upon that determination, the department shall approve, conditionally approve, or disapprove the element within that time period.

(2) In reviewing the element, the department shall:

(A) Not consider the estimated capacity of the facility or facilities in the element unless the department determines that this information is needed to determine whether the element meets the requirements of Article 1 (commencing with Section 41780) of Chapter 6.

(B) Recognize that individual facilities represent portions of local plans or programs that are designed to achieve the diversion requirements of Section 41780 and therefore may not arbitrarily require new or expanded diversion at proposed facilities.

(C) Not disapprove an element that includes a transfer station or other facility solely because the facility does not contribute toward the jurisdiction's efforts to comply with Section 41780.

(c) If the department does not act to approve, conditionally approve, or disapprove an element that the department has determined to be complete within 120 days, the department shall be deemed to have approved the element.

SEC. 12. Chapter 12.8 (commencing with Section 42649) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 12.8. RECYCLING OF COMMERCIAL SOLID WASTE

42649. (a) It is the intent of the Legislature to require businesses to recycle solid waste that they generate.

(b) It is the intent of the Legislature to allow jurisdictions flexibility in developing and maintaining commercial solid waste recycling programs.

(c) It is the intent of the Legislature to reduce greenhouse gas emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California.

42649.1. For purposes of this chapter, the following terms mean the following:

(a) "Business" means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity, or a multifamily residential dwelling.

(b) "Commercial solid waste" has the same meaning as defined in Section 17225.12 of Title 14 of the California Code of Regulations.

(c) "Commercial waste generator" means a business subject to

subdivision (a) of Section 42649.2.

(d) "Self-hauler" means a business that hauls its own waste rather than contracting for that service.

42649.2. (a) On and after July 1, 2012, a business that generates more than four cubic yards of commercial solid waste per week or is a multifamily residential dwelling of five units or more shall arrange for recycling services, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste, to the extent that these services are offered and reasonably available from a local service provider.

(b) A commercial waste generator shall take at least one of the following actions:

(1) Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials.

(2) Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

(c) A property owner of a multifamily residential dwelling may require tenants to source separate their recyclable materials to aid in compliance with this section.

42649.3. (a) On and after July 1, 2012, each jurisdiction shall implement a commercial solid waste recycling program appropriate for that jurisdiction designed to divert commercial solid waste from businesses subject to Section 42649.2, whether or not the jurisdiction has met the requirements of Section 41780.

(b) If a jurisdiction already has a commercial solid waste recycling program as one of its diversion elements that meets the requirements of this section, it shall not be required to implement a new or expanded commercial solid waste recycling program.

(c) The commercial solid waste recycling program shall be directed at a commercial waste generator, as defined in subdivision (b) of Section 42649.1, and may include, but is not limited to, any of the following:

(1) Implementing a mandatory commercial solid waste recycling policy or ordinance.

(2) Requiring a mandatory commercial solid waste recycling program through a franchise contract or agreement.

(3) Requiring all commercial solid waste to go through either a source separated or mixed processing system that diverts material from disposal.

(d) The commercial solid waste recycling program shall include education, outreach to, and monitoring of, businesses. A jurisdiction shall notify a business if the business is not in compliance with Section 42649.2.

(e) The commercial solid waste recycling program may include enforcement provisions that are consistent with a jurisdiction's authority, including a structure for fines and penalties.

(f) The commercial solid waste recycling program may include certification requirements for self-haulers.

(g) The department shall review a jurisdiction's compliance with this section as part of the department's review required by Section 41825. Each jurisdiction shall report the progress achieved in implementing its commercial recycling program, including education, outreach, identification, and monitoring, and if applicable, enforcement efforts, by providing updates in the annual report required by Section 41821.

(h) The department may also review whether a jurisdiction is in compliance with this section at any time that the department receives information that a jurisdiction has not implemented, or is not making a good faith effort to implement, a commercial recycling

42926. (a) In addition to the information provided to the department pursuant to Section 12167.1 of the Public Contract Code, each state agency shall submit an annual report to the department summarizing its progress in reducing solid waste as required by Section 42921. The annual report shall be due on or before May 1, 2012, and on or before May 1 in each subsequent year. The information in this report shall encompass the previous calendar year.

(b) Each state agency's annual report to the department shall, at a minimum, include all of the following:

(1) Calculations of annual disposal reduction.

(2) Information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors.

(3) A summary of progress made in implementing the integrated waste management plan.

(4) The extent to which the state agency intends to utilize programs or facilities established by the local agency for the handling, diversion, and disposal of solid waste. If the state agency does not intend to utilize those established programs or facilities, the state agency shall identify sufficient disposal capacity for solid waste that is not source reduced, recycled, or composted.

(5) Other information relevant to compliance with Section 42921.

(c) The department shall use, but is not limited to the use of, the annual report in the determination of whether the agency's integrated waste management plan needs to be revised.

SEC. 14. Section 44004 of the Public Resources Code is amended to read:

44004. (a) An operator of a solid waste facility shall not make a significant change in the design or operation of the solid waste facility that is not authorized by the existing permit, unless the change is approved by the enforcement agency, the change conforms with this division and all regulations adopted pursuant to this division, and the terms and conditions of the solid waste facilities permit are revised to reflect the change.

(b) If the operator wishes to change the design or operation of the solid waste facility in a manner that is not authorized by the existing permit, the operator shall file an application for revision of the existing solid waste facilities permit with the enforcement agency. The application shall be filed at least 180 days in advance of the date when the proposed modification is to take place unless the 180-day time period is waived by the enforcement agency.

(c) The enforcement agency shall review the application to determine all of the following:

(1) Whether the change conforms with this division and all regulations adopted pursuant to this division.

(2) Whether the change requires review pursuant to Division 13 (commencing with Section 21000).

(d) Within 60 days from the date of the receipt of the application for a revised permit, the enforcement agency shall inform the operator, and if the enforcement agency is a local enforcement agency, also inform the department, of its determination to do any of the following:

(1) Allow the change without a revision to the permit.

(2) Allow the following changes without a revision to the permit through a modification to the permit allowed pursuant to regulations developed by the department:

(A) The proposed change is to allow a nondisposal facility to increase the amount of solid waste that it may handle and that increased amount is within the existing design capacity as described in the facility's transfer processing report and review pursuant to Division 13 (commencing with Section 21000).

(B) The proposed change is to allow a disposal facility to add a nondisposal activity to the facility that will increase the amount of

solid waste that may be handled as described in the facility's report of facility information and review pursuant to Division 13 (commencing with Section 21000).

(3) Disallow the change because it does not conform with the requirements of this division or the regulations adopted pursuant to this division.

(4) Require a revision of the solid waste facilities permit to allow the change.

(5) Require review under Division 13 (commencing with Section 21000) before a decision is made.

(e) The operator has 30 days within which to appeal the decision of the enforcement agency to the hearing panel, as authorized pursuant to Article 2 (commencing with Section 44305) of Chapter 4. The enforcement agency shall provide notice of a hearing held pursuant to this subdivision in the same manner as notice is provided pursuant to subdivision (h).

(f) Under circumstances that present an immediate danger to the public health and safety or to the environment, as determined by the enforcement agency, the 180-day filing period may be waived.

(g) (1) A permit revision is not required for the temporary suspension of activities at a solid waste facility if the suspension meets either of the following criteria:

(A) The suspension is for the maintenance or minor modifications to a solid waste unit or to solid waste management equipment.

(B) The suspension is for temporarily ceasing the receipt of solid waste at a solid waste management facility and the owner or operator is in compliance with all other applicable terms and conditions of the solid waste facilities permit and minimum standards adopted by the department.

(2) An owner or operator of a solid waste facility who temporarily suspends operations shall remain subject to the closure and postclosure maintenance requirements of this division and to all other requirements imposed by federal law pertaining to the operation of a solid waste facility.

(3) The enforcement agency may impose any reasonable conditions relating to the maintenance of the solid waste facility, environmental monitoring, and periodic reporting during the period of temporary suspension. The department may also impose any reasonable conditions determined to be necessary to ensure compliance with applicable state standards.

(h) (1) (A) Before making its determination pursuant to subdivision (d), the enforcement agency shall submit the proposed determination to the department for comment and hold at least one public hearing on the proposed determination. The enforcement agency shall give notice of the hearing pursuant to Section 65091 of the Government Code, except that the notice shall be provided to all owners of real property within a distance other than 300 feet of the real property that is the subject of the hearing, if specified in the regulations adopted by the department pursuant to subdivision (i). The enforcement agency shall also provide notice of the hearing to the department when it submits the proposed determination to the department.

(B) The enforcement agency shall mail or deliver the notice required pursuant to subparagraph (A) at least 10 days prior to the date of the hearing to any person who has filed a written request for the notice with a person designated by the enforcement agency to receive these requests. The enforcement agency may charge a fee to the requester in an amount that is reasonably related to the costs of providing this service and the enforcement agency may require each request to be annually renewed.

(C) The enforcement agency shall consider environmental justice issues when preparing and distributing the notice to ensure that the

notice is concise and understandable for limited-English-speaking populations.

(2) If the department comments pursuant to paragraph (1), the department shall specify whether the proposed determination is consistent with the regulation adopted pursuant to subdivision (i).

(i) (1) The department shall, to the extent resources are available, adopt regulations that implement subdivision (h) and define the term "significant change in the design or operation of the solid waste facility that is not authorized by the existing permit."

(2) While formulating and adopting the regulations required pursuant to paragraph (1), the department shall consider recommendations of the Working Group on Environmental Justice and the advisory group made pursuant to Sections 71113 and 71114 and the report required pursuant to Section 71115.

SEC. 15. Section 50001 of the Public Resources Code is amended to read:

50001. (a) Except as provided by subdivision (b), after a countywide or regional agency integrated waste management plan has been approved by the Department of Resources Recycling and Recovery pursuant to Division 30 (commencing with Section 40000), a person shall not establish or expand a solid waste facility, as defined in Section 40194, in the county unless the solid waste facility meets one of the following criteria:

(1) The solid waste facility is a disposal facility or a transformation facility, the location of which is identified in the countywide siting element or amendment to that element, which has been approved pursuant to Section 41721.

(2) The solid waste facility is a facility that is designed to recover for reuse or recycling at least 5 percent of the total volume of material received by the facility, and that is identified in the nondisposal facility element that has been approved pursuant to Section 41800 or is included in an update to that element.

(b) Solid waste facilities other than those specified in paragraphs (1) and (2) of subdivision (a) shall not be required to comply with the requirements of this section.

(c) The person or agency proposing to establish a solid waste facility shall prepare and submit a site identification and description of the proposed facility to the task force established pursuant to Section 40950. Within 90 days after the site identification and description is submitted to the task force, the task force shall meet and comment on the proposed solid waste facility in writing. These comments shall include, but are not limited to, the relationship between the proposed solid waste facility and the implementation schedule requirements of Section 41780 and the regional impact of the facility. The task force shall transmit these comments to the person or public agency proposing establishment of the solid waste facility, to the county, and to all cities within the county. The comments shall become part of the official record of the proposed solid waste facility.

(d) The review and comment by the local task force shall not be required for an update to a nondisposal facility element.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.