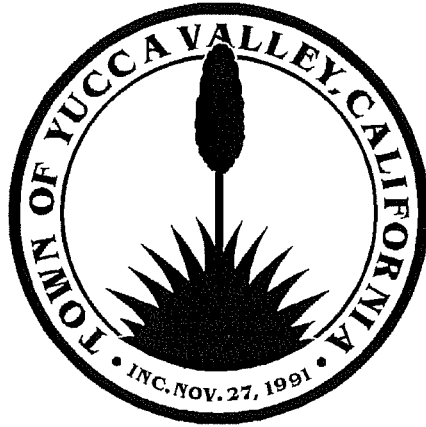


TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING



*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, SEPTEMBER 18, 2012  
TOWN COUNCIL MEETING: 6:00 P.M.  
YUCCA VALLEY COMMUNITY CENTER  
YUCCA ROOM  
57090 - 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

\*\*\*\*

**TOWN COUNCIL**  
*Dawn Rowe, Mayor*  
*Merl Abel, Mayor Pro Tem Member*  
*George Huntington, Council Member*  
*Robert Lombardo, Council Member*

\*\*\*\*

**TOWN ADMINISTRATIVE OFFICE:  
760-369-7207  
[www.yucca-valley.org](http://www.yucca-valley.org)**

**AGENDA  
REGULAR MEETING OF THE  
TOWN OF YUCCA VALLEY COUNCIL  
TUESDAY, SEPTEMBER 18, 2012  
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](http://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, Huntington, Lombardo, and Mayor Rowe.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

Led by Pastor Bob Wagner, Joshua Springs Calvary Chapel

**APPROVAL OF AGENDA**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

## AGENCY REPORTS

### Chamber of Commerce

1. Monthly Report for August, 2012

### Hi Desert Water District

2. Water and Wastewater Project Updates

## CONSENT AGENDA

- 1-12 3. Minutes of the Special Town Council Meeting of August 7, 2012 and August 21, 2012.

**Recommendation: Approve the minutes as presented.**

4. 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.**

- 13-14 5. Monthly Statistical Fire Department Report for August, 2012

**Recommendation: Receive and File the report.**

- 15-17 6. AB 1234 Reporting Requirements

**Recommendation: Receive and file the AB 1234 Reporting Requirement Schedule for the month of August, 2012**

- 18-31 7. Street Vacation SV-01-12, Southern California Gas Company, Approximately Twelve (12) feet of right of way on Pioneertown Road, Assessor's Parcel No. 594-061-08, Resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING ITS INTENTION TO VACATE THAT PORTION OF EASEMENTS ON ASSESSOR'S PARCEL NO. 594-061-08 IDENTIFIED ON THE ATTACHED MAPS AND SETTING A TIME AND PLACE FOR HEARING THEREON

**Recommendation: Adopt the Resolution declaring the intent to vacate approximately twelve (12') feet of that portion of easement(s) on the east side of Assessor Parcel Number 594-061-08, including**

**easement(s) on Pioneertown Road, as recommended by the Planning Commission, and setting a Public Hearing for October 16, 2012 at 6:00 p.m.**

- 32-39 8. Community Center Playground Improvement & Splash Park – Town Project No. 8961, Approval of Plans and Specifications, Authorization to Advertise for Construction, Community Development Block Grant Funds.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF COMMUNITY CENTER PLAYGROUND IMPROVEMENTS AND SPLASH PARK PROJECT IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE TO RECEIVE BIDS

**Recommendation: Adopt the Resolution, approving the plans and specifications for Project No. 8961, and authorizing the Town Clerk to advertise and receive bids.**

- 40-52 9. Warrant Register, September 18, 2012

**Recommendation: Ratify the Warrant Register total of \$495,133.94 for checks dated August 23, 2012 to September 6, 2012. Ratify Payroll Registers total of \$296,357.56 dated August 17, 2012 to August 31, 2012.**

*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 3-9)(roll call vote)**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

## **PUBLIC HEARINGS**

- 53-89 10. Annexation Are No. 1, Improvement Area No. 2, (Dollar General) APN 586-121-06 to Community Facilities District NO. 11-1 (Services), Resolutions, Ordinance.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, FOR THE ANNEXATION OF ANNEXATION AREA 1, IMPROVEMENT AREA NO. 2, TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES) (DOLLAR GENERAL), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, AND SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE AREA TO BE ANNEXED TO THE DISTRICT

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, SETTING A DATE FOR AN ELECTION ON THE ANNEXATION OF ANNEXATION REA NO. 1 (IMPROVEMENT AREA NO. 2) TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES) (DOLLAR GENERAL), SPECIAL TAX LEVY FOR FY 2013/14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING RESULTS OF THE SPECIAL ELECTION AND DIRECTING RECORDING OF A NOTICE OF SPECIAL TAX LIEN

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN IMPROVEMENT AREA NO. TWO, ANNEXATION NO. 1, OF COMMUNITY FACILITIES DISTRICT NO. 11-1 (DOLLAR GENERAL)

Staff Report

**Recommendation: Adopt the Resolutions to annex the project into Community Facilities District No. 11-1 (Improvement Area No. 2) and levy a special tax thereon to finance certain services as follows, and introduce the Ordinance:**

- 1. A Resolution for the annexation of Annexation Area No. 1, Improvement Area No. 2, to Community Facilities District No. 11-1 (Services, preliminarily establishing an appropriation limit for Improvement Area No. 2, and submitting the levy of the special tax to the qualified electors within the District.**
- 2. A Resolution setting a date for an election on the annexation of Annexation Area No. 1, Improvement Area No. 2, to Community Facilities District No. 11-1 (Services), and setting an appropriations limit.**
- 3. A Resolution declaring results of the special election and directing recording of notice of special tax lien.**
- 4. An ordinance of the Town Council of the Town of Yucca Valley, California, authorizing the levy of a special tax within Community Facilities District No. 11-1, Annexation No. 1, Improvement Area No. 2. (Dollar General)**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_.

## DEPARTMENT REPORTS

- 90-91 11. 2012-13 Youth Commission Appointments

Staff Report

**Recommendation: Appoint the applicants recommended by the Parks, Recreation and Cultural Commission to the 2012-13 Youth Commission, and authorize the Parks, Recreation & Cultural Commission to review future applications and make subsequent appointments on behalf of the Council.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_.

- 92-96 12. Rules for the use of Dog Parks, Ordinance

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 11 FO THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY ADDING A NEW SECTION 11.08.045 ENTITLED USE OF DOG PARK FACILITIES

Staff Report

**Recommendation: Introduce the Ordinance establishing regulations for the use of designated public dog parks in the Town of Yucca Valley.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 11 FO THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY ADDING A NEW SECTION 11.08.045 ENTITLED USE OF DOG PARK FACILITIES

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_.

- 97-100 13. Park and Facility Naming Policy

Staff Report

**Recommendation: Approve and adopt the proposed Parks and**

**Facility Naming Policy and direct staff and the Parks, Recreation and Cultural Commission to begin immediate implementation of the policy as it relates to the new park currently referred to as South Side Park.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_.

101-111 14. Appointment to the General Plan Advisory Committee

Staff Report

**Recommendation: Appoint members to the General Plan Advisory Committee (GPAC)**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_.

## **FUTURE AGENDA ITEMS**

## **PUBLIC COMMENTS**

*In order to assist in the orderly and timely conduct of the meeting, the Council takes this time to consider your comments on items of concern which are on the Closed Session or not on the agenda. When you are called to speak, please state your name and community of residence. Notify the Mayor if you wish to be on or off the camera. Please limit your comments to three (3) minutes or less. Inappropriate behavior which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting will result in forfeiture of your public comment privileges. The Town Council is prohibited by State law from taking action or discussing items not included on the printed agenda.*

## **STAFF REPORTS AND COMMENTS**

## **MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

15. Council Member Huntington
16. Council Member Lombardo
17. Mayor Pro Tem Abel
18. Mayor Rowe

## **ANNOUNCEMENTS**

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

**6:00 p.m., Tuesday, October 2, 2012, Yucca Valley Community Center Yucca Room**

## **CLOSING ANNOUNCEMENTS**

## **ADJOURNMENT**



**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
AUGUST 7, 2012**

**OPENING CEREMONIES**

Mayor Rowe called the meeting to order at 6:05 p.m.

Council Members Present: Abel, Huntington, Lombardo, and Mayor Rowe. Council Member Huntington participated via Skype from Westin Resort, Boulevard Kukulcan KM 20, Cancun, Quintana Roo 77500, Mexico

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

**PLEDGE OF ALLEGIANCE**

Led by Mayor Rowe

**INVOCATION**

Led by Chaplain Mike Kelliher, Joshua Springs Calvary Chapel

**APPROVAL OF AGENDA**

Council Member Lombardo moved to approve the agenda. Council Member Abel seconded. Motion carried 4-0 by roll call vote.

**AYES:** Council Member Abel, Huntington, Lombardo, and Mayor Rowe

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

Town Manager Nuaimi recommended that Item No. 9, regarding the Revenue Measure Election be moved forward due to the fact that we are communicating remotely with Council Member Huntington and did have a power outage earlier in the day. Council agreed.

**DEPARTMENT REPORTS**

**9. Local Revenue Measure Election; Budget Amendment**

Town Manager Nuaimi gave the staff report advising of the community outreach and

the comments staff has heard as a result. He noted, if approved by the voters, the measure would go into effect on April 1, 2013. While initial dollars will be coming to the Town, funds will be set aside for road maintenance in Phase 1 of the sewer project. In addition, Town and District staff continue to negotiate a 25 year lease agreement. He noted that staff heard loud and clear from Council last meeting that there is a need to have that agreement in place before election.

**Curt Duffy**, Yucca Valley, spoke in opposition to the measure encouraging Council to go back and look at other solutions.

**Jeff Drozd**, Yucca Valley, commented in favor of the measure noting he feels the sales tax gives the Town control of its own destiny. We need to fund a lot of things, not just the sewer system.

**Robert Leone**, Yucca Valley, commented in opposition suggesting this is a poor time to pass the sales tax because the economy is not good, and the Town can use the money any way it wants.

**Ray Packard**, Yucca Valley, spoke in opposition to the measure, noting a guarantee must be in place before going to the voters. Stated she lives in Phase 2 and when she has to hook up she will have to claim poverty.

**Margo Sturges**, Yucca Valley, spoke in opposition, stating 100% of the funds should go to the sewer, and that any tax increase impacts the poor.

**Mike Kelliher**, Yucca Valley, spoke in favor of the 1% tax, stating it will hurt everyone a little, but is the fairest proposal all around. We are at a point now where something has to be done.

**Richard Gahn**, Yucca Valley, spoke in favor of the measure thanking Council for considering a way of solving our \$125,000,000 problem that we as a community are going to have to pay.

**Debra Thompson**, Yucca Valley, spoke in opposition stating that the money should go to individual property owners to help them hook to the sewer. All the proceeds should go to the sewer.

**Bill Horn**, Yucca Valley, stated everyone will pay the tax, but not everyone pays for the treatment plant, just those in Phase 1, adding he wants some assurance that part of this money will go toward the wastewater treatment plant.

**Rich Middlebrough**, Yucca Valley, spoke in favor noting everyone has an interest in protecting our water and visitors would also be contributing. A bond issue would only

be paid back by the property and business owners who have already absorbed a cost. Renters also need to share the burden.

**Dan Harmon**, Yucca Valley, spoke in favor stating we need money for the sewer system, roads, parks and police. Earmarking the funds is not good for the town, there needs to be flexibility.

**Lori Herbel**, Yucca Valley, commented if the Town has the sewer it will increase our property value, more people will come to live here and will increase revenue. If the whole amount went to the sewer it would take care of all the issues.

**Vicki Bridenstine**, Yucca Valley, speaking as private citizen, commented in favor of the measure, noting anytime we can have others help pay we should partake. If people think that opposing the measure will make the sewer go away, they are very mistaken. We will be paying one way or the other.

**Jennifer Collins**, Yucca Valley, Chamber of Commerce President, advised the board members present at a meeting regarding the tax unanimously voted to support the measure, agreeing it is in the best interest of the residents and businesses in Town.

Mayor Rowe advised that Jack Rarick, Donna Davies, and Terry Bridenstine submitted speaker slips in favor of the measure but did not wish to speak.

Town Manager Nuaimi commented that 1% is the Town's full taxing authority, so it cannot be raised any higher, as has been suggested. He noted that over the past 4 years the Town has gone from 52 employees to 41 who are now contributing to their retirement system. We have cut to the bone, and it would be irresponsible if staff came to the Council with a solution or recommendation that did not address the list of infrastructure and public safety needs. Staff came forward with a recommendation that provides flexibility for needed resources to deal with the bare essentials. There is no immediate increase in revenue to the town because the sewer is coming in 4 years. He noted the Council and Water Board agreed, in a joint session, to enter into a lease agreement. The measure reduces the cost to connect the system. The outreach sessions throughout the community were very much interactive with many questions asked and quite a bit of debate.

Council Member Huntington questioned if a tax measure can be either repealed or reduced through the initiative process at any time, and if the initiative process can be initiated by any citizen, group, or Council. Town Manager Nuaimi advised that is correct. Council Member Huntington commented he feels secure with the measure, and feels it is necessary for this community. He noted that one of Council's priorities has been to assist the Water District in any way possible to bring the sewer system to fruition and get this community back into economic recovery and create jobs, etc.

Council Member Lombardo commented he feels the measure is a fair and evenly distributed burden on the people who use our services, and is the only sizeable measure to raise funds to help support the sewer system and the Town's future needs. As the economy picks up there will be an increase in sales tax that will be put to good use. It is also important to have some flexibility. Our sewer system is the most important crisis at this time, but there are things such as roads and police services that are also short of funding.

Council Member Abel commented he takes great comfort knowing the amount of outreach the Town has done to get input from the community, so he agrees with moving the measure forward. He noted he is also in favor of the Town's partnership with the Water District, and is pleased with the requirements in the measure for an independent annual audit and formation of a taxpayers' oversight committee.

Mayor Rowe questioned if the Council could add language to reduce the duration as well as the percentage, and if another Council could raise the percentage back up to 1%. Town Manager Nuaimi advised if the Council reduces the percentage to 0, the tax won't be collected any more so that mechanism would not be there, but it may be possible that future Councils could go back up. Mayor Rowe advised that we hear from the community that our roads are in disrepair, noting she would like to encourage this Council to have a resolution in place if this tax passes to allocate some percentage of the funds for roads, and making that a priority to the Town. She stated that it is with a lot of thought that she is encouraging this, we need this project as well as various other projects funded.

Council Member Lombardo moved to adopt Resolution No. 12-29 ordering the submission to the voters of a local one cent (1%) Transactions and Use Tax for General Fund Purposes; adopt Resolution No. 12-30 directing the Town Attorney to prepare an impartial analysis, setting priorities for filing written arguments, and providing for rebuttal arguments regarding the Yucca Valley Local Transactions and Use Tax Measure; Amend the FY 2012-13 Appropriating \$6,000 from General Fund Undesignated Reserves to 10-12-7860 (Town Clerk – Election Expenses) to cover the County Registrar costs for conducting the local measure; and Appropriating \$20,000 from General Fund Undesignated Reserves to 05-01-7110 (Town Manager Professional Services) to continue public education / outreach activity through the end of the calendar year. Council Member Abel seconded. Motion carried 4-0 on a roll call vote.

**AYES:** Council Member Abel, Huntington, Lombardo, and Mayor Rowe  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

CONSENT AGENDA

- 3. **Approve**, Minutes of the Regular Town Council Meeting of July 17, 2012, as amended.
- 4. **Waive**, further reading of all ordinances and read by title only.
- 5. **Authorize**, a one-year extension through August 14, 2013, of the current contract with Southwest Networks, Inc. to provide professional network maintenance and computer services, and authorize the Town Manager to make any necessary non-substantive changes and sign all related documents in a form approved by the Town Attorney.
- 6. **Approve**, Amendment No. 1 to the agreement for Professional Consulting Services with RJM Design Group, to provide additional required tasks and services specifically described in Consultant’s Proposal dated June 21, 2012, increasing total compensation under the Agreement for Professional Consulting Services by \$5,175, bringing the total compensation under the Agreement to \$48,575; and authorize the Town Manager to sign all documents necessary to implement the Agreement for the Community Center Playground Improvements & Splash Park – Town Project No. 8961.
- 7. **Adopt**, Resolution No. 12-31 declaring the intent to annex territory to Community Facilities District 11-1 and to levy a special tax thereon to finance certain services.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY DECLARING ITS INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES)

- 8. **Ratify**, Warrant Register total of \$257,416.08 for checks dated July 24, 2012 to July 26, 2012. Ratify Payroll Registers total of \$178,317.01 dated July 20, 2012

**Margo Sturges**, Yucca Valley, commented regarding Item No. 3, July 17, 2012 minutes.

Council Member Abel moved to adopt Consent Agenda Items 3-8. Council Member Lombardo seconded. Motion carried 4-0.

**AYES:** Council Member Abel, Huntington, Lombardo, and Mayor Rowe  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**DEPARTMENT REPORTS**

**10. Selection of Mayor Pro Tem**

Town Manager Nuaimi advised that Ordinance No. 227, adopted in June of 2011, states the Council can nominate any member to be Mayor Pro Tem, and if Council cannot agree, the selection automatically rotates to the most senior member, which would be Council Member Abel.

Council Member Huntington moved to select Council Member Able to act as Mayor Pro Tem through December 4, 2012. Council Member Lombardo seconded. Motion carried 4-0.

**AYES:** Council Member Abel, Huntington, Lombardo, and Mayor Rowe  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**PUBLIC COMMENT**

Margo Sturges, Yucca Valley, requested the Council vacancy be filled by election.

**PRESENTATIONS, RECOGNITIONS, INTRODUCTIONS**

**1. Employee of the Quarter**

Presented to Lynne Richardson, Museum Supervisor.

**2. Presentation to Captain Miller**

Mayor Rowe and Town Manager Nuaimi presented a Town Plaque, carved statue and miscellaneous items to Sheriff's Captain Miller in honor of his retirement after 33 years with the Department.

**STAFF REPORTS AND COMMENTS**

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

**11. Council Member Huntington**

Congratulated Museum Supervisor Richardson for being selected as Employee of the Quarter

Congratulated Captain Miller on his retirement.

Commented regarding teleconferencing for the meeting and thanked his grandsons for their assistance.

**12. Council Member Lombardo**

Commented regarding attendance at the Animal Care JPA meeting, noting we are moving forward with the plans for the animal shelter.

**13. Council Member Abel**

Thanked the Council for his selection as Mayor Pro Tem.

Congratulated Museum Supervisor Richardson.

Congratulated Captain Miller.

**14. Mayor Rowe**

Congratulated Museum Supervisor Richardson.

Reminded everyone of the upcoming Land Barron's Ball to benefit the Miracle League Field, and the Starry Nights Festival.

Commented that Captain Miller will be missed and is welcome to come back at any time.

**ANNOUNCEMENTS**

Next Town Council Meeting, Tuesday, August 21, 2012, 6:00 p.m.

**CLOSING ANNOUNCEMENTS**

Town Manager Nuaimi thanked the staff members and everyone involved in equipping the facility to enable us to teleconference with Council Member Huntington. Advised that staff went to court as part of an estate hearing where the Town was granted \$302,000 from the estate of Cyla Wells for the animal shelter. We are grateful for the bequeath and already have a list of thoughts for the Council to consider. Also, during budget adoption staff talked about some dollars the Town would be requesting from SANBAG to the tune of \$1.6 to \$1.7 million. We have been told that SANBAG staff is moving forward with that recommendation. He echoed Council Member Lombardo's comment regarding the animal shelter emphasizing that

the project is out to bid and staff is looking forward to receiving those bids. Commented it has been a pleasure working with Captain Miller.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Jamie Anderson, MMC  
Town Clerk



**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
AUGUST 21, 2012**

**OPENING CEREMONIES**

Mayor Rowe called the meeting to order at 6:01 p.m.

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

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 Mike Kelliher

**INVOCATION**

Led by Pastor Tom Aversa, Valley Community Chapel

**APPROVAL OF AGENDA**

Council Member Huntington moved to approve the agenda. Council Member Lombardo seconded. Motion carried 4-0.

**CONSENT AGENDA**

3. **Approve**, Minutes of the Regular Town Council Meeting of July 24, 2012, as presented.
4. **Waive**, further reading of all ordinances and read by title only.
5. **Receive and file**, Monthly Statistical Fire Department Report for July, 2012
6. **Receive and file**, the AB 1234 Reporting Requirement Schedule for the month of July, 2012
7. **Receive and file**, Proclamation recognizing Marine Corps Air Ground Combat Center, Twentynine Palms 60<sup>th</sup> Anniversary to be presented by the Mayor on August 24, 2012.
8. **Award**, construction contract to Joe Putrino, General Contractor, in the amount of

\$75,715, and authorize a construction contingency in the amount of \$7,285, for a total contract amount of \$83,000, authorize the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorize the Town Manager to expend the contingency fund, if necessary to complete the project, Community Center Building Re-Plumbing – Town Project No. 8048.

9. **Award**, Professional Services Agreement to Overland Pacific & Cutler, Inc., in the amount of fifty nine thousand one hundred and eighty five dollars (\$59,185) to provide Right of Way acquisition and support services for the SR 62 TCRP Project, and authorize the Mayor, Town Manager and Town Attorney to sign all necessary documents to implement the project.

10. **Ratify**, Warrant Register total of \$712,610.25 for checks dated August 2, 2012 to August 9, 2012. Ratify Payroll Registers total of \$157,124.33 dated August 3, 2012.

Council Member Abel moved to adopt Consent Agenda Items 3-10. Council Member Lombardo seconded. Motion carried 4-0.

- AYES: Council Member Abel, Huntington, Lombardo, and Mayor Rowe
- NOES: None
- ABSTAIN: None
- ABSENT: None

**DEPARTMENT REPORTS**

11. **Resolution calling a special election on Tuesday, March 5, 2013.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2013 TO FILL A TOWN COUNCIL VACANCY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

Town Manager Nuaimi advised that Council Member Hagerman resigned from the Council on July 20, 2012. Due to the fact that there are already two appointed Members, Council must call a special election within 60 days of the resignation. The election would be held on March 5, 2012.

**Margo Sturges**, Yucca Valley, commented in favor of calling the election.

Council Member Abel moved to adopt Resolution No. 12-32, calling and giving notice of a Special Election on March 5, 2013, to fill a Town Council vacancy. Council

Member Huntington seconded. Motion carried 4-0.

**PUBLIC COMMENT**

**Mataya Land**, Yucca Valley, commented regarding pit bulls and the need for no kill shelters.

**Margo Sturges**, Yucca Valley, commented in opposition to Measure U.

**Jennifer Collins**, Yucca Valley, President of Yucca Valley Chamber of Commerce, spoke in favor of Measure U noting the Chamber has been holding informational meetings regarding Measure U and have had about 50 people attend looking for information. She noted the majority are in favor of the sales tax.

**STAFF REPORTS AND COMMENTS**

Town Manager Nuaimi thanked the Chamber for providing the opportunity for Town staff to come out and answer questions regarding Measure U, noting it is vital that the community receives factual information. Advised that staff received word earlier today that the Tax Credit Allocation Committee has reviewed the senior project, and we are being awarded the full 148 points. We believe we have the competitive tie breaker.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

**12. Council Member Huntington**

Commented regarding attendance at the Mountain/Desert Measure I meeting where they voted to provide the gap funding required for our TCRP project. The item will go before the full board next month.

Advised that he will be attending a SANBAG work session on Council of Governments August 22<sup>nd</sup>.

Advised he handed out information regarding the Regional Gas Inventory and Reduction Plan. It is not required that a climate action plan be submitted, and it probably won't be since it is an unfunded mandate from the state. The Plan should be finished by mid next year.

**13. Council Member Lombardo**

Advised he is available to sit down and meet with members of the public at his office between the 12:00 p.m. and 1:00 p.m. on the first and third Tuesday of the month to discuss any topic important to the citizens.

**14. Council Member Abel**

Thanked everyone for attending the meeting both in person and watching on TV.

Reminded everyone that school is in session next week, asking drivers to be extra cautious.

Commented it is Nice to hear from a young person at the podium to discuss the need for no kill shelters. Reminded everyone to make sure to spay and neuter their pets.

**15. Mayor Rowe**

Advised the Youth Commission is still taking applications for Junior and Senior High students.

Thanked the Chamber of Commerce for being an active part of the community.

**ANNOUNCEMENTS**

Next Town Council Meeting, Tuesday, September 4, 2012, 6:00 p.m.

**CLOSING ANNOUNCEMENTS**

**ADJOURNMENT**

There being no further business the meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Jamie Anderson, MMC  
Town Clerk



# SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

## August 2012 Summary

### ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to a total of 403 requests for assistance within our town boundaries. Division wide responses for the South Desert during the Month of August were 654 incidents.

#### EMERGENCY RESPONSES

##### ESTIMATED FIRE LOSS (In dollars)

Total Loss	\$	85,000	Value	\$	85,000
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##### RESPONSES OTHER THAN FIRES

Fires	11
Rupture / Explosion	0
EMS / Rescue	299
Hazardous Condition	2
Service Calls	36
Good Intent Calls	45
False Call	11
Other	0

##### ALARMS – ALL TYPES

Yucca Valley Response Area

##### 2012 Year-to-Date

TOTAL NON-FIRE RESPONSE.....	3,150
TOTAL FIRE RESPONSES.....	91
TOTAL ALARMS .....	3,241

#### Significant Events:

- Fire Prevention Week is rapidly approaching October 7<sup>th</sup> – 13<sup>th</sup> “Have Two Ways Out” The following website has more information to share with you, family, neighbors - <http://www.nfpa.org/index.asp>
- Remember to participate in the Great Southern California ShakeOut Drill on October 18<sup>th</sup>. See the information at the following website: <http://www.shakeout.org/california/>



# SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

## Fire Prevention Week What is it all about?

### Commemorating a conflagration

Fire Prevention Week was established to commemorate the Great Chicago Fire, the tragic 1871 conflagration that killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures and burned more than 2,000 acres. The fire began on October 8, but continued into and did most of its damage on October 9, 1871.

According to popular legend, the fire broke out after a cow - belonging to Mrs. Catherine O'Leary - kicked over a lamp, setting first the barn, then the whole city on fire. Chances are you've heard some version of this story yourself; people have been blaming the Great Chicago Fire on the cow and Mrs. O'Leary, for more than 130 years. But recent research by Chicago historian Robert Cromie has helped to debunk this version of events.

### The 'Moo' myth

Like any good story, the 'case of the cow' has some truth to it. The great fire almost certainly started near the barn where Mrs. O'Leary kept her five milking cows. But there is no proof that O'Leary was in the barn when the fire broke out - or that a jumpy cow sparked the blaze. Mrs. O'Leary herself swore that she'd been in bed early that night, and that the cows were also tucked in for the evening.

But if a cow wasn't to blame for the huge fire, what was? Over the years, journalists and historians have offered plenty of theories. Some blamed the blaze on a couple of neighborhood boys who were near the barn sneaking cigarettes. Others believed that a neighbor of the O'Leary's may have started the fire. Some people have speculated that a fiery meteorite may have fallen to earth on October 8, starting several fires that day - in Michigan and Wisconsin, as well as in Chicago.



## FACTS

### Home Fires

- One home structure fire was reported every 85 seconds in 2010.
- Most fatal fires kill one or two people. In 2010, 19 home fires killed five or more people. These 19 fires resulted in 101 deaths.
- In 2010, U.S. fire departments responded to 369,500 home structure fires. These fires caused 13,350 civilian injuries, 2,640 civilian deaths, and \$6.9 billion in direct damage.

### Escape Planning

- According to an NFPA survey, only one-third of Americans have both developed and practiced a home fire escape plan.
  - Almost three-quarters of Americans do have an escape plan; however, less than half actually practiced it.
  - One-third of Americans households who made and estimate they thought they would have at least 6 minutes before a fire in their home would become life threatening. The time available is often less. And only 8% said their first thought on hearing a smoke alarm would be to get out!
- Smoke Alarms
- Almost two-thirds (62%) of reported home fire deaths resulted from fires in homes with no smoke alarms or no working smoke alarms.
  - Working smoke alarms cut the risk of dying in reported home fires in half.



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Director of Administrative Services  
**Date:** September 6, 2012  
**For Council Meeting:** September 18, 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 August 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.

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Reviewed By:      
 Town Manager      Town Attorney      Admin Services      Dept Head

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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 August 2012

<b>Date of Travel</b>	<b>Organization</b>	<b>Description</b>	<b>Location</b>
<b>Mayor Rowe</b>	No Reportable Meetings		
<b>Mayor Pro Tem Abel</b>	No Reportable Meetings		
<b>Councilmember Huntington</b>	No Reportable Meetings		
<b>Councilmember Lombardo</b>	No Reportable Meetings		
<b>Councilmember -Vacant</b>			

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Alex Qishta, Project Engineer  
**Date:** September 10, 2012  
**For Council Meeting:** September 18, 2012

**Subject:** Planning Commission Recommendation  
Resolution No. 12-  
Street Vacation SV-01-12, Southern California Gas Company  
Approximately Twelve (12) feet of right of way on Pioneertown Road  
Assessor's Parcel No. 594-061-08

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

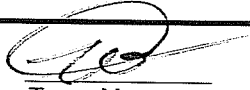
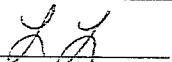
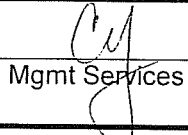
**Recommendation:** That the Town Council approves the Resolution, declaring the intent to vacate approximately twelve (12') feet of that portion of easement(s) on the east side of Assessor Parcel Number 594-061-08, including easement(s) on Pioneertown Road, as recommended by the Planning Commission, and setting a Public Hearing for October 16, 2012 at 6:00 P.M.

**Executive Summary:** At their meeting of August 28, 2012, the Planning Commission determined the requirements for vacating public road easements on Pioneertown Road were satisfied, as the easements identified are not necessary for future circulation purposes nor are they necessary for existing or future access for other properties in the surrounding area. The Planning Commission voted unanimously to approve the application to vacate the street easements.

The Streets and Highways Code permits the Town to vacate a street easement only upon a finding supported by substantial evidence that the easement is no longer needed for vehicular traffic and that the street is unnecessary for present or prospective public use.

Section 8300 et. seq. of the Streets and Highways Code requires the Town Council to set and hold a public hearing prior to vacating street easements.

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Reviewed By:	 Town Manager	 Town Attorney	 Mgmt Services	 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

**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:** An application was submitted to the Town by Southern California Gas Company to vacate a portion of Pioneertown Road. The Town's General Plan Circulation Element identifies Pioneertown Road as an 80' wide (40' half width) collector. Therefore, the existing right of way is 12' wider than required by the Circulation Element. The Planning Commission reviewed the street vacation request and confirmed that the request is in conformance to the General Plan.

Public agencies are required to obtain right-of-way or easements for construction of public improvements including roadways, flood control facilities and other public works improvements. Planning for future extensions and expansions of public works projects requires that local agencies acquire right-of-way or easements years in advance of the actual construction projects. There are other situations where right-of-way or easements have been acquired and utilized for their intended purpose, but as the Town grows and roadways are improved and realigned, certain right-of-ways or easements no longer serve their original purpose.

Section 8300 et. el. of the Streets and Highways Codes requires the Town Council to establish and hold a public hearing prior to vacating any public easements. Adoption of the Resolution sets the Public Hearing for October 16, 2012, at 6:00 P.M.

**Alternatives:** Staff recommends no alternative action.

**Fiscal impact:** Street vacation application fees cover all costs related to these actions.

**Attachments:** Resolution No.  
Request for Street Vacation  
Assessor's Parcel Map  
Streets and Highways Code Sections

RESOLUTION NO. 12-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING ITS INTENTION TO VACATE THAT PORTION OF EASEMENTS ON ASSESSOR'S PARCEL NO. 594-061-08 IDENTIFIED ON THE ATTACHED MAPS AND SETTING A TIME AND PLACE FOR HEARING THEREON.

The Town Council of the Town of Yucca Valley, California, does hereby resolve as follows:

SECTION 1. That the Town Council of the Town of Yucca Valley, California, Intends to order the vacation approximately twelve (12') feet of that certain portion of an existing 52' foot easements adjacent to the westerly and easterly property lines of Assessor's Parcel No. 594-061-08.

SECTION 2. This vacation proceeding is conducted pursuant to the provisions of Chapter 3, Part 3 of Division 9, of the Streets and Highways Code of the State of California designated "General Vacation Procedure" (beginning at Section 8320 of said Code).

SECTION 3. Notice is hereby given that on October 16, 2012 at 6:00 p.m. in the Yucca Room of the Town of Yucca Valley Community Center, Yucca Valley, California, is the time and place fixed for hearing all persons interested in or objecting to the proposed street easement vacation.

SECTION 4. The Town Engineer or his representative of the Town of Yucca Valley shall cause to be conspicuously posted, along the line of the street proposed to be vacated, notices of the passage of this Resolution of Intention, which notices shall be posted at least two weeks before the day set for the hearing. Notices shall be posted not more than 300 feet apart, but at least three notices shall be posted. The notices shall state the day, hour and place of the hearing, and describe the street or public service easement proposed to be vacated.

SECTION 5. In addition, pursuant to Section 8322 of the Streets and Highways Code, this Resolution shall be posted by the Town Clerk in public places designated by the Town Council for the posting of resolutions and ordinances of the Town, and published in a newspaper of general circulation within the Town for at least two successive weeks prior to the hearing.

ADOPTED AND APPROVED THIS 18<sup>th</sup> day of September, 2012.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK



# Street Vacation Application

Date Received	_____
By	_____
Fee	_____
Case #	_____

Entire Street

Portion of Street

### General Information

APPLICANT Southern California Gas Company Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Mailing Address 8101 Rosemead Blvd., SC720F Email rakins@semprautilities.com  
 City Pico Rivera, State CA Zip 90660  
 REPRESENTATIVE JTC Architects, Inc. Phone 626-254-8884 Fax 626-574-7775  
 Mailing Address 65 N. First Ave., Suite 201 Email jtcarch@pacbell.net  
Arcadia, CA 91006  
 PROPERTY OWNER Monrogo Basin Humane Society Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ Email \_\_\_\_\_  
Current property owner is the Monrogo Basin Humane Socie  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
The property is in escrow to be sold to Southern California Gas Compa

### Project Information

Street Name: 7230 Pioneertown Road  
 Assessor Parcel Number(s) of adjacent parcels:  
 (Please provide a copy of the Assessor Parcel Map with the portion to be vacated identified)  
0594-061-08  
 Nearest cross street(s): Coyote Trail and Antelope Trail  
 Length of street to be vacated: 330.94 feet  
 Width of street to be vacated: 12 feet  
 Legal description of street, alley, or public easement to be vacated (attach additional pages if needed):

Please see attached

Applicant Signature \_\_\_\_\_  
 Property Owner Signature \_\_\_\_\_

Application modified 05-02-12

**Owner/Applicant Authorization**

**Applicant/Representative:** I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions of approval. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs.

Signed: *Raymond D. Adams*

Date: 7/9/2012

**Property Owner:** I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval. I/We hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs. I am hereby authorizing

*Russell Gibbs*  
to act as my agent and is further authorized to sign any and all documents on my behalf:

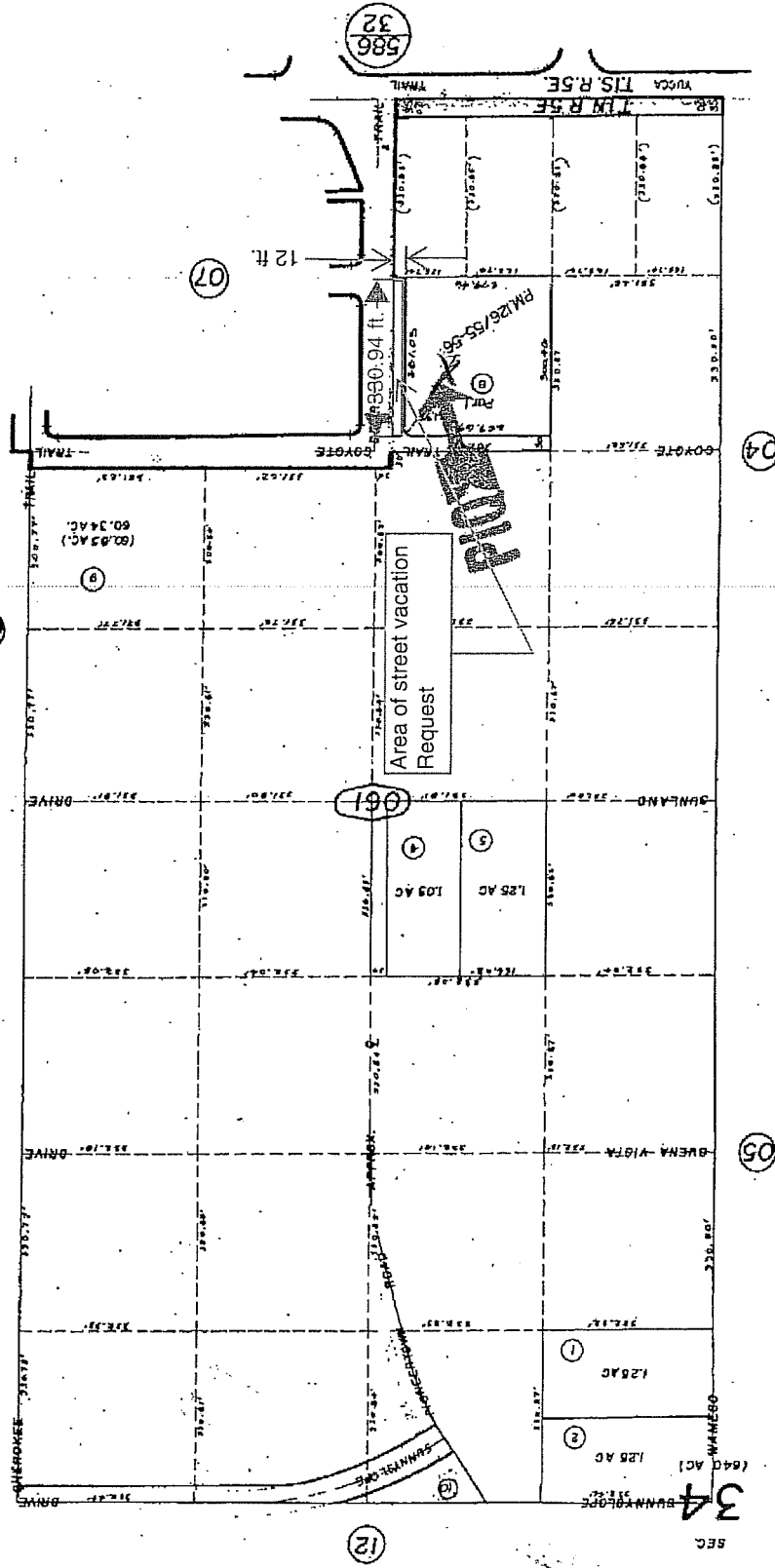
Signed: *Mary Mintz*

Dated: 7-10-12

Por. W.1/2 SE.1/4 Section 34 T.1N.R.5E, S.B.B. & M.  
R.S. 5/45.

Township of Yucca Valley  
Tax Rate Area  
230.00

594-06



REVISED  
2/1/00  
5/19/02  
12/20/03  
4/20/04

Assessor's Map  
Book 594, Page 06  
San Bernardino County

Note--Assessor's Blk. & Lot  
Numbers Shown in Circles

Parcel Map No. 07B4, P.M. 126/55-56

This plat is not a survey. It is intended as an aid in  
locating property only. Although it is copyrighted, these  
are best sources of information, the Company assumes  
no liability of loss by reliance thereon.  
FIDELITY NATIONAL TITLE INSURANCE CO



## EXHIBIT "A"

## LEGAL DESCRIPTION

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 10784, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 126 PAGES 55 AND 56 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 1;  
 THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1; SOUTH 89°31'26" EAST, 279.35 FEET TO THE TRUE POINT OF BEGINNING AND POINT BEING 52.00 FEET FROM CENTERLINE OF PINOEERTOWN ROAD;  
 THENCE LEAVING SOUTHERLY LINE OF SAID PARCEL 1, PARALLELING WITH CENTERLINE OF PINOEERTOWN ROAD; NORTH 00°12'24" EAST, 281.01 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 20.00 FEET, WITH A RADIAL BEARING OF NORTH 89°47'36" WEST;  
 THENCE ALONG SAID CURVE NORTHWESTERLY, 31.31 FEET THROUGH A CENTRAL ANGLE OF 90°17'22" TO A POINT OF CUSP AND THE POINT ON THE NORTHERLY LINE OF SAID PARCEL 1;  
 THENCE ALONG NORTHERLY LINE OF SAID PARCEL 1; SOUTH 89°30'14" EAST, 12.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 20.00 FEET, WITH A RADIAL BEARING OF SOUTH 00°29'46" WEST;  
 THENCE ALONG SAID CURVE SOUTHEASTERLY, 31.31 FEET THROUGH A CENTRAL ANGLE OF 90°17'22" TO A POINT BEING 40.00 FEET FROM CENTERLINE OF PINOEERTOWN ROAD;  
 THENCE PARALLELING WITH CENTERLINE OF PINOEERTOWN ROAD; SOUTH 00°12'24" WEST, 281.01 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 1;  
 THENCE ALONG SOUTHERLY LINE OF SAID PARCEL 1; NORTH 89°31'26" WEST, 12.00 FEET TO THE POINT OF BEGINNING;

SAID RIGHT OF WAY VACATION CONTAINS 3,611 SQUARE FEET, MORE OR LESS

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION

*David T. Rosell*

DAVID T. ROSELL

P.L.S. 6281

EXP. 9/30/14

W&W TECHNOLOGIES  
 1750 W. ANDES DRIVE  
 UPLAND, CA 91784

(909) 608-7118 PH  
 (909) 946-1137 FAX

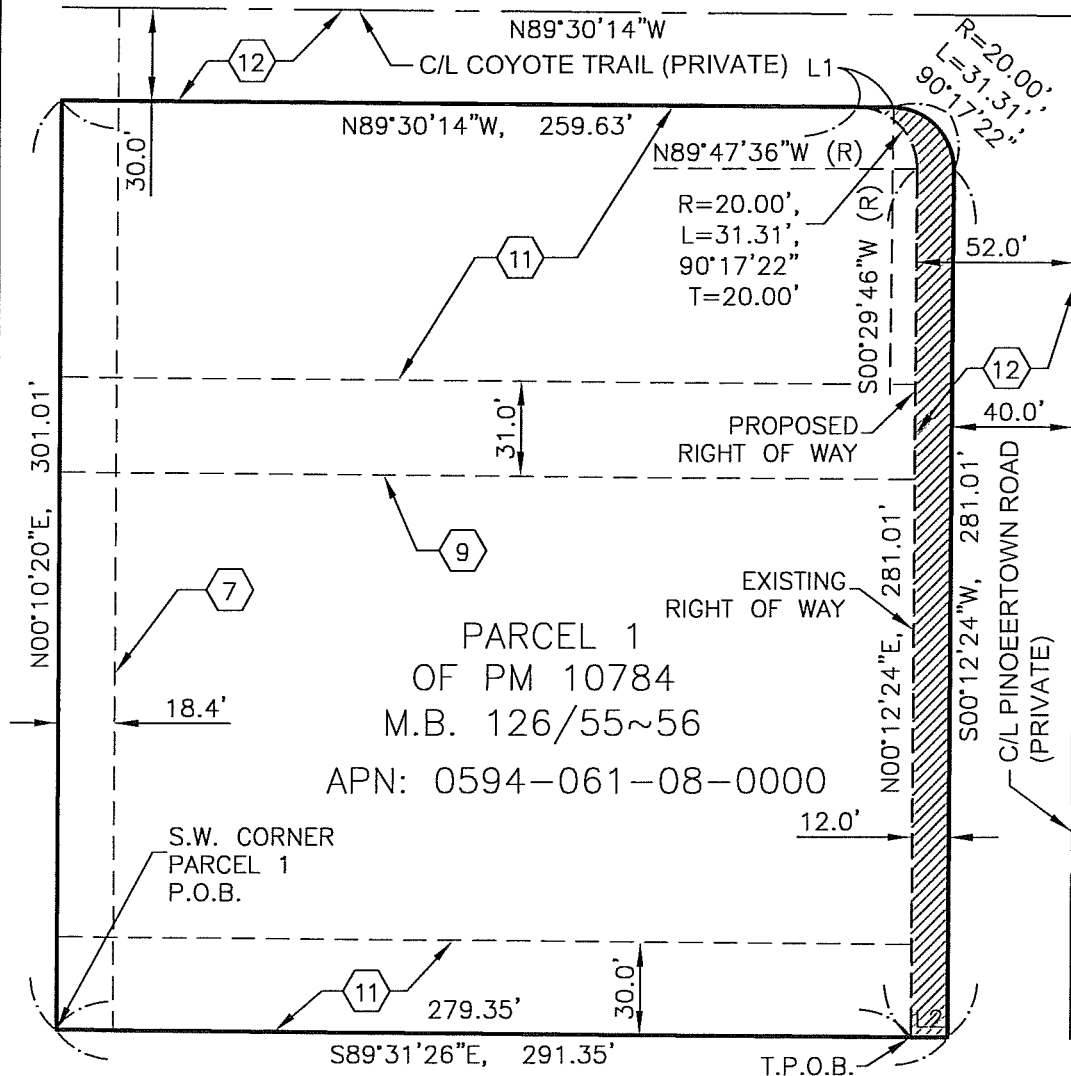


# EXHIBIT "B"

## EASEMENT NOTES

## PLAT MAP

- ⑦ EASEMENT FOR POLE LINES PURPOSES RECORDED SEPTEMBER 8, 1947 BOOK 2129 PAGE 243 OFFICIAL RECORDS (PLOTTED HEREON).
- ⑨ EASEMENT FOR ELECTRIC LINES AND TELEPHONE LINES PURPOSES RECORDED JULY 26, 1949 BOOK 2439 PAGE 358 OFFICIAL RECORDS (PLOTTED HEREON).
- ⑪ EASEMENT FOR ROAD PURPOSES RECORDED DECEMBER 2, 1986 INSTRUMENT/FILE No. 86-363148 AND RE-RECORDED APRIL 16, 1987 INSTRUMENT No. 87-124988 BOTH OFFICIAL RECORDS (PLOTTED HEREON).
- ⑫ EASEMENT FOR PUBLIC UTILITIES AND ROADS PURPOSES RECORDED JANUARY 10, 1947 BOOK 5 PAGE 45 RECORDS OF SURVEY (PLOTTED HEREON).



### LEGEND

- EXISTING ROW LINES TO BE REVISED PER THIS VACATION
- EXISTING PROPERTY LINES TO REMAIN
- CENTER LINE

### P.O.B. POINT OF BEGINNING

PROPOSED STREET VACATION FROM CITY OF YUCCA VALLEY.

### SURVEY DATA:

SURVEY DATA WAS USED TRUE SURVEY PROVIDED BY CAL VADA SURVEYING, INC DATED ON MAY 12, 2012.

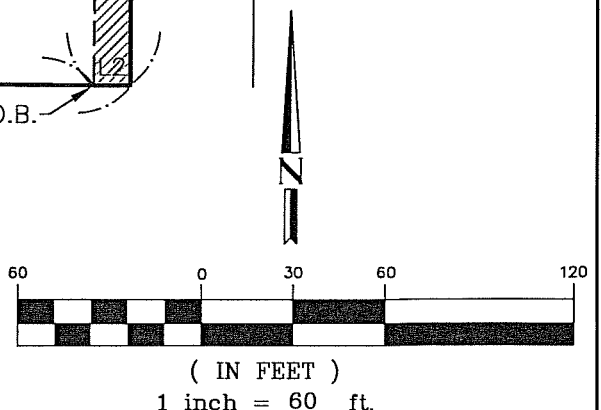
LINE TABLE		
LINE	LENGTH	BEARING
L1	12.00'	S89°30'14"E
L2	12.00'	N89°31'26"W

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION

*David T. Rosell*

DAVID T. ROSELL P.L.S. 6281 EXP. 9/30/14

W&W TECHNOLOGIES  
 1750 W. ANDES DRIVE (909) 608-7118 PH  
 UPLAND, CA 91784 (909) 946-1137 FAX



CALIFORNIA CODES  
STREETS AND HIGHWAYS CODE  
SECTION 8300-8309

8300. This part may be cited as the Public Streets, **Highways**, and Service Easements Vacation Law.

8301. Unless the provision or context otherwise requires, the definitions in this chapter shall govern the construction of this part.

8302. "Adoption" of a resolution includes passage or enactment of a resolution.

8303. "Clerk" includes a person or officer who is the clerk of a legislative body.

8304. "Legislative body" means:

(a) In the case of a county or city and county, the board of supervisors.

(b) In the case of a city, the city council or other body which, by law, is the legislative body of the government of the city.

(c) In the case of the California Transportation Commission, the commission.

8305. "Local agency" means a county, city, or city and county.

8305.5. "Public entity" means a local agency or the California Transportation Commission.

8306. "Public service easement" includes all or part of, or any right in:

(a) A right-of-way, easement, or use restriction acquired for public use by dedication or otherwise for sewers, pipelines, polelines, electrical transmission and communication lines, pathways, storm drains, drainage, canal, water transmission lines, light and air, and other limited use public easements other than for street or highway purposes.

(b) An easement or right of a type described in Section 8340.

8306.5. "Public utility" means a public utility as defined in

Section 216 of the Public Utilities Code.

8307. "Resolution" includes an ordinance.

8308. "Street" and "highway" include all or part of, or any right in, a state highway or other public highway, road, street, avenue, alley, lane, driveway, place, court, trail, or other public right-of-way or easement, or purported public street or highway, and rights connected therewith, including, but not limited to, restrictions of access or abutters' rights, sloping easements, or other incidents to a street or highway.

8309. "Vacation" means the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement.

CALIFORNIA CODES  
STREETS AND HIGHWAYS CODE  
SECTION 8320-8325

8320. (a) The legislative body of a local agency may initiate a proceeding under this chapter in either of the following ways:

(1) On its own initiative, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

(2) Upon a petition or request of an interested person, at the discretion of the legislative body, except as provided in subdivision (e) of Section 8321, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

(b) The notices required by this chapter shall contain both of the following:

(1) A description of the street, highway, or public service easement proposed to be vacated and a reference to a map or plan, that shows the portion or area to be vacated and includes a statement that the vacation proceeding is conducted under this chapter. In the case of a street or highway, the description shall include its general location, its lawful or official name or the name by which it is commonly known, and the extent to which it is to be vacated. In the case of a public service easement, the description shall identify it with common certainty. The map or plan showing the location of the street, highway, or public easement proposed to be vacated is sufficient compliance with this paragraph.

(2) The date, hour, and place for hearing all persons interested in the proposed vacation. The date shall not be less than 15 days after the initiation of proceedings.

8321. (a) Ten or more freeholders may petition the board of supervisors to vacate a street or highway under this chapter. At least two of the petitioners shall be residents of the road district in which some part of the street or highway proposed to be vacated is situated and shall be taxable therein for street or highway purposes.

(b) Five or more freeholders may petition the board of supervisors to vacate a public service easement under this chapter. At least one of the petitioners shall be a resident of the township in which the public service easement proposed to be vacated is situated.

(c) The residence address of each petitioner shall be set forth in the petition.

(d) The board of supervisors may require the payment of a fee for filing a petition to defray the expenses of investigations, mailings, publications, and postings under this chapter.

(e) Upon the filing of a petition and the making of the deposit, if any, required under this section, the board of supervisors, by order, shall fix the date, hour, and place of the hearing on the petition. At least two weeks before the day set for the hearing, the clerk of the board shall mail a notice of the date, hour, and place of the hearing to each of the petitioners at the address set forth in the petition.

(f) Nothing in this section shall affect the right of a legislative body to initiate a proceeding under this chapter upon its own initiative, or upon petition or request of an interested person, or prevent the board of supervisors from vacating a street, highway, or public service easement without charging costs if the board determines it is in the public interest to do so.

8322. (a) Except as provided in subdivisions (b) and (c), notice of the hearing on the proposed vacation shall be published for at least two successive weeks prior to the hearing in a daily, semiweekly, or weekly newspaper published and circulated in the local agency conducting the proceeding and which is selected by the legislative body for that purpose or by the clerk or other officer responsible for the publication where the legislative body has not selected any newspaper for that purpose.

(b) If the proceeding is conducted by a city and there is no daily, semiweekly, or weekly newspaper published and circulated in the city, the notice shall be published in some newspaper published in the county in which the city is located.

(c) Notice need not be published under this section where there is no daily, semiweekly, or weekly newspaper published and circulating in the county in which the local agency conducting the proceeding is located.

8323. At least two weeks before the day set for the hearing, the legislative body shall post conspicuously notices of vacation along the line of the street, highway, or public service easement proposed to be vacated. The notices shall be posted not more than 300 feet apart, but at least three notices shall be posted. If the line of the street, highway, or public service easement proposed to be vacated exceeds one mile in length, the legislative body may, in lieu of posting not more than 300 feet apart, post notices at each intersection of another street or highway with the street, highway, or public service easement to be vacated and at one point approximately midway between each intersection, but at least three notices shall be posted.

8324. (a) At the hearing, the legislative body shall hear the evidence offered by persons interested.

(b) If the legislative body finds, from all the evidence submitted, that the street, highway, or public service easement described in the notice of hearing or petition is unnecessary for present or prospective public use, the legislative body may adopt a resolution vacating the street, highway, or public service easement. The resolution of vacation may provide that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the resolution of vacation not be recorded until the conditions have been satisfied.

8325. (a) The clerk shall cause a certified copy of the resolution of vacation, attested by the clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the office of the recorder of the county in which the property is

located. No fee shall be charged for recordation.

(b) Upon such recordation, the vacation is complete.

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Alex Qishta, Project Engineer  
**Date:** September 14, 2012  
**For Council Meeting:** September 18, 2012

**Subject:** Resolution No. 12-  
Community Center Playground Improvement & Splash Park – Town Project No. 8961  
Approval of Plans and Specifications  
Authorization to Advertise for Construction  
Community Development Block Grant Funds

**Prior Council Review:** The Town Council previously allocated three years of Community Development Block Grant (CDBG) funds to the renovation of the Community Center Playground, including the addition of a splash park amenity to the facility. The Town Council appropriated these funds in the FY 2012/2013 adopted budget. On October 4, 2011, the Town Council authorized advertisement of the Request for Proposal (RFP) for the park design and the preparation of bid ready construction drawings. On January 17, 2012, the Town Council awarded the design contract to RJM Design Group.

**Recommendation:** That the Town Council adopts the Resolution, approves the plans and specifications for Project No. 8961, 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 October 23, 2012. Bid recommendations will be made to the Town Council in November 2012.

**Order of Procedure:**

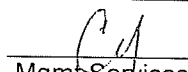
- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote, Consent Agenda)

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Reviewed By:

  
Town Manager

  
Town Attorney

  
Mgmt Services

\_\_\_\_\_  
Dept Head

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Department Report  
 Consent

Ordinance Action  
 Minute Action

Resolution Action  
 Receive and File

Public Hearing  
 Study Session



**Discussion:** The Community Center Playground Improvement & Splash Park project includes the reconstruction of the existing playground area and equipment, as well as the construction of a splash park amenity. The construction bid documents are structured to include the renovation of the existing park as a base bid, and the construction of the splash park as an alternate bid, based upon the funds available at the time of award of the construction contract.

Project 8961, is ready to advertise for bids. The Notice Inviting Bids and the Resolution authorizing advertisement are attached.

Plans and specifications are on file in the Town Clerk's Office for review.

**Alternatives:** Staff recommends no alternative actions. Formal bidding procedures are required by the County of San Bernardino for the expenditure of CDBG funds, as well as by Town purchasing policies.

**Fiscal impact:** A total of \$356,017 in CDBG funds are appropriated in the FY 2012/2013 Budget for the project. Approximately \$325,055.38 is available for the construction phase.

The Engineering estimate for the project is as follow:

Total Construction for the existing park renovation	\$290,500.00
Contingency (approximately 10%)	\$29,500.00
Total	\$320,000.00
Total Construction of Splash Park	\$250,000.00
Contingency (approximately 10%)	\$25,000.00
Total	\$275,000.00
Project total cost	\$595,000.00

The construction bid documents are structured to include the renovation of the existing park as a base bid, and the construction of the splash park as an alternate bid, based upon the funds available at the time of award of the construction contract.

**Attachments:** Notice Inviting Bids  
Resolution No. 12-

## **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 23<sup>rd</sup> day of October, 2012, sealed bids or proposals for the Construction of:

### **Project No. 8961, Community Development Playground Improvements & Splash Park Project.**

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. 8961, Community Development Playground Improvements & Splash Park Project.**

**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 **\$45.00** 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 18<sup>th</sup> day of September 2012.

By: \_\_\_\_\_  
Town Clerk  
Town of Yucca Valley

**RESOLUTION NO.**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF COMMUNITY CENTER PLAYGROUND IMPROVEMNETS AND SPLASH PARK PROJECT 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, BE IT RESOLVED:**

**SECTION 1:** That the plans and specifications presented to this Town Council be and are hereby approved as the plans and specifications for: **Community Center Playground Improvements & Splash Park Project, Town Project No. 8961.**

**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 October 23<sup>rd</sup>, 2012** sealed bids or proposals for the construction of:

**Community Center Playground Improvements & Splash Park Project, Town Project No. 8961.**

in said Town.

Bids will be opened and publicly read immediately thereafter.

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

**COMMUNITY CENTER RE-PLUMBING PROJECT, PROJECT NO.8048**

**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 \$45.00, said \$45.00 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 \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Administrative Services Director  
**Date:** September 11, 2012  
**For Council Meeting:** September 18, 2012

**Subject:** Warrant Register: September 18, 2012

**Recommendation:**

Ratify the Warrant Register total of \$ 495,133.94 for checks dated August 23, 2012 to September 6, 2012. Ratify the Payroll Registers total of \$ 296,357.56 dated August 17, 2012 to August 31, 2012.

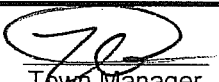
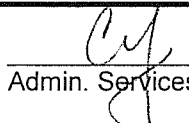
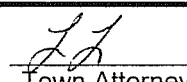
**Order of Procedure:**

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

**Attachments:**

- Payroll Register No. 8 dated August 17, 2012 total of \$ 165,414.33
- Warrant Register No. 13 dated August 23, 2012 total of \$ 129,860.55
- Payroll Register No. 10 dated August 31, 2012 total of \$ 130,943.23
- Warrant Register No. 15 dated September 6, 2012 total of \$ 365,273.39

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Reviewed By:  Town Manager       Admin. Services       Town Attorney

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



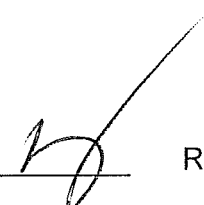
**TOWN OF YUCCA VALLEY**  
**PAYROLL REGISTER # 08**  
**CHECK DATE - August 17, 2012**

Fund Distribution Breakdown

**Fund Distribution**



General Fund	\$147,582.75
Gas Tax Fund	10,646.66
Successor Agency	7,184.92
	<hr/>

<b>Grand Total Payroll</b>	<b>\$165,414.33</b>
	<hr/> <hr/>

Prepared by P/R & Financial Specialist: 

Reviewed by H/R & Risk Mgr.: 

**Town of Yucca Valley**  
**Payroll Net Pay & Net Liability Breakdown**  
 Pay Period 08 - Paid 08/17/2012  
 (July 28, 2012 - August 10, 2012)  
 Checks: 4470-4488

	Employee	Employer	Total
<b><u>Net Employee Pay</u></b>			
Payroll Checks	\$7,692.87		\$7,692.87
Direct Deposit	78,895.56	-	78,895.56
Sub-total	86,588.43		86,588.43
<b><u>Employee Tax Withholding</u></b>			
Federal	14,845.86		14,845.86
Medicare	1,664.98	1,664.99	3,329.97
SDI - EE	-	-	-
State	4,606.00		4,606.00
Sub-total	21,116.84	1,664.99	22,781.83
<b><u>Employee Benefit &amp; Other Withholding</u></b>			
Health Benefit Account Credit	-	-	-
Deferred Compensation	4,090.20	2,518.50	6,608.70
PERS Survivor Benefit	50.00		50.00
Health Café Plan	2,216.65	13,972.82	16,189.47
American Fidelity Pre-Tax	259.76		259.76
American Fidelity After-Tax	12.15		12.15
American Fidelity-FSA	681.29		681.29
PERS EE - Contribution 7%	817.45		817.45
PERS EE - Contribution 8%	6,729.79		6,729.79
PERS Retirement - Employee	-	916.26	916.26
PERS Retirement - Employer	-	15,635.02	15,635.02
Wage Garnishment - Employee	450.62		450.62
Life & Disability Insurance		985.30	985.30
Unemployment Insurance		2,041.61	2,041.61
Workers' Compensation		4,666.65	4,666.65
Sub-total	15,307.91	40,736.16	56,044.07
<b>Gross Payroll</b>	<b>\$123,013.18</b>	<b>\$42,401.15</b>	<b>\$165,414.33</b>
Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 			

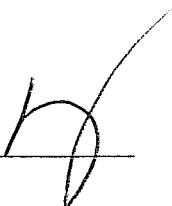
**TOWN OF YUCCA VALLEY**  
**PAYROLL REGISTER # 10**  
**CHECK DATE - August 31, 2012**

Fund Distribution Breakdown

**Fund Distribution**

General Fund	\$114,759.71
Gas Tax Fund	9,201.50
Successor Agency	<u>6,982.02</u>

<b>Grand Total Payroll</b>	<b><u><u>\$130,943.23</u></u></b>
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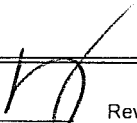

Prepared by P/R & Financial Specialist:  \_\_\_\_\_

Reviewed by H/R & Risk Mgr.:  \_\_\_\_\_

**Town of Yucca Valley**  
**Payroll Net Pay & Net Liability Breakdown**

Pay Period 10 - Paid 08/31/2012  
(August 11, 2012 - August 24, 2012)

Checks: 4489-4506

	Employee	Employer	Total
<b><u>Net Employee Pay</u></b>			
Payroll Checks	\$5,175.68		\$5,175.68
Direct Deposit	73,660.70	-	73,660.70
Sub-total	78,836.38		78,836.38
<b><u>Employee Tax Withholding</u></b>			
Federal	12,794.25		12,794.25
Medicare	1,445.11	1,445.12	2,890.23
SDI - EE	-	-	-
State	4,080.43		4,080.43
Sub-total	18,319.79	1,445.12	19,764.91
<b><u>Employee Benefit &amp; Other Withholding</u></b>			
Health Benefit Account Credit	-	-	-
Deferred Compensation	2,073.06	-	2,073.06
PERS Survivor Benefit	-		-
Health Café Plan	-	-	-
American Fidelity Pre-Tax	-		-
American Fidelity After-Tax	-		-
American Fidelity-FSA	-		-
PERS EE - Contribution 7%	808.08		808.08
PERS EE - Contribution 8%	6,622.45		6,622.45
PERS Retirement - Employee	-	905.76	905.76
PERS Retirement - Employer	-	15,385.61	15,385.61
Wage Garnishment - Employee	434.48		434.48
Life & Disability Insurance		-	-
Unemployment Insurance		1,860.28	1,860.28
Workers' Compensation		4,252.22	4,252.22
Sub-total	9,938.07	22,403.87	32,341.94
<b>Gross Payroll</b>	<b>\$107,094.24</b>	<b>\$23,848.99</b>	<b>\$130,943.23</b>
Prepared by P/R & Financial Specialist: 	Reviewed by H/R & Risk Mgr.: 		


**WARRANT REGISTER # 13  
CHECK DATE - AUGUST 23, 2012**

**FUND DISTRIBUTION BREAKDOWN**

Checks # 41099 to # 41178 are valid

GENERAL FUND # 001	\$103,633.19
CENTRAL SUPPLIES FUND # 100	261.57
CUP DEPOSITS FUND # 200	1,035.00
AB2928 STATE CONSTRUCTION FUND # 513	4,789.80
GAS TAX FUND # 515	14,942.92
MEASURE I MAJOR ARTERIAL FUND # 522	1,500.00
MEASURE I FUND # 524	21.24
SAFE ROUTES TO SCHOOL FUND # 530	560.38
CDBG FUND # 560	2,656.45
CAPITAL PROJECTS RESERVE FUND # 800	460.00
<b>GRAND TOTAL</b>	<b><u><u>\$129,860.55</u></u></b>

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

Reviewed by: Curtis Yakimow, Admin Svc. Dir. 

**Town of Yucca Valley**  
**Warrant Register**  
**August 23, 2012**

<b>Fund</b>	<b>Check #</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
001	GENERAL FUND			
	41099	Action Door Controls, Inc.	Facilities Maintenance	\$170.00
	41100	Alsco/American Linen, Inc.	Facilities Supplies & Uniforms	125.30
	41101	Debra Breidenbach-Sterling	Mileage Expense	106.56
	41102	BSN Sports	Recreation Program Equipment	277.08
	41103	Burrtec Environmental	Summer Music Program	563.36
	41104	C & S Electric	Facilities Maintenance	31.66
	41105	CDW Government, Inc.	Technology Hardware & Supplies	439.71
	41106	Charles Abbott & Assoc, Inc.	Plan Check Services	15,185.78
	41107	Checkered Flag Auto Spa	Vehicle Maintenance	38.90
	41108	China Star USA	Museum Shop Merchandise	112.26
	41109	CIS Irrigation, Inc.	Parks Maintenance Supplies	338.25
	41110	Companion Animal Clinic	Veterinary Services	150.00
	41111	Corelogics Information Solutions	Property Information Services	150.00
	41112	Wayne Coughlan	Sports Referee	198.00
	41113	Cyber Photographics	Sports Program Expense	144.92
	41114	Data Ticket	Citation Processing Service	1,056.60
	41115	Dept of General Services	Administrative Hearing Svs.	46.00
	41116	Desert Pacific Exterminators	Shelter Maintenance	49.00
	41117	Dept of Justice	Fingerprint Services	96.00
	41118	Desert Regional Tourism Agency	FY 12/13 Community Partnership	15,000.00
	41119	Board for Professional Engineers	Membership Renewal	115.00
	41120	Ewing Irrigation, Inc.	Parks Irrigation Supplies	990.60
	41121	Farmer Bros. Co.	Office Supplies	165.07
	41122	FedEx	Delivery Service	53.98
	41123	Four Winds Trading Company	Museum Shop Merchandise	100.76
	41124	Fred's Tires	Fleet Tire Services	524.86
	41125	Fulton Distributing Co.	Maintenance Supplies	2,012.20
	41126	Geo Central	Museum Shop Merchandise	765.11
	41128	Graphic Penguin	Web Site Maintenance	640.00
	41129	Hajoca Corporation	Plumbing Supplies	244.65
	41130	John Harrison Contracting, Inc.	Building Permit Refund	62.62
	41131	Totalfunds by Hasler	Postage	1,500.00
	41132	HdL Coren & Cone	Professional Services	595.00
	41133	Hi-Desert Water	Water Service	14,127.88
	41134	Hi-Desert Publishing	Museum Advertising	245.00
	41136	Joy Hollingsworth	Recreation Class Refund	135.00
	41137	Honeywell	HVAC System Maintenance	5,593.96
	41138	George Huntington	Candidate Statement	376.00
	41139	Intervet, Inc.	Vaccines & Microchips	853.11
	41140	JLT Transportation	Parks Maintenance Supplies	31.52
	41141	Jason Lewellyn	Sports Referee	44.00
	41142	M. Scott	Museum Advertising	40.00
	41143	Magic T-Shirts	Museum Shop Merchandise	957.65
	41144	The Mallants Corp	Temporary Employment Svs.	2,130.24
	41146	Robert Mc Avoy	Sports Referee	66.00
	41147	Yucca Valley NAPA Auto Parts, Inc.	Vehicle Maintenance	95.18
	41148	NRO Engineering	Engineering Services	3,220.00
	41149	Oasis Office Supply	Office Supplies	285.02

**Town of Yucca Valley**

**Warrant Register**

**August 23, 2012**

<b>Fund</b>	<b>Check #</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
	41150	OnTrac	Delivery Service	20.70
	41151	Carl Otteson	Backflow Testing Services	30.00
	41152	Public Agency Retirement Services	Trust Administrator Services	300.00
	41153	Petty Cash-Jessica Rice	Miscellaneous Supplies	522.00
	41154	Pool & Spa Center	YVHS Pool Maintenance	178.93
	41155	Barbara Prestridge	Museum Shop Merchandise	238.00
	41158	Patrick Renish	Recreation Program Refund	400.00
	41160	SBCO-Vehicle Services	Fleet Vehicle Inspection & Svs.	990.92
	41161	SBCO - Information Services	07/12 Radio Access	1,997.40
	41162	SCE	Electric Service	16,447.65
	41163	Scrub Oak Productions	Museum Shop Merchandise	78.00
	41164	Signs by Wanda	Summer Music Program Signage	467.63
	41165	Simplot Partners, Inc.	Parks Maintenance Supplies	1,023.63
	41166	So. Cal. Gas Co.	Vehicle Fuel	13.00
	41167	Southwest Networks, Inc.	Technology Support	3,240.00
	41168	Stater Bros	Recreation Program Expense	114.64
	41169	Trophy Express	Recreation Program Expense	584.08
	41170	Delanford Truitt	Sports Referee	198.00
	41171	Unisource Worldwide, Inc.	Maintenance Supplies	2,837.45
	41172	USA Golf Displays	Museum Shop Merchandise	182.00
	41173	Valley Independent	Printing Expense	230.48
	41174	Walmart Community	Office Supplies	460.41
	41176	Guy Wulf	Sports Referee	132.00
	41177	Yucca Valley Quick Lube	Vehicle Maintenance	39.14
	41178	YV Chamber of Commerce	Joint Marketing	1,900.00
	EFT	The Home Depot	Maintenance Supplies	757.34
<b>Total 001 GENERAL FUND</b>				<b><u>\$103,633.19</u></b>
100 INTERNAL SERVICE FUND				
	41149	Oasis Office Supply	Copy Paper	\$261.57
<b>Total 100 INTERNAL SERVICE FUND</b>				<b><u>\$261.57</u></b>
200 DEPOSITS FUND				
	41148	NRO Engineering	Engineering Services	\$1,035.00
<b>Total 200 DEPOSITS FUND</b>				<b><u>\$1,035.00</u></b>
513 AB2928-STATE CONSTRUCTION FUND				
	41175	Willdan Associates	TCRP Project	\$4,789.80
<b>Total 513 AB2928-STATE CONSTRUCTION FUND</b>				<b><u>\$4,789.80</u></b>

**Town of Yucca Valley**  
**Warrant Register**  
**August 23, 2012**

<b>Fund</b>	<b>Check #</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
515 GAS TAX FUND				
	41098	A Cone Zone, Inc.	Street Name Signage	\$586.16
	41100	Alsco/American Linen, Inc.	Streets Uniform Service	52.70
	41127	Granite Construction, Inc.	Asphalt Recycling Svs.	401.80
	41133	Hi-Desert Water	Water Service	262.56
	41135	Hill's Towing	Streets Tow Service	130.00
	41145	Matich Corporation	Palm North of Onaga Patch	1,609.45
	41147	Yucca Valley NAPA Auto Parts, Inc.	Streets Vehicle Maintenance	49.54
	41156	Quality Street Services, Inc.	Street Sweeping Service	11,440.00
	41162	SCE	Electric Service	384.63
	41174	Walmart Community	Streets Supplies	26.08
<b>Total 515 GAS TAX FUND</b>				<b><u>\$14,942.92</u></b>
522 MEASURE I MAJOR ARTERIAL FUND				
	41157	RBF Consulting	Palm to Airway Project	\$1,500.00
<b>Total 522 MEASURE I MAJOR ARTERIAL FUND</b>				<b><u>\$1,500.00</u></b>
524 MEASURE I - 2010-2040 FUND				
	41162	SCE	Electric Service	\$21.24
<b>Total 524 MEASURE I - 2010-2040 FUND</b>				<b><u>\$21.24</u></b>
530 SAFE ROUTES TO SCHOOLS FUND				
	41174	Walmart Community	Safe Routes to Schools	\$560.38
<b>Total 530 SAFE ROUTES TO SCHOOLS FUND</b>				<b><u>\$560.38</u></b>
560 CDBG				
	41159	RJM Design Group	CC Splach Park Project	\$2,656.45
<b>Total 560 CDBG FUND</b>				<b><u>\$2,656.45</u></b>
800 CAPITAL PROJECTS RESERVE FUND				
	41148	NRO Engineering	Engineering Services	\$460.00
<b>Total 800 CAPITAL PROJECTS RESERVE FUND</b>				<b><u>\$460.00</u></b>
<b>***</b>	<b>Report Total</b>			<b><u>\$129,860.55</u></b>



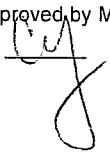


**WARRANT REGISTER # 15  
CHECK DATE - SEPTEMBER 6, 2012**

**FUND DISTRIBUTION BREAKDOWN**

Checks # 41179 to # 41240 are valid  
Checks # 41185, # 41206, # 41222, # 41225 are included in SA # 15

GENERAL FUND # 001	\$343,955.84
CENTRAL SUPPLIES FUND # 100	2,378.61
CUP DEPOSITS FUND # 200	100.00
COPS SLESF FUND # 509	38.01
AB2928 STATE CONSTRUCTION FUND # 513	3,385.53
GAS TAX FUND # 515	8,536.33
MEASURE I 2010-2040 FUND #524	110.24
SAFE ROUTES TO SCHOOLS FUND # 530	20.88
CMAQ FUND # 542	6,365.00
CAPITAL PROJECTS FUND # 800	382.95
<b>GRAND TOTAL</b>	<b><u><u>\$365,273.39</u></u></b>

Prepared by Shirlene Doten, Finance  Approved by Mark Nuaimi, Town Manager   
Reviewed by: Curtis Yakimow, Admin Svc. Dir. 

**Town of Yucca Valley**  
**Warrant Register**  
**September 6, 2012**

<b>Fund</b>	<b>Check #</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
001	GENERAL FUND			
	41179	Bobbie Bachman	Recreation Program Refund	\$400.00
	41180	League of CA Cities	LOCC Conference Expense	60.00
	41183	Action Pumping, Inc.	Septic Line Pumping & Replacem	1,200.00
	41185	Aleshire & Wynder, LLC	July 2012 Professional Svs.	25,137.42
	41186	Alsco/American Linen, Inc.	Facilities Supplies & Uniforms	111.13
	41187	Christy Anderson	Museum Shop Merchandise	85.00
	41188	Arrowhead Mountain Water	Office Supplies	141.53
	41189	AT & T Mobility	Cell Phone Service	412.80
	41190	Barr Lumber, Inc.	Parks Supplies	25.73
	41191	Chevron & Texaco Card Services	Vehicle Fuel	270.75
	41192	China Star USA	Museum Shop Merchandise	92.71
	41193	Cyber Photographics	Recreation Program Expense	144.92
	41194	Data Ticket	Citation Processing	998.00
	41196	Desert Pacific Exterminators	Exterminator Services	180.00
	41197	Desert Hot Springs Animal Clinic	Veterinary Professional Svs.	572.00
	41198	Farmer Bros. Co.	Office Supplies	316.51
	41199	Four Winds Trading Company	Museum Shop Merchandise	26.82
	41200	G & K Propane	Shelter Propane	298.33
	41202	Gem Guides Book Co.	Museum Shop Merchandise	3.00
	41203	Graphic Penguin	Website Maintenance	640.00
	41204	Harrison Air Conditioning	Town Hall HVAC Unit & Maint.	1,415.00
	41205	Totalfunds by Hasler	Postage	1,545.81
	41206	Hi-Desert Water	Water Service	1,355.34
	41207	Inland Empire Stages Unlimited	Adult Trip Services	1,990.00
	41208	Jayco Industries, LLC	Mailbox	1,019.17
	41209	JLT Transportation	Parks Supply Expense	31.52
	41210	Joshua Tree Astronomy Arts Theater	Starry Nights Program	200.00
	41211	Stephen Lester	Starry Nights Event Expense	300.00
	41212	David Levy	Starry Nights Speaker	100.00
	41213	Dennis Mammana	Starry Nights Speaker	100.00
	41215	Oasis Office Supply	Office Supplies	196.56
	41216	Matthew Ota	Starry Nights Program	100.00
	41217	Petty Cash-Maureen Randall	Miscellaneous Supplies	278.52
	41218	Petty Cash-Maureen Randall	Miscellaneous Supplies	213.47
	41220	S & S Worldwide	Recreation Program Expense	268.73
	41221	SBCO Sheriff's Dept	08/12 Professional Svs.	283,752.00
	41222	SCE	Electric Service	880.41
	41223	SCMAF	Sports Program Expense	120.00
	41224	Dr. Stephenie Slahor	Starry Nights Speaker	100.00
	41225	So. Cal. Gas Co.	Natural Gas Service	302.59
	41226	Southwest Networks, Inc.	Technology Support	3,947.98
	41227	Time Warner Cable	Cable TV Service	57.70
	41228	Trophy Express	Recreation Program Expense	271.53
	41229	Delanford Truitt	Sports Referee	132.00
	41230	Unique Crafters Co.	Museum Shop Merchandise	23.00
	41231	U.S. Real Estate Services, Inc.	Citation Refund	1,000.00
	41232	John Varsik	Starry Nights Speaker	100.00
	41233	VCA Yucca Valley Animal Hospital	Veterinary Services	109.30

**Town of Yucca Valley**

**Warrant Register**

**September 6, 2012**

<b>Fund</b>	<b>Check #</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
	41234	Verizon	Phone Service	3,210.20
	41236	Valley Independent	Employee Business Cards	21.50
	41237	Walmart Community	Shelter Pet Food	1,452.44
	41239	Guy Wulf	Sports Referee	198.00
	41240	Ray Yeager	Starry Nights Speaker	100.00
	EFT	First Bankcard	Operating Supplies & Meeting Exp	7,577.72
	EFT	The Home Depot	Maintenance Supplies	368.70
<b>Total 001 GENERAL FUND</b>				<b>\$343,955.84</b>
100 INTERNAL SERVICE FUND				
	41195	Desert Images Office Equipment, Inc	Shelter Copier Svs Agreement	\$450.00
	41201	GE Capital Corporation	Com Dev Copier Lease	1,928.61
<b>Total 100 INTERNAL SERVICE FUND</b>				<b>\$2,378.61</b>
200 DEPOSITS FUND				
	41181	SBCO-Clerk/Board of Supervisors	Filing Fee	\$50.00
	41182	SBCO-Clerk/Board of Supervisors	Filing Fee	50.00
<b>Total 200 DEPOSITS FUND</b>				<b>\$100.00</b>
509 COPS-SLESF FUND				
	41235	Verizon Wireless	Sheriff's Office Phone Svs.	\$38.01
<b>Total 509 COPS-SLESF FUND</b>				<b>\$38.01</b>
513 AB2928-STATE CONSTRUCTION FUND				
	41238	Willdan Associates	TCRP Project	\$3,385.53
<b>Total 513 AB2928-STATE CONSTRUCTION FUND</b>				<b>\$3,385.53</b>
515 GAS TAX FUND				
	41186	AlSCO/American Linen, Inc.	Streets Uniform Service	\$26.35
	41214	Matich Corporation	Carmelita Circle Asphalt	4,038.89
	41219	Quality Street Services, Inc.	Street Sweeping Service	4,400.00
	41222	SCE	Electric Service	71.09
<b>Total 515 GAS TAX FUND</b>				<b>\$8,536.33</b>
524 MEASURE I 2010-2040 FUND				
	41222	SCE	Electric Service	110.24
<b>Total 524 MEASURE I 2010-2040 FUND</b>				<b>\$110.24</b>
530 SAFE ROUTES TO SCHOOLS FUND				
	41237	Walmart Community	SRTS Supplies	\$20.88
<b>Total 530 SAFE ROUTES TO SCHOOLS FUND</b>				<b>\$20.88</b>
542 CMAQ FUND				
	41184	Albert Grover & Assoc.	Hwy Signal Synchronization	\$6,360.00
	41215	Oasis Office Supply	Office Supplies	5.00
<b>Total 542 CMAQ FUND</b>				<b>\$6,365.00</b>

**Town of Yucca Valley**  
**Warrant Register**  
September 6, 2012

<b>Fund</b>	<b>Check #</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
800 CAPITAL PROJECTS RESERVE FUND				
	41185	Aleshire & Wynder, LLC	July 2012 Professional Svs.	\$382.95
<b>Total 800 CAPITAL PROJECTS RESERVE FUND</b>				<b>\$382.95</b>
<b>***</b>		<b>Report Total</b>		<b>\$365,273.39</b>

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor and Town Council  
**From:** Alex Qishta, Project Engineer  
**Date:** September 12, 2012  
**For Council Meeting:** September 18, 2012

**Subject:** Resolution(s) No. 12-  
Ordinance No.  
Annexation Area No. 1, Improvement Area No. 2, (Dollar General)  
APN 586-121-06 to Community Facilities District No. 11-1 (Services)

**Prior Council Review:** On June 7, 2011, the Town Council adopted a Resolution approving the goals and policies for the formation of Community Facilities Districts Pursuant to the Mello-Roos Community Facilities Act of 1982. On August 7, 2012, the Town Council approved a Resolution Declaring Its Intention to Annex Territory to Community Facilities District No. 11-1(Improvement Area No. 2) (Services) and Setting a Date and Time for a Public Hearing.

**Recommendation:** That the Town Council adopts the Resolutions to annex the project into Community Facilities District No. 11-1 (Improvement Area No. 2) and levy a special tax thereon to finance certain services as follows, and introduces the Ordinance.

1. A Resolution for the annexation of Annexation Area No. 1, Improvement Area No. 2, to Community Facilities District No. 11-1 (Services), preliminarily establishing an appropriation limit for Improvement Area No. 2, and submitting the levy of the special tax to the qualified electors within the District.
2. A Resolution setting a date for an election on the annexation of Annexation Area No. 1, Improvement Area No. 2, to Community Facilities District No. 11-1 (Services), and setting an appropriation limit.
3. A Resolution declaring results of the special election and directing recording of notice of special tax lien.
4. An Ordinance of the Town Council of the Town of Yucca Valley, California, authorizing the levy of a special tax within Community Facilities District no. 11-1, Annexation No. 1, Improvement Area No. 2 (Dollar General).

**Executive Summary:** The Town has formed Landscape and Lighting Maintenance Districts and Street and Drainage (Benefit) Assessment Districts, as well as Community Facility Districts (CFDs) as a condition of subdivision development projects to pay the costs of infrastructure maintenance created by new development.

Reviewed By:

  
Town Manager

  
Town Attorney

  
Mgmt Services

\_\_\_\_\_  
Dept Head

\_\_\_\_ Department Report

Ordinance Action

Resolution Action

Public Hearing

\_\_\_\_ Consent

\_\_\_\_ Minute Action

P.53 \_\_\_\_ Receive and File

\_\_\_\_ Study Session

The CFD is a more flexible approach that allows the Town to recover 100% of the maintenance costs created by the new infrastructure constructed as part of the development project.

The Town Council previously formed CFD 11-1 (Warren Vista Center) pursuant to the Mello-Roos Community Facilities Act of 1982 to provide funding for the maintenance of public improvements.

**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:** Subdivision development projects are approved subject to conditions of approval that require that projects form/annex to a maintenance district. These districts apply an annual fee or special tax upon properties within the District which provides the revenue to offset the cost of maintenance of the public improvements necessary to serve the development.

The public facilities and services proposed to be financed within the territory to be annexed to the District are the following:

- Maintenance of public streets and alleyways, including pavement, traffic control devices, landscaping and other public improvements installed within the public right-of-way;
- Maintenance of all public pedestrian or bicycle pathways; and
- Public lighting and appurtenant facilities, including street lights and traffic signals;
- Town and County costs associated with the setting, levying and collection of the special tax, and in the administration of the District including the contract administration.

If the Maximum Allowable Annual Fee were levied, the revenue generated would be \$1,823.24 per year. Approximately 60% of this amount is devoted to future replacement costs of the improvements, contract administration, annual report costs and any other cost related to maintenance of the District.

**Alternatives:** No alternatives are recommended.

**Fiscal impact:** The annual revenues generated from the Community Facilities District offset the cost of maintenance of public improvements that serve the development project.

**Attachments:** Resolution(s) No 12-  
Ordinance No.  
Community Facilities District Report

**RESOLUTION NO. 12-**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY FOR THE ANNEXATION OF ANNEXATION AREA NO. 1, IMPROVEMENT AREA NO. 2, TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES) (DOLLAR GENERAL), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, AND SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE AREA TO BE ANNEXED TO THE DISTRICT**

WHEREAS, on August 7, 2012, the Town Council adopted Resolution No. 12-31, entitled “Resolution of the Town Council of the Town of Yucca Valley Declaring Its Intention to Annex Territory to Community Facilities District No. 11-1 (Services)” (the District) stating its intent to annex Improvement Area No. 2 to the District under the Mello-Roos Act and to levy a special tax on all property within Improvement Area No. 2 for legally-permitted facilities and services, and directed staff to implement the Act’s requirements for annexation of territory to said District;

WHEREAS, the Resolution of Intention included a map of the proposed boundaries of Annexation Area No. 1 (Improvement Area No. 2) to the District, stated the services to be financed, and the rate and method of apportionment of the special tax to be levied within Annexation Area No. 1 (Improvement Area No. 2) of the District to pay the costs, is on file with the Town Clerk, and the provisions thereof are incorporated herein by the reference as if fully set forth, and

WHEREAS, on September 18, 2012, the Town Council held a public hearing on the annexation of Annexation Area No. 1 (Improvement Area No. 2) to Community Facilities District No. 11-1 (Services), and accepted written and documentary testimony and evidence relating thereto; and

WHEREAS, the Town Council now wishes to annex the territory and establish Improvement Area No. 2 in the community facilities district as provided herein, and all protests against formation of the proposed district are insufficient to prevent annexation; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Yucca Valley as follows:

SECTION 1. The Town Council hereby affirms the accuracy of the foregoing recitals.

SECTION 2. Pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311, *et seq.*), the Town Council has declared its intent to annex territory to a community facilities district. Pursuant to Section 53321 of the California Government Code, the Town Council hereby determines the following:

- A. The proposed area shall be annexed pursuant to the Mello-Roos Community Facilities Act of 1982 set forth in California Government Code Title 5, Division 2, Part 1, Chapter 2.5;
- B. The Town Council accepts the “Special Tax Report for the Town of Yucca Valley



Community Facilities District No.11-1 (Services), Annexation Area No. 1 (Improvement Area No. 2).

- C. The proposed special tax to be levied within Annexation Area No. 1 (Improvement Area No. 2), CFD No. 11-1 (Services) has not been precluded by majority protest pursuant to Section 53324 of the Act.
- D. The annexation area shall be designated “Town of Yucca Valley Community Facilities District No. 11-1, Annexation Area 1 (Improvement Area No. 2)” is hereby established pursuant to the Act.
- E. The boundaries of Annexation Area No. 1 (Improvement Area No. 2) to the District, as set forth in the map of Annexation Area No. 1 (Improvement Area No. 2), CFD No. 11-1 (Services) shall correspond with the boundaries indicated on the map attached hereto as “Exhibit A” as recorded in the San Bernardino County Recorder’s Office in Book 42 and Pages 57 to 58 of Maps of Assessment and Community Facilities Districts.
- F. The name for the proposed area to be annexed to the district is “Community Facilities District No.11-1 (Services), Annexation Area No. 1 (Improvement Area No. 2)”;
- G. The public services to be financed by the District shall consist of those items described in the Resolution of Intention and by this reference incorporated herein.
- H. Except where funds are otherwise available, a special tax sufficient to pay for all services, secured by recordation of a continuing lien against all nonexempt real property in Annexation Area No. 1 of the District, will be levied annually within Annexation Area No. 1 (Improvement Area No. 2) of CFD No. 11-1 (Services), and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as the Town Council shall direct. The proposed rate and method of apportionment of the special tax among parcels of real property within the District in sufficient detail to allow each landowner within the proposed District to estimate the probable maximum amount such owner will have to pay, are described in “Exhibit B” attached to the Resolution of Intention and by reference are incorporated herein.
- I. It is hereby found and determined that the Services are necessary to meet the increased demands as the result of development occurring in Annexation Area No. 1 (Improvement Area No. 2) of the District
- J. The Director of Finance or his/her designee shall be responsible for preparing annually a current roll of the special tax levy obligation by assessor’s parcel number and which will be responsible for estimating future special tax levies pursuant to Government Code Section 53340.2
- K. Upon recordation of the Notice of Special Tax Lien pursuant to Section 3114.5 of the Street and Highways Code, a continuing lien to secure levy of the special tax shall attach to all nonexempt real property in Annexation Area No. 1 (Improvement Area No. 2) of the District and this lien shall continue in force and effect until the special

tax obligation is prepaid and permanently satisfied and the lien is canceled in accordance with law or until collection of the tax by the Town Council ceases.

- L. Pursuant to the provisions of the Act, the proposition of the levy of the special tax and shall be submitted to the qualified electors of the area to be annexed to the District and an election, the time, place and condition of which shall be as specified by a separate resolution of the Town Council.

APPROVED AND ADOPTED on this 18<sup>th</sup> day of September, 2012.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

Attachments:     Resolution No. 12-31  
                      Exhibit A – Boundary Map  
                      Exhibit B - Rate and Method of Apportionment of Special Taxes

RESOLUTION NO.12-31

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY DECLARING ITS INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO.11-1 (SERVICES)**

WHEREAS, the Town of Yucca Valley pursuant to Resolution No.11-38 adopted on August 16, 2011, approved the formation of Community Facilities District No. 11-1 (Services) ; and

WHEREAS, the Town requires that a funding mechanism be established for the purpose of funding the long-term maintenance and rehabilitation of asphalt pavement, sidewalk, curbs, and other related facilities related to the approval of Site Plan Review (SPR) 11-01, and

WHEREAS, in order to accomplish the foregoing, the Town desires to annex territory to be known as Annexation Area No. 1 (Improvement Area No. 2) to Community Facilities District No. 11-1 pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311, *et seq.*), and to levy a special tax on all property within the annexed territory for legally-permitted facilities and services;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Yucca Valley as follows:

**SECTION 1.** Pursuant to the Mello-Roos Community Facilities Act of 1982 (Gov't Code § 53311, *et seq.*), the Town Council hereby declares its intent to annex Improvement Area No. 2 to Community Facilities District No. 11-1 (Services). Pursuant to Section 53321 of the California Government Code, the Town Council hereby determines the following:

- A. The improvement area shall be annexed pursuant to the Mello-Roos Community Facilities Act of 1982 set forth in California Government Code Title 5, Division 2, Part 1, Chapter 2.5;
- B. The proposed boundaries of Annexation Area No. 1 (Improvement Area No. 2) shall correspond with the boundaries indicated on the map attached hereto as "Exhibit A" and incorporated herein by reference;
- C. The public facilities and services proposed to be financed by the District within Improvement Area No. 2 are the following:
  - i. Maintenance of public streets and alleyways, including pavement, traffic control devices, landscaping and other public improvements installed within the public right-of-way;
  - ii. Maintenance of all public pedestrian or bicycle pathways; and
  - iii. Public lighting and appurtenant facilities, including street lights and traffic signals.

- D. Except where funds are otherwise available, a special tax sufficient to pay for all facilities and services, secured by recordation of a continuing lien against all nonexempt real property in the District, will be annually levied within Annexation Area No. 1 (Improvement Area No. 2) ("the area"). The rate, method of apportionment, and manner of collection of the special tax are described in Exhibit B to this Resolution.
- E. The annexation area does not currently contain any parcels used for private residential purposes, and the Council hereby declares that no special tax shall be levied within the District against any parcel that may be subsequently used for private residential purposes;

**SECTION 2.** The Town Council hereby fixes September 18, 2012 as the date for a public hearing on this resolution, to commence at 6:00 p.m. at the Town of Yucca Valley Town Council Chambers, located at 57090 29 Palms Highway, Yucca Valley, California.

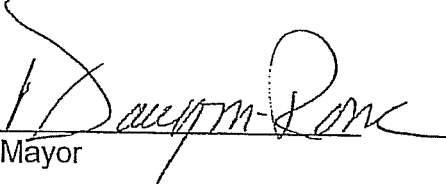
**SECTION 3.** The Town Manager or his designee is hereby directed to study the need for the formation of the proposed District and, at or before the time of the public hearing on formation of the District, to file a report with the Town Council containing a brief description of the public services which will be required to adequately meet the needs of the Annexation Area No. 1 (Improvement Area No. 2) and an estimate of the cost of providing those services.

**SECTION 4.** At or prior to the public hearing, protests against the formation of the District may be made orally or in writing by interested persons or taxpayers. Written response should be directed to: Janet M. Anderson, Town Clerk, Town of Yucca Valley, CA.

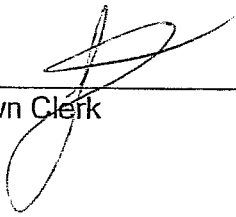
**SECTION 5.** The levy of the special tax to be imposed with the District shall be submitted to the qualified electors of the territory to be included within the District pursuant to Section 53326 of the Government Code.

**SECTION 3.** The Town Council hereby directs the Town Clerk to publish notice of the public hearing on this resolution in the manner required by Section 53322 of the California Government Code; and to provide written notice of said public hearing to all landowners within the proposed District in the manner required by Section 53322.4 of the California Government Code; and to conduct all activities necessary for the election on the levy of special taxes as may be legal and necessary.

APPROVED AND ADOPTED on this 7th day of August, 2012

  
Mayor

ATTEST:



---

Town Clerk

Attachments: Exhibit A – Boundary Map Annexation Area No. 1  
Exhibit B - Rate and Method of Apportionment of Special Taxes for  
Annexation Area No. 1

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California do hereby certify that Resolution No. 12-31 was duly and regularly adopted by the Town Council of the Town of Yucca Valley, California, at a meeting thereof held on the 7<sup>th</sup> day of August, 2012, by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

  
\_\_\_\_\_  
TOWN CLERK

# Exhibit A

PROPOSED BOUNDARY MAP

## TOWN OF YUCCA VALLEY

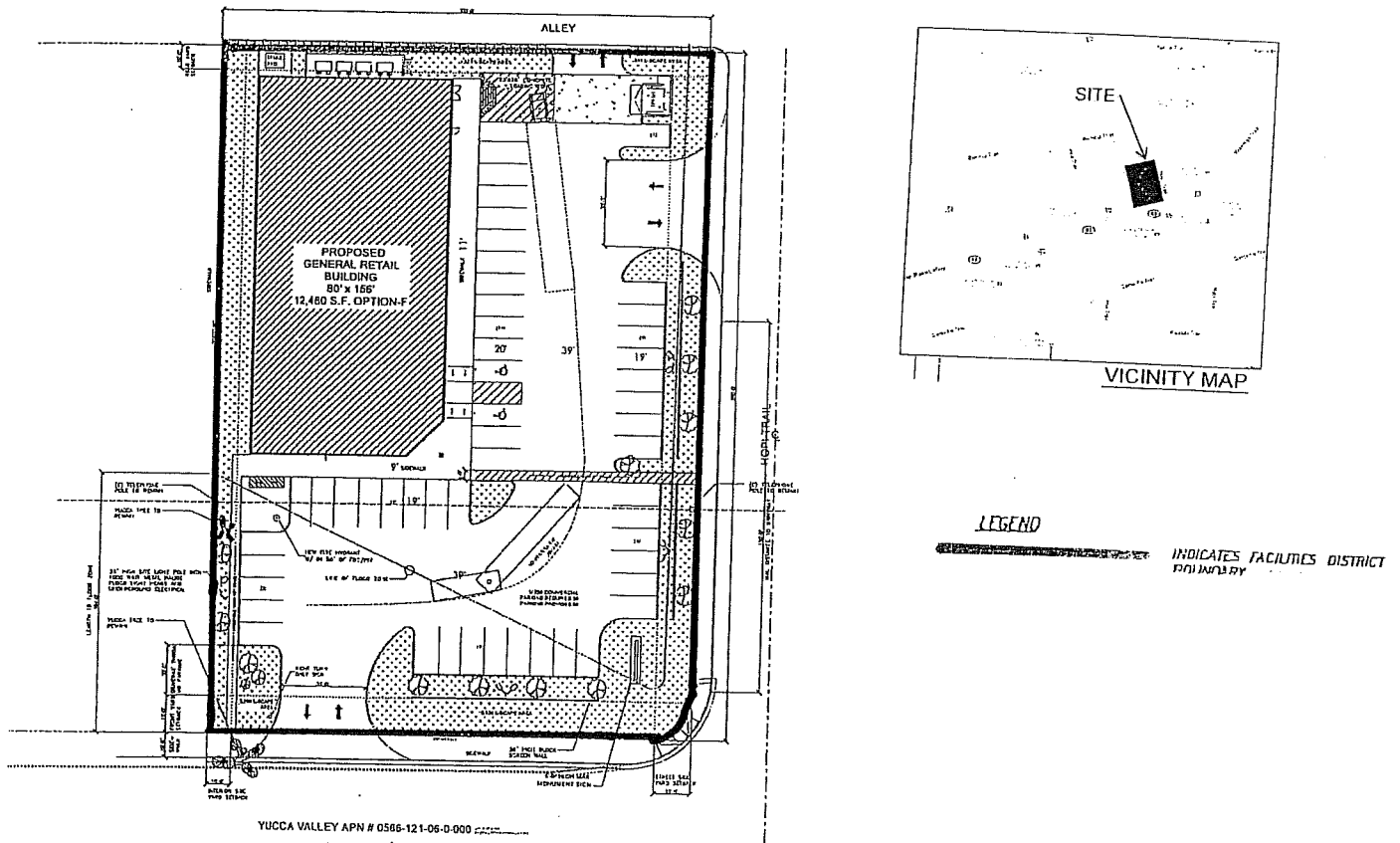
IN THE COUNTY OF SAN BERNARDINO

STATE OF CALIFORNIA

COMMUNITY FACILITIES DISTRICT NO.11-1

ANNEXATION AREA No.1 (IMPROVEMENT AREA NO. 2)

LOT 13 AND 14, A PORTION OF YUCCA VALLEY UNIT NO. 3, OF TRACT NO. 3081, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 42, PAGES 57 TO 58 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



FILED IN THE OFFICE OF THE TOWN CLERK THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2012.

TOWN CLERK  
TOWN OF YUCCA VALLEY

HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 AT THE HOUR OF \_\_\_\_\_ O'CLOCK  
IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES  
DISTRICT AT PAGE \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE  
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

COUNTY RECORDER  
COUNTY OF SAN BERNARDINO

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF  
COMMUNITY FACILITIES DISTRICT 11-1, ANNEXATION AREA NO.1 (IMPROVEMENT  
AREA NO.2) OF THE TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO,  
STATE OF CALIFORNIA WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY  
AT A REGULAR MEETING THEREFOR, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012  
BY ITS RESOLUTION NO. \_\_\_\_\_.

TOWN CLERK  
TOWN OF YUCCA VALLEY

**EXHIBIT B**  
**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES**  
**TOWN OF YUCCA VALLEY**  
**COMMUNITY FACILITIES DISTRICT NO. 11-1 (Services)**  
**Annexation No. 1 (Improvement Area No. 2)**

Special Taxes shall be levied annually on all Assessor's Parcels in Annexation Area No. 1 ( Improvement Area NO. 2) located within Community Facilities District No. 11-1(Services) of the Town of Yucca Valley (the "District") commencing in Fiscal Year 2013-14 in an amount determined by the Town through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in Annexation Area No. 1(Improvement Area No. 2), unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

**"Act"** means the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California, as amended.

**"Administrative Expenses"** means the actual or estimated costs incurred by the Town as administrator of the District to determine, levy and collect the Special Taxes, including salaries and benefits of Town employees whose duties are directly related to administration of the District and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the District as determined by the Town.

**"Annual Escalation Factor"** means the greater of the increase in the annual percentage change of the All Urban Consumers Consumer Price Index (CPI) or four percent (4%). The annual CPI used shall be for the San Diego Area as determined by the Bureau of Labor Statistics.

**"Approved Property"** means an Assessor's Parcel and/or Lot in the District, which has a Final Map recorded prior to March 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied. The term "Approved Property" shall apply only to Assessors' Parcels and/or Lots, which have been subdivided for the purpose of residential development, excluding any Assessor's Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the District Administrator, or Non-Residential Property which has an approved Parcel Map.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

**"Assessor's Parcel Map"** means an official map of the Assessor of the County designating parcels by assessor's parcel number.

**"Authorized Services"** means those services as described in the "Special Tax Report Community Facilities District No. 11-1, Annexation No. 1 (Improvement Area No. 2) Town of Yucca Valley.



**"Base Year"** means Fiscal Year ending June 30, 2014.

**"District Administrator"** means the Town Manager, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

**"District"** means Community Facilities District No. 11-1 (Services) of the Town of Yucca Valley.

**"Developed Property"** means all Taxable Property for which a building permit has been issued prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

**"Dwelling Unit"** means an individual single family unit or an individual residential unit within a duplex, tri-plex, four-plex, condominium or apartment structure.

**"Exempt Property"** means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property designated by the Town's District Administrator as Tax-Exempt Property

**"Final Map"** means an Assessor's Parcel Map, a final subdivision map, other parcel map, other final map, other condominium plan, or functionally equivalent map that has been recorded in the Office of the County Recorder.

**"Fiscal Year"** means the period starting July 1 and ending on the following June 30.

**"Land Use Class"** means any of the classes listed in Table 1.

**"Lot"** means property within a recorded Final Map identified by a lot number for which a building permit has been issued or may be issued.

**"Maximum Special Tax"** means the maximum Special Tax, determined in accordance with Section C below that can be levied within Annexation Area No. 1 (Improvement Area No. 2) in the District in any Fiscal Year on any Assessor's Parcel.

**"Property Owner Association Property"** means any property within the boundaries of the District that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub-association.

**"Proportionately"** means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class.

**"Public Property"** means any property within the boundaries of the District that is, at the time of the District formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, or any other public agency.

**"Residential Property"** means any parcel on which an individual single family residence or, a duplex, tri-plex, four-plex, condominium or apartment structure may be constructed.

**"Special Tax"** means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

**"Special Tax Requirement"** means that amount required in any Fiscal Year for the District to: (i) pay for providing the authorized services including the actual costs of maintenance, repair, monitoring, replacement of facilities, and reporting as required under all applicable permits; (ii) pay reasonable Administrative Expenses; (iii) pay any amounts required to establish or replenish any reserve funds; and (iv) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

**"State"** means the State of California.

**"Taxable Property"** means all of the Assessor's Parcels within the boundaries of the District and any future annexation to Annexation Area No. 1 (Improvement Area No. 2) of the District that is not exempt from the Special Tax pursuant to law or as defined herein.

**"Town"** means the Town of Yucca Valley, California

**"Undeveloped Property"** means, for each Fiscal Year, all Assessors' Parcels of Taxable Property not classified as Developed Property or Approved Property, including an Assessor's Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final documents and/or maps available to the District Administrator.

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year using the definitions above, all Taxable Property within Annexation Area No. 1 (Improvement Area No. 2) of the District shall be classified as Developed Property, Approved Property, Undeveloped Property or Exempt Property. Commencing with the Base Year and for each subsequent Fiscal Year, all Taxable Property shall be subject to Special Taxes pursuant to Sections C and D below.

**C. MAXIMUM SPECIAL TAX RATE**

The Maximum Annual Special Tax rates for Assessor's Parcels are shown in the following tables:

**TABLE 1**  
**Equivalent Dwelling Unit Factors**  
**Community Facilities District No. 11-1**  
**Annexation Area No. 1 (Improvement Area 2)**

Property Classification	Improvement Area 2
<b>Developed Property</b> Residential Non-Residential	1 EDU per dwelling unit 4.5 EDU per acre
<b>Approved Property</b> Residential Non-Residential	1 EDU per dwelling unit 4.5 EDU per acre
<b>Undeveloped Property</b> Residential Non-Residential	4.5 EDU per acre 4.5 EDU per acre
<b>Exempt Property</b>	N/A

**TABLE 2**  
**Maximum Special Tax for Approved Property**  
**Community Facilities District No. 11-1**  
**Annexation Area No. 1 (Improvement Area 2)**

Property Classification	Maximum annual Special Tax
<b>Developed Property</b> Residential Non-Residential	\$315.79 per EDU \$1,421.08 per acre
<b>Approved Property</b> Residential Non-Residential	\$315.79 per EDU \$1,421.08 per acre
<b>Undeveloped Property</b> Residential Non-Residential	\$1,421.08 per acre \$1,421.08 per acre

On each July 1 following the Base Year, the Maximum Special Tax Rates in Table 2 shall be increased in accordance with the Annual Escalation Factor.

**4. Tax-Exempt Property**

No Special Tax shall be levied on Tax-Exempt Property.

**D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Commencing with Fiscal Year 2013-14, and for each subsequent Fiscal Year, the District Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax as follows until the amount of the Special Tax levied equals the Special Tax Requirement. First, the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property up to 100% of the applicable Maximum Special Tax for Developed Property. Second, if the Special Tax Requirement

has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Approved Property up to 100% of the applicable Maximum Special Tax for Approved Property. Third, if the Special Tax Requirement has not been satisfied by the first two steps, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Undeveloped Property up to 100% of the applicable Maximum Special Tax for Undeveloped Property.

**E. APPEALS**

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the District Administrator appealing the levy of the Special Tax. This notice is required to be filed with the District Administrator during the Fiscal Year the error is believed to have occurred. The District Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the District Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

**F. MANNER OF COLLECTION**

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the District Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the District or as otherwise determined appropriate by the District Administrator. The Special Taxes when levied shall be the lien imposed pursuant to Section 3115.5 of the Streets and Highways Code. This lien shall be a continuing lien and shall secure each levy of Special Taxes. The lien of the Special Taxes shall continue in force and effect until the Special Tax ceases to be levied in the manner provided by Section 53330.5 of the Government Code.

**G. TERM OF SPECIAL TAX**

The Special Tax shall be levied in perpetuity.

**RESOLUTION NO. 12-**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCA VALLEY SETTING A DATE FOR AN ELECTION ON THE ANNEXATION OF ANNEXATION AREA NO. 1 (IMPROVEMENT AREA NO. 2) TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES) (DOLLAR GENERAL), SPECIAL TAX LEVY FOR FY 2013/14**

**WHEREAS**, the Town of Yucca Valley established Community Facilities District No. 11-1 (the "District"), on August 16, 2011 pursuant to the Mello-Roos Community Facilities Act of 1982 ("Mello-Roos Act"; Government Code § 53311, *et seq.*): and

**WHEREAS**, the Town Council of the Town of Yucca Valley (the "Town Council") has previously declared its intention and held and conducted proceedings relating to the annexation of territory as a separate improvement area therein pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part I Division 2 Title 5 of the Government Code of the State of California, and specifically Article 3.5 thereof (the "Act"). The existing Community Facilities District has been designated as COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES (the "District")); and

**WHEREAS**, notice of a public hearing relating to the annexation of territory to the existing District, the extent of the territory to be annexed, the furnishing of certain public services, amendments to the rate and method of apportionment of special tax and all other related matters has been given, and a Special Tax Report pertaining to the proposed annexation, as ordered by this Town Council, has been presented and considered; and

**WHEREAS**, the area proposed to be annexed is known and designated as Community Facilities District No.11-1 (services), Annexation No. 1 (Improvement Area No. 2) (the "Annexed Territory"); and

**WHEREAS**, the proposed public services are necessary to meet increased demands placed upon the Town as a result of development and/or rehabilitation occurring in the Annexed Territory; and

**WHEREAS**, it has now been determined that written protests have not been received by 50% or more of the registered voters residing either within the Annexed Territory or the original District and/or property owners representing more than one-half (1/2) or more of the area of land proposed to be annexed to said District or within the original District; and

**WHEREAS** inasmuch as there have been less than twelve (12) persons registered to vote within the Annexed Territory for each of the 90 preceding days, this legislative body desires to submit the levy of the required special tax to the landowners of the Annexed Territory, said landowners being the qualified electors as authorized by law: and

**WHEREAS**, in order to accomplish the Town's desired purpose for the District, the Town must conduct a special election; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Yucca Valley as follows:

**SECTION 1.** Pursuant to Sections 53326.53353.5 and 53325.7 of the Act, propositions of the levy of the special tax on property within Annexation Area No. 1 (Improvement Area No. 2) of the District shall be submitted to the qualified electorate of Annexation Area No. 1 of the District at an election called thereof as provided below.

**SECTION 2.** As authorized by the Section 53353.5 of the Act, the ballot measure, the form of which is attached as "Exhibit "A" and by this reference incorporated herein. Said form of ballot is hereby approved.

**SECTION 3.** The Town Council submits to the qualified voters of the area to be annexed to the District the question of levying a new special tax to finance public facilities and services within Annexation Area No. 1 of the District, as specified in the Resolution of Intent.

**SECTION 4.** The Town Council hereby calls for a special election to consider the measures described in Section 1 above, which election shall be held on September 18, 2012. Pursuant to Section 53327 of the Act, the election shall be conducted by the use of mailed ballots, or hand delivered ballot pursuant of Section 4000 of the California Election Code. All mail ballots shall be returned to the Town Clerk's office (by mail or personal delivery) no later than 4:00 pm on September 14, 2012, or shall be delivered personally to the Town Clerk no later than the close of the special election on such date.

**SECTION 5.** In the event that landowners owning all of the property within Annexation Area No. 1 of the District that is subject to the proposed special tax have waived election requirements and/or designated other entities to cast their votes on their behalf, such votes may be cast (verbally or otherwise) at the election by any person or body so designated, and all votes cast shall be counted by the Town Clerk in determining the final vote.

**SECTION 6.** The Town Clerk is hereby directed to publish in a newspaper of general circulation circulating within the area of CFD No. 11-1, Annexation No. 1, Improvement Area No. 2 (Dollar General) a copy of this Resolution as soon as practicable after the date of adoption of this Resolution.

**SECTION 7.** In the event that two-thirds or more of the votes cast favor the levying of the special tax, the Town Council may, by resolution, levy the special tax.

**APPROVED, PASSED AND ADOPTED** this 18<sup>th</sup> day of September, 2012.

---

MAYOR

ATTESTED:

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TOWN CLERK

**EXHIBIT A**

**OFFICIAL BALLOT  
SPECIAL TAX ELECTION  
TOWN OF YUCCA VALLEY  
ANNEXATION OF TERRITORY TO  
COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES)  
September 11, 2012**

**Assessor Parcel Number: 0586-121-06  
Number of votes entitled to cast: 1.283**

**INSTRUCTIONS TO VOTERS:** To vote on the measure, mark an (X) on the line after the word "YES" or after the word "NO." All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

**MEASURE SUBMITTED TO QUALIFIED ELECTORS**

**Ballot Measure:** Shall the Town of Yucca Valley be authorized to levy a special tax at the rates and apportioned as described in Exhibit B to the Resolution Declaring its Intention to Annex Territory to Community Facilities District No. 11-1 (Services) adopted by the City Council on August 7, 2012 (Resolution No.12-31), which is incorporated herein by this reference, within the territory identified on the map entitled "Boundary Map of Annexation Area No. 1 (Improvement Area No. 2) Community Facilities District No. 11-1 (Services), Town of Yucca Valley, County of San Bernardino", to finance certain services as set forth in Exhibit B of the Resolution?

YES \_\_\_\_\_

NO \_\_\_\_\_

**NOTE: This is a special landowner election. You must return this ballot to the Town Clerk of the Town of Yucca Valley either (i) to the Office of the Town Clerk at Town Hall, 57090 Twentynine Palms Highway, Yucca Valley, CA, by 4:00 p.m. on September 14, 2012 or (ii) thereafter, to the regular meeting place of the Town Council in the Yucca Room of the Community Center, 57090 Twentynine Palms Highway, Yucca Valley, CA on September 18, 2012, by five minutes following the adoption of the resolution calling the election (the Town Council meeting convenes at 6:00 p.m. on September 18, 2012).**



**RESOLUTION NO. 12-**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING RESULTS OF THE SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN**

**WHEREAS**, on August 7, 2012, the Town Council of the Town of Yucca Valley (the “City”) adopted the “Resolution of the Town Council of the Town of Yucca Valley Declaring Its Intent to Annex Territory to Community Facilities District No.11-1 (Services)” (referred to herein as the “Resolution of Intent”) stating its intention to annex territory to Community Facilities District No.11-1 and to finance specified public facilities and services, pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311, *et seq.*; the “Mello-Roos Act”);

**WHEREAS**, on September 18, 2012, the Town Council of the Town of Yucca Valley held a public hearing on the Resolution of Intent;

**WHEREAS**, on September 18, 2012, after the public hearing, the Town Council adopted a “Resolution of the Town Council of the Town of Yucca Valley for the Annexation of Improvement Area No. 2 to Community Facilities District No. 11-1 (Service)(Resolution No. \_\_\_\_\_; also referred to herein as the “Resolution of Formation”), annexing Annexation Area No. 1 (Improvement Area No. 2) to Community Facilities District No. 11-1 (hereafter, the “District”); and the Town Council also adopted the “Resolution of the Town Council of the Town of Yucca Valley Setting a Date for an Election on the levy of a special tax within Annexation Area No. 1 (Improvement Area No. 2) of Community Facilities District No. 11-1 for September 18, 2012 (Resolution No. \_\_\_\_\_; also referred to herein as the “Resolution Calling for Special Election”);

**WHEREAS**, on September 18, 2012, an election on the levy of special taxes on parcels within Annexation Area No. 1 (Improvement Area No. 2) of the District was held;

**WHEREAS**, this Resolution will only take effect if two-thirds of the votes cast in the special election are in favor of the levy, and such results were certified by the Town Council through adoption of the “Resolution of the Town Council of the Town of Yucca Valley Certifying the Results of the Election on the Levy of Special Taxes in Annexation Area No. 1 (Improvement Area No. 2) of Community Facilities District No. 11-1 (Services)” (Resolution No. \_\_\_\_\_), whereby the levying of special taxes was authorized;

**WHEREAS**, pursuant to the Resolution of Intent, the Resolution of Formation, and the provisions of the Mello-Roos Act, the maximum rate of special taxes and the manner of apportionment has been determined, and within 15 days of an election resulting in two-thirds of the votes cast in favor of the levy of a special tax in the District, a Notice of Special Tax Lien will be recorded with the San Bernardino County Recorder’s Office; and

**WHEREAS**, pursuant to Government Code Section 53340(a), the Town Council, as legislative body for the District, now wishes to levy the special taxes at the rate, apportionment, and in the manner specified in the above-referenced Resolutions.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Yucca Valley as follows:

**SECTION 1.** The Town Council hereby affirms the accuracy of the foregoing recitals.

**SECTION 2.** Pursuant to Government Code Sections 53328, 53340(a), and other provisions and requirements under the Mello-Roos Act, the Town Council hereby levies the special taxes as specified in said Resolutions, and hereby apportions the special taxes in such manner.

**SECTION 3.** The levy and apportionment of all special taxes hereby shall be consistent with the authorizations provided under the Mello-Roos Act, the Resolution of Intent, and the Resolution of Formation. No levy or apportionment of any special tax not otherwise consistent with said authorities is authorized by this Resolution.

**SECTION 4.** The Town Council hereby authorizes the Town Manager or his/her designee to implement all necessary steps to cause the special taxes levied hereby to be placed on the San Bernardino County Tax Assessor's secured property tax rolls for the fiscal year commencing July 1, 2013, and continuing each subsequent fiscal year for so long as said special taxes are authorized under the Mello-Roos Act. Furthermore, the Town Council hereby authorizes the Town Manager or his/her designee to cause all such special taxes to be collected, deposited, expended, and otherwise used in a manner consistent with the provisions of the District.

**SECTION 5.** The Town Council hereby determines that all proceedings for the formation of the District and the levy and apportionment were valid and in conformity with the requirements of the Mello-Roos Community Facilities Act of 1982.

APPROVED AND ADOPTED this 18<sup>th</sup> day of September, 2012.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN IMPROVEMENT AREA 2, ANNEXATION NO 1, OF COMMUNITY FACILITIES DISTRICT NO. 11-1 (DOLLAR GENERAL)

WHEREAS, The Town Council of the Town of Yucca Valley has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors authorizing the levy of special taxes within community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part I, Division 2, Title 5 of the Government Code of the State of California (the "Act"). This Community Facilities District is designated as COMMUNITY FACILITIES DISTRICT NO. 11-1 (the "District").

NOW, THEREFORE THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY DOES ORDAIN AS FOLLOWS:

**Section 1.** The Town Council does, by passage of this ordinance authorize the levy of special taxes within the District for the 2013-2014 tax year pursuant to the Rate and Method Apportionment of Special Taxes as set forth in Exhibit "A" attached hereto, referenced and so incorporated.

**Section 2.** The Town Council, is further authorized to annually determine, by Resolution, the special taxes to be levied within the District for the then current tax year or future tax years, except that the special tax to be levied within the District shall no exceed the maximum special tax calculated pursuant to the Rate and Method, but the special tax may be levied at a lower rate.

**Section 3.** The special taxes herein authorized, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale, and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the District may utilize a direct billing procedure for any special taxes that cannot be collected on the County tax roll or my , by resolution, elect to collect the special taxes at a different time or in a different manner if necessary to meet its financial obligations.

**Section 4.** The special taxes shall be secured by the lien imposed pursuant to Sections 3114.5 and 3115.5 of the Streets and Highways Code of the State of California, which lien shall be a continuing lien and shall secure each levy of the special tax. The lien of the special tax shall continue in force an effect until the special tax obligation is permanently satisfied and canceled in accordance with Section 53344 of the Government Code of the State of California or until the

special tax ceases to be levied by the Town Council in the manner provided in Section 53330.5 of said Government Code.

**Section 5. NOTICE OF ADOPTION.** Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

**Section 6. EFFECTIVE DATE:** This Ordinance shall be effective thirty (30) days after its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
TOWN ATTORNEY

**TOWN OF YUCCA VALLEY**

**COMMUNITY FACILITIES DISTRICT REPORT**

**COMMUNITY FACILITIES DISTRICT NO. 11-1 (Services)  
ANNEXATION NO. 1 (IMPROVEMENT AREA NO. 2)**

**HEARING REPORT**

**July 14, 2012**

*Prepared by*  
**K. Dennis Klingelhofer, P.E**

TOWN OF YUCCA VALLEY

COMMUNITY FACILITIES DISTRICT HEARING REPORT  
COMMUNITY FACILITIES DISTRICT NO. 1 (Services)  
ANNEXATION NO. 1 (IMPROVEMENT AREA NO. 2)

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Section II	Description of Services and Estimated Costs
Section III	Description of District of CFD
Section III	Overview of the Proposed CFD

Exhibits

Exhibit A	List of Authorized Services – Improvement Area No. 2
Exhibit B.	Rate and Method of Apportionment – Improvement Area No. 2
Exhibit C	CFD Boundary Map – Annexation No. 1

**TOWN OF YUCCA VALLEY**  
**COMMUNITY FACILITIES DISTRICT NO. 11-1 (Services)**  
**ANNEXATION NO. 1 (IMPROVEMENT AREA NO. 2)**

**Section I – Introduction**

The Town Council of the Town of Yucca Valley has been requested to initiate proceedings to annex territory into Community Facilities District No. 11-1 (Services) (the “District”) to include the property which is contained within SPR 11-01 which is planned to include 12,406 sq. ft. of commercial space on approximately 1.283 acres.

The Town Council adopted a resolution entitled “Resolution of Intention to Annex Territory to Community Facilities District No. 11-1” Resolution No. 12-31 pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”), on August 7, 2012 declaring its intention to annex territory located within Annexation Area No. 1 (Improvement Area No. 2) and ordered the preparation of a written Community Facilities District Report (the “Report”) as required by the Act.

This report has been prepared in accordance with Section 53321.5 of the Act and includes among other information:

Section II – Description of Services and Estimated Costs: This section describes the services to be funded within Annexation Area No. 1 (Improvement Area No. 2), the estimated annual costs associated with providing those services and the proposed annual maximum special tax for parcels within the District.

Section III – Description of District of CFD: This section contains the map showing the proposed boundaries of Annexation Area No. 1 (Improvement Area No. 2) within the CFD and those properties and parcels on which special taxes may be levied to pay for the costs and expenses of the services to be funded.

Section III – Overview of the Proposed CFD: This section of the report describes the proposed structure of Annexation Area No. 1 (Improvement Area No. 2) within the CFD and the Rate and Method for the allocation of the special tax within Annexation Area No. 1 (Improvement Area No. 2).

In addition there are three exhibits attached to this report. Exhibit A is the list of authorized services within Improvement Area No. 2 the CFD may fund. Exhibit B is the Rate and Method of Apportionment for Annexation No. 1 (Improvement Area No. 2). Exhibit C is the Boundary Map for Annexation No. 1 (Improvement Area No. 2).

**Section II – Description of Services and Estimate of Costs**

Pursuant to Resolution No. 12-31, the types of public services to be funded, in whole or in part by the District, are generally described as the maintenance, operation and management of the following types of facilities

- Maintenance of public streets and alleyways, including pavement, traffic control devices, landscaping and other public improvements installed within the public right-of-way;
- Maintenance of all public pedestrian or bicycle pathways; and
- Public lighting and appurtenant facilities, including street lights and traffic signals;

- Town and County costs associated with the setting, levying and collection of the special tax, and in the administration of the District including the contract administration.

The estimated costs for the maintenance of the eligible improvements within Annexation Area No. 1 (Improvement Area N0. 2) of the District are shown below, including costs for future repairs or replacement of the improvements. The costs shown also include 25% contingencies, contract administration and Town overhead for the administration of the District. The costs shown are applicable to fiscal year 2013-14.

Right-of-Way Maintenance, Operation and Management

The Improvement Area No. 2 is anticipated to maintain, operate and manage fifty percent (50%) of the public improvements installed within Hopi Trail from the intersection of 29 Palms Highway to northern property line of the project and the public alleyway along the northern boundary of the project.

Approx. Linear Feet	495
Approx. Area (Square Feet)	8,900
Cost per Square Foot (2013-14 \$'s)	\$0.205
Total Costs (2013-14 \$'s)	\$1,823
Improvement Area EDU's	5.7735
Fiscal Year 2013-14 Cost per EDU	\$315.79

**Section III - Proposed Boundaries of CFD**

The proposed District is generally described as SPR 11-01, as may be amended from time to time, and includes the following Assessor's Parcel Numbers:

<u>Assessor's Parcel Number</u>	<u>Owner</u>	<u>Acreage</u>
0586-121-06	Dynamic Real Estate Investments I, LLC	1.283



**Section IV – Overview of the Proposed CFD**

The area proposed to be annexed to CFD No.11-01 as Annexation No. 1 (Improvement Area No. 2) will levy an annual special tax on all of the property in Improvement Area No. 2 unless exempted by law or, the Rate and Method of Assessment (RMA) for the purpose of maintaining, managing and operating the improvements within the Improvement Area. Each year the Town Engineer will develop a budget for the projected costs of providing the authorized services within the Improvement Area for the CFD for the coming year, including the costs of:

- Authorized CFD services, including the pro-rata share of costs for future lump sum expenditures;
- Costs of administering the CFD, including County costs and contract administration; and
- Any amounts needed to cure actual or projected delinquencies in special taxes for the current or previous years.

The Tax Formula shall then be used to allocate the total amount required to provide the authorized services to each taxable parcel based upon the EDU’s assigned based on the Property Classification as shown below

**Equivalent Dwelling Unit Factors**

<b>Property Classification</b>	<b>Improvement Area 1</b>
<b>Developed Property</b> Residential Non-Residential	1 EDU per dwelling unit 4.5 EDU per acre
<b>Approved Property</b> Residential Non-Residential	1 EDU per dwelling unit 4.5 EDU per acre
<b>Undeveloped Property</b> Residential Non-Residential	1 EDU per dwelling unit 4.5 EDU per acre
<b>Exempt Property</b>	N/A

A list of parcels subject to the special tax will be prepared and submitted to the County Assessor for inclusion on the tax roll. The special tax will be collected in the same manner and at the same time as ad valorem property taxes.

The maximum special tax which may be levied upon any taxable parcel is set at a base rate of \$315.79 per EDU. The maximum special tax will escalate at a rate not to exceed 4 percent per year to cover increases in the costs of providing the authorized services. The special tax shall be levied and collected in perpetuity.

**Exhibit A**  
**Community Facilities District No. 11-1 (Services)**  
**Annexation No. 1 (Improvement Area No. 2)**

List of Authorized Services

The maintenance obligations to be funded, in whole, by the levying of an annual special tax upon all taxable parcels within Annexation Area No. 1 (Improvement Area No. 2) of the District shall include all of the following:

1. Maintenance of public streets and alleyways, including pavement, traffic control devices, landscaping and other public improvements installed within the public right-of-way;
2. Maintenance of all public pedestrian or bicycle pathways; and
3. Public lighting and appurtenant facilities, including street lights and traffic signals;
4. Town and County costs associated with the setting, levying and collection of the special tax, and in the administration of the District including the contract administration.

In addition, the Special Taxes collected may be set-aside in a designated replacement fund to be used to fund the future replacement or repair of any of the items described above or other improvements funded by CFD No. 11-1, Annexation Area No. 1 (Improvement Area No. 2).

**EXHIBIT B**

**TOWN OF YUCCA VALLEY  
COMMUNITY FACILITIES DISTRICT NO. 11-1 (Services)  
ANNEXATION NO. 1 (IMPROVEMENT AREA NO. 2)**

**RATE AND METHOD OF APPORTIONMENT**

The Rate and Method of Apportionment of Special Tax is shown on the following pages.

**EXHIBIT B**  
**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES**  
**TOWN OF YUCCA VALLEY**  
**COMMUNITY FACILITIES DISTRICT NO. 11-1 (Services)**  
**Annexation No. 1 (Improvement Area No. 2)**

Special Taxes shall be levied annually on all Assessor's Parcels in Annexation Area No. 1 (Improvement Area No. 2) located within Community Facilities District No. 11-1 (Services) of the Town of Yucca Valley (the "District") commencing in Fiscal Year 2013-14 in an amount determined by the Town through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in Annexation Area No. 1 (Improvement Area No. 2), unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

**"Act"** means the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California, as amended.

**"Administrative Expenses"** means the actual or estimated costs incurred by the Town as administrator of the District to determine, levy and collect the Special Taxes, including salaries and benefits of Town employees whose duties are directly related to administration of the District and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the District as determined by the Town.

**"Annual Escalation Factor"** means the greater of the increase in the annual percentage change of the All Urban Consumers Consumer Price Index (CPI) or four percent (4%). The annual CPI used shall be for the San Diego Area as determined by the Bureau of Labor Statistics.

**"Approved Property"** means an Assessor's Parcel and/or Lot in the District, which has a Final Map recorded prior to March 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1<sup>st</sup> preceding the Fiscal Year in which the Special Tax is being levied. The term "Approved Property" shall apply only to Assessors' Parcels and/or Lots, which have been subdivided for the purpose of residential development, excluding any Assessor's Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the District Administrator, or Non-Residential Property which has an approved Parcel Map.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

**"Assessor's Parcel Map"** means an official map of the Assessor of the County designating parcels by assessor's parcel number.

**"Authorized Services"** means those services as described in the "Special Tax Report Community Facilities District No. 11-1, Annexation No. 1 (Improvement Area No. 2) Town of Yucca Valley.

**"Base Year"** means Fiscal Year ending June 30, 2014.

**"District Administrator"** means the Town Manager, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

**"District"** means Community Facilities District No. 11-1 (Services) of the Town of Yucca Valley.

**"Developed Property"** means all Taxable Property for which a building permit has been issued prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

**"Dwelling Unit"** means an individual single family unit or an individual residential unit within a duplex, tri-plex, four-plex, condominium or apartment structure.

**"Exempt Property"** means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property designated by the Town's District Administrator as Tax-Exempt Property

**"Final Map"** means an Assessor's Parcel Map, a final subdivision map, other parcel map, other final map, other condominium plan, or functionally equivalent map that has been recorded in the Office of the County Recorder.

**"Fiscal Year"** means the period starting July 1 and ending on the following June 30.

**"Land Use Class"** means any of the classes listed in Table 1.

**"Lot"** means property within a recorded Final Map identified by a lot number for which a building permit has been issued or may be issued.

**"Maximum Special Tax"** means the maximum Special Tax, determined in accordance with Section C below that can be levied within Annexation Area No. 1 (Improvement Area No. 2) in the District in any Fiscal Year on any Assessor's Parcel.

**"Property Owner Association Property"** means any property within the boundaries of the District that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub-association.

**"Proportionately"** means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class.

**"Public Property"** means any property within the boundaries of the District that is, at the time of the District formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, or any other public agency.

**"Residential Property"** means any parcel on which an individual single family residence or, a duplex, tri-plex, four-plex, condominium or apartment structure may be constructed.

**"Special Tax"** means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

**"Special Tax Requirement"** means that amount required in any Fiscal Year for the District to: (i) pay for providing the authorized services including the actual costs of maintenance, repair, monitoring, replacement of facilities, and reporting as required under all applicable permits; (ii) pay reasonable Administrative Expenses; (iii) pay any amounts required to establish or replenish any reserve funds; and (iv) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

**"State"** means the State of California.

**"Taxable Property"** means all of the Assessor's Parcels within the boundaries of the District and any future annexation to Annexation Area No. 1 (Improvement Area No. 2) of the District that is not exempt from the Special Tax pursuant to law or as defined herein.

**"Town"** means the Town of Yucca Valley, California

**"Undeveloped Property"** means, for each Fiscal Year, all Assessors' Parcels of Taxable Property not classified as Developed Property or Approved Property, including an Assessor's Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final documents and/or maps available to the District Administrator.

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year using the definitions above, all Taxable Property within Annexation Area No. 1 (Improvement Area No. 2) of the District shall be classified as Developed Property, Approved Property, Undeveloped Property or Exempt Property. Commencing with the Base Year and for each subsequent Fiscal Year, all Taxable Property shall be subject to Special Taxes pursuant to Sections C and D below.

**C. MAXIMUM SPECIAL TAX RATE**

The Maximum Annual Special Tax rates for Assessor's Parcels are shown in the following tables:

**TABLE 1**  
**Equivalent Dwelling Unit Factors**  
**Community Facilities District No. 11-1**  
**Annexation Area No. 1 (Improvement Area 2)**

<b>Property Classification</b>	<b>Improvement Area 2</b>
<b>Developed Property</b> Residential Non-Residential	1 EDU per dwelling unit 4.5 EDU per acre
<b>Approved Property</b> Residential Non-Residential	1 EDU per dwelling unit 4.5 EDU per acre
<b>Undeveloped Property</b> Residential Non-Residential	4.5 EDU per acre 4.5 EDU per acre
<b>Exempt Property</b>	N/A

**TABLE 2**  
**Maximum Special Tax for Approved Property**  
**Community Facilities District No. 11-1**  
**Annexation Area No. 1 (Improvement Area 2)**

<b>Property Classification</b>	<b>Maximum annual Special Tax</b>
<b>Developed Property</b> Residential Non-Residential	\$315.79 per EDU \$1,421.08 per acre
<b>Approved Property</b> Residential Non-Residential	\$315.79 per EDU \$1,421.08 per acre
<b>Undeveloped Property</b> Residential Non-Residential	\$1,421.08 per acre \$1,421.08 per acre

On each July 1 following the Base Year, the Maximum Special Tax Rates in Table 2 shall be increased in accordance with the Annual Escalation Factor.

**4. Tax-Exempt Property**

No Special Tax shall be levied on Tax-Exempt Property.

**D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Commencing with Fiscal Year 2013-14, and for each subsequent Fiscal Year, the District Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax as follows until the amount of the Special Tax levied equals the Special Tax Requirement. First, the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property up to 100% of the applicable Maximum Special Tax for Developed Property. Second, if the Special Tax Requirement

has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Approved Property up to 100% of the applicable Maximum Special Tax for Approved Property. Third, if the Special Tax Requirement has not been satisfied by the first two steps, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Undeveloped Property up to 100% of the applicable Maximum Special Tax for Undeveloped Property.

**E. APPEALS**

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the District Administrator appealing the levy of the Special Tax. This notice is required to be filed with the District Administrator during the Fiscal Year the error is believed to have occurred. The District Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the District Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

**F. MANNER OF COLLECTION**

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the District Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the District or as otherwise determined appropriate by the District Administrator. The Special Taxes when levied shall be the lien imposed pursuant to Section 3115.5 of the Streets and Highways Code. This lien shall be a continuing lien and shall secure each levy of Special Taxes. The lien of the Special Taxes shall continue in force and effect until the Special Tax ceases to be levied in the manner provided by Section 53330.5 of the Government Code.

**G. TERM OF SPECIAL TAX**

The Special Tax shall be levied in perpetuity.



# Exhibit C

PROPOSED BOUNDARY MAP

## TOWN OF YUCCA VALLEY

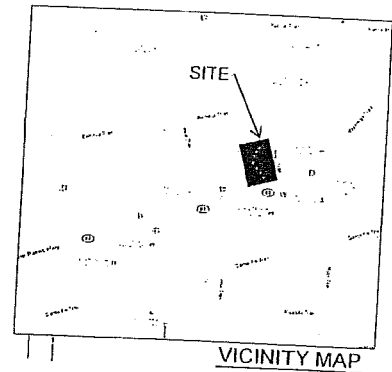
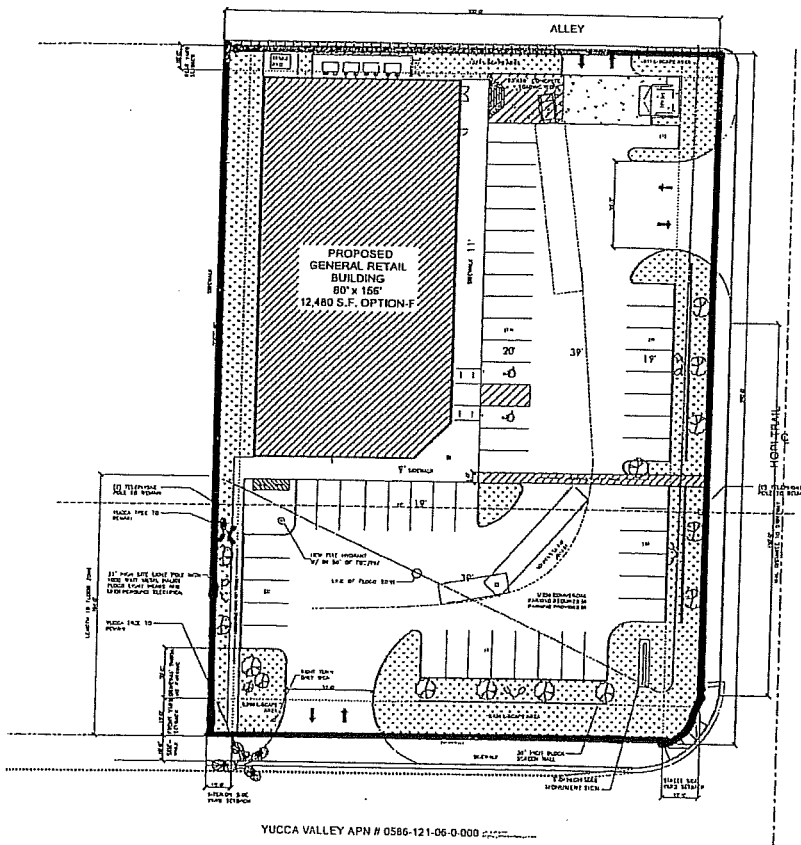
IN THE COUNTY OF SAN BERNARDINO

STATE OF CALIFORNIA


COMMUNITY FACILITY DISTRICT NO. 11-1

ANNEXATION AREA No. 1 (IMPROVEMENT AREA NO. 2)

LOT 13 AND 14, A PORTION OF YUCCA VALLEY UNIT NO. 3, OF TRACT NO. 3081, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 42, PAGES 57 TO 58 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



### LEGEND

 INDICATES FACILITIES DISTRICT BOUNDARY

FILED IN THE OFFICE OF THE TOWN CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

TOWN CLERK  
TOWN OF YUCCA VALLEY

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 AT THE HOUR OF \_\_\_\_\_ O'CLOCK  
IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES  
DISTRICT AT PAGE \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE  
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

COUNTY RECORDER  
COUNTY OF SAN BERNARDINO

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT 11-1, ANNEXATION AREA NO. 1 (IMPROVEMENT AREA NO. 2) OF THE TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY AT A REGULAR MEETING THEREFOR, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 BY ITS RESOLUTION NO. \_\_\_\_\_.

TOWN CLERK  
TOWN OF YUCCA VALLEY

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Jim Schooler, Community Services Director  
**Date:** September 13, 2012  
**For Council Meeting:** September 18, 2012

**Subject:** 2012-13 Youth Commission appointments

**Prior Council Review:** Annual

**Recommendation:** Move to appoint the applicants recommended by the Parks, Recreation and Cultural Commission to the 2012-13 Youth Commission, and authorize the Parks, Recreation & Cultural Commission to review future applications and make subsequent appointments on behalf of the Council.

**Summary:** The Town Council has established the Youth Commission to be appointed annually to communicate with local government in matters pertaining to the youth of the community. The Council has appointed the Parks, Recreation and Cultural Commission (PRCC) to oversee the activities of the Youth Commission.

**Order of Procedure:**

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

**Discussion:** The Yucca Valley Youth Commission was established in 1995. The commission consists of young people in grades 7 through 12 who attend school in Yucca Valley. The role of the Youth Commission is to serve in an advisory capacity and to make recommendations on matters pertaining to the youth of the community.

The Council took action in April 2010 to limit the number of Youth Commission appointments to 20 members, and directed staff to work with the Parks, Recreation and Cultural Commission to revise the application process. The selection process was amended in order to ensure a positive experience for as many interested youth as is reasonable, to seek a balanced representation of schools and grade levels, and to ensure a fair opportunity for each applicant to be appointed.

As the Council-appointed overseers of the Youth Commission activities, the Parks, Recreation and Cultural Commission (PRCC) is charged with reviewing the

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Reviewed By:

  
Town Manager

  
Town Attorney

  
Mgmt Services

JAS  
Dept Head

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Department Report

Ordinance Action

Resolution Action

Public Hearing

Consent

Minute Action

Receive and File

Study Session

Youth Commission applicant information and making a recommendation to the Town Council for appointment.

To date, staff has received 11 applications from candidates seeking appointment to the 2012-13 Youth Commission:

<u>Name</u>	<u>Grade</u>	<u>School</u>
Hanna Bogue	11	Joshua Springs High School
London Caldwell	11	Yucca Valley High School
Tyler Geeson	8	La Contenta Middle School
Francisco Gonzalez	9	Yucca Valley High School
Rachel Green	10	Yucca Valley High School
Nathan Lafferty	9	Yucca Valley High School
Nicholas Lombardo	12	Joshua Springs High School
Amanda Olson	11	Yucca Valley High School
Blake Rowe	8	Joshua Springs Christian School
Wade Shaver	10	Joshua Springs High School
Sean Vincent	9	Yucca Valley High School

The PRCC review of the applications and supplementary materials took place at the September 11<sup>th</sup> Commission meeting. Following this review and interviews with the applicants present, the PRCC voted to recommend the appointment of the applicants listed above. The new Youth Commission will meet regularly from October 2012 through June 2013.

**Attachments:** None

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Jim Schooler, Community Services Director  
**Date:** September 14, 2012  
**For Council Meeting:** September 18, 2012

**Subject:** Rules for the Use of Dog Parks

**Prior Council Review:** None

**Recommendation:** Introduce the Ordinance establishing regulations for the use of designated public dog parks in the Town of Yucca Valley:

**AN ORDINANCE OF THE TOWN COUNCIL OF THE  
TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING  
TITLE 11 OF THE TOWN OF YUCCA VALLEY  
MUNICIPAL CODE BY ADDING A NEW SECTION  
11.80.045 ENTITLED USE OF DOG PARK FACILITIES**

**Summary:** The Town's first dog park is under construction and is expected to be open for public use this fall. Rules for use are necessary to ensure the safety and enjoyment of the people and animals using the dog park.

**Order of Procedure:**

Request Staff Report  
Town Clerk read title of Ordinance  
Request Public Comment  
Council Discussion/questions of Staff  
Motion/Second  
Discussion on Motion  
Call the Question (Roll Call Vote)

**Discussion:**

In April of 2012, the Town Council approved the award of a construction contract for Phase 1-a of the South Side Park development. The construction is underway and is anticipated to be completed and open for public use in October.

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Reviewed By:

  
Town Manager

  
Town Attorney

  
Mgmt Services

\_\_\_\_\_  
Dept Head

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Department Report

Ordinance Action

Resolution Action

Public Hearing

Consent

Minute Action

Receive and File

Study Session

This first phase includes Yucca Valley's first dog park, among other recreational and infrastructure amenities. According to staff's research regarding the operation of dog parks, a practical and well-conceived set of rules must be in place to optimize user safety and minimize conflicts and other problems. To be enforceable, the dog park rules must be added to the Town's Municipal Code. A summarized version of the rules will be posted on signs at the facility, and printed copies of the full set of rules will be available to the public.

Town staff received input from dog owners and handlers who regularly use Machris Park to exercise their dogs during the temporary off-leash period in the morning. Staff has also compiled, modified and incorporated rules employed at dog parks in other cities. The Town's Animal Control staff has participated throughout the process and provided expert input regarding the rationale for certain rules, particularly those that could be deemed unfair or controversial. The list of rules has been reviewed and fine-tuned by the Parks, Recreation and Cultural Commission (PRCC) with a final recommendation completed on July 10<sup>th</sup>.

The staff and PRCC recommendation is that the Town Council introduce the ordinance and amend the Park and Facility Regulations section of the Town of Yucca Valley Municipal Code, adding rules for the use of Town dog parks.

**Alternatives:** Approve the recommendation and introduce the ordinance or direct staff to make adjustments to the recommended rules.

**Fiscal impact:** None

**Attachments:** Ordinance – Use of Dog Park Facilities

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN COUNCIL OF THE  
TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING  
TITLE 11 OF THE TOWN OF YUCCA VALLEY  
MUNICIPAL CODE BY ADDING A NEW SECTION  
11.80.045 ENTITLED USE OF DOG PARK FACILITIES

**WHEREAS**, the Town Council has determined that the establishment of designated off-leash areas/parks for dogs will more fully serve the recreational needs of Town residents who have dogs. The Town Council wishes to amend the Yucca Valley Municipal Code to include regulations for all dog parks;

**WHEREAS**, the Town Council has further determined that the designation of off-leash parks will provide a substantial benefit in the form of exercise and social interaction for dogs and their owners.

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

**SECTION 1:** Section 11.80.045 is hereby added to Chapter 11.80, Use of Park Facilities, to read in its entirety as follows:

"A. Dog Park Rules and Regulations: Notwithstanding the provisions of Section 11.80.040, Subpart G, dogs shall be permitted off-leash in designated "dog parks" subject to the following rules and regulations:

Dog Park Rules and Regulations

1. Hours: Sunrise to dusk.
2. Dogs must be leashed when entering or exiting the dog park.
3. No animals other than dogs are permitted.
4. No more than two dogs per owner/handler.
5. Dogs must be at least 4 months old, licensed and current on vaccinations. Proof must be provided upon the request of Yucca Valley Animal Control staff.
6. Only spayed and neutered dogs are permitted in the park.
7. Aggressive, unmanageable and/or unruly dogs are not permitted; dogs that have been formally declared as "vicious" or "potentially dangerous" by any local agency are not permitted. Dogs must be leashed and removed at the first sign of aggression, mounting, or hostile/aggressive behavior towards people or other animals.
8. Sick dogs with communicable diseases (i.e.; mange, fleas, DHLPP, corona, Lyme's disease, bordello, rabies or other such communicable illnesses) or injured dogs with open wounds are not permitted.

9. Small dog area – no dogs over 25 pounds allowed inside of the small dog park.
10. Dog collars: no choke, prong, pinch or spiked collars are permitted.
11. Children under 12 are not permitted in the dog park.
12. No unauthorized equipment or apparatus is allowed in the dog park, including without limitation strollers, carriages, children's toys, scooters, skateboards, bicycles, etc.
13. Off-leash dogs must remain inside the fenced area and be accompanied by, and under voice control of, their owners/handlers at all times.
14. Owners/handlers must keep a leash on their person at all times.
15. Owners/handlers may not leave their dogs unattended inside of the park.
16. Owners/handlers are solely responsible for injuries or damage caused by their dog.
17. Owners/handlers are to extend courtesy to other dog park users. This includes keeping dogs from jumping at or annoying others.
18. Dogs barking excessively must be quieted or removed.
19. No smoking, drug use, alcoholic beverages, food (animal or people) or dog treats are permitted. No glass containers are permitted in the dog park.
20. No activities unrelated to dogs are allowed (i.e.; kite flying, sports activities, contests, skateboarding, bicycling, etc). Dog parks are to be used by dog owners/handlers and their dogs only, All other activities or loitering are prohibited.
21. Except when entering and exiting, gates must be kept closed at all times.
22. Owners/handlers are to clean up after their dogs. Dog feces shall be deposited in plastic bags that are sealed before depositing in the trash receptacles.
23. The dog park is subject to periodic closure without notice for maintenance.
24. Dog obedience classes, competitions, or events other than those officially authorized by the Town of Yucca Valley are prohibited.
25. Owner/handlers shall prevent or stop their dogs from digging in the park. Any holes created must be filled by the owner/handler.
26. Dog owners/handlers using the dog park are using it at their own risk. The Town is not responsible for injuries to people and dogs or illnesses dogs may contract.
27. The Town reserves the right to eject anyone from the dog park at any time for any reason. If any animal and/or owner/handler is ejected from the dog park for a violation of these rules, the Town may refuse to permit re-entry of such dog or owner/handler in the park.

B. Designated Dog Parks: The Town Council shall designate official "dog park" areas from time to time by resolution.

C. Civil Remedies Available: The violation of any provisions of this Ordinance shall constitute a nuisance and may be abated by the Town through civil processes or by means of a restraining order, injunction or any other manner provided by law for the abatement of nuisances.

D. Other Penalties: Failure to comply with dog park rules could result in a citation and/or fine in accordance with Chapters 1.02 and 1.04 of this Code.”

**SECTION 2:** Severability. If any section, subsection, subdivision, paragraph, sentence, clause of phrase in this Ordinance, or any part thereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 3:** The Town Clerk shall certify to the passage and adoption of this Ordinance by the Town Council of the Town of Yucca Valley and shall cause a summary of this Ordinance to be published or posted in accordance with applicable law.

**PASSED, APPROVED AND ADOPTED** by the Town Council of the Town of Yucca Valley at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
TOWN ATTORNEY



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Jim Schooler, Community Services Director  
**Date:** September 14, 2012  
**For Council Meeting:** September 18, 2012

**Subject:** Park and Facility Naming Policy

**Prior Council Review:** None

**Recommendation:** That the Town Council approve and adopt the proposed Parks and Facility Naming Policy and direct staff and the Parks, Recreation and Cultural Commission to begin immediate implementation of the policy as it relates to the new park currently referred to as South Side Park.

**Summary:** With no new parks developed in Yucca Valley since incorporation, the Town has not had a policy in place for assigning names to parks or other public facilities. As new parks and amenities are being developed, the Council requested that staff work with the Parks, Recreation and Cultural Commission to develop a policy that will guide such decisions.


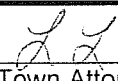


**Order of Procedure:**

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

**Discussion:** The Town of Yucca Valley has not completed the development of new park facilities during the years since incorporation and hence, has not had a need for a policy to guide the naming of Town parks. The Town's public buildings have typically been named according to their function.

With two exceptions, the names of the Town's public parks are the same as when they were maintained and operated by the County of San Bernardino through the Yucca Valley Parks and Recreation District prior to incorporation. The exceptions are the re-naming of Triangle Park to Remembrance Park following the 9-11 tragedy in 2001, and the re-naming of Hi-Desert Park to Jacobs Park in 2003 to honor an original Park Commissioner whose extraordinary volunteerism was responsible for the development and care of the park.

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Reviewed By:    

Town Manager      Town Attorney      Mgmt Services      Dept Head

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

The current construction of Phase 1-A of what is referred to as South Side Park has spawned discussion of the park name and whether alternatives should be considered. Because no policy exists for naming or re-naming Town parks, staff was directed to work with the Parks, Recreation and Cultural Commission in the development of guidelines and procedures to address this issue.

Staff and the members of the PRCC reviewed park and amenity naming and re-naming policies from several cities over the past month and Commissioner input was synthesized into the development of a proposed policy. The members of the Commission focused on criteria and process, and concurred that a simple and understandable policy would best suit the Town's purposes. The PRCC approved the proposed policy at their September 11, 2012 Commission meeting.

Upon Council approval and adoption of the proposed policy, staff and the PRC Commission are prepared to begin immediate implementation of the process with regard to the naming of the currently named South Side Park.

**Alternatives:** Approve the proposed policy or provide direction to guide further work on the policy.

**Fiscal impact:** none

**Attachments:** Proposed Park and Facility Naming Policy

## PROPOSED PARK AND FACILITY NAMING POLICY

### Purpose

The Yucca Valley Town Council has determined that it is in the best interest of the community to employ a formal process for the naming of public parks and facilities. Therefore, the Town has established criteria and procedures to guide the selection of park names.

### Policy

The naming or re-naming of parks, public buildings, and park amenities shall be in accordance with the criteria stated herein:

1. Public buildings shall be named by their function (i.e., Town Hall, Community Center).
2. Park amenities shall not be named; however, donors of amenities may be recognized as the Town Council sees fit.
3. Parks and recreation facilities may be named by
  - a. the location in the town (i.e., North Park, South Park); or
  - b. the location within a subdivision tract (i.e., Paradise Valley Park); or
  - c. the fronting on a street (i.e., Sunnyslope Park); or
  - d. the presence of, or proximity to, a natural or geological feature; or
  - e. the cultural or historical significance to the community (i.e., Remembrance Park).
4. Parks and recreation facilities may be named after a person, family or organization when:
  - a. The person, family or organization has been primarily instrumental in obtaining or donating funds or land for the facility; or
  - b. The person, family or organization has donated the land or funds to purchase the land, and desires to have the facility named in their honor (i.e., Machris Park); or
  - c. A person has been deceased for more than two years and the Town Council believes the person's contributions to the Town's parks and recreation program were of such a value that the person's memory should be honored by the naming of the facility (i.e., Jacobs Park).
5. Parks and public facilities may be named after a governmental fund or grant, if the circumstances are deemed appropriate by Town Council.

### Procedure

With the development of a new park or at other times that the Town Council determines that the naming or re-naming of a park or public facility is a priority, the Parks, Recreation and Cultural Commission shall be responsible to implement the following process:

1. Town staff shall provide notification by mail, e-mail, press release, website announcement and/or personal contact to the community and others who have participated in the

development of the park. The notification will set a minimum of 30 days to submit proposals for the naming or re-naming of the park.

2. Proposals for park names shall be submitted on the form provided by the Town and will include a narrative with rationale or justification supporting the proposed name. The proposal form shall be submitted to the Town Clerk within the stated time frame.
3. The Parks, Recreation and Cultural Commission shall review the proposals and will make a recommendation to the Town Council, providing supportive information as appropriate to justify the recommendation including compliance with the naming criteria.
4. The Town Council has the final authority to designate names for parks and other public facilities.

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Jamie Anderson, Town Clerk  
**Date:** September 13, 2012  
**For Council Meeting:** September 18, 2012

**Subject:** Appointment to General Plan Advisory Committee

**Prior Council Review:** Council approved formation of a General Plan Advisory Committee on June 26, 2012 and approved the Roles and Responsibilities at the July 24, 2012 Town Council Meeting

**Recommendation:** Appoint Members to the General Plan Advisory Committee (GPAC)

**Summary:** The Committee is to be composed of 10 members from the general community and one representative each from the Planning Commission, Parks Recreation and Cultural Commission, and the Youth Commission. Each Council Member is to select two appointees. Due to the vacancy on the Council, it has yet to be determined if two additional members will be selected at large, or if the number of the general community members will be amended.

**Order of Procedure:**

**Department Report**

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

**Discussion:** The GPAC was created for the purpose of assisting Town staff and the consultant team with the preparation of the draft General Plan Elements and to build community support for the updated plan that the community helps create. The committee will be dissolved upon completion of the work program.

Reviewed By:

  
Town Manager

  
Town Attorney

  
Mgmt Services

  
Dept Head

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

The position was advertised and a deadline of August 23, 2012 set for submittal of the applications. Fourteen applications were received from the following:

1. Bonnie Brady
2. Larry Burge
3. Cynthia Kraemer
4. Nancy Lawson
5. Michelle MacLean
6. Charles McHenry
7. Joe Meer
8. Art Miller Jr.
9. Ted Milson
10. Jack Rarick
11. Robert Thacher
12. Sue Tsuda
13. Steven Whitten
14. Carol Woodward.

Copies of the applications have been distributed to Council and redacted versions are available in the Town Clerk's Office.

**Alternatives:** Do not approve the nominations or make appointments at this time. Seek additional persons to apply.

**Fiscal impact:** None

**Attachments:** June 26, 2012 Staff Report approving formation of the GPAC  
July 24, 2012 Staff Report approving GPAC Roles and Responsibilities

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Shane R. Stueckle, Deputy Town Manager  
**Date:** June 20, 2012  
**For Council Meeting:** June 26, 2012

**Subject:** General Plan Update Project  
General Plan Advisory Committee

**Prior Council Review:** The Town Council reviewed and approved the formation of the General Plan Advisory Committee with award of contract for the General Plan Update in June 2011.

**Recommendation:** That the Town Council approves the formation of the General Plan Advisory Committee, and directs the Town Clerk to advertise for recruitment.

**Executive Summary:** A General Plan Advisory Committee (GPAC) is an ad hoc committee commonly established during a general plan update for the purposes of assisting staff and consultants in the preparation of a general plan.

**Order of Procedure:**

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

**Discussion:** As outlined in the work program for the General Plan Update, a GPAC was scheduled to be formed following Council's approval of the preliminary land use plan. The primary purpose of the GPAC is to assist Town staff and the consultant team in the review of the seven General Plan Elements, as well as to function as a conduit between the community, staff and the consultant team.

GPAC members will play an important role in encouraging broader community participation throughout the General Plan element(s) review process. The GPAC members are charged with the responsibility to provide input to the update process along with providing on-going feedback to various community groups.

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Reviewed By:

  
Town Manager

  
Town Attorney

  
Mgmt Services

SRS  
Dept Head

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Department Report  
 Consent

Ordinance Action  
 Minute Action

Resolution Action  
 Receive and File

Public Hearing  
 Study Session

The GPAC is a temporary ad-hoc committee. The roles and responsibilities of its members will terminate following completion of their review of the seven General Plan elements.

Staff will be returning to the Town Council with By Laws and Rules for the GPAC, as well as an outline and scheduled for their meetings which are scheduled to begin September 2012.

The recommended structure for the GPAC is as follows.

Community Members: 10  
Planning Commission: 1  
PRCC: 1  
Youth Commission: 1

As technical advisors to the GPAC, representatives from the following agencies would be invited to provide technical support, as well as communication to and between the GPAC and their respective agencies. The agencies and utilities will be requested to assign a representative to the program.

Morongo United School District	Marine Corp Air Ground Combat Center
County Fire Department	YV Chamber of Commerce
Hi Desert Water District	Hi Desert Medical Center
Copper Mt. College	Sports Council
Senior Council	Caltrans
County Transportation/Flood Control	Morongo Basin Open Space Group
Morongo Basin Transit Authority	San Bernardino Associated Governments
Southern California Assoc. of Gov.	County Sheriff's Department
County Library	County Land Use Services
County Economic Development	Inland Empire Tourism Council
Joshua Tree National Park	Mojave Desert Air Quality Management District
Southern California Edison	The Gas Company
Verizon	Yucca Valley Airport District

**Alternatives:** Staff recommends no alternatives. The formation of a GPAC is a standard community outreach tool used in most general plan updates. The General Plan Update work program was structured for a GPAC to be utilized.

**Fiscal impact:** The formation of the GPAC was included in the work program and contract for the General Plan Update.

**Attachments:** NA



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Shane R. Stueckle, Deputy Town Manager  
**Date:** July 18, 2012  
**For Council Meeting:** July 24, 2012

**Subject:** General Plan Advisory Committee (GPAC)  
Roles and Responsibilities  
GPAC Application Period

**Prior Council Review:** There has been no prior review of this item. The Town Council approved the formation and structure of the GPAC at its meeting of June 26, 2012, and the Town Clerk has advertised for applications.

**Recommendation:** That the Town Council approves the Roles and Responsibilities of the General Plan Advisory Committee contained in Attachment "A", and establishes August 23, 2012, as the application deadline to apply to serve on the General Plan Advisory Committee.

**Executive Summary:** A General Plan Advisory Committee (GPAC) is an ad hoc Committee commonly established during a general plan update for the purposes of assisting staff and consultants in the preparation of a general plan. The Town Council establishes roles and responsibilities for all advisory Committees and commissions.

**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:** As outlined in the work program for the General Plan Update, a GPAC was scheduled to be formed following Council's approval of the preliminary land use plan. The primary purpose of the GPAC is to assist Town staff and the consultant team in the review of the General Plan Elements, as well as to function as a conduit between the community, staff and the consultant team.

GPAC members will play an important role in encouraging broader community participation throughout the General Plan element(s) review process. The GPAC members are charged

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

with the responsibility to provide input to the update process along with providing on-going feedback to various community groups.

The roles and responsibilities of the GPAC are included in Attachment "A". The General Plan Advisory Committee's primary function is defined as follows.

**PRIMARY FUNCTION:** *The General Plan Advisory Committee is created for the purpose of assisting Town staff and the consultant team with the preparation of the draft General Plan Elements and to build community support for the updated plan that the community helps create. Members will play an important role in encouraging broader community participation throughout the General Plan update process. However, it is important to note that the residents of Yucca Valley will hold the primary role in developing the General Plan update through direction provided at public workshops and other public outreach venues. The Committee is charged with providing input to the update process along with providing ongoing feedback to various community groups. Members must represent the perspectives of their constituents and carry out their responsibilities in the best interest of the public.*

The GPAC is not a voting body and shall make recommendations based upon consensus of the Committee. No chair or vice-chair shall be appointed. The Planning Center staff will facilitate all GPAC meetings, and Town staff will provide liaison support to the GPAC. The GPAC will be dissolved at the completion of its role in the General Plan Update process.

The GPAC is not a replacement for either the Town Council or Planning Commission. It is not a decision-making body, except as it may offer advice and direction to Town staff and the consultant team regarding General Plan Elements. The GPAC is not a forum for taking political positions, nor is it a substitute for the public hearing process as required by law.

The recommended also includes establishing the application deadline, to serve on the GPAC, of August 23, 2012. Applications are to be submitted to the Town Clerk's office. Each Town Council member shall appoint two members to the GPAC. The Commissions shall select their representatives to the GPAC.

**Alternatives:** Staff recommends no alternative actions. The Council may modify the roles and responsibilities as deemed necessary.

**Fiscal impact:** This activity was programmed in the contract with The Planning Center as well as within the Town's annual budget.

**Attachments:** Attachment "A"

## ATTACHMENT "A"

### ROLES AND RESPONSIBILITIES FOR THE GENERAL PLAN ADVISORY COMMITTEE

**MISSION STATEMENT:** The Mission of the General Plan Advisory Committee is to provide on-going, organized, effective and publicly based input to the consultant team and Town staff, and share information with, and seek feedback from, the constituencies they represent. Members will assist Town staff and the consultant on issues affecting the Town of Yucca Valley General Plan Update.

**GENERAL PLAN UPDATE:** The General Plan Advisory Committee will be focused during the General Plan Update on goals and policies to be developed to address recent court cases and state law or guidelines that have been enacted or otherwise arisen since the existing General Plan was adopted in 1995. It is anticipated that the General Plan Update will address new policy issues such as sustainable communities, healthy communities, climate change, and green building; and strengthen existing policies such as walkability, environment, economic sustainability, and circulation. The General Plan Advisory Committee will not be making recommendations on the land use plan.

**PRIMARY FUNCTION:** The General Plan Advisory Committee is created for the purpose of assisting Town staff and the consultant team with the preparation of the draft General Plan Elements and to build community support for the updated plan that the community helps create. Members will play an important role in encouraging broader community participation throughout the General Plan update process. However, it is important to note that the residents of Yucca Valley will hold the primary role in developing the General Plan update through direction provided at public workshops and other public outreach venues. The Committee is charged with providing input to the update process along with providing ongoing feedback to various community groups. Members must represent the perspectives of their constituents and carry out their responsibilities in the best interest of the public.

**MEMBERSHIP:** The Committee will consist of 10 members from the general community and one representative each from the Planning Commission, Parks, Recreation and Cultural Commission, and the Youth Commission. The Committee shall be dissolved upon the completion of the work program.

**PRINCIPLES OF PARTICIPATION:** Committee members must adhere to the following principles:

- Provide on-going, organized, effective and publicly based input to the consultant team including reviewing and commenting on major work elements.

- Assist the consultant team to gain a broader understanding of public and interest group perspectives.
- Provide a forum for interaction and communication.

In addition to attending all Committee meetings, members will be expected to be engaged throughout the work program and encouraged to attend the community workshops, educational series, and other public events advertised to the general public.

From time to time, assignments may be given to members to become familiar with the issues surrounding the community. Members may also be asked to research issues and review documents in order to prepare for upcoming meetings and participation on sub-committees.

Members must communicate with their constituencies on a regular basis in order to keep them informed of the update process and to solicit additional input. The facilitator will develop a "tool kit" of materials for members to share with the constituency that they represent.

If a Committee member resigns from his or her appointment at any point during the work program or no longer represents the group, the Town Council shall fill the position in a timely manner.

**GROUND RULES:** The Committee shall, at the first regular meeting, review and discuss ground rules about protocol and the manner in which members should conduct themselves. The Committee is also expected to discuss member roles and responsibilities, as well as complete other organizational and introductory tasks.

- Turn cell phones and other communication items off.
- Be courteous and listen while others are speaking. Treat others in the group the way that you would like to be treated. Make an effort to understand each other's position.
- Address the facilitator and members of the Committee rather than the public in a manner that allows the group to hear your comments. Members shall speak one at a time. If you have spoken once during a round of discussion, allow others to contribute before providing additional input.

- Build on collaboration and provide constructive feedback to the consultant team and Committee. Keep an open mind and be interested in finding areas of understanding and/or agreement.
- Participate actively, review documents by agreed upon deadlines, and adhere to the General Plan Update work program schedule.
- Use the various tools to share information with and, as appropriate, request feedback from your constituency group.
- Committee members shall maintain a positive outlook. This, along with providing constructive feedback, maintaining an open mind, and finding areas of understanding and agreement, will help the consultant team to facilitate the meetings with positive results.

**Brown Act:** All meetings and Committee members are subject to the open meeting requirements of the Brown Act. (The Brown Act is contained in section 54950 et seq. of the Government Code.)

**Quorum:** For meeting purposes, a quorum shall consist of a simple majority of the constituent membership of the Committee.

**Meeting Schedule:** The Committee agrees to work in a manner to accomplish their role within approximately 6 months. The regular meeting schedule shall be established to accomplish this.

**Attendance:** Members are expected to attend all scheduled meetings.

**Business:** The Committee is not a voting body. The Committee will operate by consensus and provide comments to the consultant team and Town staff. Regular meetings shall continue until all agenzized business is concluded unless adjourned earlier by Town staff or the consultant team. Any scheduled meeting of the Committee may be canceled for lack of business or quorum by Town staff or the consultant team.

**Facilitator:** The consultant team is responsible for the flow of the meetings and ensuring that the group works as a constructive and cohesive unit. The consultant team will facilitate and manage the meeting, maintain order, respond to inquiries or points raised, and keep the meeting on time so the agenda can be completed. No chairperson or vice-chairperson will be appointed.

**Agenda:** Town staff shall prepare, post, and give proper notice of the agenda for each meeting. No matter may be considered or acted upon by the Committee unless it is included on the posted agenda or supplemental notice. The minutes of previous meeting shall be approved, with additions, corrections, and deletions made by the Committee. Minutes of the previous meeting(s) and supplemental reading material (if any) are to be provided with the Committee agenda.

**Public Comment:** Time will be set aside at the end of each agenda for the public to comment and address the Committee on any matter under its purview. It is important to note that the Committee is not a public hearing body. The consultant team needs to hear from each Committee member, and significant public input and outreach will be provided through the Committee's meetings.

**Location:** Unless otherwise stated, regular meetings of the Committee shall be held at the Town of Yucca Valley Community Center, 57090 29 Palms Highway, Yucca Valley, CA 92284.

**COMPENSATION:** The members of the Committee shall serve without compensation.

**LIAISON:** Town staff shall serve as a liaison to the Committee. Town staff and members of the consultant team will provide support to the Committee to develop agendas, minutes, and other required materials. Staff will advise the Committee of all matters and provide administrative support and other functions as required. All documents will be distributed through Town staff to ensure that all members have the same information. In the event that there is information that should be shared with other Committee members, the information should be given to staff for timely distribution to the entire Committee.

**COMMUNICATIONS WITH THE MEDIA:** Committee members agree not to characterize their viewpoints as representative of the entire Committee when contacted by the media. Members agree not to use the media to unilaterally influence the process. Should members speak to the media, members are encouraged to provide accurate, factual information to inform the public about the program, but are asked to refrain from speaking on behalf of the Committee unless authorized by the Committee to do so. Town staff and the consultant team will be available to assist in any communications to the media, if desired.

**CHANGES:** The provisions of the By-laws may be changed, amended, or repealed by the Town Council.