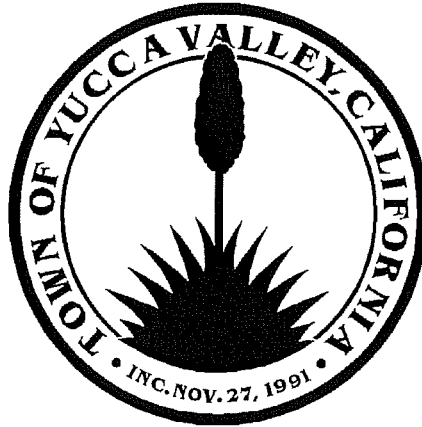


TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING



*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, OCTOBER 2, 2012
CLOSED SESSION: 5:00 p.m.
YUCCA VALLEY TOWN HALL CONFERENCE ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

**TOWN COUNCIL: 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

**AGENDA
REGULAR MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY, OCTOBER 2, 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, 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)

CLOSED SESSION 5:00 p.m. (PUBLIC COMMENTS WILL BE TAKEN AT TOWN HALL BEFORE THE COUNCIL ADJOURNS TO CLOSED SESSION)

1. CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9.
One Case

OPENING CEREMONIES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION

Led by Pastor Jerel Hagerman, Joshua Springs Calvary Chapel

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Vote _____

CONSENT AGENDA

- 1-11 2. Minutes of the Town Council Meeting of September 18, 2012.

Recommendation: Approve the minutes as presented.

3. 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.

- 12-14 4. Ordinance Authorizing the Levy of a Special Tax Within Improvement Area No. 2, Annexation No. 1 of Community Facilities District No. 11-1 (Dollar General)

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)

Recommendation: Adopt the Ordinance.

- 15-16 5. Ordinance adopting Rules for Use of Dog Parks

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 11.08.045 ENTITLED USE OF DOG PARK FACILITIES

Recommendation: Adopt the Ordinance.

- 17-23 6. Fifth Amendment to Waste Disposal Agreement with County

Recommendation: Review and approve the fifth amendment to the Waste Disposal Agreement between the County of San Bernardino

and the Town of Yucca Valley

- 24 7. Rejection of One (1) Claim.

Recommendation: Reject one claim filed against the Town of Yucca Valley submitted on September 10, 2012 by resident Robert Edwards.

- 25-31 8. Warrant Register, October 2, 2012

Recommendation: Ratify the Warrant Register total of \$924,442.50 for checks dated September 20, 2012. Ratify Payroll Registers total of \$145,486.58 dated September 14, 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 1-8)(roll call vote)

Action: Move _____ 2nd _____ Vote _____

DEPARTMENT REPORTS

- 32-38 9. Expenditure Priorities – Budget Development guidelines, Resolution

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, STATING ADVISORY PRINCIPLES AND GENERAL FUND EXPENDITURE PRIORITIES, INCLUDING MEASURE U GENERAL FUNDS IF APPROVED BY THE VOTERS OF THE TOWN OF YUCCA VALLEY

Staff Report

Recommendation:

- 1) Receive and file staff report concerning Town Needs and Expenditure Priorities
- 2) Adopt the Resolution stating Advisory Principles and General Fund Expenditure Priorities, including Measure U General Funds if approved by the Voters of the Town of Yucca Valley

Action: Move _____ 2nd _____ Vote _____.

- 39-40 10. Capital Projects Update

Staff Report

Recommendation: Receive and file the report.

Action: Move _____ 2nd _____ Vote _____.

- 41-49 11. Resolution Committing to Implementation of a Cooperative Sewer Financing Arrangement with the Hi-Desert Water District.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, COMMITTING TO IMPLEMENTATION OF A COOPERATIVE SEWER FINANCING ARRANGEMENT WITH HI-DESERT WATER DISTRICT; ADOPTION OF GENERAL PRINCIPLES OF UNDERSTANDING FOR SAME

Staff Report

Recommendation: Approve and adopt the Resolution committing to the implementation of a cooperative sewer financing arrangement with Hi-Desert Water District, and adopt the general principles of understanding for same.

Action: Move _____ 2nd _____ 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

12. Council Member Huntington
13. Council Member Lombardo
14. Mayor Pro Tem Abel
15. Mayor Rowe

ANNOUNCEMENTS

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

6:00 p.m., Tuesday, October 16, 2012, Yucca Valley Community Center Yucca Room

CLOSING ANNOUNCEMENTS

ADJOURNMENT

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
SEPTEMBER 18, 2012**

OPENING CEREMONIES

Mayor Rowe called the meeting to order at 6:00 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 Capt. Boswell, and Town Clerk Anderson

PLEDGE OF ALLEGIANCE

Led by Mayor Rowe

INVOCATION

Led by Pastor Bob Wagner, Joshua Springs Calvary Chapel

APPROVAL OF AGENDA

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

AGENCY REPORTS

Chamber of Commerce

1. Monthly Report for August, 2012

Jennifer Collins, Chamber President, gave the monthly report for August 2012, and advised of committee activities.

Hi Desert Water District

2. Water and Wastewater Project Updates

Sarann Graham, Hi Desert Water District Board President, gave the monthly report advising that the lease agreement between the Town and District is being formulated, work is continuing on the formation of the Assessment District, and the terms on the revolving loan from the State are 2.2% for 30 years with the first \$6,000,000 of the

loan forgiven. Negotiations are ongoing to try to get that interest rate lowered further. The final design contract has been awarded for the collection system.

CONSENT AGENDA

3. **Approve**, Minutes of the Regular Town Council Meetings of August 7, 2012 and August 21, 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 August, 2012
6. **Receive and file**, the AB 1234 Reporting Requirement Schedule for the month of August, 2012
7. **Adopt**, Resolution No. 12-33 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.

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

8. **Adopt**, Resolution No. 12-34, approving the plans and specifications, and directing the Town Clerk to advertise to receive bids, for Project No. 8961, Community Center Playground Improvement & Splash Park, 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

9. **Ratify**, 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.

Margo Sturges, Yucca Valley, commented regarding the minutes.

Council Member Lombardo commented regarding the Community Center Playground

and Splash Park and the fact that the community has relied on Community Development Block Grant funds. The funding is a little short and there is a need to set up a structure to fund things that are a priority to the Town.

Council Member Abel moved to adopt Consent Agenda Items 3-9. Council Member Lombardo seconded. Motion carried 4-0.

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

PUBLIC HEARINGS

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)

Mayor Rowe opened the Public hearing and questioned if the Town Clerk has proof of publication and mailing of notice of hearing. Town Clerk Anderson advised that the proof of publication and mailing are on file in the Town Clerk's Office showing that

notices were published and mailed in a timely manner. Mayor Rowe questioned if there have been written protests filed with the Clerk against formation of the District. Town Clerk Anderson advised no written protests have been received.

Deputy Town Manager Stueckle advised that Community Facilities Districts may be used to pay directly for facilities and services, and to pay debt service on bonds or other debt, the proceeds of which are used to finance facilities. The Town has formed Landscape and Lighting Maintenance Districts, Street and Drainage (Benefit) Assessment Districts, and Community Facilities Districts as a condition of subdivision and development projects to pay the costs of infrastructure maintenance created by new development. Included in the district is the maintenance of public streets and alleyways, maintenance of all public pedestrian or bicycle pathways, public lighting and appurtenant facilities, and Town and County costs associated with the setting, levying and collection of all the special tax, and in the administration of the District including contract administration. Bonds, debt financing and infrastructure financing are not included in the District, and there are no other properties or property owners outside of the Dollar General property. If the maximum allowable annual fee were levied, the revenue generated would be \$1,823.24 annually.

Mayor Rowe questioned if there is anyone present who wishes to address the Council on this matter, and if any member of the Town Council has any comments or questions. There being none, she closed the public hearing.

Town Clerk Anderson presented the Resolution for the Annexation of Annexation Area 1, Improvement Area No. 2 to CFD No. 11-1, establishing the appropriation limit for Improvement Area No. 2; and a Resolution calling special tax election for September 18, 2012.

Council Member Huntington moved to adopt Resolution No. 12-35 for the annexation of Annexation Area No. 1, Improvement Area No. 2, and Resolution No. 12-36 setting a date for an election of the Annexation. Council Member Lombardo seconded. Motion carried 4-0.

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

Mayor Rowe requested that the Town Clerk conduct the election and report on the results.

Town Clerk Anderson advised that one ballot has been received which establishes that the measure submitted at the Special Election called by Resolution No.12-36 passed on

a vote of 1-0. A resolution declaring the results of the election and levy of special taxes was presented for adoption.

Council Member Huntington moved to adopt Resolution No. 12-37 declaring the results of the special election and directing recording of the Notice of Special Tax Lien. Council Member Lombardo seconded. Motion carried 4-0.

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

Town Clerk Anderson presented the ordinance levying taxes for first reading and read the title.

Council Member Huntington moved to introduce the Ordinance. 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. 2012-13 Youth Commission Appointments

Community Services Director Schooler advised the applicants for the 2012-13 commission are Hanna Bogue, London Caldwell, Tyler Geeson, Francisco Gonzalez, Rachel Green, Nathan Lafferty, Nicholas Lombardo, Amanda Olson, Blake Rowe, Wade Shaver and Sean Vincent.

Museum Supervisor Richardson introduced those members in attendance: Tyler Geeson, Hanna Bough, Blake Rowe, and Nick Lombardo.

Council Member Huntington questioned what kind of outreach the Town has done, noting the membership of the Commission is limited to 20 but we only had 11 applicants this year. Community Services Director Schooler stated staff did do rigorous outreach this summer and we do expect subsequent appointments in the next 30 days or as we receive additional applicants.

Council Member Lombardo moved 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. Council Member Abel seconded. Motion carried 4-0.

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

Community Services Director Schooler advised 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 park. The rules were reviewed by the Parks Recreation and Cultural Committee, and developed by looking at what other dog parks had, and input from the experts on the Animal Control Staff. The Town Attorney has also reviewed the rules and provided input,

Nancy McHenry, Yucca Valley, expressed concern regarding the rule that children under 12 are not allowed in the dog park.

Council Member Huntington stated he looked at all of the rules and has no real qualms. He commented that No.16 states that owners/handlers are solely responsible for injuries or damage caused by their dog, and questioned the Town's liability. Town Manager Nuaimi explained the fact that if people are advised that they are using the facility at their own risk and it is not being managed by staff, it keeps the Town out of the liability issue.

Town Attorney Laymon advised that the rules as drafted do include a provision that use of the park is at your own risk, noting that assumption of risk provision gives the Town a level of protection. She added that she found in researching the issue that the 12 year age is a common age cut off in other cities due to way some dogs react with some children. Mayor Rowe questioned if a provision could be added allowing smaller children with parent's supervision. Staff advised that is not recommended.

Council Member Abel commented there are plenty of play areas at the park so children 12 or under can still participate and play in playground outside the fenced area. He noted the dog park area is fenced so that they can run loose, so for liability and their own safety children need to stay outside the fenced area.

Council Member Lombardo stated he respects the comments from the public, but being inside a fenced area with other dogs is a higher risk to the children.

Council Member Abel thanked the Parks Recreation and Cultural Commission for looking at this issue and encouraged everyone who wants to use the dog park to read the rules. He questioned if temporary closures for turf recovery are anticipated and if there is a way to lock gate to let turf heal up. Community Services Director Schooler advised that staff doesn't expect extended periods of closure but will let people know when they will be closing the park temporarily for maintenance. Council Member Abel questioned if a smaller dog could be in the large dog area. Community Services Director Schooler advised it could, but the larger dogs could not be in the small dog area.

Town Attorney Laymon read the title of the Ordinance into the record.

Council Member Huntington moved to introduce the Ordinance. Council Member Abel seconded.

Mayor Rowe expressed concern regarding rule No. 4 that only allows two dogs per owner/handler and stated that some people do have multiple dogs. She questioned if Council would consider removing that restriction. Community Services Director Schooler advised that the Commission did discuss that, and Animal Control staff was brought in to respond to some of those questions. The consensus was that 2 was good number. If there is crisis and an owner is attending to that one dog they are leaving the others unattended.

Council Member Abel agreed in part with what staff is saying, and expressed concern with not limiting the number at all, but thinks that maybe 2 is too restrictive, and recommended raising the number to 4. If it becomes problem the Council could readdress it.

Council Member Huntington advised that the zoning Ordinance allows 4 dogs per household. Town Manager Nuaimi commented this is not a small park, and questioned the average number in other dog park facilities. Community Services Director Schooler advised the number 2 was arrived at as a result of talking to other cities.

Council Member Abel presented a substitute motion amending the ordinance to allow a maximum of 4 dogs to be present with owner, and introduce the amended Ordinance. Mayor Rowe seconded. Substitute motion carried 4-0.

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

13. Park and Facility Naming Policy

Community Services Director Schooler stated, because the Town has not developed any new parks since incorporation, there has not been a need for a policy to guide the naming of Town Parks. The Parks Recreation and Cultural Commission worked with staff to come up with criteria for naming parks and forwarding the policy to the Town Council. Staff and the Commission reviewed park and amenity naming and re-naming policies in other communities. Upon approval of the proposed policy, staff and the Commission are prepared to begin implementation of the process with regard to the naming of the currently named South Side Park.

Council Member Huntington commented this is a well thought out document, noting we do need to change the name from South Side Park, since we have a South Park. This document gives tremendous guidance.

Council Member Lombardo stated it is well written and he is fine with it.

Council Member Abel commented it is his understand the Town would open the naming process for public input. Community Services Director Schooler advised renaming existing parks would be under Council direction, noting the main issue is naming new parks that may be constructed.

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

14. Appointment to the General Plan Advisory Committee

Town Manager Nuaimi advised the Council gave direction to form a General Plan Advisory Committee (GPAC) composed of 10 members from the general community and one representative each from the Planning Commission, Parks Recreation and Cultural Commission, and Youth Commission. We have received 14 applications for consideration. If Council selects two members each there will be 8 members seated leaving a need to determine how to fill the remaining two positions.

Nancy Lawson, Yucca Valley, advised of her interest in the committee noting she has lived here for over 13 years. She worked for 9 years for a Planning Firm and is familiar with the terminology used in General Plans.

Bonnie Brady, Yucca Valley, stated she was one of the 300 people who received the phone call survey, noting she is retired in this community and plans to be here for many

more years. She is active in the Arts Community which would be her focus.

Ted Milson, Yucca Valley, stated he graduated from Cal Poly Pomona with a degree in regional planning. He would love to have a say in the Town's future.

Charles McHenry, Yucca Valley, advised he has served in several local committees. He would like the Town to get better than what it is now, and would like to be part of the process of getting that done.

Art Miller, Jr., Yucca Valley, stated he applied because of his experience living in Yucca Valley since 1958. He is familiar with all the processes regarding the Town and subdivisions, and was a member of the original GPAC.

Upon discussion Council Member Huntington selected Joe Meer and Sue Tsuda. Council Member Lombardo selected Ted Milson and Jack Rarick. Council Member Abel selected Bonnie Brady and Cynthia Kraemer. Mayor Rowe selected Bob Thatcher and Nancy Lawson.

Council Member Huntington moved to appoint Larry Burge, as appointment No. 9. Council Member Lombardo seconded. Motion carried 4-0.

Mayor Rowe moved to appoint Charles McHenry as appointment 10. Council Member Huntington seconded. Motion carried 4-0.

Mayor Rowe thanked all those who took the time to apply to the Committee.

FUTURE AGENDA ITEMS

Mayor Rowe requested future discussion and possible action regarding a position on the proposed Black Lava Butte Wind Project. Council agreed.

PUBLIC COMMENT

Margo Sturges, Yucca Valley, spoke in opposition to Measure U stating the number of Chamber of Commerce Members supporting the measure was only 12% of the entire membership and was not a mandate. Advised the Democratic Club unanimously voted to oppose the measure.

Ed Montgomery, Yucca Valley, spoke in opposition to Measure U stating the Town is not telling the truth, and with the additional state tax the rate in Yucca Valley will be 9.25% and the Water District is only going to get 1/2.

Richard Harlan, Yucca Valley, commented it is his understanding there was a call made to

the Town about the construction of Wal-Mart, that they are giving away dirt, and that the Town wasn't interested in receiving it. Questioned why the Town isn't taking advantage of the free dirt. Also expressed his hope there is an agreement between the Town and Hi Desert Water District soon and that more information is given to the public about it because he is hearing a lot of information that is not true.

Jennifer Collins, Yucca Valley, commended the Town Council for putting Measure U on the ballot in November noting she is grateful to them for protecting our future. She noted she is the President of the Chamber Of Commerce and chair for the advocacy committee for local control, Yes on U Measure.

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi commented regarding accusations that the organization is misleading the public, noting he takes it seriously. He advised, during the two years he has been here, he has been sharing the challenges this organization faces. We have been very direct about the needs of this Town, and have not been misleading the public. He noted if both the Town's Measure and the Governor's proposition for a ¼ cent sales tax passed the sales tax in Yucca Valley would be 9% just as it is in Palm Springs and Cathedral City. Local governments across the state are looking for ways to make ends meet at this difficult time.

Deputy Town Manager Stueckle commented the Town does not have the land to accommodate the amount of soil being moved at the Wal-Mart site, but will be taking some of it. He noted much of the soil is being placed in the County areas, on Community Services District roads that are in much need of fill material.

Town Manager Nuaimi advised the bids for the Animal Shelter were opened today noting four of the bids received were below \$3,000,000. The apparent low bid was approximately \$2,770,000.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

15. Council Member Huntington

Congratulated appointees to the Youth Commission.

Congratulated the GPAC appointees.

16. Council Member Lombardo

Congratulated GPAC and Youth Commission members.

17. Mayor Pro Tem Abel

Thanked all those who applied for the GPAC, and congratulated those selected.

Advised that sometimes people make comments during the Public Comment section of the agenda on areas the Council cannot reply to directly. They also make comments and then leave before anyone can respond.

Thanked the Chamber of Commerce for all their hard work and Hi Desert Water District President Graham for the monthly update.

Reported regarding attendance at the League of California Cities Annual Conference.

Congratulated Town Clerk Anderson for being elected as President of the City Clerks Association of California.

18. Mayor Rowe

Congratulated Town Clerk Anderson for being elected as the President of the City Clerks Association of California and the President of the City Clerk's Department of the League of California Cities.

Congratulated to Youth Commission and GPAC Members for their appointments.

Commended Tim Humphreville and Michael Hildebrand for the work they did on the dirt roads in Shatin Heights, noting it was a community effort this weekend.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, October 2, 2012, 6:00 p.m.

CLOSING ANNOUNCEMENTS

ADJOURNMENT

There being no further business the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk

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 four 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

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 COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Date: September 25, 2012
For Council Meeting: October 2, 2012

Subject: Fifth Amendment to Waste Disposal Agreement with County

Prior Council Review: On May 5, 1998, the Town entered into a Waste Disposal Agreement with the County of San Bernardino. Over the course of the past 14 years, this agreement was amended to address specific changes in February 2002, August 2003, October, 2007 and February 2011.

Recommendation: Review and approve the fifth amendment to the Waste Disposal Agreement between the County of San Bernardino, and the Town of Yucca Valley.

Order of Procedure:

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

Discussion: The County of San Bernardino owns, manages and operates a landfill system for solid waste disposal. Through the Town's participation in the Waste Disposal Agreement (WDA), the county has made this landfill system available for the disposal of municipal solid waste generated by the Town of Yucca Valley. The current WDA is scheduled to terminate on May 4, 2013

The Solid Waste Management Division of the County's Department of Public Works is currently in the process of assessing and evaluating the entire countywide landfill operation. This assessment is anticipated to include a comprehensive financial and operational review, and will likely result in the proposal of significant changes to the landfill system.

This review will be a multiyear endeavor involving all parties to the WDA. Accordingly, the County is proposing the Fifth Amendment to the WDA for the parties' consideration and adoption. The amendment would change the termination date to June 30, 2016. In doing so, the County and the various parties, including the Town, would be afforded a window of

Reviewed By:


Town Manager


Town Attorney


Mgmt Services


Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

opportunity to complete a longer term solution in an organized and effective manner. The proposed change does not affect any other terms or conditions of the WDA, and as such, will provide the Town with some certainty in solid waste program costs through June of 2016. Accordingly, it is the recommendation of staff to approve amendment five. As with any amendment to the WDA, the amendment will only be effective if all 14 WDA entities agree to it and the County is able to adopt and execute it by December 18, 2012.

Alternatives: No alternative is recommended.

Fiscal impact: There is no fiscal impact to the Town as a result of this proposed amendment.

Attachments: Amendment Five to the Town's Waste Disposal Agreement with the County of San Bernardino

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • LAND DEVELOPMENT & CONSTRUCTION • OPERATIONS
SOLID WASTE MANAGEMENT • SURVEYOR • TRANSPORTATION



COUNTY OF SAN BERNARDINO

SOLID WASTE MANAGEMENT DIVISION

22 West Hospitality Lane, Second Floor • San Bernardino, CA 92415-0017 • (909) 386-8701

Administration/Engineering Fax (909) 386-8900

GERRY NEWCOMBE
Director of Public Works

September 20, 2012

Mark Nuaimi
Town Manager
Town of Yucca Valley
57090 Twentynine Palms Highway
Yucca Valley, CA 92284

RE: AMENDMENT TO WASTE DELIVERY AGREEMENT (WDA) BETWEEN THE CITY/TOWN AND THE COUNTY OF SAN BERNARDINO

Dear Mr. Nuaimi:

Attached is a revision to the WDA amendment that was sent on July 13, 2012, to extend the term until June 30, 2016. Due to the uncertainty of the City of San Bernardino's participation in extending their WDA, the County has decided to proceed with the extension without the City of San Bernardino at this time. This amendment will also put each City/Town on the same termination date.

Enclosed are two copies of the amendment to the WDA for consideration and approval by your City/Town Council. As with any amendment to the WDA, this amendment shall be effective only if all fourteen affected WDA entities agree to it and the County is able to adopt it on or before December 18, 2012.

Once you obtain Council approval, please return both signed copies, no later than October 31, 2012, and we will present the fourteen WDA amendments to the Board of Supervisors (BOS) for approval.

After BOS approval, the County will return one fully executed original document to you for your records. If you have any questions regarding this letter, please contact me at (909) 387-7906.

Sincerely,

GERRY NEWCOMBE
Director

Enclosures as noted

cc: Arthur L. Rivera, Division Manager, Solid Waste Management
Claudia Rozzi, DPW-Administrative Services Division

Board of Supervisors

GREGORY C. DEVEREAUX
Chief Executive Officer

BRAD MITZELFELT First District
JANICE RUTHERFORD Sec. District

NEIL DERRY Third District
GARY C. OVITT Fourth District

JOSIE GONZALES Fifth District

WASTE DISPOSAL AGREEMENT

BETWEEN

THE COUNTY OF SAN BERNARDINO, CALIFORNIA

AND

THE TOWN OF YUCCA VALLEY

DATED: May 5, 1998

County Authorization Date:

Town Authorization Date:

County Notice Address:

Solid Waste Management Division
222 Hospitality Lane, 2nd Floor
San Bernardino, CA 92415-0017

Town Notice Address:

Emergency Contact:

Arthur L. Rivera
Division Manager
(909) 386-8703

Emergency Contact:

AMENDMENT NO. 5 TO THE
WASTE DISPOSAL AGREEMENT

On May 5, 1998 the Town of Yucca Valley ("Town") and the County of San Bernardino ("County") entered into a Waste Disposal Agreement ("WDA"). The parties hereby amend the WDA, on the Effective Date as provided herein, by their respective execution of this agreement (hereinafter "Amendment").

Recitals

- A. In connection with the on-going administration of the WDA, the Parties have determined it is now in their best interests to change the termination date to June 30, 2016.
- B. This change in the termination date will assist both the City and the County in planning for future fiscal years' budgeting of solid waste disposal services and costs.

NOW THEREFORE, in consideration of the forgoing recitals and the following covenants and promises the Parties agree as follows:

- 1. Amended ARTICLE VI TERM, Section 6.1 EFFECTIVE DATE AND TERM. (A) Term.
This section is amended in its entirety to read:

SECTION 6.1. EFFECTIVE DATE AND TERM. (A) Term. This Agreement shall become effective, shall be in full force and effect and shall be legally binding upon the City and the County from the Contract Date and shall continue in full force and effect until June 30, 2016 unless earlier terminated in accordance with its terms.

- 2. Effective Date. This Amendment shall be effective if and only when all fourteen cities listed on Exhibit "A" have each adopted and executed a counterpart of this Amendment No. 5 (the amendment number may differ for each city listed on Exhibit "A") on or before October 31, 2012 and such amendment has been adopted and executed by the County on or before December 18, 2012. In all events, the conditions in the forgoing sentence shall occur otherwise this Amendment No. 5 shall be null and void and without any effect whatsoever.
- 3. No other amendments. Except as modified in this Amendment (or in any prior Amendment(s)) all other terms and conditions of the WDA, including without limit those contained in any prior Amendment, shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers or representatives as of the day and year first above written.

TOWN OF YUCCA VALLEY

COUNTY OF SAN BERNARDINO

By: _____

By: _____

Name: _____
 Print Name

Chairman, Board of Supervisors

Title: _____

Date: _____

Date: _____

ATTEST:

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

Clerk of the Board of Supervisors
Of the County of San Bernardino

By: _____
 Town Clerk

By: _____
 Deputy

APPROVED AS TO FORM:
TOWN ATTORNEY

APPROVED AS TO FORM:
COUNTY COUNSEL SAN BERNARDINO
COUNTY, CALIFORNIA

By: _____

By: _____

Date: _____

Date: _____

EXHIBIT A

CITIES/TOWNS WITH A WASTE DELIVERY AGREEMENT
WITH THE COUNTY OF SAN BERNARDINO
OFFERED THIS AMENDMENT SEPTEMBER 2012
FOR AN AGREEMENT END DATE OF JUNE 30, 2016

1. APPLE VALLEY
2. BARSTOW
3. BIG BEAR LAKE
4. COLTON
5. FONTANA
6. GRAND TERRACE
7. HESPERIA
8. HIGHLAND
9. LOMA LINDA
10. RIALTO
11. TWENTYNINE PALMS
12. VICTORVILLE
13. YUCAIPA
14. YUCCA VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Debra Breidenbach-Sterling, Human Resources Manager
Date: September 25, 2012
For Council Meeting: October 2, 2012

Subject: Rejection of One (1) Claim

Recommendation: Reject one Claim filed against the Town of Yucca Valley submitted on September 10, 2012 by resident Robert Edwards.

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 for consent agenda items)

Policy Discussion: When the Town receives a claim, a review is conducted regarding the charges of the claim. Based upon legal review and/or review by our insurer Public Agency Risk Sharing Authority of California, a claim is either recommended for rejection or a settlement is attempted.

Background and Analysis: Under state law, a claim for personal damage must be presented in accordance with Government Code Section 910. Based upon staff and legal review, it is recommended that the claim be rejected in accordance with Government Code 913 and 915.4. If Council wishes to discuss the nature and content of the claim, a closed session under the terms of the Brown Act is appropriate.

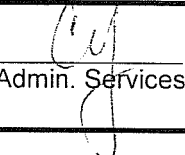
Alternatives: No alternative is recommended.

Fiscal impact: None

Reviewed By:


Town Manager


Town Attorney


Admin. Services


Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Item

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: September 25, 2012
For Council Meeting: October 2, 2012
Subject: Warrant Register: October 2, 2012

Recommendation:

Ratify the Warrant Register total of \$ 924,442.50 for checks dated September 20, 2012. Ratify the Payroll Registers total of \$ 145,486.58 dated September 14, 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. 12 dated September 14, 2012 total of \$ 145,486.58
Warrant Register No. 17 dated September 20, 2012 total of \$ 924,442.50

Reviewed By:


Town Manager


Admin. Services


Town Attorney

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

TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 12
CHECK DATE - September 14, 2012

Fund Distribution Breakdown

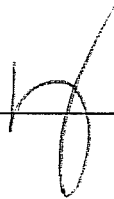
Fund Distribution

General Fund	\$127,898.79
Gas Tax Fund	10,402.87
Successor Agency	7,184.92
	<hr/>

Grand Total Payroll

\$145,486.58

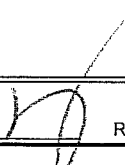
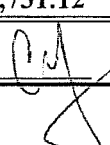
Prepared by P/R & Financial Specialist:



Reviewed by H/R & Risk Mgr.:



Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
 Pay Period 12 - Paid 09/14/2012
 (August 25, 2012 - September 07, 2012)
 Checks: 4507-4514

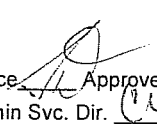

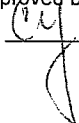
	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$2,795.16		\$2,795.16
Direct Deposit	72,212.74	-	72,212.74
Sub-total	75,007.90		75,007.90
<u>Employee Tax Withholding</u>			
Federal	12,768.33		12,768.33
Medicare	1,414.50	1,414.49	2,828.99
SDI - EE	-	-	-
State	4,238.07		4,238.07
Sub-total	18,420.90	1,414.49	19,835.39
<u>Employee Benefit & Other Withholding</u>			
Health Benefit Account Credit	-	-	-
Deferred Compensation	2,303.34	1,218.78	3,522.12
PERS Survivor Benefit	42.00		42.00
Health Café Plan	2,216.65	13,365.00	15,581.65
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%	697.62		697.62
PERS EE - Contribution 8%	6,543.89		6,543.89
PERS Retirement - Employee	-	781.95	781.95
PERS Retirement - Employer	-	15,203.06	15,203.06
Wage Garnishment - Employee	545.62		545.62
Life & Disability Insurance		1,006.66	1,006.66
Unemployment Insurance		1,754.70	1,754.70
Workers' Compensation		4,010.82	4,010.82
Sub-total	13,302.32	37,340.97	50,643.29
Gross Payroll	\$106,731.12	\$38,755.46	\$145,486.58
Prepared by P/R & Financial Specialist: 	Reviewed by H/R & Risk Mgr.: 		

WARRANT REGISTER #17
CHECK DATE - SEPTEMBER 20, 2012

FUND DISTRIBUTION BREAKDOWN

Checks # 41241 to # 41331 are valid
Checks # 41302 is included in SA Warrant # 17

GENERAL FUND # 001	\$396,288.30
CENTRAL SUPPLIES FUND # 100	3,605.59
CUP DEPOSITS FUND # 200	1,845.32
GAS TAX FUND # 515	6,352.67
MEASURE I MAJOR ARTERIAL FUND # 522	4,609.19
MEASURE I 2010 - 2040 FUND # 524	122,163.52
HUD-JERRY LEWIS PARK FUND # 551	360,830.40
CDBG FUND # 560	6,327.81
CAPITAL PROJECT RESERVE FUND # 800	22,419.70
GRAND TOTAL	<u><u>\$924,442.50</u></u>

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

Town of Yucca Valley
Warrant Register
September 20, 2012

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	41243	Action Pumping, Inc.	Septic Line Pumping & Maint.	\$1,090.00
	41244	AlSCO/American Linen, Inc.	Facilities Supplies & Uniforms	104.18
	41245	Arrowhead Mountain Water	Office Supplies	219.49
	41246	Kelly Behrend	Recreation Program Refund	40.00
	41247	Kristine Bost	Contract Instructor	32.20
	41248	Carol Boyer	Contract Instructor	56.00
	41249	Brian's Lockshop	Key Service	114.97
	41250	Beverly Burkitt	Contract Instructor	15.40
	41251	China Star USA	Museum Shop Merchandise	114.73
	41252	Clear Solutions	Museum Shop Merchandise	29.84
	41253	Companion Animal Clinic	Veterinary Services	121.15
	41254	Evan Copeland	Museum Program Expense	100.00
	41255	Corelogics Information Solutions	Property Information Svcs.	150.00
	41256	Wayne Coughlan	Sports Referee	264.00
	41258	Cyber Photographics	Recreation Program Expense	425.89
	41259	Desert Hot Springs Animal Clinic	Veterinary Professional Svcs.	608.00
	41260	Dept of Justice	Livescan Services	30.00
	41262	Employment Development Dept.	Unemployment Insurance	10,998.00
	41263	Farmer Bros. Co.	Office Supplies	158.68
	41264	FedEx	Delivery Service	25.58
	41265	First Class Miners, Inc.	Museum Program Expense	300.00
	41266	Catherine Fletcher	Contract Instructor	36.40
	41267	Mae Fox	Contract Instructor	39.20
	41268	Brad Foxworthy	Contract Instructor	40.60
	41269	G & K Propane	Propane Tank Rental	62.98
	41271	Geo Central	Museum Shop Merchandise	74.93
	41272	Joy Groves	Contract Instructor	303.10
	41273	Gunfighters for Hire	Museum Program Expense	300.00
	41274	Harrison Air Conditioning	Town Hall HVAC Unit & Maint.	5,527.62
	41275	Lori Herbel	Contract Instructor	1,701.00
	41276	Hi-Desert Water	Water Service	7,379.55
	41277	Hi-Desert Publishing	Museum Advertising	210.00
	41278	Matt Jennings	Recreation Program Svcs.	939.80
	41279	Susan Jordan	Contract Instructor	94.50
	41280	Heather Kaczmarczk	Contract Instructor	535.50
	41281	Jim Kirwan	Senior Event Talent	450.00
	41282	Cynthia Kyzer	Museum Shop Merchandise	35.00
	41283	Lew Edwards Group	Education & Outreach Consultant	4,850.00
	41284	Lincoln Equipment Co.,Inc.	YVHS Pool ADA Lift	33.41
	41285	The Mallants Corp	Temporary Employment Svcs.	3,537.72
	41287	Robert Mc Avoy	Sports Referee	66.00
	41288	Mojave Desert & Mtn. Integ. Wst JPA	1st Qtr FY 12/13 Contribution	5,253.00
	41289	Yucca Valley NAPA Auto Parts, Inc.	Vehicle Maintenance	13.22
	41290	Sierra Oakes	Contract Instructor	12.60
	41291	Oasis Office Supply	Office Supplies	412.91
	41292	OnTrac	Delivery Service	11.45
	41293	Carl Otteson	Backflow Testing Svcs.	180.00
	41294	Pacific Telemanagement Svcs.	Public Phone Service	82.64

Town of Yucca Valley

Warrant Register

September 20, 2012

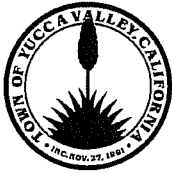
Fund	Check #	Vendor	Description	Amount
	41295	Pro Security	Facilities Maintenance	65.00
	41296	Pro Video	Taping Services	754.00
	41298	Quick Scores	Recreation Program Supplies	48.00
	41299	Rogers,Anderson, Malody & Scott	Audit Services	17,500.00
	41303	Linda Sande	Contract Instructor	37.80
	41304	SBCO - Information Services	08/12 Radio Access Svs.	1,997.40
	41305	SBCO Sheriff's Dept	Sept 2012 Professional Svs.	283,752.00
	41306	Office of the County Recorder	Filing Fee	72.00
	41307	SCE	Electric Service	17,542.94
	41308	Beverly Schmuckle	Contract Instructor	79.80
	41309	Southwest Networks, Inc.	Technology Support	2,700.00
	41310	Sprint	Cell Phone Service	8.30
	41311	Stater Bros	Recreation Program Expense	51.16
	41312	Steven Enterprises	Plotter Supplies	1,587.48
	41313	Michael Summers	Museum Craft Coordinator	200.00
	41314	The Sun Runner	Museum Advertising	100.00
	41315	The Planning Center	General Plan Update Svs.	19,980.96
	41316	Trophy Express	Recreation Program Expense	71.01
	41317	Delanford Truitt	Sports Referee	330.00
	41318	Angelica Trujillo	Museum Program Coordinator	100.00
	41319	Unique Crafters Co.	Museum Shop Merchandise	106.55
	41322	VCA Yucca Valley Animal Hospital	Veterinary Services	461.00
	41323	Verizon	Long Distance Service	229.09
	41324	Vindrakkos Media, LLC	Museum Event Expense	300.00
	41325	Valley Independent	Museum Program Advertising	226.28
	41326	Voyager Fleet Systems, Inc	Natural Gas Vehicle Fuel	182.51
	41327	Walmart Community	Recreation Program Supplies	49.78
	41329	Mark Wheeler	Museum Event Assistant	100.00
	41330	Guy Wulf	Sports Referee	418.00
	41331	Elizabeth (Betty) Wulf	Contract Instructor	56.00
Total 001 GENERAL FUND				\$396,288.30
100 INTERNAL SERVICE FUND				
	41270	GE Capital Corporation	Copier Lease	\$2,909.25
	41291	Oasis Office Supply	Copy Paper	553.78
	41325	Valley Independent	Stationery Supplies	142.56
Total 100 INTERNAL SERVICE FUND				\$3,605.59
200 DEPOSITS FUND				
	41277	Hi-Desert Publishing	Dollar General Advertising	\$721.62
	41286	JV Marrone	Deposit Account Refund	1,109.70
	41291	Oasis Office Supply	Printing Expense	14.00
Total 200 DEPOSITS FUND				\$1,845.32

Town of Yucca Valley

Warrant Register

September 20, 2012

Fund	Check #	Vendor	Description	Amount
515 GAS TAX FUND				
	41241	A Cone Zone, Inc.	Street Name Signage	\$2,195.41
	41242	Ace Alternators	Streets Equipment Maintenance	100.29
	41244	AlSCO/American Linen, Inc.	Streets Uniform Service	26.35
	41276	Hi-Desert Water	Water Service	165.40
	41289	Yucca Valley NAPA Auto Parts, Inc.	Vehicle Maintenance	319.60
	41297	Quality Street Services, Inc.	Street Sweeping Service	2,280.00
	41307	SCE	Electric Service	452.49
	41320	United Rotary Brush, Inc.	Vehicle Maintenance	813.13
Total 515	GAS TAX FUND			\$6,352.67
522 MEASURE I MAJOR ARTERIAL FUND				
	41300	RBF Consulting	SR 62 Palm to Airway Project	\$4,609.19
Total 522	MEASURE I MAJOR ARTERIAL FUND			\$4,609.19
524 MEASURE I -2010-2040 FUND				
	41307	SCE	Electric Service	\$3,696.52
	41328	Western Pavement Solutions, Inc.	Town Wide Slurry Seal Project	118,467.00
Total 524	MEASURE I -2010-2040 FUND			\$122,163.52
551 HUD-JERRY LEWIS PARK FUND				
	41261	Doug Wall Construction, Inc.	SS Park Project	\$360,830.40
Total 551	HUD-JERRY LEWIS PARK FUND			\$360,830.40
560 CDBG FUND				
	41301	RJM Design Group	CC Splash Park Project	\$6,327.81
Total 560	CDBG FUND			\$6,327.81
800 CAPITAL PROJECTS RESERVE FUND				
	41257	Creative Construction	Shelter Plans Refund	\$200.00
	41284	Lincoln Equipment Co., Inc.	YVHS Pool ADA Lift	6,000.00
	41321	United Paving Co.	Church Street Improvement	16,219.70
Total 800	CAPITAL PROJECTS RESERVE FUND			\$22,419.70
***	Report Total			\$924,442.50



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Mark Nuaimi, Town Manager
Date: September 27, 2012
For Council Meeting: October 2, 2012

Subject: Expenditure Priorities – Budget Development Guidelines

Prior Council Review: None

Recommendation: It is recommended that Town Council:


- 1. Receive and file staff report concerning Town Needs and Expenditure Priorities;**
- 2. Adopt Resolution Stating Advisory Principles and General Fund Expenditure Priorities, Including Measure U General Funds if Approved By the Voters of the Town Of Yucca Valley**

Order of Procedure:

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

Discussion:

On August 7, 2012 the Yucca Valley Town Council unanimously placed Measure U on the November 6, 2012 ballot. If enacted, Measure U will provide a locally-controlled source of funding to the General Fund in order to address community priorities. To assist Town staff in preparation of the FY 2013/14 Budget Development Guidelines, the Town Council needs to establish Advisory Policies setting General Fund expenditure priorities to guide Town staff. These “Guiding Principles” will address the key initiatives facing the Town in the short, medium, and long-term timeframes. These are as follows:

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

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

Short Term (Next 2 years)

Over the next two years, the Town of Yucca Valley is unable to maintain current levels of service, absorb additional service responsibilities, attain the council's policy of investing 10% of General Funds into infrastructure maintenance, begin addressing the backlog in deferred road maintenance, and absorb the impacts of Redevelopment Agency Dissolution. Each of these is expanded as follows:

Maintaining Current Levels of Service: In recent years, the Town has been unable to simply absorb the cost increases proposed from the County of San Bernardino for contract sheriff services. Town council actions have sought to cap the costs for public safety to ensure that the Town lived within its means:

- ★ For FY 11/12, the Town adopted a budget that froze the costs to contract services and only increased those amounts later in the year once funding was secured from MUSD;
- ★ For FY 12/13, the Town Council adopted a budget that maintained all the prior positions in the service contract but left one position -- Sheriff Safety Specialist -- vacant after a retirement occurred in that position. The Town also converted one of the motor officer positions to additional hours of patrol to deal with some of the challenges occurring in Town from AB 109 realignment.

Investing in Infrastructure Preventative Maintenance: In FY 10/11, the Town Council arrived at a goal of investing 10% of the annual General Fund appropriations into infrastructure preventative maintenance -- targeting the FY 13/14 year to achieve that goal. In FY 11/12, the Town invested approximately 3% of the General Fund. In FY 12/13, the goal was to reach 6% -- or \$600,000 -- in preventative road maintenance. Unfortunately, due to rising costs elsewhere in the budget, the Town was only able to appropriate \$230,000 towards this goal. Based upon the amount of Town maintained roads, approximately \$1 million allocated to preventative road maintenance would be sufficient to maintain roads that are currently in good condition at that same level, and therefore prevent their deterioration to a level requiring major reconstruction. The costs to maintain roads in a good condition are 1/10 the cost of major reconstruction.

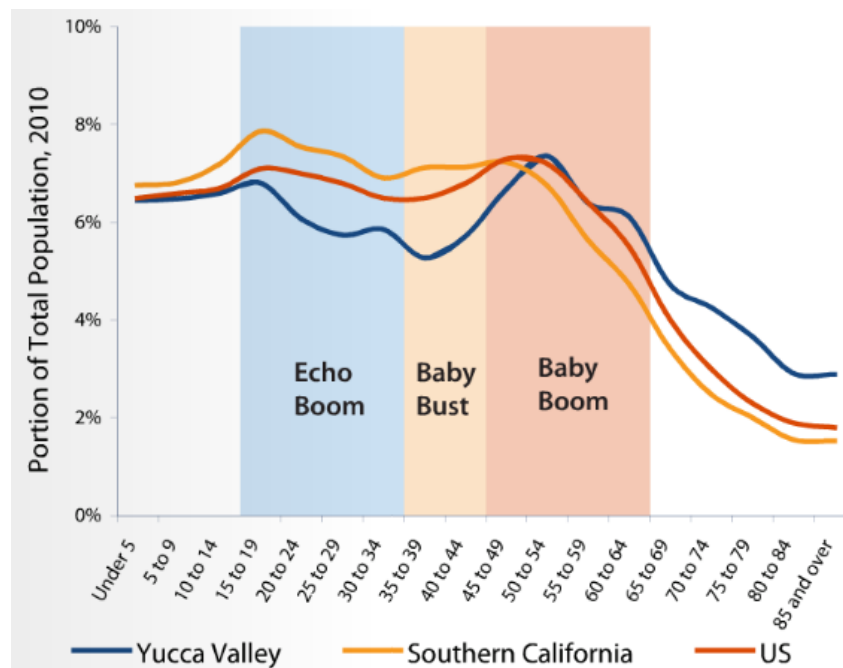
Addressing Backlog in Infrastructure Maintenance: Since the late 90's, Town Councils have known that there were inadequate local resources to maintain the Town's infrastructure. In 1999, Assemblyman Brett Grandlund carried legislation allowing the Town to seek a sales tax for road and park maintenance & construction. Without such a dedicated source of maintenance resources, the Town's roads have continued to decline in quality and maintenance.

The Town utilizes a Pavement Management System (PMS) to monitor and track the conditions of the Town's road network. For each segment of Town maintained roads, the PMS establishes the type of maintenance required -- from low-cost slurry seal preventative maintenance to high-cost road reconstruction projects. The PMS translates these needs into a dollar cost per road segment and computes the road maintenance backlog in Town. That backlog currently exceeds \$14 million. In order to begin tackling this backlog, the Town would need dedicated resources above and beyond the "Infrastructure Preventative Maintenance" program described previously.

Absorbing Additional Service Responsibilities: Demographics in the Town have changed since incorporation. While the Town population has grown 26% since incorporation, school age children have grown 60%.

Demographic Figures	1990	2010	% Change
Total Population	16,403	20,700	+ 26%
Preschool age children (0-4 years)	1,422	1,271	- 11%
School age children (5-17 years)	2,466	3,954	+ 60%
College age (18-24 years)	1,075	1,260	+ 17%
Family forming (25-44 years)	4,104	4,392	+ 7%
Middle age (45-64 years)	3,057	5,311	+ 74%
Seniors (65 years and older)	4,279	3,878	- 9%
Total housing units	6,941	9,558	+ 38%
Single-family detached	5,971	8,401	+ 40%
Single-family attached and multifamily	970	1,157	+ 19%
Median Home Value	\$137,553*	\$214,500	+ 56%

This translates into a community that is at the national average for children and a substantially higher share of senior citizens. Both these age groups look to their local community to provide recreational resources – either active parks for organized sports, or though planned programming at the Town’s community center.



In response to this changing demographic, the Town has been looking to expand recreational opportunities in the community. Without adequate capital funds in place to

In response to this changing demographic, the Town has been looking to expand recreational opportunities in the community. Without adequate capital funds in place to construct new facilities, the Town has sought grants and partnered with the private sector to compete for funding to construct new recreational and community service facilities. Several improvements are coming on-line in the coming year, including Brehm Community and Youth Sports Park and the "Southside Phase 1A" neighborhood park. Combined, these new facilities will add approximately \$250,000 in recurring maintenance / lease costs to the expenses of the Town General Fund.

Absorbing Impacts of Redevelopment Agency (RDA) Dissolution: As a result of AB1x26 and AB 1484, the Town continues to cope with the impacts of Redevelopment Agency Dissolution. When the RDA was operating, approximately \$250,000 of Town expenses were allocated to the RDA. With the dissolution, the Town General Fund has already absorbed \$50,000 of allocations previously covered by RDA. Town staff are expecting to absorb with the General Fund the balance of the administrative contributions over the next several years.

Medium Term (Years 3 - 5)

As we move into the medium term horizon, all of the Short Term issues continue to be a demand on Town resources including:

- ★ Public Safety cost increases
- ★ Park Maintenance costs
- ★ Infrastructure Preventative Maintenance
- ★ Road Maintenance Backlog

Wastewater Treatment Costs: As we approach 2016, an operational wastewater treatment plant is projected to be complete. Consistent with the Town Council's stated goal to assist with project financing, the Town will need to identify considerable resources in order to assist property owners in meeting the costs of the sewer project. In addition to assisting all affected property owners, there have been specific conversations about the need for:

- ★ Low income assistance program;
- ★ Hotel/Motel sewer financing assistance;
- ★ Public Agency sewer capital costs;
- ★ Reclaimed water delivery capital costs

Long Term (Year 6 and Beyond)

While much can change over the course of five or more years, the Town Council can expect that the Short and Medium term needs will continue for quite some time. At some point in the Long Term future, the Town will have addressed all the backlog of deferred road maintenance and will be able to start addressing other challenges in the community. These include:

- ★ Transportation systems expansion
- ★ Flood Control Improvements
- ★ Economic Development / Tourism / Regional Marketing
- ★ Community Facilities maintenance / expansion

Top Priorities For Expenditure

Given these Short-, Medium-, and Long-term needs, Town Council is being asked to endorse the top priorities for annual expenditure of new General Fund revenues, including Measure U General Funds if approved by the voters. After months of community engagement and outreach, and after receiving extensive feedback from the community, Town Council is being asked to affirm that the following shall constitute top priorities for the expenditure of General Funds, including Measure U monies if passed by the voters:

- a) cost-efficiently financing the wastewater treatment plant and collection system;
- b) maintaining neighborhood police patrols and 911 response;
- c) maintaining and repairing existing neighborhood streets and alleys, and
- d) reducing the cost for property owners to connect to the sewer system.

Alternatives: None recommended.

Fiscal impact: None

Attachments: RESOLUTION STATING ADVISORY PRINCIPLES FOR THE EXPENDITURE OF MEASURE U FUNDS IF APPROVED BY THE VOTERS OF THE TOWN OF YUCCA VALLEY

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, STATING ADVISORY PRINCIPLES AND GENERAL FUNDEXPENDITURE PRIORITIES, INCLUDING MEASURE U GENERAL FUNDS IF APPROVED BY THE VOTERS OF THE TOWN OF YUCCA VALLEY

WHEREAS, State legislation, regulations and mandates are presenting tough financial challenges for Yucca Valley; and

WHEREAS, the State Water Resources Control Board recently voted to prohibit use of septic tanks in the Town of Yucca Valley – requiring the community to develop a centralized sewer system, or face significant penalties and fines.

WHEREAS, declining revenues and state laws that take local funds away from Yucca Valley are impacting the Town’s ability to address local community priorities such as public safety, neighborhood streets and roads, and other community services.

WHEREAS, Yucca Valley has engaged the community extensively to find out from residents what community services and priorities are important to them.

WHEREAS, residents have indicated that the priorities important to them include: cost-efficiently financing the wastewater treatment plant and collection system; maintaining neighborhood police patrols and 911 response; maintaining and repairing existing neighborhood streets and alleys, and reducing the cost for property owners to connect to the sewer system.

WHEREAS, after months of community engagement and outreach, and after receiving extensive feedback from the community, the Yucca Valley Town Council has placed Measure U, a measure for the generation of revenues to the Town’s General Fund, onto the November 6, 2012 ballot to address local community priorities. As a General Fund revenue measure, Measure U, if passed by the voters, will generate monies that can be used for the benefit of general community needs as well as the expenditure priorities stated herein.

NOW, THEREFORE, the Town Council of the Town of Yucca Valley resolves as follows:

Section 1. The foregoing Recitals are true and correct and are incorporated herein.

Section 2. The Town Council of the Town of Yucca Valley hereby resolves that the following shall constitute top priorities for the expenditure of General Funds, including Measure U monies if passed by the voters:

- a) cost-efficiently financing the wastewater treatment plant and collection system;
- b) maintaining neighborhood police patrols and 911 response;
- c) maintaining and repairing existing neighborhood streets and alleys, and
- d) reducing the cost for property owners to connect to the sewer system.

Section 3. The Town Manager and his authorized designees are hereby authorized and directed to produce future expenditure plans that address these priorities.

PASSED, APPROVED AND ADOPTED ON this 2nd day of October, 2012.

MAYOR

ATTEST:

TOWN CLERK

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: September 27, 2012
For Council Meeting: October 2, 2012

Subject: Capital Projects Update

Prior Council Review: The Town Council appropriated funds for the capital projects with adoption of the 2012/2013 Capital Projects Budget.

Recommendation: That the Town Council receive and file the report.

Executive Summary: The purpose of this item is to provide the Town Council with an update and status report on various capital projects that are underway.

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: With adoption of the 2012/2013 Capital Projects Budget, a number of significant capital projects are moving forward and are at various stages in their delivery. A majority of these projects are being delivered due to the Town's receipt of one-time special revenue funds, and these projects could not be delivered without these additional revenues from outside agencies.


While the Town aggressively seeks grant opportunities to deliver infrastructure projects to the community, both federal and state grant program opportunities have been significantly reduced over the past several years. The continued reduction in availability of outside financial resources is anticipated to continue for the foreseeable future.

The projects covered in the capital projects update is the following.

- SR 62/247 Median Islands and Traffic Signal Modification Project:
- Public Lands Highway Discretionary (PLHD) Project: SR 62, Apache to Palm:

Reviewed By:


Town Manager


Town Attorney


Mgmt Services

Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

- Transportation Congestion Relief Program (TCRP) Project: SR 62, La Honda to Dumosa:
- Community Center Playground and Splash Park:
- South Side Park:
- Replacement Animal Shelter:
- 2012 Slurry Seal:
- Safe Routes to School Grant: Sage Avenue, Onaga to SR 62:
- Traffic Signal Synchronization Project: SR 62, Camino del Cielo to Acoma:
- SR 62 @ Dumosa Avenue Traffic Signal Project:
- Long Canyon Channel and Basin:

Staff's presentation will briefly address project status and schedule for each project.

Alternatives: NA

Fiscal impact: The projects addressed in this report are budgeted in the 2012/2013 Capital Projects Budget. Approximately \$9 million in capital projects are moving forward, primarily due to the receipt of one time financial resources, or the receipt of funds which must be allocated to a specific purpose.

Attachments: NA

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Date: September 27, 2012
For Council October 2, 2012
Meeting:

Subject: Resolution Committing to Implementation of a Cooperative Sewer Financing Arrangement with the Hi-Desert Water District

Recommendation: Approve the resolution committing to the implementation of a cooperative sewer financing arrangement with Hi-Desert Water District, and adopt the general principles of understanding for same.

Order of Procedure:

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

Discussion: Over the past five years, the Town Council, as part of the Council's annual goal setting and community prioritization meetings, consistently identified delivery of a regional sewer system as a significant milestone to increasing the quality of life for residents, visitors and businesses in Yucca Valley. In response, the Council made clear that one of the priorities of the Town should be to assist the Hi-Desert Water District (HDWD) in its effort to deliver a municipal wastewater project for the Town of Yucca Valley. To demonstrate this commitment, in 2008 the Town Council approved a \$350,000 low-interest loan to HDWD in an effort to provide needed funds for the ongoing planning activities related to the wastewater project.

In response to this need, HDWD prepared a Sewer Master Plan and received sewer authority approval from the San Bernardino County Local Agency Formation Commission to provide wastewater treatment and disposal services within the Town. Then, in 2011, responding to the threat that septic systems pose to the groundwater supply, on May 19, 2011, the California Regional Water Quality Control Board (Colorado River Basin Region) adopted a Basin Plan Amendment which would prohibit septic tank discharges in the Town.

Reviewed By:


Town Manager


Town Attorney


Mgmt Services


Dept Head

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

If the community does not develop a solution to address the septic prohibition it will face significant penalties and fines, as well as potential, continued degradation of local water quality. If the Wastewater Treatment & Water Reclamation Project is not built, there will be no sewer service and property owners will not be allowed to discharge from their septic systems. Septic tanks would be required to be sealed and pumped when full or the property owner could construct a residential level package treatment plant. These options are very costly to Town citizens and would not provide a community-wide solution. Therefore, actual implementation of the Sewer Facilities is the only viable and acceptable means of resolving the orders contained in the Basin Plan.

With the current cost estimate for the project at approximately \$125 million, the financing impact on the residents of the Town is of significant concern to both the Town and the District. While the District would likely fund the project through the establishment of an Assessment District, subject to the approval of the voters within the District, the cost of such an assessment would be significant.

So as to assist the ratepayers within the Town of some of this cost, the Town and District desire to develop a cooperative financing arrangement by which the Town would make a substantial financial commitment to the project. These funds would come from the Town's General Fund, and other sources, and would be provided to the District as a means of lowering the sewer assessment bill received by District ratepayers.

To memorialize this commitment, a resolution has been drafted that identifies the following guiding principles:

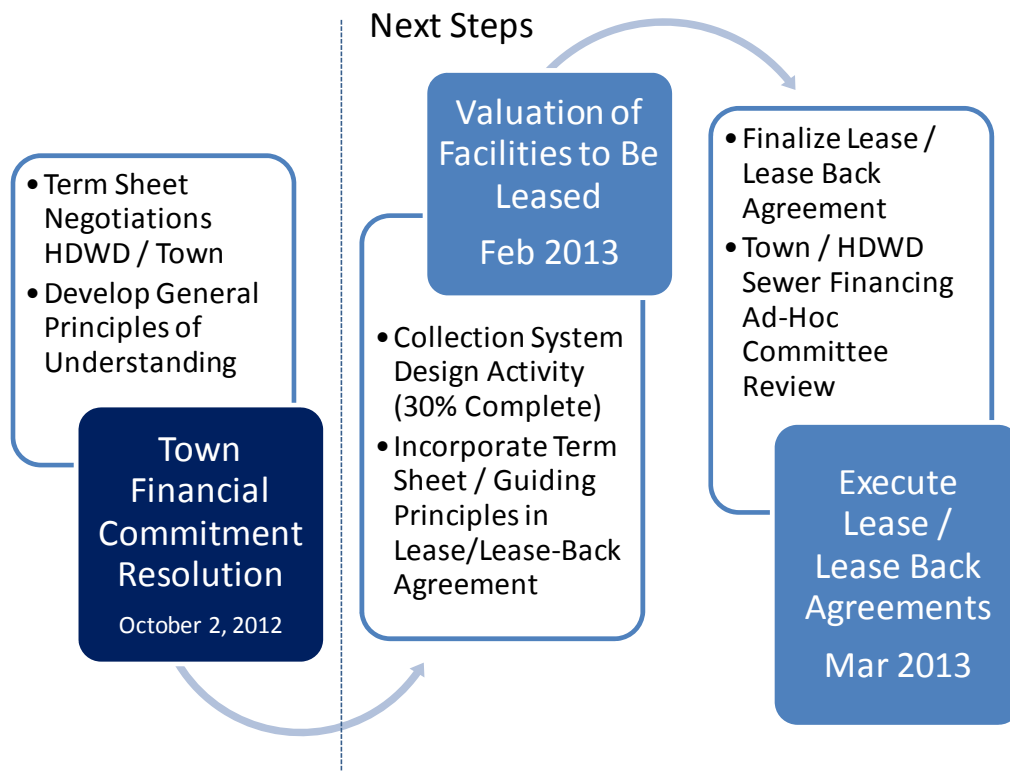
1. *The Town commits in principle to make a substantial financial contribution to the District, currently anticipated to be approximately \$70 Million, in general fund revenues to be used toward the Wastewater Treatment & Water Reclamation Project ("Town Contribution").*
2. *The District and Town shall negotiate mechanisms to ensure that the Town Contribution will not jeopardize the fiscal integrity of the Town's general fund.*
3. *The District shall retain primary responsibility for the environmental review, planning and construction of the Wastewater Treatment & Water Reclamation Project.*
4. *District agrees in principle to utilize Town Contribution in such a manner that (i) reduces the annual sewer assessments actually billed to property owners within the Assessment District; (ii) establishes a low-income*

assistance program; and/or (iii) the capital cost components of sewer service rates are reduced for sewer customers.

5. The Town and District shall negotiate a means by which the Town will pay approximately \$4-\$5 Million Dollars for road improvements specifically related to the piping/replacement of roads as needed for sewer piping/connections in the Wastewater Treatment & Water Reclamation Project.
6. The Town and District shall negotiate a means by which the Town will contribute unexpended bond proceeds to the Wastewater Treatment & Water Reclamation Project, subject to the terms and conditions of underlying bond documents and any legal prerequisites under AB1x26 and AB 1484.

Each of these principals is consistent with both the past and current actions of the Council in taking concrete steps to assist the District in whatever way possible in its delivery of the municipal sewer project.

Next Steps: Town and District staff continue to finalize terms and conditions for the lease agreement for execution early next year. In addition to continuing to hammer out a myriad of details (there is agreement in principle on all terms), timing of execution of lease agreement is contingent on identifying a definitive list of facilities to be leased and the costs associated with those facilities. In other words, the soonest a lease can be executed is **after** the design is at 30% completion for the collection system (early 2013). This process is shown below.



Alternatives: No alternative is recommended.

Fiscal impact: Without such a commitment, the cost of the proposed municipal wastewater system by HDWD would be a significant burden on the ratepayers and businesses within Yucca Valley. With this commitment, the Town and District will be working hand in hand to deliver a real solution to a real need, in a financially responsible manner to the ratepayers, residents and visitors to the Town of Yucca Valley.

Attachments: Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, COMMITTING TO IMPLEMENTATION OF A COOPERATIVE SEWER FINANCING ARRANGEMENT WITH HI-DESERT WATER DISTRICT; ADOPTION OF GENERAL PRINCIPLES OF UNDERSTANDING FOR SAME

WHEREAS, The Town of Yucca Valley (the "Town") lacks a municipal wastewater collection and treatment system. Consequently, with limited exceptions, all residents and businesses in the Town use septic systems and subsurface disposal systems to treat and dispose of domestic wastewater. Population growth and a rise in system density have adversely impacted the local groundwater supply and present a significant health hazard to residents of the Town.

WHEREAS, In response, the Hi-Desert Water District (the "District") prepared a Sewer Master Plan and received sewer authority approval from the San Bernardino County Local Agency Formation Commission to provide wastewater treatment and disposal services within the Town. Responding to the threat that septic systems pose to the groundwater supply, on May 19, 2011, the California Regional Water Quality Control Board (Colorado River Basin Region) adopted a Basin Plan Amendment which would prohibit septic tank discharges in the Town. On November 1, 2011, the California State Water Resources Control Board adopted the Regional Board's Basin Plan amendment to prohibit discharge from septic systems in the Town of Yucca Valley.

WHEREAS, The Sewer Master Plan calls for the construction of a municipal sewage collection system and wastewater treatment plant (collectively the "Sewer Facilities" or "Wastewater Treatment & Water Reclamation Project"). The District is the lead agency responsible for the environmental review, planning and construction of the Sewer Facilities. The District is proposing to form an assessment district and levy and collect assessments within the Town to fund these improvements. The District is also applying to the State Water Resources Control Board for a State Revolving Fund ("SRF") Loan to fund these improvements. The District anticipates using the revenues from the assessments to repay the SRF Loan.

WHEREAS, The implementation of the Sewer Facilities is a matter of vital importance to the Town and its residents. If the community does not develop a centralized sewer system it will face significant penalties and fines, as well as potential, continued degradation of local water quality. If the Wastewater

Treatment & Water Reclamation Project is not built, there will be no sewer service and property owners will not be allowed to discharge from their septic systems. Septic tanks would be required to be sealed and pumped when full or the property owner could construct a residential level package treatment plant. These options are very costly to Town citizens and would not provide a community-wide solution. Therefore, actual implementation of the Sewer Facilities is the only viable and acceptable means of resolving the orders contained in the Basin Plan.

WHEREAS, The current cost estimates for the Wastewater Treatment & Water Reclamation Project is estimated at approximately \$125 Million. With State programs and other currently-available funds, the Sewer Facilities would be financed through an assessment district which would entail a per-unit assessment to cover the Project's capital costs (the "Assessment District"). The Sewer Facilities' capital costs would be funded by property owners subject to the levy and collection of assessments within Assessment District. The full assessment costs are financially burdensome for ratepayers and will make passage of the Assessment District challenging.

WHEREAS, repayment to the State Water Resources Control Board for the SRF Loan does not begin until the Sewer Facilities have been in operation for one year and continue for the duration of the term of the SRF loan ("SRF Repayment Term"). The current project schedule shows completion in mid-2016, requiring loan payments to begin in mid-2017.

WHEREAS, In order to alleviate the Assessment District costs that would otherwise be imposed upon community ratepayers, the Town and District desire and find that it would be in the best community interest to develop a cooperative financing arrangement by which the Town would make a substantial financial commitment to the Wastewater Treatment & Water Reclamation Project ("Town Contribution"). The Town Contribution to the Sewer Facilities shall be (i) a substantial financial commitment, currently anticipated to be approximately \$70 Million over the SRF Repayment Term; and (ii) paid from general fund revenues; and (iii) used toward the Wastewater Treatment & Water Reclamation Project as a means of lowering the sewer assessments proposed to be imposed on property owners within the Assessment District. It is currently estimated that the Town Contribution will reduce sewer rates, on an average, by approximately \$20 per month per equivalent dwelling unit.

WHEREAS, The Town and District have identified that a Lease/Lease-Back Agreement is the most appropriate instrument for establishing the Town Contribution, and such an agreement would be binding over a long term that is approximately commensurate with the SRF Repayment Term.

WHEREAS, The Town has identified through its Pavement Management System (“PMS”) a variety of road improvements required to bring Town roads up to minimum standards for traffic circulation and safety. The Town and District have determined that it would be most efficient to repair Town roads concurrently with the installation of the Sewer Facilities. The Town and District look to negotiate a means by which the Town will contribute certain transportation funds to the District to cover the costs of those PMS-identified road repairs that are within the scope of the Wastewater Treatment & Water Reclamation Project. Such investment is proposed to be at an estimated \$1-\$1.250 Million per year over the next four years, and payment of such costs would provide an added cash flow benefit to the District.

WHEREAS, The Town continues to work through the Redevelopment Agency (“RDA”) Dissolution process consistent with AB1x26 and AB 1484. At the end of that dissolution, it is expected that unspent bond proceeds will be available for investment in infrastructure projects. The Town wishes to contribute portions of these unspent bond proceeds to the Sewer Facilities, subject to fulfilling any legal prerequisites under AB1x26 and AB 1484 (including without limitation any review/direction by the State Department of Finance and/or attainment of an AB 1484 “Finding of Completion”). The District would credit these unspent bond proceed contributions against the connection liability for various taxing entities within the Town’s former RDA project area.

NOW, THEREFORE, the Town Council of the Town of Yucca Valley resolves as follows:

Section 1. The foregoing Recitals are true and correct and are incorporated herein.

Section 2. The Town Council hereby affirmatively determines that the Town of Yucca Valley elects to, and shall, commit to the implementation of a cooperative sewer financing arrangement with District, negotiations of which shall abide by the following guiding principles, which guidelines have been agreed-to in principle between the Town and District:

1. The Town commits in principle to make a substantial financial contribution to the District, currently anticipated to be approximately \$70 Million in general fund revenues, to be used toward the Wastewater Treatment & Water Reclamation Project (“Town Contribution”).
2. The District and Town shall negotiate mechanisms to ensure that the Town Contribution will not jeopardize the fiscal integrity of the Town’s general fund.

3. The District shall retain primary responsibility for the environmental review, planning and construction of the Wastewater Treatment & Water Reclamation Project.
4. The District agrees in principle to utilize the Town Contribution in such a manner that (i) reduces the annual sewer assessments actually billed to property owners within the Assessment District; (ii) establishes a low income assistance program; and/or (iii) the capital cost components of sewer service rates are reduced for sewer customers.
5. The Town and District shall negotiate a means by which the Town will pay approximately \$4-\$5 Million Dollars for road improvements specifically related to the piping/replacement of roads as needed for sewer piping/connections in the Wastewater Treatment & Water Reclamation Project.
6. The Town and District shall negotiate a means by which the Town will contribute unexpended bond proceeds to the Wastewater Treatment & Water Reclamation Project, subject to the terms and conditions of underlying bond documents and any legal prerequisites under AB1x26 and AB 1484.

Section 3. The Town Manager and his authorized designees are hereby authorized and directed to take such other and further actions to implement the aforementioned guidelines into a final written agreement to be approved by the Town and the District and as necessary and proper to implement this Resolution on behalf of the City.

Section 4. It is understood that the Town and District are reserving the right to exercise their discretion as to all matters which they are, by law, entitled or required to exercise, at their discretion; nothing in this Resolution shall be construed as having the effect of waiving or limiting either agency's police powers and/or exercise of discretion. The Town and District are to execute a final agreement based on the mutual understandings set forth in Section 2 hereof, which shall be conditioned upon the successful review and approval of all necessary findings and conclusions which the Town Council and/or District Board are required to make, including all necessary findings and determinations required under the CEQA, State Constitution, and other state, local and federal laws. As to any matter which Town or District may be required to exercise its unfettered discretion in advancing the Wastewater Treatment & Water Reclamation Project to completion, nothing herein shall obligate Town or District to exercise its discretion in any particular manner, and any exercise of discretion

reserved hereunder or required by law, shall not be deemed to constitute a breach of Town or District duties under contract or law.

Section 5. That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this ____ day of October, 2012.

MAYOR

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney