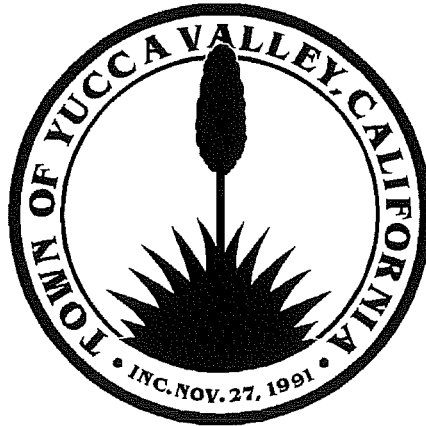


TOWN OF YUCCA VALLEY
SPECIAL TOWN COUNCIL MEETING



*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, JANUARY 22, 2013
CLOSED SESSION:
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
Merl Abel, Mayor
Robert Lombardo, Mayor Pro Tem Member
George Huntington, Council Member
Dawn Rowe, Council Member

* * * *

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

**AGENDA
SPECIAL MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY, JANUARY 22, 2013
6:00 P.M.**

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

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

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

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

OPENING CEREMONIES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION

Led by Chaplain Mike Kelliher, Joshua Springs Community Chapel

AGENCY REPORTS

Chamber of Commerce

1. Monthly Chamber of Commerce Report for December 2012

Hi Desert Water District

2. Water and Wastewater Project Updates.

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Vote _____

CONSENT AGENDA

- 1-16 3. Minutes of the Special Town Council Meetings of December 4, 2012 and December 18, 2012, Regular Town Council Meeting of December 18, 2012.

Recommendation: Approve the minutes as presented.

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

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

- 17-18 5. Monthly Statistical Fire Department Report for December 2012

Recommendation: Receive and file the monthly statistical Fire Department report for December 2012

- 19-21 6. AB 1234 Reporting Requirements

Recommendation: Receive and file the AB 1234 Reporting Requirement Schedule for the month of December 2012

- 22-30 7. Amendment Number 6 to the Morongo Basin Transit Authority (MBTA) Joint Powers Agreement (JPA) to amend Board of Supervisors Representation

Recommendation: Approve Amendment Number 6 to the Morongo Basin Transit Authority's joint Powers Agreement.

- 31-43 8. Safe Routes to School Grant Funds (SR2S), Sage Avenue Improvements – Town Project No. 8320 Award of Design Services.

Recommendation: Award a contract for professional design services to Minagar & Associates, Inc., for the design of the Sage Avenue Improvements and replacement of outdated radar speed indication signs at the three other school sites, including the preparation of bid ready construction documents in the amount of \$46,317.00, and

authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents to complete the project.

- 44-67 9. Federal Project No. SR5SL-5466(020), Sage Avenue Improvements, Caltrans District 8/Town of Yucca Valley – Administering Agency-State Master Agreement No. 00394S, and Program Supplement Agreement No. J92 Rev. 000, Resolution.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PROGRAM MASTER AGREEMENT NO.00394S, AND PROGRAM SUPPLEMENTAL AGREEMENT NO. J92 REV.000 FOR THE SAFE ROUTES TO SCHOOL PROJECT AND APPROVING AUTHORIZED SIGNATORS TO ALL NECESSARY AGREEMENTS AND DOCUMENTS

Recommendation: Adopt the Resolution, approving the Administering Agency-State Mater Agreement No. 00394S, and the Program Supplemental Agreement No. J92 Rev. 000, authorizing the Town Manager to sign all necessary documents in the program.

- 68-85 10. Warrant Register, January 22, 2013.

Recommendation: Ratify the Warrant Register total of \$631,324.72 for checks dated December 19-20, 2012 and January 10, 2013. Ratify Payroll Registers total of \$468,629.30 for checks dated December 7, 2012 to January 4, 2013.

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

Recommendation: Adopt Consent Agenda (items 3-10)

Action: Move _____ 2nd _____ Vote _____

PUBLIC HEARING

- 86-112 11. Annexation Area No. 2 (Improvement Area No. 3) (Super Wal-Mart), APN 0601-201-37 to Community Facilities District No. 11-1

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA FOR THE ANNEXATION OF IMPROVEMENT AREA NO. 3 TO COMMUNITY FACILITIES DISTRICT NO. 11-1, ANNEXATION AREA #2, IMPROVEMENT AREA #3 (SERVICES), 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 AREA NO. 2 (IMPROVEMENT AREA NO. 3) TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES), 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 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 3, ANNEXATION NO 2, OF COMMUNITY FACILITIES DISTRICT NO. 11-1 (SUPER WAL-MART)

Staff Report

Open Public Hearing

Recommendation: Adopt the Resolutions to annex the project into Community Facilities District No. 11-1, Annexation Area No. 2. (Improvement Area No. 3) and levy a special tax thereon to finance certain services as follows, and introduce the Ordinance.

- 1. Resolution for the Annexation of Annexation Area No. 2, Improvement Area No. 3 to Community Facilities District No. 11-1 (Services), preliminary establishing an appropriation limit for Improvement Area No. 3, and submitting the levy of the special tax to the qualified electors within the District.**
- 2. Resolution setting a date for an election on the annexation of Annexation Area No. 2, Improvement Area No. 3, to Community Facilities District No. 11-1 (Services), and setting an appropriation limit.**
- 3. Resolution declaring results of the special election and directing recording of Notice of Special Tax Lien.**

4. Ordinance of the Town Council of the Town of Yucca Valley, California, authorizing the levy of a special tax within Community Facilities District No. 11-1, Annexation No. 2, Improvement Area No. 3 (Super Wal-Mart)

DEPARTMENT REPORTS

- 113-115 12. Spring 2013 Program Offerings – Community Services Department.

Recommendation: Receive and file the report outlining the Spring 2013 programs and events to be organized and conducted by the Community Services Department.

- 116-123 13. Town Invocation Policy, Resolution

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING A POLICY REGARDING INVOCATIONS AT MEETINGS OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY

Staff Report

Recommendation: Adopt the Resolution documenting the Town policy regarding invocations at meetings.

Action: Move _____ 2nd _____ Vote _____.

- 124-126 14. FY 2013-14 Budget Preparation Calendar

Recommendation: Review and approve the proposed Budget Calendar

Action: Motion _____ 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

15. Johnson Valley Petition

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

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

ANNOUNCEMENTS

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

6:00 p.m., Tuesday, February 5, 2013, Yucca Valley Community Center Yucca Room

CLOSED SESSION

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

Property: APN 061-171-20, 6457 El Dorado
3 Pointe Asset Management/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

21. Closed Session pursuant to Government Code Section 54956.9(c), Potential litigation -- One (1) Matter
22. Closed Session pursuant to Government Code Section 54957, Public Employee Performance Evaluation (Town Manager)
23. Closed Session pursuant to Government Code Section 54957.6, Conference with Labor Negotiators, Negotiators: Mark Nuaimi; Employee Organization(s): Unrepresented Exempt, Unrepresented Non-Exempt

CLOSING ANNOUNCEMENTS

ADJOURNMENT

Yucca Valley Town Council

Meeting Procedures

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

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

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

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

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

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

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

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

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

ACRONYM LIST

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

**TOWN OF YUCCA VALLEY
SPECIAL TOWN COUNCIL MEETING MINUTES
DECEMBER 4, 2012**

The special meeting of the Town of Yucca Valley Council was called to order at 5:45 p.m. by Mayor Rowe. Council Members Abel, Huntington, Lombardo and Mayor Rowe were present.

DEPARTMENT REPORTS

1. Replacement Animal Shelter, ACJPA Project No. 1, JPA Amendment #2, Co-Ownership Agreement

Town Manager Nuaimi reported it is recommended that the Council approve the County's recommendation to revise the Second Amendment to the ACJPA agreement that increases the total project costs called out in the JPA Agreement from \$3.5 to \$3.99 million. It was noted that the Town is not being asked to add any more funding, this is simply an accounting of the \$240,000 that has already been expended with the added value of the land, current value of the existing shelter and the cost of the road improvements for Malin Way. He also noted that, in the original JPA, the Town was going to contribute our share over 4 years, and we are now spreading the cost over 20 years, which is a much better deal than that entered into 3-4 years ago. It is also recommended the Council approve the revised Second Amendment to the ACJPA Agreement, and approves the revised Co-Ownership Agreement. The County Board of Supervisors has already approved the amendment.

Ramon Mendoza, Yucca Valley, spoke in support of the shelter, and requested that the Council look at what more can be done in order to make it a no kill shelter.

Council Member Huntington commented the amendment is very straight forward, noting the County participation is a no interest loan and we can't beat the deal.

Council Member Lombardo agreed this is an outstanding transaction.

Mayor Rowe stated she believes it should have been kept at the original amount, therefore she is not in favor.

Council Member Lombardo moved to 1) approve the County recommendation to revise the Second Amendment to the ACJPA agreement that increases Total Project Cost called out in the ACJPA Agreement from \$3.5 to \$3.99 million; 2) approve the revised Second Amendment to the ACJPA Agreement that defines: a. Attachment A – Proposed Work Plan; b. Attachment B – Joint Funded Animal Shelter Project; c. Attachment C – Operational Agreement; and d. Attachment D – Co-Ownership Agreement; and 3) approve the revised Co-Ownership Agreement in form as presented in the JPA Second Amendment (Attachment D); Authorize

the Town Manager and Town Attorney to make non-substantive modifications to finalize such agreement and its Exhibits to final form; and to authorize the Mayor to execute the final agreement on behalf of the Town. Council Member Huntington seconded. Motion carried 3-1 on a roll call vote.

AYES: Council Member Abel, Huntington, and Lombardo

NOES: Mayor Rowe

ABSTAIN: None

ABSENT: None

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:50 p.m.

Respectfully submitted,

Jamie Anderson
Town Clerk

**TOWN OF YUCCA VALLEY
SPECIAL JOINT TOWN COUNCIL/PLANNING COMMISSION
MEETING MINUTES
DECEMBER 18, 2012**

The special meeting of the Town of Yucca Valley Council/Planning Commission was called to order at 5:02 p.m. by Mayor Abel. Council Members Huntington, Lombardo Rowe and Mayor Abel were present. Planning Commissioners Bridenstine, Drozd and Hildebrand were present. Planning Commission Chair Humphreville was excused.

DEPARTMENT REPORTS

1. General Plan Update, Draft Housing Element, Authorization to Submit Draft Housing Element to State Department of Housing and Community Development for Review and Comment

Deputy Town Manager Stueckle advised this is the first General Plan update since the original was adopted in 1995. Tonight's actions do not approve the housing element, it is to provide the Council and Commission an opportunity to see the proposed goals and policies contained in the element and give input. etc. Michelle Halligan with Planning Center will be presenting the element.

Michelle Halligan, The Planning Center, gave a PowerPoint presentation, advising the Draft Housing Element was reviewed by the General Plan Advisory Committee at its meeting of December 12, 2012. The committee agreed that policy H2-2 was more appropriately located in the Land Use or Open Space/Conservation elements, and they added the words "lifestyle and life stage" to Goal H1.

Council Member Rowe questioned how the Town is notified of the expiration of affordability with regard to housing preservation. Ms. Halligan advised there is a database that staff can use.

Mayor Abel asked questions regarding the establishment of local accommodation ordinances per state law. Ms. Halligan advised that model ordinances are available for use.

Council Member Rowe questioned if there are land use elements within housing elements. Ms. Halligan advised the Council can't adopt the housing element until they are comfortable with the land use plan, noting the same plan is being used as last time. Council Member Rowe questioned when the certification of the housing element expires. Deputy Town Manager Stueckle advised the new element runs from October 2013 through October 2021. He advised we are on track, but if we miss the deadline for October of this year, we will be subject to updates on a 4 year cycle.

Council Member Lombardo moved to authorize the submittal of the Draft Housing Element to the State Department of Housing and Community Development (HCD) for review. Council Member Rowe seconded. Motion carried 4-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Jamie Anderson
Town Clerk

**TOWN OF YUCCA VALLEY
REGULAR TOWN COUNCIL MEETING MINUTES
DECEMBER 18, 2012**

OPENING CEREMONIES

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

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

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

PLEDGE OF ALLEGIANCE

Led by Mayor Abel

INVOCATION

Led by Pastor Bob Wagner, Joshua Springs Community Chapel

PRESENTATIONS, RECOGNITIONS, INTRODUCTIONS

- 1. Recognition of Joshua Springs Lightning Football Team for becoming four-time back to back CIF Champions.**

Mayor Abel presented certificates of achievement to Joshua Springs Lightning Football Coaches and recognized the team.

- 2. Employee of the Quarter.**

Presented to Administrative Assistant II, Linda Wright.

- 3. Recognition of Deputy Town Clerk Copeland for achieving Certified Municipal Clerk (CMC) designation.**

Deputy Town Clerk Copeland recognized for becoming a Certified Municipal Clerk through the International Institute of Municipal Clerks.

AGENCY REPORTS

Chamber of Commerce

4. Monthly Chamber of Commerce Report for November 2012

Jennifer Collins, Chamber President, gave the monthly report for November 2012.

Hi Desert Water District

5. Water and Wastewater Project Updates.

Sarann Graham, Board President, gave the monthly water and wastewater project update.

Council Member Rowe questioned if there is anything the Council can do to lobby for Round 2, Prop. 84 funds. President Graham stated it never hurts to have other agencies send letters letting them know we have a real concern here.

APPROVAL OF AGENDA

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

CONSENT AGENDA

7. **Waive**, further reading of all ordinances and read by title only.
8. **Receive and file**, Monthly Statistical Fire Department Report for November 2012
9. **Approve**, fifth amendment to the library lease agreement between the Town and the County at a rate of \$2,063 per month, and authorize the Mayor to sign all necessary documents.
10. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of November 2012
12. **Adopt**, Resolution No. 12-46, updating the Town's authorized signatories at Pacific Western Bank

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE TOWN TO UTILIZE PACIFIC WESTERN BANK FOR GOVERNMENTAL BUSINESS BANKING SERVICES AND

UPDATING AUTHORIZED SIGNATORIES

13. **Authorize**, Town staff to solicit information bids from three vendors for the procurement of the FY 2012 Emergency Management Performance Grant (EMPG) purchases of computer equipment and to waive the formal bidding procedures finding that the established procedures would be impractical for these purchases; and **Adopt**, Resolution No. 12-47, designating the Town Manager, Deputy Town Manager and Director of Administrative Services as authorized agents to execute for and on behalf of the Town of Yucca Valley for the purpose of obtaining federal financial assistance or grants through California State or Federal assistance programs.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, FOR DESIGNATION OF APPLICANT'S AGENT FOR THE PURPOSE OF OBTAINING STATE AND FEDERAL FINANCIAL ASSISTANCE PROVIDED BY THE FEDERAL DEPARTMENT OF HOMELAND SECURITY AND SUB-GRANTED THROUGH THE STATE OF CALIFORNIA OR OTHER JURISDICTION

14. **Adopt**, Resolution No. 12-48, amending Resolution No. 12-32, that called and gave notice of a Special Election on March 5, 2013, to allow for an all-mail ballot election.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING RESOLUTION NO. 12-32, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2013 TO FILL A TOWN COUNCIL VACANCY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, ALLOWING FOR AN ALL-MAIL BALLOT ELECTION

16. **Accept**, Project No. 8961 – Essig Park, as substantially complete, authorize staff to file the Notice of Completion, authorize the reduction of the Faithful Performance Bond to 10%, and direct staff to retain the Labor and Material Bond for six (6) months.
17. **Award**, a professional services agreement to Heider Engineering Services, Inc., for soil testing, special inspections, and material testing services in the amount of \$39,346.00, and authorize the Town Manager, Town Attorney, and Mayor to sign all necessary documents, Yucca Valley Animal Shelter – ACJPA No. 1.
18. **Ratify**, the Warrant Register total of \$1,038,369.21 for checks dated November 29, 2012 and December 4, 2012. Ratify Payroll Registers total of \$1,046.04 for checks dated November 29, 2012.

Council Member Rowe requested to pull Item 6, 11, and 15,

Margo Sturges, Yucca Valley, spoke regarding the \$71,656.64 remaining from the Essig Park project. Town Manager Nuaimi advised that staff will return to Council in January with a full project accounting and updated interfund loan balances.

Council Member Rowe moved to adopt Consent Agenda Items 7, 8, 9, 10, 12, 13, 14, 16, 17, and 18. Council Member Huntington seconded. Motion carried 4-0.

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

6. Minutes of the Town Council Meeting of December 4, 2012.

Council Member Rowe requested that clarification be added to public comments on page 6 of the minutes stating that the comments from Stanley Zarakov and Meredith Jones regarding a special tax initiative is for the benefit of the Town and the Town’s expenses.

Council Member Rowe moved to approve the minutes as amended. Council Member Huntington seconded. Motion carried 4-0.

11. Expenditure Plan for Cyla Wells’ Bequest

Community Services Director Schooler gave the staff report advising Ms. Wells participated with the care and adoption of animals through the Hi Desert Humane Center. The expenditure plan focuses on the Town’s efforts to support the health, comfort and adoption of animals and needs of the Shelter.

Mayor Abel commented he is very pleased to see the request for funding for a spay/neuter voucher program and requested the County be approached to see if a grant program is possible for matching funds for county residents. He noted he is happy with this plan.

Council Member Huntington clarified that the \$60,000 for the contingency fund will be used as a last resort.

Council Member Rowe advised her concern is the cat condo inserts and questioned if there would be no cat condos if the request wasn’t in the plan. Community Services Director Schooler advised what we have now are cat cages. Town Manager Nuaimi advised that any investments made into the facility improvements will go against our

credit at a rate of 50 cents on the dollar, adding our expectation is that we will not use all of the contingency funds. Council Member Rowe commented there is a need for the shelter because there is a surplus of animals in our community, so it seems like a spay/neuter program would be the most beneficial. She would like to put more funding into that than maybe a shade shelter etc.

Council Member Huntington commented the draft is a living document, subject to change.

Town Manager Nuaimi commented that the County does have a spay and neuter program in the unincorporated area.

Council Member Lombardo stated it is important to get the facility fully functional noting the shade shelters are also important.

Council Member Huntington moved to approve the expenditure plan for the funds donated by the estate of Cyla Wells and delegate authority to the Town Manager to transfer funds among the categories as needs arise. Council Member Lombardo seconded. Motion carried 4-0.

15. SR 62 @ Dumosa Traffic Signal, Authorization to Release Request for Proposals for Preparation of Plans, Specifications and Estimates.

Council Member Rowe stated that page 64 of the staff report states that there are 2 conceptual plans one that utilizes the existing four lane roadway on SR 62 and the other providing traffic signal equipment that would accommodate the future widening of SR-62, but the staff report does not say what the staff recommendation will be. She encouraged use of Conceptual Plan 2 from a standpoint of cost savings in the long run. Deputy Town Manager Stueckle stated the approach staff always tries to take is to design for the ultimate configuration, noting the preliminary analysis says that is possible. He is confident it should not be an issue for Caltrans. Council Member Rowe stated it will save more in the long run if we spend more now. Town Manager Nuaimi advised that the Town will be requesting dollars from SANBAG.

Mayor Abel questioned if the light synchronization project will occur after this light installed. Deputy Town Manager Stueckle stated the light would typically be synchronized with construction or when it is turned on. Town Manager Nuaimi advised Caltrans will be synchronizing the exiting lights now and will add the new lights as they are constructed.

Council Member Rowe Moved to authorize staff to release a Request for Proposals for the preparation of plans, specifications and estimates (PS&E) for the SR 62 at Dumosa traffic signal. Council Member Huntington seconded. Motion carried 4-0

DEPARTMENT REPORTS

19. Fiscal Year 2011-12 Comprehensive Annual Financial Report

Services Director Yakimow advised the recommendation to receive and file report. The audit is conducted by a firm of independent CPAs appointed by and reporting to the Town Council.

Senior Accountant Cisneros reported regarding the audit process and introduced Scott Manno of Rogers, Anderson, Malody and Scott, LLP.

Scott Manno, Rogers, Anderson, Malody and Scott, advised their job is to express an opinion of Town's finances as to whether or not they are fairly presented in all material respects and in conformance with generally accepted accounting principles. The Town has received an unqualified opinion which is the top rating. Mr. Manno also gave a review of the impact the Redevelopment Agency dissolution had on the Town-wide financial statements for the year ended June 30, 2012

Administrative Services Director Yakimow thanked former Senior Accountant Kathy Ainsworth for her work preparing for the audit and Senior Accountant Cisneros for coming in to the staff.

Council Member Rowe moved to receive and file the FY 2011-12 Comprehensive Annual Financial Report. Council Member Huntington seconded. Motion carried 4-0.

20. FY 2012-13 Budget Amendment – Information Services

Deputy Town Clerk/Management Analyst Copeland reported that in June 2012, the Council approved the FY 2012-13 General Fund budget, including anticipated provisions for information services. Along with routine information technology maintenance and equipment replacement, the budget included funding for replacement of the Town's main file server due to age and inadequate storage space. As part of scoping the replacement project, the entire Town network was analyzed and it was determined that the separate finance server was also critically low in storage space and requires continual monitoring and maintenance. It is recommended that replacement of that server be included as part of this project. Both servers are beyond the manufacturers recommended life expectancy and fully depreciated, and we are seeing increased maintenance costs. By replacing both servers there is an opportunity to combine the units into one larger server. Another major upgrade is to increase the bandwidth between the Town's major work centers. It is anticipated the server replacements will be completed during the Town's winter office closure later this month.

Richard Harlan, Yucca Valley, questioned if the Town has any idea of replacing the phone system, and recommended consideration of a change. Administrative Services Director Yakimow advised that is one of the items we have on our technology master plan, but we are not in a position to do it right now.

Council Member Huntington questioned if staff has identified where the money is coming from. Administrative Services Director Yakimow advised that staff's recommendation is to take it out of existing reserves.

Mayor Abel questioned if staff would consider the request to be a need or a want. Deputy Town Clerk Copeland advised it is definitely a need at this time. Mayor Abel questioned if the Town approached the IT provider or if they approached us. Deputy Town Clerk Copeland advised the Town approached them. Mayor Abel stated it is his understanding this work will also save on maintenance costs.

Council Member Lombardo moved to amend the FY 2012-13 Budget to fund necessary Information Technology equipment replacement and upgrades by an amount of \$25,000. Mayor Abel seconded. Motion carried 4-0

PUBLIC COMMENT

Margo Sturges, Yucca Valley, expressed concern about the fall out of Measure U having divided our community and that there are still some citizens who are very bitter. She has heard there have been some incidents, and feels the Town should be concerned about this. She suggested that it is time to bring in the FBI to bring it to a halt. Capt. Boswell advised there have been some break in incidents that were thought to be retaliation, but that was not found to be the case.

Richard Harlan, Yucca Valley, questioned when the street sign will be installed at SR 62/247 now that the project is complete. Deputy Town Manager Stueckle advised that when the parts arrive the installation will be scheduled with Caltrans.

Saran Graham, Yucca Valley, wished everyone a Merry Christmas and hope the New Year brings much happiness and good health.

STAFF REPORTS AND COMMENTS

Town Manager Nuaimi wished all a very safe holiday season and thanked Council and Staff for everything they have done this past year. There has been a lot of progress and some setbacks. We have a good team of staff who love what they do.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

21. Council Member Rowe

Congratulated Deputy Town Clerk Copeland on her achievement.

Congratulated Administrative Assistant II Wright for being selected as Employee of the Quarter.

Congratulated the Joshua Springs Lightning Football Team.

Gave an extra special thank you to staff for their part in the light parade, and all the people who make it happen.

22. Council Member Huntington

Echoed the previously stated congratulations.

Wished the Hi Desert Water District a happy 50 year anniversary.

Reported regarding a meeting with SANBAG Director Wolfe and the Town Manager regarding discussion of the signal at Dumosa and the Town's probable request for funding. He noted that high on the SANBAG list is a recommendation and willingness to participate in a Council of Governments for the Morongo basin. They are looking for participants and subject matter, and will probably start meeting in April.

Congratulated Administrative Services Director Yakimow and staff for another exceptional year with a clean audit.

23. Council Member Lombardo

Congratulated all those receiving recognition tonight.

Commented regarding the great report on the CAFR noting it is nice to know we have a clean slate.

Wished a Happy New Year to all, noting it is nice to be a part of the Town family.

24. Council Member Abel

Requested consideration of contacting some of the local governmental agencies such as the Hospital District and College District to share quarterly reports.

Thanked the Rotary for their involvement in the light parade noting it was well attended, with lots of fun and participation

Encouraged people to set aside a part of their holiday budget to shop locally.

Advised that our hearts go to the community of Newtown.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, January 22, 2013, 6:00 p.m.

Town Manager Nuaimi advised the Council will be having goal setting workshop on Saturday, January 12, 2013 from 9:00 a.m. to 3:00 p.m.

CLOSED SESSION

Mayor Abel Adjourned to closed session at 7:20 p.m.

25. Potential Litigation per Government Code Section 54956.9(c) -- One (1) Matter
26. Government Code Section 54956.8, Conference with Real Property Negotiators. *State law provides the opportunity for closed session for real property purchase negotiations, prior to placement of the matter on a regularly scheduled meeting agenda for formal action.*

Property: APN 595-081-22, 56528 Twentynine Palms Hwy.
Michael David Richards /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-20, 56560 Twentynine Palms Hwy.
David W. Bradley, Trustee/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-19, 56572 Twentynine Palms Hwy.
Samuel Kodish/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-18, 56592 Twentynine Palms Hwy.
Daniel Haro, Kim Haro/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator

Real Property Negotiations

Property: APN 595-081-17, 56608 Twentynine Palms Hwy.
Michael Wilson /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-16, 56624 Twentynine Palms Hwy.
Michael Hildebrand /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-15, 56636 Twentynine Palms Hwy.
Mr. Werner Altenburg/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-14, 56650 Twentynine Palms Hwy.
Hosea E Brown, Trustee /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-081-13, 56668 Twentynine Palms Hwy.
Iron Horse Capital Inc./Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-11, 56750 Twentynine Palms Hwy.
Margaret Peterson /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-10, 56780 Twentynine Palms Hwy.
Leroy Braszeal/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-33, 56778 Twentynine Palms Hwy.
Mr. Chester G. Mistal & Mrs. Ann M. Mistal /Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-29, San Bernardino County, CA

San Bernardino County Flood Control District/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-07 & 32, 56806 Twentynine Palms Hwy.
Ultimate Motors Inc./Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-05, 56824 Twentynine Palms Hwy.
Robert R. Beam, III/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-111-03 & 04, 56840 Twentynine Palms Hwy.
Joseph R. Huber, Trustee/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-371-34, 57044 Twentynine Palms Hwy.
Western Bay, LLC/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-371-33, 57084 Twentynine Palms Hwy.
Theresia Hettich, Trustee/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-371-30, 57096 Twentynine Palms Hwy.
Sanjay D. Patel/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 587-351-02, 56547 Twentynine Palms Hwy.
Mr. Arturo Castaneda/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 587-351-06, 56637 Twentynine Palms Hwy.
Paul A. Cella, Trustee/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 587-351-07 & 08, 56659 Twentynine Palms Hwy.
Bae & Perris, LLC/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 587-361-10, San Bernardino County, CA
Hansen Betty H./Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-371-19, 57075 Twentynine Palms Hwy.
Ft. Wayne Matador, Inc., Susan Sandelman/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-371-21, 57037 Twentynine Palms Hwy.
Arthur E. Miller/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Property: APN 595-371-23, 57125 Twentynine Palms Hwy.
Savings & Loan World/Town of Yucca Valley
Mark Nuaimi, Real Property Negotiator
Real Property Negotiations

Mayor Abel called the Closed Session to order at 7:27 p.m., returned to open session at 7:48 p.m. and advised there was no reportable action. There were no members of the public present.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk



SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

December 2012 Summary

ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to a total of 381 requests for assistance within our town boundaries. Division wide responses for the South Desert during the Month of December were 684 incidents.

EMERGENCY RESPONSES

ESTIMATED FIRE LOSS (In dollars)

Total Loss	\$	1,500	Value	\$	40,500
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RESPONSES OTHER THAN FIRES

Fires	4
Rupture / Explosion	0
EMS / Rescue	331
Hazardous Condition	5
Service Calls	39
Good Intent Calls	34
False Call	11
Other	1

ALARMS – ALL TYPES

Yucca Valley Response Area

2012 Year-to-Date

TOTAL NON-FIRE RESPONSE	4,720
TOTAL FIRE RESPONSES.....	111
TOTAL ALARMS	4,831

Significant Events:

- Participated in the Ride for Santa, Festival of Lights Parade
- Division-wide focus on Firefighter Survival Training and Rapid Intervention Crew Training (Firefighter Rescue). Community agencies jointly trained on this low frequency/high risk task.
- Local Firefighters along with Tender Loving Christmas collected thousands of toys for children in need this holiday season. Another successful event this year that contributed to many smiling faces.



SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

Home Escape Plans

Let's face it, fires happen. It's easy to believe that it will never happen to you. Statistics indicate that thousands of people die each year in home fires. With proper planning, you and your family don't have to become just another statistic.

WHAT CAN YOU DO?

There are two very important measures that you can use to protect yourself and your loved ones:

1. Install smoke alarms on all levels of your home.
2. Have a carefully thought out escape plan and practice it.

Smoke Alarms

Most fires occur at night while you and your family are asleep. Without properly installed and operational smoke alarms, you may not be aware of a fire until it's too late. In order to ensure that your smoke alarm will help to save your life, follow these simple tips.

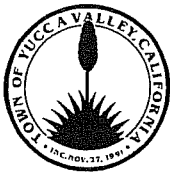
- Install smoke alarms on every floor of your home.
- Position smoke alarms in the hallway outside all bedrooms.
- Sleep with your door closed. Be sure that you can hear the smoke alarm go off. If you can't, install an additional unit in your room
- Make sure that the smoke alarms you buy is approved by a testing laboratory.
- Read and follow the manufacturer's directions carefully.
- Test each smoke alarm once a month.

Keep extra batteries on hand.

Replace your batteries when you change your clock in the fall and spring time.

Escape Planning

Once a fire breaks out, you need to know what to do. A moment hesitation can be dangerous or even fatal. By preparing and practicing an escape plan, you have a better chance of surviving a fire.



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
 Sharon Cisneros, Senior Accountant
Date: January 16, 2013
For Council Meeting: January 22, 2013
Subject: AB1234 Reporting Requirements

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

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

Order of Procedure:

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

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

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

Reviewed By:


Town Manager


Town Attorney


Admin Services


Finance

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

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

Alternatives: None.

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

Attachments: AB1234 Reporting Requirement Schedule

Town of Yucca Valley

Councilmember AB1234 Meetings Schedule Month of December 2012

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

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Jamie Anderson, Town Clerk
Date: January 9, 2013
For Council Meeting: January 22, 2013

Subject: Amendment Number 6 to the Morongo Basin Transit Authority (MBTA) Joint Powers Agreement (JPA) to amend Board of Supervisors Representation

Prior Council Review: March 20, 2012.

Recommendation: Approve Amendment Number 6 to the Morongo Basin Transit Authority's Joint Powers Agreement

Summary: The Morongo Basin Transportation Agency was created in 1989 as a joint powers authority pursuant to a joint powers agreement (the "JPA") between the City of Twentynine Palms and the County of San Bernardino. The Town of Yucca Valley was subsequently added as a party to the JPA. Bylaw changes require amendment to the Joint Powers Agreement between the County, the City of Twentynine Palms and the Town.

Order of Procedure:

Department Report

Request Staff Report

Request Public Comment

Council Questions of Staff

Council Discussion

Motion/Second


Discussion on Motion

Call the Question (Roll Call vote)

Discussion: The Morongo Basin Transit Authority (MBTA) Board passed a resolution at their February 2012 meeting amending the Agency's bylaws to allow the San Bernardino County Third District to assume the First District's representation on the MBTA Board because of recent revision to the County's District boundaries. Previously the MBTA provided public transit services in both the First and Third County Supervisorial Districts, however, as a result of the 2011 redistricting, the MBTA will solely be providing public transit to in the Third Supervisorial District. In order to accomplish this bylaw change, the Joint Powers Agreement also needs to be amended.

Reviewed By:


Town Manager


Town Attorney


Mgmt Services

JA
Dept Head

Department Report

Ordinance Action

Resolution Action

Public Hearing

Consent

Minute Action

Receive and File

Study Session

The Town Council approve the amendment at their March 20, 2012 Meeting, however the County requested a slight amendment making it necessary to reconsider the item.

Alternatives: none

Fiscal impact: None

Attachments: Amendment No. 6
Amendment approved in March, 2012



County of San Bernardino

FAS

CONTRACT TRANSMITTAL

<input type="checkbox"/> New	FAS Vendor Code		SC	Dept. TRA	A	Contract Number 89-911	
<input checked="" type="checkbox"/> Change							
<input type="checkbox"/> Cancel							
ePro Vendor Number					ePro Contract Number		
County Department Public Works - Transportation			Dept. TRA	Orgn. TRA	Contractor's License No.		
County Department Contract Representative Eric Jacobsen, Supervising Transportation Analyst				Telephone (909)387-8166		Total Contract Amount \$	
Contract Type <input type="checkbox"/> Revenue <input type="checkbox"/> Encumbered <input type="checkbox"/> Unencumbered <input checked="" type="checkbox"/> Other:							
If not encumbered or revenue contract type, provide reason:							
Commodity Code		Contract Start Date	Contract End Date	Original Amount	Amendment Amount		
Fund	Dept. TRA	Organization TRA	Appr.	Obj/Rev Source	GRC/PROJ/JOB No. 106.1.2	Amount \$0.00	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount	
Project Name MBTA JPA Amendment 6			Estimated Payment Total by Fiscal Year				
			FY	Amount	I/D	FY	Amount I/D

CONTRACTOR Morongo Basin Transit Authority

Federal ID No. or Social Security No. _____

Contractor's Representative Joe Meer, General Manager

Address 62405 Verbena Road, Joshua Tree, CA 92252 Phone (760) 366 - 2986

Signature of Contract: *(Briefly describe the general terms of the contract)*

This is an amendment (#6) to the existing Joint Powers Authority of the Morongo Basin Transit Authority (MBTA) is required as Supervisorial District Boundary changes approved by the Board of Supervisors in September 2011 removes the MBTA Service area from Supervisorial District 1 and places the MBTA service area entirely within Supervisorial District 3.

The amendment also reduces the number of representatives from the County and imposes conditions on the representatives appointed.

Approval of all members of the JPA is necessary for the amendment to be effected.

Attach this transmittal to all contracts not prepared on the "Standard Contract" form.)

Approved as to Legal Form (sign in blue ink)

[Signature]
County Counsel

Date 10-2-12

Reviewed as to Contract Compliance

[Signature]
Date 10/2/12

Date 10/2/12

Presented to BOS for Signature

[Signature]
Department Head

Date 10/4/12

AMENDMENT NO. 6

TO THE JOINT POWERS AGREEMENT BETWEEN
THE COUNTY OF SAN BERNARDINO,
THE CITY OF TWENTYNINE PALMS,
AND THE TOWN OF YUCCA VALLEY
CREATING THE
MORONGO BASIN TRANSIT AUTHORITY

This Amendment No. 6 is made this _____ day of _____, 2012, by the County of San Bernardino ('County'), a political subdivision of the State of California, the City of Twentynine Palms ('City'), a California municipal corporation and the Town of Yucca Valley ('Town'), a California municipal corporation, to the Joint Powers Agreement ('Agreement') between the County, City, and Town, creating the Morongo Basin Transit Authority ('MBTA').

RECITALS

WHEREAS, the County, City, and Town entered into the Agreement in order to provide for a public transit system serving the Morongo Basin; and

WHEREAS, the County, City, and Town now wish to amend the Agreement to reflect the changes presented by the recent County redistricting; and

WHEREAS, Section 9 of the Agreement permits the Agreement to be amended at any time by the written consent of all parties to it.

NOW, THEREFORE, the Parties agree as follows:

Section 1.

Section 3(B) of the Agreement shall be amended to read as follows:

The Authority shall be administered by a Governing Board of seven (7) members, each serving in an individual capacity as members of the governing board. Two (2) members and one (1) alternate shall be appointed by each city or town member (i.e., both the City and Town). Each city or town appointee or alternate shall serve at the pleasure of the City or Town Council and until his respective successor is appointed and qualified.

The County shall appoint two (2) additional members and one (1) additional alternate. One member shall consist of the Supervisor of the Third District, or his or her designee, who must be a paid full time employee of the Supervisor's staff or a resident of the unincorporated area of the County and not a resident of either the City or the Town. The second member shall be either a paid full time employee of the Supervisor's staff or a resident of the unincorporated area of the County served by the MBTA and not a resident of either the City or the Town.

The seventh member shall be a resident of the Morongo Basin and shall be selected by a majority of the other six members for a term of two years. The seventh member may be removed by a vote of five other board members.

An additional alternate may be appointed by a majority of the Board to act in the absence of any of the seven Board members or their alternates.

The Governing Board shall be called the "Governing Board of the Morongo Basin Transit Authority." All voting power shall reside in the Governing Board.

Section 2.

This amendment shall be effective upon the execution by all parties to this amendment.

Section 3.

All other terms and conditions shall remain the same.

TOWN OF YUCCA VALLEY

MAYOR

DATE: _____

ATTEST

APPROVED AS TO FORM:

TOWN CLERK

TOWN ATTORNEY

DATE: _____

CITY OF TWENTYNINE PALMS

[Signature]
MAYOR

ATTEST:

[Signature]
TOWN CLERK
City

APPROVED AS TO FORM:

[Signature]

DATE: 10/31/12

COUNTY OF SAN BERNARDINO

ATTEST:

[Signature]
CHAIRMAN OF THE BOARD OF SUPERVISORS
OCT 23 2012

APPROVED AS TO FORM:

[Signature]

DATE: 10-3-12

COUNTY OF SAN BERNARDINO

ATTEST:

[Signature]
CLERK OF THE BOARD OF SUPERVISORS

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY
LAURA J. WEICH
Clerk of the Board of Supervisors of the County of San Bernardino



AMENDMENT NO. 6

TO THE JOINT POWERS AGREEMENT BETWEEN
THE COUNTY OF SAN BERNARDINO, THE
CITY OF TWENTYNINE PALMS, AND THE
TOWN OF YUCCA VALLEY CREATING THE
MORONGO BASIN TRANSIT AUTHORITY

This Amendment No. 6 is made this ____ day of _____, 2012, by the County of San Bernardino ("County"), a political subdivision of the State of California, the City of Twentynine Palms ("City"), a California municipal corporation and the Town of Yucca Valley ("Town"), a California municipal corporation, to the Joint Powers Agreement ("Agreement") between the County, City, and Town, creating the Morongo Basin Transit Authority ("MBTA").

RECITALS

WHEREAS, the County, City, and Town entered into the Agreement in order to provide a public transit system serving the Morongo Basin; and

WHEREAS, prior to the 2011 redistricting, the MBTA provided public transit services in both the First and Third County Supervisorial Districts, and as such, each of their Supervisors (or their designees) held positions on the MBTA's Governing Board; and

WHEREAS, as a result of the 2011 redistricting, the MBTA will solely be providing public transit services in the Third Supervisorial District; and

WHEREAS, the County, City, and Town now wish to amend the Agreement to update the composition of the Governing Board and specifically to reflect the changes presented by the recent redistricting; and

WHEREAS, Section 9 of the Agreement permits the Agreement to be amended at any time by the written consent of all parties to it; and

NOW, THEREFORE, the parties agree as follows:

Section 1.

Section 3(B) of the Agreement should be amended to read as follows:

The Authority shall be administered by a Governing Board of seven (7) members, each serving in an individual capacity as members of the governing board. Two (2) members and one (1) alternate shall be appointed by each city or town member (i.e., both the City and Town). Each city or town appointee or alternate shall serve at the pleasure of the City or Town Council and until his respective successor is appointed and qualified.

The County shall appoint two (2) additional members and one (1) additional alternate. One member shall consist of the Supervisor of the Third District, or his or her designee, who must be a paid full time employee of the Supervisor's staff or a resident of the unincorporated area of the County and not a resident of either the City or the Town. The second member shall be either a paid full time employee of the Supervisor's staff or a resident of the unincorporated area of the County served by the MBTA and not a resident of either the City or the Town.

The seventh member shall be a resident of the Morongo Basin and shall be selected by a majority of the other six members for a term of two years. The seventh member may be removed by a vote of five other board members.

A fifth alternate may be appointed by a majority of the Board to act in the absence of any of the seven Board members or their alternates.

The Governing Board shall be called the "Governing Board of the Morongo Basin Transit Authority." All voting power shall reside in the Governing Board.

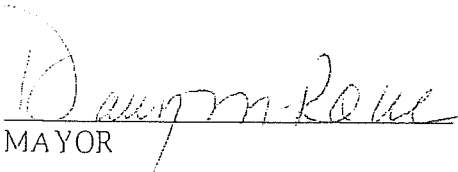
Section 2.

This amendment shall be effective upon the execution by all parties to this amendment.

Section 3.

All other terms and conditions shall remain the same.

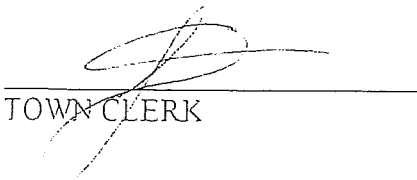
TOWN OF YUCCA VALLEY

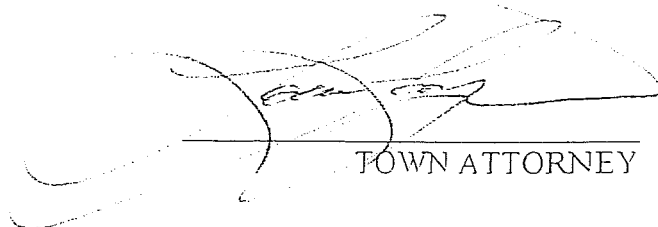

MAYOR

DATE: 3/20/12

ATTEST

APPROVED AS TO FORM:


TOWN CLERK


TOWN ATTORNEY

DATE: 3/20/12

CITY OF TWENTYNINE PALMS

MAYOR

ATTEST:

TOWN CLERK

APPROVED AS TO FORM:

DATE: _____

COUNTY OF SAN BERNARDINO

ATTEST:

CLERK OF THE BOARD OF SUPERVISORS

APPROVED AS TO FORM:

COUNTY COUNSEL

DATE: _____

TOWN COUNCIL STAFF REPORT

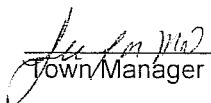
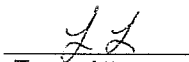

To: Honorable Mayor & Town Council
From: Alex Qishta, Project Engineer
Date: January 15, 2013
For Council Meeting: January 22, 2013

Subject: State Safe Routes to School Grant Funds (SR2S)
 Sage Avenue Improvements – Town Project No. 8320
 Award of Design Services

Prior Council Review: On March 20, 2012, the Town Council authorized staff to submit a Safe Routes to School (SR2S) grant application, and directed staff to return with a budget amendment appropriating \$50,000 from Fund 516, LTF, to provide the necessary 10% match requirement if the grant application was successful. On July 17, 2012, the Town Council accepted the SR2S grant funds in the amount of \$399,800; authorized staff to proceed with all phases of the project, including submittal of the Request for Allocation to Caltrans; authorized staff to release a Request For Proposal (RFQ/RFP) from qualified consultants for the design, plans, specifications, and cost estimates for the Project following necessary Caltrans approvals; and approved and authorized the Town Manager as the designated signatory for the SR2S program

Recommendation: That the Town Council awards a contract for professional design services to Minagar & Associates, Inc., for the design of the Sage Avenue Improvements and replacement of outdated radar speed indication signs at three other school sites, including the preparation of bid ready construction documents in the amount of \$46,317.00, and authorizing the Town Manager, Town Attorney, and the Mayor to sign all necessary documents to complete the project:

Executive Summary: The California Department of Transportation has issued a call for projects for the State legislated Safe Routes to School (SR2S) Program Cycle 10 funding. The program provides funding for capital projects that improve safety for children in grades K-12 who walk or bicycle to school and through infrastructure projects that incorporate education, encouragement, and enforcement activities that are intended to change community behavior and attitudes to increase the number of children walking or bicycling to school. The Town was successful in obtain a State Safe Routes to School Grant (SR2S). State standards require competitive bidding for the expenditure of SR2S funds. The design and preparation of Plans, Specifications, and Estimates (PS&E) is the first step in the process.

Reviewed By:	 Town Manager	 Town Attorney	 Mgmt Services	SRS Dept Head
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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input 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

Order of Procedure:

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

Discussion: The recommended action will result in the preparation of bid ready construction documents for improvements on Sage Avenue including sidewalks, curb and gutter between Onaga Trail and SR 62. If warranted, pedestrian crossing improvements may be designed at the intersection of Pueblo Trail and Sage Avenue. Additionally, the necessary design and plans for the replacement of outdated speed signs at Yucca Valley Elementary School, Onaga Elementary School, and La Contenta Middle School is included in the scope. The electronic components of the existing radar speed signs are outdated and replacement components are no longer available.

On October 29, 2012, staff received an authorization from Caltrans to proceed with design and construction of the SR2S Project. Funds cannot be expended until supplemental agreements have been approved.

Prior to commencing construction of public facilities, plans and specifications must be prepared for the public works project bidding and construction process. The Town released a Request for Proposal for professional services to complete the SR2S design.

The Town received proposals in response to the RFQ/RFP from the six firms listed below.

- Lin Consulting, Inc., Diamond Bar
- Harris and Associates, Cathedral City
- Madole and Associates, Inc., Upland
- Minagar and Associates, Inc., Irvine
- Ludwig Engineering Associates , Inc., San Bernardino
- RBF Consulting, Palm Desert.

An independent evaluation of the experience and qualifications of the firms was performed by staff which included the Deputy Town Manager, the Public Works Inspector, the Street Maintenance Supervisor, and the Project Engineer. The Town review committee identified three (3) finalists and performed interviews with the following firms.

- Minagar and Associates, Inc. Irvine
- Harris and Associates, Cathedral City
- Lin Consulting, Inc. Diamond Bar

While the qualifications of all firms were impressive, there was consensus that the experience and qualifications of Minagar and Associates was best suited for the project.

Alternatives: Staff recommends no alternative actions. Formal bidding procedures are required by the Caltrans for SR2S Funds.

Fiscal impact: A total of \$449,800.00 in SR2S and Town funds are appropriated in the FY 2011/2012 Budget for the project. The Minagar and Associates fee proposal for these services is \$46,317.

Attachments: Consultant Proposal
 Consultant Fees
 Caltrans Letter approving the design and construction of project
 Draft Agreement



MINAGAR & ASSOCIATES, INC.

ITS – Traffic/Civil Engineering – Transportation Planning – CEM Consultants

August 30, 2012

Mr. Alex Qishta, PE
Project Engineer
Community Deve. Dept./Engineering Division
Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284



Re: "RFP: Professional Civil Engineering Design Services for the Town of Yucca Valley's Safe Routes to School "SR2S" for State Cycle No. 10 Project – Yucca Valley HS

Dear Mr. Qishta:

On behalf of **Minagar and Associates, Inc.**, I would like to take this opportunity to present to you our SOQ and Technical Proposal for providing the following specialized services:

- **Traffic Engineering, Traffic Signal Design Modification, Field Surveying Services**
- **Signing & Striping Plans for Traffic Signals & Bike Lanes**
- **PS&E Services for SR2S, State (Caltrans) Program**
- **Environmental, Construction Support Services**

We recognize the importance of these services to the Town of Yucca Valley, and most of all to those residents, school children & commuters who will benefit greatly from the successful implementation of these services.

- We understand the Town of Yucca Valley & the State SR2S complex traffic management needs.
- We have been responsible for over 350 Traffic Engineering/Signal Design & ITS projects in 16 states including 76 cities, 11 counties, Caltrans Districts: 7, 8, 10, 11, 12 & HQ, & SCAG in CA.
- Minagar & Associates, Inc. is a *Local So Cal Firm with National Experience and International Exposure* based in Irvine, CA. Since 1993 the firm has completed over:
 - 77 PS&E Projects including Numerous SR2S/SRTS & HSIP Projects
 - 232 Traffic Signal Design Projects
 - 24 Traffic Signal Inspection & Traffic Control Plans (TCP) Projects
 - Over 85% of the company's projects are from repeat and referral clients.
- There will be no learning curve for Minagar & Associates, Inc. with the City of Yucca Valley's project, since we are very familiar with the HSIP, SR2S/SRTS programs by being the Consultant for numerous projects including 4 most recent Federal HSIP and State (SR2S) projects for the City of Coachella & Caltrans D-8 and City of Burbank.
- It is anticipated that the project to be completed in less than 6 months from the NTP.
- There will be no exceptions to the proposed project
- A copy of our proposed cost has been enclosed in a separate sealed envelope.
- The proposed fees are Maximum Not-to-Exceed.

Please feel free to contact me, I may be contacted at (949)727-3399, Ext 2#.

Thank you.

Sincerely,

MINAGAR & ASSOCIATES, INC.

Fred Minagar, MS, PE, FITE
President/Proposed Town of Yucca Valley Project Manager





PROPOSAL

Professional Civil Engineering Design Services for the Town of Yucca Valley's Safe Routes to School (SR2S) Improvement Project: Yucca Valley HS

SR2S Cycle No. 10 — Town Project No. 8320



Project Approach

The following contains our understanding of the Town's Safe Routes to School project, along with our proposed project approach and work plan.

Project Understanding - The Town of Yucca Valley was recently granted State funding for additional phases of its *Safe Routes to School (SR2S)* program. The programmed funding for Cycle 10 includes various improvements in the public right-of-way for Yucca Valley High School, and replacing radar speed feedback signs at Onaga and Yucca Elementary Schools, and La Contenta Middle School. This project phase of the Town's SR2S program includes Safe Routes improvements for Yucca Valley HS along Sage Avenue, between Onaga Trail on the south and Yucca Trail and SR-62 on the north. The project will provide new sidewalks, curb and gutter, ADA curb ramps, signing and striping, and pedestrian crossing signal improvements on the west and east sides of Sage Avenue.

This project will consist of preparing and delivering a full PS&E (Plans, Specifications and Estimates) package for the proposed SR2S improvements, and providing bid and advertisement services during the contractor selection period. Our team will accomplish the required tasks by providing the Town of Yucca Valley with the following range of professional services over the course of the project:

- Field data collection:
 - Existing plans review;
 - Field utility verifications;
 - Land surveying for elevation points and flow lines;
- Preparation of Plans, Specifications & Estimates (PS&E):
 - For sidewalk, pedestrian ramp, curb and gutter, signing and striping, and traffic signal improvements, prepare the necessary SR2S items for the PS&E package:
 - Design plans, profiles and details;
 - Project specifications and special provisions;
 - Engineer's cost estimate and bid schedule
- Bid/Advertisement Services
 - Traffic Control Plan (TCP);
 - Responses to Requests for Information (RFI); and
 - Coordination with Caltrans;

Project Team

Our team consists of **Minagar & Associates, Inc.** as the prime consultant, and **Coast Surveying, Inc.** as its subcontractor. As the proposed registered engineer of record, Minagar & Associates, Inc. shall provide the Town with project management, engineering and design, Caltrans coordination, PS&E preparation and bid/advertisement services for the project. Coast Surveying shall supplement our team to provide professional land surveying services. The project is anticipated to last a total of six (6) months from the notice to proceed (NTP) to final submittal of deliverables, including Town review of project items during each task. Our proposed engineering design team is provided as follows:



MINAGAR & ASSOCIATES, INC.



1



PROPOSAL

Professional Civil Engineering Design Services for the Town of Yucca Valley's Safe Routes to School (SR2S) Improvement Project: Yucca Valley HS

SR2S Cycle No. 10 — Town Project No. 8320



Minagar & Associates, Inc. Engineering Design Team	FRED MINAGAR MS, PE, PITE	ARIAN ABRISHAMI BSEE, PE, PMP	HENRY TRINH BSEE	TONY MINEGAR ASME	TRI PHAM ASEE, EE	GREG GARCES	CALVIN YOSHITAKE PLS	RUEL DEL CASTILLO PLS	KENNETH KASBOHM PLS
Years of Professional Experience	29	24	14	14	28	5	38	46	35
Availability	90%	75%	80%	95%	85%	80%	80%	70%	70%
ENGINEERING DESIGN TASKS									
RESPONSIBILITY & AVAILABILITY									
0 - PROJECT MANAGEMENT									
Meetings, Day-to-Day Management, Progress Reports	X						X		
1 - SITE REVIEW									
Review proposed improvements with the Town	X								
Conduct visual site observations and measurements		X		X		X	X	X	X
2 - UTILITIES RESEARCH & DATA COLLECTION									
Obtain existing traffic signal as-builts from the Town				X					
Obtain utility/grading plans from the Town				X					
Conduct Formal Surveys and Develop Inventories							X	X	X
3 - ENVIRONMENTAL DOCUMENTATION									
Collect existing data/environmental documentation				X		X			X
Prepare CEE Report for Caltrans	X					X			
4 - PREPARE PS&E PACKAGE									
Prepare design plans/profiles for SW, ramps and C&G	X		X			X			
Prepare signal design and signing/stripping plans		X	X		X				
Prepare engineer's cost estimates & quantities	X				X	X			
Prepare technical specifications & provisions		X				X			
5 - BID/ADVERTISEMENT SUPPORT SERVICES									
Assist with bid schedule development	X					X			
Prepare "Proceed With Construction" package	X								
Prepare traffic control plans (TCP)			X		X				
Respond to RFIs	X	X							
Assist review of prospective contractors' proposals	X								

Minagar & Associates, Inc. is a professional Traffic Engineering, Transportation Planning and Intelligent Transportation Systems (ITS) firm based in Irvine, CA. Since its inception in 1993, over 19 years ago, the firm has completed hundreds of traffic engineering, transportation planning, ITS, traffic control plan (TCP), construction engineering management (CEM) in over 16 states. Clients have included numerous cities and countywide agencies in the Counties of San Bernardino and Riverside, Caltrans, as well as 9 other Counties & 76 Cities in California alone. Minagar & Associates, Inc. recently completed the design and full PS&E delivery for a Safe Routes to School (SR2S) project for Caltrans D8 the City of Coachella in Riverside County, as well as a Highway Safety Improvements Project with similar sidewalk, curb and gutter and traffic signal elements for the City of Burbank. The firm is recipient to numerous, local, regional, state, national as well as international awards which no other proposing team for the Town of Yucca Valley has achieved, including:



- ☛ Cal-EPA/California Air Resources Board's 2012 Cool California Climate Leader Award;
- ☛ ASCE's Outstanding Private Sector Civil Engineering Project in Metropolitan L.A.;
- ☛ Caltrans' Excellence in Transportation Award;
- ☛ APWA's Award for Best Traffic Congestion Mitigation Project of the Year in Southern CA; and
- ☛ CA-ITS' Award of Excellence for the Best California Return on Investment.





MINAGAR & ASSOCIATES, INC.

19 Years of Excellence









PROPOSAL

Professional Civil Engineering Design Services for the Town of Yucca Valley's Safe Routes to School (SR2S) Improvement Project: Yucca Valley HS



SR2S Cycle No. 10 — Town Project No. 8320

Coast Surveying, Inc. is a Certified DBE/SBE/MBE firm specializing in surveying, mapping, aerial photogrammetry and Right-of-Way mapping. Clients consist of 98% public agencies, including Caltrans DB, RCTC, SCAG; MWD, U.S. Army Corp of Engineers; and numerous cities throughout the Inland Empire and Southern California. Coast performs all aspects of land surveying and mapping, including:

- GPS, Vert/Horiz. Control Surveys, Topographic Surveys, AutoCAD/Microstation data;
• Design Surveys, Railroad Surveying, Laser Scanning, Aerial Photogrammetric Mapping;
• Digital Terrain Modeling, Digital Orthophotos, Oblique Aerial Photos;
• Hydrographic Surveys, Constraint Maps, Review of Title Reports;
• Survey Research, Parcel Maps, Right-of-Way and Boundary Surveys and Mapping,
• Tract Maps, Lot Line Adjustments, Legal Descriptions, Parcel Plats, Map Checking, Construction Staking, As-Built Surveys, Earthwork Volumes, and various other services.

Work Plan

Our proposed work plan for the Town's SR2S project includes the following tasks:

TASK 1 – SITE REVIEW

1.1 Review Proposed SR2S Improvements. Our first task will be to review the proposed improvements which have been identified by the Town along Sage Avenue. We will first look at what improvements the Town desires to fund and construct as part of this phase of its SR2S program. Although the RFP discusses pedestrian signal improvements, the Town's attached project map does not identify the location or extent of these improvements. Therefore, we will review the existing Safe Routes to School system and coordinate with Town staff to determine which items will be included and/or eliminated from consideration. As a preliminary assessment measure, we have already reviewed the project to understand the localized needs of Yucca Valley High School and surrounding neighborhood.

TASK 2 – UTILITIES RESEARCH & DATA COLLECTION

2.1 Perform research of records. Our second major task will begin with conducting a research of records pertinent to the project, including:

- Obtaining the Town's existing record drawing plans, including utilities, grading plans, as-builts, project schematics, topo-maps, etc.;
• Research overhead and underground utility companies information—sewer, water, gas, electrical, etc.— currently running through the project area;
• Review the collected data from the Town to identify, locate, and accurately lay out all the existing facilities and right-of-way within project limits as related to the Town's proposed SR2S improvements:

2.1 Conduct formal surveys and perform physical infrastructure inventory. Our staff will work with Coast Surveying, Inc. to conduct an on-site review along the Sage Avenue project route—including measurement of the Town's existing surface, elevations, and physical infrastructure—in order to properly identify/verify the existing physical site conditions. The data will be included as a backbone to the design plans. Site survey will include such items as:





PROPOSAL

Professional Civil Engineering Design Services for the Town of Yucca Valley's Safe Routes to School (SR2S) Improvement Project: Yucca Valley HS

SR2S Cycle No. 10 — Town Project No. 8320



- ☛ Existing sidewalks and unpaved roadside areas: Location surveys (new sidewalks along Sage Avenue must meet the latest ADA requirements), cross slopes, existing gutter slopes, presence of residential AC driveways or fixed objects in the proposed walkway (e.g., hydrants, signs, AC or dirt berms/dikes, etc.), existing running slopes, total survey of existing conditions at the natural wash crossing on Sage Avenue; drainage considerations and identification of any existing valve covers which may need to be relocated or adjusted to the proposed grade;
- ☛ Adequacy of existing signage with respect to the proposed improvements, lateral and longitudinal placements near the roadway, appropriate retro-reflectivity conditions, any need to add or replace signs due to updated CA-MUTCD practice, and the availability on existing posts and poles to include new SR2S-related signs;
- ☛ Electrical/Lighting: Location of nearby electrical utilities (e.g., underground pull boxes and lines near the roadway, power poles, risers and overhead lines, etc.), viability to connect to existing electrical conduit for pedestrian signal improvements and/or feasibility of deploying solar-powered SCHOOL warning sign equipment/beacons;

TASK 3 – ENVIRONMENTAL DOCUMENTS

3.1 Preparation of environmental documents. Based on our previously completed Safe Routes to School (SR2S) and similar HSIP pedestrian improvement projects, we concur with the Town that this project will qualify under CEQA/NEPA Categorical Exemption/Exclusion. Our evaluation will include an assessment of any "worst-case" potential impacts resulting from the project, including the impact of the existing natural drain wash in the project vicinity, and any temporary construction/lane closure impacts. The analysis will be followed by the preparation and submittal of the Categorical Exclusion Evaluation (CEE) Report to the Town of Yucca Valley for subsequent Caltrans review, along with any other applicable documentation justifying the CE/CE determination. As requested per Caltrans' review comments, we will promptly provide any further environmental analysis services or additional documentation to the Town for final environmental clearance approval, including items pertinent to project constructability, safety, right-of-way constraints, and potential utility conflicts.

TASK 4 – PREPARATION OF CONSTRUCTION PS&E PACKAGE

Based upon Task 2 field data collection, we will prepare plan- and profile-view design plans for the Town's improvements to the built environment. All of our design plans we will prepared using our latest AutoCAD drafting software, and provide all information needed for bidding and construction per the Caltrans' and the Town's adopted standards. Specifications, special provisions and engineer's cost estimates shall also be prepared as part of the plans, and signed and sealed by Mr. Minagar as the California Registered Civil engineer of record. The Plans will reflect both existing and proposed construction conditions, and consider the design needs of the project, including special pedestrian access requirements within the vicinity of the trapezoidal earthen channel crossing across Sage Avenue.

PROJECT MANAGEMENT AND BID/ADVERTISEMENT SUPPORT SERVICES

Following the approved submittal of the final (100 percent) PS&E package—including signed and sealed mylars to the Town—we will proceed with providing the Town bid administration services to move the project into the construction phase. We will develop and manage a bid schedule for the Town to approve on a tentative basis, which will be updated throughout the bid process. We will then prepare



MINAGAR & ASSOCIATES, INC.





PROPOSAL

Professional Civil Engineering Design Services for the Town of Yucca Valley's Safe Routes to School (SR2S) Improvement Project: Yucca Valley HS

SR2S Cycle No. 10 — Town Project No. 8320



the RFA package to Proceed With Construction, then respond to Requests for Information (RFIs) and finally assist the Town in organizing and scoring construction bidders' proposal packages for the final contract award. In addition, our team will also prepare Traffic Control Plans (TCP) for the project construction and staging phase. We are providing our Project Manager, Fred Minagar, MS, PE, RCE, FITE to attend any project bid-related meetings with the Town as necessary.

Day-to-day project management and Meetings - Fred Minagar, MS, RCE, PE, FITE, and President of Minagar & Associates, Inc. shall serve as Project Manager for day-to-day project management. Fred will communicate with Town staff and its project manager, Mr. Alex Qisha, PE, to keep the agency abreast of our progress during the field surveys, PS&E package preparation, and development of Caltrans' CE/CE supporting environmental documentation. Fred will also be the Town's focal contact for providing status updates, coordinating any right-of-way or approvals with Caltrans, managing field staff during the project, and providing the Town with clear notification on issues that may cause impedance on project delivery. Mr. Minagar shall also attend all meetings as required by the Town, including a kick-off meeting to refine project specifics, and pre-construction bid meetings prior to the award of the construction contract.

Progress Reports and Schedule Tracking – Throughout the design, bidding and construction phases, we will provide the Town with an updated project schedule and report on our progress. We are proposing to manage the PS&E package deliverables at 80, 95 and 100 percent.

Project Schedule

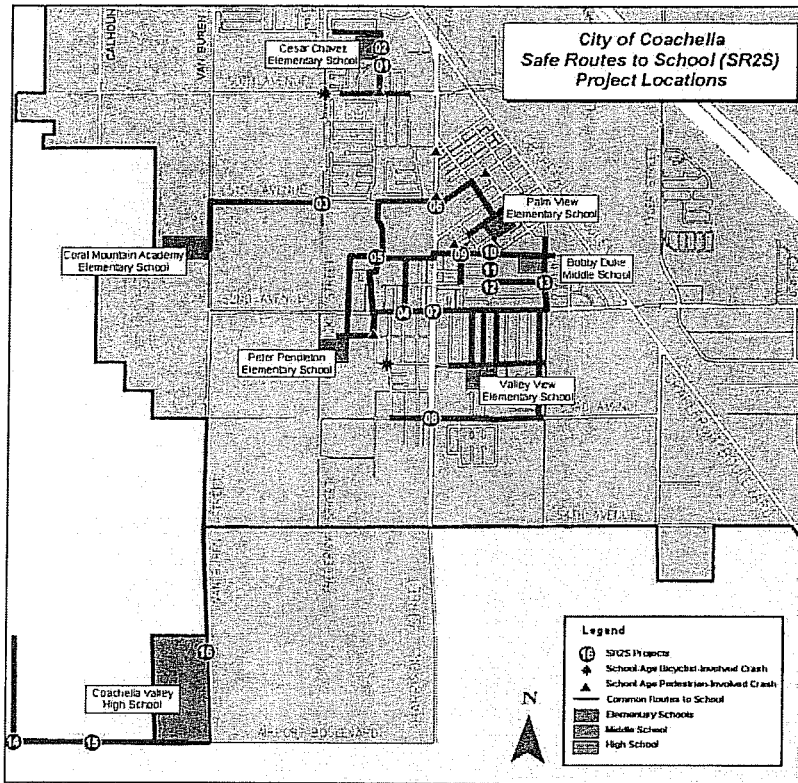
- Total Duration: 6 Months (anticipated NTP ~10/1/12)
Environmental documentation: 10/2/12 - 10/17/12
Project plans: 10/15/12 - 1/11/13
Project specifications (concurrent): 11/05/12 - 11/30/12
Preparation of bid package: 01/21/13
R/W certification and encroachment permits (if required):
Project Advertisement: 02/11/13 – 03/11/13
Project Close-out: Mid-March 2013

Our team hereby agrees to the Town of Yucca Valley's standard agreement and proposes no exceptions to the scope of work required in the latest released RFP and addenda. Neither Minagar & Associates, Inc. nor Coast Surveying, Inc. as individual entities or as a unified consultant team, possesses any adverse client relationships or other which would constitute a conflict of interest for this project.



MINAGAR & ASSOCIATES, INC.





LOCATION

→ Coachella, Riverside County, California

SCOPE OF WORK

- **Preparing PS & E Documents**
 - 3 Signalized Intersections
 - 13 Unsignalized Intersections
 - 7 Schools (Elementary/Middle/High)
- **Civil Engineering**
 - 8 Bulb-outs/Curb Extensions
 - 5 Pedestrian Refuge Island Medians
 - Storm Drain/Catch Basin Design
 - Sidewalks, Driveways, Curb & Gutter
 - Decomposed Granite (DG) Paths
 - Bollards/Guard Posts
 - ADA Compliant Curb Ramps with High Visibility Truncated Dome Detectable Warning Surfaces
- **Traffic Engineering**
 - In-Street Pedestrian Crossings
 - SCHOOL Sign Assemblies A/B/C/D
 - Zebra-striped Thermoplastic X-Walks
 - Advance Stop Bars/Limit Lines
 - Yield Lines and Signage
 - Painted median hatching
 - SLOW-SCHOOL-XING markings
 - RPMs and Caltrans Std. Lane Striping
- **Electrical Engineering**
 - Countdown Pedestrian Signal Heads
 - Audible/Accessible Pedestrian Signals
 - PUFFIN Pedestrian Crossing Signals
 - Rapid-Flash LED Pedestrian Beacons
 - Overhead Crosswalk Task Lighting
- **Environmental Services**

CLIENT

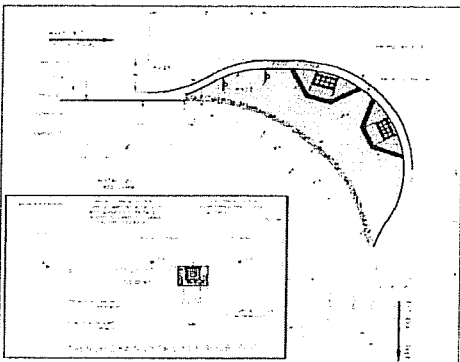
City of Coachella
 Mark Chappell, PE, Project Manager
 1515 Sixth Street, Coachella, CA 92236
 (760) 398-5744

FUNDING AGENCY

→ **Caltrans D-8**
 Savat Khamphou
 464 West Fourth Street, 6th Floor, M760
 San Bernardino CA 92401-1400
 (909) 383-8368 / (909) 383-4030
savat.khamphou@dot.ca.gov

CONSTRUCTION COST

→ \$490,000



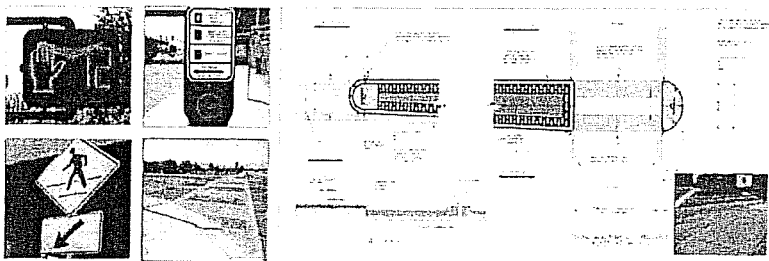
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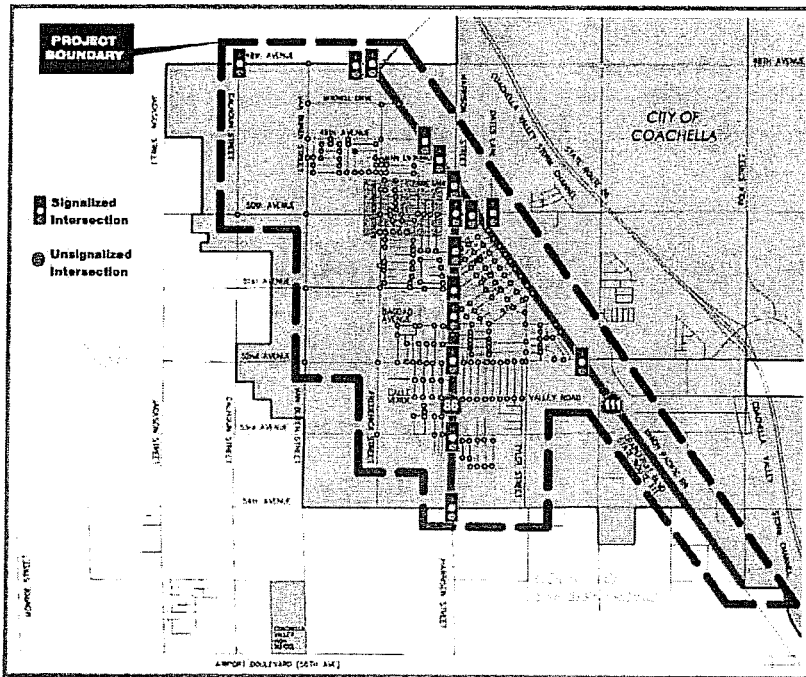


Safe Routes to School (SR2S) Project for the City of Coachella, County of Riverside & Caltrans District 8

→ **PS&E and CEM for Traffic Signal, Streetscape, Signing & Striping Improvements**

PROJECT DESCRIPTION - Minagar & Associates, Inc. prepared a complete PS&E package for the City of Coachella and Caltrans District 8 for the City's Safe Routes to School (SR2S) Cycle 8 Project, which included traffic signal, streetscape, and signing & striping improvements for 7 elementary/middle/high schools in the City of Coachella and Riverside County at 16 signalized and unsignalized intersections. The project included design, preparation of construction cost estimates and provisions for technical specifications for a range of roadway improvements at various locations, including: bulb-out retrofitting and pedestrian refuge islands to enhance pedestrian safety by providing safe zones for crossing school children and reducing the crosswalk distance between corners; catch basin and trench drain design related to the above curb extensions to address drainage issues; high-visibility SCHOOL signage and zebra-type striping to increase driver awareness of school zones and downstream school crossings, PUFFIN signals and audible pedestrian signals (APS) to improve the accessibility of crossings at signalized intersections, and other ADA-compliant civil improvements.



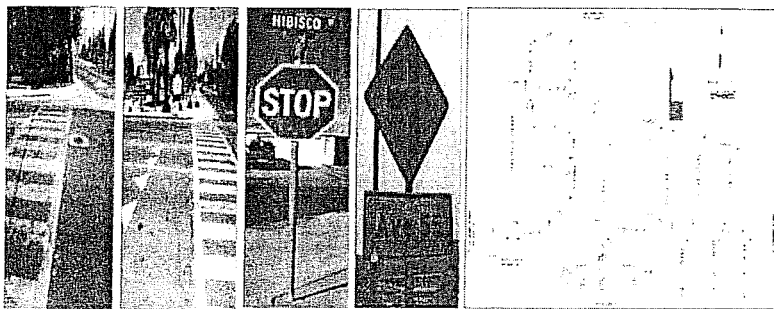


86 Highway Safety Improvement Program (HSIP) Project for the City of Coachella & Caltrans District 8
111 Federal Project No. HSIP-5294(006)

➔ PS&E and CEM for Citywide Traffic Control Device, Street Name Sign and Signing & Striping Upgrades

PROJECT DESCRIPTION - Minagar & Associates, Inc. prepared a complete PS&E package for the City of Coachella and Caltrans District 8 for the City's Highway Safety Improvement Program (HSIP) Cycle 2 Project. The project included 648 upgraded street name signs at approximately 160 unsignalized intersections; twenty-four (24) 6- and 8-foot overhead LED Internally-Illuminated Street Name Signs (IISNS) at 6 signalized intersections on SR-86; 224 regulatory, warning and guide signs on Harrison Street (SR-86) and Grapefruit Boulevard (SR-111); 13,933 LF of thermoplastic traffic striping; 757 raised pavement markers (RPMs); and 9,625 SF of thermoplastic pavement markings at 27 intersections.

The proposed upgrades were designed to conform with the most recent Manual on Uniform Traffic Control Devices in the State of California (2010 edition of CA-MUTCD). The project included preparing a Preliminary Environmental Study (PES) for Caltrans Review with NEPA/CEQA CE/CE environmental clearance documentation, preparing signing and striping plans, construction cost estimates and quantities, providing technical specifications and providing construction engineering management and inspection services.



LOCATION

➔ Coachella, Riverside County, California

SCOPE OF WORK

- ➔ Preparing PS & E Documents
 - 6 Signalized Intersections
 - 160 Unsignalized Intersections

➔ Traffic Engineering

Signage:

- 648 post-mounted Street Name Signs (SNS)
- 24 Internally-Illuminated SNS
- 224 Regulatory, Warning & Guide Signs and Object Markers

Striping:

- 4" and 8" Yellow/White Thermoplastic Traffic Stripes
- Types "D", "G" and "H" RPMs
- 12" Yellow/White Crosswalk, Limit Line, Chevron, Zebra and Ladder-style Thermoplastic Pavement Markings
- Thermoplastic Arrow Pavement Markings
- Stop Legend Pavement Markings

➔ Environmental Services

- Preliminary Environmental Study (PES)
- NEPA/CEQA (CE/CE) Clearance

➔ Bid Administration Services

- Request for Authorization (RFA) Package
- Contract Administration Checklist

CLIENT

City of Coachella
 Mark Chappell, PE, Project Manager
 1515 Sixth Street, Coachella, CA 92236
 (760) 398-5744



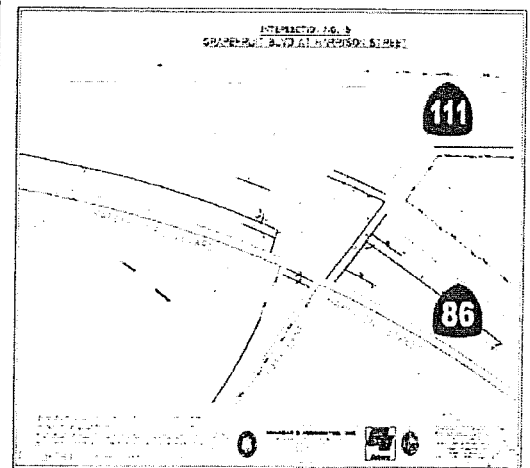
FUNDING AGENCY

➔ Caltrans D-8
 Savat Khamphou
 464 West Fourth Street, 6th Floor, M760 District 8
 San Bernardino CA 92401-1400
 (909) 383-8368 / (909) 383-4030
savat.khamphou@dot.ca.gov



CONSTRUCTION COST

➔ \$500,000



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EXHIBITS B & C

MANHOURS & LEVELS OF EFFORTS ESTIMATES
 City of Yucca Valley's Engineering Design Services
 SAFE ROUTE TO SCHOOL (SR2S) Cycle 10(2012)

MINAGAR & ASSOCIATES, INC.

TASK AND DESCRIPTION	PM	PE	AE	CM	SD	WP	DIRECT COST*	TOTAL
1 & 2 Site Review/Utility Research & Data Collection	6	6	30	0	10	4	\$400	\$5,099
3 Environmental Documentation	1	1	6	0	1	1	\$300	\$1,062
4 Plan Preparation (50%, 90%, 100% & Final Mylar) PS&E	35	44	102	0	132	4	\$600	\$34,128
5 Provide Bidding Services/Construction Support Services/As-built	16	4	6	12	5	5	\$500	\$6,027
Total Hours	58	55	144	12	148	14		
Hourly Rate	\$160.70	\$155.36	\$48.32	\$105.18	\$121.20	\$35.27	\$0	
Total Labor Cost (\$)	\$9,321	\$8,545	\$6,958	\$1,262	\$17,938	\$494	\$1,800	\$46,317
TOTAL COST								\$46,317

PM Project Manager
 Senior Designer

PE Project Engineer
 Word Processor/Support

AE Assistant Engineer
 CM Construction Support

8/30/2012

DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
1120 N STREET
P.O. BOX 942874, MS# 1
Sacramento, CA 94274-0001
TTY 711
(916) 654-3151
Fax (916) 653-7621



October 29, 2012

File : 08-SBD-0-YUCV

SR2SL-5466(020)

Sage Ave. from Onaga Trail to
Yucca Trail, Onaga Trail from Hilton
Ave. to Balsa Ave, Onaga Trail from

Mr. Joseph Glowitz
Director of Public Works
Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284

Attn: Mr. Alex Qishta

Dear Mr. Glowitz:

Your letter dated October 09, 2012, requested an allocation of State funds from the Safe Routes to Schools Program (SR2S) for the Town of Yucca Valley's Safe Routes to Schools project. The State hereby makes the allocation in the amount of \$399,800.00 of State funds for all phases of this project effective October 22, 2012. You may now proceed with the project. Any work performed after this date will be eligible for reimbursement.

This Office will soon send you a Program Supplement Agreement along with a State-only Master Agreement for execution. Please do not submit invoices for this project until the two agreements are fully executed by both you and the State.

The project award information should be submitted to the District Local Assistance Engineer (DLAE) immediately after award of the construction contract. An Award Information sheet needs to be included with your first invoice for reimbursement.

If you have any questions, please contact your District Local Assistance Engineer.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Louie".

for BARRY LEAMING, Chief
Office of Project Implementation - South
Division of Local Assistance

c: DLA AE Project Files
(08) DLAE - Sean Yeung (Acting)
Local Program Accounting
Dawn Foster

RECEIVED

NOV 05 2012

TOWN OF YUCCA VALLEY
PUBLIC WORKS



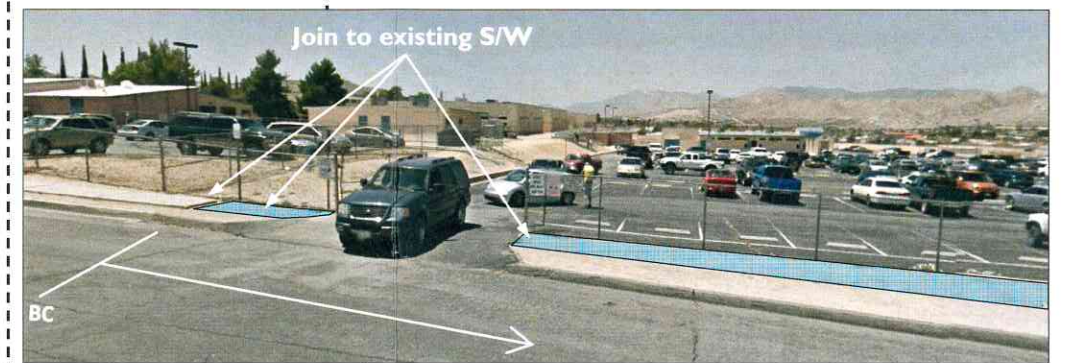
Proposed sidewalk/C&G shall connect to and match the existing sidewalk along the east side of the existing retail center, at the southeast corner, to a full 60" width.



Existing unpaved roadside north of the natural drain wash crossing on Sage Avenue near Pueblo Trail. Elevation points to be provided from existing plans and new land surveys conducted in the field.



Proposed sidewalk will have a gap with transitions at the existing north AC driveway on the northernmost YVHS parking lot, located adjacent to the fields.



Existing 48" sidewalk on the west side of Sage Avenue terminates just before the south driveway of the northernmost YVHS parking lot. The proposed 2,675' LF of sidewalk/shall begin from this point and proceed to the north along the west side of Sage Avenue toward Route 62.



Due to the lack of residential or commercial property on the west side of Sage Avenue, it is expected that a pedestrian easement for the new sidewalk and C&G on this side will not be required. Most of the existing unpaved roadside north of YVHS is already clear of physical obstructions.



Our proposed alternative would involve the design of a raised concrete sidewalk over the existing TEC crossings on each side of Sage Avenue. The slightly elevated pathway would allow the natural drain wash to continue to flow over the street. Caltrans cable railing would also be installed for fall protection along the sidewalk length.



Existing unpaved roadside between the two driveways on the northernmost YVHS parking lot. The proposed sidewalk alignment will meander slightly toward the travel-way until it is adjacent to the existing curb.



PROJECT MAP—Street improvements on west side of Sage Avenue
Town of Yucca Valley's Safe Route to School (SR2S Cycle 10) Project No. 8320



MINAGAR & ASSOCIATES, INC.





SEC of Sage Avenue at Jamie Ann Lane. Full width of sidewalk to be constructed/completed from existing pedestrian walkway to curb.



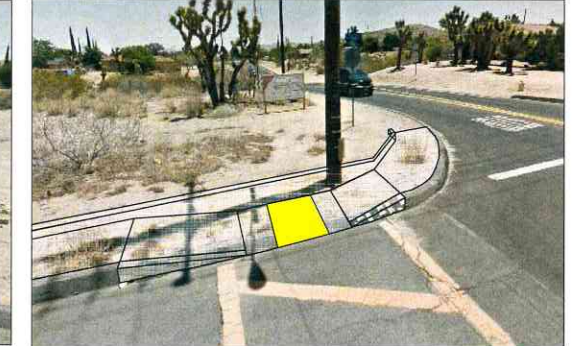
350' south of warehouse parking lot. Proposed sidewalk/curb construction to require clearing and grubbing of roadside in certain areas with Yucca trees and shrubs.



SEC of Sage Avenue at Pueblo Trail. Sidewalk and returns to be constructed along Sage, and corners terminating at ECR on Pueblo. Design requires protection of existing hydrants.



Across the street from central YVHS parking lot on Sage. Proposed sidewalk will have gaps where there is existing residential access. Budget pending existing AC dikes and driveways may be demoed and rebuilt along with sidewalks for a continuous concrete pedestrian path.



SEC of Sage Avenue and Onaga Trail. Proposed sidewalk should begin at BCR on Onaga. A new curb ramp and ADA features would also be provided in the design at the location shown above.



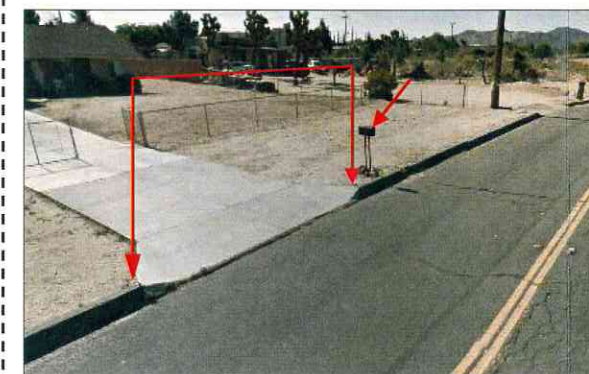
NEC of Sage Avenue at Jamie Ann Lane. Full width of sidewalk to be constructed with ramps at Jamie Ann. Some relocation of signage may be required from the alleyway to Yucca Trail with utility protection.



SWC of shopping center at back warehouse parking lot. Proposed sidewalk/C&G shall connect to the existing sidewalk at full 60" width.



NEC of Sage Avenue at Pueblo Trail. Proposed sidewalk will be constructed alongside the existing berm. NEC return terminates at BCR on Pueblo. Some signage relocation may be required.



Existing residence on Sage Avenue just north of the wash crossing. Protect existing concrete driveways in place; join the proposed sidewalk to existing driveway aprons. Mailboxes shall be temporarily removed during construction.



On-street parking on Sage Avenue just north of Onaga Trail. Street improvement design will require that existing brush be removed and several roadside signs within 5' of the curb.



PROJECT MAP—Street improvements on east side of Sage Avenue
 Town of Yucca Valley's Safe Route to School (SR2S Cycle 10) Project No. 8320



MINAGAR & ASSOCIATES, INC.

19 Years of Excellence

COAST SURVEYING, INC.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Alex Qishta, Project Engineer
Date: January 15, 2013
For Council Meeting: January 22, 2013

Subject: Resolution No. 13-
 Federal Project No. SR2SL-5466(020)
 Sage Avenue Improvements
 Caltrans District 8/Town of Yucca Valley – Administering Agency-State
 Master Agreement No. 00394S, and Program Supplement Agreement No.
 J92 Rev. 000.

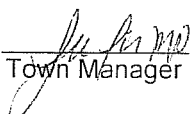
Prior Council Review: On March 20, 2012 the Town Council authorized Town staff to submit a Safe Routes to School (SR2S) grant application, and directed staff to return with a budget amendment appropriating \$50,000 from Fund 516, LTF, to provide the necessary 10% match requirement if the grant application was successful. On July 17, 2012, the Town Council accepted the SR2S grant funds in the amount of \$399,800, authorized staff to proceed with all phases of the project, including submittal of the Request for Allocation to Caltrans, authorized staff to release a Request For Proposal (RFQ/RFP) from qualified consultants for the design, plans, specifications, and cost estimates for the Project following necessary Caltrans approvals, and approved and authorized the Town Manager as the designated signatory for the SR2S program.

Recommendation: That the Town Council adopts the Resolution, approving the Administering Agency-State Master Agreement No. 00394S, and the Program Supplemental Agreement No. J92 Rev. 000, authorizing the Town Manager to sign all necessary documents for the program.

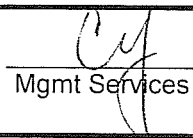
Executive Summary: The California Department of Transportation issued a call for projects for the State legislated Safe Routes to School (SR2S) Program Cycle 10 funding. The program provides funding for capital projects that improve safety for children in grades K-12 who walk or bicycle to school and through infrastructure projects that incorporate education, encouragement, and enforcement activities that are intended to change community behavior and attitudes to increase the number of children walking or bicycling to school. Caltrans notified staff that the Town SR2S Application was successful and awarded \$399,800 for infrastructure.

Caltrans District 8, Office of Local Assistance, administers all federally and state funded transportation projects within the District.

Reviewed By:


 Town Manager


 Town Attorney


 Mgmt Services

SRS
 Dept Head

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

Agreements are a necessary component of eligibility in order to access and expend those resources.

Order of Procedure:

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

Discussion: The SR2S program defines eligible projects in the following categories.

- Pedestrian Facilities
- Traffic Calming
- Bicycle Facilities
- Traffic Control Devices

The primary goals of the program are to reduce injuries and fatalities to school children and to encourage increased walking and bicycling amongst students. These goals are primarily implemented by constructing public improvements that improve and enhance safety for pedestrians and bicyclists who walk or bicycle to school.

The grant application included improvements at four school sites. These include improvements on Sage Avenue, between Onaga Trail and SR 62, consisting of sidewalks, curb, and gutter. Additionally, the application requested funds to replace 6 outdated electronic speed signs at Yucca Valley Elementary School, Onaga Elementary School, and La Contenta Middle School. The electronic components of the existing radar speed signs are outdated and replacement components are no longer available.

The Agreements are required by Caltrans in order for the Town to access the funds and construct the project(s).

Alternatives: Staff recommends no alternative action. Approval of the Agreements is necessary to obtain these federal resources.

Fiscal impact: A total of \$ 399,800.00 in State Safe Route to School Program funds is authorized for this project. The Town Council previously appropriated the Town's required \$50,000 match.

Attachments: Resolution No. 13-
Master Agreement No. 00394S, and Program Supplement
agreement No. J92 Rev. 000

RESOLUTION NO. 13-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PROGRAM MASTER AGREEMENT NO.00394S, AND PROGRAM SUPPLEMENTAL AGREEMENT NO. J92 REV.000 FOR THE SAFE ROUTES TO SCHOOL PROJECT AND APPROVING AUTHORIZED SIGNATORS TO ALL NECESSARY AGREEMENTS AND DOCUMENTS

WHEREAS, the Town of Yucca Valley received an allocation of Safe Routes to School funds for education, encouragement and enforcement; and

WHEREAS, the Town desires to proceed with the program; and

WHEREAS, the Town is required to enter into agreements in order to access and expend the grant resources for programs and project development, design, and construction; and

WHEREAS, the Town is eligible to receive Federal and/or State funding for certain Transportation Projects, through the California Department of Transportation; and

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements need to be executed with the California Department of Transportation before such funds could be claimed; and

WHEREAS, the Town wishes to delegate authorization to execute these agreements and any amendments thereto to the Town Manager to be authorized to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto with the California Department of Transportation.

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

Section 1. The Town Council approves Master Agreement No. 00394S, and Program Supplemental Agreement No. 0J92 Rev.000.

Section 2. The Town Manager is authorized to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto with the California Department of Transportation Master Agreement No. 00394S, and Program Supplemental Agreement No. J92 Rev. 000.

APPROVED AND ADOPTED THIS 22nd DAY OF JANUARY 2013.

MAYOR

ATTEST:

TOWN CLERK

MASTER AGREEMENT
ADMINISTERING AGENCY-STATE AGREEMENT FOR
STATE-FUNDED PROJECTS

08 Town of Yucca Valley

District Administering Agency

Agreement No. 00394S

This AGREEMENT, is entered into effective this _____ day of _____, 20____, by and between the Town of Yucca Valley, hereinafter referred to as "ADMINISTERING AGENCY," and the State of California, acting by and through its Department of Transportation (Caltrans), hereinafter referred to as "STATE", and together referred to as "PARTIES" or individually as a "PARTY."

RECITALS:

1. WHEREAS, the Legislature of the State of California has enacted legislation by which certain State funds are made available for use on local transportation related projects of public entities qualified to act as recipients of these state funds; and
2. WHEREAS, ADMINISTERING AGENCY has applied to the California Transportation Commission (CTC) and/or STATE for funding from either the State Transportation Improvement Program (STIP), or other State-funded programs (herein referred to as STATE FUNDS), as defined in the Local Assistance Program Guidelines (LAPG), for use on local authorized transportation related projects as a local administered project(s), hereinafter referred to as "PROJECT"; and
3. WHEREAS, said PROJECT will not receive any federal funds; and
4. WHEREAS, before STATE FUNDS will be made available for PROJECT, ADMINISTERING AGENCY and STATE are required to enter into an agreement to establish terms and conditions applicable to the ADMINISTERING AGENCY when receiving STATE FUNDS for a designated PROJECT facility and to the subsequent operation and maintenance of that completed facility.

NOW, THEREFORE, the PARTIES agree as follows:

ARTICLE I - PROJECT ADMINISTRATION

1. This AGREEMENT shall have no force or effect with respect to any program project unless and until a project-specific Program Supplement to this AGREEMENT for state funded projects, hereinafter referred to as "PROGRAM SUPPLEMENT", has been fully executed by both STATE and ADMINISTERING AGENCY.
2. The State approved project-specific allocation letter designate the party responsible for implementing PROJECT, type of work and location of PROJECT.
3. The PROGRAM SUPPLEMENT sets out special covenants as a condition for the ADMINISTERING AGENCY to receive STATE FUNDS from/through STATE for designated PROJECT. The PROGRAM SUPPLEMENT shall also show these STATE FUNDS that have been initially encumbered for PROJECT along with the matching funds to be provided by ADMINISTERING AGENCY and/or others. Execution of PROGRAM SUPPLEMENT by the PARTIES shall cause ADMINISTERING AGENCY to adopt all of the terms of this AGREEMENT as though fully set forth therein in the PROGRAM SUPPLEMENT. Unless otherwise expressly delegated in a resolution by the governing body of ADMINISTERING AGENCY, and with written concurrence by STATE, the PROGRAM SUPPLEMENT shall be approved and managed by the governing body of ADMINISTERING AGENCY.
4. ADMINISTERING AGENCY agrees to execute and return each project-specific PROGRAM SUPPLEMENT within ninety (90) days of receipt. The PARTIES agree that STATE may suspend future allocations, encumbrances and invoice payments for any on-going or future STATE FUNDED PROJECT performed by ADMINISTERING AGENCY if any project-specific PROGRAM SUPPLEMENT is not returned within that ninety (90) day period unless otherwise agreed by STATE in writing.
5. ADMINISTERING AGENCY further agrees, as a condition to the release and payment of STATE FUNDS encumbered for the PROJECT described in each PROGRAM SUPPLEMENT, to comply with the terms and conditions of this AGREEMENT and all of the agreed-upon Special Covenants or Remarks incorporated within the PROGRAM SUPPLEMENT, and Cooperative/Contribution Agreement where appropriate, defining and identifying the nature of the specific PROJECT.
6. STATE FUNDS will not participate in any portion of PROJECT work performed in advance of the effective date of the executed PROGRAM SUPPLEMENT for said PROJECT.
7. Projects allocated with STATE FUNDS from the STIP will be administered in accordance with the current CTC STIP Guidelines, as adopted or amended and in accordance with Chapter 23 of the Local Assistance Program Guidelines (LAPG) published by STATE.
8. Projects allocated with STATE FUNDS not programmed in the STIP will be administered in accordance with the applicable chapter of the LAPG and/or any other instructions published by STATE.
9. ADMINISTERING AGENCY's eligible costs for preliminary engineering work includes all preliminary work directly related to PROJECT up to contract award for construction, including, but not limited to, environmental studies and permits (E&P), preliminary surveys and reports, laboratory work, soil investigations, the preparation of plans, specifications and estimates (PS&E),

advertising for bids, awarding of a contract and project development contract administration.

10. ADMINISTERING AGENCY's eligible costs for construction engineering includes actual inspection and supervision of PROJECT construction work; construction staking; laboratory and field testing; and the preparation and processing of field reports, records, estimates, final reports, and allowable expenses of employees/consultants engaged in such activities.

11. Unless the PARTIES agree otherwise in writing, ADMINISTERING AGENCY's employees or its sub-contractor engineering consultant shall be responsible for all PROJECT engineering work.

12. ADMINISTERING AGENCY shall not proceed with final design of PROJECT until final environmental approval of PROJECT. Final design entails the design work necessary to complete the PS&E and other work necessary for a construction contract but not required earlier for environmental clearance of that PROJECT.

13. If PROJECT is not on STATE-owned right-of-way, PROJECT shall be constructed in accordance with Chapter 11 of the Local Assistance Procedures Manual (LAPM) that describes minimum statewide design standards for local agency streets and roads. The design standards for projects off the National Highway System (NHS) allow STATE to accept either the STATE's minimum statewide design standards or the approved geometric design standards of ADMINISTERING AGENCY. Additionally, for projects off the NHS, STATE will accept ADMINISTERING AGENCY-approved standard specifications, standard plans, materials sampling and testing quality assurance programs that meet the conditions described in the then current Local Assistance Procedures Manual.

14. If PROJECT involves work within or partially within STATE-owned right-of-way, that PROJECT shall also be subject to compliance with the policies, procedures and standards of the STATE Project Development Procedures Manual and Highway Design Manual and where appropriate, an executed cooperative agreement between STATE and ADMINISTERING AGENCY that outlines the PROJECT responsibilities and respective obligations of the PARTIES. ADMINISTERING AGENCY and its' contractors shall each obtain an encroachment permit through STATE prior to commencing any work within STATE rights of way or work which affects STATE facilities.

15. When PROJECT is not on the State Highway System (SHS) but includes work to be performed by a railroad, the contract for such work shall be prepared by ADMINISTERING AGENCY or by STATE, as the PARTIES may hereafter agree. In either event, ADMINISTERING AGENCY shall enter into an agreement with the railroad providing for future maintenance of protective devices or other facilities installed under the contract.

16. The Department of General Services, Division of the State Architect, or its designee, shall review the contract PS&E for the construction of buildings, structures, sidewalks, curbs and related facilities for accessibility and usability. ADMINISTERING AGENCY shall not award a PROJECT construction contract for these types of improvements until the State Architect has issued written approval stating that the PROJECT plans and specifications comply with the provisions of sections 4450 and 4454 of the California Government Code, if applicable. Further requirements and guidance are provided in Title 24 of the California Code of Regulations.

17. ADMINISTERING AGENCY shall provide or arrange for adequate supervision and inspection of each PROJECT. While consultants may perform supervision and inspection work for PROJECT with a fully qualified and licensed engineer, ADMINISTERING AGENCY shall provide a

full-time employee to be in responsible charge of each PROJECT.

18. Unless otherwise provided in the PROGRAM SUPPLEMENT, ADMINISTERING AGENCY shall advertise, award, and administer the PROJECT construction contract or contracts.

19. The cost of maintenance, security, or protection performed by ADMINISTERING AGENCY or contractor forces during any temporary suspension of PROJECT or at any other time may not be charged to the PROJECT.

20. ADMINISTERING AGENCY shall submit PROJECT-specific award information, using Exhibit 23-A of the LAPG, to STATE's District Local Assistance Engineer, within sixty (60) days after contract award. A copy of Exhibit 23-A shall also be included with the submittal of the first invoice for a construction contract by ADMINISTERING AGENCY to: Department of Transportation, Division of Accounting Local Programs Accounting Branch, MS #33, PO Box 942874, Sacramento, California 94274-0001.

21. ADMINISTERING AGENCY shall submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure by ADMINISTERING AGENCY to submit a "Report of Expenditures" within 180 days of project completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance Chapters 17 and 19 of the Local Assistance Procedures Manual.

22. ADMINISTERING AGENCY shall comply with the Americans with Disabilities Act (ADA) of 1990 that prohibits discrimination on the basis of disability and all applicable regulations and guidelines issued pursuant to the ADA.

23. The Governor and the Legislature of the State of California, each within their respective jurisdictions, have prescribed certain nondiscrimination requirements with respect to contract and other work financed with public funds. ADMINISTERING AGENCY agrees to comply with the requirements of the FAIR EMPLOYMENT PRACTICES ADDENDUM, attached hereto as Exhibit A and further agrees that any agreement entered into by ADMINISTERING AGENCY with a third party for performance of work connected with PROJECT shall incorporate Exhibit A (with third party's name replacing ADMINISTERING AGENCY) as parts of such agreement.

24. ADMINISTERING AGENCY shall include in all subcontracts awarded when applicable, a clause that requires each subcontractor to comply with California Labor Code requirements that all workers employed on public works aspects of any project (as defined in California Labor Code sections 1720-1815) be paid not less than the general prevailing wage rates predetermined by the Department of Industrial Relations as effective at the date of contract award by the ADMINISTERING AGENCY.

ARTICLE II - RIGHTS OF WAY

1. No contract for the construction of a STATE FUNDED PROJECT shall be awarded until all necessary rights of way have been secured. Prior to the advertising for construction of PROJECT, ADMINISTERING AGENCY shall certify and, upon request, shall furnish STATE with evidence that all necessary rights-of-way are available for construction purposes or will be available by the time of award of the construction contract.

2. The furnishing of rights of way by ADMINISTERING AGENCY as provided for herein includes, and is limited to, the following, unless the PROGRAM SUPPLEMENT provides otherwise.

(a) Expenditures to purchase all real property required for PROJECT free and clear of liens, conflicting easements, obstructions and encumbrances, after crediting PROJECT with the fair market value of any excess property retained and not disposed of by ADMINISTERING AGENCY.

(b) The cost of furnishing of right-of-way as provided for herein includes, in addition to real property required for the PROJECT, title free and clear of obstructions and encumbrances affecting PROJECT and the payment, as required by applicable law, of damages to owners of remainder real property not actually taken but injuriously affected by PROJECT.

(c) The cost of relocation payments and services provided to owners and occupants pursuant to Government Code sections 7260-7277 when PROJECT displaces an individual, family, business, farm operation or nonprofit organization.

(d) The cost of demolition and/or the sale of all improvements on the right-of-way after credit is recorded for sale proceeds used to offset PROJECT costs.

(e) The cost of all unavoidable utility relocation, protection or removal.

(f) The cost of all necessary hazardous material and hazardous waste treatment, encapsulation or removal and protective storage for which ADMINISTERING AGENCY accepts responsibility and where the actual generator cannot be identified and recovery made.

3. ADMINISTERING AGENCY agrees to indemnify and hold STATE harmless from any liability that may result in the event the right-of-way for a PROJECT, including, but not limited to, being clear as certified or if said right-of-way is found to contain hazardous materials requiring treatment or removal to remediate in accordance with Federal and State laws. ADMINISTERING AGENCY shall pay, from its own non-matching funds, any costs which arise out of delays to the construction of PROJECT because utility facilities have not been timely removed or relocated, or because rights-of-way were not available to ADMINISTERING AGENCY for the orderly prosecution of PROJECT work.

ARTICLE III - MAINTENANCE AND MANAGEMENT

1. ADMINISTERING AGENCY will maintain and operate the property acquired, developed, constructed, rehabilitated, or restored by PROJECT for its intended public use until such time as the parties might amend this AGREEMENT to otherwise provide. With the approval of STATE, ADMINISTERING AGENCY or its successors in interest in the PROJECT property may transfer this obligation and responsibility to maintain and operate PROJECT property for that intended public purpose to another public entity.

2. Upon ADMINISTERING AGENCY's acceptance of the completed construction contract or upon contractor being relieved of the responsibility for maintaining and protecting PROJECT, ADMINISTERING AGENCY will be responsible for the maintenance, ownership, liability, and the expense thereof, for PROJECT in a manner satisfactory to the authorized representatives of STATE and if PROJECT falls within the jurisdictional limits of another Agency or Agencies, it is the duty of ADMINISTERING AGENCY to facilitate a separate maintenance agreement(s) between itself and the other jurisdictional Agency or Agencies providing for the operation, maintenance, ownership and liability of PROJECT. Until those agreements are executed, ADMINISTERING AGENCY will be responsible for all PROJECT operations, maintenance, ownership and liability in a manner satisfactory to the authorized representatives of STATE. If, within ninety (90) days after receipt of notice from STATE that a PROJECT, or any portion thereof, is not being properly operated and maintained and ADMINISTERING AGENCY has not satisfactorily remedied the conditions complained of, the approval of future STATE FUNDED PROJECTS of ADMINISTERING AGENCY will be withheld until the PROJECT shall have been put in a condition of operation and maintenance satisfactory to STATE. The provisions of this section shall not apply to a PROJECT that has been vacated through due process of law with STATE's concurrence.

3. PROJECT and its facilities shall be maintained by an adequate and well-trained staff of engineers and/or such other professionals and technicians as PROJECT reasonably requires. Said operations and maintenance staff may be employees of ADMINISTERING AGENCY, another unit of government, or a contractor under agreement with ADMINISTERING AGENCY. All maintenance will be performed at regular intervals or as required for efficient operation of the complete PROJECT improvements.

ARTICLE IV - FISCAL PROVISIONS

1. All contractual obligations of STATE are subject to the appropriation of resources by the Legislature and the allocation of resources by the CTC.
2. STATE'S financial commitment of STATE FUNDS will occur only upon the execution of this AGREEMENT, the execution of each project-specific PROGRAM SUPPLEMENT and/or STATE's approved finance letter.
3. ADMINISTERING AGENCY may submit signed duplicate invoices in arrears for reimbursement of allowable PROJECT costs on a monthly or quarterly progress basis once the project-specific PROGRAM SUPPLEMENT has been executed by STATE.
4. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the STATE FUNDS are encumbered on either the project-specific PROGRAM SUPPLEMENT or through a project-specific finance letter approved by STATE. STATE reserves the right to suspend future allocations and invoice payments for any on-going or future STATE FUNDED project performed by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period
5. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with Chapter 5 of the LAPM.
6. Invoices must have at least one copy of supporting backup documentation for allowable costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.
7. Payments to ADMINISTERING AGENCY can only be released by STATE as reimbursements of actual allowable PROJECT costs already incurred and paid for by ADMINISTERING AGENCY.
8. An indirect cost allocation plan and related documentation are to be provided to STATE (Caltrans Audits & Investigations) annually for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect cost incurred within each fiscal year being claimed for reimbursement. The indirect cost allocation plan must be prepared in accordance with the requirements set forth in Office of Management and Budget Circular A-87 and Chapter 4 of the Local Assistance Procedures Manual.
9. STATE will withhold the greater of either two (2) percent of the total of all STATE FUNDS encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.
10. The estimated total cost of PROJECT, the amount of STATE FUNDS obligated, and the required matching funds may be adjusted by mutual consent of the PARTIES with an allocation letter and finance letter. STATE FUNDING may be increased to cover PROJECT cost increases only if such additional funds are available and the CTC and/or STATE concurs with that increase in the form of an allocation and finance letter.

11. When such additional STATE FUNDS are not available, ADMINISTERING AGENCY agrees that any increases in PROJECT costs must be defrayed with ADMINISTERING AGENCY's own funds.

12. ADMINISTERING AGENCY shall use its own non STATE FUNDS to finance the local share of eligible costs and all PROJECT expenditures or contract items ruled ineligible for financing with STATE FUNDS. STATE shall make the final determination of ADMINISTERING AGENCY's cost eligibility for STATE FUNDED financing with respect to claimed PROJECT costs.

13. ADMINISTERING AGENCY will reimburse STATE for STATE's share of costs for work performed by STATE at the request of ADMINISTERING AGENCY. STATE's costs shall include overhead assessments in accordance with section 8755.1 of the State Administrative Manual.

14. STATE FUNDS allocated from the STIP are subject to the timely use of funds provisions enacted by Senate Bill 45, approved in 1997, and subsequent STIP Guidelines and State procedures approved by the CTC and STATE.

15. STATE FUNDS encumbered for PROJECT are available for liquidation only for five (5) years from the beginning of the State fiscal year when those funds were appropriated in the State Budget. STATE FUNDS not liquidated within these periods will be reverted unless a Cooperative Work Agreement (CWA) is submitted by ADMINISTERING AGENCY and approved by the California Department of Finance in accordance with Government Code section 16304. The exact date of fund reversion will be reflected in the STATE signed PROJECT finance letter.

16. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid to rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand.

17. ADMINISTERING AGENCY agrees to comply with Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

18. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items and (b) those parties shall comply with federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving PROJECT funds as a contractor or sub-contractor under this AGREEMENT shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. ADMINISTERING AGENCY agrees to comply with the provisions set

forth in 23 CFR Parts 140, 645 and 646 when contracting with railroad and utility companies.

19. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under OMB Circular A-87, 48 CFR, Chapter 1, Part 31, 23 CFR Parts 140, 645 and 646 or 49 CFR, Part 18, are subject to repayment by ADMINISTERING AGENCY to STATE.

20. Upon written demand by STATE, any overpayment to ADMINISTERING AGENCY of amounts invoiced to STATE shall be returned to STATE.

21. Should ADMINISTERING AGENCY fail to refund any moneys due STATE as provided herein or should ADMINISTERING AGENCY breach this AGREEMENT by failing to complete PROJECT without adequate justification and approval by STATE, then, within thirty (30) days of demand, or within such other period as may be agreed to in writing between the PARTIES hereto, STATE, acting through the State Controller, the State Treasurer, the CTC or any other public entity or agency, may intercept, withhold and demand the transfer of an amount equal to the amount paid by or owed to STATE for each PROJECT, from future apportionments, or any other funds due ADMINISTERING AGENCY from the Highway Users Tax Fund or any other sources of funds, and/or may also withhold approval of future STATE FUNDED projects proposed by ADMINISTERING AGENCY.

22. Should ADMINISTERING AGENCY be declared to be in breach of this AGREEMENT or otherwise in default thereof by STATE, and if ADMINISTERING AGENCY is constituted as a joint powers authority, special district, or any other public entity not directly receiving funds through the State Controller, STATE is authorized to obtain reimbursement from whatever sources of funding are available, including the withholding or transfer of funds, pursuant to Article IV - 21, from those constituent entities comprising a joint powers authority or by bringing of an action against ADMINISTERING AGENCY or its constituent member entities, to recover all funds provided by STATE hereunder.

23. ADMINISTERING AGENCY acknowledges that the signatory party represents the ADMINISTERING AGENCY and further warrants that there is nothing within a Joint Powers Agreement, by which ADMINISTERING AGENCY was created, if any exists, that would restrict or otherwise limit STATE's ability to recover STATE FUNDS improperly spent by ADMINISTERING AGENCY in contravention of the terms of this AGREEMENT.

ARTICLE V

AUDITS, THIRD PARTY CONTRACTING, RECORDS RETENTION AND REPORTS

1. STATE reserves the right to conduct technical and financial audits of PROJECT work and records when determined to be necessary or appropriate and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by paragraph three (3) of Article V.

2. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred PROJECT costs and matching funds by line item for the PROJECT. The accounting system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices sent to or paid by STATE.

3. For the purpose of determining compliance with Title 21, California Code of Regulations, Chapter 21, section 2500 et seq., when applicable, and other matters connected with the performance and costs of ADMINISTERING AGENCY's contracts with third parties pursuant to Government Code section 8546.7, ADMINISTERING AGENCY, ADMINISTERING AGENCY's contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above-referenced parties shall make such AGREEMENT and PROGRAM SUPPLEMENT materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of final payment to ADMINISTERING AGENCY under any PROGRAM SUPPLEMENT. STATE, the California State Auditor, or any duly authorized representative of STATE or the United States, shall each have access to any books, records, and documents that are pertinent to a PROJECT for audits, examinations, excerpts, and transactions and ADMINISTERING AGENCY shall furnish copies thereof if requested.

4. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of OMB Circular A-133 if it receives a total of \$500,000 or more in STATE FUNDS in a single fiscal year. The STATE FUNDS received under PROGRAM SUPPLEMENT are a part of the Catalogue of Federal Domestic Assistance (CFDA) 20.205, Highway Planning and Research.

5. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in ADMINISTERING AGENCY'S annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with OMB Circular A-133.

6. ADMINISTERING AGENCY shall not award a construction contract over \$10,000 or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. All contracts awarded by ADMINISTERING AGENCY intended or used as local match credit must meet the requirements set forth in this AGREEMENT regarding local match funds.

7. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain all of the provisions of Article IV, FISCAL PROVISIONS, and this ARTICLE V, AUDITS, THIRD-PARTY CONTRACTING, RECORDS RETENTION AND REPORTS and shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as PROJECT costs only after those costs are incurred and paid for by the subcontractors.

8. To be eligible for local match credit, ADMINISTERING AGENCY must ensure that local match funds used for a PROJECT meet the fiscal provisions requirements outlined in ARTICLE IV in the same manner that is required of all other PROJECT expenditures.

9. In addition to the above, the pre-award requirements of third-party contractor/consultants with ADMINISTERING AGENCY should be consistent with LOCAL ASSISTANCE PROCEDURES.

ARTICLE VI - MISCELLANEOUS PROVISIONS

1. ADMINISTERING AGENCY agrees to use all PROJECT funds reimbursed hereunder only for transportation purposes that are in conformance with Article XIX of the California State Constitution and other California laws.
2. ADMINISTERING AGENCY shall conform to all applicable State and Federal statutes and regulations, and the Local Assistance Program Guidelines and Local Assistance Procedures Manual as published by STATE and incorporated herein, including all subsequent approved revisions thereto applicable to PROJECT unless otherwise designated in the project-specific executed PROJECT SUPPLEMENT.
3. This AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the State Legislature or adopted by the CTC that may affect the provisions, terms, or funding of this AGREEMENT in any manner.
4. ADMINISTERING AGENCY and the officers and employees of ADMINISTERING AGENCY, when engaged in the performance of this AGREEMENT, shall act in an independent capacity and not as officers, employees or agents of STATE.
5. Each project-specific PROGRAM SUPPLEMENT shall separately establish the terms and funding limits for each described PROJECT funded under this AGREEMENT and that PROGRAM SUPPLEMENT. No STATE FUNDS are obligated against this AGREEMENT.
6. ADMINISTERING AGENCY certifies that neither ADMINISTERING AGENCY nor its principals are suspended or debarred at the time of the execution of this AGREEMENT, and ADMINISTERING AGENCY agrees that it will notify STATE immediately in the event a suspension or a debarment occurs after the execution of this AGREEMENT.
7. ADMINISTERING AGENCY warrants, by execution of this AGREEMENT, that no person or selling agency has been employed or retained to solicit or secure this AGREEMENT upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ADMINISTERING AGENCY for the purpose of securing business. For breach or violation of this warranty, STATE has the right to annul this AGREEMENT without liability, pay only for the value of the PROJECT work actually performed, or in STATE's discretion, to deduct from the price of PROGRAM SUPPLEMENT consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.
8. In accordance with Public Contract Code section 10296, ADMINISTERING AGENCY hereby certifies under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against ADMINISTERING AGENCY within the immediate preceding two (2) year period because of ADMINISTERING AGENCY's failure to comply with an order of a federal court that orders ADMINISTERING AGENCY to comply with an order of the National Labor Relations Board.
9. ADMINISTERING AGENCY shall disclose any financial, business, or other relationship with STATE that may have an impact upon the outcome of this AGREEMENT or any individual PROJECT encompassed within a PROGRAM SUPPLEMENT. ADMINISTERING AGENCY shall also list current contractors who may have a financial interest in the outcome of a PROJECT undertaken pursuant to this AGREEMENT.

10. ADMINISTERING AGENCY hereby certifies that it does not now have nor shall it acquire any financial or business interest that would conflict with the performance of any PROJECT initiated under this AGREEMENT.

11. ADMINISTERING AGENCY warrants that this AGREEMENT was not obtained or secured through rebates, kickbacks or other unlawful consideration either promised or paid to any STATE employee. For breach or violation of this warranty, STATE shall have the right, in its sole discretion, to terminate this AGREEMENT without liability, to pay only for PROJECT work actually performed, or to deduct from a PROGRAM SUPPLEMENT price or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

12. Any dispute concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be decided by the STATE's Contract Officer, who may consider any written or verbal evidence submitted by ADMINISTERING AGENCY. The decision of the Contract Officer, issued in writing, shall be conclusive and binding on the PARTIES on all questions of fact considered and determined by the Contract Officer.

13. Neither the pending of a dispute nor its consideration by the Contract Officer will excuse the ADMINISTERING AGENCY from full and timely performance in accordance with the terms of this AGREEMENT and each PROGRAM SUPPLEMENT.

14. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under or in connection with any work, authority or jurisdiction of ADMINISTERING AGENCY arising under this AGREEMENT. It is understood and agreed that ADMINISTERING AGENCY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims and suits or actions of every name, kind and description brought forth under, including but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under this AGREEMENT.

15. Neither ADMINISTERING AGENCY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by, under or in connection with any work, authority or jurisdiction arising under this AGREEMENT. It is understood and agreed that STATE shall fully defend, indemnify and save harmless the ADMINISTERING AGENCY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this AGREEMENT.

16. In the event of (a) ADMINISTERING AGENCY failing to timely proceed with effective PROJECT work in accordance with the project-specific PROGRAM SUPPLEMENT; (b) failing to maintain any applicable bonding requirements; and (c) otherwise materially violating the terms and conditions of this AGREEMENT and/or any PROGRAM SUPPLEMENT, STATE reserves the right to terminate funding for that PROJECT upon thirty (30) days' written notice to ADMINISTERING AGENCY.

17. No termination notice shall become effective if, within thirty (30) days after receipt of a Notice of Termination, ADMINISTERING AGENCY either cures the default involved or, if the default is not reasonably susceptible of cure within said thirty (30) day period the ADMINISTERING

AGENCY proceeds thereafter to complete that cure in a manner and time line acceptable to STATE.

18. Any such termination shall be accomplished by delivery to ADMINISTERING AGENCY of a Notice of Termination, which notice shall become effective not less than thirty (30) days after receipt, specifying the reason for the termination, the extent to which funding of work under this AGREEMENT and the applicable PROGRAM SUPPLEMENT is terminated and the date upon which such termination becomes effective, if beyond thirty (30) days after receipt. During the period before the effective termination date, ADMINISTERING AGENCY and STATE shall meet to attempt to resolve any dispute. In the event of such termination, STATE may proceed with the PROJECT work in a manner deemed proper by STATE. If STATE terminates funding for PROJECT with ADMINISTERING AGENCY for the reasons stated in paragraph sixteen (16) of ARTICLE VI, STATE shall pay ADMINISTERING AGENCY the sum due ADMINISTERING AGENCY under the PROGRAM SUPPLEMENT and/or STATE-approved finance letter prior to termination, provided, however, ADMINISTERING AGENCY is not in default of the terms and conditions of this AGREEMENT or the project-specific PROGRAM SUPPLEMENT and that the cost of any PROJECT completion to STATE shall first be deducted from any sum due ADMINISTERING AGENCY.

19. In the case of inconsistency or conflicts with the terms of this AGREEMENT and that of a project-specific PROGRAM SUPPLEMENT and/or Cooperative Agreement, the terms stated in that PROGRAM SUPPLEMENT and/or Cooperative Agreement shall prevail over those in this AGREEMENT.

20. Without the written consent of STATE, this AGREEMENT is not assignable by ADMINISTERING AGENCY either in whole or in part.

21. No alteration or variation of the terms of this AGREEMENT shall be valid unless made in writing and signed by the PARTIES, and no oral understanding or agreement not incorporated herein shall be binding on any of the PARTIES.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT by their duly authorized officer.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

Town of Yucca Valley

By _____

By _____

Chief, Office of Project Implementation
Division of Local Assistance

Town of Yucca Valley
Representative Name & Title
(Authorized Governing Body Representative)

Date _____

Date _____

EXHIBIT A - FAIR EMPLOYMENT PRACTICES ADDENDUM

1. In the performance of this Agreement, ADMINISTERING AGENCY will not discriminate against any employee for employment because of race, color, sex, sexual orientation, religion, age, ancestry or national origin, physical disability, medical condition, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. ADMINISTERING AGENCY will take affirmative action to ensure that employees are treated during employment without regard to their race, sex, sexual orientation, color, religion, ancestry, or national origin, physical disability, medical condition, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. Such action shall include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. ADMINISTERING AGENCY shall post in conspicuous places, available to employees for employment, notices to be provided by STATE setting forth the provisions of this Fair Employment section.
2. ADMINISTERING AGENCY, its contractor(s) and all subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code, 1290-0 et seq.), and the applicable regulations promulgated thereunder (Cal. Code Regs., Title 2, 7285.0, et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12900(a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full. Each of the ADMINISTERING AGENCY'S contractors and all subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreements, as appropriate.
3. ADMINISTERING AGENCY shall include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts to perform work under this AGREEMENT.
4. ADMINISTERING AGENCY will permit access to the records of employment, employment advertisements, application forms, and other pertinent data and records by STATE, the State Fair Employment and Housing Commission, or any other agency of the State of California designated by STATE, for the purposes of investigation to ascertain compliance with the Fair Employment section of this Agreement.
5. Remedies for Willful Violation:
 - (a) STATE may determine a willful violation of the Fair Employment provision to have occurred upon receipt of a final judgment to that effect from a court in an action to which ADMINISTERING AGENCY was a party, or upon receipt of a written notice from the Fair Employment and Housing Commission that it has investigated and determined that ADMINISTERING AGENCY has violated the Fair Employment Practices Act and had issued an order under Labor Code section 1426 which has become final or has obtained an injunction under Labor Code section 1429.
 - (b) For willful violation of this Fair Employment Provision, STATE shall have the right to terminate this Agreement either in whole or in part, and any loss or damage sustained by STATE in securing the goods or services thereunder shall be borne and paid for by ADMINISTERING AGENCY and by the surety under the performance bond, if any, and STATE may deduct from any moneys due

or thereafter may become due to ADMINISTERING AGENCY, the difference between the price named in the Agreement and the actual cost thereof to STATE to cure ADMINISTERING AGENCY's breach of this Agreement.

PROGRAM SUPPLEMENT NO. J92
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 00394S

Adv Project ID Date: November 30, 2012
0813000023 Location: 08-SBD-0-YUCV
Project Number: SR2SL-5466(020)
E.A. Number:
Locode: 5466

This Program Supplement, effective _____, hereby adopts and incorporates into the Administering Agency-State Agreement No. 00394S for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of _____ and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the ADMINISTERING AGENCY on _____ (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION:

Sage Ave. from Onaga Trail to Yucca Trail, Onaga Trail from Hilton Ave. to Balsa Ave, Onaga Trail from Inca Trail to Fox Trail, and La Contenta Rd. from Pallsade Dr to Alta Loma Rd

TYPE OF WORK: Sidewalk, curb and gutter, curb ramps, and speed feedback signs

Estimated Cost	State Funds		Matching Funds	
	STATE	LOCAL	LOCAL	OTHER
\$447,000.00	\$399,800.00	\$47,200.00		\$0.00

TOWN OF YUCCA VALLEY

By _____
Title _____
Date _____
Attest _____

STATE OF CALIFORNIA

Department of Transportation

By _____
Chief, Office of Project Implementation
Division of Local Assistance
Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Hanbingyan Date 11.30.12 \$399,800.00

STATE OF CALIFORNIA. DEPARTMENT OF TRANSPORTATION
 PROGRAM SUPPLEMENT AND CERTIFICATION FORM
 PSCF (REV. 01/2010)

TO: STATE CONTROLLER'S OFFICE Claims Audits 3301 "C" Street, Rm 404 Sacramento, CA 95816	DATE PREPARED: 11/30/2012	PROJECT NUMBER: 0813000023
REQUISITION NUMBER / CONTRACT NUMBER: RQS 08130000205		

FROM: Department of Transportation

SUBJECT: Encumbrance Document

VENDOR / LOCAL AGENCY: TOWN OF YUCCA VALLEY

\$ 399,800.00

PROCUREMENT TYPE: Local Assistance

CHAPTER	STATUTES	ITEM	YEAR	PEC / PECT	TASK / SUBTASK	AMOUNT
33	2011	2660-102-042	2012	2030010535	2620/0400	\$ 399,800.00

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information, call (915) 654-6410 or TDD (916) -3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.

SPECIAL COVENANTS OR REMARKS

1. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these STATE funds.
2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

3. ADMINISTERING AGENCY agrees to comply with Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Notwithstanding the foregoing, ADMINISTERING AGENCY shall not be required to comply with 49 CFR, Part 18.36 (i), subsections (3), (4), (5), (6), (8), (9), (12) and (13).
4.
 1. This PROJECT is funded with State-Only funding from the Safe Route to School (SR2S) Program.
 2. ADMINISTERING AGENCY agrees to administer PROJECT in accordance with the SR2S Program Guidelines under which the project was selected.
 3. This PSA allows reimbursement of eligible PROJECT expenditures to the ADMINISTERING AGENCY for which the SR2S State funds are allocated. The effective State allocation date establishes the eligibility date for the ADMINISTERING AGENCY to start reimbursable work. Any work performed prior the the effective allocation date is not eligible for reimbursement from the SR2S funds.

SPECIAL COVENANTS OR REMARKS

4. ADMINISTERING AGENCY agrees that SR2S funds available for reimbursement will be limited to the amount allocated and encumbered by the STATE consistent with the scope of work in the STATE approved application. Funds encumbered may not be used to increase the scope of work after a project is awarded for construction unless approved by the Statewide SR2S Coordinator prior to performing work. Future allocations of SR2S funds will be encumbered by use of a STATE approved Allocation Letter and Finance Letter.

5. ADMINISTERING AGENCY agrees to the program delivery and reporting requirements established for the applicable SR2S Program funding cycle.

6. ADMINISTERING AGENCY agrees to provide contract award information to the State within 60 days of the award and prior to submitting the first invoice for construction of this PROJECT. The required Construction Contract Award Information is listed at the Caltrans Safe Routes to School (SR2S) Project Implementation web site:

http://www.dot.gov/hq/LocalPrograms/saferoutes/sr2s_instruct.htm

7. The ADMINISTERING AGENCY agrees to follow all relevant State laws and requirements including the California Environmental Quality Act (CEQA).

8. The ADMINISTERING AGENCY agrees to submit the "Final Report of Expenditures" to the DLAE within six (6) months of project completion in accordance with Section 17.5 of the Local Assistance Procedures Manual (LAPM).

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: January 14, 2013
For Council Meeting: January 22, 2013

Subject: Warrant Register: January 22, 2013

Recommendation:

Ratify the Warrant Registers total of \$ 631,324.72 for checks dated December 19-20, 2012 and January 10, 2013. Ratify the Payroll Register total of \$ 468,629.30 for checks dated December 7, 2012 to January 4, 2013.

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. 24 dated December 07, 2012 total of \$ 146,000.49
- Payroll Register No. 26 dated December 21, 2012 total of \$ 160,067.77
- Payroll Register No. 26/2 dated December 24, 2012 total of \$ 3,702.99
- Payroll Register No. 28 dated January 4, 2013 total of \$158,858.05
- Warrant Register No. 31 dated December 19-21, 2012 total of \$ 266,216.50
- Warrant Register No. 33 dated January 10, 2013 total of \$ 365,108.22

Reviewed By:


Town Manager


Admin. Services


Town Attorney


Finance

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File



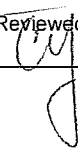
Public Hearing
 Study Session

WARRANT REGISTER # 31
CHECK DATE - DECEMBER 19-20, 2012

FUND DISTRIBUTION BREAKDOWN

Checks # 41778 to # 41918 are valid except
Checks # 41829, # 41845, and # 41919, # 41920 & # 41921 are void

GENERAL FUND # 001	\$182,298.77
INTERNAL SERVICE FUND # 100	\$3,253.94
CUP DEPOSITS FUND # 200	\$23,289.42
COPS-SLESF FUND # 509	\$38.01
AB2928-STATE CONSTRUCTION FUND # 513	\$2,316.77
STREET MAINTENANCE FUND # 515	\$6,796.02
MEASURE I 2010-2040 FUND # 524	\$3,917.74
PUBLIC LANDS FEDERAL GRANT FUND # 527	\$37,331.00
CAPITAL PROJECT RESERVE FUND # 800	\$6,974.83
GRAND TOTAL	<u><u>\$266,216.50</u></u>

Prepared by Shirlene Doten, Accounting Technician II,  Reviewed by Sharon Cisneros, Senior Accountant 
Approved by Curtis Yakimow, Administrative Services Director 

Town of Yucca Valley
Warrant Register
December 19-20, 2012

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	41780	Action Pumping, Inc.	Septic Line Pumping & Replacement	\$625.00
	41781	Addiction Medicine Consultants	2013 D.O.T. Testing Program	640.00
	41782	Aleshire & Wynder, LLC	11/1-15/12 Professional Svs.	6,586.00
	41783	All American Publishing	Advertising	200.00
	41784	Alsco/American Linen, Inc.	Facilities Supplies & Uniforms	260.05
	41786	Arrowhead Mountain Water	Office Supplies	76.14
	41787	Avalon Urgent Care	Employment Physicals	345.00
	41790	Carol Boyer	Contract Instructor	43.40
	41791	Brian's Lockshop	Facilities Maintenance	52.90
	41793	Beverly Burkitt	Contract Instructor	9.80
	41794	CACDA	2013 Membership Dues	40.00
	41795	Carquest Auto Parts	Fleet Equip & Maintenance	19.23
	41796	Charles Abbott & Assoc, Inc.	Plan Check Services	70,360.14
	41797	China Star USA	Museum Shop Merchandise	173.39
	41800	Companion Animal Clinic	Veterinary Services	620.00
	41801	Corelogics Information Solutions	Property Information	150.00
	41802	Wayne Coughlan	Sports Referee	66.00
	41803	Cowboy Corral	Shelter Animal Supplies	11.30
	41806	Desert Pacific Exterminators	Exterminator Services	180.00
	41808	Desert Hot Springs Animal Clinic	Veterinary Professional Svs.	374.00
	41809	Dept of Justice	Livescan Fee	340.00
	41811	Eisenhower Occupational Health	Professional Services	200.00
	41812	Farmer Bros. Co.	Office Supplies	124.02
	41813	FedEx	Delivery Service	114.43
	41814	Catherine Fletcher	Contract Instructor	57.40
	41815	Mae Fox	Contract Instructor	32.20
	41816	Brad Foxworthy	Contract Instructor	50.40
	41817	Fred's Tires	Fleet Tire Services	851.14
	41818	G & K Propane	Vehicle Fuel	52.11
	41824	Graphic Penguin	Web Site Maintenance	700.00
	41825	Joy Groves	Contract Instructor	262.50
	41826	Harrison Air Conditioning	Welcome Center HVAC Svs.	420.00
	41827	HdL Software, LLC	Business License SB1186	500.00
	41828	Hi-Desert Water	Water Service	1,455.15
	41831	Hi-Desert Publishing	Activity & Events Guide Printing	3,278.27
	41832	Hi-Desert Star	Newspaper Subscription	85.00
	41834	Hogle-Ireland Inc.	Development Code Update Svs.	10,080.00
	41836	Susan Jordan	Contract Instructor	203.00
	41837	Heather Kaczmarczk	Contract Instructor	329.00
	41838	KCDZ-FM	Veteran's Day Advertising	182.00
	41840	League of Calif Cities - Reg	2013 Calendar Year Dues	7,940.00
	41844	The Mallants Corp	Temporary Employment Svs.	912.96
	41845	M B Cultural Arts Council	2013 Membership Dues	75.00
	41846	Rick Berchberger	Museum Shop Merchandise	25.00
	41851	Morongo Unified School District	Fleet Fuel Expense	4,776.95
	41852	Yucca Valley NAPA Auto Parts	Vehicle Maintenance	87.06
	41853	National Notary Association	Errors & Omission Insurance	33.00
	41854	NRO Engineering	Engineering Services	1,380.00

Town of Yucca Valley**Warrant Register****December 19-20, 2012**

Fund	Check #	Vendor	Description	Amount
	41855	Sierra Oakes	Contract Instructor	23.80
	41856	Oasis Office Supply	Office Supplies	274.71
	41858	Carl Otteson	Backflow Testing Svcs.	35.00
	41859	Pacific Telemanagement Svcs.	Pay Phone Service	82.64
	41860	Public Agency Retirement Services	09/12 Trust Administrator Svcs.	300.00
	41862	Rainshadow Irrigation Consulting	Irrigation System Audit	500.00
	41863	Jessica Rice	Emergency Mgmt Meeting Mileage	33.30
	41864	Lynne Richardson	Contract Instructor	122.50
	41866	Rosenow Spevacek Grp., Inc.	11/12 SA Services	140.00
	41867	Steve Ruiz	Museum Event Talent	250.00
	41869	Linda Sande	Contract Instructor	58.80
	41870	SBCO - Information Services	Radio Access	1,997.40
	41871	SBCO Fire Prevention	Annual Hood Permit Senior Ctr.	478.80
	41872	SCE	Electric Service	5,993.82
	41874	Beverly Schmuckle	Contract Instructor	40.60
	41876	Todd Show Electric, Inc.	Com Ctr Power Pole Repair	115.75
	41877	So. Cal. Gas Co.	Vehicle Fuel	13.45
	41878	Sprint	Cell Phone Service	2.86
	41879	Stater Bros	Office Supplies	179.07
	41880	Steven Enterprises	Toners	1,028.24
	41882	Tease Shirts	Employee Uniform Expense	1,019.31
	41885	Time Warner Cable	Internet & Cable TV Svcs.	492.65
	41886	Trophy Express	Engraving Service	283.08
	41887	Delanford Truitt	Sports Referee	66.00
	41889	Vagabond Welding Supply	YVHS Pool Supplies	79.52
	41890	VCA Yucca Valley Animal Hospital	Veterinary Services	307.28
	41891	Verizon	T1 Line Addition Bus Ctr Dr.	1,478.30
	41892	Verizon	Long Distance Service	177.75
	41894	Valley Independent	Brochure Printing	439.57
	41895	Voyager Fleet Systems, Inc	Natural Gas Vehicle Fuel	163.93
	41896	Walmart Community	Event Supplies	556.31
	41901	Woods Auto Repair	Fleet Vehicle Repair & Smog Svcs.	51.50
	41903	Guy Wulf	Sports Referee	132.00
	41904	Elizabeth (Betty) Wulf	Contract Instructor	44.80
	41905	Yucca Valley Quick Lube	Fleet Maintenance	214.94
	41906	YV Chamber of Commerce	Joint Marketing	2,194.41
	41908	Zee Medical, Inc.	Safety Supplies	182.66
	41909	CACEO	Membership Dues	75.00
	41913	The Mallants Corp	Temporary Employment Svcs.	1,825.92
	41914	SANBAG	FY 12/13 Membership Dues	913.41
	41915	So. Cal. Gas Co.	Natural Gas Service	2,553.69
	41916	Solano Press Books	Reference Materials	71.05
	41917	The Planning Center	General Plan Update Svcs.	36,398.43
	41918	Trophy Express	Engraving Service	43.10
	EFT	The Home Depot	Facilities Maintenance	3,178.93
	EFT	First Bankcard	Operating Expenses	2,305.55
Total 001 GENERAL FUND				\$182,298.77

Town of Yucca Valley

Warrant Register

December 19-20, 2012

Fund	Check #	Vendor	Description	Amount
100 INTERNAL SERVICE FUND				
	41821	GE Capital Corporation	Town Hall Copier Lease	\$2,909.25
	41856	Oasis Office Supply	Copy Paper	344.69
Total 100	INTERNAL SERVICE FUND			\$3,253.94
200 DEPOSITS FUND				
	41805	Edwin Cree	Deposit Account Refund	\$1,535.96
	41829	Hi-Desert Water	Deposit Account Refund	3,998.00
	41830	Hi-Desert Water	Deposit Account Refund	4,131.00
	41841	Leslie Management, Inc.	Deposit Account Refund	846.25
	41854	NRO Engineering	Engineering Services	1,262.50
	41881	Superior Real Estate	Deposit Account Refund	2,670.32
	41910	Hi-Desert Water	Deposit Account Refund	3,998.00
	41911	Hi-Desert Water	Deposit Account Refund	4,131.00
	41912	Hi-Desert Water	Deposit Account Refund	716.39
Total 200	DEPOSITS FUND			\$23,289.42
509 COPS-SLESF FUND				
	41893	Verizon Wireless	Sheriff's Office Phone Service	\$38.01
Total 509	COPS-SLESF FUND			\$38.01
513 AB2928-STATE CONSTRUCTION GRANT FUND				
	41897	Willdan Associates	TCRP Project	\$2,316.77
Total 513	AB2928-STATE CONSTRUCTION GRANT FUND			\$2,316.77
515 GAS TAX FUND				
	41778	A Cone Zone, Inc.	Street Name Signage	\$278.00
	41779	Ace Alternators	Vehicle Maintenance	696.93
	41784	AlSCO/American Linen, Inc.	Streets Uniform Service	105.40
	41791	Brian's Lockshop	Facilities Maintenance	417.86
	41804	CrafcO, Inc.	Asphalt Supplies	2,767.02
	41822	Grainger	Streets Safety Equipment	169.39
	41823	Granite Construction, Inc.	Asphalt Recycling Svcs.	2,145.00
	41828	Hi-Desert Water	Water Service	120.00
	41872	SCE	Electric Service	96.42
Total 515	GAS TAX FUND			\$6,796.02
524 MEASURE I - 2010-2040 FUND				
	41872	SCE	Electric Service	\$3,917.74
Total 524	MEASURE I - 2010-2040 FUND			\$3,917.74

Town of Yucca Valley

Warrant Register

December 19-20, 2012



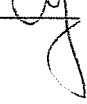
Fund	Check #	Vendor	Description	Amount
527 PUBLIC LANDS FEDERAL GRANT FUND				
	41785	Apache Mobile Home Park Assoc.	Right of Way Acquisition	\$2,263.00
	41788	Robert E. Becker	Right of Way Acquisition	250.00
	41789	Bharatkumar G. Bhakta	Right of Way Acquisition	250.00
	41792	Patricia G. Brown, Trustee	Right of Way Acquisition	250.00
	41798	Randy Chow & Sarah P. Chow	Right of Way Acquisition	83.33
	41798	Randy Chow & Sarah P. Chow	Right of Way Acquisition	83.33
	41798	Randy Chow & Sarah P. Chow	Right of Way Acquisition	83.34
	41799	Kristopher Collins	Right of Way Acquisition	250.00
	41807	Desert Vista Development, Inc.	Right of Way Acquisition	250.00
	41810	Charles A. Donaldson, Jr., Trustee	Right of Way Acquisition	250.00
	41819	G & M Oil Company, Inc.	Right of Way Acquisition	1,057.00
	41820	Jesus Gamboa	Right of Way Acquisition	250.00
	41833	Ronald E. Hill	Right of Way Acquisition	125.00
	41833	Ronald E. Hill	Right of Way Acquisition	125.00
	41835	Thomas C. Humphreville	Right of Way Acquisition	250.00
	41839	James R. Larson	Right of Way Acquisition	320.00
	41842	John G. Luyben, Jr.	Right of Way Acquisition	1,185.00
	41843	Jana Ly	Right of Way Acquisition	19,500.00
	41847	Elizabeth H. Meyer, Trustee	Right of Way Acquisition	250.00
	41848	Moorehead Investments, LLC	Right of Way Acquisition	250.00
	41849	Jack W. Morey Jr.	Right of Way Acquisition	250.00
	41850	Morris Communications Corporation	Right of Way Acquisition	250.00
	41857	Roger D. Olson	Right of Way Acquisition	250.00
	41861	George A. Pearson	Right of Way Acquisition	1,070.00
	41865	Lester J. Rooks	Right of Way Acquisition	1,050.00
	41868	Edward J. Ruscha, Trustee	Right of Way Acquisition	250.00
	41875	Bill Scholar, Trustee	Right of Way Acquisition	250.00
	41883	Robert M. Tenbrook	Right of Way Acquisition	250.00
	41883	Robert M. Tenbrook	Right of Way Acquisition	250.00
	41884	Patricia W. Thomson, Trustee	Right of Way Acquisition	102.75
	41884	Patricia W. Thomson, Trustee	Right of Way Acquisition	102.75
	41884	Patricia W. Thomson, Trustee	Right of Way Acquisition	102.75
	41884	Patricia W. Thomson, Trustee	Right of Way Acquisition	102.75
	41888	John Tsiolis	Right of Way Acquisition	250.00
	41898	WJB Family Partnership LP	Right of Way Acquisition	497.00
	41899	Wolverine Enterprises, LLC	Right of Way Acquisition	321.00
	41900	Chi Ming Wong	Right of Way Acquisition	250.00
	41902	Robert Wright	Right of Way Acquisition	250.00
	41907	Stanley Zarakov, Trustee	Right of Way Acquisition	4,157.00
Total 527 PUBLIC LANDS FEDERAL GRANT FUND				\$37,331.00
800 CAPITAL PROJECTS RESERVE FUND				
	41873	SCE	Animal Shelter Project	\$6,974.83
Total 800 CAPITAL PROJECTS RESERVE FUND				\$6,974.83
*** Report Total				\$266,216.50

WARRANT REGISTER # 33
CHECK DATE JANUARY 10, 2013

FUND DISTRIBUTION BREAKDOWN

Checks # 41922 to # 42018 are valid:

GENERAL FUND # 001	\$347,023.99
CENTRAL SUPPLIES FUND # 100	\$554.68
CUP DEPOSITS FUND # 200	\$3,095.14
COPS-SLESF FUND # 509	\$38.01
STREET MAINTENANCE FUND # 515	\$8,599.02
MEASURE I MAJOR ARTERIAL FUND # 522	\$17.07
MEASURE I 2010-2040 FUND # 524	\$3,485.31
SAFE ROUTES TO SCHOOLS FUND # 530	\$75.00
CMAQ FUND # 542	\$2,220.00
GRAND TOTAL	<u><u>\$365,108.22</u></u>

Prepared by Shirlene Doten, Accounting Technician II  Reviewed by Sharon Cisneros, Senior Accountant 
Approved by Curtis Yakimow, Administrative Services Director 

Town of Yucca Valley

Warrant Register

January 10, 2013

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	41922	Action Pumping, Inc.	Septic Line Maintenance	\$1,780.00
	41924	AlSCO/American Linen, Inc.	Facilities Supplies & Uniforms	119.73
	41925	Arrowhead Mountain Water	Shelter Supplies	245.56
	41926	AT & T Mobility	Cell Phone Service	335.69
	41927	Boys & Girls Club	Community Contract 01/-03/13	10,750.00
	41928	Cheyenne Bonnell	Contract Instructor	8.40
	41929	Carol Boyer	Contract Instructor	16.80
	41930	Brian's Lockshop	Facilities Maintenance	56.37
	41931	Beverly Burkitt	Contract Instructor	11.20
	41932	California Building Standards Com.	SB1473 Fee Pass Through	375.30
	41933	California Chamber of Commerce	Reference Materials	456.50
	41934	Carquest Auto Parts	Fleet Equip & Maintenance	36.07
	41935	Champion Chemical Co.	Parks Supplies	379.02
	41937	Chet's Appliances	Shelter Equipment Maintenance	158.82
	41938	Chevron & Texaco Card Services	Vehicle Fuel	127.47
	41939	China Star USA	Museum Shop Merchandise	33.30
	41940	Copper Mountain College	Facility Rental	300.00
	41941	Companion Animal Clinic	Veterinary Services	875.00
	41942	Corelogics Information Solutions	Property Information	150.00
	41943	Wayne Coughlan	Sports Referee	66.00
	41945	CSMFO	2013 Membership Dues	110.00
	41946	Cyber Photographics	Uniform Expense	893.78
	41947	Cyberspike	Museum Website Services	35.00
	41948	Department of Conservation	SMIP Fee	2,056.29
	41949	Desert Green Landscape	Property Abatement Svs.	600.00
	41950	Desert Pacific Exterminators	Exterminator Services	229.00
	41951	DHL Express	Delivery Service	15.78
	41952	Shirlene Doten	Forms & Supplies	175.41
	41953	Easy Choice Health Plan	Facility Rental Refund	200.00
	41954	Farmer Bros. Co.	Office Supplies	78.58
	41955	Catherine Fletcher	Contract Instructor	42.00
	41956	Mae Fox	Contract Instructor	18.20
	41957	Brad Foxworthy	Contract Instructor	35.00
	41958	G & K Propane	Shelter Propane	417.43
	41961	Graphic Penguin	Website Maintenance	460.00
	41962	Joy Groves	Contract Instructor	163.80
	41963	Hardesty Custom Floors	Senior Thrift Shop Carpet	648.71
	41964	Tom Hernandez	Recreation Event Talent	300.00
	41965	Hi-Desert Water	Water Service	1,256.37
	41966	Hi-Desert Publishing	Advertising	25.00
	41967	Hi-Desert Medical Center	Medical Services	1,195.50
	41968	Hill's Towing	Vehicle Towing Svs.	115.00
	41969	International Council Shopping Ctrs.	2013 Annual Membership Dues	100.00
	41970	Inland Empire Stages Unlimited	Adult Trip Services	100.00
	41971	Susan Jordan	Contract Instructor	168.00
	41972	Heather Kaczmarczk	Contract Instructor	164.50
	41973	KV Vet Supply Co.	Animal Shelter Supplies	160.00
	41974	Deborah S. Mallants	Temporary Employment Svs.	456.48

Town of Yucca Valley
Warrant Register
January 10, 2013

Fund	Check #	Vendor	Description	Amount
	41975	Jerry McPheeters	Vehicle Rental Reimbursement	145.06
	41976	MM Internet, Inc.	Internet Services	309.12
	41977	Sierra Oakes	Contract Instructor	14.00
	41978	Oasis Office Supply	Office Supplies	85.83
	41979	Pacific Telemanagement Svs.	Public Phone Service	82.64
	41980	Public Agency Retirement Services	Trust Administrator Svs. 10/12	600.00
	41981	Petty Cash-Jessica Rice	Miscellaneous Supplies	341.22
	41982	PlasticPlace	Parks Maintenance Supplies	292.80
	41983	Pro Video	Town Council Taping Svs.	200.00
	41985	Rogers,Anderson, Malody & Scott	Professional Services	7,285.00
	41986	Linda Sande	Contract Instructor	42.00
	41988	SBCO Sheriff's Dept	01/13 Public Safety Svs.	288,911.00
	41989	Office of the County Recorder	Filing Fee	54.00
	41990	SCE	Electric Service	3,151.69
	41991	Beverly Schmuckle	Contract Instructor	71.40
	41992	SESAC	2013 Annual Music Licence	327.00
	41993	Simplot Partners, Inc.	Parks Maintenance Supplies	222.14
	41994	Smith Pipe & Supply, Inc.	Parks Irrigation Supplies	97.07
	41995	Southwest Networks, Inc.	Technology Support Svs.	840.00
	41996	Stater Bros	Recreation Program Expense	11.48
	41997	Sterling Codifiers, Inc.	2013 Annual Hosting Fee	500.00
	41999	Tease Shirts	Community Services Uniform	86.20
	42000	Think Jacobson & Roth, LLC.	Museum Exhibit Services	1,800.00
	42001	Time Warner Cable	Internet & Cable Svs.	492.65
	42002	Trophy Express	Employee Name Badges	109.09
	42003	Turf Star, Inc.	Parks Equipment Maintenance	26.68
	42004	Unisource Worldwide, Inc.	Maintenance Supplies	1,177.65
	42005	United Traffic	Festival of Lights Traffic Svs.	1,747.50
	42006	VCA Yucca Valley Animal Hospital	Veterinary Services	374.00
	42007	Verizon	Phone Service	4,405.79
	42008	Verizon	Long Distance Service	183.41
	42010	Valley Independent	Animal License Applications	233.82
	42011	Walmart Community	Shelter Supplies	743.69
	42012	Wild Wonders	Museum Program Expense	770.00
	42013	Woods Auto Repair	Fleet Vehicle Repair & Smog Svs.	1,249.19
	42014	Elizabeth (Betty) Wulf	Contract Instructor	36.40
	42015	Yucca Rentals	Festival of Lights Parade Expense	49.50
	42016	YV Chamber of Commerce	Joint Marketing	1,957.64
	42017	YV Chrysler Center	Facility Rental Refund	700.00
	42018	Yucca Valley Fire Extinguisher Co.	Annual Fire Extinguisher Svs.	796.27
Total 001	GENERAL FUND			\$347,023.99
100 INTERNAL SERVICE FUND				
	41959	GE Capital Corporation	Copier Lease	\$412.12
	42010	Valley Independent	Window Envelopes	142.56
Total 100	INTERNAL SERVICE FUND			\$554.68

Town of Yucca Valley

Warrant Register

January 10, 2013

Fund	Check #	Vendor	Description	Amount
200 DEPOSITS FUND				
	41936	John Chan	Deposit Account Refund	\$1,589.19
	41978	Oasis Office Supply	Copies	142.23
	41998	Strategic Real Estate Services	Deposit Account Refund	1,363.72
Total 200	DEPOSITS FUND			<u>\$3,095.14</u>
509 COPS-SLESF FUND				
	42009	Verizon Wireless	Sheriff's Office Phone Svs.	\$38.01
Total 509	COPS-SLESF FUND			<u>\$38.01</u>
515 GAS TAX FUND				
	41924	Alsco/American Linen, Inc.	Streets Uniform Service	\$26.35
	41944	Crafco, Inc.	Asphalt Supplies	2,767.02
	41960	Gemini Specialized Machining	Vehicle Repair/Maintenance	1,312.91
	41984	Quality Street Services, Inc.	Street Sweeping Service	3,115.00
	41987	SBCO-Vehicle Services	Vehicle Inspection & Svs.	466.50
	41990	SCE	Electric Service	443.37
	42005	United Traffic	Festival of Lights Traffic Svs.	467.87
Total 515	GAS TAX FUND			<u>\$8,599.02</u>
522 MEASURE I MAJOR ARTERIAL FUND				
	41978	Oasis Office Supply	Office Supplies	\$17.07
Total 522	MEASURE I MAJOR ARTERIAL FUND			<u>\$17.07</u>
524 MEASURE I - 2010-2040 FUND				
	41990	SCE	Electric Service	\$3,485.31
Total 524	MEASURE I - 2010-2040 FUND			<u>\$3,485.31</u>
530 SAFE ROUTES TO SCHOOLS FUND				
	41981	Petty Cash-Jessica Rice	Miscellaneous Supplies	\$75.00
Total 530	SAFE ROUTES TO SCHOOLS FUND			<u>\$75.00</u>
542 CMAQ FUND				
	41923	Albert Grover & Assoc.	Hwy Signal Synchronization	\$2,220.00
Total 542	CMAQ FUND			<u>\$2,220.00</u>
***	Report Total			<u><u>\$365,108.22</u></u>

TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 24
CHECK DATE - December 07, 2012

Fund Distribution Breakdown

Fund Distribution

General Fund	\$128,309.56
Gas Tax Fund	11,254.70
Successor Agency	<u>6,436.23 **</u>

Grand Total Payroll

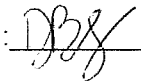
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****This is not an obligation of the Town of Yucca Valley.**

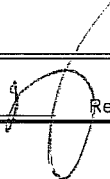
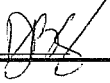
Prepared by P/R & Financial Specialist:



Reviewed by H/R & Risk Mgr.:



Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
Pay Period 24 - Paid 12/07/2012
(November 17, 2012 - November 30, 2012)
Checks: 4541-4548

	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$2,800.09		\$2,800.09
Direct Deposit	72,904.77	-	72,904.77
Sub-total	75,704.86		75,704.86
<u>Employee Tax Withholding</u>			
Federal	12,745.08		12,745.08
Medicare	1,416.50	1,416.48	2,832.98
SDI - EE	-	-	-
State	4,033.40		4,033.40
Sub-total	18,194.98	1,416.48	19,611.46
<u>Employee Benefit & Other Withholding</u>			
Health Benefit Account Credit	-	-	-
Deferred Compensation	2,319.71	994.53	3,314.24
PERS Survivor Benefit	42.00		42.00
Health Café Plan	2,543.80	13,578.32	16,122.12
American Fidelity Pre-Tax	259.76		259.76
American Fidelity After-Tax	12.15		12.15
American Fidelity-FSA	631.29		631.29
PERS EE - Contribution 7%	954.56		954.56
PERS EE - Contribution 8%	6,342.87		6,342.87
PERS Retirement - Employee	-	1,069.94	1,069.94
PERS Retirement - Employer	-	14,736.15	14,736.15
Wage Garnishment - Employee	420.08		420.08
Life & Disability Insurance		1,000.13	1,000.13
Unemployment Insurance		1,758.74	1,758.74
Workers' Compensation		4,020.14	4,020.14
Sub-total	13,526.22	37,157.95	50,684.17
Gross Payroll	\$107,426.06	\$38,574.43	146,000.49
Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 			

TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 26/1
CHECK DATE - December 21, 2012

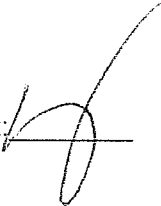
Fund Distribution Breakdown

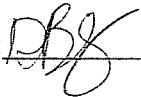
Fund Distribution

General Fund	\$141,550.57
Gas Tax Fund	11,297.59
Successor Agency	7,219.61 **
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Grand Total Payroll	\$160,067.77
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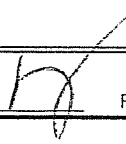
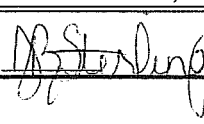
****This is not an obligation of the Town of Yucca Valley.**

Prepared by P/R & Financial Specialist: 

Reviewed by H/R & Risk Mgr.: 

Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
Pay Period 26/1 - Paid 12/21/2012
(December 01, 2012 - December 14, 2012)
Checks: 4565 - 4577

	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$3,467.97		\$3,467.97
Direct Deposit	78,707.50	-	78,707.50
Sub-total	82,175.47		82,175.47
<u>Employee Tax Withholding</u>			
Federal	14,964.50		14,964.50
Medicare	1,620.44	1,620.45	3,240.89
SDI - EE	-	-	-
State	4,714.36		4,714.36
Sub-total	21,299.30	1,620.45	22,919.75
<u>Employee Benefit & Other Withholding</u>			
Health Benefit Account Credit	-	-	-
Deferred Compensation	3,378.62	2,460.53	5,839.15
PERS Survivor Benefit	50.00		50.00
Health Café Plan	2,543.80	13,679.32	16,223.12
American Fidelity Pre-Tax	259.76		259.76
American Fidelity After-Tax	12.15		12.15
American Fidelity-FSA	631.29		631.29
PERS EE - Contribution 7%	1,007.41		1,007.41
PERS EE - Contribution 8%	6,584.49		6,584.49
PERS Retirement - Employee	-	1,129.19	1,129.19
PERS Retirement - Employer	-	15,297.30	15,297.30
Wage Garnishment - Employee	531.27		531.27
Life & Disability Insurance		991.41	991.41
Unemployment Insurance		1,952.66	1,952.66
Workers' Compensation		4,463.35	4,463.35
Sub-total	14,998.79	39,973.76	54,972.55
Gross Payroll	\$118,473.56	\$41,594.21	\$160,067.77

Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 

TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 26/2 Special Payroll
CHECK DATE - December 24, 2012

Fund Distribution Breakdown

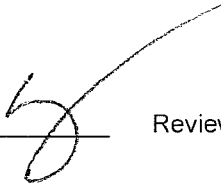
Fund Distribution

General Fund	\$2,777.24
Gas Tax Fund	0.00
Successor Agency	925.75 **
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Grand Total Payroll	\$3,702.99
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****This is not an obligation of the Town of Yucca Valley.**

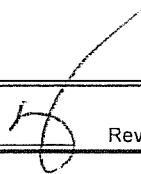
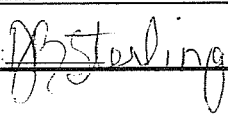
Prepared by P/R & Financial Specialist:



Reviewed by H/R & Risk Mgr.:



Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
Pay Period 26/2 - Paid 12/24/2012 Special Payroll
(December 01, 2012 - December 14, 2012)
Checks: 0000 - 0000

	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$0.00		\$0.00
Direct Deposit	2,529.66	-	2,529.66
Sub-total	2,529.66		2,529.66
<u>Employee Tax Withholding</u>			
Federal	107.20		107.20
Medicare	39.30	39.31	78.61
SDI - EE	-	-	-
State	34.71		34.71
Sub-total	181.21	39.31	220.52
<u>Employee Benefit & Other Withholding</u>			
Health Benefit Account Credit	-	-	-
Deferred Compensation	-	-	-
PERS Survivor Benefit	-		-
Health Café Plan	-	-	-
American Fidelity Pre-Tax	-		-
American Fidelity After-Tax	-		-
American Fidelity-FSA	-		-
PERS EE - Contribution 7%	-		-
PERS EE - Contribution 8%	235.73		235.73
PERS Retirement - Employer	-	-	-
PERS Retirement - Employer	-	547.65	547.65
Wage Garnishment - Employee	-		-
Life & Disability Insurance		-	-
Unemployment Insurance		51.56	51.56
Workers' Compensation		117.87	117.87
Sub-total	235.73	717.08	952.81
Gross Payroll	\$2,946.60	\$756.39	\$3,702.99
Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 			

TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 28
CHECK DATE - January 04, 2013

Fund Distribution Breakdown

Fund Distribution

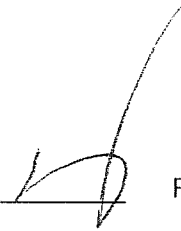
General Fund	\$138,201.96
Gas Tax Fund	10,915.66
Successor Agency	9,740.43 **
	<hr/>

Grand Total Payroll

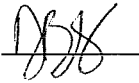
\$158,858.05

****This is not an obligation of the Town of Yucca Valley.**

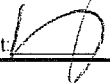

Prepared by P/R & Financial Specialist:



Reviewed by H/R & Risk Mgr.:



Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
 Pay Period 28 - Paid 01/04/2013
 (December 15, 2012 - December 28, 2012)
 Checks: 4578-4590

	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$2,834.26		\$2,834.26
Direct Deposit	79,634.29	-	79,634.29
Sub-total	82,468.55		82,468.55
<u>Employee Tax Withholding</u>			
Federal	16,348.91		16,348.91
Medicare	1,585.32	1,585.32	3,170.64
SDI - EE	-	-	-
State	5,136.69		5,136.69
Sub-total	23,070.92	1,585.32	24,656.24
<u>Employee Benefit & Other Withholding</u>			
Health Benefit Account Credit	-	-	-
Deferred Compensation	2,275.41	1,007.07	3,282.48
PERS Survivor Benefit	42.00		42.00
Health Café Plan	2,535.91	13,573.19	16,109.10
American Fidelity Pre-Tax	148.86		148.86
American Fidelity After-Tax	97.40		97.40
American Fidelity-FSA	686.19		686.19
PERS EE - Contribution 7%	961.06		961.06
PERS EE - Contribution 8%	6,480.01		6,480.01
PERS Retirement - Employer	-	1,077.23	1,077.23
PERS Retirement - Employer	-	15,054.65	15,054.65
Wage Garnishment - Employee	371.12		371.12
Life & Disability Insurance		991.41	991.41
Unemployment Insurance		1,957.50	1,957.50
Workers' Compensation		4,474.25	4,474.25
Sub-total	13,597.96	38,135.30	51,733.26
Gross Payroll	\$119,137.43	\$39,720.62	158,858.05
Prepared by P/R & Financial Specialist  Reviewed by H/R & Risk Mgr.: 			

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council

From: Alex Qishta, Project Engineer

Date: January 14, 2013

For Council Meeting: January 22, 2013



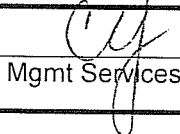
Subject: Annexation Area No. 2 (Improvement Area No. 3) (Super Wal-Mart)
APN 0601-201-37 to Community Facilities District No. 11-1 (Services)

Prior Council Review: On June 7, 2011, the Town Council adopted a Resolution approving the goals and policies for the formation of Community Facilities Districts Pursuant to the Mello-Roos Community Facilities Act of 1982. On December 4, 2012, the Town Council approved a Resolution Declaring Its Intention to Annex Territory to Community Facilities District No. 11-1, Annexation Area No. 2, (Improvement Area No. 3) (Services) and Setting a Date and Time for a Public Hearing.

Recommendation: That the Town Council adopts the Resolutions to annex the project into Community Facilities District No. 11-1, Annexation Area No. 2, (Improvement Area No. 3) and levy a special tax thereon to finance certain services as follows, and introduces the Ordinance.

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

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

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

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

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

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

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

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

- Maintenance of public streets and alleyways, including pavement, traffic control devices, landscaping and other public improvements installed within the public right-of-way;
- Maintenance of all public pedestrian or bicycle pathways within the public right-of-way;
- Public Lighting and appurtenant facilities, including street lights within public right-of-way and traffic signals located at the entrance driveway on Twentynine Palms Highway, the intersection of Twentynine Palms Highway and Avalon Street, the intersection of Twentynine Palms Hwy and Inca Trail, the intersection of Palomar Avenue and Yucca Trail, and the intersection of Joshua Lane and Yucca Trail, which will include all electrical utility charges.
- Town and County costs associated with the setting, levying and collection of the special tax, and in the administration of the District including the contract administration.

If the Maximum Allowable Annual Fee were levied, the revenue generated would be \$14,430 per year.

Alternatives: No alternatives are recommended.

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

Attachments: Resolution(s) No. 13-
Ordinance No.
Community Facilities District Report

RESOLUTION NO. 13-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA FOR THE ANNEXATION OF IMPROVEMENT AREA NO. 3 TO COMMUNITY FACILITIES DISTRICT NO. 11-1, ANNEXATION AREA #2, IMPROVEMENT AREA #3 (SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, AND SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE AREA TO BE ANNEXED TO THE DISTRICT

WHEREAS, on December 4, 2012, the Town Council adopted Resolution No. 12-45, entitled "Resolution of the Town Council of the Town of Yucca Valley Declaring Its Intention to Annex Territory to Community Facilities District No. 11-1 (Services)" (the District) stating its intent to annex Improvement Area No. 3 to the District under the Mello-Roos Act and to levy a special tax on all property within Improvement Area No. 3 for legally-permitted facilities and services, and directed staff to implement the Act's requirements for annexation of territory to said District;

WHEREAS, the Resolution of Intention included a map of the proposed boundaries of Annexation Area No. 2 (Improvement Area No. 3) to the District, stated the services to be financed, and the rate and method of apportionment of the special tax to be levied within Annexation Area No. 2 (Improvement Area No. 3) of the District to pay the costs, is on file with the Town Clerk, and the provisions thereof are incorporated herein by the reference as if fully set forth, and

WHEREAS, on January 22, 2013, the Town Council held a public hearing on the annexation of Annexation Area No. 2 (Improvement Area No. 3) to Community Facilities District No. 11-1 (Services), and accepted written and documentary testimony and evidence relating thereto; and

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

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

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

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

- A. The proposed area shall be annexed pursuant to the Mello-Roos Community Facilities Act of 1982 set forth in California Government Code Title 5, Division

2, Part 1, Chapter 2.5;

- B. The Town Council accepts the "Special Tax Report for the Town of Yucca Valley Community Facilities District No.11-1 (Services), Annexation Area No. 2 (Improvement Area No. 3).
- C. The proposed special tax to be levied within Annexation Area No. 2 (Improvement Area No. 3), CFD No. 11-1 (Services) has not been precluded by majority protest pursuant to Section 53324 of the Act.
- D. The annexation area shall be designated "Town of Yucca Valley Community Facilities District No. 11-1, Annexation Area 2 (Improvement Area No. 3)" is hereby established pursuant to the Act.
- E. The boundaries of Annexation Area No. 2 (Improvement Area No. 3) to the District, as set forth in the map of Annexation Area No. 2 (Improvement Area No. 3), CFD No. 11-1 (Services) shall correspond with the boundaries indicated on the map attached hereto as "Exhibit A" as recorded in the San Bernardino County Recorder's Office in Book 601 and Page 20 of Maps of Assessment and Community Facilities Districts.
- F. The name for the proposed area to be annexed to the district is "Community Facilities District No.11-1 (Services), Annexation Area No. 2 (Improvement Area No. 3)";
- G. The public services to be financed by the District shall consist of those items described in the Resolution of Intention and by this reference incorporated herein.
- H. Except where funds are otherwise available, a special tax sufficient to pay for all services, secured by recordation of a continuing lien against all nonexempt real property in Annexation Area No. 2 of the District, will be levied annually within Annexation Area No. 2 (Improvement Area No. 3) of CFD No. 11-1 (Services), and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as the Town Council shall direct. The proposed rate and method of apportionment of the special tax among parcels of real property within the District in sufficient detail to allow each landowner within the proposed District to estimate the probable maximum amount such owner will have to pay, are described in "Exhibit B" attached to the Resolution of Intention and by reference are incorporated herein.
- I. It is hereby found and determined that the Services are necessary to meet the increased demands as the result of development occurring in Annexation Area No. 2 (Improvement Area No. 3) of the District.
- J. The Director of Finance or his/her designee shall be responsible for preparing annually a current roll of the special tax levy obligation by assessor's parcel number and which will be responsible for estimating future special tax levies

pursuant to Government Code Section 53340.2

- K. Upon recordation of the Notice of Special Tax Lien pursuant to Section 3114.5 of the Street and Highways Code, a continuing lien to secure levy of the special tax shall attach to all nonexempt real property in Annexation Area No. 2 (Improvement Area No. 3) of the District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien is canceled in accordance with law or until collection of the tax by the Town Council ceases.

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

APPROVED AND ADOPTED on this 22nd day of January, 2013.

MAYOR

ATTEST:

TOWN CLERK

Attachments: Resolution No. 12-45
Exhibit A – Boundary Map

RESOLUTION NO. 13-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA SETTING A DATE FOR AN ELECTION ON THE ANNEXATION OF ANNEXATION AREA NO. 2 (IMPROVEMENT AREA NO. 3) TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES), SPECIAL TAX LEVY FOR FY 2013/14

WHEREAS, the Town of Yucca Valley established Community Facilities District No. 11-1 (the "District"), on August 2, 2011 pursuant to the Mello-Roos Community Facilities Act of 1982 ("Mello-Roos Act"; Government Code § 53311, *et seq.*): and

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

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

WHEREAS, the area proposed to be annexed is known and designated as COMMUNITY FACILITIES DISTRICT NO.11-1 (SERVICES), ANNEXATION NO. 2 (IMPROVEMENT AREA NO. 3) (the "Annexed Territory"); and

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

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

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

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

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

SECTION 1. Pursuant to Sections 53326.53353.5 and 53325.7 of the Act, propositions of the levy of the special tax on property within Annexation Area No. 2 (Improvement Area No. 3) of the District shall be submitted to the qualified electorate of Annexation Area No. 2 of the District at an election called thereof as provided below.

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

SECTION 3. The Town Council submits to the qualified voters of the area to be annexed to the District the question of levying a new special tax to finance public facilities and services within Annexation Area No. 2 of the District, as specified in the Resolution of Intent.

SECTION 4. The Town Council hereby calls for a special election to consider the measures described in Section 1 above, which election shall be held on January 22, 2013. Pursuant to Section 53327 of the Act, the election shall be conducted by the use of mailed ballots, or hand delivered ballot pursuant of Section 4000 of the California Election Code. All mail ballots shall be returned to the Town Clerk's office (by mail or personal delivery) no later than 4:00 pm on January 22, 2013, or shall be delivered personally to the Town Clerk no later than the close of the special election on such date.

SECTION 5. In the event that landowners owning all of the property within Annexation Area No. 2 of the District that is subject to the proposed special tax have waived election requirements and/or designated other entities to cast their votes on their behalf, such votes may be cast (verbally or otherwise) at the election by any person or body so designated, and all votes cast shall be counted by the Town Clerk in determining the final vote.

SECTION 6. The Town Clerk is hereby directed to publish in a newspaper of general circulation circulating within the area of CFD No. 11-1 a copy of this Resolution as soon as practicable after the date of adoption of this Resolution.

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

APPROVED, PASSED AND ADOPTED this 22nd day of January, 2013.

MAYOR

ATTESTED:

TOWN CLERK

EXHIBIT A

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

Assessor Parcel Number: _____

Number of votes entitled to cast: 25.41

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

MEASURE SUBMITTED TO QUALIFIED ELECTORS

Ballot Measure: Shall the Town of Yucca Valley be authorized to levy a special tax at the rates and apportioned as described in Exhibit B to the Resolution Declaring its Intention to Annex Territory to Community Facilities District No. 11-1 (Services) adopted by the City Council on _____, 2012 (the "Resolution"), which is incorporated herein by this reference, within the territory identified on the map entitled "Boundary Map of Annexation Area No. 2 (Improvement Area No. 3) Community Facilities District No. 11-1 (Services), Town of Yucca Valley, County of San Bernardino", to finance certain services as set forth in Exhibit B of the Resolution?

YES _____

NO _____

NOTE: This is a special landowner election. You must return this ballot to the Town Clerk of the Town of Yucca Valley either (i) to the Office of the Town Clerk at Town Hall, 57090 Twentynine Palms Highway, Yucca Valley, CA, by 4:00 p.m. on _____, 2012 or (ii) thereafter, to the regular meeting place of the Town Council at Yucca Room, Community Center, Yucca 57090 Twentynine Palms Highway, Yucca Valley, CA on _____, 2012, by five minutes following the adoption of the resolution calling the election (the Town Council meeting convenes at 6:00 p.m. on _____, 2013).

RESOLUTION NO. 13-

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

WHEREAS, on December 4, 2012, the Town Council of the Town of Yucca Valley (the "City") adopted the "Resolution of the Town Council of the Town of Yucca Valley Declaring Its Intent to Annex Territory to Community Facilities District No.11-1 (Services)" (referred to herein as the "Resolution of Intent") stating its intention to annex territory to Community Facilities District No.11-1 and to finance specified public facilities and services, pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311, *et seq.*; the "Mello-Roos Act");

WHEREAS, on January 22, 2013, the Town Council of the Town of Yucca Valley held a public hearing on the Resolution of Intent;

WHEREAS, on January 22, 2013, after the public hearing, the Town Council adopted a "Resolution of the Town Council of the Town of Yucca Valley for the Annexation of Improvement Area No. 3 to Community Facilities District No. 11-1 (Service)(Resolution No. _____; also referred to herein as the "Resolution of Formation"), annexing Annexation Area No. 2 (Improvement Area No. 3) to Community Facilities District No. 11-1 (hereafter, the "District"); and the Town Council also adopted the "Resolution of the Town Council of the Town of Yucca Valley Setting a Date for an Election on the levy of a special tax within Annexation Area No. 2 (Improvement Area No. 3) of Community Facilities District No. 11-1 for January 22, 2013 (Resolution No. _____; also referred to herein as the "Resolution Calling for Special Election");

WHEREAS, on January 22, 2013, an election on the levy of special taxes on parcels within Annexation Area No. 2 (Improvement Area No. 3) of the District was held;

WHEREAS, this Resolution will only take effect if two-thirds of the votes cast in the special election are in favor of the levy, and such results were certified by the Town Council through adoption of the "Resolution of the Town Council of the Town of Yucca Valley Certifying the Results of the Election on the Levy of Special Taxes in Annexation Area No. 2 (Improvement Area No. 3) of Community Facilities District No. 11-1 (Services)" (Resolution No. _____), whereby the levying of special taxes was authorized;

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

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

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

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

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

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

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

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

APPROVED AND ADOPTED this 22nd day of January, 2013.

MAYOR

ATTEST:

TOWN CLERK

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN IMPROVEMENT AREA 3, ANNEXATION NO 2, OF COMMUNITY FACILITIES DISTRICT NO. 11-1 (SUPER WAL-MART)

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 _____, 2013.

MAYOR

ATTEST:

APPROVED AS TO FORM:

TOWN CLERK

TOWN ATTORNEY

TOWN OF YUCCA VALLEY

COMMUNITY FACILITIES DISTRICT REPORT

**COMMUNITY FACILITIES DISTRICT NO. 11-1 (Services)
ANNEXATION NO. 2 (IMPROVEMENT AREA NO. 3)**

HEARING REPORT

September 7, 2012

Prepared by
K. Dennis Klingelhofer, P.E

TOWN OF YUCCA VALLEY

**COMMUNITY FACILITIES DISTRICT HEARING REPORT
COMMUNITY FACILITIES DISTRICT NO. 1(Services)
ANNEXATION NO. 2 (IMPROVEMENT AREA NO. 3)**

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**TOWN OF YUCCA VALLEY
COMMUNITY FACILITIES DISTRICT NO. 11-1 (Services)
ANNEXATION NO. 2 (IMPROVEMENT AREA NO. 3)**

Section I – Introduction

The Town Council of the Town of Yucca Valley has been requested to initiate proceedings to annex territory into Community Facilities District No. 11-1 (Services) (the “District”) to include the property which is contained within Yucca Valley Retail Specific Plan and encompasses approximately 25.41 acres located at the southeast corner of the intersection of Twentynine Palms Highway (State Highway 62) and Avalon Avenue. Planned development on the 25.41 acre parcel will consist of an approximately 184,146 s.f. single retail use, a 3,500 s.f. retail use and a 4,000 s.f. fast-food restaurant use.

The Town Council adopted a resolution entitled “Resolution of Intention to Annex Territory to Community Facilities District No. 11-1” Resolution No. 12-45 pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”), on December 4, 2012 declaring its intention to annex territory located within Annexation Area No. 2 (Improvement Area No. 3) and ordered the preparation of a written Community Facilities District Report (the “Report”) as required by the Act.

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

Section II – Description of Services and Estimated Costs This section describes the services to be funded within Annexation Area No. 2 (Improvement Area No. 3), the estimated annual costs associated with providing those services and the proposed annual maximum special tax for parcels within the District.

Section III – Description of District of CFD This section contains the map showing the proposed boundaries of Annexation Area No. 2 (Improvement Area No. 3) within the CFD and those properties and parcels on which special taxes may be levied to pay for the costs and expenses of the services to be funded.

Section III – Overview of the Proposed CFD This section of the report describes the proposed structure of Annexation Area No. 2 (Improvement Area No. 3) within the CFD and the Rate and Method for the allocation of the special tax within Annexation Area No. 2 (Improvement Area No. 3).

In addition there are three exhibits attached to this report. Exhibit A is the list of authorized services within Improvement Area No. 3 the CFD may fund. Exhibit B is the Rate and Method of Apportionment for Annexation No. 2 (Improvement Area No. 3). Exhibit C is the Boundary Map for Annexation No. 2 (Improvement Area No. 3).

Section II – Description of Services and Estimate of Costs

Pursuant to Resolution 12-45, the types of public services to be funded, in whole or in part by the District, are generally described as the maintenance, operation and management of the following types of facilities.

- Maintenance of public streets and alleyways, including pavement, traffic control devices, landscaping and other public improvements installed within the public rights-of-way; and
- Maintenance of all public pedestrian or bicycle pathways within the public rights-of-way; and
- Public Lighting and appurtenant facilities, including street lights within public right-of-way and traffic signals located at the entrance driveway on Twentynine Palms Highway, the intersection of Twentynine Palms Highway and Avalon Street, the intersection of Twentynine Palms Hwy and Inca Trail, the intersection of Palomar Avenue and Yucca Trail, and the intersection of Joshua Lane and Yucca Trail, which will include all electrical utility charges, and
- Town and County costs associated with the setting, levying and collection of the special tax, and in the administration of the District including the contract administration.

The estimated costs for the maintenance of the eligible improvements within Annexation Area No. 2 (Improvement Area No. 3) of the District are shown below, including costs for future repairs or replacement of the improvements. The costs shown also include 25% contingencies, contract administration and Town overhead for the administration of the District. The costs shown are applicable to fiscal year 2013-14.

Right-of-Way Maintenance, Operation and Management

The Improvement Area is anticipated to maintain, operate and manage fifty percent (50%) of the public improvements installed within Avalon Street from the intersection of 29 Palms Highway to southern property line of the project, and fifty percent (50%) of the public improvements installed within Palisade Drive along the southern boundary of the project. This includes slurry seals (3-5 year cycle) and pavement overlays (10-15 year cycle), miscellaneous pavement repairs annually, restriping and as-needed curb, gutter and sidewalk repair. The Improvement Area will also operate and maintain 5 traffic signals and 7 street lights.

Total Linear Feet	1,860
Total Area (Square Feet)	39,120
Cost per Square Foot (2013-14 \$'s)	\$0.37
Total Costs (2013-14 \$'s)	\$14,430
Improvement Area EDU's	114.345
Fiscal Year 2013-14 Cost per EDU	\$126.20

Section III - Proposed Boundaries of CFD

The proposed District is generally described as Yucca Valley Retail Specific Plan, as may be amended from time to time, and includes the following Assessor's Parcel Numbers:

<u>Assessor's Parcel Number</u>	<u>Owner</u>	<u>Acreage</u>
601-201-37	Wall-Mart	25.41

Section IV – Overview of the Proposed CFD

The area proposed to be annexed to CFD 11-01 as Annexation No. 2 (Improvement Area No. 3) will levy an annual special tax on all of the property in Improvement Area No. 3 unless exempted by law or, the Rate and Method of Assessment (RMA) for the purpose of maintaining, managing and operating the improvements within the Improvement Area. Each year the Town Engineer will develop a budget for the projected costs of providing the authorized services within the Improvement Area for the CFD for the coming year, including the costs of:

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

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

Equivalent Dwelling Unit Factors

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

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

The maximum special tax which may be levied upon any taxable parcel is set at a base rate of \$126.20 per EDU. The maximum special tax will escalate at a rate not to exceed 4 percent per year to cover increases in the costs of providing the authorized services. The special tax shall be levied and collected in perpetuity.

Exhibit A
Community Facilities District No. 11-1 (Services)
Annexation No. 2 (Improvement Area No. 3)

List of Authorized Services

The maintenance obligations to be funded, in whole, by the levying of an annual special tax upon all taxable parcels within Annexation Area No. 2 (Improvement Area No. 3) of the District shall include all of the following:

1. Maintenance of public streets and alleyways, including pavement, traffic control devices, landscaping and other public improvements installed within the public rights-of-way; and
2. Maintenance of all public pedestrian or bicycle pathways within the public rights-of-way; and
3. Public Lighting and appurtenant facilities, including street lights within public right-of-way and traffic signals located at the entrance driveway on Twentynine Palms Highway, the intersection of Twentynine Palms Highway and Avalon Street, the intersection of Twentynine Palms Hwy and Inca Trail, the intersection of Palomar Avenue and Yucca Trail, and the intersection of Joshua Lane and Yucca Trail, which will include all electrical utility charges; and
4. Town and County costs associated with the setting, levying and collection of the special tax, and in the administration of the District including the contract administration.

In addition, the Special Taxes collected may be set-aside in a designated replacement fund to be used to fund the future replacement or repair of any of the items described above or other improvements funded by CFD No. 11-1, Annexation Area No. 2 (Improvement Area No. 3).

EXHIBIT B

**TOWN OF YUCCA VALLEY
COMMUNITY FACILITIES DISTRICT NO. 11-1 (Services)
ANNEXATION NO. 2 (IMPROVEMENT AREA NO. 3)**

RATE AND METHOD OF APPORTIONMENT

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

Exhibit C
Community Facilities District No. 11-1 (Services)
Annexation No. 2 (Improvement Area No. 3)

TOWN OF YUCCA VALLEY
ANNEXATION AREA NO. 1 (IMPROVEMENT AREA NO. 3)
Community Facilities District No. 11-1 (Services)

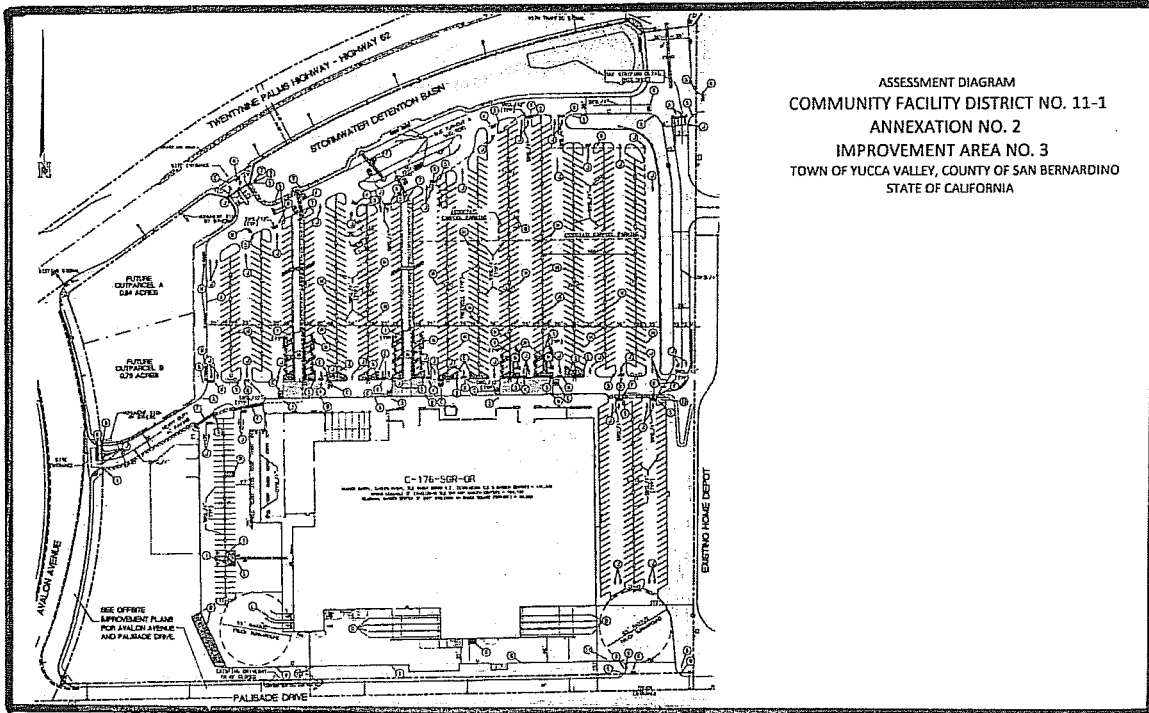


EXHIBIT B
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES
TOWN OF YUCCA VALLEY
COMMUNITY FACILITIES DISTRICT NO. 11-1 (Services)
Annexation No. 2 (Improvement Area No. 3)

Special Taxes shall be levied annually on all Assessor's Parcels in Annexation Area No. 2 (Improvement Area No. 3) located within Community Facilities District No. 11-1(Services) of the Town of Yucca Valley (the "District") commencing in Fiscal Year 2013-14 in an amount determined by the Town through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in Annexation Area No. 2 (Improvement Area No. 3), unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

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

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

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

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

"Authorized Services" means those services as described in the "Special Tax Report Community Facilities District No. 11-1, Annexation No. 2 (Improvement Area No. 3) Town of Yucca Valley.

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

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

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

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

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

"Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, (iii) property used exclusively for the retention/detention of storm water and (iv) property designated by the Town's District Administrator as Tax-Exempt Property

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

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

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

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

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below that can be levied within Annexation Area No. 2 (Improvement Area No. 3) in the District in any Fiscal Year on any Assessor's Parcel.

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

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

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

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

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

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

"State" means the State of California.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of the District and any future annexation to Annexation Area No. 2 (Improvement Area No. 3) of the District that is not exempt from the Special Tax pursuant to law or as defined herein.

"Town" means the Town of Yucca Valley, California

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

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within Annexation Area No. 2 (Improvement Area No. 3) of the District shall be classified as Developed Property, Approved Property, Undeveloped Property or Exempt Property. Commencing with the Base Year and for each subsequent Fiscal Year, all Taxable Property shall be subject to Special Taxes pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX RATE

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

TABLE 1
Equivalent Dwelling Unit Factors
Community Facilities District No. 11-1
Annexation Area No. 2 (Improvement Area 3)

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

TABLE 2
Maximum Special Tax for Approved Property
Community Facilities District No. 11-1
Annexation Area No. 2 (Improvement Area 3)

Property Classification	Maximum annual Special Tax
Developed Property Residential Non-Residential	\$126.20 per EDU \$567.90 per acre
Approved Property Residential Non-Residential	\$126.20 per EDU \$567.90 per acre
Undeveloped Property Residential Non-Residential	\$567.90 per acre \$567.90 per acre

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

4. Tax-Exempt Property

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

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

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

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

E. APPEALS

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

F. MANNER OF COLLECTION

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

G. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Jim Schooler, Community Services Director
Date: January 18, 2013
For Council Meeting: January 22, 2013

Subject: Spring 2013 Program Offerings – Community Services Department

Prior Council Review: None

Recommendation: That the Council move to receive and file the report outlining the Spring 2013 programs and events to be organized and conducted by the Community Services Department.

Order of Procedure:

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

Discussion: The programming staff of both the Hi Desert Nature Museum and the Recreation division of the Community Services Department has developed a schedule of programs and events that will be offered in the spring of 2013 (March, April, May). Descriptions are being prepared to be included in the printed Experience Yucca Valley Spring activity guide that will be distributed throughout the community in mid-February.

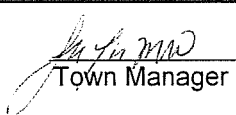
The Parks, Recreation and Cultural Commission reviewed the list of intended program offerings at their January 8th meeting and forwarded a recommendation that the Council receive and file the report.

Alternatives: None recommended

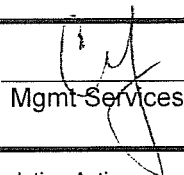
Fiscal impact: None

Attachments: Hi Desert Nature Museum spring 2013 program summary
Recreation Division spring 2013 program summary

Reviewed By:


Town Manager


Town Attorney


Mgmt Services

JAS
Dept Head

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

HI-DESERT NATURE MUSEUM PROGRAMS MARCH, APRIL & MAY 2013

Temporary Exhibitions:

Reduce, Reuse, Recycle

January 25 – April 26, 2013

"Reduce, Reuse, Recycle" is a show of artwork contributed by local artists made from recycled or reused materials. This exhibition is designed to make people rethink our throw-away society by sharing the local community's innovative and often surprising use of discarded items.

Yucca Valley High School Art Show

April 30 – June 1, 2013

This exhibition highlights the finest work of some of this community's rising talent from Yucca Valley High School. The show displays a variety of subjects in different artistic mediums such as drawing and painting.

Special Events:

Teen Topics Community Forum, Monday, March 18, 6:00 – 8:00 p.m., Free
Organized by the Youth Commission

Spring Kids Crafts, Saturday, March 23, 11:00 a.m. – 12:00 p.m., Free

Earth Day Conservation Fair, Saturday, April 20, 9:00 a.m. – 2:00 p.m., Free
Local artists, vendors, environmental education, live music and dance

YVHS Art Show Reception, May 3, 4:30 – 6:00 p.m., Free Admission

Educational Programs:

Science Saturdays, 11:00 – 11:30 a.m., Free

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

March 9: Money

March 30: Language

April 13: Pollution and Recycling

April 27: Nose and Tongue

May 11: Animal Traces

May 25: Fear

Winter Lecture Series, One Thursday a month, November through March,
12:00 – 1:00 p.m., Free

March 14, Botany and Desert Plants

Community Services Department Planned Recreation Programs - Spring 2013

Special Events

Special Events

Saturday, March 30	Easter Egg Hunt	no charge
Saturday, May 4	Kid's Spring Dance	\$3 per child

Fitness Fun Runs

Saturday, May 5	Run for the Arts	\$20, \$18
Sunday, May 26	Grubstake Run	\$20, \$18

Senior Dances

Saturday, May 18	Dance for Seniors & Adults	\$3, \$5
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Grubstake Days

Saturday, May 25	Horseshoes Tournament	\$10/team
Saturday, May 25	Table Tennis Tournament	\$10/team
Saturday, May 25	Family Kickball Tournament	no charge

Youth Programs

Classes

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

Paradise Park After School Program

Ages 5 -16, Monday through Thursday , 3-5 pm	no charge
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Youth Basketball League

Ages 6-14, Weeknight practices, Saturday Games; December through early March.	R \$58/NR \$63 per child
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Kids' Tinman Triathlon

Saturday, June 8, 2013	Ages 4-12	\$40 per child
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Adults & Seniors

Enrichment Classes

Bellydance	10 & older, Wednesday evenings	\$35/6 weeks
Yucca Valley Bridge Club	18 & older, Friday afternoons	\$2 per session
Dog Obedience	18 & older, Friday evenings	\$135/6weeks
Harmonica	5 & older, Friday evenings	\$2 per session
Pinocle	18 & older, Friday afternoons	\$2 per session
Knit & Crochet	18 & older, Thursday mornings	\$2 per session
Stretch N Tone	18 & older, Monday thru Friday mornings	\$2 per session
Table Tennis	18 & older, Wednesday afternoons	\$2 per session
Tai Chi Chuan	All ages, Wednesday evenings	\$30 per month
Open Art Studio Workshop	18 & older, Thursday mornings	\$2 per session
Western Line Dancing (Instructional)	18 & older, Mon evenings & Thurs afternoons	\$2 per session
Western Line Dancing (Intermediate)	18 & older, Mon evenings & Thurs afternoons	\$2 per session
Woodcarving	16 & older, Tuesday evenings	\$2 per session
Wii for Seniors	Wednesday afternoons & Thursday mornings	no charge
Walking Club	18 & older, ongoing	\$15 one-time fee

Seniors & Adult Trips

Endeavor, CA Science Center	Wednesday, April 24	\$52 per person
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Softball Leagues

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

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Jamie Anderson, Town Clerk
Date: January 16, 2013
For Council Meeting: January 22, 2013

Subject: Town Invocation Policy

Prior Council Review: None

Recommendation: Adopt the Resolution documenting the Town policy regarding invocations at meetings.



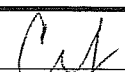
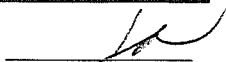
Summary: The Town of Yucca Valley has a long-standing tradition of opening Town Council meetings with an offering of prayer. While the Town Clerk has an established practice for scheduling individuals from the local clergy, this process has not been formally documented and ratified by the Town Council.

Order of Procedure:

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

Discussion: Legislative bodies in America have long maintained a tradition of solemnizing proceedings by allowing for an opening prayer before each meeting. The Town of Yucca Valley is no different. Since the incorporation of the Town, the Town Council has followed a practice of selecting a member of local clergy to provide invocations at Town Council meetings.

Town Council asked that this item be brought forward for evaluation after recent controversy surrounding a motivational speaker at a local high school and recent correspondence to the Town concerning its policy of opening meetings in prayer. In considering the proposed resolution the Town Council is being asked to adopt this formal, written policy to clarify and codify its invocation practices.

Reviewed By:    

Town Manager Town Attorney Mgmt Services Dept Head

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

While it is not uncommon to hear statements to the contrary, such prayer before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court. One of the more recent cases involved the City of Lancaster. Under the City of Lancaster's policy, the city clerk maintained a database of religious congregations and mailed letters inviting the congregations to give an invocation before a City Council meeting.

The invitation requested that "prayer opportunities not be exploited as an effort to convert others to the particular faith of the invocational speaker nor to disparage any faith or belief different than that of the invocational speaker."

The policy also provided that no leader would be scheduled for any consecutive meetings or for more than three meetings in any calendar year. Otherwise, the city of Lancaster did not place any restrictions on the content of the legislative prayers that were presented. Every person who volunteered to deliver an invocation before a City Council meeting was scheduled to do so.

A substantial majority of the prayers in Lancaster were Christian in nature and contained explicitly sectarian religious references. The US District Court for the Central District of California in *City of Lancaster* held that the legislative prayer policy did not violate the Establishment Clause. In its analysis, the federal district court noted that volunteers of numerous faiths were invited to and had given invocations before City Council meetings, and the selection process did not discriminate against any particular faith. The federal district court also held that the city's request that volunteers not use the opportunity "as an effort to convert others to the particular faith" or "to disparage any faith or belief. . ." was sufficient to meet the test set forth under other court rulings.

The policy being presented for consideration is identical to that of the City of Lancaster. This formal, written policy will result in changes in the Town's current efforts to schedule clergy for invocations. The Town Clerk has found it difficult to schedule clergy in the past; comments from clergy have indicated that the Town's prior directive that invocations be non-sectarian contradicted the dictates of their own conscience. This new policy will provide no such directive. It will, however, include the following to the clergy:

"This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain the spirit of respect and ecumenism, the Town Council requests only that the prayer opportunity not be exploited as an effort to convert others to the particular faith of the invocational speaker, nor to disparage any faith or belief different than that of the invocational speaker."

Alternatives: Town Council could direct that Invocation be removed from the beginning of Town Council meetings.

Fiscal impact: None

Attachments: Resolution

RESOLUTION NO. 13-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING A POLICY REGARDING INVOCATIONS AT MEETINGS OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY

WHEREAS, the Town Council is an elective legislative and deliberative public body, serving the citizens of the Town of Yucca Valley; and

WHEREAS, legislative bodies in America have long maintained a tradition of solemnizing proceedings by allowing for an opening prayer before each meeting, for the benefit and blessing of the Town Council; and

WHEREAS, since the incorporation of the Town, the Town Council has followed a practice of selecting a member of local clergy to provide invocations at Town Council meetings; and

WHEREAS, the Town Council now desires to adopt this formal, written policy to clarify and codify its invocation practices; and

WHEREAS, such prayer before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court; and

WHEREAS, in *Marsh v. Chambers*, 463 U.S. 783 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, "The opening sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom." *Id.*, at 786; and

WHEREAS, the Supreme Court further held, "To invoke divine guidance on a public body.... Is not, in these circumstances, and 'establishment' of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country." *Id.*, at 792; and

WHEREAS, the Supreme Court affirmed in *Lynch v. Donnelly*, 465 U.S. 668 (1984), "Our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders." *Id.*, at 675; and

WHEREAS, the Supreme Court further stated, "Those government acknowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and

encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, those practices are not understood as conveying governmental approval of particular religious beliefs.” *Id.*, at 693 (O’Connor, J., concurring); and

WHEREAS, the Supreme Court also famously observed in *Zorach v. Clauson*, 343 U.S. 306, (1952), “Ware are a religious people whose institutions presuppose a Supreme Being.” *Id.*, at 313-14; and

WHEREAS, the Supreme Court acknowledged in *Holy Trinity Church v. United States*, 143 U.S. 457 (1892), that the American people have long followed a “custom of opening sessions of all deliberative bodies and most conventions with prayer...,” *Id.*, at 471; and

WHEREAS, the Supreme Court has determined, “The content of [such] prayer is not of concern to judges where... there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief.” *Marsh*, 463 U.S. at 794-795; and

WHEREAS, the Supreme Court also proclaimed that it should not be the job of the courts or deliberative public bodies “to embark on a sensitive evaluation or to parse the content of a particular prayer” offered by a deliberative public body. *Id.*; and

WHEREAS, the Supreme Court has counseled against the efforts of government officials to affirmatively screen, censor, prescribe and/or proscribe the specific content of public prayers offered by private speakers, as such government efforts would violate the First Amendment rights of those speakers. *See, e.g., Lee v Weisman*, 505 U.S. 577, 588-589 (1992); and

WHEREAS, the Town Council intends, and has intended in past practice, to adopt a policy that upholds individuals “free exercise” rights under the First Amendment; and

WHEREAS, the Supreme Court has repeatedly clarified that “there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect.” *Bd. Of Educ. Of Westside Cmty Sch. V. Mergens*, 496 U.S. 226, 250 (1990); and

WHEREAS, the Town Council intends, and has intended in past practice, to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others; and

WHEREAS, the Town Council recognizes its constitutional duty to interpret, construe, and amend its policies and ordinances to comply with constitutional requirements as they are announced; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Yucca Valley, California that the Town Council does hereby adopt the following written policy regarding opening invocations before meetings of the Town Council to wit:

1. In order to solemnize proceedings of the Town Council, it is the policy of the Town Council to allow for an invocation or prayer to be offered at its meetings for the benefit of the Town Council and community.
2. No member of the Town Council or Town employee or any other person in attendance at the meeting shall be required to participate in any prayer that is offered.
3. The prayer shall be voluntarily delivered by an eligible member of the clergy/religious leader in the Town of Yucca Valley. To ensure that such person (the “invocational speaker”) is selected from among a wide pool of the (jurisdiction)’s clergy/religious leaders, on a rotating basis, the invocational speaker shall be selected according to the following procedure:
 - a. The Town Clerk shall compile and maintain a database (the “Congregations List”) of the religious congregations with an established presence in Yucca Valley.
 - b. The Congregations List shall be compiled by referencing the listing for “churches”, “congregations”, or other religious assemblies in the annual Yellow Pages phone book(s) published for the Town of Yucca Valley, research from the Internet, and consultation with local chambers of commerce. All religious congregations with an established presence in the Town of Yucca Valley are eligible to be included in the Congregations List, and any such congregation can confirm its inclusion by specific request to the Clerk.
 - c. The Congregations list shall include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the Town of Yucca Valley or any nearby military facilities.
 - d. The Congregations list shall be updated by reasonable efforts of the Town Clerk.
 - e. Within thirty (30) days of the effective date of this policy, the Town Clerk shall mail an invitation addressed to the “religious leader” of each congregation listed on the Congregations List, as well as to the individual chaplains included on the Congregations List.
 - f. The invitation shall be dated at the top of the page, signed by the Town Clerk at the bottom of the page, and read as follows:

Dear religious leader,

The Town Council makes it a policy to invite members of the clergy in the Town of Yucca Valley to voluntarily offer a prayer before the beginning of its meetings, for the benefit and blessing of the Town Council. As the leader of one of the religious congregations with an established presence in the local community of the Town of Yucca Valley, or in your capacity as a chaplain for one of the fire departments or law enforcement agencies of the Town of Yucca Valley, you are eligible to offer this important service at an upcoming meeting of the Town Council.

If you are willing to assist the Town Council in this regard, please send a written reply at your earliest convenience to the Town Clerk at the address included on this letterhead. Clergy are scheduled on a first-come, first-serve or other random basis. The dates of the Town Council's scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain the spirit of respect and ecumenism, the Town Council requests only that the prayer opportunity not be exploited as an effort to convert others to the particular faith of the invitational speaker, nor to disparage any faith or belief different than that of the invitational speaker.

On behalf of the Town Council, I thank you in advance for considering this invitation.

*Sincerely,
Town Clerk*

- g. Consistent with paragraph 6 hereof and, as the invitation letter indicates, the respondents to the invitation shall be scheduled on a first-come, first-serve or other random basis to deliver the prayers
 - h. If the selected invitational speaker does not appear at the scheduled meeting, the Mayor may ask for a volunteer from among the Council or the audience to deliver the invocation.
4. No invitational speaker shall receive compensation for his or her service.
5. The Town Clerk shall make every reasonable effort to ensure that a variety of eligible invitational speakers are scheduled for the Town Council meetings. In any event, no invitational speaker shall be scheduled to offer a prayer at consecutive meetings of the Town Council, or at more than three (3) Town Council meetings in any calendar year.

6. Neither the Town Council nor the Town Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any prayer to be offered by an invocational speaker.
7. This policy shall be intended for all Boards and Commissions for the Town of Yucca Valley, California.
8. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Town Council with, nor express the Town Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Town Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Yucca Valley.

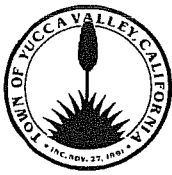
NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon approval by the Town Council of the Town of Yucca Valley, California.

DATED this 22nd day of January, 2013.

MAYOR

ATTEST:

TOWN CLERK



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: January 16, 2013

For Council Meeting: January 22, 2013

Subject: FY 2013-14 Budget Preparation Calendar

Recommendation: Review and approve the proposed Budget Calendar

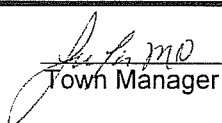
Order of Procedure:

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

Discussion: For the upcoming 2013 – 14 fiscal year, the Town will be completing a budget plan identifying both the priorities and programs of the Town, as well as the related financial resources required to accomplish these identified priorities. The budget process specifically coordinates the proposed goals, objectives, and programs with the Town’s existing General Plan, Town policies, and other strategic planning guidance documents. As an additional component of the budget, a multi-year forecast will also be incorporated into the budget process, thus presenting a long-term financial planning horizon for the Town.

The development of the annual budget is completed in phases, with each phase subject to a management review process. These phases are identified in the attached budget calendar. Upon completion of the individual phases, the budget is then assembled as a draft consolidated forecast of the Town’s financial plan. Based on comments and guidance received at the 2013 Strategic Planning Meeting, the Town will be including multiple public study sessions as well as formal public hearings on the proposed budget. The first of these study session is tentatively slated for February 19, 2013, prior to the Town Council meeting. The calendar also identifies a Saturday budget study session, with the date to be determined. The final public hearing and budget adoption is scheduled for June 4, 2013.

Reviewed By:


Town Manager


Town Attorney


Mgmt Services


Dept Head

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

As always, any member of the Council is invited to meet with staff at any time during the budget process if there are questions or concepts that need further clarification. Such a meeting may be beneficial in helping to understand the general language and structure of the upcoming budget.

Alternatives: No alternative action is recommended.

Fiscal impact: None.

Attachments:
FY 2013-14 Budget Calendar



Town of Yucca Valley

FY 2013-14 Budget Calendar

Week of	Topic	Responsibility
*January 12th	Strategic Planning Session	Town Council/Staff/Public
*January 22nd	Budget Kick-Off Distribution of Budget Material	Administrative Services
*February 5th	General Fund Budgets Due (incl Alternatives)	Town Staff Administrative Services
*February 12th	General Fund Budget Review #1	Town Management
*February 19th	Budget Workshop #1	Town Council/Staff/Public
*March 15th	General Fund Budget Review #2	Town Management
March 25th	Special Revenue Budgets Due	Town Staff Administrative Services
*March 22nd	Revised General Fund Budgets Due	All Departments
*April 2nd	Budget Workshop #2	Town Council/Staff/Public
*April 12th	Special Revenue Funds Budget Review	Town Management
*April 20th	Budget Workshop #3 - Saturday Session	Town Council/Staff/Public
*April 30th	Goals & Objectives Due Staffing Documents Due	Town Staff Administrative Services
May 13th	Final Draft Budget Distribution	Administrative Services
*May 21st	Proposed Budget Public Hearing	Town Council/Staff/Public
*June 4th	Budget Adoption	Town Council

**Indicates confirmed due date. All other dates indicate "week of", with finalization to come.*

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12-14 Budget Calendar.xlsx

