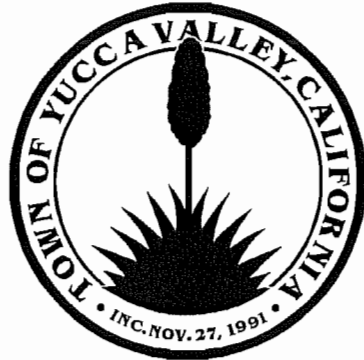


**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING**



*The Mission of the Town of Yucca Valley is to
provide a government that is responsive to its citizens
to ensure a safe and secure environment
while maintaining the highest quality of life.*

**TOWN COUNCIL: 6:00 p.m.
TUESDAY, SEPTEMBER 16, 2014
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

**CLOSED SESSION: 6:00 p.m.
(Immediately following the Regular Town Council Meeting)
MONDAY, JUNE 23, 2014
TOWN HALL CONFERENCE ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

* * * *

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

* * * *

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

**AGENDA
MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY SEPTEMBER 16, 2014
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, and any additional documents submitted to the majority of the Town Council, are available for public view in the Town Hall lobby and with respect to the staff agenda packet, 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. For more information on an agenda item or the agenda process, please contact the Town Clerk's office at 760-369-7209 ext. 226.

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

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

OPENING CEREMONIES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

1. Community Services Department- Summer Recap

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Vote _____.

CONSENT AGENDA

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.

2. 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.

- 1-2 3. Monthly Fire Department Statistical Report for the month of August 2014

Recommendation: Receive and file the monthly Statistical Fire Department Reports for the month of August 2014

- 3-4 4. Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended June 20, 2013

Recommendation: Receive and file the Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended June 30, 2013.

- 5-13 5. Warrant Register

Recommendation: Ratify the Payroll Registers Total of \$264,186.58 for checks dated August 15, 2014 and August 29, 2014 and ratify the Warrant Registers total of \$100,807.04 for checks dated September 4, 2014

Recommendation: Adopt Consent Agenda (items 2-4)

Action: Move _____ 2nd _____ Vote _____

DEPARTMENT REPORTS

14-17 6. Budget Report for the Fiscal Year Ended June 30, 2014

Recommendation: Receive and file the Budget Report for the fiscal year ended June 30, 2014

Action: Move _____ 2nd _____ Vote _____

18-20 7. Allocation of Positive Net Change in Fund Balance for the fiscal year ended June 30, 2014

Recommendation: Review and provide direction to staff regarding possible allocation of the FY 2013-14 General Fund Net Change in Fund Balance

Action: Move _____ 2nd _____ Vote _____

21-32 8. Initiative Process Update

Recommendation:

- Receive and file a status update on the initiative process and how it relates to petitions submitted to the Town concerning medical marijuana
- Provide guidance and direction to staff as appropriate

Action: Move _____ 2nd _____ Vote _____

FUTURE AGENDA ITEMS

PUBLIC COMMENTS

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

STAFF REPORTS AND COMMENTS

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

- 9. Council Member Abel
- 10. Council Member Leone
- 11. Council Member Rowe
- 12. Mayor Pro Tem Huntington
- 13. Mayor Lombardo

ANNOUNCEMENTS

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

The next regularly scheduled meeting of the Town Council is 6:00 p.m., Tuesday, October 7, 2014, at the Yucca Valley Community Center Yucca Room.

CLOSED SESSION

(Public Comments will be taken before the Council adjourns to Closed Session)

1. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:
(One (1) Potential Case)

REPORT OUT FROM CLOSED SESSION

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 near the Town Clerk's desk at 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. 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
DOJ	Department of Justice
DOT	Department of Transportation
ED	Economic Development
EIR	Environmental Impact Report (pursuant to CEQA)
GAAP	Generally Accepted Accounting Procedures
GASB	Governmental Accounting Standards Board
HDWD	Hi Desert Water District
HUD	US Department of Housing and Urban Development
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

COUNCIL COMMITTEE MEETING TIMES

<u>COMMITTEE</u>	<u>REPRESENTATIVE</u>	<u>TIMES</u>	<u>LOCATION</u>
SANBAG	HUNTINGTON ROWE (ALT)	10:30 am 1st Wed	San Bernardino
MEASURE I	HUNTINGTON ROWE (ALT)	9:30 am 3rd Fri.	Apple Valley
DESERT SOLID WASTE JPA	HUNTINGTON LOMBARDO (ALT)	10:00am 2nd Thurs Feb, May, Aug, Nov	Victorville
SOLID WASTE ADVISORY TASK FORCE	HUNTINGTON	3 rd Wed. April & October	Highland
LEAGUE OF CALIFORNIA CITIES DESERT/MOUNTAIN DIVISION	LOMBARDO ROWE (ALT)	10:00 am. 4th Fri quarterly	Various Locations
MORONGO BASIN TRANSIT AUTHORITY	ABEL LEONE ROWE (ALT)	5:00 pm 4th Thurs	Joshua Tree
MOJAVE AIR QUALITY DISTRICT	LEONE ROWE (ALT)	10:00 am 4th Mon	Victorville
LEAGUE OF CALIFORNIA CITIES LEGISLATIVE DELEGATE	MAYOR		
LEGISLATIVE TEAM	HUNTINGTON ROWE	Proposed for Council Member to work with Town Manager meeting with legislators when necessary.	
CITY/COUNTY ANIMAL SERVICES JPA	HUNTINGTON LOMBARDO	12:00 p.m. last Thurs.	Yucca Valley
SPORTS COUNCIL	HUNTINGTON	March, June, Sept., Oct.	Yucca Valley
SBCO HOMELESS PARTNERSHIP AND INTERAGENCY COUNCIL ON HOMELESSNESS	LEONE LOMBARDO (ALT)	9:00 a.m. 4 th Wed	San Bernardino

AD HOC COMMITTEES

SENIOR HOUSING

HUNTINGTON
ROWE

SEWER FINANCING

ROWE
LEONE

COUNCIL RULES & PROCEDURES

HUNTINGTON
LOMBARDO

MORONGO UNIFIED SCHOOL DISTRICT

ROWE

AUDIT

BREHM PARK

ABEL
LOMBARDO

COUNTY BUDGET COMMITTEE

ROWE
HUNTINGTON

SUBDIVISION COMMITTEE

HUNTINGTON
LEONE

RDA BOND COMMITTEE

ROWE
LEONE

ONLINE VIDEO COMMITTEE

HUNTINGTON
EVANS (PRCC)



SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

August 2014 Summary

ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to a total of 363 requests for assistance within our town boundaries. Division wide responses for the South Desert were 685 incidents.

EMERGENCY RESPONSES

ESTIMATED FIRE LOSS (In dollars)

Total Loss	\$	30,275	Value	\$	1,302,100
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RESPONSES OTHER THAN FIRES

Fires	5
Rupture / Explosion	0
EMS / Rescue	258
Hazardous Condition	2
Service Calls	34
Good Intent Calls	52
False Call	2
Other	2

ALARMS – ALL TYPES

Yucca Valley Response Area

2014 Year-to-Date

TOTAL NON-FIRE RESPONSE.....	2851
TOTAL FIRE RESPONSES.....	43
TOTAL ALARMS	2894

Significant Events:

- Fall Adult CERT Class began September 4th with nearly 35 students enrolled
- Special thanks to the Town of Yucca Valley for their support and facility use for CERT Program
 - Thank you Maureen Randall for all your coordination and assistance!
- Truck Company Training completed on “inside” operations – laddering, rescue, search and ventilation



SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

Disaster Preparedness Month

- Meet with your family to discuss the importance of being prepared in a disaster.
- Explain the dangers of EARTHQUAKES, FIRE, and SEVERE WEATHER to children.
- Discuss the different types of disasters that are likely to happen and explain what to do in each situation.
- Pick two meeting places.
- Somewhere outside your home
- Outside a neighborhood just in case you can't return to your home.
- Select an out-of-state family contact.
- Make sure that everyone knows the number.
- Assemble a disaster supply kit for each member in your household.
- Plan on how to take care of your pets.
- Make sure to practice your family disaster plan so that everyone will **remember what to do.**



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council

From: Curtis Yakimow, Town Manager
Sharon Cisneros, Senior Accountant

Date: September 10, 2014

For Council Meeting: September 16, 2014

Subject: Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended June 30, 2013

Recommendation: Receive and file the Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended June 30, 2013

Order of Procedure:

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

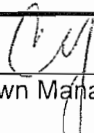

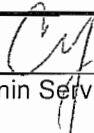
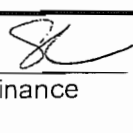
Discussion: The Comprehensive Annual Financial Report (CAFR) for the Town of Yucca Valley for the fiscal year ended June 30, 2013, qualified for a Certificate of Achievement for Excellence in Financial Reporting as awarded by the Government Finance Officers Association (GFOA). This is the ninth year that the Town has received the Association's award and is a result of Council's sound fiscal policies, procedures, and financial management at the Town of Yucca Valley.

Alternatives: None.

Fiscal impact: While there is no direct fiscal impact, receiving a reporting award is an indicator to external parties such as bond underwriters, granting agencies, and vendors of the Town's financial policies and practices.

Attachments:

Award of Financial Report Achievement for the Fiscal Year ended June 30, 2013

Reviewed By:	 Town Manager	 Town Attorney	 Admin Services	 Finance
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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 type="checkbox"/> Minute Action	<input checked="" type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**Town of Yucca Valley
California**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2013

Executive Director/CEO



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: September 8, 2014, 2014
Council Meeting: September 16, 2014

Subject: Warrant Register September 16, 2014

Recommendation:

Ratify the Payroll Registers total of \$ 264,186.58 for checks dated August 15 and August 29, 2014. Warrant Registers total of \$ 100,807.04 for checks dated September 4, 2014.

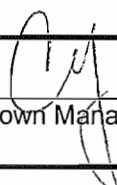
Order of Procedure:

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

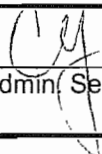
Attachments:

Payroll Register No. 06 dated August 15, 2014 total of \$ 148,259.54
Payroll Register No. 08 dated August 29, 2014 total of \$ 115,927.04
Warrant Register No. 13 dated September 4, 2014 total of \$ 100,807.04

Reviewed By:


Town Manager

Town Attorney


Admin. Services


Finance

____ Department Report

Consent

____ Ordinance Action

Minute Action

____ Resolution Action

____ Receive and File

____ Public Hearing

____ Study Item

TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 06
CHECK DATE - August 15, 2014

Fund Distribution Breakdown

Fund Distribution

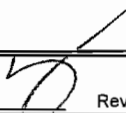
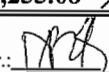
General Fund	\$137,333.28
Gas Tax Fund	10,926.26
Successor Agency	<u>0.00 **</u>
Grand Total Payroll	<u><u>\$148,259.54</u></u>

****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 06 - Paid 08/15/2014
(July 26, 2014 - August 08, 2014)
Checks: 4940 - 4948

	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$5,685.92		\$5,685.92
Direct Deposit	72,084.24	-	72,084.24
Sub-total	77,770.16		77,770.16
<u>Employee Tax Withholding</u>			
Federal	11,780.08		11,780.08
Medicare	1,491.75	1,491.78	2,983.53
SDI - EE	-	-	-
State	3,384.98		3,384.98
Sub-total	16,656.81	1,491.78	18,148.59
<u>Employee Benefit & Other Withholding</u>			
Misc. Payroll Adjustment Credit's	-	-	-
Deferred Compensation	4,580.96	3,728.85	8,309.81
PERS Survivor Benefit	48.00		48.00
Health Café Plan	1,165.63	11,640.98	12,806.61
American Fidelity Pre-Tax	29.95		29.95
American Fidelity After-Tax	85.25		85.25
American Fidelity-FSA	564.52		564.52
PERS EE - Contribution 6.25 %	358.83		358.83
PERS EE - Contribution 7%	968.05		968.05
PERS EE - Contribution 8%	4,993.38		4,993.38
PERS Retirement - Employer 6.25 %	-	358.83	358.83
PERS Retirement - Employer 7.846 %	-	1,107.03	1,107.03
PERS Retirement - Employer 18.586 %	-	13,272.42	13,272.42
Wage Garnishment - Employee	11.54		11.54
Life & Disability Insurance		1,135.05	1,135.05
Other Post Employee Benefit's		2,512.94	2,512.94
Unemployment Insurance		1,758.66	1,758.66
Workers' Compensation		4,019.92	4,019.92
Sub-total	12,806.11	39,534.68	52,340.79
Gross Payroll	\$107,233.08	\$41,026.46	\$148,259.54
Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 			


TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 08
CHECK DATE - August 29, 2014

Fund Distribution Breakdown

Fund Distribution

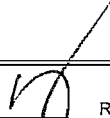

General Fund	\$106,857.58
Gas Tax Fund	9,069.46
Successor Agency	0.00 **
	<hr/>
Grand Total Payroll	\$115,927.04
	<hr/> <hr/>

**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 08 - Paid 08/29/2014
(August 09, 2014 - August 22, 2014)
Checks: 4949 - 4958

	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$4,694.83		\$4,694.83
Direct Deposit	65,046.71	-	65,046.71
Sub-total	69,741.54		69,741.54
<u>Employee Tax Withholding</u>			
Federal	10,212.64		10,212.64
Medicare	1,260.39	1,260.41	2,520.80
SDI - EE	-	-	-
State	3,033.56		3,033.56
Sub-total	14,506.59	1,260.41	15,767.00
<u>Employee Benefit & Other Withholding</u>			
Misc. Payroll Adjustment Credit's	-	-	-
Deferred Compensation	2,665.05		2,665.05
PERS Survivor Benefit			-
Health Café Plan			-
American Fidelity Pre-Tax			-
American Fidelity After-Tax			-
American Fidelity-FSA			-
PERS EE - Contribution 6.25 %	354.38		354.38
PERS EE - Contribution 7%	927.29		927.29
PERS EE - Contribution 8%	4,745.37		4,745.37
PERS Retirement - Employer 6.25 %	-	354.38	354.38
PERS Retirement - Employer 7.846 %	-	1,060.42	1,060.42
PERS Retirement - Employer 18.586 %	-	12,613.19	12,613.19
Wage Garnishment - Employee	11.54		11.54
Life & Disability Insurance			-
Other Post Employee Benefit's		2,397.79	2,397.79
Unemployment Insurance		1,609.72	1,609.72
Workers' Compensation		3,679.37	3,679.37
Sub-total	8,703.63	21,714.87	30,418.50
Gross Payroll	\$92,951.76	\$22,975.28	\$115,927.04
Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 			

WARRANT REGISTER # 13
CHECK DATE - SEPTEMBER 4, 2014

FUND DISTRIBUTION BREAKDOWN

Checks # 45366 to # 45498 are valid

GENERAL FUND # 001	\$78,777.54
INTERNAL SERVICE FUND # 100	\$2,069.03
CUP DEPOSITS FUND # 200	220.51
COPS-SLESF FUND # 511	38.01
AB2928 STATE CONSTRUCTION FUND # 513	267.50
GAS TAX FUND # 515	10,303.14
MEASURE I FUND # 520	8,649.42
MEASURE I 2010-2040 FUND # 524	481.89
GRAND TOTAL	<u>\$100,807.04</u>

Prepared by Shirlene Doten, Accounting Technician III

Reviewed by Sharon Cisneros, Senior Accountant

Approved by Curtis Yakimow, Administrative Services Director

Town of Yucca Valley
Warrant Register
September 4, 2014

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	45366	Action Door Controls, Inc.	Facility Maintenance	\$ 180.26
	45367	Action Pumping, Inc.	Septic Maintenance Service	960.00
	45368	Aleshire & Wynder, LLC	07/14 Professional Services	26,161.24
	45369	Alsco/American Linen, Inc.	Facilities Uniform Service	157.42
	45370	Animal Action League	Veterinary Services	3,095.00
	45371	Arrowhead Mountain Water	Office Supplies	7.55
	45372	AT & T Mobility	Cell Phone Service	455.65
	45374	Brian's Lockshop	Facilities Maintenance	428.92
	45375	Builders Supply-Yucca Valley	Operating Supplies	20.27
	45376	CALAFCO	Conference Registration	35.00
	45377	CDW Government, Inc.	Technology Supplies	86.45
	45378	Charles Abbott & Assoc, Inc.	Plan Check Services	16,468.29
	45379	Checkered Flag Auto Spa	Vehicle Maintenance	75.00
	45380	Chevron & Texaco Card Services	Vehicle Fuel	98.35
	45381	Lesley Copeland	Conference Expense	124.25
	45383	LOCC Desert Mountain Division	Conference Luncheon	125.00
	45384	Employment Development Dept.	Unemployment Insurance	4,060.71
	45385	Farmer Bros. Co.	Office Supplies	267.75
	45386	FedEx	Delivery Service	44.66
	45387	Fred's Tires	Vehicle Maintenance	66.99
	45389	Graphic Penguin	Website Maintenance	340.00
	45390	Hi-Desert Water	Water Service	329.79
	45391	Hi-Desert Publishing	Advertising	393.00
	45393	Knorr Systems, Inc.	YVHS Pool Maintenance	83.57
	45394	Bob Leone	Mileage Reimbursement	73.02
	45395	Oasis Office Supply, Inc.	Office Supplies	584.02
	45396	Carl Otteson	Professional Services	180.00
	45397	Petty Cash-Jessica Rice	Miscellaneous Supplies	395.11
	45398	Pro Video	Town Council Taping	100.00
	45399	Jessica Rice	Conference Expense	279.37
	45400	SCE	Electric Service	5,573.75
	45401	So. Cal. Gas Co.	07/14 Natural Gas Service	348.54
	45402	Star2Star Communications, LLC	Animal Shelter Phone Service	388.95
	45403	Stater Bros	Operating Supplies	83.32
	45404	Tease Shirts	Youth Commission Shirts	1,068.12
	45405	Time Warner Cable	Cable & Internet Service	467.78
	45407	Trophy Express	Engraving Service	61.07
	45408	Unisource Worldwide, Inc.	Facilities Maintenance Supplies	198.77
	45409	Vagabond Welding Supply	YVHS Pool Expense	68.04
	45410	VCA Yucca Valley Animal Hospital	Veterinary Services	557.49
	45411	Verizon	Phone Service	4,315.28

Town of Yucca Valley
Warrant Register
September 4, 2014

Fund	Check #	Vendor	Description	Amount
	45413	Valley Independent	Office Supplies	306.72
	45414	Walmart Community	Operating Supplies	697.61
	45417	Woods Auto Repair	Fleet Vehicle Repairs & Smog	123.00
	45418	Guy Wulf	Sports Referee	250.00
	45419	Yucca Valley Auto Parts, Inc.	Vehicle Maintenance	18.28
	EFT	The Home Depot	Maintenance Supplies	395.53
	EFT	First BankCard	Travel/Operating Expense	8,178.65
Total 001	GENERAL FUND			\$ 78,777.54
100 INTERNAL SERVICE FUND				
	45388	GE Capital Corporation	Com Dev Copier Lease	\$ 1,933.08
	45395	Oasis Office Supply, Inc.	Copy Paper	135.95
Total 100	INTERNAL SERVICE FUND			\$ 2,069.03
200 DEPOSITS FUND				
	45395	Oasis Office Supply, Inc.	Copying Service	\$ 220.51
Total 200	DEPOSITS FUND			\$ 220.51
511 COPS-LLESA FUND				
	45412	Verizon Wireless	Sheriff's Office Cell Phone Svcs.	\$ 38.01
Total 511	COPS-LLESA FUND			\$ 38.01
513 AB2928-TCRP FUND				
	45416	Willdan Associates	TCRP Project	\$ 267.50
Total 513	AB2928-TCRP FUND			\$ 267.50
515 GAS TAX				
	45369	Alsco/American Linen, Inc.	Streets Uniform Service	\$ 37.80
	45373	Bill's Tranny & Auto Repair	Vehicle Maintenance	50.00
	45375	Builders Supply-Yucca Valley	Maintenance Supplies	95.31
	45382	C.S. Legacy Construction, Inc.	SR 247/Airway Curb & Gutter	7,000.00
	45387	Fred's Tires	Vehicle Maintenance	1,390.05
	45400	SCE	Electric Service	51.60
	45406	Tops n Barricades, Inc.	Streets Signs & Supplies	1,130.76
	45417	Woods Auto Repair	Street Vehicle Maintenance	452.27
	45419	Yucca Valley Auto Parts, Inc.	Vehicle Maintenance	95.35
Total 515	GAS TAX FUND			\$ 10,303.14
520 MEASURE I-2010-2040 REGIONAL FUND				
	45415	Albert A. Webb Assoc.	Dumosa Signal Project	\$ 8,649.42
Total 520	MEASURE I-2010-2040 REGIONAL FUND			\$ 8,649.42

Town of Yucca Valley
Warrant Register
September 4, 2014

Fund	Check #	Vendor	Description	Amount
524	MEASURE I - 2010-2040 FUND			
	45392	KCDZ-FM	Radio Advertisement	\$ 450.00
	45400	SCE	Electric Service	31.89
Total 524	MEASURE I - 2010-2040 FUND			\$ 481.89
***	Report Total			<u>\$ 100,807.04</u>



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council

From: Curtis Yakimow, Town Manager
Sharon Cisneros, Senior Accountant

Date: September 12, 2014

For Council Meeting: September 16, 2014

Subject: Budget Report for the fiscal year ended June 30, 2014

Recommendation: Receive and file the Budget Report for the fiscal year ended June 30, 2014

Order of Procedure:

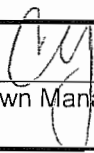
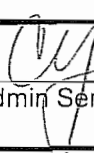

Request Staff Report
Request Public Comment
Council Discussion / Questions of Staff
Motion/Second
Discussion on Motion
Call the Question

Discussion: The attached report summarizes the Town's General Fund fiscal performance for the fiscal year ended June 30, 2014. Revenue exceeded the final budget by \$127,000 and expenditures were \$727,000 less than the final budget.

The excess in revenue is primarily due to a refund from the San Bernardino County Sheriff's Department for prior years workman compensation costs that were paid in Schedule A expenditures for multiple years.

Expenditures were less than final budget largely as a result of reimbursement of indirect administrative and staff costs through special revenue funds for capital projects and Successor Agency. Total Indirect Costs reimbursed back to the General Fund exceeded \$500,000 in fiscal year 2013-14 which exceeded budget by \$66,000. Other staff costs savings were realized due to savings in insurance costs for health care and

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

unemployment. Savings were realized in insurance, professional services and operating supplies throughout various departments within the Town. Expenditures were also under budget in capital projects due to savings in start-up costs and contingencies budgeted for the opening of the new Animal Shelter.

The actual general fund balance(reserve) exceeded the final budgeted fund balance by \$854,000 due to the excess revenue and reduced expenditures previously mentioned. The total general fund balance increased by \$589,566 over the prior year end balance resulting in a year-end balance of \$7.6 million in the general fund both reserved and unreserved. Within the balance remaining at the end of the fiscal year, reserves for risk management, catastrophic events and other liabilities total \$1.3 million after the \$115,000 was returned to the Catastrophic reserve to bring assigned reserves up to the FY2012-13 year end balances. Other fund balance restrictions and noncash reserves include the remaining balance of the donation to the animal shelter and the prepaid water agreement balance.

State and local legislation require the Town to have an audit of its annual financial statements. The 2013-14 fiscal year audit was conducted by Rogers, Anderson, Malody and Scott, LLP, a firm of independent CPAs appointed by and reporting to the Town Council. The Town's financial statements are in process and all amounts reported are not final until the financial statements are completed. We will return to council in December to present the FY 2013-14 audit report. At this time there are no known adjustments to the FY2013-14 actuals presented.

Alternatives: None.

Fiscal impact: The 2013-14 Fiscal Year End positive increases to the general fund balance provides a positive impact on the 2014-15 fiscal year.

Attachments:

Budget Report for the Fiscal Year ending June 30, 2014

Town of Yucca Valley
General Fund Revenues and Expenditures
Fiscal Year End Budget Report
June 30, 2014

FY 2013-14				
Revenues	Actual	Final Amended Budget	Variance with final budget	% of Budget
Property Tax	\$ 2,568,931	\$ 2,579,500	\$ (10,569)	99.59%
Property Taxes in lieu	1,541,988	1,564,000	(22,012)	98.59%
Sales and Use Tax	2,972,557	3,010,000	(37,443)	98.76%
Franchise fees	791,821	750,000	41,821	105.58%
Transient occupancy tax	134,184	165,000	(30,816)	81.32%
Other Revenues	1,357,881	1,172,087	185,794	115.85%
Total Revenues	9,367,362	9,240,587	126,775	101.37%
Expenditures	Actual	Final Amended Budget	Variance with final budget	% of Budget
Personnel Services	\$ 2,662,025	\$ 2,845,387	\$ 183,362	93.56%
Contract Safety	3,735,592	3,738,000	2,408	99.94%
Operating Supplies and Services	1,899,003	2,156,330	257,327	88.07%
Partnerships	77,699	80,500	2,801	96.52%
Capital Projects	191,306	472,876	281,570	40.46%
Total Expenditures	\$ 8,565,625	\$ 9,293,093	\$ 727,468	92.17%
Excess Revenue over Expenditures (Prior to transfer to Reserve)	801,737	(52,506)	854,243	
Transfers	(212,171)	(151,250)	(60,921)	
Net Change in Fund Balance	589,566	(203,756)	793,322	
Fund Balance, Beginning of Year	7,070,708	7,070,708	-	
Fund Balance, End of Year	7,660,274	6,866,952	793,322	
Fund Balance as % of Expenditures	89%	74%		
Unrestricted as % of Expenditures	62%	52%		

Notes

1. Personnel Services expenditures less than budget due to excess staff recovery of \$66,000 from Successor Agency and Capital Projects, and less expenditures than budgeted in Health Care and Unemployment Ins
2. Operating Supplies and Services savings related to Insurance, Indirect Costs, Professional Services and Fuel
4. Capital Projects savings FY13-14 related to Start-up Costs for new Animal Shelter

Town of Yucca Valley
General Fund Revenues and Expenditures
Fiscal Year End Budget Report
June 30, 2014

Comparison to Prior Year

Revenues	FY2013-14 Revenue	FY2012-13 Revenue	Variance PY \$	Variance PY %
Property Tax	\$ 2,568,931	\$ 2,928,637	\$ (359,706)	-12.28%
Property Taxes in lieu	1,541,988	1,560,010	(18,022)	-1.16%
Sales and Use Tax	2,972,557	3,083,885	(111,328)	-3.61%
Franchise fees	791,821	765,448	26,373	3.45%
Transient occupancy tax	134,184	147,195	(13,011)	-8.84%
Other Revenues	1,357,881	1,597,175	(239,294)	-14.98%
Total Revenues	9,367,362	10,082,350	(714,988)	-7.09%

Expenditures	FY2013-14 Expenditures	FY2012-13 Expenditures	Variance PY \$	Variance PY %
Personnel Services	\$ 2,662,025	\$ 3,456,012	\$ 793,987	22.97%
Contract Safety	3,735,592	3,534,862	(200,730)	-5.68%
Operating Supplies and Services	1,899,003	2,225,404	326,401	14.67%
Partnerships	77,699	92,748	15,049	16.23%
Capital Projects	191,306	379,602	188,296	49.60%
Total Expenditures	\$ 8,565,625	\$ 9,688,628	\$ 1,123,003	88.41%

Excess Revenue over Expenditures (Prior to transfer to Reserve)	801,737	393,722	408,015	
Transfers	(212,171)	-	(212,171)	
Net Change in Fund Balance	589,566	393,722	195,844	
Fund Balance, Beginning of Year	7,070,708	6,676,986	393,722	
Fund Balance, End of Year	7,660,274	7,070,708	589,566	
Fund Balance as % of Expenditures	89%	73%		
Unrestricted as % of Expenditures	62%	45%		

Notes

1. Property tax revenues received in FY12-13 include \$128,000 from RDA related dissolution activities and \$183,000 in new revenues previously directed to the prior Yucca Valley RDA equal to \$311,000 of PY Excess.
2. Other revenues in FY12-13 includes a one time donation in the amount of \$302,844.
3. Personnel Services in FY2012-13 include early retirement expenditures which resulted in FY2013-14 savings.
4. Public Safety expenditures reflect savings related to less than anticipated overtime expenditures.



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council

From: Curtis Yakimow, Town Manager
Sharon Cisneros, Senior Accountant

Date: September 12, 2014

For Council Meeting: September 16, 2014


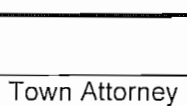
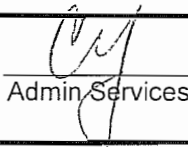
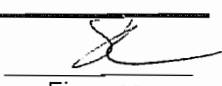
Subject: Allocation of Positive Net Change in Fund Balance for the fiscal year ended June 30, 2014

Recommendation: Review and provide direction to staff regarding possible allocation of the FY2013-14 General Fund Net Change in Fund Balance

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

Discussion: The attached report summarizes the Town's General Fund fiscal performance as compared to the final Amended Budget for the fiscal year ended June 30, 2014. The total general fund balance increased by \$590,000 over the prior year end balance resulting in a year-end balance of \$7.6 million in total with \$5.3 million of the balance unassigned.

Although the Town's financial statements are in process and all amounts reported are not final, based on previous council policy discussions staff presents the following recommendations for allocating the Net Change in Fund Balance for review and discussion:

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

1. Allocate \$400,000 to Infrastructure in FY2014-15 to be used on projects such as the following:
 - Street Preservation – (Slurry Seal, Cap Seal, etc)
 - Black Rock Canyon Road
 - Pot Hole Repair Machine

This allocation, when combined with the \$120,000 included in the adopted FY2014-15 budget will increase the total infrastructure contribution to 5.5% of General Fund expenditures, closer to the Council's goal of 10% annual contribution.

2. Allocate \$100,000 to Capital Projects Fund designated for future use on projects such as the following:
 - Professional services for grant writing and research to obtain additional capital funds for Town
 - Professional services for the long-term planning needs of the Town, such as revenue alternatives and public safety assessment studies
3. Allocate \$90,000 to unfunded liabilities allowing the earnings to reduce future projected obligations
 - Other Post-Employment Benefits (OPEB) unfunded Obligation
 - CALPERS Pension Retirement unfunded Obligation

After review and consideration by council, staff will return to council with confirmation of final net change in fund balance. Final audited financial statements are in process and will be presented in December 2014. Allocation of these funds will provide a placeholder funding source for the unidentified activities. Formal budgetary and project approval will be required to implement any single project.

Alternatives:

1. Retain the excess from FY2013-14 in unassigned fund balance for future use thus maintaining the unassigned fund balance at 62% of expenditures.
2. Other allocations of funds as council deems appropriate.

Fiscal impact: The allocation of any funds to the FY2014-15 Budget from FY2013-14 net positive fund balance provides a positive impact on the 2014-15 fiscal year. Retaining the funds in unassigned fund balance preserves the funds for future use and maintains the 62% reserve balance for unforeseen needs.

Attachments: Budget Report for the Fiscal Year ending June 30, 2014

Town of Yucca Valley
General Fund Revenues and Expenditures
Fiscal Year End Budget Report
June 30, 2014

FY 2013-14				
Revenues	Actual	Final Amended Budget	Variance with final budget	% of Budget
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Notes

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2. Operating Supplies and Services savings related to Insurance, Indirect Costs, Professional Services and Fuel
4. Capital Projects savings FY13-14 related to Start-up Costs for new Animal Shelter

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Lesley Copeland, Town Clerk
Lona Laymon, Town Attorney
Date: September 12, 2014
For Council Meeting: September 16, 2014
Subject: Initiative Process Update

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

Recommendation: That the Town Council:

- Receive and file a status update on the initiative process and how it relates to petitions submitted to the Town concerning medical marijuana;
• Provide guidance and direction to staff as appropriate.

Order of Procedure:

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

Discussion:

As the local Elections Official, the Town Clerk has received a Notice of Intent to circulate a petition to the voters for a proposed ordinance to exempt a limited number of medical marijuana dispensaries from the Town's prohibition on medical marijuana dispensaries within the Town of Yucca Valley limits.

Initiative Process Background

A proposed ordinance may be submitted by petition (California Elections Code Section 9201.) The first step of this process is to file a Notice of Intent to circulate an initiative petition to the Elections Official, including the written text of the proposed initiative. The Notice of Intent must be signed by at least one, but not more than three proponents. At this time, the proponents must also submit a request for a ballot title and summary to be prepared by the Town Attorney. The Town Attorney must provide a ballot title and summary of the proposed measure within 15

Reviewed By: [Signatures]
Town Manager, Town Attorney, Admin Services, Dept Head

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

days from the time the Notice of Intent was filed. The ballot title and summary shall be a true and impartial statement of the purpose of the proposed measure.

The proponents are required to publically notice the Notice of Intent and the ballot title and summary in a newspaper of general circulation within the local jurisdiction. Within 10 days after the date of the notice of publication, the proponents must provide the Elections Official with the Publication Affidavit issued by the newspaper representative.

Once the proof of posting has been delivered to the Elections Official, the proponents may begin circulating petitions among the voters. The petition forms must adhere to requirements stated in the California Elections Code. The proponents will have 180 days from the date the ballot title and summary was provided, to collect signatures and return the completed petition sections to the Elections Official. The number of qualified signatures is based on a percentage of the number of registered voters within the jurisdiction as reported by the Elections Official to the Secretary of State pursuant to Section 2187, effective at the time the Notice of Intent to circulate was received.

Upon submittal of the initiative petition to the Town Clerk, the Town Clerk will conduct a cursory examination of the signatures. The Town Clerk may then forward the initiative petition to the County for additional examination. If the initiative petition is validly signed by not less than 15 percent of the registered voters within the jurisdiction and includes a request that the ordinance be submitted immediately to a vote of the people at special election, the legislative body has three options:

- A. Adopt the ordinance with no alterations, at a regular meeting. The ordinance will be considered adopted upon the date that the vote is declared by the legislative body, and will go into effect after 10 days.
- B. Immediately call a special election
- C. Order a report pursuant to Code Section 9212 relating to the fiscal or environmental impact of the proposed initiative, at a regular meeting at which the petition certification occurs. If Option C is chosen, the legislative body will then decide within 10 days to exercise Option A, or B.

If the initiative petition is validly signed by not less than 10 percent of the registered voters but less than 15 percent, the legislative body has similar options as previously stated. However, the ordinance can be submitted at the next regular municipal election, instead of holding a special election.

Recent Petition Received

As stated earlier, the Town Clerk has received a Notice of Intent to circulate a petition to the voters for a proposed ordinance to exempt a limited number of medical marijuana dispensaries from the Town's current prohibition on medical marijuana dispensaries within the Town of Yucca Valley limits.

On July 14, 2014, a Notice of Intent to circulate was received by the Town Clerk and was forwarded to the Town Attorney for review and the creation of a ballot title and summary. The ballot title and summary was provided to the proponents on July 29, 2014 within the required time frame. On August 6, 2014, the Notice of Intent was published in the local newspaper in accordance to the Elections Code.

On August 27, 2014, the Town Clerk received notice that there was a change in proponents for the proposed initiative, so a new Intent to Circulate was filed to reflect the updated information. Prior to the issuance of a new ballot title and summary, a third version of the petition was received by the Town Clerk on September 8, 2014. The process started over at the receipt of the third version. The 180-day time period to circulate the petition to the voters will commence once the ballot title and summary are provided to the proponents. It is anticipated that this will occur by September 23, 2014. Under this scenario, the petitions with signatures would need to be returned to the Elections Official by March 23, 2015.

Proposed Initiative Alternatives for Council Consideration

As the Council reviews the efforts underway by the initiative proponents, there are a number of actions the council may choose to take at this time, including the following. As is often the case, the Council may choose more than one alternative.

Alternative One – No action pending petition outcome. This alternative would allow the petition process to move forward as designed by state law, and in accordance with the registered voters of the Town. In the absence of any action, the Town's current prohibition remains unchanged.

Alternative Two – Direct staff to return to Council with an overview of the initiative language as submitted and how the proposed initiative would alter the current prohibition.

Alternative Three – Direct staff to begin research on the primary policy issues for Council consideration if the Town were to consider weighing a change in the current prohibition independent of the proposed initiative.

Fiscal impact: There is no fiscal impact associated with this item at this time.

Attachments: Ordinance 215

ORDINANCE NO. 215

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADDING A NEW CHAPTER, CHAPTER 9, TO DIVISION 4, TITLE 8 OF THE YUCCA VALLEY DEVELOPMENT CODE TO PROHIBIT THE ESTABLISHMENT OR USE OF MEDICAL MARIJUANA DISPENSARIES IN ALL ZONES

WHEREAS, California Health and Safety Code Section 11362.5 (adopted as Proposition 215, the "Compassionate Use Act of 1996" or "Act") legalized the use of medical marijuana for medical purposes; and

WHEREAS, California Senate Bill 420 provided some clarification of Proposition 215 and further advanced certain protections for patients, their primary caregivers and the establishments that dispense medical marijuana to patients with recommendations; and

WHEREAS, notwithstanding the apparent intent of the Act and of SB 420 to provide for, to a limited extent, the legalization of marijuana for medical purposes, the general medical community recognizes little or no medical benefit to the consumption of marijuana and Federal law establishes a complete prohibition on the use, cultivation, sale, transportation and possession of marijuana, and

WHEREAS, medical marijuana dispensaries have been established in several locations in California, and, as a consequence, some local agencies have reported increases in illegal drug use, illegal drug sales, robbery of persons leaving dispensaries, loitering near dispensaries, forging or falsely obtaining identification cards to qualify for medical marijuana, and other criminal activity; and

WHEREAS, examples of such events include attempted robbery of a medical marijuana dispensary in Oakland, California, by persons who kicked in the dispensary windows; burglary and robbery of a medical marijuana dispensary in Alameda County, California, by persons who broke into the dispensary building and robbed the safe as well as all persons present in the dispensary; and, as reported in the California Medical Marijuana Information Report published by the United States Department of Justice, assumption of false identity as caregivers by large-scale drug traffickers to obtain and sell marijuana; and

WHEREAS, on July 6, 2009, there was an attempted robbery at the California Alternative Medical Solutions at 58967 Business Center Drive, Yucca Valley, but no materials were stolen; and

WHEREAS, on August 6, 2009, there was a robbery at the California Alternative Medical Solutions whereby certain amounts of medical marijuana were stolen from the business at 58967 Business Center Drive; and

WHEREAS, the provisions of Proposition 215 remain contrary to federal law, inasmuch as marijuana is classified as a prohibited controlled substance by the United States, and persons following the dictates of Proposition 215 are vulnerable to prosecution under federal laws; and

WHEREAS, the Town has recently received inquiries from parties seeking to operate commercial and/or nonprofit medical marijuana dispensaries in Yucca Valley, and it is likely that marijuana dispensaries will proliferate if a prohibition on such businesses is not approved; and

WHEREAS, the Town Council hereby finds and determines that events in other cities, counties, and in the Town of Yucca Valley demonstrate that substantial harmful secondary effects arise from the operation of medical marijuana dispensaries, including increased crime, vagrancy, added burdens upon already strained law enforcement resources, effect upon property values, blight, disruption of retail trade, etc.; and

WHEREAS, in order to protect the community, its schools, businesses, and residents, particularly minors, from harmful secondary effects of medical marijuana dispensaries, or the sale of medical marijuana at existing businesses, the Town Council wishes to adopt local regulations effectively prohibiting the use or establishment of any site within the Town for use as a marijuana dispensary; and

WHEREAS, Town staff has also reviewed the decision of the United States Supreme Court in *Gonzales, et al. v. Raich, et al.*, 545 U.S. 1 (2005) which found that federal laws prohibiting the possession, use, and distribution of marijuana are enforceable in California as to those persons who are eligible to use marijuana under the Act because the Commerce Clause gives the federal Congress authority to prohibit the local cultivation and use of marijuana as a controlled substance, even if such activity is purportedly for medicinal purposes and is authorized by conflicting California law; and

WHEREAS, in the recent case of *Qualified Patients Association v. City of Anaheim*, O.C. Superior Court Case No. 07CC09524, a trial court ruled that a city may lawfully ban all marijuana dispensaries (the case is presently on appeal); and

WHEREAS, the Town Council further finds and determines that there is a current and immediate threat to the public safety, health, and welfare from the secondary effects of medical marijuana dispensaries if located in the Town, due to the adverse secondary effects that could reduce the quality of life, promote vagrancy,

increase crime, substantially increase demand for police response, diminish retail trade, diminish property values, and foster blight; and

WHEREAS, on December 11, 2008, the Town Council adopted Urgency Ordinance No. 196, establishing an interim ordinance regarding medical marijuana dispensaries; and

WHEREAS, on January 8, 2009, the Town Council by its Ordinance No. 197 extended the Urgency Ordinance approved on December 11, 2008, which Urgency Ordinance was scheduled to expire on November 23, 2009, and

WHEREAS, on October 6, 2009, the Town Council approved an extension of the moratorium for one year, with an expiration date of November 23, 2010; and

WHEREAS, at a public hearing held by the Town's Planning Commission on August 25, 2009, the Planning Commission studied this issue and forwarded a recommendation that the Town Council revise the Town's Municipal Code to allow the establishment or use of medical marijuana dispensaries for the distribution or sale of marijuana within the Town.

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

SECTION 1. Title 8 Division 4 of the Yucca Valley Development Code is hereby amended by adding a new Chapter 84.090 to read in its entirety as follows:

"Chapter 84.090 Prohibited Businesses

Section 84.0901. Marijuana Dispensaries.

A. Prohibition. The establishment or operation of a marijuana dispensary for the sale or distribution of marijuana, including medical marijuana, is prohibited. No special use permit, variance, building permit, or other entitlement for use shall be accepted, processed, approved or issued for the establishment or operation of, and no person shall otherwise establish a marijuana dispensary. This prohibition shall apply regardless of the professed status of any person as a qualified patient or primary caregiver as those terms are defined by State law.

B. Definitions:

"Marijuana" means all parts of organically grown Cannabis plants, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt,

derivative, mixture, or preparation of the plant, its seed, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Marijuana dispensary" or "medical marijuana dispensary" means any facility, site, or location (whether for profit or not-for-profit) where marijuana is distributed, sold, exchanged, given away, or made available to and/or distributed by or to another."

SECTION 2. The Land Use Chart in Section 84.0350, General Commercial (CG) District, is amended to add the following use and designation, as follows:

Land Use Classification	General Commercial (CG)	Additional Regulations
Marijuana Dispensary	*** NP ***	(5)
Footnotes: ...(5) Refer to Prohibited Businesses, Yucca Valley Development Code § 84.0901.		

SECTION 3. The Land Use Chart in Section 84.0340, Neighborhood Commercial (CN) District, is amended to add the following use and designation, as follows:

Land Use Classification	Neighborhood Commercial (CN)	Additional Regulations
Marijuana Dispensary	*** NP ***	(5)
Footnotes: ...(5) Refer to Prohibited Businesses, Yucca Valley Development Code § 84.0901.		

SECTION 4. The Land Use Chart in Section 84.0305, Hillside Reserve (R-HR) District, is amended to add the following use and designation, as follows:

Land Use Classification	General Commercial (R-HR)	Additional Regulations
Marijuana Dispensary	*** NP ***	(5)
Footnotes: ...(5) Refer to Prohibited Businesses, Yucca Valley Development Code § 84.0901.		

SECTION 5. The Land Use Chart in Section 84.0320, Rural Living (RL) District, is amended to add the following use and designation, as follows:

Land Use Classification	Rural Living (RL)	Additional Regulations
Marijuana Dispensary	*** NP ***	(5)
Footnotes: ...(5) Refer to Prohibited Businesses, Yucca Valley Development Code § 84.0901.		

SECTION 6. The Land Use Chart in Section 84.0325, Single Residential (RS) District, is amended to add the following use and designation, as follows:

Land Use Classification	Single Residential (RS)	Additional Regulations
Marijuana Dispensary	*** NP ***	(5)
Footnotes: ...(5) Refer to Prohibited Businesses, Yucca Valley Development Code § 84.0901.		

SECTION 7. The Land Use Chart in Section 84.0330, Multiple Residential (RM) District, is amended to add the following use and designation, as follows:

Land Use Classification	Multiple Residential (RM)	Additional Regulations
Marijuana Dispensary	* * * NP * * *	(5)
Footnotes: ...(5) Refer to Prohibited Businesses, Yucca Valley Development Code § 84.0901.		

SECTION 8. The Land Use Chart in Section 84.0305, Hillside Reserve (R-HR) District, Section 84.0320 Rural Living (RL) District, Section 84.0325, Single Residential (RS) District and Section 84.0330, Multiple Residential (RM) District are hereby amended to add NP- Non Permitted, Medical Marijuana Dispensary.

SECTION 9. A new use and designation is hereby added to Section 84.0335, Office Commercial (C-O) District, as follows:

- (f) Non Permitted Land Uses
 - (1) Medical Marijuana Dispensary

SECTION 10. A new use and designation is hereby added to Section 84.0355, Service Commercial (C-S), District, as follows:

- (f) Non Permitted Land Uses
 - (1) Medical Marijuana Dispensary

SECTION 11. A new use and designation is hereby added to Section 84.0370 Community Industrial (IC) District, as follows:

- (e) Non Permitted Land Uses
 - (1) Medical Marijuana Dispensary

SECTION 12. Upon the effective date of this ordinance, Town of Yucca Valley Urgency Ordinance No. 197, extending the moratorium on medical marijuana dispensaries, shall terminate and shall be of no further force and effect.

SECTION 13. Any existing use within the Town not in conformance with this ordinance shall cease operation immediately upon the effective date of this ordinance, except as provided in this Section 13. Nonconforming uses in any zoning district that both (a) existed within the Town limits prior to December 11, 2008, and (b) secured a business registration from the Town may be amortized

over a period of time necessary to ensure no Constitutional taking has occurred by this ordinance; however, a nonconforming property or use may not be constructed, established, altered, modified, reconstructed, replaced, or enlarged in any way which increases the nonconformity. The Town may give written notice to any existing business subject to this paragraph. The Town Council shall determine the amortization period, after consulting with the Town Manager and Town Attorney, and may fix any amortization period or determine that no amortization period is required. A decision by the Town Council shall become final within ten (10) days unless an appeal is filed with the Town Clerk. It shall be the burden of the person or business claiming it is entitled to amortization to provide sufficient documentation, records, and other information to support the appeal.

SECTION 14. If any section, subsection, clause or phrase of this Ordinance is for any reason, held to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of the remaining sections of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 15. The Town Clerk shall certify to the passage and adoption of this Ordinance, and shall make a minute of the passage and adoption thereof in the records of the proceedings of the Town Council at which the same is passed and adopted. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the Town Clerk shall cause it to be published in a newspaper of general circulation

SECTION 16. SEVERABILITY. If any section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance is declared by a court of competent jurisdiction, after adjudication to a final determination, to be void, this Council finds that said voided part is severable, and that this Council would have adopted the remainder.


SECTION 17. ENVIRONMENTAL REVIEW. This Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that such adoption may have a significant effect on the environment; (Title 14 California Code of Regulations Sections 15060(c)(2), 15601(b)(3), and 15262.)

SECTION 18. PENALTIES. The definitions and penalties for land use violations that are prescribed in the Municipal and Development Code apply to violations of the provisions of this Ordinance.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 3rd day of August, 2010.


MAYOR

ATTEST


TOWN CLERK

APPROVED AS TO FORM


TOWN ATTORNEY

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 215 as duly and regularly introduced at a meeting of the Town Council on the 15th day of June, 2010, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 3rd day of August, 2010, by the following vote, to wit:

Ayes: Council Members Huntington, Luckino, Neeb, and Mayor Mayes


Noes: Council Member Herbel

Abstain: None

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 4th day of August, 2010.

(SEAL)



Town Clerk of the Town of
Yucca Valley