



**CITY OF CORNING
CITY COUNCIL AGENDA
TUESDAY, AUGUST 25, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 7:30 p.m.

B. ROLL CALL:

Council: Becky Hill
Ross Turner
Toni Parkins
John Leach
Mayor: Gary Strack

C. INVOCATION AND PLEDGE OF ALLEGIANCE:

D. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS:

1. **Proclamation Designating September 28, 2009 as "Family Day...A Day to Eat Dinner with Your Children" in the City of Corning.** Requested by Nancy Gavilanes of the National Center on Adiction and Substance Abuse at Columbia University.

E. BUSINESS FROM THE FLOOR: If there is anyone in the audience wanting to speak on an item not already on tonight's Agenda, if so, please come to the podium, identify yourself and briefly present your information to the Council. **A three-minute time limit will apply unless the Council makes an exception due to special circumstances.** If your matter will require more time or formal action by the Council, the law requires that it be placed on the printed Agenda for a future meeting so that interested members of the public will have the chance to appear and speak on the subject.

F. CONSENT AGENDA: It is recommended that items listed on the Consent Agenda be acted on simultaneously unless a Councilmember or members of the audience requests separate discussion and/or action.

2. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
3. **Waive the Reading and Approve the Minutes of the August 11, 2009 Meeting with any necessary corrections.**
4. **August 19, 2009 Claim Warrant - \$130,401.50.**
5. **Business License Report – August 2009.**
6. **Resolution No. 08-25-09-01; Energy Efficiency Conservation Block Grant Program; Rodger's Theatre HVAC and Technical Assistance from California Energy Commission.**

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

7. Resolution No. 08-25-09-02, A Resolution of the City Council of the City of Corning Appointing Code Enforcement Officers.
8. Resolution No. 08-25-09-03, A Resolution of the City Council of the City of Corning Approving the Department of Forestry & Fire Protection Agreement #7FG90079 and Accepting Associated Grant Funds in the amount of \$7,396.
9. Recommend Appointment of Louis Davies and Ed Pitman to the Corning Airport Commission.

G. ITEMS REMOVED FROM THE CONSENT AGENDA:

H. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.**

I. REGULAR AGENDA:

10. Adopt Resolution No. 08-25-09-04 Authorizing the Tehama County Landfill Agency Submit A Regional Application to the California Integrated Waste Management Board for a Recycled Market Development Zone. (Kristina Miller, Landfill Agency Manager will be present to provide a PowerPoint Presentation).
11. Corning Municipal Airport Improvement Project Update Regarding Bid Opening and Schedule for Bid Award.
12. Response to Accusations by Mr. Dean Cofer RE: Corning Municipal Airport Fixed Base Operator Lease.

J. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

K. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

L. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

13. Hill:
14. Turner:
15. Parkins:
16. Leach:
17. Strack:

M. ADJOURNMENT!:

POSTED: FRIDAY, AUGUST 21, 2009

PROCLAMATION

**SEPTEMBER 28, 2009 AS
FAMILY DAY IN THE CITY OF CORNING
"A DAY TO EAT DINNER WITH YOUR CHILDREN"**

WHEREAS, the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS, 14 years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS, frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse; and

WHEREAS, the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented; and

WHEREAS, parents who are engaged in their children's lives - through such activities as frequent family dinners - are less likely to have children who abuse substances; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America.

NOW, THEREFORE, I Gary R. Strack, as Mayor of the City of Corning, **DO HEREBY PROCLAIM SEPTEMBER 28, 2009 AS "FAMILY DAY, A DAY TO EAT DINNER WITH YOUR CHILDREN"** and urge all citizens to recognize and participate in its observance.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Great Seal of the City of Corning to be affixed this 25th day of August 2009.

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, AUGUST 11, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 7:00 p.m.

B. ROLL CALL:

Council:

**Becky Hill
Ross Turner
Toni Parkins
John Leach
Gary Strack**

Mayor:

All Council members were present.

The **Brown Act** requires that the Council provide the opportunity for persons in the audience to briefly address the Council on the subject(s) scheduled for tonight's closed session. Is there anyone wanting to comment on the subject(s) the Council will be discussing in closed session? If so, please come to the podium, identify yourself and give us your comments.

C. ADJOURN TO CLOSED SESSION: 7:02 p.m.

**CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:
Agency Negotiator: William May, Labor Relations Consultant
Management, Miscellaneous, Dispatch and Public Safety Employees
Bargaining Units**

D. RECONVENE AND REPORT ON CLOSED SESSION: 7:30 p.m.

Mayor Strack announced that Council had met in closed session with the labor negotiator and gave him direction and he will then meet with the individual Bargaining Units.

E. INVOCATION AND PLEDGE OF ALLEGIANCE:

Councilor Leach gave the invocation and City Manager Kimbrough led the Pledge of Allegiance.

F. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS: None.

G. BUSINESS FROM THE FLOOR:

Dean Cofer announced the name of the Skateboard Park Committee as "Corning Skateboard and Bike Association". He stated that the Committee has 106 people on the Committee and had a booth at the Children's Fair. He updated the Council on the Committee's plans and upcoming events.

Councilor Turner recommended that when the Council comes to the Regular Agenda, due to the number of people present for discussion of Item 17, that Item 17 be moved up to before Item 13. By Council consensus this was approved.

H. CONSENT AGENDA: It is recommended that items listed on the Consent Agenda be acted on simultaneously unless a Councilmember or members of the audience requests separate discussion and/or action.

- 1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**

2. Waive the Reading and Approve the Minutes of the July 14, 2009 Meeting with any necessary corrections.
3. Waive the Reading and Approve the Minutes of the July 28, 2009 Meeting with any necessary corrections.
4. August 5, 2009 Claim Warrant - \$311,956.59.
5. July 2009 Wages and Salaries - \$520,849.63.
6. July 2009 – Treasurer’s Report.
7. July 2009 Building Permit Valuation - \$370,533.94.
8. City of Corning Wastewater Operation Summary Report – July 2009.
9. Approve Three-Year Extension of City Weed and Tree Spraying Agreement with Larry’s Pest & Weed Control.
10. Ordinance 636 Amending the Dollar Amount Limits of Corning Municipal Code Chapter 15.32; Contract and Biding Procedures for Public Projects (Second Reading & Adoption).

Mayor Strack introduced each item on the Consent Agenda by title. Councilor Turner asked to remove Consent Item 9 for further discussion. With no questions on the remaining Consent Agenda Items, Council Turner moved to approve Consent Items 1-8 and 10. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

I. ITEMS REMOVED FROM THE CONSENT AGENDA:

9. Approve Three-Year Extension of City Weed and Tree Spraying Agreement with Larry’s Pest & Weed Control.

Councilor Turner asked if the extension of the contract exceeds the requirements of the new adopted Standards for Bids; Mr. Brewer explained that this was done under a Request for Proposals (RFP) not via a bid and should the City not be satisfied with the work, the City is not required to renew.

Councilor Turner then moved to approve the three-year extension of City Weed and Tree Spraying Agreement with Larry’s Pest and Weed Control under Budget item number 114-6175-3000 for \$28,000 per year, the contract will now expire December 31, 2012. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

J. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.

11. Clark Park Municipal Well Project, consider adoption of the Mitigated Negative Declaration prepared pursuant to the provisions of the California Environmental Quality Act for the construction of a municipal water well in the northwest corner of Estil Clark Park.

Mayor Strack introduced this item by title stating that the City is installing a new water well at Clark Park and Public Works Director John Brewer briefed the Council on the project and it’s requirements. Planning Director John Stoufer informed the Council of the correspondence received related to this project stating that the City had received two letters regarding this item, one from Tehama County Air Pollution Control and another from an agricultural farmer adjacent to the well location.

Mayor Strack then opened the public hearing. With no comments, the public hearing was closed. Councilor Leach asked if the agricultural farmer was okay with this; Mr. Stoufer stated that he had sent him the information related to the well and received no response so we believe that he must be okay with it or he would have contacted the City.

Councilor Hill moved to adopt Findings and Subfindings 1-2 as presented in the Staff Report and adopt the Mitigated Negative Declaration filed for the construction of a Municipal Well in the northwest corner of Estil Clark Park. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

12. Solicit Citizen Input related to the Fiscal-Year 2009-10 California Community Development Block Grant – Economic Enterprise Fund Component Application for Façade Improvement.

Mayor Strack announced that this item had been removed from the Agenda.

K. REGULAR AGENDA:

17. Adopt Urgency Measure – Interim Ordinance No. 637, An Interim Ordinance of the City of Corning Prohibiting Medical Marijuana Dispensaries, Collectives or Cooperatives.

Mayor Strack introduced this Ordinance by title and stated that via this Ordinance, Council would be asking for a 45-day time period to look into the proper zoning and location for the facility. Planning Director John Stoufer stated that pursuant to California Government Code 65858, Council has the ability to adopt an Urgency Measure – Interim Ordinance, with the effective beginning date of the 45-days starting from date of adoption. This 45-days would provide time for the Planning Commission and City Council to review the tremendous amount of information relating to this type of business and make an informed decision.

Mr. Stoufer stated that currently Federal Law prohibits such a business and State Law allows it. He also stated that currently the City does not have Zoning Codes that address this type of business therefore he did not approve the business license request.

Mr. Stoufer briefed the Council on the justification for the Interim Ordinance as an urgency measure.

Councilor Hill asked a question referring to the Controlled Substance Act (CSA); Mayor Strack referred to a section that he believes allows the City Government to set the law. Councilor Hill then asked what justifications the City had for prohibiting the issuance of the Business License and proposed the City issue a provisional 45-day license.

Petitioners and Business owners of Tehama Herbal Collective (THC), Kathy and Ken Prather then addressed the Council. Mr. Prather stated that they had provided the City with copies of their legal documentation, recognized by the Secretary of State and the State Board of Equalization. He stated that according to the State Boards "Code Classification" for their Association, Code 27 - Medicines and Prescriptions, they are in the correct zone, citing that there is a pharmacy just across the street. Various members of the audience spoke in support of THC stating that they currently must travel out of town to obtain their "medicine"; one individual stated she drives to Berkeley. Those speaking stated the need for those with cancer and other ailments and how it would benefit the City to have such a business through keeping the money spent on fuel and taxes here.

Mayor Strack asked Mr. Prather if the product was taxable; Mr. Prather stated that it was.

Councilor Hill moved to have the City issue a 45-day Interim Business License allowing Tehama Herbal Collective to operate their business while the City obtains additional information. With no second to the motion, the motion was not passed.

Councilor Turner moved to adopt as an Urgency Measure, Interim Ordinance 637, An Interim Ordinance of the City of Corning Prohibiting Medical Marijuana Dispensaries, Collectives or Cooperatives. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.** Councilor Hill then requested that Council and Staff move quickly on this issue. Mayor and Council directed Staff to move forward, having special meetings if necessary.

Mayor Strack called for a 5-minute recess at 8:26 p.m. Meeting was called back to order at 8:32 p.m.

13. Presentation by Chamber of Commerce Manager Valanne Cardenas.

Valanne Cardenas updated the Council on the upcoming events related to the Olive Festival. She stated that they have vendors coming from all over, some from the Bay Area and one from Arizona. Mrs. Cardenas stated that the Olive Festival is one of the three major events sponsored and a major moneymaker. She challenged the members of City Council and the City Manager volunteer for a shift in the dunk tank, stating that the Chamber would be happy to accept donations in lieu of participating with the dunk tank. Councilor Hill signed up for a shift in the dunk tank.

14. Loss of State Division of Aeronautics 2.5% Match; Corning Municipal Airport Improvement Project.

Mayor Strack introduced this item by title and Public Works Director John Brewer further informed the Council that the State Division of Aeronautics has withdrawn their funding as a measure to balance their budget. Mr. Brewer stated that the City does have the funds in the previously approved account to cover the combined match and the traffic signal, however that would only leave \$28,216. Mr. Brewer offered another funding solution which would be to borrow from the California Department of Transportation-Division of Aeronautics (he stated that he had confirmed that they do still have funding).

Councilor Turner moved to direct Staff to continue collecting bids for the Corning Municipal Airport Improvement Project, and upon bid closure, to present the lowest responsible bidder for Council consideration of bid award, and the "internal" loan from the Traffic Mitigation Fee Account. Councilor Leach seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

15. Study Matter; Raising "Construction Water" Rates within the City of Corning.

Mayor Strack introduced this item by title and Public Works Director John Brewer stated that this is a study matter, however it is hoped that the Council will request a public hearing to raise the "Construction Water" Rates. He then provided the Council with information supporting the raise in rates.

Councilor Leach moved to direct Staff to schedule a public hearing in accordance with Proposition 218 to consider an increase in the water rate for "construction water" obtained from the City's Fire Hydrants to \$5.00 per 1,000 gallons. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

16. Rodgers Theatre: Submit \$220,000 Park Bond Application.

Corning Community Foundation President Jaimie Walbery and Treasurer Kyle Lauderdale addressed the Council on behalf of the Rodgers Theatre Committee regarding the Council's prior pledge of the Park Bond Funds (November 13, 2008 City Council Meeting) in the amount of \$220,000. Mr. Lauderdale stated that at the July 30, 2009 meeting the Board of Directors set

the current priority of the Corning Community Foundation is salvaging the roof for protection from further water damage and restore the front face of the building as a visible indicator to the public that the restoration has begun. He stated that they now respectfully request this funding to begin the process.

Councilor Turner asked for confirmation of the available Park Funds; City Manager Kimbrough responded outlining the total funding availability remaining in the Park Acquisition Funds (\$284,528), Parkland Development Funds (\$195,750) and Park Bond Funds (\$220,000).

Council Parkins moved, having considered the commitment of the Corning Community Foundation to restoring the Rodgers Theatre:

- Approve the allocation of the Statewide 2002 Park Bond Issue amount of \$220,000 to the Theatre Committee; and
- Direct City Staff to make application for the Funds and work closely with the Corning Community Foundation.

Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

18. Approve Resolution No. 08-11-09-01 Adopting the 2009-2010 Budget and Program of Service for the City of Corning, Discussion and Action.

Mayor Strack introduced this item by title. Mayor Strack announced that we still don't have the signed commitment from the employees in relation to the furloughs. City Manager Kimbrough stated that this budget isn't effected one way or the other by the employees and we do now know what effects the State Budget has on the City's Budget which is a reduction of \$147,000 in property taxes that the State will be taking.

Councilor Turner stated he thought the Council should carry the budget forward; the City can operate for months without a budget. City Manager Kimbrough stated that if passed, the Council could amend it at any time.

Councilor Parkins moved to approve Resolution 08-11-09-01 adopting the 2009-2010 Budget and Program of Service for the City of Corning. Councilor Hill seconded the motion. **Ayes: Strack, Hill and Parkins. Opposed: Turner and Leach. Absent/Abstain: None. Motion was approved by a 3-2 vote with Turner and Leach opposing.**

L. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.

M. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

Mayor and Council received three letters:

1. A letter from Dean Cofer dated August 2, 2009 requesting a response from the City Council regarding his concerns that "individual Council Members and Mayor have often failed to conform to and follow the legal intent of the Municipal Code".

Councilor Hill responded to Mr. Cofer's letter stating that the request he was referring to took place during a public meeting and was made by her to the City Manager in response to the public discussion and was in compliance with Council procedures.

2. A letter from Dean Cofer dated August 3, 2009 relating to the Airport Lease and Fixed Base Operator Agreement and requesting that the Council get a written legal opinion from the City Attorney on this matter and report back to he and the taxpayers/voters as to why it is not necessary to go through the bid process.

Mayor Strack stated that the City Manager had addressed the statements in Mr. Cofer's letter in a Memo to the Editor to the Editor of the Daily News and published in that paper. Mayor Strack then directed the City Manager to provide Mr. Cofer with a copy of this Memo.

3. A letter from a citizen who states, "To support a business downtown, whose primary goods contradict the fundamental teachings of our local school districts, would be

neglecting our duties as role models and diminishing the education system as a whole.”

Mayor Strack stated that this letter is in reference to Tehama Herbal Collective.

N. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

19. Hill: Announced that a presentation of a plaque to former Airport Commissioner Jerry Rindahl (Commissioner from 1996-2009) was held on Thursday, August 6, 2009 at the Corning Airport.

20. Turner: Reported he had attended the Children’s Youth Fair this past Saturday.

21. Parkins: Stated that she would be attending a Landfill Meeting on Wednesday.

22. Leach: Nothing.

23. Strack: Requested City Attorney and City Staff’s assistance with the preparation of a Non-Profit Application for the Skateboard Park Committee should they be asked. By Council consensus this was approved. He also announced that the City has two good applicants for the two vacancies on the Airport Commission and a recommendation will be on the next Agenda.

O. ADJOURNMENT!: 9:35 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: August 19, 2009

SUBJECT: Cash Disbursement Detail Report for the
Tuesday, August 25, 2009 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending	08-19-09	\$	88,748.38
B.	Payroll Disbursements	Ending	08-11-09	\$	41,653.12
GRAND TOTAL				\$	<u>130,401.50</u>

REPORT.: Aug 19 09 Wednesday
 RUN.: Aug 19 09 Time: 15:29
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 08-09 Bank Account.: 1020

PAGE: 001
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
009140	08/12/09	ACS01	ACS FIREHOUSE SOFTWARE	670.31	.00	670.31	429468	COMMUNICATIONS - FIRE
009141	08/12/09	AIR00	AIRGAS NCN	44.63	.00	44.63	102663837	MAT & SUPPLIES - FIRE
009142	08/12/09	AND04	ANDERSON, IAN MATTHEW	182.27	.00	182.27	090810	UNIFORMS/CLOTHING-POLICE
009143	08/12/09	ARA02	ARAMARK UNIFORM SRV. INC.	28.75	.00	28.75	4218367	Mat/Supplies
009144	08/12/09	CAM02	CAMELLIA VALLEY SUPPLY	625.95	.00	625.95	0719745	SHORT DRIVE STORM DRAIN-
				1795.87	.00	1795.87	0720654	SHORT DRIVE STORM DRAIN -
				366.43	.00	366.43	0720662	DRAINAGE IMP. - STREET PR
			Check Total.....	2788.25	.00	2788.25		
009145	08/12/09	COR07	CORBIN WILLIITS SYSTEMS	65.00	.00	65.00	000A90731	EQUIP MAINT. - FINANCE
009146	08/12/09	COR11	CORNING SAFE & LOCK	7.31	.00	7.31	2506	MAT & SUPPLIES - POLICE
009147	08/12/09	COR12	CORNING FORD MERCURY, INC	365.27	.00	365.27	112352	Veh Opr/Maint - POLICE
009148	08/12/09	GRA01	GRANDFLOW, INC	391.39	.00	391.39	103964	Office Supplies -
009149	08/12/09	GRA02	GRAINGER, W.W., INC	162.10	.00	162.10	904733709	MAT & SUPPLIES - PARKS
009150	08/12/09	HOL04	HOLIDAY MARKET #32	9.98	.00	9.98	31858	Mat/Supplies BuildingMain
009151	08/12/09	IMA01	IMAGE SALES, INC.	16.13	.00	16.13	20498	MAT & SUPPLIES-POLICE
009152	08/12/09	LIN01	LINCOLN EQUIPMENT, INC.	2749.51	.00	2749.51	SI122021	MAT & SUPPLIES - PARKS
009153	08/12/09	MCI03	MCINTYRE, TANNER	120.00	.00	120.00	090811	REC INSTRUCT-REC
009154	08/12/09	MID05	MID-VALLEY VETERINARY HOS	70.00	.00	70.00	107054	SPAY/NEUTER VOUCHER PROGR
				70.00	.00	70.00	107055	SPAY/NEUTER VOUCHER PROGR
			Check Total.....	140.00	.00	140.00		
009155	08/12/09	NOR31	NORM'S PRINTING	330.92	.00	330.92	007233	PRINTING/ADV -POLICE
				216.50	.00	216.50	007236	PRINTING/ADV -POLICE
			Check Total.....	547.42	.00	547.42		
009156	08/12/09	PGE03	PG&E	17.32	.00	17.32	090731	Mat/Supplies Policeservic
009157	08/12/09	PGE04	PG&E	829.11	.00	829.11	090730	TranspFacility-
009158	08/12/09	RED01	RED BLUFF DAILY NEWS	82.35	.00	82.35	090803	GEN. PROG ADMIN
009159	08/12/09	TRI02	TRI-COUNTY NEWSPAPERS	42.00	.00	42.00	77172	Print/Advert. City Clerk

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
009159	08/12/09	TRI02	TRI-COUNTY NEWSPAPERS	136.50	.00	136.50	77173	Print/Advert. City Clerk
Check Total.....:				178.50	.00	178.50		
009160	08/12/09	USA03	USA MOBILITY WIRELESS, INC	32.91	.00	32.91	S0159912H	COMMUNICATIONS - POLICE
009161	08/13/09	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	0907359	ProfServices Water Dept
009162	08/13/09	BUT05	BUTTE CO PUBLIC HEALTH	100.00	.00	100.00	ADM070901	PROF SVCS-ACO
009163	08/13/09	COP00	COP SHOP INSTALLATION INC	47.75	.00	47.75	2019	VEH OP/MAINT-POLICE
009164	08/13/09	DEP12	DEPT OF JUSTICE	32.00	.00	32.00	746902	REC INSTRUCT-REC
009165	08/13/09	ICC01	INTERNATIONAL CODE COUNCIL	100.00	.00	100.00	2735323	ASSOC DUES-BLD & SAFETY
009166	08/13/09	NOR31	NORM'S PRINTING	66.52	.00	66.52	007246	OFFCE SUPPLIES-BLD & SAFE
009167	08/13/09	SNW00	SNWC SERVICES, INC.	44156.20	.00	44156.20	16804	PROF SVCS-WWTP
				2640.67	.00	2640.67	16805	PRETREATMENT PROG-SWR
				1506.93	.00	1506.93	16834	PROF SVCS-WWTP
Check Total.....:				48303.80	.00	48303.80		
009168	08/14/09	FIT01	FITZPATRICK LAW OFFICES	98.93	.00	98.93	090812	BOOKS/PERIODICS-LGL
009169	08/14/09	FOO01	FOOTHILL READY MIX	789.14	.00	789.14	908051	SHORT DRIVE STROM DRAIN-S
009170	08/14/09	HOL04	HOLIDAY MARKET #32	47.16	.00	47.16	27839	Mat/Supplies-ACO
009171	08/14/09	INT01	INTERLAND BUSINESS SUPPLY	183.72	.00	183.72	090811	Office Supplies-
009172	08/14/09	TEH08	COUNTY OF TEHAMA	2043.00	.00	2043.00	090814	NOTICE OF DETERMINATION-C
009173	08/18/09	AND03	ANDERS, JOANN	1890.00	.00	1890.00	09-114	PROF SVCS-SALADO HOME GRA
009174	08/18/09	ARA02	ARAMARK UNIFORM SRV. INC.	28.75	.00	28.75	4221286	Mat/Supplies-
009175	08/18/09	ATT09	AT&T	64.66	.00	64.66	090807	MAT & SUPPLIES-WTR
009176	08/18/09	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	0907576	ProfServices Water Dept
009177	08/18/09	CON07	CONEXIS	30.00	.00	30.00	07090R348	MEDICAL INS-COBRA
009178	08/18/09	HOL04	HOLIDAY MARKET #32	19.96	.00	19.96	31868	Mat/Supplies BuildingMain
009179	08/18/09	LAC00	LACY, JOHN	120.00	.00	120.00	090818	REC INSTRUCT-REC
009180	08/18/09	LAS02	LASER MAN, INC.	64.95	.00	64.95	601528	EQUIP REPLAC-

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
009181	08/18/09	PAC16	PACIFIC TELEMANAGEMENT SE	75.00	.00	75.00	135114	COMMUNICATIONS-GEN CITY
009182	08/18/09	RED15	RED TRUCK ROCK YARD, LLC	96.34	.00	96.34	131899	SHORT DRIVE STORM DRAIN-S
009183	08/18/09	WAR04	WARREN, GLORIA	237.50	.00	237.50	090818	REC INSTRUCT-REC
009184	08/18/09	ANT00	ANTELOPE VETERINARY	70.00	.00	70.00	125431	SPAY/NEUTER VOUCHER PROGR
009185	08/18/09	BER04	GABRIELLE BERGEN	250.00	.00	250.00	090818	JT LEVY TRUST-SCHOLARSHIP
009186	08/18/09	BIL01	BILL'S TREE SERVICE	15200.00	.00	15200.00	090818	TREE PRUNING-STR PROJ
009187	08/18/09	COR11	CORNING SAFE & LOCK	6.50	.00	6.50	2519	VEH OP/MAINT-POLICE
009188	08/18/09	EMP02	EMPIRE ENSIGNIAS	175.00	.00	175.00	292497	UNIFORMS/CLOTH-POLICE
009189	08/18/09	FOO01	FOOTHILL READY MIX	1227.56	.00	1227.56	908071	SHORT DRIVE STORM DRAIN-S
009190	08/18/09	INT10	INTERSTATE 5 TRUCK & EQUI	2147.10	.00	2147.10	1913	VEH OP/MAINT-FIRE
009191	08/18/09	LNC01	LN CURTIS & SONS	201.75	.00	201.75	117683600	SM TOOLS-FIRE
009192	08/18/09	M.R01	M.R. METAL WORKS	165.00	.00	165.00	1434	VEH OP/MAINT-FIRE
009193	08/18/09	MAY01	MAY, WILLIAM L.	1510.70	.00	1510.70	200967152	EE RELATIONS-LEGAL SVCS
009194	08/18/09	MIR04	MIRACLE UPHOLSTERY & DRAP	50.00	.00	50.00	258369	MAT & SUPPLIES-POLICE
009195	08/18/09	NEX02	NEXTEL	342.38	.00	342.38	086319093	COMMUNICATIONS-POLICE
009196	08/19/09	BIS00	BISHOP CUSTOM PRODUCTS	1499.26	.00	1499.26	4301	OTS GRANT-POLICE
009197	08/19/09	COM01	COMPUTER LOGISTICS, INC	758.87	.00	758.87	46489	COMP/EQUIP/SOFT-FIRE
009198	08/19/09	COR20	CORNING ELECTRONICS	9.72	.00	9.72	10083001	MAT & SUPPLIES-BLD MAINT
				77.36	.00	77.36	10083007	MAT & SUPPLIES-POLICE
			Check Total.....	87.08	.00	87.08		
009199	08/19/09	DEP12	DEPT OF JUSTICE	210.00	.00	210.00	751018	PROF SVCS-POLICE
009200	08/19/09	ENP01	ENPLAN	243.75	.00	243.75	194-02	GIS SERVICES
009201	08/19/09	PAT02	PATTERSON ELECTRIC,	69.27	.00	69.27	1628	MAT & SUPPLIES-PARKS
				60.00	.00	60.00	1633	MAT & SUPPLIES-PARKS
			Check Total.....	129.27	.00	129.27		
009202	08/19/09	RED15	RED TRUCK ROCK YARD, LLC	204.59	.00	204.59	87	SHORT DRIVE STORM DRAIN-S

REPORT.: Aug 19 09 Wednesday
 RUN.....: Aug 19 09 Time: 15:29
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 08-09 Bank Account.: 1020

PAGE: 004
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
009203	08/19/09	TEC00	TECH DEPOT	229.88	.00	229.88	B09086546	COMMUNICATIONS-POLICE
Cash Account Total.....:				88748.38	.00	88748.38		
Total Disbursements.....:				88748.38	.00	88748.38		
Cash Account Total.....:				.00	.00	.00		

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment (s)
 Check Listing for 08-09 Bank Account.: 1025

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
4106	08/11/09	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	A90811	POLICE OFFICER ASSOC
4107	08/11/09	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	A90811	WITHHOLDING ORDER
4108	08/11/09	COS01	COSTCO WHOLESALE MEMBERSP	780.00	.00	780.00	A90811	COSTCO
4109	08/11/09	EDD01	EMPLOYMENT DEVELOPMENT	3877.12	.00	3877.12	A90811	STATE INCOME TAX
				1302.99	.00	1302.99	1A90811	SDI
			Check Total.....:	5180.11	.00	5180.11		
4110	08/11/09	ICM01	ICMA RETIREMENT TRUST-457	3516.98	.00	3516.98	A90811	ICMA DEF. COMP
4111	08/11/09	OEU03	OPERATING ENGINEERS	800.00	.00	800.00	A90811	CREDIT UNION SAVINGS
4112	08/11/09	PERS1	PUBLIC EMPLOYEES RETIRE	24064.21	.00	24064.21	A90811	PERS PAYROLL REMITTANCE
				7.90	.00	7.90	1A90811	PERS PAYROLL REMITTANCE
			Check Total.....:	24072.11	.00	24072.11		
4113	08/11/09	PERS4	Cal Pers 457 Def. Comp	376.25	.00	376.25	A90811	PERS DEF. COMP.
4114	08/11/09	PRE03	PREMIER WEST BANK	3881.75	.00	3881.75	A90811	HSA DEDUCTIBLE
4115	08/11/09	TEH15	TEHAMA CO SHERIFF'S DEPT	589.71	.00	589.71	A90811	WAGE ASSN # 43462
4116	08/11/09	VAL06	VALIC	1967.75	.00	1967.75	A90811	AIG VALIC P TAX
			Cash Account Total.....:	41653.12	.00	41653.12		
			Total Disbursements.....:	41653.12	.00	41653.12		

Date.: Aug 19, 2009
 Time.: 3:34 pm
 Run by: IORI

CITY OF CORNING
 NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
 List.: NEWS
 Group: WTFME

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
BUDGET BARBERS	2071 SOLANO ST	CORNING, CA 96021	HEARN	DOUGLAS BARBER SHOP	08/11/09	(530)643-0084
CARNICERIA MI PUEBLO	1321 SOLANO ST	CORNING, CA 96021	MARIA LINCE	CRISTOB MEAT MARKET	08/12/09	(530)824-2727
CODI CLEANING	4142 MARY AVE	CORNING, CA 96021	MICKEY	CODI JANITORIAL	08/11/09	(530)586-2391
HAIR BY KRISTEN/MANE	1706 SOLANO ST	CORNING, CA 96021	RATLIFF	KRISTEN HAIR SALON, WAXING, COLORS, & CUTS	08/12/09	(530)838-0254
J.C. GRIFFIN	456 E. 8TH ST	CHICO, CA 95928	GRIFFIN	JAMES CONTRACTOR	08/11/09	(530)521-0701
S. OCHOA MEDICAL BIL	1306 BUTTE ST	CORNING, CA 96021	OCHOA TORRES SANDRA	MEDICAL BILLING & CLERICAL SERVICES	08/12/09	(530)838-9014

ITEM NO. F-6
RESOLUTION NO. 08-25-09-01; ENERGY
EFFICIENCY CONSERVATION BLOCK GRANT
PROGRAM; RODGER'S THEATER HVAC AND
TECHNICAL ASSISTANCE FROM CALIFORNIA
ENERGY COMMISSION.

AUGUST 25, 2009

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

FROM: STEPHEN J. KIMBROUGH; CITY MANAGER
JOHN L. BREWER, AICP; PUBLIC WORKS DIRECTOR

JB *STEVE*

SUMMARY:

Staff recommends the City Council support and approve submittal of the attached "Technical Assistance Application" with the California Energy Commission. The purpose of the application is to solicit technical support in the form of an energy audit from the Commission to determine if replacement of the Rodger's Theater Heating, Ventilation and Air Conditioning (HVAC) System will qualify for funding through the "Energy Efficiency and Conservation Block Grant Program" (EECBG).

If that particular project will not qualify for grant funding, the application also includes audits of other City owned buildings so that alternative energy efficiency measures within those buildings might be identified.

BACKGROUND:

The recent American Recovery and Reinvestment Act of 2009 (ARRA) included funding that provides for the state implemented "Energy Efficiency and Conservation Block Grant Program (EECBG). That program offers grants to Cities throughout the state for projects that improve energy efficiency. The projected allocation for the City of Corning is \$40,603.84. However, to qualify projects must provide minimum energy savings equivalent to 10 million Btus per \$1,000.00 spent.

Though we've completed a number of energy efficiency upgrades in recent years¹, City staff has little expertise regarding energy use and potential savings that might result from various types of equipment replacement. Without that knowledge, it's nearly impossible to forward a project that we know will qualify for the grant funding.

RODGERS THEATER HVAC:

At the last meeting, the Council committed the \$220,000.00 Park Bond funds to the refurbishment of the Rodgers's Theater. One component of that project is the replacement of the existing roof mounted evaporative cooler and a basement gas fired furnace with a single roof mounted HVAC unit. Contractor Richard Rezendes has estimated that would cost about \$67,250.00.

Staff wondered if the Theater HVAC replacement might qualify for the grant program. At the suggestion of the City manager, your Public Works Director posed that question to the

¹ Previous measures include installation of variable frequency water pumps, upgraded LED traffic signals, and more efficient florescent lighting in City buildings.

Energy Commission in the form of an email. While it wouldn't fund the entire HVAC replacement, if it qualifies, the net effect would be to add \$40,603.84 to the overall theater improvement project.

STATE ENERGY COMMISSION TECHNICAL ASSISTANCE PROGRAM:

On Monday August 17th, Joseph Wang of the CA Energy Commission called and reported that the HVAC replacement could qualify, provided it met the "energy savings threshold" of the grant guidelines. He also offered the commission's technical assistance in the form of an inspection/audit to determine whether the savings thresholds would be met. The attached Technical Assistance application is the first step required to get that audit completed. In addition to the application, we must submit the latest 12 months energy usage bills. Staff has obtained that info from PG & E.

Note the application also lists the addresses of other City buildings so that they may be audited at the same time in case the Theater HVAC project is unqualified. In that case, we hope the audit and subsequent analysis will recommend alternative energy saving measures. The Energy Commission requires the Council to support the application with a resolution. Resolution No. 08-25-09-01 is offered for that purpose.

STAFF RECOMMENDATION:

That the City Council:

- **Adopt and approve Resolution No. 08-25-09-01; a resolution supporting the submittal of an application for technical assistance from the California Energy Commission, and,**
- **Authorize the City Manager to sign and submit the attached California Energy Commission Technical Assistance Application in order to complete an energy audit of the listed City facilities, and**
- **Identify the Rodger's Theater HVAC Replacement as the first priority project for the Energy Efficiency Block Grant Program, and**
- **Should the energy audit determine the Theater HVAC Replacement Project cannot qualify for grant funding, make energy saving measures within other City-owned building the priority project for the Energy Efficiency Block Grant Program.**

Attachments:

Resolution No. 08-25-09-01
Energy Commission Technical Assistance Application
Energy Commission Partnership Program Information pages

RESOLUTION NO. 08-25-09-01
A RESOLUTION OF THE CORNING CITY COUNCIL AUTHORIZING
PARTICIPATION IN THE CALIFORNIA ENERGY COMMISSION'S ENERGY
PARTNERSHIP PROGRAM

Whereas, the California Energy Commission's Energy Partnership Program provides technical assistance in identifying energy efficiency improvements; and,

Whereas the City Council of the City of Corning authorizes the application for technical assistance from the California Energy Commission; and,

Whereas, the City Council of the City of Corning recognizes that the California Energy Commission has limited funds for technical assistance and that primary consideration will be given to those that are committed to implementing the recommended projects identified through the Energy Partnership Program;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Corning will seek funding, if necessary, to implement the recommended feasible energy efficiency projects identified through the Energy Partnership Program;

BE IT FURTHER RESOLVED, that Stephen J. Kimbrough, City Manager, is hereby authorized and empowered to execute in the name of the City of Corning all necessary documents to implement and carry out the purposes of this resolution.

PASSED, APPROVED AND ADOPTED this 25th day of August, 2009, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

GARY R. STRACK, MAYOR

ATTEST:

LISA M. LINNET, CITY CLERK

California Energy Commission Technical Assistance Application

1. Applicant Information

Applicant: City of Corning		County: Tehama	
Mailing Address: 794 Third Street		City: Corning	Zip: 96021
Street Address: 794 Third Street		City: Corning	Zip: 96021
Contact Person: John I. Brewer		Title: Public Works Director	Department: Public Works
Phone Number: 530-824-7025	Fax Number: 530-824-2489	Email: jbrewer@corning.org	

2. Project Description

Type of assistance needed: (Check all that apply)

- Existing facilities energy audit and recommendations
 New construction energy efficient design
 Self generation

Discuss your project(s) and why you require technical assistance.

Audit to determine if HVAC replacement at Movie Theater will qualify for Energy Efficiency and Conservation Block Grant Program. Also, should the HVAC replacement not qualify, review other City buildings for potential efficiency upgrades.

Describe how you plan to implement the recommendations that we may identify, including funding sources.
If the HVAC replacement qualifies, we intend to remove the existing gas fired furnace from the basement and the evaporative cooler from the roof and replace them with a single roof-mounted HVAC system as a component of the theater refurbishment or restoration. If it doesn't qualify, use audit to identify qualifying energy upgrades that will qualify for the grant program.

Describe current contracts or relationships with architects, consultants, energy services companies, utilities or others.

City owns the theater. A "Non-Profit group titled "Corning Community Foundation" has been formed to solicit and collect donations and coordinate efforts at theater refurbishment and/or restoration. There are no contracts with engineers or architects affecting this property. The non-profit group has informally communicated with a local contractor who's willing to assist as a Project Manager. Electricity and natural gas off all City-owned buildings are provided by PG & E pursuant to their franchise agreement with the City.

Expected project start date October 1, 2009 Expected project completion date September 30, 2012

Indicate your economic criteria for selecting projects (Check all that apply)

- Projects must have a payback period < _____ years.
 Projects must have an internal rate of return > _____ %.
 Other, specify If the HVAC Replacement Project will qualify for the grant program, we'll proceed

3. Project Team

Title	Name	Phone Number	E-Mail
Project Manager	John L. Brewer	530-824-7025	jbrewer@corning.org

Business Manager or Financial Officer	Stephen J. Kimbrough	530-824-7034	stevek@coming.org
Electric and Gas Utility Representative	Randy Ermenwein	(530) 896-4216	rae5@pge.com
Consultant/Contractor (if known)	N/A		
Specify Other			

*Name of school organization or name of local government, school, college, hospital, special district or public care facility.

4. Provide the following information.

Please prioritize from highest to lowest if you are requesting assistance for more than one facility.

Use additional pages if needed.

Facility Name and Address	Year Built (excluding portables)	Estimated Building Size (sq. ft.)
Rodgers Theater 1217 Solano Street Corning, CA 96021	1929	6000
Corning City Hall 794 Third Street Corning, CA 96021	1899	8000
Corning City Fire Dept. 814 Fifth Street Corning, CA 96021	Various Years	6000
City of Corning Corporation Yard 1106 Butte Street Corning, CA 96021	Various Years	Multiple Buildings

5. I have attached the following information:

- Governing board resolution
- Latest 12 months of electric and gas utility bills that show the energy costs and the detailed usage information for each facility account the technical assistance is requested for

2 of 3

- Any past energy studies for each facility
- Your site map (e.g., 1-As or a fire evacuation map)
- Annual financial statements (for non-profit organizations only)
- Schematic drawings (if available, for new construction only)

I certify to the best of my knowledge that the data in this application are correct and complete.

Authorized Representative**

Name Stephen J. Kimbrough Title City Manager
 Signature _____ Date _____

**Authorized Representative is the one designated by the governing body, in your Resolution, to execute documents in the name of the applicant.

Arnold Schwarzenegger
Governor



California Energy Commission
 Public Programs Office
 1516 Ninth Street, MS 42
 Sacramento, CA
 95814-5512
 (916) 654-4147

California Energy Commission Chairman
Karen Douglas

Vice Chair
James D. Boyd

Commissioners
Arthur H. Rosenfeld
Jeffrey D. Byron
Julia Levin

Executive Director
Melissa A. Jones

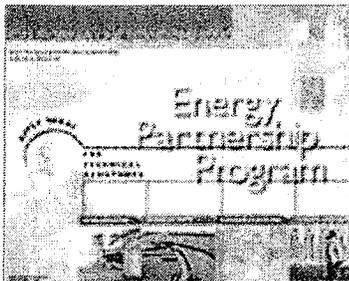
http://www.energy.ca.gov/efficiency/public_programs.html

The California ENERGY COMMISSION

[Home](#) → [efficiency](#) → [partnership](#)

Energy Partnership Program

Make Your Facilities Energy Efficient - Reap Big Benefits!



Costs for facility operations keep going up. Typical energy costs are three to ten percent of annual operating expenses. For the largest facilities, that can exceed \$1 million per year! One way to save money is by reducing your energy costs. The Energy Partnership Program offers services to help find ways for you to become more energy wise.

Do you need help identifying the most cost effective energy saving opportunities? The Energy Partnership Program can help, usually at no cost to you. Savings are proven to typically reduce annual utility costs by an average of 20 percent.

The simple reasons are that efficiency upgrades reduce annual maintenance costs, increase cost savings, conserves resources and reduces green house gas emissions.

Who is eligible?

- Cities
- Counties
- Special districts
- Public or non-profit hospitals
- Public or non-profit public care facilities
- Public or non-profit colleges/universities

Here's how we can assist you

- Conduct energy audits
- Review existing proposals and designs
- Develop equipment performance specifications

Is there a cost to participate in the Energy Partnership Program?

For many facilities there may be no cost. The Energy Commission can provide an energy audit that identifies energy saving recommendations. To assist you, we provide technical assistance services (up to \$20,000 of our consultants costs). The cost of a study depends on the facility size, type and scope of the project. We contract with experienced engineering and architectural consultants who provide the technical assistance.

How do I pay for our energy saving project?

If you need financing to implement the projects recommended by our energy audit (or from an independent analysis) you can apply for a low interest loan from the Energy Commission.

For information, go to www.energy.ca.gov/efficiency/financing/

Existing Facilities

Use the Energy Partnership Program to target energy efficiency improvements of your existing facilities. We can identify energy-related projects that should be implemented immediately as part of a comprehensive energy program.

The Energy Partnership Program can identify state loans and other financing mechanisms to get these projects installed. For existing facilities, the Energy Partnership Program can:

- Conduct energy audits and prepare feasibility studies
- Review existing proposals and designs
- Develop equipment performance specifications
- Review equipment bid specifications
- Assist with contractor selection
- Assist with commissioning

New Construction

Facilities built with energy efficient designs cost less to operate. That means continuous savings from the first day of operation! It is possible to reduce energy consumption significantly below the state's minimum building efficiency standard (Title 24), particularly if you get the Energy Partnership Program involved early in the design phase.

Here are some ways we can help with new construction

- Provide design consultation
- Compare different technologies
- Review schematics and construction plans
- Provide equipment specification consultation
- Identify cost-effective, energy-saving measures
- Develop computer simulation models of your planned project
- Help select experienced professionals with energy efficiency expertise
- Assist with commissioning

The New Energy Partnership Program Brochure is available in Adobe Portable Document Format (PDF).

[| Back to Top |](#)

The Application Process

How do I apply for an energy audit?

1. Complete the Technical Assistance Application. (updated: 4/08)

[Download PDF Application](#) (2 pgs, 35 kb)

[Download Interactive Word Application](#) (95 kb)

2. Enclose supplemental information: past energy studies, preliminary plans or proposals, latest 12 months gas and electric utility bills, and energy-using equipment inventories for the buildings or facilities that you are requesting assistance for.
3. Complete Governing Board Resolution. The Energy Commission must have a resolution from your governing board before providing technical assistance. The Energy Partnership Program sample resolution is available in Adobe Portable Document Format (PDF) or as an interactive Word Document.

[Download EPP Resolution](#) (PDF file, 1 page, 12 kb)

[Download Interactive EPP Resolution](#) (Word file, 48 kb)

4. Mail your application, and supplemental information to:

California Energy Commission
Energy Partnership Program
Public Programs Office

1516 Ninth Street, MS 42
Sacramento CA 95814-5512

How will you evaluate my application?

The application must indicate how you plan to execute and fund recommended projects. Your Governing Board Resolution must demonstrate a strong commitment to implementing the Energy Partnership Program's energy efficiency recommendations.

When is my application due?

This is a continuously open program with no final filing date. Applications will be accepted on a first-come, first-served basis. Technical assistance funds are limited so you are encouraged to submit your application early.

What if I need funding for my energy saving projects?

If you need funds to finance and implement the projects recommended by the Energy Partnership Program or as a result of your independent analysis, you can apply for a low interest loan from the Energy Commission.

Loans are available at competitive rates for public agencies. For information, go to:
www.energy.ca.gov/efficiency/financing/.

| [Back to Top](#) |

Contact Us

For questions or information please contact:

Amir Ehyai
California Energy Commission
Public Programs Office
1516 Ninth Street, MS 42
Sacramento CA 95814-5512
Telephone: 916-654-4550
Fax: 916-654-4304
E-mail: pubprog@energy.state.ca.us

Other Information

Costs for facility operations keep going up, but one way to save money is by reducing energy costs. Find out how some agencies have reduced their operating costs by exploring the various sections below or contact the Energy Commission.

Case Studies of Program Participants

Energy Partnerships - case studies of energy savings projects are available in Adobe Portable Document Format (PDF).

Cities

[Fairfield](#) (112 kb)

[Los Gatos](#) (104 kilobytes)

[Oakland](#) (100 kb)

[Redlands](#) (144 kb)

[San Bernardino](#) (1.2 mb)

[San Carlos \(112 kb\)](#)

[Santa Rosa \(112 kb\)](#)

Counties:

[Alameda \(100 kb\)](#)

[Contra Costa \(136 kb\)](#)

[Shasta County \(120 kb\)](#)

Colleges:

[Los Angeles Pierce \(112 kb\)](#)

[Canyon College \(108 kb\)](#)

Hospitals:

[Sierra View \(100 kb\)](#)

General Technical Assistance Documents

[Cities](#)

[Colleges](#)

Light Emitting Diode Traffic Signal Survey Results - many local governments are replacing their incandescent traffic and pedestrian signals with those using light emitting diodes, also known as LEDs. Find out what public agencies in California are doing and read their comments about LED performance. The original survey was conducted in 1999 and a subsequent survey in 2004.

Energy Services Providers Survey Results - this survey was conducted to determine whether the changes in the electric industry in California had affected the services offered by Energy Services Companies. The original survey was conducted in 1999 and a subsequent survey in 2004. The results of the 2004 survey will be available in early 2005.

Guide to Preparing Feasibility Studies for Energy Efficiency Projects (February 2000) - This guide contains information for those preparing studies to analyze energy saving projects. The guide discusses the information needed to evaluate the feasibility of proposed energy efficiency projects.
(Acrobat PDF file, 183 pages, 560 kilobytes)

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[Decisions Pending and Opportunities for Public Participation](#)

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State of California, Arnold Schwarzenegger, Governor

Last Modified: 03/24/09

ITEM NO.: F-7
APPROVE RESOLUTION NO. 08-25-09-02 TO
APPOINT CITY OF CORNING CODE
ENFORCEMENT OFFICERS
AUGUST 25, 2009

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

STEVES

SUMMARY:

City Council is asked to appoint the following City Staff positions as responsible for Code Enforcement:

- PLANNING DIRECTOR
- PUBLIC WORK DIRECTOR
- ASSISTANT PUBLIC WORKS DIRECTOR
- BUILDING OFFICIAL
- FIRE CHIEF
- POLICE CHIEF; AND
- COMMUNITY SERVICE OFFICERS

BACKGROUND:

In the past the City has designated these employees by name, which of course complicates issues when the employees retire.

This Resolution will allow the persons occupying these specifically approved positions to enforce City Codes through notice or citation.

RECOMMENDATION:

MAYOR AND COUNCIL APPROVE RESOLUTION 08-25-09-02 APPOINTING THE STAFF POSITIONS RESPONSIBLE FOR CITY CODE ENFORCEMENT:

- PLANNING DIRECTOR
- PUBLIC WORK DIRECTOR
- ASSISTANT PUBLIC WORKS DIRECTOR
- BUILDING OFFICIAL
- FIRE CHIEF
- POLICE CHIEF; AND
- COMMUNITY SERVICE OFFICERS

RESOLUTION NO. 08-25-09-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING
APPOINTING CODE ENFORCEMENT OFFICERS**

WHEREAS, Ordinance No. 535 requires that the City Council appoint Code Enforcement Officers to administer and enforce the Ordinance; and

WHEREAS, the following staff positions will be responsible for Code Enforcement for the City of Corning. Those positions are as follows:

- Planning Director
- Public Works Director
- Assistant Public Works Director
- Building Official
- Fire Chief
- Police Chief; and
- Community Service Officers

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Corning does hereby appoint the Planning Director, Public Works Director, Assistant Public Works Director, Building Official, Fire Chief, Police Chief and Community Service Officers as Code Enforcement Officers for the City of Corning

PASSED AND ADOPTED by the City Council of the City of Corning on this **25th** day of **August 2009** by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

ITEM NO.: F-8
ADOPT RESOLUTION NO. 08-25-09-03
APPROVING CAL-FIRE GRANT AGREEMENT
FOR CORNING FIRE EQUIPMENT
AUGUST 25, 2009

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER
MARTIN SPANNAUS, FIRE CHIEF



SUMMARY:

In February 2009, Corning Fire Chief Martin Spannaus submitted an application to the California Department of Forestry and Fire Protection for a "Cooperative Forestry Assistance Grant" for department equipment approved in the City Capital Improvement Program.

Cal-Fire has approved the application and sent the attached "Volunteer Fire Assistance Program Agreement" for City Council Approval.

BACKGROUND:

The Grant will provide 50% of the cost of purchasing eight (8) new sets of "Structural Turnouts" which are personal protective clothing for the individual firefighters, and the purchase of six (6) new motorola pagers.

The turnouts are very expensive at a unit cost of \$1,604.55 each; the pagers cost \$325.89 each and will upgrade the Corning Volunteer Fire Departments call for service notification.

FINANCIAL:

City Council approved the purchase of new turnouts and pagers as a part of the 2009-2010 City Budget and the long-range Capital Improvement Program. This grant makes it possible for the department to double its purchasing power.

RECOMMENDATION:

MAYOR AND COUNCIL ADOPT:

- 1. RESOLUTION NO. 08-25-09-03 ACCEPTING THE EQUIPMENT GRANT AND APPROVING AGREEMENT NO. 7FG90079 BETWEEN THE CORNING CITY FIRE DEPARTMENT AND THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION.**

RESOLUTION NO. 08-25-09-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING
APPROVING
VOLUNTEER FIRE ASSISTANCE PROGRAM AGREEMENT NO. 7FG90079
BETWEEN THE CORNING CITY FIRE DEPARTMENT AND THE
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

WHEREAS, the State has been approved as an agent of the United States Department of Agriculture, (USDA), Forest Service for the purpose of administering the Cooperative Forestry Assistance Act (CFAA) of 1978 (pl 95-313, United States Code, Title 16, Chapter 41, Section 2010 et seq., Volunteer Fire Assistance Program), hereinafter referred to as "VFA"; and

WHEREAS, the VFA has made funds available to STATE for redistribution, under certain terms and conditions, to local agencies to upgrade its fire protection capability; and

WHEREAS, on behalf of the Corning Fire Department, City of Corning Fire Chief Martin Spannaus submitted a Grant Application for a California Department of Forestry and Fire Protection Cooperative Forestry Assistance Grant to replace aging personal protective clothing and communications equipment; and

WHEREAS, acceptance of and award of the grant funds in the amount of \$7,396 for the purchase of personal protective fire clothing and communications equipment requires approval of Agreement No. 7FG90079 between the City of Corning and the California Department of Forestry and Fire Protection;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Corning does hereby approve Agreement No. 7FG90079 between the City of Corning and the California Department of Forestry and Fire Protection dated as of the last signatory date on page 6 of the Agreement to August 31, 2010 under the Volunteer Fire Assistance Program of the Cooperative Forestry Assistance Act of 1978.

BE IT FURTHER RESOLVED that this Agreement provides during the State Fiscal year 2009/2010, for an award during the term of this Agreement under the Volunteer Fire Assistance Program of the Cooperative Fire Assistance Act of 1978 up to and no more than the amount of **\$7,396**.

BE IT FURTHER RESOLVED that the Fire Chief is authorized to sign and execute said Agreement No. 7FG90079 and any amendments on behalf of the City of Corning.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Corning, held on August 25, 2009, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

**VOLUNTEER FIRE ASSISTANCE PROGRAM
AGREEMENT
PAGE 1 OF 6**

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

STATE OF CALIFORNIA
The Resources Agency

Agreement for the Volunteer Fire Assistance Program of the Cooperative Forestry Assistance Act of 1978

THIS AGREEMENT, made and entered into **ON THE LAST SIGNATORY DATE ON PAGE 6**, by and between the STATE of California, acting through the Director of the Department of Forestry and Fire Protection hereinafter called "STATE", and _____

_____ hereinafter called "LOCAL AGENCY", covenants as follows:

RECITALS:

1. STATE has been approved as an agent of the United States Department of Agriculture, (USDA), Forest Service for the purpose of administering the Cooperative Forestry Assistance Act (CFAA) of 1978 (PL 95-313, United States Code, Title 16, Chapter 41, Section 2010 et seq., Volunteer Fire Assistance Program), hereinafter referred to as "VFA", and
2. The VFA has made funds available to STATE for redistribution, under certain terms and conditions, to LOCAL AGENCY to assist LOCAL AGENCY to upgrade its fire protection capability, and
3. LOCAL AGENCY desires to participate in said VFA.

NOW THEREFORE, it is mutually agreed between the parties as follows:

4. **APPROVAL: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. LOCAL AGENCY may not commence performance until such approval has been obtained.**
5. **TIMELINESS: Time is of the essence in this Agreement.**
6. **FORFEITURE OF AWARD: LOCAL AGENCY must return this Agreement and required resolution properly signed and executed to STATE at the address specified in paragraph 11, with a postmark no later than December 1, 2009 or LOCAL AGENCY will forfeit the funds.**

**VOLUNTEER FIRE ASSISTANCE PROGRAM
AGREEMENT
PAGE 2 OF 6**

7. **GRANT AND BUDGET CONTINGENCY CLAUSE:** It is mutually understood between the parties that this **Agreement** may have been written for the mutual benefit of both parties before ascertaining the availability of congressional appropriation of funds, to avoid program and fiscal delays that would occur if the **Agreement** were executed after that determination was made.

This **Agreement** is valid and enforceable only if sufficient funds are made available to the STATE by the United States Government for the State Fiscal Year 2009-2010 for the purpose of this program. In addition, this **Agreement** is subject to any additional restrictions, limitations, or conditions enacted by the Congress or to any statute enacted by the Congress that may affect the provisions, terms, or funding of this **Agreement** in any manner.

The parties mutually agree that if the Congress does not appropriate sufficient funds for the program, this **Agreement** shall be amended to reflect any reduction in funds.

The STATE has the option to invalidate the **Agreement** under the 30-day cancellation clause or to amend the **Agreement** to reflect any reduction in funds.

8. **REIMBURSEMENT:** STATE will reimburse LOCAL AGENCY, from funds made available to STATE by the Federal Government, an amount not to exceed \$7,396 on a 50/50 matching funds basis, for the performance of specific projects and/or purchase of specific items identified in Exhibit(s) A, Application for Funding, attached hereto. **Reimbursement will be only for those projects accomplished and/or items purchased between THE LAST SIGNATORY DATE ON PAGE 6 and JUNE 30, 2010.** This sum is the sole and maximum payment that STATE will make pursuant to this Agreement. **LOCAL AGENCY must bill STATE, in triplicate, at the address specified in paragraph 11, with a postmark no later than August 31, 2010 in order to receive the funds.** The bill submitted by LOCAL AGENCY must clearly delineate the projects performed and/or items purchased. A vendor's invoice or proof of payment to vendor(s) must be included for items purchased.
9. **LIMITATIONS:** Expenditure of the funds distributed by STATE herein is subject to the same limitations as placed by the VFA, upon expenditure of United States Government Funds. Pursuant to Title 7 of the Code of Federal Regulations, Section 3016.32 subject to the obligations and conditions set forth in that section; title to any equipment and supplies acquired under this **Agreement** vests with the LOCAL AGENCY. For any equipment items over \$5,000, the federal government may retain a vested interest in accordance with paragraph 16 below.
10. **MATCHING FUNDS:** Any and all funds paid to LOCAL AGENCY under the terms of this **Agreement**, hereinafter referred to as "VFA Funds", shall be matched by LOCAL AGENCY on a dollar-for-dollar basis, for each project listed on attachment(s) hereto identified as "Exhibit(s) A". No amount of unpaid "contributed" or "volunteer" labor or services shall be used or consigned in calculating the matching amount "actually spent" by LOCAL AGENCY.

LOCAL AGENCY shall not use VFA Funds as matching funds for other federal grants, including Department of Interior (USDI) Rural Fire Assistance grants, nor use funds from other federal grants, including USDI Rural Fire Assistance grants, as matching funds for VFA Funds.

**VOLUNTEER FIRE ASSISTANCE PROGRAM
AGREEMENT
PAGE 3 OF 6**

11. ADDRESSES: The mailing addresses of the parties hereto, for all notices, billings, payments, repayments, or any other activity under the terms of the Agreement, are:

LOCAL AGENCY: _____

Attention: _____

Telephone Number(s): _____

FAX Number: _____

E-mail _____

STATE:

**Department of Forestry and Fire Protection
 Cooperative Fire Programs, Room 1653-2A
 P. O. Box 944246
 Sacramento, California 94244-2460
 PHONE: (916) 653-6179
 FAX (916) 653-9708**

12. PURPOSE: Any project to be funded hereunder must be intended to specifically assist LOCAL AGENCY to organize, train, and/or equip local firefighting forces in the aforementioned rural area and community to prevent or suppress fires which threaten life, resources, and/or improvements within the area of operation of LOCAL AGENCY.
13. COMBINING: In the event funds are paid for two or more separate, but closely related projects, the 50/50 cost-sharing formula will be applied to the total cost of such combined projects.
14. OVERRUNS: In the event that the total cost of a funded project exceeds the estimate of costs upon which this Agreement is made, LOCAL AGENCY may request additional funds to cover the **Agreement** share of the amount exceeded. However, there is no assurance that any such funds are, or may be, available for reimbursement. Any increase in funding will require an amendment.
15. UNDERRUNS: In the event that the total cost of a funded project is less than the estimate of costs upon which this **Agreement** is made, LOCAL AGENCY may request that additional eligible projects/items be approved by STATE for **Agreement** funding. However, there is no assurance that any such approval will be funded. Approval of additional projects/items, not listed on the Exhibit A application, made by STATE, will be in writing and will require an amendment.
16. FEDERAL INTEREST IN EQUIPMENT: The Federal Government has a vested interest in any item purchased with VFA funding in excess of \$5,000 regardless of the length of this **Agreement**, until such time as the fair market value is less than \$5,000. The VFA percentage used to purchase the equipment will be applied to the sale price and recovered for the Government during the sale. This percentage will remain the same even following depreciation. The Federal Government may not have to be reimbursed if the disposal sale amounts to a fair market value of less than \$5,000. LOCAL AGENCY will notify STATE Sacramento Property Office of the disposal of such items.

**VOLUNTEER FIRE ASSISTANCE PROGRAM
AGREEMENT
PAGE 4 OF 6**

17. EQUIPMENT INVENTORY: Any single item purchased in excess of \$5,000 will be assigned a VFA Property Number by the STATE Sacramento Property Office. LOCAL AGENCY shall forward a copy of the purchase documents listing the item, brand, model, serial number, any LOCAL AGENCY property number assigned, and a LOCAL AGENCY contact and return address to STATE at the address specified in paragraph 11. The STATE Sacramento Property office will advise the appropriate STATE Unit and LOCAL AGENCY contact of the VFA Property Number assigned.
18. AUDIT: LOCAL AGENCY agrees that the STATE, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this **Agreement**. LOCAL AGENCY agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. LOCAL AGENCY agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, LOCAL AGENCY agrees to include a similar right of the State of California to audit records and interview staff in any subcontract related to performance of this **Agreement**. (GC 8546.7, PCC 10115 et seq., CCR Title 2, Section 1896).
19. DISPUTES: In the event of any dispute over qualifying matching expenditures of LOCAL AGENCY, the dispute will be decided by STATE and its decision shall be final and binding.
20. INDEMNIFICATION: LOCAL AGENCY agrees to indemnify, defend, and save harmless, the STATE, its officers, agents, and employees, from any and all claims and losses, accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this **Agreement**, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by LOCAL AGENCY in the performance of this **Agreement**.
21. DRUG-FREE WORKPLACE REQUIREMENTS: LOCAL AGENCY will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:
 - a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

**VOLUNTEER FIRE ASSISTANCE PROGRAM
AGREEMENT
PAGE 5 OF 6**

- b. Establish a Drug-Free Awareness Program to inform employees about:
- 1) the dangers of drug abuse in the workplace;
 - 2) the person's or organization's policy of maintaining a drug-free workplace;
 - 3) any available counseling, rehabilitation and employee assistance programs; and,
 - 4) penalties that may be imposed upon employees for drug abuse violations.
- c. Every employee who works on the proposed **Agreement** will:
- 1) receive a copy of the company's drug-free workplace policy statement; and,
 - 2) agree to abide by the terms of the company's statement as a condition of employment on the **Agreement**.

Failure to comply with these requirements may result in suspension of payments under the **Agreement** or termination of the **Agreement** or both and LOCAL AGENCY may be ineligible for funding of any future State **Agreement** if the department determines that any of the following has occurred: (1) the LOCAL AGENCY has made false certification, or violated the certification by failing to carry out the requirements as noted above. (GC 8350 et seq.)

22. **TERM**: The term of the **Agreement** SHALL COMMENCE ON THE LAST SIGNATORY DATE ON PAGE 6 and continue through August 31, 2010.
23. **TERMINATION**: This **Agreement** may be terminated by either party giving 30 days written notice to the other party or provisions herein amended upon mutual consent of the parties hereto.
24. **AMENDMENTS**: No amendment or variation of the terms of this **Agreement** shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or **Agreement** not incorporated in the **Agreement** is binding on any of the parties.
25. **INDEPENDENT CONTRACTOR**: LOCAL AGENCY, and the agents and employees of LOCAL AGENCY, in the performance of this **Agreement**, shall act in an independent capacity and not as officers or employees or agents of the STATE or the Federal Government.

**VOLUNTEER FIRE ASSISTANCE PROGRAM
AGREEMENT
PAGE 6 OF 6**

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last signatory date below.

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY
AND FIRE PROTECTION

LOCAL AGENCY

By: _____
Signature

By: _____
*Signature

Dan Sendek
Printed Name

Printed Name

Deputy Chief
Title
Cooperative Fire Programs

**Title

Last Signatory Date

***Date

*Ensure that the officer signing here for LOCAL AGENCY IS THE SAME Officer authorized in the Resolution to execute this Agreement.

**Ensure that the title entered here IS THE SAME title used in the Resolution for the Officer who is executing this Agreement.

***Ensure that the date LOCAL AGENCY signs IS THE SAME DATE as the Resolution date OR LATER.

FOR STATE USE ONLY

AMOUNT ENCUMBERED BY THIS DOCUMENT \$7,396	PROGRAM/CATEGORY (CODE AND TITLE) Support			FUND TITLE Federal
	(OPTIONAL USE) Vendor #			
PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT \$0	ITEM 3540-001-0001	CHAPTER TBD	STATUTE 2010	FISCAL YEAR 09/10
TOTAL AMOUNT ENCUMBERED TO DATE \$7,396	OBJECT OF EXPENDITURE (CODE AND TITLE) 09-9214-418.99-92656			
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.			T.B.A. NO.	B.R. NO.
SIGNATURE OF CDF ACCOUNTING OFFICER X			DATE	

**Department of General Services
Use Only**

DGS APPROVAL NOT
REQUIRED PER SAM 1215

CONTRACTOR

STATE AGENCY

DEPT. OF GEN. SER.

CONTROLLER

G. INDIAN TRIBAL COMMUNITY (If project includes an Indian Tribal Community, please provide):

Population: _____ Number of Structures: _____

Size (acres): _____ Distance to nearest fire station (miles): _____

H. ADDITIONAL INFORMATION (Briefly describe the area to be served: fire protection system; water system; equipment; facilities; equipment; staffing; hazards; etc.; Briefly explain purpose of project):

Corning volunteer Fire Dept serves a community of 7200 with 3 major truck stops along the I-5 corridor. We also have a mutual-aid agreement with Cal-Fire to assist them in Southern Tehama County. We respond to about 50 to 60 fires a year for them. Corning Fire would like to replace aging Turn-out to be OSHA AND NFPA compliant.

Corning Fire is a volunteer Department with 4 paid Dispatcher and a paid Fire Chief. We hold an ISO rating of 4 and can respond to most any call in less than 4 min.

In addition to the original request(s), Applicants may list alternative projects for excess or unused funds, which the State will review during the initial application process. The State will determine which of the Applicant's projects are eligible for funding if excess or unused funds become available. Upon advanced written approval by the State, the applicant may use additional/excess funding, up to the contract maximum amount; to purchase State approved items in listed order of priority on their application.

Deviations from the original application are considered an amendment and require additional processing and approvals before expenditures can be approved.

The funds will be only for those projects accomplished and/or items purchased between July 1, 2009 and July 31, 2010. The Recipient agrees to provide the CAL FIRE itemized documentation of the Agreement project expenditures and bill the CAL FIRE as soon as the project is complete, but no later than September 1, 2010. The Recipient gives the CAL FIRE or any authorized representative access to examine all records, books, papers, or documents relating to the Agreement. The Recipient shall hold harmless the CAL FIRE and its employees for any liability or injury suffered through the use of property or equipment acquired under this Agreement. The applicant certifies that to the best of applicant's knowledge and belief, the data in this application is true VFA Application Contingency Clause

Martin Spannaus

Authorized Representative Signature

Martin Spannaus

Printed Name

Fire Chief

Title

2-29-09

Date

DEPARTMENT OF FORESTRY AND FIRE PROTECTIONP. O. Box 944246
SACRAMENTO, CA 94244-2460Website: www.fire.ca.gov
916) 653-5371

F31

Grant Assurances for
Cooperative Forestry Assistance Act of 1978, Volunteer Fire Assistance

Name of Applicant: Corning Fire DepartmentAddress: 814 5th St.City: Corning State: Ca. Zip Code: 96021Telephone Number: (530) 824-7044Fax Number: (530) 824-7042E-Mail Address: firechief@corning.org

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for the Volunteer Fire Assistance grant, of the Cooperative Forestry Assistance Act of 1978 and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant.
2. Will assure that grant funds are used only for items requested in the application.
3. Assures that all wildland fire response employees (full-time, part-time or volunteer) are fully equipped with appropriate wildland fire response personal protective equipment that meets NFPA 1977, *Standard on Protective Clothing and Equipment for Wildland Fire Fighting*, and are trained to a proficient level in the use of the personal protective equipment. Wildland fire suppression safety clothing and equipment includes:
 - Safety helmet
 - Goggles
 - Ear protection
 - Nomex hood, double-layered shroud, or equivalent face and neck protection
 - Nomex shirt, with sleeve liners and Nomex pants
 - Gloves
 - Safety work boots
 - Wildland fire shelter
 - Communications equipment

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.
6. Will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.
7. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.

In compliance.

Not in compliance but are applying for grant funding to purchase personal protective equipment.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent: Martin Spannaus

Printed Name of Authorized Agent: Martin Spannaus

Title: Fire Chief. Date: 2/29/09

**ITEM NO: F-9
RECOMMEND APPOINTMENT OF
LOUIS DAVIES AND ED PITMAN TO
THE CORNING AIRPORT
COMMISSION
AUGUST 25, 2009**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS
OF THE CITY OF CORNING**

FROM: GARY R. STRACK, MAYOR

SUMMARY:

Mayor Strack recommends the appointment of Louis Davies and Ed Pitman to the City of Corning Airport Commission.

BACKGROUND:

The City has received the attached two applications, one from Louis Davies and one from Ed Pitman for appointment to the Corning Airport Commission.

Mr. Davies is owns and operates an Equipment Rental Business in Corning, is a pilot, and has utilized and maintained a Hangar at the Corning Municipal Airport for many years. Mr. Davies has been one of the longtime Airport Volunteers and has caused and participated in many of the improvements that have taken place at the Airport.

Mr. Pitman is a Pilot, Instructor, and retired Federal Supervisor. He has served various Boards/Committees/Commissions such as the United States Hang Gliding Association, American Paragliding Association, Central Oregon Builders Association and the Oregon Guides & Packers Association. He currently utilizes and maintains a Hangar at the Corning Municipal Airport and cares about the Airport.

RECOMMENDATION:

**MAYOR AND COUNCIL REVIEW THE ATTACHED APPLICATIONS
AND APPOINT LOUIS DAVIES AND ED PITMAN TO THE CITY OF CORNING
AIRPORT COMMISSION EFFECTIVE IMMEDIATELY.**



CITY OF CORNING

RECEIVED

AUG 10 2009

APPLICATION FOR COMMISSION APPOINTMENT

CITY OF CORNING

Date: 8-10-09

- Commission:
- Planning Commission
 - Recreation Commission
 - Library Commission
 - Airport Commission

Name: Louis Davies

Home Address: 721 Solano St.
Corning Ca 96021

Phone No.: 530 824 3601

Business Address: 711 Solano St

Phone No.: 824 5581

Occupation: Equipment Rental Business

Do you reside within the City of Corning? Yes No

What qualifications do you have that will assist the Commission of your choice in fulfilling its functions? Interested Citizen

Have you served on other Boards, Committees, or Commissions? Yes No

If so, please list them:

Have you researched the time and travel commitments associated with serving on this

Commission? Yes No

Can you meet those commitments? Yes No

Please comment on your reasons for seeking this appointment.

Louis Davies

Signature

STATE LAW REQUIRES THAT APPOINTMENTS TO BOARDS AND COMMISSIONS BE CONSIDERED BY THE CITY COUNCIL IN OPEN SESSION AND YOU MAY BE ASKED TO BE PRESENT FOR AN INTERVIEW.



CITY OF CORNING

RECEIVED

AUG 10 2009

APPLICATION FOR COMMISSION APPOINTMENT CORNING CITY CLERK

Date: 8-10-09

- Commission:
- Planning Commission
 - Recreation Commission
 - Library Commission
 - Airport Commission

Name: Ed PITMAN

Home Address: 6000 Hall Rd

P.O. Box 499

CORNING CA 96021

Phone No.: 530 945 1860

Business Address: SALE

Phone No.: _____

Occupation: RETIRED

Do you reside within the City of Corning? Yes _____ No X

What qualifications do you have that will assist the Commission of your choice in fulfilling its functions? PILOT, INSTRUCTOR, HANGER OWNER

REQUIRED FEDERAL SUPERVISOR

Have you served on other Boards, Committees, or Commissions? Yes X No _____

If so, please list them:

UNITED STATES HANG GLIDING ASSOC., AMERICAN PARAGLIDING ASSOC.
CENTRAL OREGON BUILDERS ASSOC., OREGON GUIDES & PACKERS ASSOC.

Have you researched the time and travel commitments associated with serving on this

Commission? Yes X No _____

Can you meet those commitments? Yes X No _____

Please comment on your reasons for seeking this appointment.

I CARE ABOUT THIS AIRPORT!!

[Signature]
Signature

STATE LAW REQUIRES THAT APPOINTMENTS TO BOARDS AND COMMISSIONS BE CONSIDERED BY THE CITY COUNCIL IN OPEN SESSION AND YOU MAY BE ASKED TO BE PRESENT FOR AN INTERVIEW.

ITEM NO.: I-10
ADOPT RESOLUTION NO. 08-25-09-04
AUTHORIZING THE TEHAMA COUNTY
SANITARY LANDFILL AGENCY TO SUBMIT A
REGIONAL APPLICATION TO THE CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
FOR A RECYCLED MARKET DEVELOPMENT
ZONE
AUGUST 25, 2009

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



SUMMARY:

Kristina Miller, Landfill Agency Manager for the Tehama County/Red Bluff Landfill Management Agency is requesting adoption of Resolution 08-25-09-04 authorizing her to submit an application to become a Recycled Market Development Zone.

BACKGROUND:

If the County were to become a zone, new or existing businesses in Tehama County that reduce the waste stream would be eligible for low interest loans at 4% and free marketing assistance from the California Integrated Waste Management Board. Becoming a zone has the potential to increase the number of businesses and jobs in Tehama County and decrease the amount of material being landfilled. Essentially, it's a win-win. Kristina Miller, Landfill Agency Manager would act as the "Zone Administrator" and assist interested businesses in the loan application process and conduct outreach for the program.

This is not a grant. JPA 1 would only receive \$3,500 annually to market the program and to attend a mandatory Recycled Market Development Zone (RMDZ) conference.

RECOMMENDATION:

MAYOR AND COUNCIL ADOPT:

- 1. RESOLUTION NO. 08-25-09-04, A RESOLUTION OF THE CITY OF CORNING AUTHORIZING THE TEHAMA COUNTY SANITARY LANDFILL AGENCY TO SUBMIT A REGIONAL APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A RECYCLED MARKET DEVELOPMENT ZONE.**

RESOLUTION NO. 08-25-09-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING
AUTHORIZING THE SUBMITTAL
OF A REGIONAL APPLICATION
TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
FOR A RECYCLED MARKET DEVELOPMENT ZONE**

WHEREAS, Public Resources Code Section 42010 authorizes a local governing body to propose eligible parcels of property within its jurisdiction as a recycling market development zone, which provides incentives to stimulate development of secondary materials markets; and

WHEREAS, the California Integrated Waste Management Board is authorized to initiate new Recycled Market Development Zones, in accordance with Title 14, Division 7, Chapter 4, Article 1, 14 California Code of Regulations section 17902(a); and

WHEREAS, there is currently no Recycled Market Development Zone in any portion of Tehama County; and

WHEREAS, the development of local and regional markets for recycled materials would reduce the need to transport them out of the region in the future; and

WHEREAS, the Tehama County Sanitary Landfill Agency desires to join with the designated jurisdictions listed below

City of Corning City of Red Bluff City of Tehama County of Tehama

In the application for the implementation of a Tehama County-wide Recycled Market Development Zone Program; and

WHEREAS, if awarded, the applicant will enter into an Agreement with the California Integrated Waste Management Board for implementation and management of said program on behalf of itself and all of the entities listed herein.



NOW, THEREFORE, BE IT RESOLVED that the City of Corning authorizes the Tehama County Sanitary Landfill Agency to be the applicant and lead jurisdiction for the Recycled Market Development Zone Program on its behalf.

BE IT FURTHER RESOLVED that the proposed Zone will comprise the entirety of Tehama County.

BE IT FURTHER RESOLVED that the Tehama County Sanitary Landfill Agency will take the lead locally for CEQA compliance for designation of the County of Tehama Recycling Market Development zone to include the above named participating jurisdictions.

BE IT FURTHER RESOLVED that the Landfill Agency Manager, or his/her designee, is hereby authorized and empowered to execute in the name of the Tehama County Sanitary Landfill Agency and on behalf of the above named participating jurisdictions, all documents necessary to make such application, secure funds, and implement and manage the approved program.

BE IT FURTHER RESOLVED that the Landfill Agency Manager be designated as the Zone Administrator.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Corning, held on August 25, 2009, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

Lisa Linnet

From: Kristina Miller [recycle@clearwire.net]
Sent: Thursday, August 06, 2009 4:21 PM
To: 'Cheryl Smith'; 'Carolyn Steffan'; llinnet@corning.org
Subject: Recycled Market Development Zone Resolution

Hi Lisa, Cheryl, and Carolyn,

Attached are resolutions authorizing JPA I to submit an application to become a Recycled Market Development Zone, a background memo to the City Council members, and a powerpoint presentation describing the RMDZ program. The application is exhaustive and I am asking the cities to give the Agency authority to apply before I spend the time compiling the necessary information for the application. If necessary, I can come back to your respective Boards with the completed application. I just want to make sure there is support for the application before I spend the time. I have also attached a blank application for your reference. This is the first time the County has applied to become a RMDZ zone.

If the County were to become a zone, new or existing businesses in Tehama County that reduce the waste stream would be eligible for low interest loans at 4% and free marketing assistance from the California Integrated Waste Management Board. Essentially becoming a zone has the potential to increase the number of businesses and jobs in Tehama County and decrease the amount of material being landfilled. It's really a win-win. I would act as the 'zone administrator' and assist interested businesses in the loan application process and conduct outreach for the program.

This is not a grant. JPA I would only receive \$3,500 annually to market the program and to attend a mandatory RMDZ conference.

Please let me know any concerns you have. I would like to give a short presentation describing the program. Please let me know what date the resolution will be scheduled for.

Thanks for all that you do. I appreciate it.

Kristina Miller
Landfill Agency Manager
Tehama County/Red Bluff Landfill Management Agency
19995 Plymire Rd.
Red Bluff, CA 96080
office 530.528.1103
mobile 530.591.0973
fax 530.528.9304

08/21/2009

RECYCLING MARKET DEVELOPMENT ZONE

For the 2009 DESIGNATION CYCLE

Zone Administrator Application Coversheet

Applicant:	
Mailing Address:	
City & Zip Code:	County:

Primary Contact (Name & Title):	
Phone:	Fax:
E-mail Address:	

Proposed Zone Name:
Proposed Zone Boundaries:
Zone Mission Statement:
List Participating Jurisdictions:
Provide a statement describing how you complied with the California Environmental Quality Act:
Provide a statement demonstrating the Zone's commitment to environmental justice and to protecting the environment and public health and safety in a manner that does not unfairly affect any low-income and minority populations:

Certification: I declare, under penalty of perjury, under the laws of the State of California, that all information submitted for the CIWMB's consideration for designation as a Recycling Market Development Zone is true and accurate to the best

of my knowledge.

Signature of person as authorized in the Resolution: _____ Date: _____

Type or print name and title: _____

RECYCLING MARKET DEVELOPMENT ZONE

For the 2009 DESIGNATION CYCLE

Zone Participant Application Coversheet

Participating Applicant:

Mailing Address:

City & Zip Code:

County:

Primary Contact (Name & Title):

Phone:

Fax:

E-mail Address:

Certification:

I declare, under penalty of perjury, under the laws of the State of California, that all information submitted for the CIWMB's consideration for designation as a Recycling Market Development Zone is true and accurate to the best of my knowledge.

Signature of person as authorized in the Resolution: _____ Date: _____

Type or print name and title: _____

RECYCLING MARKET DEVELOPMENT ZONE APPLICATION For the 2009 DESIGNATION CYCLE

SECTION 1: Statewide Objectives

EXPLAIN HOW YOUR RECYCLING MARKET DEVELOPMENT PLAN WILL ADDRESS THE FOUR OBJECTIVES

Objective 1- Extend Landfill Capacity.

Objective 2- Encourage Innovative and Emerging Technologies to Address Priority Materials.

Objective 3- Distribute Recycling Market Development Zones Throughout the State.

Objective 4- Stimulate Regional Markets.

SECTION 2: Targeted/Regional Criteria

DESCRIBE HOW YOUR REGION IS PREPARED TO BE A ZONE

Criterion 1- List the amounts and types of high-priority materials available for recycling in your region.

Criterion 2- Describe your existing collection and processing infrastructure.

Criterion 3- Explain how you have worked with local businesses to build a strong recycling infrastructure.

Component 5- Describe the resources you will commit and incentives you will provide to businesses.

Component 6- Identify availability of appropriately zoned and available real estate and buildings.

Provide your Recycling Market Development Plan Conclusion.

SECTION 4: Budget and Resources

LIST STAFF AND FISCAL RESOURCES AVAILABLE FOR THE ZONE

Part 1: Zone Administration

LIST WHO WILL BE LEAD AGENCY AND DESCRIBE YOUR OVERALL ZONE ADMINISTRATION.

Part 2: Zone Budget

ZONE BUDGET NARRATIVE.

ZONE ITEMIZED BUDGET

Task Number	Category/Activity/Description	Staffing Cost	Expense	Total Cost

Part 3: Chain of Command

IDENTIFY CHAIN OF COMMAND AND RESPONSIBILITIES OF AGENCIES AND/OR PERSONNEL.

Part 4: Internal Administrative and Technical Support

IDENTIFY OTHER INTERNAL ADMINISTRATIVE OR TECHNICAL SUPPORT THAT WILL BE COMMITTED TO THE ZONE.

Part 5: In-kind Support from Environmental or Non-profit Groups

IDENTIFY OTHER IN-KIND SERVICES THAT WILL BE COMMITTED TO THE ZONE.

SECTION 5: Evaluation

DESCRIBE HOW YOU WILL MEASURE SUCCESS OR FAILURE OF YOUR PLANNED ACTIVITIES

Measurement 1: Baseline Data

DESCRIBE HOW YOU DETERMINED YOUR BASELINE DATA AND PROVIDE IT HERE.

Measurement 2: Overall Metrics

DESCRIBE THE METRICS YOU WILL USE TO TRACK TASKS AND ACTIVITIES OUTLINED IN YOUR PLAN.

Measurement 3: Zone Incentive Fund (ZIF) Metrics

DESCRIBE THE METRICS YOU WILL USE TO TRACK TASKS AND ACTIVITIES FOR ZIF.

SECTION 6: Completeness, Letters of Support, Experience

DESCRIBE HOW YOU WILL MEASURE SUCCESS OR FAILURE OF YOUR PLANNED ACTIVITIES

Check 1: Documentation and Review

LIST ALL THE DOCUMENTS THAT YOU WILL PROVIDE TO SUPPORT YOUR ZONE APPLICATION.

Check 2: Letters of Support and Resumés

LIST THE LETTERS OF SUPPORT THAT WILL ASSIST IN YOUR EFFORTS AND PROVIDE RESUMÉS OF KEY PLAYERS.

Check 3: Demonstration of Coordination

EXPLAIN HOW YOU WILL COORDINATE WITH OTHER ENTITIES. INCLUDE RESOLUTIONS FROM THE PARTICIPATING JURISDICTIONS.

APPLICATION INSTRUCTIONS

The following explains how to complete this application. It is designed to help with understanding the specific responses expected and the level of detail needed.

Regulations require that applicants submit their Recycling Market Development Zone (Zone) application to the Board no later than 120 days after the designation cycle begins. For 2009, the cycle begins on July 1, 2009. Therefore, applications and supporting documents must be submitted **no later than 4:00 PM on October 29, 2009**. Please note that applications and supporting materials, except the Cover Sheet, may be submitted electronically in lieu of hard copy to mdelimage@ciwmb.ca.gov.

Note: The Cover Sheet(s) with the original signature(s) must be submitted in hard copy to the address below no later than 4:00 PM on October 29, 2009—electronic signatures will not be accepted.

If an applicant cannot provide needed documentation electronically, applications can be delivered or can be mailed, **no later than 4:00 PM on October 29, 2009**, to the Joe Serna Jr. Cal/EPA Headquarters Building located at:

*California Integrated Waste Management Board
Local Assistance and Market Development Division
Attention: Mitch Delmage
1001 I Street (P.O. Box 4025)
Sacramento, CA 95812*

Note: See Attachment 2 for more regulatory requirements and useful links.

APPLICATION COVERSHEET

Applicant: Please provide the name of the agency, department, organization, or entity applying for Zone Designation. For multi-jurisdictional Zone applications, complete the Zone Participant Coversheet for each individual participating entity. Clearly identify which jurisdiction will be the lead Zone Agency in the Zone Administrator Coversheet.

Mailing Address: Please provide the complete mailing address for the agency, department, organization, or entity applying for Zone designation. Include the county in which the Zone will be located. If multiple counties are included in the Zone boundaries, list all cities/counties covered.

Primary Contact: Please provide the name and title of the person who will be acting as the Zone Administrator in the Zone Administrator Coversheet. If multiple jurisdictions are included in the Zone boundaries, list a primary contact for each jurisdiction participating in each of the Zone Participant Coversheets. Make sure that the person identified as the Zone Administrator is the contact person for the Lead Agency. Remember to include phone & fax numbers, as well as e-mail addresses.

Proposed Name: Please create a name for your Zone. It should represent the city(ies) and/or county(ies) that it covers. You may wish to review existing Zone names to get ideas and to ensure you do not duplicate an existing name. (See <http://www.ciwmb.ca.gov/rmdz/ZoneContacts.asp> for existing Zones).

Boundaries: Please clearly describe the proposed boundaries for your Zone. Include a detailed map and a narrative description of your Zone area. Remember your Zone should encompass an entire city or county or multiple jurisdictions rather than specific parcels of property.

Mission Statement: Please develop and include the mission statement for your proposed Recycling Market Development Zone. Your mission statement should include:

- The Purpose of your Zone.
- The Zone's primary stakeholders.
- How the Zone will help these stakeholders.
- Products and services offered.

List Participating Jurisdictions: If you are proposing a multi-jurisdictional Zone, please list all jurisdictions that will be included within the boundaries of the Zone. Make sure each participating jurisdiction completes a Zone Participant Coversheet. If you are the only jurisdiction in the Zone, please leave blank.

Provide Demonstration of Compliance with the California Environmental Quality Act: Provide a statement describing how you complied with the California Environmental Quality Act. In addition, submit with your application either a Notice of Determination or Notice of Exemption. Note: The Notice of Determination must be filed with the County Clerk and the State Clearinghouse prior to submitting your documentation. See the link in Attachment 2 describing how to file environmental documents.

Provide a Statement Demonstrating the Zone's Commitment to Environmental Justice: Provide a statement demonstrating the Zone's commitment to environmental justice and to protecting the environment and public health and safety in a manner that does not unfairly affect any low-income and minority populations. Note: See the Attachment 2 link to CalEPA's Environmental Justice webpage for more information on environmental justice.

Certification: This is your acknowledgement that the information you provide is accurate to the best of your knowledge. In the case of multiple jurisdictions, participants must sign their own cover sheet.

Note: The Cover Sheet(s) with the original signature(s) must be submitted in hard copy to the address above no later than 4:00 PM on October 29, 2009—electronic signatures will not be accepted.

SECTION 1: STATEWIDE OBJECTIVES

This section will be used to assess how implementing your Recycling Market Development Plan will address the four statewide objectives listed below.

Objective 1: Extend Landfill Capacity. Please describe how your Zone will divert materials from the landfill. You should include information about capacity and discuss how your Zone program will help extend capacity.

Objective 2: Encourage Innovative and Emerging Technologies to Address Priority Materials. Please describe your plans to seek out and work with businesses that are developing innovative approaches or emerging technologies to deal with identified priority materials. What incentives and assistance would you offer these businesses to help you divert these priority materials from the waste stream into useful products?

Objective 3: Distribute Zones throughout the State. Please show how your proposed Zone fills a gap in the overall coverage of Zones within California. For instance, if you are a rural area, show how you can join nearby rural jurisdictions to cover an area that is not near any existing Zones. For urban areas, show how you can complement other Zones or fill in areas of the State that have no Zones.

Objective 4: Stimulate Regional Markets. Please describe what steps you will take to assess regional markets for recycled materials and feedstocks. Once you have assessed the existing market conditions,

what incentives and assistance will you provide to help sustain and/or expand the regional market for these materials? What other measures would you take to stimulate regional markets, especially in light of exports and the current economic downturn?

SECTION 2: TARGETED/REGIONAL CRITERIA

In this section, you should describe what your jurisdiction(s) has already done with respect to recycling market development so that your existing efforts can be built upon once you become a Zone. The emphasis here is demonstrating that: 1) you know your available waste material types and your existing infrastructure, 2) you have programs in place to sustain and/or expand your collection/processing infrastructure and secondary materials markets, and 3) you have ensured that your proposed Zone area is large enough to sustain itself. Again, it is important to consider how developing regional markets can help offset the issues associated with depressed export markets, greenhouse gas emissions, and the general economic downturn.

Additionally, in this section, you should describe whether and/or how your proposed Zone reflects the following characteristics to ensure regions are represented that:

- Have high potential to target existing manufacturing businesses to include more recovered materials and/or to assist them in staying viable, to help compensate for the current economic downturn;
- Offer high potential to target new businesses that can be quickly established to use regionally available commodities; and,
- Have the capability to function as a Zone.

Criterion 1: List the amounts and types of high-priority materials. Provide details about how you have assessed the wastestream within the proposed Zone. Your focus should be primarily on your high-priority targeted materials. For instance, if you have performed a waste composition study or completed a waste flow/feedstock analysis, please provide a summary of the results, if available, and if available online, provide links to the studies. Additionally, if you have worked with other jurisdictions on identifying regional wastesheds, include a narrative on your regional waste flows.

Criterion 2: Describe your existing collection and processing infrastructure. For this, please provide us with a comprehensive picture of your existing collection/processing infrastructure that either is located within or interacts directly with your proposed Zone area. This comprehensive picture would include an overview of the following:

- Residential and commercial waste collection;
- Transfer stations, material recovery and composting facilities, organic materials handlers;
- Secondary processors; and,
- Recycled-content product manufacturers and distributors.

Include a description of the material types and flows, how processors add value and prepare materials for transportation, and what products are/could be produced from these materials. How will you use the existing infrastructure to facilitate planned Zone activities? This discussion does not necessarily need specific details about each facility or service provider. However, it should provide a clear and comprehensive overview of the current infrastructure in the proposed Zone area.

Criterion 3: Explain how you have worked with local businesses to build a recycling infrastructure. Please discuss what programs your proposed Zone has in place, and what assistance, incentives, and disincentives are provided to the local business community to encourage source reduction, recycling, composting, manufacturing and buying recycled-content products. For instance, do you:

- Have commercial recycling ordinances,
- Offer reduced fees or fee relief,

- Help with siting and permit processing,
- Assist with marketing and outreach,
- Offer economic development support,
- Ensure collection programs are available, and/or
- Have a program to attract recycling businesses, etc.

If you are proposing a multi-jurisdictional Zone, please make sure you include all the information above for each participating jurisdiction.

Criterion 4: Does your proposed Zone encompass an entire city or county or multiple jurisdictions? While this is primarily a yes or no question, please be advised that no points will be given for Zones that do not encompass at least an entire jurisdiction and that more points will be given to multi-jurisdictional applicants.

SECTION 3: RECYCLING MARKET DEVELOPMENT PLAN

In this section you should include a detailed Recycling Market Development Plan that shows how planned activities and tasks will promote manufacturing using recycled feedstock, will attract manufacturing businesses and will retain existing manufacturing businesses, especially in this economic climate. You should delineate activities and tasks and demonstrate that they are well thought through and are achievable with available resources.

Please review all six components of this section so you can avoid duplicating information that may fit better in another component. Include an Executive Summary before you describe Component 1 and a clear and concise conclusion after Component 6.

Executive Summary: Provide a high-level summary of your plan that explains how you will attract manufacturing businesses to the Zone and how you will retain existing manufacturing businesses to strengthen local and regional markets. Address how these efforts will help to create local/regional jobs, will reduce green house gas emissions, and will help to create new markets and strengthen existing markets. Also, describe how your plans will help to market recycled-content products to encourage consumers to purchase these materials and will create increased and sustained demand for these products, thus helping to increase the long-term viability of recycling-based manufacturers.

Component 1: Define your goals, objectives, and evaluation metrics. This component must include specific goals and objectives that support the overall mission, goals, and objectives. They must be measurable, time specific and identify the entity or person that will be responsible for implementing the objective. When developing short-term goals and objectives, you should think in terms of one-year increments. Midterm (five years) and long-range (ten years) goals and objectives can be more general in nature. Include a metric to determine the level of completion and success for each stated goal and/or objective.

GOALS AND OBJECTIVES: Please define your long-term goals and objectives. These should be long range in the order of five to ten years. It is important to know the difference between a goal and an objective. A Goal offers the “why,” to explain the reasoning behind creating a Zone. Your Goal should: 1) explain what you want to accomplish within your Zone, and 2) set the fundamental, long-range direction for your Zone. Objectives then break down the broader goal into its smaller parts, and may provide guidelines for how the goal can be accomplished. A Program Objective is a specific statement that explains what Zone Administrators will accomplish to fulfill Zone goals. It may include measurable levels of achievement, clear expectations, specific short to long-range tasks, and a basis for long-term success.

Component 2: Describe how you will assess your local business infrastructure and how you will use this information. Please explain how you plan to gather and use information on your existing collection, processing, distribution, and manufacturing recycling infrastructure. Certainly, you will have much of this information already, but describe how you will:

- Fill in the data gaps regarding your existing infrastructure,
- Identify businesses that can diversify to include recycled commodities in their manufacturing processes,
- Evaluate the strengths and weaknesses of existing businesses with regard to recycling and waste diversion,
- Determine how best to assist manufacturing business to be more efficient and/or expand, and
- Seek out potential recycling businesses that can relocate to your Zone.

Component 3: Describe how you will involve local business organizations and agencies. Please discuss how you will involve local business groups like the local Chamber of Commerce, economic development organizations, and other business-oriented groups. Discuss how you will specifically involve these groups to attract and retain manufacturing businesses, market your manufacturer's products, etc. Include any groups that you have already worked with to help local businesses and any success stories that resulted from your efforts.

Component 4: Discuss the secondary feedstock available in your area. Please use this component to build on the information you provided in Criterion 1, Section 2. Once you have a good understanding of the available feedstock and flow in your area, how will you work with generators, haulers and processors to assure that the feedstock is consistent, reliable, and high quality/low contamination? How will you deal with feedstock supply as the need for additional feedstock becomes necessary? How will you approach quality issues if they arise? How will you help manufacturers identify and secure feedstock?

Component 5: Talk about your planned assistance activities to help businesses in your Zone. This component should focus on your business attraction and expansion plans for your Zone. Provide a comprehensive description of your planned:

- Marketing and outreach efforts to attract new businesses and/or strengthen existing businesses,
- Incentives (e.g., tax waivers, rezoning, free marketing),
- Technical assistance (e.g. permit streamlining, energy audits, and siting help),
- Small business and economic development assistance, etc., and
- Efforts to market your manufacturers' recycled-content products both locally, regionally, etc.

Component 6: Give us an overview of available appropriately zoned real estate for new and expanding Zone businesses. Please provide a narrative of the existing industrial/commercial zoned areas in your Zone's boundaries. Discuss any plans you might have for rezoning certain areas to accommodate new or expanding businesses.

SECTION 4: BUDGET AND RESOURCES

Please provide a detailed accounting of your planned resource expenditures. This information is important to demonstrate how the Zone will be sustained in the future.

Part 1: Describe the way you plan to administer your Zone. Please provide a detailed description of your planned Zone administration. Include a staffing chart with information about the staff, the percent of time devoted to Zone administration, the staff's responsibilities, and staff experience. Discuss whether the staff involved is primarily solid waste or economic development staff, and how you will augment any weaknesses in staff experience in either area. If this is a multi-jurisdictional Zone, describe how the Zone administration will coordinate with all of the jurisdictions.

Part 2: Provide a line item budget for Zone administration. Please use the Zone Budget Narrative box to describe your overall budget. Include your source of funding (i.e., fees, general fund, ZIF, etc.) and how funds will be distributed over the program.

For the Zone Itemized Budget table, include task numbers, descriptions of activities, staffing costs, and general expenses like:

- Technical assistance costs,
- Publicity and marketing expenses,
- Travel costs, and
- Any other expenses associated with administration.

Part 3: Supply an organizational chart for your Zone administration. Please give us a detailed organizational chart that shows who will be working on your team. Include lines of authority and responsibility. Also, provide organizational charts for the existing department from which you will draw your staffing.

Part 4: Show us who, in your agency, will provide you with indirect assistance. Discuss how you will interact and gain assistance from other departments in your organization. For instance, if you are the solid waste department, how will you involve the economic development department and vice versa. Another example, discuss how information technology, economic development, permit assistance groups may help you administer your. *Note: If this is a multi-jurisdictional Zone, describe all of the applicable indirect assistance to the Zone.*

Part 5: Discuss any in-kind support you may solicit from outside organizations. Please use this part to expand on any information you have already provided regarding in-kind support, for example, other Zone Administrators, other jurisdictions with strong economic development or recycling program experience. Include any environmental or non-profit organizations that can help you.

SECTION 5: EVALUATION

This section is very important to help us determine your success, as well as for you to use the information to modify your approaches to build on the strengths of your program and overcome any weaknesses. Please tie this information back to the goals, objectives, and evaluation metrics you identified in Section 3, Component 1.

Measurement 1: Discuss how you will determine your baseline information. You must establish a firm baseline to understand the meaning of any metrics used to track your program. Therefore, please explain how you will assess baselines for any metrics you plan to use to measure the success of your program.

Measurement 2: Provide the specific metrics you will use to track your program. Please clearly define the metrics you identified in Section 3, Component 1 that will be used to track specific activities, outputs, and outcomes. Be sure your metrics are reasonable and time specific. For the purposes of this application, use these definitions:

- Activities are the tasks to implement various aspects of each Program Component,
- Outputs are the completed results of implementing activities,
- Outcomes are the short, medium, and long-term purposes or results of the outputs, and
- Metrics are the measurement of outputs and outcomes, including a timing element.

Measurement 3: Provide the specific metrics for using Zone Incentive Funds (ZIF). Please describe the metrics you will use to determine your successes using ZIF monies. Use the same criteria as above to develop your metrics.

SECTION 6: APPLICATION COMPLETENESS, LETTERS OF SUPPORT AND EXPERIENCE

CIWMB 703-09DC (New 4/09)

Use this section to ensure that you have completed the application fully and included all necessary documentation and information. This section can be used to augment the rest of the application by including pertinent information or data that did not fit well in other sections.

Check 1: Provide a list of all the documents that you have included for our review. Please include a list of the documents you have included with your application. You can use this as your checklist to make sure you have included everything that is required. We will use it when we review your documentation.

Check 2: Be sure to review your application thoroughly. Please make sure you have completed everything completely and there are no spelling or grammatical errors, etc.

Check 3: Include letters of support and resumes. Please provide us with any letters of support you have received to support any statements you have made about in-kind support, working with other organizations, government entities, etc. Make sure you have included the resumes of any individuals who will be working directly in your Zone administration. Include, if appropriate, resumes for staff that may be working indirectly, but contributing in a significant way.

Check 4: Describe how you will coordinate with other entities. Please present a final overview of how other government entities, business and environmental organizations, Zones, and consultants may help your Recycling Market Development Zone to be a success. Make sure you include a copy of the resolution or ordinance, from each governing body having jurisdiction over any portion of the proposed Zone, which makes the findings required by Section 42010(b) of the Public Resources Code.

REGULATORY REQUIREMENTS AND USEFUL LINKS

ATTACHMENT 2

Title 14, Natural Resource--Division 7, CIWMB

Chapter 4. Resource Conservation Programs

Article 1. Recycling Market Development Zone Designation Process

Section 17905. What do I need to include in my Zone application?

Your Zone application must include all the items listed in (a) through (g), below. When the Board reviews your application, it will consider only the information in your application.

- (a) The name(s) and address(es) of the applicant or applicants, and
- (b) The name, address, and phone number of the Proposed Zone's administrator, and
- (c) The location of the Proposed Zone, as follows:
 - (1) A narrative description of the Proposed Zone's boundaries and location within the State of California, and
 - (2) On a street map, clearly identify the streets that mark the boundaries of the Proposed Zone, and
 - (3) A copy of the existing general zoning and land use maps for the Proposed Zone's area and the area immediately surrounding it. Clearly identify the boundaries of the Zone of this, map, and
- (d) Letters of support and commitment from all cities, counties, agencies, organizations, financial institutions, and businesses, including all suppliers of recovered materials, which you have identified in the application as having a role in the Proposed Zone, and
- (e) A copy of the resolution or ordinance, from each governing body having jurisdiction over any portion of a Proposed Zone, that makes the findings required by [Section 42010\(b\)](#) of the Public Resources Code, and
- (f) A detailed recycling market development plan, as described in [Section 17907](#), and
- (g) A statement demonstrating compliance with the California Environmental Quality Act.
- (h) A statement demonstrating the Zone's commitment to environmental justice and to protecting the environment and public health and safety in a manner that does not unfairly affect any low-income and minority populations.

Note:

Authority cited:

Sections 40502, 42013, and 71110, Public Resources Code.

Reference:

Sections 42010(b), 42015, and 71110(a), Public Resources Code.

[Frequently Asked Questions About CEQA](#)

[How to File Environmental Documents](#)

[CEQA Article 18. Statutory Exemptions](#)

[California Environmental Protection Agency's Environmental Justice Home Page](#)

**ITEM NO. I-11
CORNING MUNICIPAL AIRPORT
IMPROVEMENT PROJECT UPDATE
REGARDING BID OPENING AND SCHEDULE
FOR BID AWARD**

AUGUST 25, 2009

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

**FROM: STEPHEN J. KIMBROUGH; CITY MANAGER
JOHN L. BREWER, AICP; PUBLIC WORKS DIRECTOR**

JB *STEVE*

SUMMARY:

This staff report was prepared last week-prior to the August 24th Airport Improvement Project bid opening. The purpose of this report is to update the Council regarding the project. The Public Works Director will present details about the number of bids that were submitted, as well as the range of bid proposals.

The bid information has been transmitted via our Airport Consultant (Wadell Engineering) to the Federal Aviation Administration (FAA). They will be making a decision shortly regarding project funding as well as the 'additive' (Apron paving and marking) bid item.

We expect to present a recommendation for bid award to present at the September 8, 2009 City Council meeting.

RECOMMENDATION:

None, this is merely an informational item at this time.

ITEM NO.: I-12
RESPONSE TO ACCUSATIONS BY
MR. DEAN COFER RE: CORNING
MUNICIPAL AIRPORT FIXED BASE
OPERATOR LEASE
August 25, 2009

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: STEVE KIMBROUGH, CITY MANAGER

STEVE

BACKGROUND:

In response to Mr. Dean Cofer's accusations that the City violated State Law in renewing the Fixed Base Operator Lease, there are two key issues that must be addressed. First, State Law does not require seeking "bids" for Airport Leases or the Fixed Base Operator Lease. Second, the City was renewing an existing Lease not seeking a new Operator. The existing lease has a renewal clause.

Had there been no Fixed Base Operator asking to renew their lease, the City would seek proposals from as wide a geographic area as possible in order to find an FBO who would promote Corning Municipal Airport as well as Brian and Carol Carpenter owners of Rainbow Aviation have done.

The City Attorney has also provided an Opinion on page 3 of this report.

No additional Action is recommended.

FURTHER ACCUSATIONS ALSO UNFOUNDED:

In Mr. Cofer's latest Letter to the Editor, he ignores the answers he has received, and continues his attack on the City. He cites two court cases to support his claims. Fortunately due to the ease of using "Goggle", anyone can access these cases to learn that "neither case requires a General Law City to go to bid as a prerequisite to entering into a lease of city property at an airport or in any other location."¹

BACKGROUND:

In his July 14, 2009 letter to the City and now in his two letters to the Editor, Mr. Cofer states that California "Government Code Sections 37380, 50577, 50509 through 50516", require the City to "bid" leases of City Property. Here is why he is wrong.

Mr. Cofer's citation of Section 37380, does not apply to Airport Leases or Fixed Base Operators. Actually he should have read further to find that Section 37389 does apply to Municipal Airports, and it does NOT require a request for proposal, advertising

¹ From a comment by Corning City Attorney Michael Fitzpatrick

nor bidding. This Section does not refer the reader back to the conditions contained in Mr. Cofer's cited section.

Mr. Cofer completely misses California Government Code Section 50474 in Article 6 Airports, which provides the authority for Cities to operate and maintain Municipal Airports including to "lease or assign for operation any space..." Also in this Article is Section 50478 which provides the authority to the City "to lease property for airport purposes..."

Mr. Cofer cites Section 50577", but it has no bearing on the issue! It is titled "Governing definitions and provisions and is a part of "Open Space Maintenance Districts", not Airports. His cited Sections 50509 through 50516 do not even pertain to Municipal Airports; they govern the "Lease of real property...acquired for a particular purpose with funds derived from an assessment district." If you refer to California Gov. Code Article 7 Leases Section 50490 for the purpose of his cited Sections, you learn that his citations have nothing to do with municipal airports.

Mr. Cofer further ignores the facts. The Corning Airport Fixed Base Operator Lease has a renewal clause that has existed in the Rainbow Aviation FBO lease at least since 1997 and was probably in the lease prior to that. The renewal clause on the first page of the Lease gives the existing FBO "the option to renew this lease..." Mr. Cofer does not recognize the value of maintaining the existing Airport Fixed Base Operator who has brought positive attention to the Corning Municipal Airport.

RESEARCHING STATE LAW:

In a letter to Mr. Cofer dated August 12, 2009, the City Manager explained: When reviewing the State Laws, the reader must look at both the Sections before and after the Section you believe applies to your issue. You must also work with the table of contents to be sure you have the correct laws. You will find many Sections that appear in conflict when taken out of context.

In addition to this, the reader should also be aware that the State Codes provided on State websites usually do not include annotations or briefs of the related Case Law that has interpreted the meaning of these laws. Of course, the reader should always consult a competent attorney prior to basing any decision or action on what has been read.

The City Attorney reviewed the City Manager's citations of State Law prior to sharing them with the Press and Mr. Cofer.

CONCLUSION:

Unless the City Council finds otherwise, Mr. Cofer's accusations have been thoroughly addressed and determined to be unfounded.

To: Mayor and Council

From: City Attorney

Re: Bidding Requirement for entering into airport lease

Date: August 19, 2009

ISSUE: Whether or not there is a legal requirement for competitive bidding before a general law city may lease to others city-owned property at its airport?

ANSWER: There is no legal requirement for public bidding of a lease of city-owned airport property for a term of 55 years or less.

DISCUSSION:

1. Government Code Sections 37350 and 37380 provide the general authority for cities to enter into leases of public property. Government Code Section 37389 provides further leasing authority specifically with regard to airport property. Government Code Sections 50474 and 50478 further authorize local agencies, such as cities, to lease airport property. None of these code sections mention or impose a public bidding legal requirement (except as noted below); none preclude using a bid process should a city or other entity choose to do so.

2. Government Code Section 37380 does not require competitive bidding for leases of city-owned property to others so long as the leases do not have terms in excess of 55 years. Competitive bidding is required only for leases of more than 55 years in duration.

Letter to Editor: Questioning city manager's reply

Dean Cofer, Corning

Updated: 08/15/2009 08:40:11 AM PDT Red Bluff Daily News

Editor:

I read Corning City Manager Kimbrough's comments in the Daily News on Aug. 8 with a great degree of interest. I always enjoy a good work of fiction.

Kimbrough says that I am mistaken, and that the city has not violated the Government Code by failing to go out for competitive bids before giving out a 25-year lease to a Fixed Base Operator, for \$50 a month, which includes the administrative building, north and south hangars, and fuel and other fees. In support of his position he cites Government Code Sections 50474 and 50478 which gives a city the right to lease out its airport.

What Kimbrough conveniently leaves out is that both of these sections are silent on whether or not competitive bids are required. Section 37380, in my opinion, is the governing code section because it absolutely and unequivocally requires that a city go out for competitive bids whenever it leases out city property. Kimbrough suggests that I don't "recognize the value of maintaining a good Fixed Base Operator who has brought positive attention to the Corning Municipal Airport." I certainly recognize that continuity can be a good thing. However, the State Supreme Court has ruled in at least two cases that "We agree that the competitive bidding process is intended to assure a healthy degree of competition, to guard against discrimination, favoritism, or extravagance, and to assure the best social, environmental, and economic result for the public." (See, e.g.,

Kajima/Ray Wilson v. Los Angeles County Metropolitan Transportation Authority (2000);
Domar Electric, Inc. v. City of Los Angeles (1994).

Concerned Citizens does not have an attorney at our beck and call like Kimbrough has, so we have to rely on our own research.

Corning City Attorney Fitzpatrick has never given a verbal or written legal opinion on this issue to the council or to the public. Why is he remaining silent?

Perhaps he is worried that if he offers an opinion supporting Kimbrough's fantasy it may come back to haunt him when regulatory authorities and other agencies have an opportunity to review his opinion?

Dean Cofer, Corning

Guest View: City responds to airport accusations

Steve Kimbrough

Updated: 08/08/2009 08:04:42 AM PDT Red Bluff Daily News

In response to Dean Cofer's accusations that the city of Corning violated state law in renewing the Fixed Base Operator lease, there are two key issues that must be addressed.

First, state law does not require seeking bids for airport leases or the Fixed Base Operator lease. Second, the city was renewing an existing lease, not seeking a new operator.

In his July 14 letter and now in his letter to the editor Thursday, Cofer states that California code requires the city to bid leases of city property. Here is why he is wrong.

Cofer's citation of Section 37380, does not apply to airport leases or Fixed Base Operators. Actually he should have read further to find that Section 37389 does apply to municipal airports, and it does not require a request for proposal, advertising nor bidding. This section does not refer the reader back to the conditions contained in Cofer's cited section. Cofer completely misses California code Section 50474 in Article 6 Airports, which provides the authority for cities to operate and maintain municipal airports including to "lease or assign for operation any space" Also in this article is Section 50478, which provides the authority to the city "to lease property for airport purposes"

Cofer cites Section 50577, but it has no bearing on the issue. It is titled "Governing definitions and provisions" and is a part of "Open Space Maintenance Districts," not airports. His cited sections 50509 through 50516 do not even pertain to municipal airports; they govern the "Lease of real property acquired for a particular purpose with funds derived from an assessment district." If you refer to Article 7, Leases Section 50490 for the purpose of his cited sections, you learn that his citations have nothing to do with municipal airports.

Cofer further ignores the facts. The Corning Airport Fixed Base Operator Lease has a renewal clause that has existed in the Rainbow Aviation FBO lease at least since 1997 and was probably in the lease prior to that. The renewal clause on the first page of the lease gives the existing FBO "the option to renew this lease"

Cofer does not recognize the value of maintaining a good Airport Fixed Base Operator who has brought positive attention to the Corning Municipal Airport.

Letter to Editor: Corning should get bids

Dean Cofer, Corning

Updated: 08/07/2009 09:11:28 AM PDT Red Bluff Daily News

Editor:

On July 31, I sent a Public Records Act request to the city of Corning requesting "any and all documentation showing that the 5-year FBO (Fixed Base Operator) and property Lease of the administrative building and north and south hangars to Rainbow Aviation (immediately preceding the latest 25-year Lease) went out for bid"

The City Clerk sent me a response advising me as follows, "No such documents exist; neither the FBO Contract or the Lease for City Hangars and the Administrative Building require seeking bids or advertising."

Have the City Manager and City Attorney discussed CA Government Code with the Clerk? It certainly appears that the city must go out for bids when leasing out property - i.e., administrative building, north and south hangars - at the airport.

As you no doubt know, Red Bluff went out for bid on its FBO and airport property - and is advertising another bid process for the airport FBO and airport. Apparently Red Bluff believes it is subject to the bid process set out in the Government Code. Does Red Bluff know something that our City Attorney and City Manager are not telling us?

The failure to go out for bid is not good business. To not go out for bid deprives the city and its residents any opportunity to maximize income derived from the lease.

I really want to understand the city's thinking on why it believes the FBO contract, hangar lease and administrative building lease do not require

bids or advertising. Why is the city refusing to give out the legal justification that the city is relying on for not going out for bids?

To that end, I respectfully request that the Council get a written legal opinion from the City Attorney on this matter; and then let me and other taxpayers and voters know the reasoning as to why it is not necessary to go through the bid process on something as important as our airport.

Dean Cofer, Corning

LEASE

THIS LEASE is made by and between the **CITY OF CORNING**, a municipal corporation, hereinafter called "**Lessor**", and **BRIAN J. CARPENTER** and **CAROL CECCONE-CARPENTER**, doing business as **RAINBOW AVIATION SERVICES**, and hereinafter called "**Lessee/Operator**", upon the following terms and conditions:

1. Lessor leases to Lessee/Operator and Lessee/Operator leases from the Lessor that portion of the property describe in exhibit "A" which is identified thereon as "Administration Building", and "North and South" City Owned Hangars.
2. This Lease shall be in effect for twenty-five (25) years commencing **January 1, 2009** and terminating except as may be hereinafter provided on January 1, 2034. Lessee/Operator has the option to renew this lease for an additional five (5) years if he is not in default during the initial contract period and provided he gives Lessee at least one hundred and twenty (120) days advance written notice of his intent to exercise this renewal option. If this option is exercised, all of the terms and conditions of the original lease shall continue in full force and effect except for the amount of the rental, which amount shall be renegotiated between Lessor and Lessee.
 - A. **Payments to Lessee/Operator. During the term of this Agreement, Lessee/Operator shall receive and retain the following fees, payments, and charges:**
 - (1) **Tie-down fees:** All tie-down fees with the rates to be established in writing by City. Lessee/Operator shall have the authority to move aircraft or order aircraft removed for non-payment of tie-down fees provided such is done in a legal manner and is non-injurious to aircraft.
 - (2) **Fuel Sales:** Shall continue until the City installs a cardlock system and assumes responsibility.
 - (3) **Hangar Rents:** All privately owned hangar lease payments shall be collected and retained by Lessee/Operator during the first two years of this Lease Agreement as a commission. Upon completion of the first two years of Lease Agreement lease payments will be collected by the Lessor and placed in the Airport Fund.
3. Lessee/Operator shall pay to Lessor the sum of **\$50 per month** as a fee for rent. Lessor shall pay for electricity only insofar as it relates to the airfield landing lights, beacons, and power for furnishing the water. Lessor shall furnish heating oil for heating the administration building for the term of this lease. Lessee/Operator shall pay the cost of all electrical power used by him in his commercial venture, as well as any telephone service which he may desire to obtain. **Lessee/Operator shall be entitled to receive and retain tie-down fees, and to retain the proceeds from City-owned Hangar-Land Leases for the first two years as provided for in A-3 above.**
4. Lessee/Operator shall have the right to conduct or permit others to conduct within the Lessee's leased buildings, commercial enterprises, including but not limited to, chartering of aircraft, student instruction, operation of agricultural spraying, dusting and seeding operations, maintenance and storage of aircraft, sale of aviation petroleum products, engine repairs, radio maintenance, ultralight activities, sport aviation activities, parachuting activities or any other similar activities. All commercial business activities

conducted at the airport shall have liability insurance in the amount of \$1,000,000 naming the City of Corning as additional insured, shall have a City of Corning Business License, and shall have Worker's Compensation Insurance if applicable. Some activities may require FAA approval. Lessee/Operator will provide Lessor with all necessary documents that may be required to conduct the above-stated activities.

5. Lessee/Operator agrees to abide by all applicable laws and regulations of the United States, the State of California, the County of Tehama, and the CITY OF CORNING, and to permit no illegal or improper use of said premises. Lessee/Operator agrees that any chemicals or other toxic substances used by him or others to whom he has granted permission to conduct activities will be so stored as not to be dangerous to the public and will be handled and disposed of in accordance with all applicable environmental standards, laws and regulations.

A. Operating Standards: In providing any of the required and/or authorized services or activities specified in this Agreement, Operator shall operate for the use and benefit of the public and shall meet or exceed the following standards:

1. Lessee/Operator shall furnish services on a fair, reasonable and non-discriminating basis to all users of the airport. Lessee/Operator shall furnish good, prompt and efficient services adequate to meet all reasonable demands for its services at the airport. Lessee/Operator shall charge fair, reasonable and non-discriminatory prices for each unit of sale or service; provided, however, that Lessee/Operator may be allowed to make reasonable and non-discriminatory discounts, rebates or other similar types of price reductions to volume purchasers.
2. Lessee/Operator shall provide at his sole expense a sufficient number of employees to provide effectively and efficiently the services required or authorized in the Agreement.
3. Lessee/Operator shall meet all expenses and payments in connection with the use of the Premises and the rights and privileges herein granted, including taxes, permit fees, license fees, and assessments lawfully levied or assessed upon the Premises or property at any time situated therein and thereon. Operator may, however, at his/her sole expense and cost, contest any tax, fee or assessment as long as the contest does not jeopardize the continued airport operation.
4. Lessee/Operator shall comply with all Federal, State, and local laws, rules and regulations which may apply to the conduct of the business contemplated, including rules and regulations promulgated by the City, and the Operator shall keep in effect and post in a prominent place all necessary and/or required licenses or permits.
5. Lessee/Operator shall provide the following services at no charge to Lessor or others as part of the consideration this Lease Agreement:
 - a. Cleaning and servicing of public restrooms located at the airport. **[Lessor will supply restroom supplies at its expense.]**
 - b. Landscaping, maintenance and upkeep of existing lawn, mowing, raking leaves, fertilizing, watering and general care for the areas around the buildings. Maintenance of trees, trimming and cleanup both behind the main building and on the front lawn. **[Lessor provides weed abatement on runways, taxiways, ramp areas and around the Lessor-owned hangar and administration building and sprays**

annually. Lessor to maintain and grade the ramp area to keep clean from rocks and mud.]

- c. Maintenance of the tie-down facilities including all necessary replacement of tie-down ropes, providing an adequate supply of chocks, repainting of tie-down spaces **[Lessor supplies paint]**, as required to meet demands.
 - d. Servicing and minor repairs to runways, taxiways and airport beacon lighting. **[Lessor to pay cost of materials if consent first obtained from Lessor prior to purchasing.]**
 - e. Servicing of and repairs to facilities including but not limited to the heating and air conditioning systems, electrical portion of the buildings and minor structural repairs to buildings **[Labor only, not materials]**.
 - f. Maintenance and upkeep of required signage on runways, taxiways, and on the FBO building to Lessor and FAA requirements **[Lessor to supply materials]**.
 - g. Maintenance and upkeep of parking lot and driveway around the administration building. Remove weeds, trash and garbage.
6. Lessee/Operator agrees that so far as facilities for tie-downs shall be available, he shall provide such when requested at rates to be fixed by Lessor.
7. Lessee/Operator shall have the duty of maintaining or repairing the structures upon the leased premises in as good a condition as they are at the inception of the Lease, normal wear and tear excepted, so far as the foundations, exteriors and roofs are concerned. Any interior alterations to the premises shall be made by Lessee/Operator at the expense of Lessee/Operator and only upon receiving prior approval by Lessor. The water well supplying water to the premises shall be kept operational at the expense of the Lessor.
8. The failure of Lessee/Operator to pay any utility bills incurred by him, taxes on the personal property, license fees which may be due, or any other obligations incurred in connection with the operation of his activities at said airport shall be grounds for immediate cancellation of this Lease. In the event that Lessee/Operator shall do any work upon said airport, he/she agrees to give the CITY OF CORNING notice of such work at least twenty (20) days before commencement thereof in order that a Notice of Non-Responsibility may be posted. No alterations or improvements shall be made to the leased premises without the prior written approval of Lessor.
9. Lessee/Operator agrees to permit Lessor to make any capital improvements to the leased premises deemed advisable by Lessor. This paragraph shall relate to improvement of the premises and replacement or repair of airport facilities. All improvements to the property shall become fixtures on the property. This provision does not require Lessor to make any such improvements.
10. Lessor will provide no insurance upon the personal effects of Lessee/Operator. Lessee/Operator shall have and pay for a liability insurance policy satisfactory to Lessor pertaining to the premises which shall insure not only Lessee/Operator but shall also name Lessor as an additional insured. Lessee/Operator shall furnish Lessor with a copy of such policy. Minimum insurance coverage shall be in the amount of \$1,000,000. Lessee/Operator shall also name Lessor as a co-

insured on a fire or damage policy on the facilities in a form and amount acceptable to Lessor with a company approved by Lessor.

11. In the event that the structures upon the leased premises shall be destroyed from any cause, either totally or partially, so that the structures are not usable, Lessee/Operator may cancel this lease. Lessee/Operator shall be obligated to apply any insurance proceeds on the damaged or destroyed buildings to the repair or reconstruction thereof.
12. In the event that Lessee/Operator shall be adjudged a bankrupt, or shall make any assignment for the benefit of creditors, or go into receivership, this lease shall be forthwith and immediately declared terminated.
13. In the event of an assignment or subletting in whole or in part of the leased premises, such assignment or subletting shall be by an instrument in writing and shall be subject to prior approval by the CITY OF CORNING. No such approval is required for providing tie-down space for aircraft or for storage of aircraft, or for any aircraft maintenance repair business. Lessee/Operator is to reimburse Lessor all expenses incurred in order to determine approval.
14. **Personal Property Taxes:** Lessor has disclosed to Lessee/Operator in accordance with California Revenue and Taxation Code Section 107.6 that this lease may result in the creation of a possessory interest subject to property taxation on the interest of the Lessee/Operator. Lessee/Operator shall pay all such taxes, assessments or other charges levied by City or Tehama County on the due date thereof.
15. **Operator as Independent Contractor:** In conducting its business hereunder, Lessee/Operator acts as an independent contractor and not as an agent of the City. The selection, retention, assignment, direction and payment of Lessee/Operator's employees shall be the sole responsibility of Lessee/Operator and Lessor shall not attempt to exercise any control over the daily performance of duties by Lessee/Operator's employees.
16. **Lessor's Right to Entry:** Operator shall permit Lessor and the agents and employees of Lessor to enter into and upon the property at all reasonable times for the purpose of inspecting the same, or for the purpose of posting notices of non-responsibility for alterations, additions, or repairs, without any rebate of rent and without any liability to Operator for any loss of occupation or quiet enjoyment of the premises thereby occasioned.
17. **Removal of Property:** All buildings, improvements and fixtures placed upon the Premises by Lessee/Operator shall be and remain the property of Lessee/Operator so long as this Agreement shall remain in effect. Upon termination of this Agreement, unless modified by prior provisions of this Agreement, by expiration of time, by agreement, or for default of Lessee/Operator, all improvements and fixtures on the premises and all building equipment, alterations, changes and additions to and upon the Premises shall be left in place, and shall become the property of Lessor. To make these provisions self-executing, Lessee/Operator covenants and agrees that, upon termination of this Agreement, title to all improvements and fixtures, including all building equipment, alterations, changes and additions to and upon the Premises shall pass to Lessor forthwith and without the necessity of any further conveyance or assignment. Lessee/Operator agrees to execute any conveyance or assignment, if necessary, to complete such transfer if requested by Lessor to do so.

18. This Lease may be immediately canceled by the Lessor upon the occurrence of any of the following:

- A. Failure to provide what Lessor considers to be adequate service to owners and operators of itinerant aircraft during daylight hours. [Such service shall consist of the availability of aviation gasoline and normal aviation fuel supplies for the aircraft with a qualified person present to deliver the same. Aviation gasoline shall be dispensed in a method approved by FAA and County of Tehama Department of Weights and Measures. The same service shall also be available to aircraft based at the airport.]
- B. Any consistent, habitual, or lengthy absence from the airport by the Lessee/Operator which interferes with the efficient provision of service to aircraft owners and operators, or any willful failure to service aircraft either itinerant or stationed at the airport, unless such failure to service the aircraft is for good cause, such as the inability or failure of the aircraft operator or owner to pay for the services to be rendered or expected to be rendered.
- C. Any action, conduct, or acts on the part of Lessee/Operator which are detrimental to the best interests of Lessor and/or persons entitled to use the Corning Municipal Airport.

[Note: It is understood that the Lessee is engaged in a flight training program and that he will, from time to time, be taking students on flights away from the Airport and will not be in constant attendance. Should he be gone from the Airport for extensive periods of time, such as for more than 24 hours at one time, he shall make arrangements to have another qualified person or persons provide reasonable service to itinerant and locally based aircraft in his absence.]

- 19. **Waiver:** The waiver by Lessor of, or the failure of Lessor to take action with respect to, any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition herein contained. The subsequent acceptance of rent hereunder by Lessor shall not be deemed to be a waiver of any preceding breach by Lessee/Operator of any term, covenant or condition of this Agreement, other than the failure of Lessee/Operator to pay the rental agreed upon herein, regardless of City's knowledge of such preceding breach at the time of acceptance of such rent.
- 20. In the event of any default on the part of the Lessee/Operator, and as a result of this default, a suit is brought against the Lessor, the Lessee/Operator agrees to pay such reasonable attorney fees as may be ordered paid by the Court.
- 21. **Effect of Lessee/Operator's Holding Over:** Any holding over after the expiration of the term of this Agreement with consent of Lessor shall be construed to be a tenancy from month to month at the same monthly rent as required to be paid by Lessee/Operators for the period immediately prior to the expiration of the term hereof, and shall otherwise be on the terms and conditions herein specified, so far as applicable.
- 22. **Remedies Cumulative:** All remedies herein before conferred on Lessor shall be deemed cumulative and no one exclusive of the other, or of any other remedy conferred by law.
- 23. **Parties Bound:** The covenants and conditions herein contained shall, subject to the provisions as to assignment, transfer and subletting, apply to and bind heirs,

legal representative successors, and assigns all of the parties hereto; and all of the parties hereto shall be jointly and severally liable hereunder.

24. **Time of the Essence:** Time is of the essence of this Agreement, and of each and every covenant, term, condition and provision hereof.

25. Miscellaneous Provisions:

- A. **Entire Agreement:** This Agreement constitutes the entire understanding between the parties, and as of its effective date superseded all prior or independent Agreements between the parties covering the subject matter hereof. Any change or modification hereof must be in writing, signed by both parties.
- B. **Severability:** If a provision hereof shall be finally declared void or illegal by any court or administrative agency having jurisdiction, the entire Agreement shall not be void; but the remaining provisions shall continue in effect as nearly as possible in accordance with the original intent of parties.
- C. **Notice:** Any notice given one party to the other in connection with this Agreement shall be in writing and shall be sent by registered mail, return receipt requested, with postage and registration fees prepared as follows:
 - 1. **If to Operator,** addressed to: **Brian and Carol Carpenter, c/o Rainbow Aviation Services, N. 930 Marguerite Avenue, Corning, CA 96021.**
 - 2. **If to City,** addressed to: **City of Corning, 794 Third Street, Corning, CA 96021.**

Notices shall be deemed to have been received on the date of receipt as shown on the return receipt.

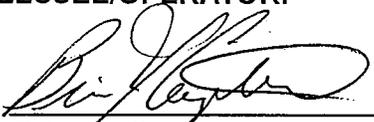
D. **Governing Law:** This Agreement is to be construed in accordance with the laws of the State of California.

IN WITNESS THEREOF, the parties have executed this Agreement as of the day and year first above written.

CITY OF CORNING, LESSOR:

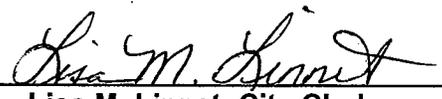
By: 
Gary R. Strack, Mayor
City of Corning

**RAINBOW AVIATION SERVICES,
LESSEE/OPERATOR:**

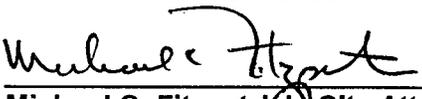
By: 
Brian J. Carpenter, Lessee

By: 
Carol Ceccone-Carpenter

ATTEST:

By: 
Lisa M. Linnet, City Clerk

APPROVED AS TO FORM:

By: 
Michael C. Fitzpatrick, City Attorney

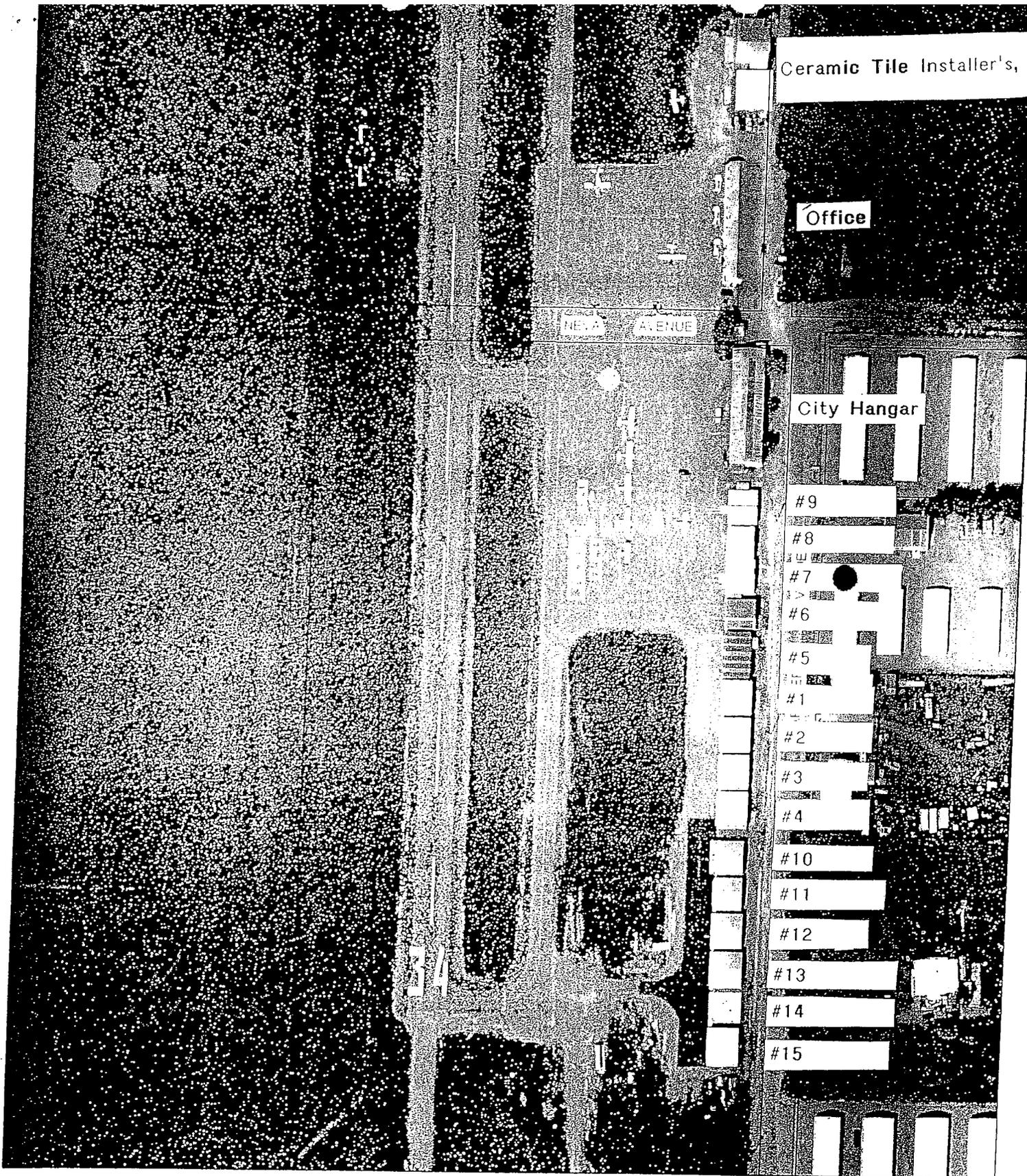


EXHIBIT "A"
CITY OF CORNING
AIRPORT HANGARS