



City of Corning

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THE CORNING FRIDAY NOTES

TO: MAYOR AND COUNCIL

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

DATE: DECEMBER 22, 2011

FURLOUGH DAYS:

December:

Friday, December 30th

HOLIDAYS:

December:

Friday, December 23rd

Monday, December 26th

HOLIDAYS:

January

Monday, January 2nd

SCHEDULES:

John Stoufer: John will be out of the office beginning December 27th for knee surgery. Barring no complications, he should be returning to work within 4-6 weeks.

CITY MANAGER:

New Mayors and Council Members Academy in January 2012: Need to Schedule ASAP if planning on attending, please contact Lisa at 824-7033 if interested.

The City still budgets for City Council attendance at important training sessions produced by the League of California Cities. The Conference, in Sacramento this year, starts on Wednesday, January 18, 2012 at 8:00 a.m. and ends Friday, January 20, 2012 at noon. New Council Member Dave Linnet has not had the opportunity to attend this training, and normally the Mayor would attend with the new Council Member. This is the most important League session that a Council Member can attend.

HDL wins Sales Tax Case for Corning:

Our Sales Tax analysts Hinderlighter de Llamas just won a sales tax allocation challenge that recovers over \$31 million for their client cities and counties. Corning as one of the petitioning cities will get a share when the funds are distributed to the County Use Tax pools. The City Buena Park in Orange County had an agreement with a nationwide corporation to book all of the sales through their Buena Park offices. The State Board of Equalization determined that all of the sales were negotiated out of state and the transactions were subject to local use tax which should be allocated through the County Pools and distributed to the various cities and counties.

Costa Mesa Chartering: A Conversation with Councilman Righeimer:

Please see the attached information.

Chamber Board of Directors Installation Dinner:

Please see the attached invitation for dinner to be held at the Corning Veteran' Memorial Hall on January 14th.

BUILDING 824-7027 • PLANNING 824-7036 • CITY MANAGER 824-7034 • CITY CLERK 824-7033 • FINANCE 824-7020

PUBLIC WORKS 824-7025 • POLICE DEPARTMENT 824-7000 • FIRE DEPARTMENT 824-7044

"THE CITY OF CORNING IS AN AFFIRMATIVE ACTION-EQUAL OPPORTUNITY EMPLOYER"

PUBLIC WORKS DEPARTMENT:

Repairs/replace HVAC at City Hall Finance Dept. & Chamber of Commerce:

The heating equipment at both the City Finance Dept. and Chamber of Commerce has not been working. We contacted Jesse Heating and Air in Chico. They provided proposals to repair the Finance Dept. unit and replace the 4 ton unit at the Chamber of Commerce/Museum. We gave the go-ahead to get the work done. As of Wednesday, December 21st, the work is now complete.

Petro Well Research:

We've been encouraged that contamination in the truck stop area is diminishing in reports from the Regional Water Control Board. With that information we've authorized some investigative work by Hydrogeologist Bill Bergman of Geo Plus in Anderson. Specifically, we've asked Bill to determine if one of the abandoned Petro wells could be safely reconnected to the Water System. Bill has begun that investigative work that'll include records review, test pumping & water level monitoring of adjacent wells, water sampling and testing for contaminants. In the end Bill will summarize his findings and have a recommendation for us.

Of course if the well can be re-utilized we'd save significant money over drilling a new well. Plus we'd have another water source in that part of the City that provides much of our sales tax revenue. Another water well would also be critical if we end up extending our water system to serve additional customers, such as those with contaminated domestic water wells in the southwest quadrant.

Bump at Solano Street and Marguerite Avenue:

We've determined a course of action to repair the "hump" in the eastbound lane at the intersection of Marguerite Avenue and Solano Street. Our work will be confined to about a 20' X 20' section. We'll excavate and do some surface grinding and then replacing asphalt to eliminate the hump. Completing the repair this time of year is risky due to colder temperatures and the ever present possibility of precipitation. We're looking at possibly completing the work next week to take advantage of the Christmas break at the schools. However, we'll have to coordinate with an asphalt plant to make sure material is available, as well as get cooperative weather conditions and a full complement of our P/W staff to complete the work and control traffic.

Potential No Parking Zone-Solano Street

As you know, Auto Zone is planning to construct a new retail store between the Super 8 Motel and Corning Chevrolet. The Autozone will have a new driveway and parking lot that'll access Solano Street. Currently curbside parking is permitted along the Solano Street frontage. Periodically larger vehicles like truck and R-V's park along the Solano Street frontage of the Super 8 Motel and the future Autozone site. Vehicles parked there could become a sight distance obstruction when the new Autozone store is developed. For that reason, we'll seek to make that curb a No-Parking Zone along the Super 8 Motel and Autozone frontages. Autozone has provided their concurrence. John prepared and sent a letter to the owner of the Super 8 Motel seeking their concurrence as well. We expect the matter to be presented to the City Council at the Jan. 24th meeting.

Marguerite Avenue Re-build:

We've received the agreement signed by the County for the joint improvement project. John will prepare a staff report mirroring the County agreement for Council approval at an upcoming meeting.

Additional Diagonal Parking:

John is seeking the adjacent owners "buy-in" for additional diagonal parking along the east side of Fifth Street, between Solano and the alley north of the Bank of America (700 Block), and on the west side of Sixth Street, between Solano and the alley south of Edward Jones Investments (800 Block). John will prepare a letter and send it to the property owners seeking their approval of the diagonal parking plan.



COSTA MESA CHARTERING: A CONVERSATION WITH COUNCILMAN RIGHEIMER

Featured Items — 21 December 2011

Costa Mesa has been battling debt and spending for the past several years. That struggle led to the city issuing layoff notices to half of its employees, and a legal battle as the city's public employee unions have fought a sustained effort by members of the city council who are looking to cut costs and pension liability by outsourcing services.

That effort recently led Costa Mesa Mayor Pro Tem Jim Righeimer to work with the city's staff and attorneys to draft a proposed charter for Costa Mesa. The document, introduced at a council meeting on December 6, 2011, would exert the city's constitutional right to "Home Rule," granting the city greater authority and autonomy over purely municipal affairs.

Righeimer granted an interview to PublicCEO and I sat down with him at his office last week.

Why are you considering a Charter for Costa Mesa?

It had been out there. We'd heard about it before. Every time we looked at outsourcing, we'd say, "The city of Newport Beach did it a certain way." Then the lawyers would say, "Well, they're a charter city." Or we'd say that "Irvine does it a certain way, why don't we?" And the lawyers would say, "Well they're a charter city." At some point you say, "Um excuse me, what is this charter city?"

And I think its something that, unless you have a public administration degree, you don't know what it is. It's simply that (as a general law city) your charter or bylaws are sitting up at the Legislature. But if you're a charter city, you control it yourself. It's about taking control from Sacramento and keeping it locally, and having a lot more resources to take care of the city.

What process have you gone through to create the draft? What municipalities did you look at when writing this charter?

20, maybe more. We looked at cities around us, but many of those are older and have 100s of amendments and those are tough. San Diego (County) has done a lot of them. It wasn't really hard.

If you read ours, it's really straightforward. Box it out, its seven pages; there's no mystery there.

What I have seen is that if you don't do something, it won't get done. After a while, you want to get it moving, you look at legally verified language, put something together, send it to the city attorney, get it kicked back.

We wanted to use legally verified language. Just like when we do ordinances, we look at other cities and their charters.

And what we're saying to everyone is "Here is a draft."

What is the process going forward?

Last year, the state stretched out the process and added requirements for the number of meetings. We're going to triple the number. The state requires three and we're talking about 8-10 public meetings.

There has to be a document to work on. Anyone who reads it with a fair mind will see it is a very simple document. There's nothing unusual. It just says that we have supremacy over municipal affairs, and we can control our contracting and those types of items. We didn't change districts, mayoral elections, how we operate our city. We kept it as simple as possible.

People will probably say that this is 'cut and paste' and Costa Mesa is a unique city, and it is. But the language is legally verified already.

We're having a meeting on the 5th (of January), between staff and citizens and no electeds. If anyone has any ideas or language they want to put in, bring it. We'll discuss it in public.

They'll come forward; they'll have language. They'll present it to the council and the council will look at it and see if it makes sense to do it and if it makes sense to do it now.

This is a conversation starter. There is no honest person who can look at this thing and see anything unusual at all. No changes in voting structure, no difference in how we elect a mayor, no changes to the contribution limits we can take: none of that.

We're saying that we want to get control of contracting, and this seemed like the simplest way of doing it.

Why not look at by-district elections, or direct elected mayors?

There was a discussion. We don't want to have a bunch of side conversations, where people speculate the reasons for us doing this or that. Some people want directly elected mayors. We looked at the issues, but we decided we wanted to keep us the way we are. We just want our contracting back.

Why no 15 member commission?

We haven't found anyone who has gone through the 15-member process. That has to be talked about. We haven't found anyone; no one does that. Basically, we went back 20 years and we've never found a city yet where they have had an election for the 15 members (committee).

That's more of a process for incorporating a new city. You want to start some sort of process, go to the county, say you'll incorporate, and have an election. 30 people put their names up for election. But no (incorporated city) we've found has gone through that process.

In Santa Clara, they have a 15-member commission reviewing their charter...?

That's completely different. Because that's a process where the council puts together a charter review once there is already a charter in place. Newport (Beach) does that. Look over the charter and come up with new ideas. But to go to a vote (for the 15-member committee), you have a campaign over who should be writing the charter that the council has to vote on anyway.

No one has done a commission to write a new, first charter. If you read the law, that process is how you proceed if your council won't do it.

What help did Costa Mesa get from the California League of Cities?

I didn't have any conversations with the league, (but) their whole website was very helpful.

They're pretty even on (chartering), but you can't go through those lists of how it would affect the city, you can't read it all and not think that this is a way to get more control for your city. Why wouldn't you think about it?

That's also where we found a lot of the charters we used.

(Charters) are interesting documents. In Huntington Beach there are oil wells, it's in there because that's an issue there. Newport Beach has issues with boat docks so that's in there.

The proposed Charter includes "Anti Bell" language. What is it and why did you include it?

We put Anti-Bell language in it, which says we'll follow state law and limits for pay and benefits for council people. And we added in the requirement that any increase of pension benefits has to go to a vote of the people.

We did that for two reasons: First, to make sure it never happens again.

And secondly, if you look at what the pensions are, they're a bonded indebtedness. The city owes \$224 million (in) unfunded (pension liabilities). To think that we can get that upside down with no one voting for it.

We look at the second tiers and they're speed bumps. In the very near future, before anyone in these second tiers retires, they'll revert back into the old system. All they need is a three-vote on the council, they'll retroactive it.

We want to make sure that doesn't happen. Once we get a second tier in place, we want to make sure it stays in place.

The Charter includes language regarding fair and open competition and a policy exempting the city from the Prevailing Wage...

We didn't put Project Labor Agreements language in. We took it out. Prevailing wage is clear as day. We want to be able to negotiate with market rate wages like Newport and Huntington. We don't want to have to have a union wage.

Is that picking a fight?

No. Absolutely not. The idea is to take control of contracting. Why would we take control of contracting and now we have to ahead and use a union wage when 90 percent of the construction industry is private, and doesn't use Prevailing Wage?

We are not saying that we can't have Prevailing Wage, it just needs a vote of the council. We aren't stopping it, if a future council wants to pay it, they can votes for it, it can happen. Fine.

The proposed timeline calls for the proposed Charter to appear on the June ballot and not the November ballot. Why the earlier option?

The contracts. The jail savings alone on a \$1.5 million cost could be \$50k a month. That's just one contract. Why would you wait longer?

You said the charter wouldn't impact existing contracts.

As people attrit out; we have our people going out, they can go other places in the city.

Our contracts with our employees say we can outsource. That was what the six months notice was all about. They said we had to give six-month notice. And then they said there was a policy from 19-something and we had to follow that process. We stopped the process and started over even though we didn't think we had to.

Meanwhile they're suing us saying we can't outsource even though it's in the contract that we have now.

OC Register reported lukewarm support or opposition. Do you think this will pass?

I have no doubt that this will pass once presented it will pass handily in the city of Costa Mesa.

When the public sees local control and the amount of savings they'd get, it's a no brainer.

How do you think the debate will go?

This council has been through a lot; we aren't naïve. We know how this will probably work.

I think that clearly the labor unions are going to aim for Costa Mesa and the outside money is going to be overwhelming, but I have complete faith that the citizens of CM will see through that, and they wont accept outsiders telling them how to operate their city.

**THE CORNING CHAMBER OF COMMERCE
BOARD OF DIRECTORS**

**Cordially Invites You to Attend
The Annual Chamber Installation Dinner**

To be held Saturday, January 14, 2012
At the Corning Veteran's Memorial Hall
1620 Solano St., Corning



Featuring:

- ❖ No Host Reception 6:00 P.M.
- ❖ Dinner 7:00 P.M.
- ❖ Installation of Officers
- ❖ Live Music & Dancing

Dinner Includes Choice of Entrée:

Pork, Chicken or Vegetarian
Hot and Cold Appetizers
Salad
2 x Side Dish
Bread
Dessert
Beverage

Reservation Deadline:

January 11, 2012
Pre-Paid Reservation Only
\$25.00 Per Person
\$40.00 Per Couple

FOR MORE INFORMATION CALL THE CHAMBER OF COMMERCE @ 824-5550

Order Form

Please list names of those attending and check entrée choice.

Business or Organization _____

Contact Phone # _____

Return & Make Payable to
Corning Chamber of Commerce
1110 Solano St. or P.O. Box 871
Corning, CA 96021

Total \$ _____

Individual's Name	Pork	Chicken	Veg.

(Spouses, Guests & Employees Welcome)