



City of Corning

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THE CORNING FRIDAY NOTES

TO: MAYOR AND COUNCIL
FROM: CITY MANAGER JOHN L. BREWER, AICP
DATE: JULY 26, 2012

FURLOUGH DAYS:

July:
Friday, July 27th

August:
Friday, August 10th
Friday, August 24th

September:
Friday, September 7th
Friday, September 21st

HOLIDAYS/VACATION SCHEDULES:

July 5th – August 31st: City Attorney Michael Fitzpatrick will be unavailable.

July 30th – August 13th: Chief Atkins on vacation; Sgt. Schmidt Acting Police Chief in his absence.

August 3rd – August 9th: Lisa Linnet on vacation...daughter home from Afghanistan!

September 3rd – LABOR DAY HOLIDAY!

September 15th – September 23rd: City Manager John Brewer on vacation.

CITY MANAGER:

Brown Act "Suspension":

You may have read that the Legislature suspended the Brown Act when it adopted the 2012-2013 State Budget. Well, that statement is partially true. The Legislature suspended the section that requires State reimbursement to Cities and Counties for posting agendas, as a cost cutting measure. See the attached report regarding the matter.

The State's "suspension" will not affect the way we conduct our business, we will continue to comply with all provisions of the Brown Act; including the requirement to post Council and Commission agendas.

Department of Education MOU & Grant Application:

Amy Schutter of the Tehama County Department of Education sent me an email on Monday urgently requesting a signature on a Memorandum of Understanding (MOU). The MOU would include the Nomlaki Tribe, the Department of Education, the Elementary and High School Districts, the Healthcare District, Shasta College, and others as partners. The proposed MOU would commit us as participants in a one-year planning process, including multiple stakeholder meetings. The purpose of the planning process is to prepare a "Needs Assessment" that identifies gaps in the educational opportunities available in our area. The planning process/study would be funded by a grant. Beyond that, a plan will be prepared to address those gaps.

Amy wanted a signature by Tuesday afternoon. I told her I was unable to sign the MOU without Council direction and the matter was presented too late to be agendized for the meeting on July 24th. I left it up to her whether or not to present the matter at the August 14th meeting.

Police Department Computer Firewall, etc.:

We've given Computer Logistics the go-ahead to acquire the firewall to electronically segregate the Police Department from the rest of City Hall. The purchase of that device was included in the budget. We are also researching obtaining a new DSL internet provider for City Hall, since the existing T-1 line (from the Sheriff's Department) must be dedicated only to the Police Department. The new DSL internet service to City Hall will come with an expense of about \$1,650/annually.

Fire North of Airport:

In mid June there was a vegetation fire that burned approximately 80 acres north and west of the Airport. It appears that roughly 43 acres of this area is City property currently utilized by Norman Oiler under a grazing lease through the City. Additionally, about a mile of livestock fencing was destroyed. The fence is Mr. Oiler's responsibility to provide and maintain. However, since the City is ultimately the property owner, I have asked City Attorney Jody Burgess to seek recovery of the fence cost and feed loss from those responsible.

Airport Consultant:

Jody Burgess has completed his review of the proposed contract with Mead and Hunt of Santa Rosa. We will present the proposed Airport Consultant Contract at the August 28th City Council meeting for Council review and approval.

Department of Water Resources (DWR) Meeting:

We received a letter from DWR, dated June 21st and directed to the Mayor. The letter announces that DWR will conduct a "Community Action Visit" to discuss our continued participation in the National Flood Insurance Program. The meeting is scheduled for August 9, 2012 at 9:30 a.m. here at City Hall. Because he is the also the Floodplain Administrator, Building Official Terry Hoofard will be the City's lead representative. Topics for discussion include administering our current floodplain ordinance, elevation certificates and construction within Zone "A" (the 100-year floodplain); development review of projects within Zone "A"; enforcement and any variances to the floodplain regulations the City has issued. Note that we've not issued any variances to the floodplain regulations.

Corning Chamber of Commerce 2012 Olive Festival:

The Olive Festival is a long standing traditional event that occurs annually in August. The parade and bed races are scheduled for Friday, August 24th to be held on Solano Street.

The Festival will be held on Saturday, August 25th at the City's Woodson Park. South Street is normally closed for the Corning Fire Department activities and for the Rotary sponsored "Olive Drop". Walnut Street is also closed to westbound traffic to allow vendors access to and from the park for equipment/booth set up.

The Chamber has reported that Festival public involvement continues to grow. The Chamber is requesting that northbound traffic on Peach Street and the southbound traffic on Pear Street also be closed in order to accommodate the increase of vendors and community member attendance. Please see the attached map reflecting street closure information.

The Chamber is making arrangements with New Life Assembly for public parking and will be providing free shuttle rides to and from the festivities. City Staff has approved this request for street closures surrounding Woodson Park on August 25th.

Youth Fair:

Carol Curry of Northern Valley Catholic Social Service has provided a letter requesting to conduct their annual Youth Fair event at Northside Park on Saturday August 4th from 9:00 a.m. to 1:00 p.m. They've also asked for City support including striping for diagonal parking around the perimeter of the park, providing a porta-potty and having an employee on call and available to respond to emergencies that might occur. I will respond to Carol that the City will again provide the support she seeks. We'll schedule the parking striping, etc.

CITY CLERK:

“Notice of Offices to Be Filled” and Election filing dates:

Filing period for offices in our District **is now open and closes on Friday, August 10, 2012.** If any incumbent fails to file during the nomination period, there will be a five day extension through 5 p.m. on August 15, 2012 for anyone other than the incumbent officer.

Corning’s elected “Offices to Be Filled” at the November 6, 2012 elections are:

- ❖ **Mayor** (2 Year Term)
- ❖ **City Council Member, 2 Positions** (4 Year Term)
- ❖ **City Treasurer** (4 Year Term)
- ❖ **City Clerk** (4 Year Term)

PUBLIC WORKS DEPARTMENT:

2012 Paving Projects, etc.:

Staff has emailed a drawing showing a proposed repair for the sunken utility trenches in Marguerite Avenue south of Fig Lane to Jason Abel Construction requesting an estimate of the repair cost. Once we receive the estimate, Staff may amend this project to include that fix as a Change Order.

Marguerite Avenue Reconstruction project:

As of this writing the County Public Works Crew is assisting with the finish compaction work on the reconstructed street. Thursday the County will apply a penetrating oil coat and overtop it with a sand layer. The road will be closed for 5 hours while that oil sets. In one week, the County will return to apply additional tar and rock chips to largely finish the job. We may have some minor roadside gutter work and some pipe headwall installation to complete after the paving.

Southwest Quadrant Waterline Extension:

I spoke with Tom Venus, Civil Engineer from Broadbent Associates in Chico on Monday. Broadbent represents Pilot/Flying J Travel Centers, the responsible party for remediation of historic groundwater contamination that originated at the former Dudley-Petty Truckstop site currently operated by Love’s truckstop. As you know, we’ve worked closely with Broadbent and Pilot/Flying J to develop a plan to extend City water to serve six properties with contaminated water wells. The last action on this item was the LAFCo approval of the extension. That occurred back in May.

According to Mr. Venus, Broadbent is completing the cost/benefit analyses that will ultimately be presented to the affected property owners. The analyses address the matter of cost of well operation, maintenance & replacement vs. monthly water payments to the City of Corning. Once that’s complete they plan to present the information at a meeting that we’ve agreed to host in the City Council Chambers.

POLICE DEPARTMENT:

Patrol:

In addition to responding to 218 calls for service, a total of 52 officer reports were taken and there were 121 officer-initiated incidents. Officers made 21 misdemeanor and 1 felony arrests, 55 traffic stops and issued 26 citations of which 9 were infractions, 15 were misdemeanors, and 2 animal-related during the period of July 18-July 26, 2012.

California Public Agency Labor and Employment Blog - Useful Information for Navigating Legal Challenges

Published By Liebert Cassidy Whitmore

Is The Window On Open Government Closed? What The State's Suspension Of Portions Of The Brown Act Means To Your Agency.

Posted by Guest Author on July 18, 2012



This guest post was authored by Meredith Karasch

Buried within the State's 2012-2013 budget, is a new provision that may have the effect of suspending portions of the Brown Act. In an effort to reduce expenditures, the budget suspends reimbursement to local agencies for costs of posting agendas. Under Government Code section 17581, the state may suspend mandates as part of its budget process. If a particular mandate is suspended, the local agency is not required to follow the statute (or portion thereof) which has been identified in the state's budget act as being one for which reimbursement is not being provided for

that fiscal year. This year's budget has identified the "Open Meetings Act/Brown Act Reform" as one of the mandates it is suspending. Therefore, the new budget appears to suspend requirements that local agencies comply with the Brown Act.

However, your agency may not want to act too quickly in declaring open government a thing of the past. First, the California Constitution requires public access to governing board meetings and the Brown Act states that the posting and agenda requirements are necessary to implement this provision. The Brown Act itself declares "complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act . . . is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with [the Act] in a complete, faithful, and uninterrupted manner."

Further, section 17851 only allows suspension of the portion of an act that requires reimbursement. Under the Brown Act, the only reimbursement is for the cost "to post a single agenda." There are many provisions of the Act beyond the posting requirements. For example, it seems likely that the legislature did not intend to suspend any part of the Act involving having an agenda that identifies items for discussion or closed versus open session discussions. Even more important, AB 1464 likely does not suspend the provisions of the Brown Act that allow citizens to sue to enforce the provisions of the Brown Act. Thus, it is not at all clear that any provision has actually been suspended in any meaningful way.

On a practical level, agencies may also want to consider that the Brown Act was enacted in 1953 and is ingrained in local government culture. For this reason many agencies may have their own policies and

ordinances that require open meetings and posting of an agenda. School and community college districts are also bound by the Education Code to follow the Brown Act in having open meetings and posting agendas. (Education Code §§ 35145, 72121) These sections also expressly allow citizen suits to enforce these provisions. Finally, local entities gain trust from the community when there is transparency in government. This is an important consideration especially given the minimal cost to the agency of complying with the posting requirements, much of which is accomplished on-line. Even if legal arguments do not persuade you, the political effects of failing to comply with the Brown Act may be enough to keep your agency complying with open meeting laws.

California Public Agency Labor and Employment Blog

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