



**CITY OF CORNING
CLOSED SESSION AGENDA
TUESDAY, DECEMBER 11, 2012
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL:

Council:

Darlene Dickison

Dave Linnet

Tony Cardenas

Willie Smith

Mayor:

Gary Strack

The City of Corning welcomes you to our meetings, which are regularly scheduled for the second and fourth Tuesdays of each month. Your participation and interest is encouraged and appreciated.

In compliance with the Americans with Disabilities Act, the City of Corning will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (530/824-7033) to make such a request. Notification at least 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

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. PUBLIC COMMENTS:

D. ADJOURN TO CLOSED SESSION:

1. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

Agency Negotiator: William May, Labor Relations Consultant.

Management, Dispatch, Public Safety and Miscellaneous Employee Bargaining Units.

E. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION:

F. ADJOURN TO REGULAR MEETING OF THE CITY COUNCIL:

Posted: Friday, December 7, 2012



**CITY OF CORNING
CITY COUNCIL AGENDA
TUESDAY, DECEMBER 11, 2012
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Darlene Dickison
Dave Linnet
Tony Cardenas
Willie Smith
Gary Strack**

Mayor:

C. PLEDGE OF ALLEGIANCE: Led by the City Manager.

D. INVOCATION: Led by Mayor Strack.

Persons of no religious persuasion will not be expected in any manner to stand or to participate other than to remain quiet out of respect for those who do choose to participate.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

F. BUSINESS FROM THE FLOOR: If there is anyone in the audience wishing to speak on items not already set on the Agenda please come to the podium and briefly identify the matter that you wish to have placed on the Agenda. The Council will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to return to the podium to discuss the issue. The law prohibits the Council from taking formal action on the issue, however, unless it is placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.

G. 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 following City Council Meeting and Special Meeting with any necessary corrections:**
 - a. November 27, 2012 City Council Meeting; and**
 - b. December 4, 2012 Special City Council Meeting**

3. December 5, 2012 Claim Warrant - \$169,778.43.
4. December 4, 2012 Business License Report.
5. November 2012 Wages and Salaries - \$548,137.69.
6. November 2012 Building Permit Valuation Report - \$225,819.15.
7. November 2012 Treasurer's Report.
8. City of Corning Wastewater Operations Summary Report – November 2012.

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

9. Citizen Request for Council Audience: Wally Prather utility billing at 911 Lincoln Avenue.
10. Appoint Vice Mayor and Council Representative to various Commissions, Committees and Boards.

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

M. REPORTS FROM MAYOR AND COUNCIL MEMBERS: City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).

Dickison:

Linnet:

Cardenas:

Smith:

Strack:

N. ADJOURNMENT!:

POSTED: FRIDAY, DECEMBER 7, 2012



**CITY OF CORNING
CLOSED SESSION MINUTES
TUESDAY, NOVEMBER 27, 2012
CITY COUNCIL CHAMBERS
794 THIRD STREET**

The City of Corning welcomes you to our meetings, which are regularly scheduled for the second and fourth Tuesdays of each month. Your participation and interest is encouraged and appreciated.

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A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL:

Council:

**Toni Parkins
John Leach
Darlene Dickison
Dave Linnet
Gary Strack**

Mayor:

All members of the City Council 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. PUBLIC COMMENTS: None.

D. ADJOURN TO CLOSED SESSION: 6:30 p.m.

1. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

**Agency Negotiator: William May, Labor Relations Consultant
Management, Dispatch, Public Safety and Miscellaneous Employee Bargaining
Units.**

E. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION: 7:30 p.m.

Mayor Strack reported that Council met in Closed Session with the City's Labor Negotiator and received an update on the status of the negotiations and gave the Labor Negotiator direction.

F. ADJOURN TO REGULAR MEETING OF THE CITY COUNCIL: 7:30 p.m.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, NOVEMBER 27, 2012
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

**Toni Parkins
John Leach
Darlene Dickison
Dave Linnet
Gary Strack**

Mayor:

All members of the City Council were present.

C. PLEDGE OF ALLEGIANCE: Led by the City Manager.

D. INVOCATION: Led by Councilman Leach.

Persons of no religious persuasion will not be expected in any manner to stand or to participate other than to remain quiet out of respect for those who do choose to participate.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS: None.

F. BUSINESS FROM THE FLOOR:

Valanne Cardenas announced that Hometown Christmas is Saturday and she thanked the City's Public Works Department for installing the banners and Christmas Trees on the Solano Street light poles.

G. 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 November 13, 2012 meeting with any necessary corrections.
3. November 21, 2012 Claim Warrant - \$114,487.94.
4. November 21, 2012 Business License Report.
5. Authorize Public Works to seek proposals for City Tree Spraying and Pest & Weed Control Agreement.

6. **Recommend appointment of Ross Turner as Trustee representing the City of Corning on the Tehama County Mosquito and Vector Control District.**
7. **Approve cancellation of the December 25, 2012 City Council Meeting due to the Christmas Holiday.**

Mayor Strack asked if the tree spraying and pest & weed control agreement would include the spraying of the Solano Street trees to prevent the production of the berries; he was informed no.

With no further comments, Councilor Leach moved to approve Consent Agenda Items 1-7. Councilor Parkins seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed/Absent or Abstain: None. Motion was approved by a vote of 5-0.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

8. **Citizen Request for Council Audience: Wally Prather utility billing at 911 Lincoln Avenue.**

Mayor Strack announced that this item is being postponed by request of Mr. Prather. He stated that it would be placed on the Agenda for the December 11th City Council meeting. Mayor Strack then requested that Staff contact and inform Mr. Prather of this change.

9. **Adopt Resolution 11-27-2012-01 authorizing the execution and delivery of the 2013 CalPERS Refunding Loan Agreement to refinance Side Fund obligation of the City of Corning.**

City Manager Brewer briefed the Council on the Resolution, particularly Section 1 (Loan Agreement) of the first page setting a not to exceed loan interest cost of 4.65% and loan amount of \$2,700,000. He stated if the interest rate or final loan amount changes, Staff would be required to come back to Council for final approval.

Mr. Brewer then introduced Mr. Jeff Land of Brandis Tallman, LLC and Mr. Andy Hall of Jones Hall (Bond Counsel Representative). Mr. Land stated they were present to answer any questions the Council may have and stated that the interest rate formerly presented (4.4%) is still holding. Mr. Hall briefed the Council on the time frame for the closing of this loan explaining that there are some outstanding issues resulting from the resent CalPERS AB 340. He explained that there is basically four action items required to complete the process. They are:

- Approval of the financing documents by the City Council;
- Credit approval, which will require a meeting with the lender, Umpqua Bank, to discuss the City's credit;
- Obtaining a Validation Judgment from the Superior Court (Mr. Hall explained why this is required and the process); and
- Close transaction.

Mr. Hall estimated that it would take roughly 3-6 months to complete the validation process.

Mayor Strack then confirmed that City Manager John Brewer would be authorized to sign the agreement on behalf of the Council.

With no further discussion, Councilor Parkins moved to adopt Resolution No. 11-27-2012-01 authorizing the execution and delivery of the 2013 CalPERS Refunding Loan Agreement to refinance the Side Fund obligation of the City of Corning and authorized City Manager John L. Brewer to sign said Agreement on behalf of the City. Councilor Leach seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed/Absent or Abstain: None. Motion was approved by a vote of 5-0.**

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

- L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: Announcement of the TRAX 13th Annual tour of Christmas lights on Friday, December 21st, reservations required by December 19th as seating is limited.**
- M. REPORTS FROM MAYOR AND COUNCIL MEMBERS:** City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).

Parkins: Stated that tomorrow night is her last meeting on the JPA1.

Leach: Congratulated the two successful candidates for Council and stated that the Community Action Board, on which he currently serves as a City Representative, is going to make a space for him to continue as a low income member. He stated that it has had a pleasure working on the Council and with City Staff.

Dickison: Nothing.

Linnet: Announced the Pancake breakfast Saturday morning at the Fire Hall at 7:00 a.m.

Strack: Reported that he and Fire Chief Martin Spannaus had met with the High School regarding the "Every 15 Minutes" Program. He stated that they would like the City to participate and announced that the Corning Police Department and Fire Department would participate in this Program. Chief Spannaus explained the Program.

Mayor Strack briefed the Council on the Tehama County Senior Nutrition Program's "Adopt-a-Senior Program". He explained that monies raised go toward the Senior Nutrition Program which provides nutritious meals daily to Tehama's homebound seniors. By delivering daily, it also allows the drivers to do a wellness check for each senior's safety. He further stated that they are looking at an estimated \$15,000 budget deficit in grant year 2012-2013. Mayor Strack issued a challenge to the Corning City Council, City Staff and the Red Bluff City Council to adopt a senior for at least a week at a cost of \$14. Mayor Strack and Councilor Linnet then presented City Clerk Lisa Linnet with \$60 each to "Adopt-a-Senior" for a month (actual cost for a month is \$58), and Councilor Dickison presented a check for \$58 for a months sponsorship. It was announced that City Clerk Linnet will collect all donations and forward them to the Senior Nutrition Program in Red Bluff.

- N. ADJOURNMENT!: 7:55 p.m.**

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL SPECIAL MEETING MINUTES
TUESDAY, DECEMBER 4, 2012
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Councilmember:

**Parkins
Leach
Dickison
Linnet
Strack**

Mayor:

All members of the City Council were present.

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C. PLEDGE OF ALLEGIANCE:

D. INVOCATION: Led by Mayor Strack.

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E. ADOPT RESOLUTION NO. 12-04-2012-01 ACCEPTING THE CANVASS OF VOTES AND RESULTS OF THE MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012.

Mayor Strack introduced Resolution No. 12-04-2012-01, a Resolution accepting the "Canvass of Votes and Results of the Municipal Election Held on November 6, 2012" by title. Councilor Dickison moved to adopt Resolution No. 12-04-2012-01 and Councilor Linnet seconded the motion. **Ayes: Strack, Parkins, Leach, Dickison and Linnet. Opposed/Absent or Abstain: None. Motion was approved by a 5-0 vote.**

F. RECOGNITION AND ISSUANCE OF OATH OF OFFICE TO NEWLY ELECTED

OFFICIALS: County Elections Department Assistant Registrar Jennifer Vise will issue the Oath of Office to the following:

Jennifer Vise, Tehama County Elections Department Assistant Registrar then issued the Oath of Office to the following newly elected/re-elected City Officials:

- Mayor: Gary Strack**
- Councilmembers: Tony Cardenas and Willette (Willie) Smith**
- City Treasure: Pala Cantrell**
- City Clerk: Lisa Linnet**

G. PRESENTATION:

Mayor Strack presented Ms. Vise with a gift basket as a token of gratitude from the City for attending tonight's meeting and issuing the Oath of Office to the City's newly elected Officials.

Mayor Strack concluded the evening by presented each of the retiring Council members with a certificate of appreciation plaque.

H. ADJOURNMENT: 7:38 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING ASSISTANT

DATE: December 5, 2012

SUBJECT: Cash Disbursement Detail Report for the
Tuesday, December 11, 2012 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending 11-28-12	\$11,769.43
B.	Payroll Disbursements	Ending 11-28-12	\$105,065.94
C.	Cash Disbursements	Ending 11-29-12	\$507.26
D.	Cash Disbursements	Ending 12-04-12	\$13,963.18
E.	Cash Disbursements	Ending 12-05-12	\$38,472.62

GRAND TOTAL **\$169,778.43**

REPORT.: Nov 28 12 Wednesday
 RUN....: Nov 28 12 Time: 12:57
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 11-12 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
015515	11/26/12	MAR04	MARTINEZ, RAYMOND	610.50	.00	610.50	121126	TRAINING/ED-POLICE
015516	11/28/12	ATT13	AT&T	723.32	.00	723.32	121111	COMMUNICATIONS-DISPATCH
015517	11/28/12	AUT00	AUTO ZONE	24.66	.00	24.66	409502732	MAT & SUPPLIES-MECH MAINT
015518	11/28/12	BAS01	BASIC LABORATORY, INC	114.00	.00	114.00	1210709	ProfServices Water Dept
015519	11/28/12	CHE02	CHEM QUIP, INC.	1130.16	.00	1130.16	5194360	MAT & SUPPLIES-WTR
015520	11/28/12	COR11	CORNING SAFE & LOCK	4.83	.00	4.83	3722	MAT & SUPPLIES-ACO
015521	11/28/12	COR12	CORNING FORD MERCURY, INC	175.75	.00	175.75	162314	VEH/OP MAINT-POLICE
015522	11/28/12	DEP12	DEPT OF JUSTICE	140.00	.00	140.00	941988	PROF SVCS-POLICE
015523	11/28/12	DM001	DM-TECH	119.90	.00	119.90	32140	COMMUNICATIONS-GEN CITY
015524	11/28/12	MUN03	MUNNELL & SHERRILL, INC.	1046.06	.00	1046.06	031696	MAT & SUPPLIES-STR
				632.61	.00	632.61	031700	VEH/OP MAINT-STR
			Check Total.....	1678.67	.00	1678.67		
015525	11/28/12	NAP01	NAPA AUTO PARTS	294.69	.00	294.69	121120	VEH/OP MAINT-
				705.77	.00	705.77	121120F	VEH/OP MAINT-FIRE
			Check Total.....	1000.46	.00	1000.46		
015526	11/28/12	NEX02	NEXTEL	31.29	.00	31.29	086319132	COMMUNICATIONS-POLICE
015527	11/28/12	OFF01	OFFICE DEPOT	11.57	.00	11.57	631939573	OFFICE SUPPLIES-POLICE
				95.26	.00	95.26	632887947	OFFICE SUPPLIES-POLICE
			Check Total.....	106.83	.00	106.83		
015528	11/28/12	PAC16	PACIFIC TELEMAGEMENT SE	38.00	.00	38.00	468959	COMMUNICATIONS-GEN CITY
015529	11/28/12	PAT02	PATTERSON ELECTRIC, INC.	91.94	.00	91.94	2960	MAT & SUPPLIES-PARKS
015530	11/28/12	PGE2B	PG&E	5670.75	.00	5670.75	121120	ELECT-WWTP
015531	11/28/12	QUI02	QUILL CORPORATION	4.81	.00	4.81	7300208	MAT & SUPPLIES-FINANCE
015532	11/28/12	USA01	USA BLUE BOOK	103.56	.00	103.56	816857	MAT & SUPPLIES-WTR
			Cash Account Total.....	11769.43	.00	11769.43		
			Total Disbursements.....	11769.43	.00	11769.43		
			Cash Account Total.....	.00	.00	.00		

REPORT.: Nov 28 12 Wednesday
 RUN....: Nov 28 12 Time: 12:57
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 11-12 Bank Account.: 1025

PAGE: 002
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
5752	11/27/12	BAN03	POLICE OFFICER ASSOC.	275.00	.00	275.00	B21127	POLICE OFFICER ASSOC
5753	11/27/12	CAL37	CALIFORNIA STATE DISBURSE	179.07	.00	179.07	B21127	WITHHOLDING ORDER
5754	11/27/12	EDD01	EMPLOYMENT DEVELOPMENT	4774.57	.00	4774.57	B21127	STATE INCOME TAX
				1373.16	.00	1373.16	1B21127	SDI
			Check Total.....	6147.73	.00	6147.73		
5755	11/27/12	OEU03	OPERATING ENGINEERS	500.00	.00	500.00	B21127	CREDIT UNION SAVINGS
5756	11/27/12	PERS1	PUBLIC EMPLOYEES RETIRE	54642.36	.00	54642.36	B21127	PERS PAYROLL REMITTANCE
5757	11/27/12	VAL06	VALIC	545.00	.00	545.00	B21127	AIG VALIC P TAX
5758	11/28/12	AFL01	AMERICAN FAMILY LIFE	5176.03	.00	5176.03	B21130	AFLAC INS.PRE TAX
				395.33	.00	395.33	1B21130	AFLAC INS.AFTER TAX
			Check Total.....	5571.36	.00	5571.36		
5759	11/28/12	BLU02	BLUE SHIELD OF CALIFORNIA	22828.57	.00	22828.57	B21130	MEDICAL INSURANCE
5760	11/28/12	CIT01	CITY OF CORNING	6.00	.00	6.00	B21130	CHGS FOR WAGE ATCHMT
5761	11/28/12	OEU01	OPERATING ENGINEERS #3	7089.00	.00	7089.00	B21130	MEDICAL INSURANCE
5762	11/28/12	OEU02	OPERATING ENG. (DUES)	265.00	.00	265.00	B21130	UNION DUES MGMNT
				663.00	.00	663.00	1B21130	UNION DUES POLICE
				315.00	.00	315.00	2B21130	UNION DUES DISPATCH
				546.00	.00	546.00	3B21130	UNION DUES-MISC
			Check Total.....	1789.00	.00	1789.00		
5763	11/28/12	PRI04	PRINCIPAL	3754.26	.00	3754.26	B21130	DENTAL INSURANCE
				709.59	.00	709.59	1B21130	VISION INSURANCE
			Check Total.....	4463.85	.00	4463.85		
5764	11/28/12	TRA03	TRANSAMERICA LIFE INS CO.	1029.00	.00	1029.00	B21130	LIFE INSURANCE
			Cash Account Total.....	105065.94	.00	105065.94		
			Total Disbursements.....	105065.94	.00	105065.94		

REPORT.: Nov 29 12 Thursday
 RUN....: Nov 29 12 Time: 11:29
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 11-12 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
015533	11/29/12	MOO01	MOORES AWARD CENTER	157.87	.00	157.87	121129	MAT & SUPPLIES-CITY COUNC
015534	11/29/12	\E019	EMPIRE PROPERTIES,	2.50	.00	2.50	000B21101	MQ CUSTOMER REFUND FOR EM
015535	11/29/12	\E020	EQUITY ANALYTICS CORP.,	72.07	.00	72.07	000B21101	MQ CUSTOMER REFUND FOR EQ
015536	11/29/12	\G031	GRAF, SANDRA	41.86	.00	41.86	000B21101	MQ CUSTOMER REFUND FOR GR
015537	11/29/12	\H046	HAYDON, CHRISTOPHER	101.47	.00	101.47	000B21101	MQ CUSTOMER REFUND FOR HA
015538	11/29/12	\J056	JAMISON PROPERTIES,	50.00	.00	50.00	000B21101	MQ CUSTOMER REFUND FOR JA
015539	11/29/12	\M100	MUNOZ, MAXIMIANO	10.97	.00	10.97	000B21101	MQ CUSTOMER REFUND FOR MU
015540	11/29/12	\N024	NICHOLES, RICHARD & KIM	30.63	.00	30.63	000B21101	MQ CUSTOMER REFUND FOR NI
015541	11/29/12	\P047	PINON, ANTONIA	1.46	.00	1.46	000B21101	MQ CUSTOMER REFUND FOR PI
015542	11/29/12	\S098	SUTTERFIELD, CYNTHIA	4.64	.00	4.64	000B21101	MQ CUSTOMER REFUND FOR SU
015543	11/29/12	\T023	TEHAMA COUNTY DEMOCRATIC,	27.93	.00	27.93	000B21101	MQ CUSTOMER REFUND FOR TE
015544	11/29/12	\T024	THUEMLER, JACQUIE	5.86	.00	5.86	000B21101	MQ CUSTOMER REFUND FOR TH
Cash Account Total.....:				507.26	.00	507.26		
Total Disbursements.....:				507.26	.00	507.26		

REPORT.: Dec 04 12 Tuesday
 RUN....: Dec 04 12 Time: 08:26
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 12-12 Bank Account.: 1020

PAGE: 001
 ID #: PY-DP
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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
015545	12/03/12	CAR03	CARDENAS, ANTHONY	1853.34	.00	1853.34	000B212011	MEDICAL REIMBURSEMENT
015546	12/03/12	COR07	CORBIN WILLITS SYSTEMS	729.72	.00	729.72	000B212011	EQUIP MAINT-FINANCE
015547	12/03/12	COR09	CORNING CHAMBER OF COMM.	1000.00	.00	1000.00	000B212011	ECONOMIC DEVELOPMENT
015548	12/03/12	FIT01	FITZPATRICK LAW OFFICES	3575.00	.00	3575.00	000B212011	CONSULTING SVCS-LEGAL SVC
015549	12/03/12	HAL05	HALL, ROBERT	104.70	.00	104.70	000B212011	PROF SVCS-FIRE
015550	12/03/12	KEN00	KEN VAUGHAN & SONS	950.00	.00	950.00	000B212011	LANDSCAPE MAINT-
015551	12/03/12	MAI00	MAIRE & BURGESS	2025.00	.00	2025.00	000B212021	CONSULTING SVCS-LGL SVCS
015552	12/03/12	PIT01	PITNEY BOWES	192.92	.00	192.92	000B212011	EQUIP LEASE-FINANCE
015553	12/03/12	S&L00	S & L BREWER ENTERPRISES	200.00	.00	200.00	000B212011	K-9 PROGRAM-POLICE
015554	12/03/12	TLD01	TEDC	208.33	.00	208.33	000B212011	ECONOMIC DEVELOPMENT
015555	12/03/12	TOM03	TOMLINSON JR., ROBERT L.	54.70	.00	54.70	000B212011	PROF SVCS-FIRE
015556	12/03/12	WHI05	WHITE GLOVE CLEANING SERV	2800.00	.00	2800.00	000B212011	JANITORIAL SVCS-
015557	12/04/12	MOO01	MOORES AWARD CENTER	269.47	.00	269.47	121204	MAT & SUPPLIES- City Coun
Cash Account Total.....				13963.18	.00	13963.18		
Total Disbursements.....				13963.18	.00	13963.18		

REPORT.: Dec 05 12 Wednesday
 RUN....: Dec 05 12 Time: 13:49
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 12-12 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
015558	12/05/12	AND01	ED ANDERSON	5061.23	.00	5061.23	12-1202	ProfServices
015559	12/05/12	ARA02	ARAMARK UNIFORM SRV.INC.	49.56	.00	49.56	1867675	Mat/Supplies
				49.56	.00	49.56	1882062	Mat/Supplies
				49.56	.00	49.56	1896878	Mat/Supplies
				49.56	.00	49.56	1909895	Mat/Supplies
			Check Total.....:	198.24	.00	198.24		
015560	12/05/12	ATT14	AT&T	161.18	.00	161.18	121123F	Communications
				182.03	.00	182.03	121123P	Communications
			Check Total.....:	343.21	.00	343.21		
015561	12/05/12	BAS01	BASIC LABORATORY, INC	114.00	.00	114.00	1210863	ProfServices Water Dept
015562	12/05/12	BRE01	BREWER, JOHN	89.96	.00	89.96	12-1204	CONF/MTGS - CITY ADMN
015563	12/05/12	CHE03	CORNING CHEVRON	41.16	.00	41.16	571051	K-9 PROG-POLICE
015564	12/05/12	CME00	CMESA CONSULTING MADE EAS	1872.50	.00	1872.50	1012	PROP 84-NON CONSTR-PARK D
015565	12/05/12	COM01	COMPUTER LOGISTICS, INC	116.67	.00	116.67	58146	Equip.Maint.
				23.00	.00	23.00	58157	Equip.Maint.
				28.00	.00	28.00	58158	Equip.Maint.
				1840.00	.00	1840.00	58208	Equip.Maint.
			Check Total.....:	2007.67	.00	2007.67		
015566	12/05/12	COR01	CORNING VETERINARY CLINIC	392.30	.00	392.30	36893	ProfServices ACO/CSO
015567	12/05/12	COR03	CORNING RENTALS	300.00	.00	300.00	35643	MAT/SUPPLIES -
				550.00	.00	550.00	35699	MAT/SUPPLIES -
			Check Total.....:	850.00	.00	850.00		
015568	12/05/12	COR08	CORNING LUMBER CO INC	302.49	.00	302.49	121125	Mat/Supplies
015569	12/05/12	COR22	CORNING MEDICAL ASSOC	65.00	.00	65.00	121127	Emp Physicals
015570	12/05/12	COR45	CORNING ACE HARDWARE	442.60	.00	442.60	121127	MAT/SUPPLIES -
015571	12/05/12	CRA10	CRAIN, CARL	2145.00	.00	2145.00	121231	MEDICAL REIMBURSEMENT
015572	12/05/12	EXC01	EXCEL TOWING	25.00	.00	25.00	001089	VEH OP/MAINT - POLICE
015573	12/05/12	FAS02	FASTENAL COMPANY	128.69	.00	128.69	CAREB6530	MAT/SUPPLIES -
015574	12/05/12	GRA02	GRAINGER, W.W., INC	39.20	.00	39.20	900560767	MAT/SUPPLIES - STR

REPORT.: Dec 05 12 Wednesday
 RUN...: Dec 05 12 Time: 13:49
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 12-12 Bank Account.: 1020

PAGE: 002
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
015575	12/05/12	HOL04	HOLIDAY MARKET #32	2.66	.00	2.66	413221204	Mat/Supplies BuildingMain
015576	12/05/12	JOH06	JOHNSON'S TURBO CLEAN	792.87	.00	792.87	4590	MAT/SUPPLIES - BLDG MAINT
015577	12/05/12	KNI00	KNIFE RIVER CONSTRUCTION	1053.28	.00	1053.28	134147	MAT & SUPPLIES - STR
015578	12/05/12	MCC07	MCCOY'S HARDWARE & SUPPLY	68.08	.00	68.08	121127	MAT & SUPPLIES -
				67.39	.00	67.39	121127F	BLDG/MAINT - FIRE
			Check Total.....	135.47	.00	135.47		
015579	12/05/12	NAT11	NATIONAL STOCK SIGN CO.,	155.51	.00	155.51	55708	MAT & SUPPLIES -
015580	12/05/12	NEX01	NEXTEL COMMUNICATIONS	427.34	.00	427.34	121129	Communications
015581	12/05/12	NOR25	NORTHERN LIGHTS ENRGY, INC	2694.02	.00	2694.02	77125	VEH OP/MAINT -
				3034.18	.00	3034.18	77160	MAT/SUPPLIES -
				522.41	.00	522.41	77161	VEH/OP MAINT -
			Check Total.....	6250.61	.00	6250.61		
015582	12/05/12	NOR31	NORM'S PRINTING	221.27	.00	221.27	012020	OFFICE SUPPLIES -
015583	12/05/12	PGE01	PG&E	284.57	.00	284.57	121126	Electricity - SWR
				143.47	.00	143.47	121127	Elect - STR & TRF LIGHT
				1640.68	.00	1640.68	121128	CLARK PARK WELL - WTR
			Check Total.....	2068.72	.00	2068.72		
015584	12/05/12	PGE03	PG&E	22.01	.00	22.01	121130	Mat/Supplies PoliceServic
015585	12/05/12	PGE04	PG&E	528.74	.00	528.74	121129	TranspFacility
015586	12/05/12	PGE05	PG&E	1050.32	.00	1050.32	121129	ELECT - FIRE
015587	12/05/12	PGE2A	PG&E	258.96	.00	258.96	121128	ELECT-MCDONALD, CASS, SALAD
015588	12/05/12	SCH01	LES SCHWAB TIRE CENTER	156.47	.00	156.47	611000474	Veh Opr/Maint
				292.53	.00	292.53	611000490	Veh Opr/Maint
				152.85	.00	152.85	611000510	Veh Opr/Maint
			Check Total.....	601.85	.00	601.85		
015589	12/05/12	STA03	SHAC	62.00	.00	62.00	121128	TRAINING/ED - POLICE
015590	12/05/12	STO07	STOUFER, JOHN BEDFORD	2960.00	.00	2960.00	121203	PROF SRVCS - PLANNING
015591	12/05/12	TEH20	TEHAMA CO DISTRICT ATTY	133.80	.00	133.80	121128	ProfServices PoliceServic

REPORT.: Dec 05 12 Wednesday
 RUN...: Dec 05 12 Time: 13:49
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 12-12 Bank Account.: 1020

PAGE: 003
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
015592	12/05/12	THO01	THOMES CREEK ROCK CO	211.01	.00	211.01	121130	Mat/Supplies
015593	12/05/12	UNI02	UNIFORMS, TUXEDOS & MORE	6863.57	.00	6863.57	118492	BODY ARMOR REPL - POLICE
015594	12/05/12	VAL07	VALLEY VETERINARY CLINIC,	145.98	.00	145.98	95548	K-9 PROG - POLICE
015595	12/05/12	WAR05	WARREN, DANA KARL	196.65	.00	196.65	121203	REC INSTRUCTOR - REC
015596	12/05/12	WES02	WESTERN BUSINESS PRODUCTS	44.96	.00	44.96	036039	Equip.Maint. - FIRE
015597	12/05/12	XER00	XEROX CORPORATION	166.79	.00	166.79	065300103	EQUIP MAINT - POLICE
Cash Account Total.....:				38472.62	.00	38472.62		
Total Disbursements.....:				38472.62	.00	38472.62		

Date.: Dec 5, 2012
Time.: 12:59 pm
Run by: PALA CANTRELL

CITY OF CORNING
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
List.: NEWB
Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
BAR DREAMS BY NOBLE,	715 SOUTH ST	CORNING, CA 96021	NOBLE SEAN	BUILDING AND DESIGN OF CUSTOM MANCAVE	12/04/12	(530)838-9076
CALIFORNIA ENERGY SE	4354 TOWN CENTER BLVD	EL DORADO HILLS, CA 95762	KILBY ROGER		12/04/12	(800)985-5885
HOLIDAY INN EXPRESS,	3350 SUNRISE WAY	CORNING, CA 96021	HOSPITALITY KUMAR	78 ROOM HOTEL	11/28/12	(530)824-6400
KOFFORD'S COOKIES,	2823 VICTOR AVE	REDDING, CA 96002	KOFFORD RACHEL	COOKIE DELIVERY	12/03/12	(530)209-7433
LAUGHLIN, DON	545 SPYGLASS DR	RED BLUFF, CA 96080	LAUGHLIN DON	CAR TRANSPORTING	11/28/12	(530)527-6115

12/4/2012
7:48:02AM

CITY OF CORNING

Page 1

PERMITS ISSUED (sort by Permit #)

Item No.: G-6

For the Period 11/1/2012 thru 11/30/2012

Owner and Address	Parcel Number	Issued On	Valuation
VICTOR SZANTO (DAHA INVESTME 1920 SOLANO ST CORNING CA 96021 Permit Description: INSTALL WALK-UP ATM KIOSK	7108006 Site Street Address: 1920 SOLANO ST	11/26/2012	115,000.00
LEWIS DAVIES 911 SOLANO ST CORNING CA 96021 Permit Description: EXTEND COVERED AWNING	7306405 Site Street Address: 911 SOLANO ST	11/1/2012	500.00
LISA HANLEY 505 MARGUERITE AVE CORNING CA 96021 Permit Description: STUCCO EXTERIOR OF RESIDENCE	7321301 Site Street Address: 505 MARGUERITE AVE	11/7/2012	3,000.00
JOSETTE SAINT MARTIN 2092 DONAVAN AVE CORNING CA 96021 Permit Description: UPGRADE ELECT. PANEL TO 200 AMP	7120104 Site Street Address: 2092 DONAVAN AVE	11/6/2012	800.00
ROGER LANGLEY 1008 SIXTH AVE CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7116607 Site Street Address: 1008 SIXTH AVE	11/9/2012	5,900.00
JASWINDER CHATHA 2185 SOLANO ST CORNING CA 96021 Permit Description: REPLACE DRYWALL, REINSULATE, REPLACE F	7114042 Site Street Address: 2185 SOLANO ST	11/14/2012	94,119.15
RYAN LAMSON 1315 BUTTE ST CORNING CA 96021 Permit Description: CHANGE OUT ELECT. SERVICE	7111202 Site Street Address: 1315 BUTTE ST	11/15/2012	500.00

CITY OF CORNING
PERMITS ISSUED (sort by Permit #)
For the Period 11/1/2012 thru 11/30/2012

Owner and Address	Parcel Number	Issued On	Valuation
SAM PETERSON 693 DEL NORTE CORNING CA 9021 Permit Description: REPLACE SEWER LINE	7322022 Site Street Address: 693 DEL NORTE	11/21/2012	2,000.00
FRANK CAIRO 920 HOUGHTON AVE CORNING CA 96021 Permit Description: ADD BLOCK FOUNDATION	7115605 Site Street Address: 920 HOUGHTON AVE	11/28/2012	4,000.00
9 Permits Issued from		11/1/2012 Thru 11/30/2012	FOR A TOTAL VALUATION OF \$ 225,819.15
*** END OF REPORT ***			

CITY OF CORNING

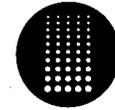
NOVEMBER 2012

TREASURERS REPORT

AGENCY	BALANCE	RATE
LOCAL AGENCY INVESTMENT FUND	2,271,507.88	.35

Respectfully Submitted

Pala Cantrell
City Treasurer



**CITY OF CORNING
WASTEWATER OPERATION SUMMARY REPORT
NOVEMBER 2012**

Below is a summary of the Monthly Operations Report that will be available for City review on DECEMBER 2012

- 1) Filled out monthly reports.
- 2) Performed weekly Operator 10 maintenance on all plant equipment.
- 3) Changed flow disk.
- 4) Completed vehicle maintenance reports
- 5) Wasted solids to EQ basin
- 6) Staff meeting on plant operations and issues.
- 7) Changed chart on So3 analyzer.
- 8) Safety meeting.
- 9) Capitol Engineering performed annual hoist inspection
- 10) Inspected eyewash and emergency showers.
- 11) Unloaded chlorine truck.
- 12) Cleaned So2 pump.
- 13) Checked storm water discharge sites at WWTP and airport.
- 14) Made repair to SO3 hoist power cord and control
- 15) Tested all chlorine and So2 sensors

- 16) Cleaned probe at lift station.
- 17) Tested alarms with Fire Dept.
- 18) Exercised lift station stand –by pump
- 19) Collected sample and ran Colilert test on eye wash station.
- 20) Exercised emergency generator.
- 21) Inspected manholes on North, Edith and Toomes
- 22) IIPP plant inspection
- 23) Collected samples for Priority Pollutants and Dioxin and Furan studies
- 24) Checked all fire extinguishers.
- 25) Inspected Corning Olive Oil
- 26) Downloaded data logger from effluent chart recorder
- 27) Completed SSO no spill report
- 28) Collected River sample
- 29) Mowed lawns
- 30) Changed oil in Screw pump gear boxes
- 31) Tel Star performed annual flow meter calibration.
- 32) Cleaned storm drains in city.
- 33) Replaced lights in chemical delivery room
- 34) Mandy Mok from DHS ELAP here to inspect lab

NOVEMBER/2012

Domestic Flow Monthly Average = 658,066 GPD

ITEM NO.: J-9
CITIZEN REQUEST FOR COUNCIL AUDIENCE;
UTILITY BILLING; 911 LINCOLN AVENUE;
WALLY PRATHER

DECEMBER 11, 2012

TO: HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CORNING
FROM: JOHN L. BREWER, AICP; CITY MANAGER & P/W DIRECTOR 

SUMMARY:

At the November 13, 2012 meeting of the City Council, Mr. Wally Prather appeared and requested to be heard at the next agenda meeting of the City Council. He mentioned dissatisfaction with his utility billing. It was scheduled for the Nov. 27th meeting. However, due to an emergency medical situation, Mr. Prather requested the matter be postponed. That is the reason for this agenda item.

BACKGROUND:

Mr. Wally Prather resides at 911 Lincoln Avenue. Mr. Prather prefers to pay his City utility bill in advance, so he occasionally makes a large payment that's credited to his account. Unfortunately, our utility billing system (Multiple Operations Manager-"MOMS") generates monthly bills only when an amount is due. So, in Mr. Prather's case where there is often a credit on his account, a bill is not generated.

In August of 2012 he came to the Finance Department to request a monthly statement. At that time he was told of the City's billing system and policy not to produce or mail "credit statements". He then came to City Administration and requested to speak with me regarding the same matter. I had been briefed by the Finance Department staff and suggested that he periodically call the Finance Department for information regarding his account balance. He was not satisfied with the suggestion and left City Hall.

METER DAMAGE:

When we read water meters in the neighborhood in mid August we noted the meter at 911 Lincoln Ave. indicated zero water usage from the previous month. A work order to check and, if necessary to repair the meter was generated. But due to the Public Works crew workload repairing system leaks and reconstructing Marguerite Avenue at the airport, our staff didn't get out to check the meter until October 18th. At that time our staff member reported that it appeared the meter had been purposefully damaged. (The meter will be available for viewing at the meeting) The meter was ultimately replaced on October 22nd.

WATER BILLING:

Due to the damaged water meter, Mr. Prather received utility bills indicating zero water usage for the months of August and September, respectively.

On October 18th, since we knew the residence had been continuously occupied for those previous two months without water service interruption, the Finance Dept. staff made the decision to bill for water usage based on the same three month (August,

September & October) water usage for the previous year (2011). That position is consistent with the City policy included as Section 13.08.100.C of the City Code that reads-(underlining added for emphasis):

C. Nonregistering Meters. The city may bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customers' prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions. Connection charges previously adopted by resolution shall continue to be valid until repealed or modified by an ordinance duly adopted by the city council. (*Ord. 496 §1, 1989; Ord. 111 §11, 1953*).

The sum of those same three months usage in 2011 was 139,000 gallons. So we issued an October statement that billed for that amount, less the 4,000 gallon credit due for October. That water usage bill was \$168.75 (139,000-4,000=135,000 X \$1.25 per 1,000 gallons).

The October bill prompted Mr. Prather to revisit City Hall where he spoke with Finance Dept. staff and then me about the magnitude of his bill. We explained how the bill included water usage for three months. He disputed the City's billing methodology since the broken meter didn't indicate any use. However, he acknowledged residing on the property during that period and using water.

Ultimately Mr. Prather opposed our use of the previous year's totals, explaining that during that period of 2011 his water use was inflated due to a leak. To account for that, we amended our water usage bill to be the average of the same three month period for five years. That reduced the water usage from 139,000 to 100,000 gallons and resulted in a revised water usage amount of \$120.00 for the three month period, a reduction of \$48.75, or about 29%.

I've asked Mary Ramirez of the Finance Department to be on hand to provide any additional information or otherwise answer any question that you may have regarding this matter.

RECOMMENDATION:

That the City Council:

- **LISTEN TO MR. PRATHER'S GRIEVANCES AND STAFF'S RESPONSES AND PROVIDE DIRECTION REGARDING ANY POSSIBLE ADJUSTMENTS TO THE SUBJECT UTILITY BILLING.**

FISCAL
YEAR

911 Lincoln Ave

Water Usage Lookup						
Customer ID	PRA0004	Customer Name	PRATHER, WALLY			
Months	2013	2012	2011	2010	2009	
July	6	29	26	73		
August	0	59	35	57		
September	0	31	14	32		
October	139	49	36	18		
November	0	30	10	6		
December	0	20	6	8		
January	0	29	6	6		
February	0	8	6	4		
March	0	5	6	4		
April	0	6	5	6		
May	0	13	39	12		
June	0	47	24	17		

(END)<CR> to continue

No usage billed for Aug and September so after meter was identified as destroyed per Pub. Works, Finance made decision to bill based on previous year.

Mr. Prather claimed this same time frame last year (Aug-Oct 2011), he had major leaks so usage wouldn't be typical to his usage normally.

An average was then done of all usage available and that changed October billed usage from 139,000 to 100,000.

REPORT.: Nov 06 esday
 RUN....: Nov 06 e: 11:14
 Run By.: MARY RAM

CITY OF CORNING
 Water Usage Lookup Print/Display
 For Customer ID PRA0004

PAGE: 001
 ID #: MQ-CM
 CTL.: COR

Year	July	August	September	October	November	December	January	February	March	April	May	June
2013	6	0	0	139	0	0	0	0	0	0	0	0
2012	29	59	31	49	30	20	29	8	5	6	13	47
2011	26	35	14	36	10	6	6	6	6	5	39	24
2010	73	57	32	18	6	8	6	4	4	6	12	17
2009	40	46	31	14	10	6	9	8	6	14	27	42
2008	28	26	42	10	6	4	7	7	6	18	42	51

(FY)

0.*

Water Usage - 168.75+
 Water Service - 15.74+
 Garbage - 20.76+
 Sewer - 31.55+
 \$ 236.80*

0.*

USAGE = 139,000

Water Usage - 120.00+
 Water Service - 15.74+
 Garbage - 20.76+
 Sewer - 31.55+
 \$ 188.05*

0.*

USAGE = 100,000

0.*

236.80+
 188.05-
 \$ 48.75*

Credit Given 0.*

REPORT.: Nov 13 2012
 RUN....: Nov 13 12 Time: 11:44
 Run By.: MARY RAMIREZ

CITY OF CORNING
 Detail Inquiry
 PRA0004

PAGE: 002
 ID #: MQ-CM
 CTL.: COR

Date	Description	Billed \$	Payment \$	Balance
12/19/11	Water Use	19.36		-63.45
12/19/11	GARBAGE	19.73		-43.72
12/19/11	Sewer Ser	30.63		-13.09
01/19/12	Water Serv	15.28		2.19
01/19/12	Water Use	30.25		32.44
01/19/12	GARBAGE	19.73		52.17
01/19/12	Sewer Ser	30.63		82.80
02/14/12	Payment R-87807 C-000192		-400.00	-317.20
02/17/12	Water Serv	15.28		-301.92
02/17/12	Water Use	4.84		-297.08
02/17/12	GARBAGE	19.73		-277.35
02/17/12	Sewer Ser	30.63		-246.72
03/16/12	Water Serv	15.28		-231.44
03/16/12	Water Use	1.21		-230.23
03/16/12	GARBAGE	19.73		-210.50
03/16/12	Sewer Ser	30.63		-179.87
04/16/12	Water Serv	15.74		-164.13
04/16/12	Water Use	2.50		-161.63
04/16/12	GARBAGE	20.76		-140.87
04/16/12	Sewer Ser	31.55		-109.32
05/16/12	Water Serv	15.74		-93.58
05/16/12	Water Use	11.25		-82.33
05/16/12	GARBAGE	20.76		-61.57
05/16/12	Sewer Ser	31.55		-30.02
06/18/12	Water Serv	15.74		-14.28
06/18/12	Water Use	53.75		39.47
06/18/12	GARBAGE	20.76		60.23
06/18/12	Sewer Ser	31.55		91.78
06/20/12	Payment on Account R-97208		-91.78	.00
07/18/12	Water Serv	15.74		15.74
07/18/12	Water Use	2.50		18.24
07/18/12	GARBAGE	20.76		39.00
07/18/12	Sewer Ser	31.55		70.55
08/17/12	Water Serv	15.74		86.29
08/17/12	GARBAGE	20.76		107.05
08/17/12	Sewer Ser	31.55		138.60
08/20/12	Payment on Account R-01798		-138.60	.00
09/18/12	Water Serv	15.74		15.74
09/18/12	GARBAGE	20.76		36.50
09/18/12	Sewer Ser	31.55		68.05
10/18/12	Water Serv	15.74		83.79
10/18/12	Water Use	168.75		252.54
10/18/12	GARBAGE	20.76		273.30
10/18/12	Sewer Ser	31.55		304.85
10/23/12	(Adjustment Entry) CREDIT		-48.75	256.10
10/23/12	Payment on Account R-06336		-256.10	.00

REPORT.: Nov 13 2012
 RUN....: Nov 13 12 Time: 11:44
 Run By.: MARY RAMIREZ

CITY OF CORNING
 Detail Inquiry
 PRA0004

PAGE: 001
 ID #: MQ-CM
 CTL.: COR

Customer...: PRATHER, WALLY
 Location...: 0000802

Route/Service 301-0560
 Current Balance .00

Date	Description	Billed \$	Payment \$	Balance
01/20/11	Water Serv	14.83		-90.75
01/20/11	Water Use	2.34		-88.41
01/20/11	GARBAGE	19.50		-68.91
01/20/11	Sewer Ser	29.74		-39.17
02/18/11	Water Serv	14.83		-24.34
02/18/11	Water Use	2.34		-22.00
02/18/11	GARBAGE	19.50		-2.50
02/18/11	Sewer Ser	29.74		27.24
03/18/11	Water Serv	14.83		42.07
03/18/11	Water Use	2.34		44.41
03/18/11	GARBAGE	19.50		63.91
03/18/11	Sewer Ser	29.74		93.65
04/05/11	Payment on Account R-		-1000.00	-906.35
04/18/11	Water Serv	15.28		-891.07
04/18/11	Water Use	1.21		-889.86
04/18/11	GARBAGE	19.73		-870.13
04/18/11	Sewer Ser	30.63		-839.50
05/18/11	Water Serv	15.28		-824.22
05/18/11	Water Use	42.35		-781.87
05/18/11	GARBAGE	19.73		-762.14
05/18/11	Sewer Ser	30.63		-731.51
06/16/11	Water Serv	15.28		-716.23
06/16/11	Water Use	24.20		-692.03
06/16/11	GARBAGE	19.73		-672.30
06/16/11	Sewer Ser	30.63		-641.67
07/18/11	Water Serv	15.28		-626.39
07/18/11	Water Use	30.25		-596.14
07/18/11	GARBAGE	19.73		-576.41
07/18/11	Sewer Ser	30.63		-545.78
08/17/11	Water Serv	15.28		-530.50
08/17/11	Water Use	66.55		-463.95
08/17/11	GARBAGE	19.73		-444.22
08/17/11	Sewer Ser	30.63		-413.59
09/16/11	Water Serv	15.28		-398.31
09/16/11	Water Use	32.67		-365.64
09/16/11	GARBAGE	19.73		-345.91
09/16/11	Sewer Ser	30.63		-315.28
10/17/11	Water Serv	15.28		-300.00
10/17/11	Water Use	54.45		-245.55
10/17/11	GARBAGE	19.73		-225.82
10/17/11	Sewer Ser	30.63		-195.19
11/17/11	Water Serv	15.28		-179.91
11/17/11	Water Use	31.46		-148.45
11/17/11	GARBAGE	19.73		-128.72
11/17/11	Sewer Ser	30.63		-98.09
11/17/11	Water Serv	15.28		-82.81

13.08.100 - Meters-Errors-Adjustment of bill.

A.

Fast Meters. When, upon test, meters are found to be registering more than two percent fast under conditions of normal operation, the city will refund to the customer the full amount of the overcharge, based on corrected meter readings for the period, not exceeding six months that the meter was in use.

B.

Slow Meters. When, upon test, the meter used is found to be registering more than five percent slow, the city may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

C.

Nonregistering Meters. The city may bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customers' prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions. Connection charges previously adopted by resolution shall continue to be valid until repealed or modified by an ordinance duly adopted by the city council.

ITEM NO: J-10
APPOINT THE VICE MAYOR AND CITY
REPRESENTATIVES TO VARIOUS
COMMISSIONS/COMMITTEES
DECEMBER 11, 2012

TO: HONORABLE MAYOR AND COUNCILMEMBERS
OF THE CITY OF CORNING

FROM: GARY R. STRACK, MAYOR
LISA M. LINNET, CITY CLERK

SUMMARY:

Vice Mayor:

Former Councilman John Leach was the Council appointed Vice-Mayor. As his Council term has expired, a new Vice-Mayor needs to be appointed. Mayor Strack now recommends the appointment of Councilwoman Darlene Dickison as Vice Mayor.

Based upon the "City Council Procedures for Meetings", the Council shall select a Vice-Mayor from its membership with the position being held for a one-year term. The selection shall be held annually at the regular Council meeting held on the first Tuesday in December. Vacancies in the Vice-Mayor position shall be filled in the same manner for the unexpired portion of any term.

Commission/Committee Representatives:

The Mayor makes unilateral appointments to various local Commissions and Committees subject to Council approval or disapproval.

Former Councilor Toni Parkins was the City's representative on the Tehama County Sanitary Landfill Agency and on the Tehama County Indian Gaming Local Community Benefit Committee. Former Councilor John Leach served as the City's representative to the Tehama County Community Action Board and the Senior Center. New Representatives will now need to be selected to fill these vacancies.

The Mayor offers the below listed recommended appointments to the various Committees, Commissions or Boards for Council review, discussion and action.

BACKGROUND:

Mayor:

By a unanimous vote of the Council, the "General Procedures of the Council" portion of the City Council Procedures for meetings was amended on March 24, 2009. The amended section now states the following:

The Council shall select a Vice-Mayor from its membership with the position being held for a one-year term. Although the same person may be selected to serve more than once, the Council's preference is each time to attempt to select one of its members who has not previously served in that capacity. The selection shall be held annually at the regular Council meeting held on the first Tuesday in December. Vacancies in the Vice-Mayor position shall be filled in the same manner for the unexpired portion of any term.

Former Councilman John Leach was appointed by the City Council as Vice-Mayor at the December 13, 2011 City Council Meeting. The expiration of his term on the City Council now requires that a new Vice-Mayor be appointed.

Commission/Committee Representatives:

Current City Council Representatives to various Committees/Commissions are:

Tehama County Transportation Commission: Gary Strack
Tehama Economic Development Corporation: Gary Strack
Shasta College District: Gary Strack
Tehama County Indian Gaming Local Community Benefit Committee: Gary Strack, Toni Parkins and Pala Cantrell.
Tehama County Sanitary Landfill Agency (JPA): Toni Parkins
LAFCO (Tehama County Local Agency Formation Commission): Darlene Dickison
Tehama County Heritage Committee: Darlene Dickison
3CORE: Dave Linnet
GRAFFITI ABATEMENT: Dave Linnet
Tehama County Community Action Agency: John Leach
Senior Center Representative: John Leach

RECOMMENDATION:

MAYOR AND COUNCIL REVIEW, DISCUSS AND APPROVE THE MAYORS RECOMMENDED APPOINTMENT OF VICE MAYOR AND REPRESENTATIVES TO THE BELOW LISTED COMMITTEES, COMMISSIONS AND BOARDS:

Tehama County Transportation Commission: Gary Strack, alternate: Tony Cardenas
Tehama Economic Development Corporation: Gary Strack
Shasta College District: Gary Strack
Tehama County Indian Gaming Local Community Benefit Committee: Gary Strack, Willie Smith and Pala Cantrell.
Tehama County Sanitary Landfill Agency (JPA): Dave Linnet
LAFCO (Tehama County Local Agency Formation Commission): Darlene Dickison
Tehama County Heritage Committee: Darlene Dickison
3CORE: Tony Cardenas
GRAFFITI ABATEMENT: Dave Linnet
Tehama County Community Action Agency: Darlene Dickison
Senior Center Representative: Willie Smith
Wayfinding Signs Adhoc Committee: Darlene Dickison and Gary Strack

CITY COUNCIL PROCEDURES FOR MEETINGS

Meeting Schedule

Regular meetings are held in the Council Chambers of City Hall, 794 Third Street, Corning, California. Regular Council Meetings are scheduled for the second and fourth Tuesday evenings of each month or as otherwise established by resolution of the City Council in January of each calendar year. The public sessions of meetings begin at 7:30 p.m. with closed sessions generally being convened earlier as needed. No Council meeting will be held in the event that a regular meeting of the Council falls on a legal holiday or the day prior to a holiday.

Annual resolution may set dates of Council meetings.

Special Meetings

Special meetings may only be called by the Mayor or by three members of the City Council. Written notice, unless waived, must be given to the City Council and to the media 24 hours prior to a special meeting (Cal Govt Code Section 54956). The call and notice of the meeting must be posted at least 24 hours prior to the meeting in a location freely accessible to members of the public. No business other than that announced may be discussed.

The Mayor or three Council members may call a special meeting.

24 hours advance notice required.

Adjourned Meetings/Continued Hearings

Meetings of the City Council may be adjourned from time to time. A copy of the notice of adjournment shall be posted on or near the door to the Council Chambers within 24 hours after the time of the adjournment.

Meetings may be adjourned and continued to a later date if posted.

Any hearing may be continued to any subsequent meeting of the City Council but if it is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting at which the hearing was continued.

Workshop or Study Sessions

The City Council may convene its own workshop or study sessions which are not designed to make decisions for the City but are designed to train Council and staff, study various issues and facilitate the exchange of information. Such workshops or study sessions may include the Planning Commission, staff members, consultants, and others and shall comply with all of the requirements of the Ralph M. Brown Act.

Study sessions are permitted as are joint meetings with Planning Commission.

Public Participation

At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item. Public comment is appropriate on any matter within the jurisdiction of the City Council. A three minute time limit

Public must be allowed to participate.

shall apply unless the Council makes an exception due to special circumstances.

Notice/Minutes

Notice requirements of the Brown Act shall be complied with for all meetings (72 hours for regular meetings); minutes of the meeting shall be taken by the City Clerk or designee and shall be available for public inspection.

72 hours posted notice required for regular meetings

Placing Items on Agenda

City Council: A Council member may request an item be considered on a future agenda and staff will prepare a staff report if formal Council action is required. Council members may make this request during the "Council Reports" portion of a meeting or between Council meetings with the Council Clerk prior to the adopted agenda deadline.

Council members, City Manager, City Attorney, or members of the Public may place items on the agenda.

City Manager/City Attorney: Either the City Manager or the City Attorney may place matters on the agenda without special permission from the City Council.

Members of the public: A member of the public may request an item be placed on a future agenda during the public comment period of a meeting or through other communication with Council members or with staff. If the City Council or City Manager consent, such item will be agendized. To be placed on the agenda, such an item will have to be submitted by the adopted agenda deadline with sufficient details to alert the public what will be discussed or requested.

Emergency items: Emergency and non-agendized items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare.

Urgency items: On occasion, after the agenda is posted an item arises on which the Council would like to act. Non-agendized items may be added to the agenda only if the Council makes findings that (1) the need to consider the item arose after the posting of the agenda and (2) that there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a 4/5 vote; if less than four members of Council are present, the findings require a unanimous vote of those present.

Urgency items may be added in certain limited situations following posting of the agenda.

Order of Business

The City Council establishes the general order of meetings. This section summarizes each meeting component.

1. Closed sessions (closed to the public).

The ability of a City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a City Council may meet without the public in attendance. Such circumstances include:

Closed sessions may be conducted only for subjects specified in the Brown Act.

a. Real Property: Closed sessions to discuss the purchase, sale, exchange or lease of real property may be conducted. The location of the real property and the identities of the City's negotiator; and the person(s) with whom the City may negotiate must be announced in open session prior to the closed session (Cal Govt Code Section 54956.8).

Real Property negotiations

b. Litigation: Closed sessions may be conducted to discuss pending litigation or a significant exposure to litigation, or the decision to initiate litigation. The litigation or title must be identified in open session prior to the closed session unless the Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or serve legal documents (Cal Govt Code Section 54956.9).

Litigation

c. Compensation (salaries and benefits) of employees: Closed sessions may be held to discuss employee compensation; to review the City's position and instruct designated representatives (Cal Govt Code Section 54957.6).

Labor Negotiations (Meet and Confer)

d. Personnel: Closed sessions are allowed to discuss the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear complaints against the employee unless the employee requests a public hearing (Cal Govt Code Section 54957).

Personnel

e. Confidentiality: Members of the Council, employees of the City, or anyone else present shall not disclose to any person the content or substance of any discussion which takes place in a

Contents of discussion within closed sessions shall not be disclosed.

closed session unless authorized to do so by the Council or required by court order or provisions of law.

f. Scheduling: Typically closed sessions will be scheduled prior to the public portions of the meeting. This is done so that public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a set time.

Closed Session Scheduling.

g. Announcements: Prior to each closed session, the purpose of the closed session shall either be announced from the dais or by reference to the published agenda.

Closed session announcements are required both before and following each closed session.

Immediately after each closed session an announcement shall be made from the dais either (1) summarizing any reportable action taken in closed session or (2) stating that no reportable action was taken. When no reportable action was taken, it is advisable to announce the general nature of the business conducted in closed session to enhance public confidence in the process.

2. Proclamations, Appointments, Recognitions, Presentations.

This is the time for Council proclamations, presentations, and for special recognition of persons, organizations, activities, and events. Unless any Council member objects, in which case a vote is required, proclamations will be read aloud and considered adopted by consensus of the

Proclamations do not require voting unless there is an objection raised.

entire Council.

3. Public Participation.

a. Scheduled Citizens: Persons who have, by the deadline set for the agenda, requested to address the Council are usually given the opportunity to do so at this time. The subject they wish to discuss is identified on the agenda and any supporting materials are usually sent out with the agenda packets to the Council members.

b. Public Comment on Non-Agendized Items: This is the time for members of the public to address the Council on non-agendized matters. If the matter is expected to take more than five minutes, it should be moved to the end of the regular agenda. The purpose for this is to avoid inconveniencing those who have planned ahead and taken the necessary steps to have their issues properly agendized. Persons who wish to raise non-agendized items should be cautioned that in most cases the Brown Act prohibits the Council from taking formal action on the item but that they will be heard and then the matter will be referred to staff for appropriate follow-up and usually agendized for the next meeting if formal Council action is necessary.

c. Public Comment on Agendized Items: The Brown Act requires that the public be given the opportunity to address the Council on all matters on the agenda (matters to be discussed in either open or closed session, but not the right to enter the closed sessions) before action is taken on those items. At the

The public should be invited to comment on all items, even if no public hearings are scheduled.

beginning of each meeting, the Mayor should inform persons in the audience that they are welcome to come forward to the podium and wait to be recognized if they wish to address the Council on any items under discussion.

d. General Rules for Public Participation: No member of the public may be required to provide an address as a precondition to participation but they may be invited to do so voluntarily so that the Clerk will be able to get in touch with them if necessary. Reasonable time limits may be placed on each speaker and limits may be placed on the number of times each person is allowed to speak. Speakers are limited to three minutes unless the Council makes an exception due to special circumstances. Speakers may be directed not to use profanity or make personal attacks on Council members or staff, but speakers cannot be restricted from being critical of Council, staff or other public officials. They may not be prohibited from "criticizing the policies, procedures, programs or services of the City or the acts or omissions" of City officials.

Time limits may be placed on speakers, but criticism of the City and its officials may not be restricted.

4. Approval/Correction of Minutes.

Minutes of the City Council meetings shall be submitted to the Council for approval and/or correction in draft form at a subsequent regular meeting. It is the policy of the City Council that only members of the Council and the City Clerk have the authority to make revisions to the minutes subject to a majority vote of the City Council. Council members having only typographical corrections to minutes are encouraged to provide such

corrections to the City Clerk directly and need not wait to submit such corrections at a meeting.

5. Consent Calendar.

Those items on the Council agenda which are considered to be of a routine and non-controversial nature by the City Manager are placed on the "Consent Calendar". These items shall be approved, adopted, accepted, etc., by one motion of the Council. For example, final reading and adoption of ordinances, various resolutions approving agreements, minor budgetary items, status reports, and routine city operations are usually on the consent agenda.

Council members or members of the public may remove items from the consent calendar for discussion.

Council members or members of the public may request that any item listed under "Consent Calendar" be removed from the Consent Calendar, and Council will then take action separately on this item.

The order of the agenda may be changed.

Items which are removed ("pulled") by members of the Council for discussion will typically be heard immediately following adoption of the Consent Calendar unless the Council chooses to move such items to a later place in the agenda.

Minor questions: A Council member may ask questions on any item on the Consent Calendar. When a Council member has a minor question for clarification concerning a consent item which will not involve extended discussion, the question will be addressed before adoption of the Consent Calendar. Council members are encouraged to seek clarifications prior to the meeting, if possible.

Staff and Council reports should be brief and no formal action should be requested in such reports.

No vote: When a Council member wishes to pull an item simply to register a dissenting vote, the Council member shall inform the presiding officer that he or she wishes to register a dissenting vote without discussion. This item will be handled along with the rest of the Consent Calendar, and the City Clerk will register this member's "no" vote in the minutes on this particular item even though such member then votes to approve the Consent Calendar.

An item does not have to be pulled from the consent calendar to register a dissenting vote.

6. Public Hearings.

The City Council schedules "public hearings" from time to time on various issues, usually because of legal requirements that special opportunities to be given to the public, or to certain segments of the public specially affected by the matter, to listen to the discussion and to provide input to the Council before a decision is made.

A standard procedure should ordinarily be followed when conducting public hearings.

When a public hearing is scheduled, staff should be asked to present a staff report first; then the public hearing should be opened and the public should be invited to speak; then the public hearing should be closed and the matter returned to the Council for discussion and action.

Once the public hearing has been closed, persons from the audience should not be allowed to participate in the Council discussions unless in response to a specific question posed by a member of the Council to someone in the audience.

Although it is proper to do so, there is no legal requirement to structure the public hearing so that

proponents of the measure or project speak first followed by those in opposition with a conclusion [or rebuttal] by the proponents. However, if the Mayor or Council prefers to conduct the hearing in this manner it may prove useful to do so when there are several different speakers and extended debate.

7. Regular Business Items.

Regular items are shown on the agenda in the order they will be considered unless, before discussion of regular agenda items begins, a motion is made and passes which will change the order of the agenda to accommodate a request and to change the order of the agenda.

8. Staff and Council Reports.

This time on the agenda provides members of the Council an opportunity to briefly discuss matters not specifically agendized including brief announcements, questions of staff and requests for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be sharing of information of general interest received from outside agencies, sharing comments or inquiries received from individuals or from the public, raising requests to agendize future items, making reports of his or her own activities or making announcements of general interest to the public.

State law provides that Council can take action only on such matters which have been noticed at least three days in advance of the meeting unless special

Lengthy non-agendized items should be considered at the end of the agenda.

circumstances are found to exist (as mentioned above). Formal action or approval on non-agendized items is not allowed and such items should normally be placed on the agenda of the next regular meeting if formal Council action is required.

General Procedures of the Council

1. Vice-Mayor: Rotation.

“The Council shall select a Vice-Mayor from its membership with the position being held for a one year term.

Although the same person may be selected to serve more than once, the Council’s preference is each time to attempt to select one of its members who has not previously served in that capacity. The selection shall be held annually at the regular Council meeting held on the first Tuesday in December. Vacancies in the Vice-Mayor position shall be filled in the same manner for the unexpired portion of any term.”

The Vice-Mayor shall be selected from its membership with the position being held for a one year term. (Revised on March 24, 2009 by a 5-0 vote of the City Council.)

2. Duties of Presiding Officer.

The Mayor is the presiding officer and acts as the Chair at all Council meetings. In the absence of the Mayor, the Vice-Mayor serves as the presiding officer. The Mayor states every question coming before the Council before it takes action, announces the decision of the Council on each vote, maintains order during the meetings, conducts any public hearings, explains the purpose and order of the proceedings to the public in attendance, greets and thanks all participants and, with the assistance of the City Attorney, decides questions of

The Mayor directs the meetings. Direct questioning of staff from members of the public should be avoided.

order. The Mayor also makes any legally required announcements including, but not limited to, the announcements required by the Brown Act.

The Mayor appears at public functions to represent the City unless the Council designates another person to do so with regard to a specific event.

The Mayor has authority to unilaterally make appointments to committees, commissions and boards subject to Council approval or disapproval. Council member appointments to committees, commissions and boards do not require Council action.

The Mayor makes unilateral appointments subject to Council approval or disapproval.

3. Signing of City Documents.

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature except in those cases where the City Manager or another individual has been specifically authorized by Council action to sign particular documents. In the event the Mayor is unavailable, the Vice-Mayor is authorized to sign on behalf of the City in his or her place.

The Mayor signs all official documents unless the Council designates someone else to do so.

4. Quorum.

Three-fifths of the Council members constitutes a quorum for the transaction of business.

3/5 is a quorum.

5. Distribution of Agenda and Written Materials.

At least 72 hours prior to

Agendas must be posted at least 72 hours before each Council meeting.

regular meetings of the Council (and 24 hours prior to any special meetings), an agenda must be posted which contains a brief general description of each item to be transacted or discussed at the Council meeting. Copies of that agenda will be mailed before each meeting to each Council member and to members of the public and the press who have requested to receive copies.

Writings which are public records distributed during Council meetings shall be made available to the public in attendance at that same meeting if such documents were prepared by City staff or City officials. If prepared by some other person, copies of such documents will be made available following the meeting. A reasonable fee may be charged to offset the actual cost of making such copies.

6. Closed Session Procedures and Announcements.

Prior to any closed session, the Mayor or his or her designee shall generally describe the subjects to be discussed in such session or shall refer the public to the numbered item on the agenda which describes the subject.

Closed session announcements are legally required.

At the conclusion of each closed session, the Council shall reconvene and the Mayor shall announce any final decisions made on subjects required to be reported or, if there are no such subjects, shall generally describe what the Council did in closed session without compromising the integrity and confidentiality of what was discussed.

Council members, outside of closed session, shall not inform others about the content of any closed session discussions or decisions unless authorized to do so by the Council or required to do so by court order or provisions of law. **Closed sessions are confidential.**

7. Discussion and Voting Rules.

Discussion:

a. Obtaining the floor: A member of the City Council or staff shall first address the Mayor and gain recognition. Comments and questions should be limited to the issue before the Council. Members of the public should not be allowed to directly question staff members in attendance but all such questions should be addressed through the Mayor for response.

b. Questions of staff: The Mayor, or any member of the Council upon being recognized by the Mayor, may direct questions to any member of the staff who is in attendance.

c. Interruptions: Once recognized, a Council member should not be interrupted while speaking except to make a point of order or personal privilege. If a Council member is called to order while speaking, the individual should cease speaking until the question of order is determined.

d. Tabling procedures: A motion to table immediately stops discussion and causes a vote to postpone the matter indefinitely or to a date and time

certain.

Voting:

e. Procedures used for motions:

The Council follows a simplified version of Robert's Rules of Order. Those rules are summarized in a chart attached hereto and are hereby adopted as governing the precedence and administration of motions.

Robert's Rules have been simplified--See attached chart.

f. Requirement to vote: All

Council members present who are not abstaining are required to vote. It shall be the duty of the recording clerk to ensure that a vote is taken on every matter requiring formal action and that each and every non-abstaining member actually casts a vote which such clerk then records in the minutes of the meeting. Silence when a vote is called for shall be interpreted as an Ayes vote.

All Council members not abstaining must vote.

Silence is an "Ayes" vote.

g. Requirement of a second: A

second is required on all matters before they can proceed to a vote. If no second is received, the motion dies for lack of a second. Seconding a motion does not indicate or imply that the member doing so will vote in favor of the motion. It simply allows the matter to be discussed and proceed to a vote.

Motions die without being seconded.

A member seconding a motion isn't indicating he or she favors such motion.

h. Motions and votes by

presiding officer: The presiding officer, whether it be the Mayor or Vice-Mayor or any other member of the Council, is allowed to make and second motions and to cast votes in the same manner as any other member of the Council.

The Mayor may make or second motions.

i. Roll call votes: Any member

of the Council may request that a matter

being voted on be handled by roll call vote. Upon such a request being made, the clerk shall poll the Council and record the votes being cast.

j. Right of protest: A Council member is never required to state the reason for a dissenting vote.

Most actions require a vote on a motion, resolution, or ordinance.

k. Disqualification and abstention from voting: Members of the Council are required to vote on all matters coming before the entire Council for a vote unless an individual member is disqualified due to a conflict of interest as defined in the City's "Conflict of Interest Code". If a member has a question whether or not he or she has a conflict, he or she should discuss that issue with the City Attorney or seek advice from the Fair Political Practices Commission before the meeting whenever time permits. If a member abstains due to a conflict, he or she shall state the general nature of the conflict so that the audience is aware of what is occurring and then he or she shall leave the Council chambers until the matter then before the Council has been resolved.

If a member abstains, he or she should explain why and then leave the Chambers.

l. Tie votes: A tie vote is equivalent to a vote which has failed. A tie vote to grant or approve something doesn't represent consent nor does it represent denial of permission to act. It leaves the status unchanged and, if the proponent of the action requires permission to move forward, he or she has simply failed to obtain it.

Tie votes leave the status unchanged.

On the other hand, a tie vote to deny or disapprove something does not

represent either approval or denial. It also leaves the situation unchanged and, if the proponent of the action requires permission to move forward, he or she has again failed to obtain it.

If a tie vote occurs on an appeal of an action coming up from the Planning Commission, the appeal has neither been granted nor denied. Since the status quo is unchanged, the end result is the equivalent of a denial of the appeal since the appellant in order to overturn the action taken by the Planning Commission must obtain some action at Council level. A tie vote is the equivalent of no action, except insofar as it satisfies the legal requirement that the matter be presented to the Council for consideration.

Tie votes on appeals are the equivalent of a denial of the appeal.

If a tie vote occurs with the fifth member of the Council absent from the meeting and not due to the abstention of such member, the matter will automatically be continued until the next Council meeting when such member can be present to cast a vote unless there is a time limit imposed by law which precludes such a continuance.

m. Public participation following a motion: Public participation in the discussion should be avoided in most cases after a motion has been made unless it is specifically invited by a member of the Council.

8. Consensus, Motions, Resolutions and Ordinances.

Some actions may be taken by consensus.

a. Consensus: Occasionally it

is appropriate for the Mayor to simply request a "consensus" of the Council on routine issues such as referring matters to staff without taking a formal vote. Proclamations are considered to be adopted by consensus without a vote unless any member of the Council requests a vote be conducted.

b. Motions: Most actions of the City Council may be taken by motion on a voice vote. With some exceptions, motions pass upon the affirmative vote of a majority of the members voting. For example, if two members are absent or abstain from voting, a 2-1 vote is sufficient to adopt most motions.

c. Resolutions: Resolutions are a more formal way of memorializing actions of the City Council. A resolution, rather than a motion, is only necessary when required by law and requires at least three votes for approval. Condemnation resolutions require the affirmative vote of at least four members.

Resolutions require at least 3 votes in favor of adoption.

d. Ordinances: With the exception of urgency matters, ordinances cannot be adopted until at least five days following their introduction and can only be adopted at a regular City Council meeting. Changes to an ordinance once introduced, except for minor clerical changes, require the ordinance to be reintroduced and at least five more days to pass before adoption. Ordinances require the affirmative vote of at least three Council members. Ordinances do not have to be read in full at the time of introduction or adoption (they may be read by "short title" only) if the

Ordinances require at least 3 votes in favor of adoption.

Council votes to read only the title. The Council usually votes to do so as one of the items on its "Consent Calendar." Ordinances become effective 30 days after their adoption except for urgency ordinances, ordinances calling elections, improvement proceeding ordinances and certain other ordinances which take effect immediately.

10. Rules for Hearings.

a. Legislative Matters: When the Council has a "legislative" matter before it, the individual Council members may investigate the issue before the meeting, discuss the matter with whomever they wish and, if they consider it politically expedient, even announce their "position" on the issue before the meeting of the entire Council. They, of course, cannot seek a consensus on the issue before the meeting by contacting a majority of the other members of the Council [either personally or by contacting one and, in turn, having that one contact another ("seriatim meetings")].

Proper to take positions on legislative matters at any time.

b. Quasi-Judicial Matters: When the matter coming before the Council is of a "quasi-judicial" nature (i.e. appeals from Planning Commission matters such as use permits; consideration of tentative parcel maps; etc.), the individual members of the Council must scrupulously avoid discussing such matters with proponents, opponents or others before the meeting. If any Council member happens to receive information outside of the meeting which

Findings are usually required to be made to support quasi-judicial decisions.

such member will take into account in making a decision, he or she must report that information to the rest of the Council in public during the discussion period.

If FINDINGS are required to be made, Council members should be careful to declare precisely what evidence they have considered which allows them to make the required findings. In doing so, they can refer to information in the staff report and adopt that information as a part of their motion. However, they should keep in mind that the staff report was prepared prior to the public hearing and that new information not previously known to staff may come out during the hearing. Council may rely on staff to outline what findings are required to be made to support a particular motion, but the Council itself is responsible to state on the record what facts it has considered which supports each of the required findings.