



**CITY OF CORNING
CITY COUNCIL AGENDA
TUESDAY, FEBRUARY 9, 2016
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

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

D. INVOCATION: Led by Tony Cardenas.

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:

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 request 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 with any necessary corrections the Minutes of the:
 - a) January 18, 2016 Special City Council Meeting; and the
 - b) January 26, 2016 City Council Meeting.
3. February 3, 2016 Claim Warrant - \$311,466.95.
4. February 3, 2016 Business License Report.
5. January 2016 Wages & Salaries: \$377,837.80.
6. January 2016 Treasurer's Report.
7. January 2016 City of Corning Wastewater Operations Summary Report.
8. January 2016 Building Permit Valuation Report in the amount of \$1,000,243.
9. Ordinance 663, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting Electorate for the City of Corning. (Second Reading)
10. Appoint City Manager Kristina Miller to replace former City Manager John Brewer as the City's Representative on the Tehama County Air Pollution Control District Indirect Rule Review Committee.

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

I. PUBLIC HEARINGS AND MEETINGS:

11. Ordinance 662, an Ordinance adding Chapter 17.41, Large Lot Residential Combining District and Chapter 17.46, Alternative Housing Combining District to Title 17 of the Corning Municipal Code. (First Reading)

J. REGULAR AGENDA:

12. Approve Agreement between the County of Tehama and the City for contribution and expenditure of certain FY 2016 Board of State & Community Corrections, Edward Byrne Justice Assistance Grant (JAG) Funds.

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, FEBRUARY 5, 2016



**CITY OF CORNING
SPECIAL COUNCIL MEETING MINUTES
MONDAY, JANUARY 18, 2016
CORNING UNION HIGH SCHOOL CAFETERIA
643 BLACKBURN AVENUE**

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.

A. CALL TO ORDER: 6:00 p.m.

B. ROLL CALL:

Council:

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

Mayor:

All members of the City Council were present.

C. PLEDGE OF ALLEGIANCE:

D. REGULAR AGENDA:

Mayor Strack and City Attorney Jody Burgess made a brief announcement stating that each individual would be allowed 3 minutes to speak and requested that each speaker come to the podium. Mayor Strack stated that we would be utilizing a lighted timer to ensure that everyone received their full three minutes. It was explained that in the interest of time and order, each recommendation will be presented for discussion and comment by the audience, once all comments had been received on that item, the public comment period would be closed. The City Council will then discuss and take action before moving on to the next recommendation.

1. Discussion and Action relating to the General Fund Ad-Hoc Committee Recommendations.

City Manager Kristina Miller thanked everyone for coming tonight. She stated that at the January 12th City Council meeting she presented information related to the Budget shortfall. She emphasized the new figures related to the shortfall and the balance of the City's Operating Reserves, which as of now are reduced to half of what it previously was. She introduced the four recommendations resulting from the General Fund Ad Hoc Committee stating that the meeting tonight is to allow the public to present their opinions related to these recommendations. Mrs. Miller then informed the Council Members that unfortunately the 7% reduction previously suggested as needed in Item 1-A has now risen to 11.6% and explained what this 11.6% cut reduction would mean to each of the Departments.

- **Item 1.A: Gather input from the Fire Chief, Police Chief, and Public Works Director regarding how they would modify their budgets to reduce General Fund spending by seven percent (7%). (Staff Recommendation Item 1.A: Staff recommends this option not be pursued as it does not achieve long-term financial stability for the City, threatens public safety, further reduces recreational services for residents, foregoes necessary fire equipment maintenance, reduces staffing levels to unacceptable levels, and cuts contributions to the Chamber and 3CORE.)**

Audience Discussion:

- Proposed that we work more traffic control on Solano Street.

- Addressed the Council regarding suggestions he had to help the City, such as community gardens, etc.
- Stated that he believes pursuing the General Tax is a good way to go, however he doesn't believe seeking funds for recreation and economic growth should be included.

With no further discussion, the public comment period for this item was closed. Following Council discussion Councilor Cardenas moved to not pursue this option as it does not achieve long-term financial stability for the City, threatens public safety, further reduces recreational services for residents, foregoes necessary fire equipment maintenance, reduces staffing levels to unacceptable levels, and cuts contributions to the Chamber and 3CORE. Council Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

- **Item 1.B.: Consolidate Dispatch Centers. (Staff Recommendation Item 1.B: Staff recommends this option not be pursued as implementation would be difficult because the option lacks employee buy-in and does not fully resolve the funding deficit.)**

With no discussion, Councilor Dickison moved to not pursue Item 1-B as implementation would be difficult because the option lacks employee buy-in and does not fully resolve the funding deficit. Councilor Cardenas seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

- **Item 1.C.: Initiate a ballot measure for supplemental sales tax or to form a Benefit Assessment District. (Staff Recommendation Item 1.C: Direct Staff and the City Attorney to draft and process the necessary Ordinance and Resolutions to place a ½ cent Sales Tax Initiative on the June 7th Presidential Primary ballot to support the Fire Department, Police Department, Street maintenance and Infrastructure to support economic development, and the Recreation Department.)** The estimated cost to place on the ballot is \$7,000 - \$11,000; the actual cost will not be known until after the election. Time Schedule if approved would be:

- **January 26, 2016:** Waive the first reading and introduce the Ordinance, review and consider adoption of Resolutions;
- **February 9, 2016:** Second Reading of Ordinance;
- **March 11, 2016:** Absolute County Deadline. All Sales Tax Measure Documents must be delivered to County Elections Department on or before this date.
- **June 7, 2016 Presidential Primary Election**
- **~October 1, 2016 "Operative Date":** If measure is approved by a majority of voters, first day sales tax is assessed. (By Law)
- **Late March 2017:** City receives first quarterly ½ cent sales tax payment for the fourth quarter of 2016.

City Manager Miller explained the differences between a General and Special Sales Tax in relation to the number of votes needed for approval. She stated that she proposes a General Sales Tax measure because it has a better chance of being approved and explained that if approved, it would raise our sales tax from 7.25% to 8%, equating to \$0.01 cent on every \$2 purchase.

Mayor Strack suggested removing the Advisory Measure from discussion tonight to allow City Department Heads to review and come back with a proposal. Councilor Cardenas suggested dropping Recreation from the Advisory Measure; the City Council by consensus unanimously agreed to drop Recreation from the Advisory Measure.

City Manager Miller then presented the schedule necessary for the ballot measure (listed above). She emphasized the March 11th deadline to present all the necessary documentation to the County Elections Department. She explained that if approved, the tax would go into effect October 1, 2016 (first day the tax would be assessed). She stated that the City would not receive the first benefits of the sales tax assessments until March 2017. She further stated the estimated cost to place on the ballot is \$7,000 - \$11, 000; the actual cost will not be known until after the election.

Audience:

- Staff can recommend, however it is the City Council that ultimately makes the decision. Individual also suggested finding a means for interim financing while awaiting the outcome of a sales tax if passed.
- Stated he would be willing to pay an additional half cent or even one cent sales tax if it means that it will provide the necessary funding for our Police and Fire and put an end to this budgetary problem.
- Asked if a sunset clause would be attached to the sales tax measure; City Attorney Jody Burgess stated that would be up to the City Council.
- Councilor Linnet stated that previously he was against new taxes, however he would be in favor of this item only if the budgets do not rise in the next few years, specifying not increasing staffing, etc.
- Was asked, if it does pass what is the plan?
- Councilor Dickison stated that she has enough faith in our Department Heads that they won't spend the money until we have it.
- Councilor Cardenas stated that he doesn't believe we should spend the money until received i.e. no new staffing.
- Statement from audience member that he was more in favor of a Special Tax however he understands that it is harder to pass. He said that he has no problem with paying the extra half cent tax and asked about a salary freeze.
- Asked if we know how much of the sales tax comes from outside the area, and how much comes from local residents; City Manager Miller stated that 58% of our sales tax comes from the Truckstops and stated that we don't have any other data to provide.
- Requested clarification regarding funding in relation to water and sewer; individual stated that previously the statement was made that you can't take funds from water and sewer. City Attorney Jody Burgess and City Manager Miller responded to question. City Manager Miller explained her methodology regarding the need for getting water and sewer within the City Limits on the west side of the Freeway which could grow our sales tax.
- Reminded Council that there are properties along Hwy. 99W that are undeveloped, he suggested that we should wait until those areas are developed before paying to get water/sewer on the west side of the Freeway.
- Stated that he tried to develop within the City but the Development Impact Fees in Corning were higher than the fees in the County. (City Manager Miller provided information relating to fees imposed by surrounding communities, of which the Cities were lower.)

Councilman Linnet moved to direct Staff and the City Attorney to draft and process the necessary Ordinance and Resolutions to place a ½ cent General Sales Tax Initiative on the June 7th Presidential Primary ballot. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

Item 1-D: Contracting out Police and/or Fire Dispatch. Staff Recommendation Item 1.D:

- *If the City Council provides direction to Staff to initiate a General Sales Tax Measure, Staff recommends the City Council direct Staff to also negotiate an Agreement with CalFire and the Tehama County Sheriff's Department that can be immediately brought forward in the event the voters do not approve the Sales Tax Measure at the June 7th election.*
- *If the City Council does not approve Items 1.A, 1.B. or 1.C, Staff recommends the City Council approve option 1.D.*

City Manager Miller stated that the former City Manager John Brewer reported the following cost estimates to contract out for Police and Fire Dispatch Services to the Tehama County Sheriff's Department and CalFire, respectively:

	Police Dispatch Service Details-TCSO	Annual Cost
Option A	24 hr./day/7 days a week	\$180,697
Option B	12 hr./day/7 days a week	\$120,464
Option C	12 hr./day/5 days a week, 24 hr./day on weekends	\$135,522

	Fire Dispatch Service Details-CalFire	Annual Cost
	24 hr./day/7 days a week	\$60,000 to \$65,000

City Manager Miller clarified that the above stated costs are **estimates only** at this time.

By contracting out Police Dispatch Services, the net annual savings would be approximately \$302,000. She stated that she has confirmed, if Police Dispatch is not operated 24/7, the City must repay the Dispatch Remodel grant funds received in the amount of \$197,989. In Year 1, the annual savings would be \$121,303.

By contracting out Fire Dispatch Services the net savings would be approximately \$289,013, less contract revenue it will no longer receive, for a total of approximately \$258,000.

By contracting out for both Police and Fire Dispatch, Year 1 savings would net approximately \$379,000, and each year thereafter approximately \$560,000 (less the cost of Staff to maintain fire equipment and provide customer service/records documentation at the Police Department). This would largely resolve the City's budget deficit, but would not provide much needed funding for street maintenance, the Recreation Department, and Infrastructure to support economic development. The City would also lose valued employees and local control of services.

She stated that in light of the fact that the City Council approved pursuing the General Tax Measure, we must have a back up plan ready to go in the event that the tax measure does not pass. She stated that she is recommending that the Council approve Staff pursuing contracting out **only in the event that the Tax measure does not pass.**

Audience:

- Stated that the cost could change and explained the process for obtaining approval.
- Art Frolli stated his concerns relating to meet and confer on the Dispatcher Jobs. He explained that this could possibly be considered unfair labor practices. He advised the Council to not move forward until the "Meet and Confer" at this time. City Attorney Jody Burgess stated that Council can still discuss this and have Staff explore this option to confirm what steps need to be made. Mr. Frolli stated his concern is with the way the recommendation is written; City Attorney Burgess clarified the statement.
- The concern was stated regarding, that when presented to the County Board of Supervisors (contracting with the Sheriff's Dept. for dispatch services), they would not approve by contract.

With no further comments from the audience, Councilor Linnet stated that it still appears that we are putting the budget cuts on the backs of Public Safety (Fire & Police). He would like to see it spread over all employees, not just public safety employees.

More audience comments:

- Stated salary cuts would have to be equitable.
- City Attorney Burgess clarified that tonight what is being asked is to start the process of contract negotiation, which is a lengthy process.
- Mayor Strack stated that in his experience it will come to layoffs, the salary reductions do not work.

Councilor Cardenas moved to give Staff direction to explore contract negotiations and the labor negotiation process in the event the Tax Measure doesn't pass. Councilor Dickison seconded the motion.

Councilor Linnet wanted to confirm that you are putting this all on Public Safety's back.

- Audience member asked for clarification regarding Council's direction to Staff to clarify that Staff is to explore contract negotiations in the event that the Sales Tax doesn't pass.

Ayes: Strack, Dickison, Cardenas and Smith. Opposed: Linnet. Abstain/Absent: None. Motion was approved by a 4-1 vote with Linnet opposing.

Mayor Strack provided a summary of the actions taken on all recommendations.

H. ADJOURNMENT!: 7:23 P.M.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, JANUARY 26, 2016
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

All members of the City Council were present.

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

D. INVOCATION: Led by Mayor Strack.

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

F. BUSINESS FROM THE FLOOR:

Audience Comments:

- Stanmar/Divisadero Drive resident reported on the 4" – 6" hail storm experienced on Saturday, January 23rd in his neighborhood and the immediate assistance provided by the Corning Volunteer Fire Department. He stated that the City Public Works Department showed up about an hour later with equipment to move the ice and worked into the night; they were back the next morning to further remove the ice. Mayor Strack stated that all of the Departments worked very well together. Councilor Linnet stated that the Police Officers were directing traffic, Public Works and the Fire Department all worked well together.
- Commended the youth of the community for taking safety into consideration during the storm event. Resident also asked about the Building Official Outreach Flyer and the positions association with public works inspections; City Manager Kristina Miller responded stating that she and the City Attorney reviewed the job announcement and both believe that it adequately reflects the job.

Following Council discussion, Councilor Cardenas moved to place a statement in the position announcement that the candidate will be working at the direction of the Public Works Director and will be assigned other duties other than those of the Building Official. Councilor Dickison seconded the motion.

City Manager Miller stated that she wanted to clarify that this is a mandatory skill the Council wants of this person as that could severely limit the applicant pool. Councilor Cardenas stated that he is looking at someone being hired as a Building Official, however if this individual is only working 50% of their time on inspection duties, and the rest of the time working with or assisting the Public Works Crew, they need to know that those are the skills required. Public Works Director Dawn Grine stated that the majority of the work Terry does in relation to Public Works is building maintenance, specifically in a construction manner such as the Transportation Center Repairs and the Rodgers Theater. Councilor Cardenas stated that in fairness to the applicant, the City needs to clarify the duties the applicant would be expected to do.

Councilor Cardenas amended his first motion to state that the candidate will be under the direction of the City Manager and will perform "other duties as assigned by the City Manager". Councilor Dickison seconded the motion. (City Attorney Jody Burgess clarified that the Council is not changing the Job Classification, the Council is simply giving definition on what that job's responsibility presently is and giving Staff direction to confirm this information during the recruitment process). **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

- **Michael Linnet-Canida:** Thanked the City Council for making the new Park announcing that it was heavily used yesterday, the first day of sunshine following the recent storms. Many people (children and parents) were utilizing the trails, playground and basketball courts.

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 request 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 January 12, 2016 City Council Meeting with any necessary corrections:**
3. **January 20, 2016 Claim Warrant - \$102,028.80.**
4. **January 20, 2016 Business License Report.**
5. **Refund Use Permit Application Fee in the amount of \$560 for Basra Mini Mart, Use Permit is not required for off-site sales of beer and wine.**

Councilor Smith moved to approve Consent Agenda Items 1-5. Councilor Dickison seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

6. **Finding of Public Convenience or Necessity for Off-Sale Beer and Wine License (Type 20) for Basra Mini Mart.** Application for an Off-Sale Beer and Wine License (Type 20) with the California Department of Alcoholic and Beverage Control (ABC) and finding of Public Convenience or Necessity for a beer and wine license located at 2015 Solano Street.

City Manager Kristina Miller briefed the City Council on the proposal and Mayor Strack noted that the applicant was present in the audience to respond to any questions. With no questions, Councilor Cardenas motioned, having considered any Public and Staff input, find that the "Public Convenience or Necessity" will be served, as required under Business and Professions Code Section 23958.5 (B)(2), and direct Staff to complete the ABC form and return it to the State Department of Alcoholic Beverage and Control. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

7. **Consideration and Action of Transactions and Use Tax Resolutions and Ordinances:**

(The items below are listed in the order in which they were discussed, not the order as listed on the Agenda)

- c) **Resolution No. 01-26-2016-02, A Resolution of the City Council of the City of Corning calling for an Election and submitting to the Electorate at the June 7, 2016 Special Election consolidated with the Statewide Presidential Primary Election an Advisory Measure related to the use of the General Tax Revenues and requesting that it be consolidated with the Statewide Presidential Primary Election on June 7, 2016.**

Mayor Strack motioned that the City not attach an Advisory Measure (as stated in Resolution 01-26-2016-02 with Exhibit A, if approved there is no need to take action on this Resolution). Councilor Linnet seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

Audience Comments:

- Questioned the wording on Resolution 01-26-2016-01, specifically the word "Dispatch" on the Ballot Measure and he explained his concerns.
- Agrees with Mayor Strack regarding removing the Advisory Measure from the Ballot Measure due to the budgetary circumstances.

City Attorney Burgess requested that Council next consider Ordinance 663 for action, (Item 7-B).

- b) **Ordinance 663, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting Electorate for the City of Corning, and Ordinance 663 Summary.**

Mayor Strack introduced Ordinance 663 and City Attorney Burgess introduced the associated Summary Ordinance reading it in its entirety. Mr. Burgess clarified that the Council is passing the Ordinance to allow the Ballot Measure to go to vote by the Electorate.

Audience Comments:

- Suggestion was made to list the required vote for passage within the Ordinance.

Councilor Cardenas moved to introduce for first reading Ordinance 663, an Ordinance of the City Council of the City of Corning moving to add Chapter 3.21 to the Corning Municipal Code to impose a Transactions and Use Tax to be administered by the State Board of Equalization upon approval by a majority of the voting Electorate for the City of Corning. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

- a) **Resolution No. 01-26-2016-01, a Resolution of the City Council of the City of Corning declaring an emergency pursuant to Article XIII (C), Section 2 (B) of the California Constitution, calling for the placement of a General Tax Measure on the Ballot of the June 7, 2016 Presidential Primary Election to adopt a Transaction and Use Tax, and requesting that the County of Tehama consolidate this Election with the Statewide Primary Presidential Election.**

City Attorney Jody Burgess introduced and explained the necessity of this Resolution. He stated that the Resolution is in part a "Declaration of an Emergency" (to allow the Measure to be placed on the Primary Ballot in June rather than the Municipal Ballot in November) and stated that it requires a unanimous vote of the Council. He further explained that this Resolution also calls for the placement of a General Tax Measure on the Ballot of the June 7, 2016 Presidential Election to adopt a Transaction and Use Tax and requests that the County of Tehama Consolidate this Election with the Statewide Primary Presidential Election. Mr. Burgess stated that the wording listed within the box at the top of page 3 of the Resolution ("used for police and fire services, dispatch as well as any other lawful municipal use?" as was questioned earlier by an audience member) could be changed if Council so desires, however he emphasized that this Resolution must be approved by a unanimous vote of the Council in order for the Ballot Measure to legally go forward and be placed on the ballot.

Audience Comments:

- Statement requesting to see the word “dispatch” removed from the ballot was made again; if it was left in, the statement was made that the individual would not vote to support the Tax Measure. Following a debate on whether to leave it in, or to remove the word “dispatch”, an audience member suggested revising the wording to state “for existing police and fire public services, or any other lawful municipal use”.

Councilor Dickison moved to adopt Resolution 01-26-2016-01, a Resolution of the City Council for the City of Corning Declaring an Emergency Pursuant to Article XIII (C), Section 2 (B) of the California Constitution, calling for the placement of a General Tax Measure on the Ballot of the June 7, 2016 Presidential Primary Election to adopt a Transaction and Use Tax, and requesting that the County of Tehama consolidate this Election with the Statewide Primary Presidential Election and amend the wording within the box at the top of page 3 of the Resolution to state “Shall the City of Corning be authorized to enact a Transactions and Use Tax (sales tax) of one-half of one percent with all proceeds placed in the City of Corning’s General Fund to be used for existing Police and Fire Public Services, or any other lawful municipal use. Councilor Smith seconded the motion. **Ayes: Strack, Dickison, Linnet, Cardenas and Smith. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

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

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

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: Reported on the Tripartite Board Committee meeting last week and stated that she will be attending the Tehama County Heritage and Historical Records Committee this Thursday.

Linnet: Reported he will be attending the Tehama County Solid Waste Management Agency (JPA) Executive Meeting next Thursday here in the Corning Council Chambers; provided an update on the graffiti tagging and that he had collected and returned 31 shopping carts.

Cardenas: Reported on his attendance at the Chamber of Commerce meeting tonight where they discussed the upcoming car show (Mayor Strack suggested coordinating this with the Downtown Streetscape Project Contractor if planning to utilize Solano St.). He also announced that James Pendergraft has been hired as the new Chamber Manager effective Feb. 1st

Smith: Nothing.

Strack: Reiterated that the City of Corning Employees and Volunteers worked great during the storm and thanked them for this service.

N. ADJOURNMENT!: 7:50 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: February 3, 2016

SUBJECT: Cash Disbursement Detail Report for the
Tuesday February 9, 2016 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending 01-27-16	\$	47,283.17
B.	Payroll Disbursements	Ending 01-26-16	\$	93,350.83
C.	Cash Disbursements	Ending 01-29-16	\$	87.73
D.	Cash Disbursements	Ending 02-03-16	\$	134,857.28
E.	Payroll Disbursements	Ending 02-02-16	\$	35,887.94
			GRAND TOTAL	<u>\$ 311,466.95</u>

REPORT.: Jan 27 16 Wednesday
 RUN.: Jan 27 16 Time: 15:22
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 01-16 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
021607	01/27/16	BAN05	BANNER BANK	25.00	.00	25.00	711600012	OFFICE SUPPLIES-POLICE
021608	01/27/16	BAS01	BASIC LABORATORY, INC	352.00	.00	352.00	1600603	ProfServices Water Dept
				126.00	.00	126.00	1600743	ProfServices Water Dept
				132.00	.00	132.00	1600774	ProfServices Water Dept
			Check Total.....	610.00	.00	610.00		
021609	01/27/16	BAS04	BASRA, GURINDER SINGH	560.00	.00	560.00	160127	REFUND FOR USE PERMIT 201
021610	01/27/16	BIC01	BICKLEY'S AIR CONDITIONIN	1773.37	.00	1773.37	1892	BLD MAINT-TRANS FAC
021611	01/27/16	BIG02	BIG VALLEY SANITATION, IN	43.75	.00	43.75	23916	MAT & SUPPLIES-AIRPORT
021612	01/27/16	CAM02	FERGUSON ENTERPRISES INC.	130.21	.00	130.21	1148163	MAT & SUPPLIES-
021613	01/27/16	CEN01	CTR OF EXCELLENCE IN EDU.	900.00	.00	900.00	01-16	TRAINING/ED-POLICE
021614	01/27/16	DEP03	DEPT OF TRANS/CAL TRANS	224.60	.00	224.60	SL160398	Equip.Maint. St&Trf Light
021615	01/27/16	ECH00	ECHOLON TRANSPORTATION GR	13269.50	.00	13269.50	15-501-13	PROF SVCS-PED TRANS GRANT
021616	01/27/16	FRE03	FREIGHTLINER, INC.	202.38	.00	202.38	F509700	VEH OP/MAINT-
021617	01/27/16	KNI00	KNIFE RIVER CONSTRUCTION	501.26	.00	501.26	166345	MAT & SUPPLIES-STR
021618	01/27/16	MUN03	MUNNELL & SHERRILL, INC.	17.20	.00	17.20	164287	MAT & SUPPLIES-
021619	01/27/16	NOR10	NICOLINO CLEMENTE	126.44	.00	126.44	04556	BLD MAINT-TRANS FAC
021620	01/27/16	QUI02	QUILL CORPORATION	328.09	.00	328.09	2489451	OFFICE SUPPLIES-
021621	01/27/16	SON03	SONSRAY MACHINERY, LLC	79.06	.00	79.06	P03395-06	MACH/EQUIP-
021622	01/27/16	STA21	STATEWIDE TRAFFIC SAFETY	189.20	.00	189.20	08002374	SIGN REPLACEMENT-STR
021623	01/27/16	STR12	STROING, KYLEE	431.18	.00	431.18	160126	TRAINING/ED-POLICE
021624	01/27/16	SUB01	SUBURBAN PROPANE	60.00	.00	60.00	22144	PROPANE-AIRPORT
021625	01/27/16	SUN13	SUN RIDGE SYSTEMS, INC	25981.93	.00	25981.93	4366	RIMS SOFTWARE-POLICE
021626	01/27/16	ULT10	ULTRAMAX AMMUNITION	1830.00	.00	1830.00	156518	Safety Items PoliceServic

Cash Account Total..... 47283.17
 Total Disbursements..... 47283.17
 Cash Account Total..... .00

REPORT.: Jan 27 16 Wednesday
 RUN....: Jan 27 16 Time: 15:22
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 01-16 Bank Account.: 1025

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description	Payment Information
7020	01/20/16	AME20	AMERICAN WEST BANK	7157.27	.00	7157.27	B60119	HSA DEDUCTIBLE	
7021	01/20/16	BAN03	POLICE OFFICER ASSOC.	200.00	.00	200.00	B60119	POLICE OFFICER ASSOC	
7022	01/20/16	CAL37	CALIFORNIA STATE DISBURSE	430.61	.00	430.61	B60119	WITHHOLDING ORDER	
7023	01/20/16	EDD01	EMPLOYMENT DEVELOPMENT	4082.77	.00	4082.77	B60119	STATE INCOME TAX	
				1065.45	.00	1065.45	1B60119	SDI	
			Check Total.....	5148.22	.00	5148.22			
7024	01/20/16	ICM01	ICMA RETIREMENT TRUST-457	557.38	.00	557.38	B60119	ICMA DEF. COMP	
				182.50	.00	182.50	1B60119	ICMA DEF. COMP ER PD	
			Check Total.....	739.88	.00	739.88			
7025	01/20/16	PERS1	PUBLIC EMPLOYEES RETIRE	33419.56	.00	33419.56	B60120	PERS PAYROLL REMITTANCE	
7026	01/20/16	PERS4	Cal Pers 457 Def. Comp	1419.71	.00	1419.71	B60119	PERS DEF. COMP.	
				242.50	.00	242.50	1B60119	PERS DEF. COMP. ER P	
			Check Total.....	1662.21	.00	1662.21			
7027	01/20/16	VAL06	VALIC	1752.48	.00	1752.48	B60119	AIG VALIC P TAX	
				165.00	.00	165.00	1B60119	AIG VALIC P TAX ER P	
			Check Total.....	1917.48	.00	1917.48			
7028	01/26/16	AFL01	AMERICAN FAMILY LIFE	2623.02	.00	2623.02	B60131	AFLAC INS. PRE TAX	
				252.58	.00	252.58	1B60131	AFLAC INS. AFTER TAX	
			Check Total.....	2875.60	.00	2875.60			
7029	01/26/16	BLU02	BLUE SHIELD OF CALIFORNIA	25323.69	.00	25323.69	B60131	MEDICAL INSURANCE	
7030	01/26/16	OEU01	OPERATING ENGINEERS #3	6512.00	.00	6512.00	B60131	MEDICAL INSURANCE	
7031	01/26/16	OEU02	OPERATING ENG. (DUES)	366.00	.00	366.00	B60131	UNION DUES MGMT	
				732.00	.00	732.00	1B60131	UNION DUES POLICE	
				440.00	.00	440.00	2B60131	UNION DUES DISPATCH	
				728.00	.00	728.00	3B60131	UNION DUES-MISC	
			Check Total.....	2266.00	.00	2266.00			
7032	01/26/16	PRI04	PRINCIPAL PLIC-SBD GRAND	2877.75	.00	2877.75	B60131	DENTAL INSURANCE	
				580.56	.00	580.56	1B60131	VISION INSURANCE	
				2240.00	.00	2240.00	2B60131	LIFE INSURANCE	
			Check Total.....	5698.31	.00	5698.31			
			Cash Account Total.....	93350.83	.00	93350.83			

Total Disbursements..... 93350.83 .00 93350.83
=====

REPORT: Jan 29 16 Friday
 RUN: Jan 29 16 Time: 12:59
 Run By: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 01-16 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
021627	01/29/16	\L058	DIANA LYNN	10.55	.00	10.55	000B60101	MQ CUSTOMER REFUND FOR LY
021628	01/29/16	\Q003	QUILT 'N THYME SEW & VAC	25.76	.00	25.76	000B60101	MQ CUSTOMER REFUND FOR QU
021629	01/29/16	\R085	MISTY RUSSELL	16.08	.00	16.08	000B60101	MQ CUSTOMER REFUND FOR RU
021630	01/29/16	\W049	ROGER WHITE	35.44	.00	35.44	000B60101	MQ CUSTOMER REFUND FOR WH
Cash Account Total.....:				87.83	.00	87.83		
Total Disbursements.....:				87.83	.00	87.83		

REPORT.: Feb 03 16 Wednesday
 RUN...: Feb 03 16 Time: 14:36
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 02-16 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
021633	02/01/16	BUR05	BURGESS & BOGENER, INC.	5525.00	.00	5525.00	000B602011	CONSULTING SVCS-LEGAL SVC
021634	02/01/16	COR07	CORBIN WILLIITS SYSTEMS	729.72	.00	729.72	000B602011	EQUIP MAINT-FINANCE
021635	02/01/16	COR09	CORNING CHAMBER OF COMM.	1000.00	.00	1000.00	000B602011	ECONOMIC DEVELOPMENT
021636	02/01/16	COR50	CORY, TARA	5833.33	.00	5833.33	000B602011	COUNSELOR-BCJI PROGRAM
021637	02/01/16	HAL05	HALL, ROBERT	104.70	.00	104.70	000B602011	PROF SVCS-FIRE DEPT
021638	02/01/16	KEN00	KEN VAUGHAN & SONS	1200.00	.00	1200.00	000B602011	LANDSCAPE MAINT-
021639	02/01/16	PES00	PESTMASTER SERVICES OF NO	1662.50	.00	1662.50	000B602011	TREE/PEST/WEED SPRAY-
021640	02/01/16	PIT01	PITNEY BOWES	173.21	.00	173.21	000B602011	EQUIP LEASE-FINANCE
021641	02/01/16	TOM03	TOMLINSON JR., ROBERT L.	54.70	.00	54.70	000B602011	PROF SVCS - FIRE DEPT
021642	02/01/16	WHI05	WHITE GLOVE CLEANING SERV	3115.00	.00	3115.00	000B602011	JANITORIAL SVCS-
021643	02/01/16	ATT15	AT&T MOBILITY	514.60	.00	514.60	160119	COMMUNICATIONS-
021644	02/01/16	BLD04	BLUE BEACON INTERNATIONAL	16.00	.00	16.00	037143400	MAT & SUPPLIES-PARKS
021645	02/01/16	CAM02	FERGUSON ENTERPRISES INC.	290.25	.00	290.25	1148729	MAT & SUPPLIES-WTR
021646	02/01/16	COR08	CORNING LUMBER CO INC	100.11	.00	100.11	160125	MAT & SUPPLIES-
021647	02/01/16	COR11	CORNING SAFE & LOCK	46.44	.00	46.44	0043	MAT & SUPPLIES-POLICE
021648	02/01/16	EEL00	EEL RIVER FUELS, INC.	333.83	.00	333.83	461784	NATURAL GAS-ACO
021649	02/01/16	GRA02	GRAINGER, W.W., INC	18.71	.00	18.71	900340967	EQUIP MAINT-FIRE
021650	02/01/16	HOM03	HOME DEPOT	86.14	.00	86.14	1181321	MAT & SUPPLIES-PARKS
021651	02/01/16	KN100	KNIFE RIVER CONSTRUCTION	583.21	.00	583.21	166449	MAT & SUPPLIES-STR
021652	02/01/16	LEA02	LEAGUE OF CA CITIES	50.00	.00	50.00	4431	ASSOC DUES-CITY ADMIN
021653	02/01/16	LNCO1	LN CURTIS & SONS	133.09	.00	133.09	138429800	EQUIP MAINT-FIRE
021654	02/01/16	NAP01	NAPA AUTO PARTS	233.87	.00	233.87	160124	MAT & SUPPLIES-
021655	02/01/16	NOR31	NORM'S PRINTING	95.22	.00	95.22	015817	OFFICE SUPPLIES-FINANCE
021656	02/01/16	PGE01	PG&E	488.81	.00	488.81	160126	ELECT-
				1102.29	.00	1102.29	160126A	ELECT-

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
Check Total.....				1591.10	.00	1591.10		
021657	02/01/16	PGE2B	PG&E	6031.99	.00	6031.99	150122	ELECT-WWTP
021658	02/01/16	REV01	REVIVAL ANIMAL HEALTH	552.92	.00	552.92	236941	MAT & SUPPLIES-ACO
021659	02/01/16	RYA04	RYAN APPRAISALS	1650.00	.00	1650.00	215034KEH	PROF SVCS-AIRPORT
021660	02/01/16	SEV00	SEVERN TRENT ENVIRONMENTA	52949.90	.00	52949.90	2082457	PROF SVCS-
Check Total.....				18027.25	.00	18027.25	2082561	PROF SVCS-
Check Total.....				70977.15	.00	70977.15		
021661	02/01/16	TEH28	TEHAMA CO HEALTH AGENCY	112.74	.00	112.74	2017-0126	EMPLOYEE PHYSICALS-PW ADM
021662	02/01/16	TEH31	TEHAMA COUNTY MOSQUITO &	161.60	.00	161.60	150630	GEN INS-GEN CITY
Check Total.....				167.01	.00	167.01	160630	GEN INS-GEN CITY
Check Total.....				328.61	.00	328.61		
021663	02/01/16	3C000	3CORE, INC.	13000.00	.00	13000.00	160201	THEATRE FLOORING-RODGERS
021664	02/03/16	AND01	ED ANDERSON	1815.00	.00	1815.00	16-0202	PROF SVCS-
021665	02/03/16	AND03	ANDERS, JOANN	210.00	.00	210.00	16-104	PROF SVCS-ADMIN
021666	02/03/16	ATT02	AT&T	1246.17	.00	1246.17	160125	COMMUNICATIONS-
021667	02/03/16	ATT14	AT&T	161.18	.00	161.18	160123F	COMMUNICATIONS-FIRE
021668	02/03/16	BAS01	BASIC LABORATORY, INC	126.00	.00	126.00	1600979	ProfServices Water Dept
Check Total.....				44.00	.00	44.00	1600982	ProfServices Water Dept
Check Total.....				170.00	.00	170.00		
021669	02/03/16	BAT01	BATTERIES PLUS	85.46	.00	85.46	311-10668	MAT & SUPPLIES-POLICE
021670	02/03/16	CAM02	FERGUSON ENTERPRISES INC.	419.12	.00	419.12	1145895	MAT & SUPPLIES-WTR
Check Total.....				290.25	.00	290.25	1148729-1	MAT & SUPPLIES-WTR
Check Total.....				709.37	.00	709.37		
021671	02/03/16	COM01	COMPUTER LOGISTICS, INC	29.00	.00	29.00	66840	EQUIP MAINT-GEN CITY
Check Total.....				28.00	.00	28.00	66841	COMMUNICATIONS-POLICE
Check Total.....				57.00	.00	57.00		
021672	02/03/16	COR01	CORNING VETERINARY CLINIC	307.68	.00	307.68	48436	PROF SVCS-

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
021673	02/03/16	COR45	CORNING ACE HARDWARE	257.42	.00	257.42	160127	MAT & SUPPLIES-
021674	02/03/16	DM001	DM-TECH	119.90	.00	119.90	1753	COMMUNICATIONS-GEN CITY
021675	02/03/16	HOL04	HOLIDAY MARKET #32	22.40	.00	22.40	111321202	MAT & SUPPLIES-
				26.94	.00	26.94	130321202	MAT & SUPPLIES-BLD MAINT
			Check Total.....	49.34	.00	49.34		
021676	02/03/16	INT01	INTERLAND BUSINESS SUPPLY	48.38	.00	48.38	911	MAT & SUPPLIES-CITY CLERK
				40.58	.00	40.58	912	MAT & SUPPLIES-CITY CLERK
			Check Total.....	88.96	.00	88.96		
021677	02/03/16	JAC02	JACOBUS, BOB	42.09	.00	42.09	012816410	EQUIP MAINT-SWR
				56.92	.00	56.92	128164109	SMALL TOOLS-MECH MAINT
			Check Total.....	99.01	.00	99.01		
021678	02/03/16	KN100	KNIFE RIVER CONSTRUCTION	1164.28	.00	1164.28	166643	MAT & SUPPLIES-STIR
021679	02/03/16	MCC07	MCCOY'S HARDWARE & SUPPLY	74.97	.00	74.97	160127	MAT & SUPPLIES-
021680	02/03/16	MOU02	MOULE'S TEHAWA COUNTY GLA	160.00	.00	160.00	50451	BLD MAINT-TRANS FAC
021681	02/03/16	NOR25	NORTHERN LIGHTS ENRGY, INC	1683.47	.00	1683.47	162092	VEH OP/MAINT-
				1990.09	.00	1990.09	162118	MAT & SUPPLIES-
				326.29	.00	326.29	162119	VEH OP/MAINT-FIRE
			Check Total.....	3999.85	.00	3999.85		
021682	02/03/16	NOR31	NORM'S PRINTING	208.66	.00	208.66	015834	PRINTING/ADV-POLICE
				61.81	.00	61.81	015845	OFFICE SUPPLIES-PW ADMIN
			Check Total.....	270.47	.00	270.47		
021683	02/03/16	OFF01	OFFICE DEPOT	259.11	.00	259.11	820215216	OFFICE SUPPLIES-DISPATCH
021684	02/03/16	PAC16	PACIFIC TELEMANAGEMENT SE	38.00	.00	38.00	813839	COMMUNICATIONS-GEN CITY
021685	02/03/16	PGE2A	PG&E	268.84	.00	268.84	160128	ELECT-MCDONALD, CASSANDRA,
				70.61	.00	70.61	160128A	ELECT-MARTINI PLAZA
			Check Total.....	339.45	.00	339.45		
021686	02/03/16	RED07	REDDING OIL COMPANY	1207.92	.00	1207.92	40047	VEH OP/MAINT-
021687	02/03/16	RON03	RON DUPRATT FORD	75.77	.00	75.77	866746	VEH OP/MAINT-

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 02-16 Bank Account.: 1020

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
021687	02/03/16	RON03	RON DUPRATT FORD	203.54	.00	203.54	867647	VEH OP/MAINT-POLICE
				104.43	.00	104.43	867647X1	VEH OP/MAINT-POLICE
			Check Total.....:	383.74	.00	383.74		
021688	02/03/16	SEI01	SEILER, ROY R., CPA	1909.20	.00	1909.20	27334	ProfServices Finance Dept
021689	02/03/16	STA21	STATEWIDE TRAFFIC SAFETY	134.91	.00	134.91	08002439	SIGN REPLACEMENT-STR
				187.65	.00	187.65	08002450	SIGN REPLACEMENT-STR
			Check Total.....:	322.56	.00	322.56		
021690	02/03/16	STO07	STOUFER, JOHN BEDFORD	2747.00	.00	2747.00	160202	PROF SVCS-PLANNING
021691	02/03/16	TEH30	TEHAMA CNTY AIR POLLUTION	319.50	.00	319.50	1516PT037	MAT & SUPPLIES-
021692	02/03/16	XER00	XEROX CORPORATION	140.60	.00	140.60	083369855	EQUIP MAINT-POLICE
			Cash Account Total.....:	134857.28	.00	134857.28		
			Total Disbursements.....:	134857.28	.00	134857.28		
			Cash Account Total.....:	.00	.00	.00		

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
7033	02/02/16	AME20	AMERICAN WEST BANK	7326.47	.00	7326.47	B60202	HSA DEDUCTIBLE
7034	02/02/16	BAN03	POLICE OFFICER ASSOC.	200.00	.00	200.00	B60202	POLICE OFFICER ASSOC
7035	02/02/16	CAL37	CALIFORNIA STATE DISBURSE	430.61	.00	430.61	B60202	WITHHOLDING ORDER
7036	02/02/16	EDD01	EMPLOYMENT DEVELOPMENT	3662.71	.00	3662.71	B60202	STATE INCOME TAX
				974.85	.00	974.85	1B60202	SDI
			Check Total.....:	4637.56	.00	4637.56		
7037	02/02/16	HEA05	HEALTHIEST YOU	36.00	.00	36.00	B60202	HEALTHIEST YOU
7038	02/02/16	ICM01	ICMA RETIREMENT TRUST-457	633.61	.00	633.61	B60202	ICMA DEF. COMP
				182.50	.00	182.50	1B60202	ICMA DEF. COMP ER PD
			Check Total.....:	816.11	.00	816.11		
7039	02/02/16	PERS1	PUBLIC EMPLOYEES RETIRE	18548.71	.00	18548.71	B60202	PERS PAYROLL REMITTANCE
7040	02/02/16	PERS4	Cal Pers 457 Def. Comp	1432.16	.00	1432.16	B60202	PERS DEF. COMP.
				267.50	.00	267.50	1B60202	PERS DEF. COMP. ER P
			Check Total.....:	1699.66	.00	1699.66		
7041	02/02/16	VAL06	VALIC	2007.82	.00	2007.82	B60202	AIG VALIC P TAX
				185.00	.00	185.00	1B60202	AIG VALIC P TAX ER P
			Check Total.....:	2192.82	.00	2192.82		
			Cash Account Total.....:	35887.94	.00	35887.94		
			Total Disbursements.....:	35887.94	.00	35887.94		

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Date.: Feb 3, 2016
 Time.: 3:11 pm
 Run by: LORI

CITY OF CORNING
 NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
 List.: NEMW
 Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
CALIFORNIA DELTA MEC	6056 E. BASELINE RD. #155	MESA, AZ 85206	KITCHUKOV	TODOR	01/26/16	(866)692-5273
DENT DEPOT, LLC	1417 SOLANO ST	CORNING, CA 96021	MILLER	JOANN	02/03/16	(816)786-9208
LARRY G. HUFFMAN CON	360 E. WOOD ST	WILLOWS, CA 95988	HUFFMAN	LARRY	01/21/16	(530)591-9349
N/R TRANSPORT	2730 HALL RD	CORNING, CA 96021	BALLENTINE	CURTIS	01/21/16	(530)824-8801
N/R TRANSPORT	2730 HALL RD.	CORNING, CA 96021	BALLENTINE	RENEE	02/02/16	(530)824-8801
OLIVE CITY PHARMACY	954 HIGHWAY 99W	CORNING, CA 96021	WILLIAMS	DAVID	02/03/16	(530)824-0954
PESTMASTER SERVICES	4243 KEEFER RD.	CHICO, CA 95973 -977	WOOLERY	TRACY	02/02/16	(530)879-1800
QUILT'N THYME SEW &	965 HIGHWAY 99W	CORNING, CA 96021	BELLAMY	SUSAN	01/21/16	(530)209-1117
RUSH DRIVING SERVICE	7382 LINDSEY AVE	ORLAND, CA 95963	RUSH	TAMMY	02/02/16	(000)000-0000

CITY OF CORNING
TREASURER'S REPORT
January 2016

<u>AGENCY</u>	<u>CURRENT BALANCE</u>	<u>RATE</u>
Local Agency Investment Fund	\$1,788,461.72	.37%

Respectfully submitted:



Laura L. Calkins
City Treasurer



**CITY OF CORNING
WASTEWATER OPERATION SUMMARY REPORT
JANUARY 2016**

Severn Trent Services
25010 Gardiner Ferry Rd
P.O. Box 230
Corning, CA 96021
United States

T: +1 530 824 5863
F: +1 530 824 5769

www.severntrentservices.com

Below is a summary of the Monthly Operations Report that will be available for City review on February 2016

- 1) Completed monthly reports.
- 2) Performed weekly Operator 10 maintenance on all plant equipment.
- 3) Changed flow disk.
- 4) Calibrated SO₃ analyzer
- 6) Staff meeting to discuss plant operations and issues.
- 7) Changed chart on So₃ analyzer.
- 8) Safety meeting and daily tailgate meeting
- 9) Received approval from regional board on TSO for dichlorobromomethane
- 10) Inspected eyewash and emergency showers.
- 11) TelStar performed annual flow meter calibration
- 12) Cleaned So₂ pump.
- 13) Checked storm water discharge sites at WWTP and airport.
- 14) WWTP staff attended annual CWEA awards banquet
- 15) Tested all chlorine and So₂ leak sensors.
- 16) Exercised lift station stand –by pump
- 17) Exercised emergency generator.
- 18) Performed monthly Plant inspection

RECEIVED

FEB 01 2016

CITY OF CORNING

- 19) Checked all fire extinguishers.
- 20) Submitted monthly ESMR and DMR
- 21) Completed SSO no spill report.
- 22) Replaced 1 bad battery on emergency generator
- 23) Submitted annual sludge report to EPA
- 24) Submitted annual report to regional board
- 25) Calibrated portable gas meter
- 26) Staff responded to sewer call on Solano St. problem was in private lateral, notified home owner.
- 27) Pacific Crane inspectors here to inspect chlorine and sulfur dioxide hoist
- 28) Changed out belt on # 1 aerator
- 29) Responded to call out for 99W lift station, power outage, back-up generator failed.

January 2016

Domestic Flow Monthly Average = 749,967 GPD

Total KWH= 45,600

2/1/2016
8:40:33AM

CITY OF CORNING
PERMITS ISSUED (sort by Permit #)
For the Period 1/1/2016 thru 1/31/2016

Item No.: G-8
Page 1

Owner and Address	Parcel Number	Issued On	Valuation
HOLIDAY INN EXPRESS 3350 SUNRISE WAY CORNING CA 96021 Permit Description: REPLACE DOOR & C/O WINDW	8709062 Site Street Address: 3350 SUNRISE WAY	1/20/2016	19,000.00
RICHARD ZDEB 1817 SCOTT AVE CORNING CA 96021 Permit Description: CUT IN SPLIT HEAT PUMP	7119308 Site Street Address: 1817 SCOTT AVE	1/5/2016	16,837.00
MARGO CONARD 1305 SOUTH ST CORNING CA 96021 Permit Description: C/O HVAC UNIT	7117201 Site Street Address: 1305 SOUTH ST	1/6/2016	5,598.00
NORTHERN LIGHTS ENERGY 1819 SOLANO ST CORNING CA 96021 Permit Description: ADD ADA RESTROOM	7115301 Site Street Address: 1819 SOLANO ST	1/8/2016	20,000.00
DIGNITY HEALTH MEDICAL FOUND. 2126 SOLANO ST CORNING CA 96021 Permit Description: MEDICAL REMODEL	7133008 Site Street Address: 2126 SOLANO ST	1/11/2016	810,000.00
MARIA MARZARIEGOS 383 RIO VISTA CT CORNING CA 96021 Permit Description: C/O FURNACE	7135042 Site Street Address: 383 RIO VISTA CT	1/14/2016	4,432.00
TONI PARKINS 732 EL VERANO AVE CORNING CA 96021 Permit Description: C/O ELECT SERVICE & ADD SOLAR	7322004 Site Street Address: 732 EL VERANO AVE	1/19/2016	14,365.00

CITY OF CORNING
PERMITS ISSUED (sort by Permit #)
For the Period 1/1/2016 thru 1/31/2016

Owner and Address	Parcel Number	Issued On	Valuation
RAUL HERNANDEZ 1121 COLUSA ST CORNING CA 96021 Permit Description: ADD ROOF MOUNT SOLAR	7111503 Site Street Address: 1121 COLUSA ST	1/20/2016	22,250.00
RICK KING 2067 COLUSA ST CORNING CA 96021 Permit Description: REMODEL ADDITION	7106212 Site Street Address: 2067 COLUSA ST	1/18/2016	57,000.00
WILLIAM AULABAUGH 2155 COLUSA CR. CORNING CA 96021 Permit Description: C/O ELECT. SERVICE	7106205 Site Street Address: 2155 COLUSA CR.	1/19/2016	100.00
TONI PARKINS 732 EL VERANO AVE CORNING CA 96021 Permit Description: C/O HVAC	7322004 Site Street Address: 732 EL VERANO AVE	1/19/2016	5,470.00
JACK OLIVERA 940 BUTTE ST CORNING CA 96021 Permit Description: TEAR OFF & REROOF	7304307 Site Street Address: 940 BUTTE ST	1/20/2016	5,995.00
TERRI JAMISON 1335 FIFTH AVE CORNING CA 96021 Permit Description: ADD WATER ,SEWER, &ELECT FOR LAUNDRY	7127239 Site Street Address: 1335 FIFTH AVE	1/20/2016	800.00
ADAN GUTIERREZ VAZQUEZ 1205 HWY 99W CORNING CA 96021 Permit Description: C/O ELECT. SERVICE	1205 HWY 99W Site Street Address: 1205 HWY 99W	1/22/2016	600.00
GENARO MENDOZA 1924 McKINLEY CORNING CA 96021 Permit Description: ADD ROOF MOUNT SOLAR	7115113 Site Street Address: 1924 McKINLEY	1/26/2016	12,818.00

CITY OF CORNING
PERMITS ISSUED (sort by Permit #)
For the Period 1/1/2016 thru 1/31/2016

Owner and Address	Parcel Number	Issued On	Valuation
LILA PHILLIPS 1564 FIFTH AVE CORNING CA 96021 Permit Description: REPLACE SEWER & WATER MAINS	7127110 Site Street Address: 1564 FIFTH AVE	1/26/2016	2,887.00
VERNA TREAT 1372 FOURTH AVE CORNING CA 96021 Permit Description: C/O ELECT. SERVICE	7127220 Site Street Address: 1372 FOURTH AVE	1/26/2016	500.00
COLLEEN CANIDA 241 CORONA CORNING CA 96021 Permit Description: C/O WATER HEATER	7327001 Site Street Address: 241 CORONA	1/26/2016	1,391.00
SENORINO HERNANDEZ 1438 MARIN ST CORNING CA 96021 Permit Description: ADD GAS LINE	7112616 Site Street Address: 1438 MARIN ST	1/28/2016	200.00
19 Permits Issued from		1/1/2016 Thru 1/31/2016	OR A TOTAL VALUATION OF \$1,000,243.00
*** END OF REPORT ***			

ITEM NO: G- 9
ORDINANCE 663 AND ORDINANCE SUMMARY, AN ORDINANCE TO ADD CHAPTER 3.21 TO THE CORNING MUNICIPAL CODE TO IMPOSE A TRANSACTIONS AND USE TAX (Second Reading)

February 9, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: KRISTINA MILLER, CITY MANAGER
JODY BURGESS, CITY ATTORNEY

SUMMARY:

At the January 18th City Council Meeting, Council chose to proceed with the action recommended by the Ad-Hoc Committee to initiate a ballot measure for a Supplemental Sales Tax. In response, City Staff began compiling and processing the necessary pre-election documents required to submit to the County Elections Department by their deadline of March 11, 2016. As part of these documents, Council must conduct the second reading and adopt the attached Ordinance No. 663 and associated Ordinance Summary (for publication). The timeline for the proposed tax implementation, and if passed, receipt of first tax revenue is listed below:

- February 9, 2016: Adopt Ordinance 663 and associated Summary Ordinance.
- March 11, 2016: All Sales Tax Measure Documents delivered to County Elections Department.
- June 7, 2016: Presidential Primary Election.
- October 1, 2016 "Operative Date": If measure is approved by a majority of voters, first day sales tax is assessed.
- Late March 2017: City receives first quarterly ½ cent sales tax payment for the fourth quarter of 2016.

BACKGROUND:

A general transaction and use tax (sales tax) measure was chosen over a special tax, as a general sales tax only requires a majority of the electorate voting in an election for passage. A special tax requires a 2/3 majority.

Need:

Sales tax revenue in the last two years has not outpaced inflation. As a result, the Fund Balance for the City declined by \$185,515 to \$1,102,812 at June 30, 2015. It is projected the Fund Balance will decline further by \$565,966 to \$536,846 by June 30, 2016.

To accommodate the reduction in revenue, the City has already implemented the following in the General Fund:

- Not filled vacancies.
- Continued the contract with the Planning Consultant.
- Refinanced PERS Side Fund Debt for a savings of \$50,000 in total to the General Fund and non-General Fund.
- Approved Lease with Verizon Wireless for a cell tower in Clark Park which generates \$16,000 per year.

Since Police, Fire, and Public Works constitute 63%, 14%, and 10% of the General Fund, respectively, it is difficult to reduce costs without affecting essential services, especially since the Fire Department is largely operated by volunteers.

Based on current per capita consumption rates, Hinderliter de Llamas and Associates (HdL) estimate a ½ cent sales tax would generate approximately \$1,006,000 the first year, and approximately \$1,115,000 in subsequent years. A ½ cent sales tax is proposed. Individually a consumer would pay an additional “penny” for every \$2.00 purchase.

CITY FISCAL IMPACT:

There will be a cost associated with the preparation of the tax measure for the June 2016 ballot. Estimated election costs to place the sales tax measure on the ballot are estimated between \$7,000 and \$11,000. The City will not know the actual cost until after the election is conducted.

RECOMMENDATION:

MAYOR AND CITY COUNCIL ADOPT THE FOLLOWING:

- 1.) ORDINANCE NO. 663 AND ASSOCIATED ORDINANCE SUMMARY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING MOVING TO ADD CHAPTER 3.21 TO THE CORNING MUNICIPAL CODE TO IMPOSE A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION UPON APPROVAL BY A MAJORITY OF THE VOTING ELECTORATE FOR THE CITY OF CORNING.**

Ordinance No.: 663
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING
MOVING TO ADD CHAPTER 3.21 TO THE CORNING MUNICIPAL CODE TO
IMPOSE A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE
BOARD OF EQUALIZATION UPON APPROVAL BY A MAJORITY OF THE VOTING
ELECTORATE FOR THE CITY OF CORNING

WHEREAS, pursuant to California Revenue and Taxation Code Section 7285.9 the City of Corning ("City") has the authority to levy a Transactions and Use Tax for general purposes; and

WHEREAS, the City would like to levy a one-half of one percent (0.50%) Transactions and Use Tax for general purposes to fund essential City services; and

WHEREAS, the City believes only a locally-approved voter funding source would guarantee that new revenue stays in Corning to help the City continue to provide essential services to its residents while addressing a growing budget deficit; and

WHEREAS, the City's Transactions and Use Tax Ordinance will be added to the Corning Municipal Code as Chapter 3.21; and

WHEREAS, the City plans to submit a ballot measure to the voters for a majority vote to authorize the Transactions and Use Tax at a special election on June 7, 2016, which would be consolidated with the Statewide Primary Presidential Election.

NOW, THEREFORE, The City Council of the City of Corning does hereby ordain as follows:

Section 1: Title

The Ordinance No. 663 is to be introduced to the voting electorate and shall be known as the Corning Transactions and Use Tax Ordinance of 2016. This Ordinance shall be applicable in the incorporated territory of the City of Corning.

Section 2: Addition

Upon approval by the voters, Chapter 3.21 will be added to the Corning Municipal Code to read in full as set forth in the attached Exhibit "A," which is incorporated into this Ordinance as though fully set forth herein, and is hereby enacted by the City Council subject to Section 4 of this Ordinance.

Section 3: Operative Date

"Operative Date" of the Corning Transactions and Use Tax Ordinance of 2016 means the first day of the first calendar quarter commencing more than 110 days after the adoption of the Ordinance by the voting electorate, the date of such adoption being as set below.

Section 4: Approval by the Voters

The Corning Transactions and Use Tax Ordinance of 2016 shall be submitted to the voters at a special election to be held on June 7, 2016, which is a consolidated election with the Statewide Primary Presidential Election. Upon approval by a majority of the voters of the City voting on this Ordinance, a Transactions and Use Tax shall be authorized and thereby ordained by the People of the City of Corning.

Section 5: Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on **January 26, 2016**, and adopted at a regular meeting of the City Council of the City of Corning, held _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

Summary Published: February 4th and 18th, 2016

“EXHIBIT A”

**TRANSACTIONS AND USE TAX (SALES TAX) ORDINANCE OF 2016 ADDING
CHAPTER 3.21 TO THE CORNING MUNICIPAL CODE**

SECTION 3.21.010	TITLE
SECTION 3.21.020	OPERATIVE DATE
SECTION 3.21.030	PURPOSE
SECTION 3.21.040	CONTRACT WITH STATE
SECTION 3.21.050	TRANSACTIONS TAX RATE
SECTION 3.21.060	PLACE OF SALE
SECTION 3.21.070	USE TAX RATE
SECTION 3.21.080	ADOPTION OF PROVISIONS OF STATE LAW
SECTION 3.21.090	LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES
SECTION 3.21.10	PERMIT NOT REQUIRED
SECTION 3.21.11	EXEMPTIONS AND EXCLUSIONS
SECTION 3.21.12	AMENDMENTS
SECTION 3.21.13	ENJOINING COLLECTION
FORBIDDEN	
SECTION 3.21.14	SEVERABILITY
SECTION 3.21.15	EFFECTIVE DATE
SECTION 3.21.16	AUDIT
SECTION 3.21.17	USE OF FUNDS
SECTION 3.21.18	TERMINATION DATE AND NO REVOCATION

The City Council and the people of the City of City of Corning do ordain as follows:

SECTION 3.21.010: TITLE

This Ordinance shall be known as the City of Corning Transactions and Use Tax Ordinance of 2016. The City of Corning hereinafter shall be called "City." This Ordinance shall be applicable in the incorporated territory of the City.

SECTION 3.21.020: OPERATIVE DATE

In accordance with California Government Code, Section 26292.4, the "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance.

SECTION 3.21.030: PURPOSE.

This Ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes as enacted by the people of the City of Corning:

- A. To Impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax Ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax Ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax Ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.
- D. To adopt a retail transactions and use tax Ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance.

SECTION 3.21.040: CONTRACT WITH STATE

Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax Ordinance; provided, that if the City has not contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

SECTION 3.21.050: TRANSACTIONS TAX RATE

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-half of one percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Ordinance.

SECTION 3.21.060: PLACE OF SALE

For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

SECTION 3.21.070: USE TAX RATE

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this Ordinance for storage, use or other consumption in said territory at the rate of one-half of one percent (0.50%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SECTION 3.21.080: ADOPTION OF PROVISIONS OF STATE LAW

Except as otherwise provided in this Ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Ordinance as though fully set forth herein.

SECTION 3.21.090: LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code;

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when;

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

(a.) Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

(b.) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

SECTION 3.21.10: PERMIT NOT REQUIRED

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

SECTION 3.21.11: EXEMPTIONS AND EXCLUSIONS

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B. There are exempted from the computation of the amount of transactions tax the gross receipts from all of the following:
1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is in fact, his or her principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.
 4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this City of tangible personal property;
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered Transactions and Use Tax Ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the

exemptions provided In Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

SECTION 3.21.12: AMENDMENTS

All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

SECTION 3.21.13: ENJOINING COLLECTION FORBIDDEN

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION 3.21.14: SEVERABILITY

If a court determines that any provision of this Ordinance or the application thereof to any person or circumstance is invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected by such determination.

SECTION 3.21.15: EFFECTIVE DATE

This Ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately; however, no tax imposed by this Ordinance shall be effective unless that tax has been approved by a majority of the voters of the City of Corning.

SECTION 3.21.16: AUDIT

The proceeds of this tax imposed pursuant to this Ordinance, as well as the expenditure thereof, shall be audited annually by an independent accounting firm.

SECTION 3.21.17: USE OF FUNDS

The proceeds of the taxes imposed by this Ordinance shall be deposited in the general fund for the City of Corning and may be used for police and fire services, dispatch, and staffing as well as any other lawful municipal purpose. These taxes are not special taxes as defined under Article XIIC of the California Constitution and the California Government Code Sections 53721 and 53721.5, which provides that transaction and use taxes are general taxes unless declared a special tax transaction or placed in a fund other than the general fund. The taxes to be levied pursuant to this Ordinance are general taxes.

SECTION 3.21.18: TERMINATION DATE AND NO REVOCATION

The authority to levy the Transaction and Use Tax imposed by this Ordinance shall have no termination date, but remains subject to the law of amendment and repeal of an Ordinance. The passage of this Ordinance does not repeal or revoke the authority and imposition of a sales tax under Chapter 3.20 (Sales and Use Tax) of the Corning Municipal Code, which shall remain in place and effective.

SUMMARY OF ORDINANCE NO. 663

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING
ADDING CHAPTER 3.21 OF THE CORNING MUNICIPAL CODE TO
IMPOSE A ONE-HALF CENT TRANSACTION AND USE TAX AS A
GENERAL TAX TO BE ADMINISTERED BY THE STATE BOARD OF
EQUALIZATION UPON APPROVAL BY A MAJORITY OF THE VOTING
ELECTORATE FOR THE CITY OF CORNING**

An Ordinance seeking to introduce for passage a one-half cent Transactions and Use Tax (Sales Tax) as a general tax administered under local and State law to be put to the electorate of the City of Corning for repeal or passage by the electorate at the June 7, 2016 Primary Presidential Election.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on **January 26, 2016**, and adopted at a regular meeting of the City Council of the City of Corning, held _____, by the following vote:

A full copy of the Ordinance and associated Exhibit "A" is posted in the office of the City Clerk at 794 Third Street, Corning, CA.

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary R. Strack, Mayor

ATTEST:

City Clerk

Published: Thursday, February 18, 2016

**ITEM NO: G-10
RECOMMEND APPOINTMENT OF KRISTINA
MILLER AS CITY REPRESENTATIVE TO
THE TEHAMA COUNTY AIR POLLUTION
CONTROL DISTRICT INDIRECT RULE
REVIEW COMMITTEE (ISR)**

FEBRUARY 9, 2016

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM: KRISTINA MILLER, CITY MANAGER
LISA M. LINNET, CITY CLERK**



BACKGROUND:

Former City Manager John Brewer previously served as the City's representative on the Tehama County Air Pollution Control District Rule Review Committee (ISR). As a result of John's recent retirement, the City now needs to appoint someone to serve in his place on this Committee.

This Committee generally meets once a year. Currently they are planning on meeting this month to review a project received from the Tehama County Public Works Department.

RECOMMENDATION:

MAYOR AND COUNCIL APPOINT KRISTINA MILLER TO REPLACE FORMER CITY MANAGER JOHN BREWER AS THE CITY REPRESENTATIVE TO THE TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT INDIRECT RULE REVIEW COMMITTEE.

**ITEM NO. I-1.1
ORDINANCE NO. 662, AN ORDINANCE OF THE
CITY OF CORNING ADDING CHAPTER 17.41,
LARGE LOT RESIDENTIAL COMBINING
DISTRICT AND CHAPTER 17.46, ALTERNATIVE
HOUSING COMBINING DISTRICT TO TITLE 17
OF THE CORNING MUNICIPAL CODE.**

FEBRUARY 9, 2016

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: KRISTINA MILLER, CITY MANAGER
JOHN STOUFER, PLANNING CONSULTANT

SUMMARY CHAPTER 17.41 LARGE LOT RESIDENTIAL COMBINING DISTRICT:

The Large Lot Residential (LLR) Land Use Classification is described in the General Plan as to; *"Provide living environments receiving minimal urban services and located in areas characterized by one or more of the following conditions: previously classified as the Agricultural Land Use Classification, lands containing agricultural characteristics, located within or in close proximity to lands categorized as floodplain and flood hazard areas, and subject to accessibility via substandard publicly maintained roads."*

The LLR Combining District will primarily be combined with R-1 Zones and limit development of new parcels to 2 acre densities. Residential and agricultural uses will be permitted with a limit set on the amount of large animals that can be kept on a parcel to one per one-half (1/2) acre of land which is the same ratio that currently exists in Chapter 17.38 the Agricultural Combining District of the Corning Municipal Code.

BACKGROUND CHAPTER 17.41 LARGE LOT RESIDENTIAL COMBINING DISTRICT:

The LLR Land Use Classification was created with the adoption of the 2014-2034 General Plan. Implementation Measure LU-(2) within the Community Development Group states; *"Establish zoning districts and development standards in the Zoning Ordinance consistent with the General Plan, and amend the Zoning Map to be consistent with the 2014-2034 General Plan Update Map within one year."* Adding Chapter 17.41 to the Zoning Code complies with a portion of this Implementation Measure.

SUMMARY CHAPTER 17.46 ALTERNATIVE HOUSING COMBINING DISTRICT:

In 2007 the state enacted legislation commonly referred to as Senate Bill 2 (SB 2) which requires local agencies to address housing needs for homeless populations in their communities, effective January 1, 2008. The law was enacted to facilitate efforts to address the critical needs of homeless populations and persons with special needs throughout all communities in California. Generally SB 2 amends housing element law regarding planning and approval for emergency shelters and transitional and supportive housing as follows:

Planning (Government Code Section 65583):

- At least one zone shall be identified to permit emergency shelters without a conditional use permit or other discretionary action.
- Sufficient capacity must be identified to accommodate the need for emergency shelters and at least one year-round emergency shelter.
- Existing or proposed permit procedures, development and management standards must be objective and encourage and facilitate the development of or conversion to emergency shelters.
- Emergency shelters shall only be subject to development and management standards that apply to residential or commercial within the same zone.

- Written and objective standards may be applied as specified in statute, including maximum number of beds, provision of onsite management, length of stay and security.
- Includes flexibility for jurisdictions to meet zoning requirements with existing ordinances or demonstrate the need for emergency shelters can be accommodated in existing shelters or through a multi-jurisdictional agreement.
- Transitional and supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

Local Approval (Government Code Section 65589.5: Housing Accountability Act):

- Limits denial of emergency shelters, transitional housing or supportive housing by requiring specific findings.
- Some findings shall not be utilized if new planning requirements of SB 2 are not met; such as identifying a zone without a conditional use permit.

The zone or zones must be sufficient to accommodate the locality's identified need for emergency shelters; provided that regardless of actual need determined, each local jurisdiction must identify at least one zone that can accommodate at least one year round emergency shelter. SB 2 is intended to disperse homeless services, shelters, and housing issues to be "fairly shared" among all California Communities in order to share responsibility for the State's homeless problems. SB 2 does not mandate that cities and counties build or fund homeless projects, only that there is zoning in place that permits development by right without a conditional use permit process or other discretionary review. SB 2 does not mandate where homeless shelter uses should be allowed in a city or county, but does require every city and county to identify actual zone or zones and site or sites that can accommodate the locality's actual unmet need. The following definitions describe the housing types the City is required to address in moving forward with compliance of SB 2:

Emergency Shelter:

"Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of inability to pay.

Transitional Housing:

"Transitional Housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program receipt at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Supportive Housing:

"Supportive Housing" means housing with no limits on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Target Population:

"Target Population" means persons with low-income who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with *Section 4500*) of the *Welfare and Institutions Code*) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of foster care system, individuals exiting from institutional settings, veterans, and homeless people.

BACKGROUND CHAPTER 17.46 ALTERNATIVE HOUSING COMBINING DISTRICT:

The *City of Corning Housing Element Update 2009-2014* adopted **Goal HP**, which addresses housing production to:

“Provide adequate housing by location, price, type, and tenure, especially for Very Low, Low, and Moderate income households with special needs.”

Policy HP-3 was adopted as one of several policies to assist the City to attain **Goal HP** and calls to:

“Support the development of mixed-use projects encompassing residential and commercial development.”

The City Planning Department was tasked as the Lead City Department to implement **Policy HP-3**. The Department was to:

“Identify sites that are: a) located with convenient access to schools, parks, shopping facilities, and employment opportunities or along public transportation routes that make such facilities accessible; b) minimally impacted by noise, flooding or other environmental constraints, or c) outside areas of concentrated lower income households. Develop a “Mixed Use” land use classification and zoning district. Utilize the Specific Plan process for large tracts of vacant and underdeveloped lands.”

As identified in **TABLE V-1 – 2009–2014 GOALS, POLICIES, IMPLEMENTATION MEASURES, POTENTIAL FUNDING SOURCES, OBJECTIVES AND TIME FRAMES** in the *Housing Element Update* the quantified objective is:

“Amendment of the general plan to establish a new “Mixed-Use” land use classification and mapping of specific sites. Amendment of the Zoning Ordinance to provide for the “Mixed Use” classification and rezone specific sites. Identify lands within the City and Sphere of Influence for Specific Plan designation.”

The time frame for the Policy to be established was 2010. It was also identified as **Priority 1**, or **P1 Policy**, which is a priority number is assigned for the implementation of each policy given the foreseeable resources currently available and/or easily foreseen to be available to/or within the City. A **P1 Policy** is a policy that can and should be able to be implemented during the Planning Period and a commitment is made by the City to do so. The City does not need to rely on the federal or state government, other agencies, non-profits, or organizations to implement the policy. However, if state funding continues to be reduced thereby requiring the City to continue to reduce staffing levels and resources, implementation of the policy during the projected time frame, or during the entire Planning Period becomes questionable.

To comply with this requirement the City applied for and received a Planning and Technical Assistance Grant from the California Department of Housing and Community Development for the preparation of a General Plan Update with a focus on implementing some of the Goals, Policies, and Implementation Measures adopted in the 2009-2014 Housing Element Update.

To comply with **Policy HP-3** staff made the following recommendations for consideration by the General Plan Task Force that consists of the five members of the Planning Commission:

The *Housing Element Update* identified a 20-acre area for the Mixed Use general plan land use designation and zoning district. The area contains approximately 50 parcels which encompass developed, vacant, and underdeveloped residential, commercial, and light industrial general plan classified and zoned lands. The area is generally bounded by Colusa Street, East Street, Solano Street and the California Northern Railroad tracks. The Transportation Center is located across the street from the southwestern corner of this area to provide a convenient place for residents and visitors using the Tehama Rural Area Express (TRAX) Bus System.

Of the total parcels 10 are designated for light industrial use, approximately four percent are vacant averaging 17,000 square feet in size, five percent are underutilized, 10 percent have been developed for commercial uses, and the remaining are 6,000 to 10,000 square foot residential parcels. Three of these parcels contain single family residences which, due to their extremely substandard condition need to be demolished. Some of the residences, commercial, and light industrial structures need some form of rehabilitation, primarily with respect to weatherization. A full complement of utilities and services are available to all parcels and road infrastructure is in relatively good condition.

It was recommended that a "Mixed Use – MU" land use classification be adopted and incorporated into the General Plan and that the 20-acre area identified be classified as MU. The inclusion of this land use classification requires a textual and mapping an amendment to the *General Plan Land Use Element*.

It was also recommended that a "Mixed Use Overlay – MU" zoning designation be adopted and incorporated into *City of Corning Code of Ordinances Title 17 – Zoning*. The inclusion of this zoning designation requires amendment of the ordinance, *Section 17.08.010 of Chapter 17.08 – Establishment of Districts* and establishment of boundaries for the MU district. The 20-acre area identified would be designated as MU.

The overlay zone is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. An overlay district can share common boundaries with the base zone or cut across base zone boundaries. Regulations or incentives are attached to the overlay district to protect a specific resource or guide development within a special area. Overlay zoning is commonly used to promote mixed-use development, such as near community centers, as proposed in the City's adopted Housing Element.

After reviewing potential "Mixed Use" language, regulations, and the 20 acre area recommended for the MU overlay the General Plan Taskforce decided it was not in the best interest of the City to create the "Mixed Use" land use designation in the General Plan or the "Mixed Use Overlay – MU" zoning designation.

To comply with SB 2 the Taskforce recommended a Land Use Policy (LU-k) within the General Plan to read as follows; *"create an Alternative Housing (AH) Zoning District that would permit the establishment of emergency shelters, transitional housing, or supportive housing as an outright permitted use."* With this policy would be an implementation measure in the General Plan (LU-(3) to; *"Establish the Alternative Housing (AH) Zone District and zone appropriate parcels AH to permit emergency shelters, transitional housing, or supportive housing."*

Staff has prepared Ordinance 662 that would add Chapter 17.46 to the Corning Municipal Code pursuant to Land Use Policy LU-k. If the City Council adopts Ordinance # 662 the next step to gain compliance with Senate Bill 2 would be to zone appropriate parcels AH as provided for in Implementation Measure LU-(3).

ENVIRONMENTAL:

The California Environmental Quality Act (CEQA) Section 15061 (b) (3) states: "a project is exempt from CEQA if: The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA."

This section is based on the idea that CEQA applies jurisdictionally to activities which have the potential for causing environmental effects. Where an activity has no possibility of causing a significant effect, the activity will not be subject to CEQA. This approach has been noted with approval in a number of appellate court decisions including the State Supreme Court opinion in *No Oil, Inc. v. City of Los Angeles*.

STAFF RECOMMENDATION:

Staff recommends the following Factual Subfindings, Legal Findings and Action for consideration by the City Council:

Factual Subfinding #1:

Ordinance No. 662 will add Chapter 17.41, Large Lot Residential Combining District and Chapter 17.46, Alternative Housing Combining District to Title 17 of the Corning Municipal Code.

Legal Finding #1:

The addition of Chapter 17.41, Large Lot Residential Combining District and Chapter 17.46, Alternative Housing Combining District to Title 17 of the Corning Municipal Code., as proposed in Ordinance No. 662, will not cause a significant effect on the environment and is therefore exempt from CEQA pursuant to Section 15061 (b) (3)

Factual Subfinding #2:

On September 8, 2015 the Corning City Council adopted the 2014-2034 City of Corning General Plan. The General Plan grouped elements into the Natural Resources Group, Public Health and Safety Group, and Community Development Group. Each group has associated elements with goals, objectives, policies, and implementation measures.

Legal Finding #2:

Adding Chapter 17.41, Large Lot Residential Combining District and Chapter 17.46, Alternative Housing Combining District to Title 17 of the Corning Municipal Code is required pursuant to Implementation Measures LU-(2) and LU-(3) within the Land Use Element of the 2014-2034 Corning General Plan.

Factual Subfinding #3:

Table LU-1 in the 2014-2034 Corning General Plan provides a description and maximum densities for parcels designated Large Lot Residential on the adopted Land Use Map within the General Plan.

Legal Finding #3:

The allowed uses and densities as described in Chapter 17.41, Large Lot Residential Combining District are consistent with the General Plan Land Use Classifications as shown on Table LU-1 of the 2014-2034 Corning General Plan.

Factual Subfinding #4:

In 2007, SB 2 (Chapter 633, Statutes 2007) revised housing element law requiring that transitional and supportive housing be permitted as a residential use.

Legal Finding #4:

Chapter 17.46 the Alternative Housing Combining District will assure that the City of Corning is in compliance with the California Housing Accountability Act by permitting the establishment of Emergency Shelters and Transitional and Supportive Housing as a permitted use.

Factual Subfinding #5:

On January 19, 2016 the City of Corning Planning Commission held a Public Hearing to consider a recommendation to the City Council regarding adoption of Ordinance 634.

Legal Finding #5:

The City of Corning Planning Commission voted 5:0 to recommend that the City Council adopt the Factual Subfindings & Legal Findings as presented in the staff report and adopt Ordinance 662, the ordinance to add Chapters 17.41, Large Lot Residential Combining District and Chapter 17.46, Alternative Housing Combining District to Title 17 of the Corning Municipal Code.

ACTION:

1. **MOVE TO ADOPT THE FIVE (5) FACTUAL SUBFINDINGS AND LEGAL FINDINGS AS PRESENTED IN THE STAFF REPORT AND WAIVE THE FIRST READING OF ORDINANCE NUMBER 662.**

OR:

2. **MOVE TO DENY ADOPTION OF ORDINANCE 662.**

ATTACHMENTS:

Exhibit "A" H&CD Memorandum dated April 24, 2014

Exhibit "B" Information on Lanterman Developmental Disabilities Act

ORDINANCE NO. 662
AN ORDINANCE OF THE CITY OF CORNING ADDING
CHAPTER 17.41, LARGE LOT RESIDENTIAL COMBINING DISTRICT AND CHAPTER 17.46,
ALTERNATIVE HOUSING COMBINING DISTRICT TO TITLE 17, ZONING, OF THE
CORNING MUNICIPAL CODE

The City Council of the City of Corning, having conducted a public hearing in accordance with state law, on February 9, 2016 and having approved the legal findings recommended by staff, does hereby ordain as follows:

- A) Add Chapter's 17.41 and 17.46 to Title 17, Zoning, of the Corning Municipal Code to read as follows:

Chapter 17.41

LLR- Large Lot Residential Combining District

Sections:

- 17.41.010** **Generally**
17.41.020 **Purpose**
17.41.030 **Permitted uses in LLR Combining District**
17.41.040 **Minimum height, bulk and space requirements**
17.46.070 **Development and occupancy standards**

17.41.010 Generally: This district classification is intended to be applied in lands classified as Large Lot Residential in the General Plan. The following regulations shall apply in all districts with which are combined LLR districts in addition to the regulations specified in this title, and shall be subject to the provisions of Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this title; provided, however, that if any of the regulations specified in this chapter differ from any corresponding regulations specified in this title for any district with which the LLR district is combined, then in such case the provisions of this chapter shall apply.

17.41.020 Purpose: The LLR Combining District has been established to provide living environments receiving minimal urban services and located in areas characterized and containing agricultural characteristics, and located within or in close proximity to lands categorized as floodplain and flood hazard areas.

17.41.030 Permitted uses in LLR Combining District:

- A. All uses permitted in the respective district with which the LLR district is combined.
B. Animal husbandry and the keeping of livestock and other animals not considered domestic pets such as dogs and cats, at a rate of one animal per half acre of land contained within the parcel.

17.46.060 Minimum height, bulk and space requirements: In an LLR Combining District the minimum height, bulk and space requirements shall be as follows:

- A. Lot area, two acres;
B. Lot width, one hundred feet;
C. Maximum building coverage, forty-five percent of lot area. Minimum width of any residential structures twenty feet;
D. Front yard, twenty feet;
E. Side yard shall be not less than twenty feet for each side yard.
F. Rear yard shall not be less than thirty feet;
G. Building height limit, two and one-half stories, but not to exceed thirty-five feet.

Chapter 17.46

AH- Alternative Housing Combining District

Sections:

- 17.46.010** **Generally**

17.46.020	Purpose
17.46.030	Applicability
17.46.040	Definitions
17.46.050	Permitted uses in AH Combining District
17.46.060	Minimum height, bulk and space requirements
17.46.070	Development and occupancy standards

17.46.010 Generally: The AH Combining District should be utilized on a limited basis to provide and accommodate only the need for identified homeless populations within the City limits. The location of the district should be in the proximity to transit, job centers, and public and community services.

17.46.020 Purpose: The AH Combining District has been established to achieve the following purposes:

A. To assure that the City of Corning is in compliance with the California Housing Accountability Act by providing a Zoning District that permits the establishment of Emergency Shelters and Transitional and Supportive Housing as a permitted use.

B. To define and provide development standards for the establishment of Emergency Shelters and Transitional and Supportive Housing.

C. To provide protection against haphazard and unattractive development by implementing visual design guidelines.

17.46.030 Applicability: In any district with which the AH Combining District is applied the regulations of this chapter shall apply, in addition to those specified in this title for such district; provided, that if conflict in regulations occurs, the regulations of this chapter shall govern.

17.46.040 Definitions: The following are defined pursuant to Government Code Section 65582:

Emergency Shelter:

“Emergency Shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of inability to pay.

Transitional Housing:

“Transitional Housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program receipt at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Supportive Housing:

“Supportive Housing” means housing with no limits on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Target Population:

“Target Population” means persons with low-income who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with *Section 4500*) of the *Welfare and Institutions Code*) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of foster care system, individuals exiting from institutional settings, veterans, and homeless people.

17.46.050 Permitted uses in AH Combining District:

A. All uses permitted in the respective district with which the AH district is combined.

B. The establishment of Emergency Shelters, Transitional Housing, and Supportive Housing for a target population as defined in Section 17.46.040 of this code.

17.46.060 Minimum height, bulk and space requirements: In an AH Combining District the minimum height, bulk and space requirements shall be as follows:

- A. Lot area, one acre;
- B. Lot width, one hundred feet;
- C. Maximum building coverage, sixty-five percent of lot area. Minimum width of any residential structures twenty feet;
- D. Front yard, twenty feet;
- E. Side yard shall be not less than six feet for each side yard. Three feet shall be added to each required side yard for each story above the first floor of any building. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty foot minimum side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;
- F. Rear yard shall not be less than ten feet. An additional five feet shall be added to the required rear yard for each story over the first story of any building;
- G. Building height limit, two and one-half stories, but not to exceed thirty-five feet.

17.46.070 Development and occupancy standards: The following are development and occupancy standards for the establishment of Emergency Shelters, Transitional Housing, and Supportive Housing for a target population as defined in Section 17.46.040 of this code.

- A. The maximum number of persons allowed to occupy a bedroom is two;
- B. The maximum number of people allowed to occupy a group quarters room is ten.
- C. Each facility must have one full bathroom for every two bedrooms and two bathrooms for a group quarters room;
- D. The maximum stay at a facility shall not exceed State regulations;
- E. On-site client waiting and intake areas shall be located inside the building;
- F. A minimum of one manager, in addition to security personnel, shall be on duty and remain on-site during intake hours;
- G. Security personnel at a rate of one per every ten bedrooms, or one per every two group quarters room shall be provided on-site at all times;
- H. A minimum of one covered parking for every two bedrooms, two for every group quarters, and one covered parking space for each employee of the facility must be provided;
- I. Exterior lighting for the parking area and entire outdoor area of the facilities must be provided. Exterior lighting shall be stationary, and shall be directed away from adjacent properties and public right-of-ways;
- J. Architectural design of any structure constructed must comply with the design guidelines as described in the Highway 99W Corridor Specific Plan and must be approved by the Planning Commission prior to issuance of a building permit;
- K. The exterior boundaries of developed structures must be landscaped and fenced per a landscape plan approved by the Planning Commission;
- L. All structures, landscaping, and exterior lighting must be properly maintained at all times. Failure to properly maintain the facilities will result in revocation of the Certificate of Occupancy by the Planning Commission and closure of the facilities;
- M. Cooking and kitchen facilities are prohibited in bedrooms and group quarters and only permitted in designated kitchen areas;
- N. Prior to issuance of a Certificate of Occupancy the applicant or operator of the facility must submit a Management and Operation Plan for review and approval by the Planning Commission. Any changes to the Management and Operation Plan must be submitted to the Planning Commission for review and approval.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on **February 9, 2016**, and adopted at a regular meeting of the City Council of the City of Corning, held _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of Council persons voting for and against the same, in a newspaper of general circulation in the County of Tehama.

Gary R. Strack, Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA

COUNTY OF TEHAMA

CITY OF CORNING

I, Lisa M. Linnet, City Clerk of the City of Corning do hereby certify that the foregoing is a true and correct copy of Ordinance No. 662. This Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on February 9, 2016 and adopted at a regular meeting of the City Council of the City of Corning held on _____ by the votes listed on the attached copy of the Ordinance. Ordinance No. 662 was published in a newspaper of general circulation within the required legal time lines.

ATTEST:

Lisa M. Linnet, City Clerk

Published:

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

Exhibit "A"



MEMORANDUM

DATE: April 24, 2014

TO: Planning Directors and Interested Parties

FROM: Lisa Bates, Deputy Director 
Division of Housing Policy Development

SUBJECT: Transitional and Supportive Housing
Chapter 183, Statutes of 2013 (SB 745)

This memorandum is to update local decision makers on recent amendments to housing element law (Government Code Section 65582) related to transitional and supportive housing zoning requirements. In 2007, SB 2 (Chapter 633, Statutes of 2007) revised housing element law requiring that transitional and supportive housing be permitted as a residential use, subject only to restrictions that apply to other residential dwellings of the same type in the same zone. SB 745, which took effect on January 1, 2014, generally amends the Section 65582 of the Government Code to replace prior Health and Safety Code definitions of "supportive housing," "target population," and "transitional housing" with definitions now more specific to housing element law.

Previously, definitions for "supportive housing," "target population," and "transitional housing" were found in subdivision (b) of Section 50675.14, subdivision (3)(a) of Section 50675.14 and subdivision (h) of Section 50675.2 of the Health and Safety Code, respectively. SB 745 deletes reference to these sections and creates new definitions in Government Code Section 65582.

The intent for this change is to remove cross references in Government Code Section 65582 to the definitions of "supportive housing" and "transitional housing" that are used in the statutes governing the Multifamily Housing Program (MHP) and replace them with the current definitions that are used for the purposes of zoning applicable at the time SB 2 (Cedillo, Chapter 633, Statutes of 2007) passed. For your assistance, the specific language of SB745 that amends Section 65582 of the Government Code is included in Attachment A.

For a full copy of the statute, please refer to <http://leginfo.legislature.ca.gov/>.

For more information regarding transitional and supportive housing, see the Department's *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_variety.php. If you have any questions, please contact Paul McDougall, Housing Policy Manager, at 916-263-7420.

ATTACHMENT A
Changes to State Housing Element Law
AB 745 (Chapter 183, Statutes of 2013)

Government Code Section 65582

SB 745 (Changes in underline)

As used in this article, the following definitions apply:

- (a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.
- (b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.
- (c) "Department" means the Department of Housing and Community Development.
- (d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.
- (e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.
- (f) "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.
- (g) "Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.
- (h) "Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Exhibit "B"



FRANK D. LANTERMAN
REGIONAL CENTER

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The Lanterman Developmental Disabilities Services Act

The Lanterman Developmental Disabilities Services Act, known as the "Lanterman Act," is an important piece of legislation that was passed in 1969. This is the California law that says people with developmental disabilities and their families have a right to get the services and supports they need to live like people without disabilities.

The Lanterman Act outlines the rights of individuals with developmental disabilities and their families, how the regional centers and service providers can help these individuals, what services and supports they can obtain, how to use the individualized program plan to get needed services, what to do when someone violates the Lanterman Act, and how to improve the system.

Please take the time to view the following reader-friendly documents.

If you have questions, contact the Koch-Young Resource Center at 213.252.5600, toll-free at 800.546.3676, or kyrc@lanterman.org (<mailto:kyrc@lanterman.org>).

Click on the following links to access the full text of:

- ✳ [Lanterman Act and Related Laws \(http://www.dds.ca.gov/Statutes/Statutes_Home.cfm\)](http://www.dds.ca.gov/Statutes/Statutes_Home.cfm)
- ✳ [Lanterman Act \(http://www.dds.ca.gov/Statutes/Statutes_Home.cfm\)](http://www.dds.ca.gov/Statutes/Statutes_Home.cfm) (client-friendly version)
- ✳ [Rights Under the Lanterman Act \(http://www.disabilityrightscalifornia.org/pubs/PublicationsRULAEnglish.htm\)](http://www.disabilityrightscalifornia.org/pubs/PublicationsRULAEnglish.htm) (written by Disability Rights California)

Quick Links

DDS Safety Net



DDS Safety Net

(<http://www.ddssafety.net/>)

Check out the DDS Safety Net Web site - Helping Californians with developmental disabilities to be safe and healthy (<http://www.ddssafety.net/>)

Register to Vote



(<http://www.sos.ca.gov/elections/>)

Get all the info and resources you need on elections and registering to vote online at the California Secretary of State Web site (<http://www.sos.ca.gov/elections/>)

Be Prepared in the Event of a Disaster

Learn more about how best to be prepared in the event of a disaster by visiting our Project Prepare page (http://www.lanterman.org/disaster_preparedn) where you will find information about getting prepared and links to lots of local and state disaster planning resources.

Check out Project Prepare (http://www.lanterman.org/disaster_preparedn)

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Service Providers

- Electronic Billing (<http://lanterman.org/landing/electronic-billing>)
- Quality Guidelines (http://lanterman.org/quality_guidelines)
- SPAC (<http://lanterman.org/spac>)
- Zero Tolerance Policy (<http://lanterman.org/zero-tolerance-policy>)

**ITEM NO.: J-12
APPROVE AGREEMENT BETWEEN THE
COUNTY OF TEHAMA AND THE CITY FOR
CONTRIBUTION AND EXPENDITURE OF
CERTAIN FY 2016 BOARD OF STATE &
COMMUNITY CORRECTIONS, EDWARD
BYRNE JUSTICE ASSISTANCE GRANT
(JAG)**

FEBRUARY 9, 2016

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM: KRISTINA MILLER, CITY MANAGER
JODY BURGESS, CITY ATTORNEY**

SUMMARY:

Before you is the Agreement between the City of Corning and the County of Tehama for contribution and expenditure of certain fiscal year 2016 Board of State and Community Corrections, Edward Byrne Justice Assistance Grant. This Agreement allows the County to fund \$40,000 toward the City's efforts to engage an Independent Contractor to perform the Coordinator functions of the Adolescent Diversion Program.

The areas modified in this contract were to ensure that the City is not obligated to hire an employee to perform such obligations, but instead contract with the prospective Coordinator as an Independent Contractor.

As for Section 16, as it pertains to Green Procurement Policies, the City has its own Resolution that very closely follows that of the County. Therefore, I have modified this section to state that compliance with our own Green Procurement Policy will be deemed compliance with Section 16 of the Agreement.

RECOMMENDATION:

MAYOR AND COUNCIL, STAFF RECOMMENDS COUNCIL APPROVE THE ATTACHED AGREEMENT WITH THE UNDERSTANDING THAT THE COUNTY MUST HEREAFTER TAKE THE SAME AGREEMENT TO ITS BOARD OF SUPERVISOR'S FOR APPROVAL.

**AGREEMENT BETWEEN THE CITY OF CORNING (“CITY”) AND THE COUNTY OF
TEHAMA (“COUNTY”) FOR CONTRIBUTION AND EXPENDITURE OF CERTAIN
FISCAL YEAR 2016 BOARD OF STATE AND COMMUNITY CORRECTIONS,
EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG)**

RECITALS

WHEREAS, the County is the recipient of Fiscal Year 2016 Board of State and Community Corrections funds (the “Grant”), which will be included in the Sheriff’s Department Fiscal Year 2016 budget; and

WHEREAS, the Fiscal Year 2016 Board of State and Community Corrections Program provides funding for various multi-components, Law Enforcement, Prosecutions, Probation, School Education.

WHEREAS, as required under the terms of the Fiscal Year 2016 Board of State and Community Corrections program, the County has designated a JAG Steering Community (the “Approved Authority”) to distribute the Grant funds at the local level in accordance with the Grant terms approved by the Tehama County Board of Supervisors; and

WHEREAS, City is a local participating agency in the Fiscal Year 2016 Grant; and

WHEREAS, in accordance with the Grant terms, the Approval Authority has authorized the disbursement of up to \$40,000.00 in Fiscal Year 2016 Board of State and Community Corrections program funds to City, to assist the City to hire or contract with an individual to coordinate the Adolescent Diversion Program (ADP) which will be targeting juvenile first-time offenders attending school within the City’s boundaries

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. RECITALS INCORPORATED.

The above recitals are hereby incorporated into this Agreement.

2. RESPONSIBILITIES OF CITY.

During the term of the Agreement, the City of Corning will provide all labor and materials necessary to complete the following tasks, as further described in the Grant application approved by the Tehama County Board of Supervisors on February 24, 2015:

- a. Contract with an individual to coordinate the Adolescent Diversion Program (ADP) which will target juvenile first-time offenders attending schools within the City’s boundaries. The program will serve a minimum of 40 juveniles during the term of the Agreement, ensuring that each juvenile received a minimum of five hours of counseling and case management. The Coordinator will oversee the identification of first-time offenders, coordination of case management services, recruiting and training of volunteers, and data collection for use in the program’s evaluation.

- b. Ensure that the Coordinator will maintain records of program services including:
 - a) the names of clients served;
 - b) information on what services are provided each client;
 - c) information on the extent to which each client completes the program; and
 - d) information on whether the clients re-offend.
- c. Where Coordinator is a Contract Consultant of the City, City shall provide supervision and training sufficient for the Coordinator to perform the duties required under this Agreement. Where the Coordinator is an independent contractor, City shall ensure that the Coordinator is properly qualified and trained to assume the role of Coordinator as contemplated herein. As the appointing and/or contracting authority for the Coordinator, City will have the full authority to appoint, terminate, evaluate, and discipline the Coordinator, subject to any contract between City and Coordinator. The Coordinator shall not be considered an employee and/or independent contractor of the County of Tehama for any purpose.
- d. City shall maintain sufficient records to document time spent by Coordinator to provide services pursuant to the Agreement for the purpose of audit review in connection with billing, payment, and performance of the duties set forth herein.

3. RESPONSIBILITIES OF THE COUNTY.

County shall compensate City for said services pursuant to Sections 4 and 5 of this Agreement. Upon tender of the payments required hereunder, County's obligations under this Agreement shall be fully performed, and County shall have no further obligation to City.

4. COMPENSATION.

County shall pay to City an all-inclusive flat fee of \$40,000.00 for all services rendered under this Agreement, to be paid in two equal installments of \$20,000.00 each.

Upon payment of the aforementioned sums, County's obligations under this Agreement shall be fully performed and County shall have no further obligation to City. The maximum compensation payable under Agreement shall not exceed \$40,000.00 during the term of this Agreement. City shall not be paid any amount in excess of the maximum compensation amount set forth above under any circumstances, and City agrees that County has no obligation, whatsoever, to pay or reimburse for any services rendered by City that exceed the maximum compensation amount. City shall have no claim against County for payment of any money or reimbursement, of any kind whatsoever, for any service provided by City after the expiration or other termination of this Agreement. Should City receive any such payment it shall immediately notify County and shall immediately repay all such funds to County. Payment by County for services rendered after expiration/termination of the Contract, or in excess of the maximum compensation amount, shall not constitute a waiver of County's right to recover such payment from City. This provision shall survive the expiration or other termination of this Agreement. City shall not be entitled to payment or reimbursement for any tasks or services performed, nor for any incidental or administrative expenses whatsoever incurred in, or incidental to, performance hereunder, except as specified herein.

5. BILLING AND PAYMENT.

The \$40,000.00 all-inclusive flat fee shall be paid in two equal installments of \$20,000.00 each. The two installments shall cover the quarterly periods of March 1, 2016, through July 31, 2016, and August 1, 2016, through December 31, 2016, respectively. City shall submit a quarterly invoice to County at the address listed below within thirty (30) days of the end of each of the periods ending July 31, 2016, and December 31, 2016. Each such invoice will specify the work performed under this Agreement within such period, or the work to be performed hereafter, should funds exist as received during the quarterly periods set forth above and have not utilized at the conclusion of the specified quarterly term which City and County contemplate occurring, given the quarterly timeframes in relation to the effective date of this Agreement. In no event shall monies be retained by Coordinator that were not utilized as compensation for services performed under the terms and conditions of this Agreement and any Agreement between City and Coordinator. Within thirty (30) days of the City's submission of each such invoice, County will transfer the sum of \$20,000.00 as an installment payment provided that services have been satisfactorily performed.

6. TERM OF AGREEMENT.

This Agreement shall be effective upon January 1, 2016, and shall end upon December 31, 2016, excepting Sections 2(d), 4, 8 and 12, which shall survive expiration and/or termination of this Agreement. The term of this Agreement may be extended by written addendum signed by each party.

7. TERMINATION OF AGREEMENT.

- A.** If City fails to perform its duties to the satisfaction of County, or if City fails to fulfill in a timely and professional manner its obligations under this Agreement, or if City violates any of the terms or provisions of this Agreement, then County shall have the right to terminate this Agreement effective immediately upon the County giving written notice thereof to City.
- B.** Either party may terminate this Agreement on thirty (30) days written notice. County may terminate this Agreement immediately upon oral notice should funding cease or be materially decreased, or should the Tehama County Board of Supervisors fail to appropriate sufficient funds for this Agreement in any fiscal year.
- C.** In the event that this Agreement is terminated for any reason, City shall be paid only the prorated portion of the flat fee earned prior to termination.
- D.** County's right to terminate this Agreement may be exercised by its Board of Supervisors or Chief Administrator.

8. COMPLIANCE WITH LAWS, RULES, AND REGULATIONS.

City, City employee(s), and City's Contractors, performing work under this Agreement shall keep themselves fully informed of, and in compliance with, all local, State and Federal laws, rules and regulations in any manner affecting the performance of the services set forth in this Agreement. Without limiting the generality of Section 12, City shall defend, indemnify and hold the County, its elected officials, officers, and employees free and harmless from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules, or regulations.

9. ENTIRE AGREEMENT: MODIFICATION.

This Agreement supersedes all previous Agreements and constitutes the entire understanding of the parties hereto. City shall be entitled to no other benefits other than those specified herein. No changes, amendments or alterations shall be effective unless in writing and signed by both parties. City specifically acknowledges that in entering into and executing this Agreement, City relies solely upon the provisions in this Agreement and no others.

10. NON-ASSIGNMENT OF AGREEMENT.

Neither party hereto shall assign, sublet or transfer any interest in this Agreement, or any duty hereunder without written consent of the other, and no assignment shall be of any force or effect whatsoever, unless and until the other party shall have so consented.

11. INDEPENDENT CONTRACTOR STATUS.

City's Consultant shall, during the entire term of this Agreement, be construed to be an independent contractor of City, and nothing in this Agreement is intended nor shall be construed to create an employer-employee relationship, a joint venture relationship, or to allow County to exercise discretion or control over the professional manner in which City performs the services which are the subject matter of this Agreement; provided always, however, that the services to be provided by City shall be provided in a manner consistent with the professional standards applicable to such services. The sole interest of the County is to insure that the services shall be rendered and performed in a competent, efficient and satisfactory manner. City shall be fully responsible for payment of all taxes due to the State of California or Federal government, which would be withheld from compensation of City Consultant, were City Consultant an employee of County. County shall not be liable for deductions for any amount for any purpose from City compensation. City and City's Consultant shall not be eligible for coverage under County's Workers Compensation Insurance Plan nor shall City or its Consultant be eligible for any other County benefit. City and any Consultant(s) provided by City under this Agreement shall not be employees of Tehama County. City has full rights to manage its Consultant subject to the requirements of the law. If applicable, City shall be responsible for making any and all social security withholdings, income tax withholding, or any other wage withholding of any nature required from the compensation paid to its employees including all employees provided under this Agreement.

Without limiting the generality of the foregoing, the Coordinator provided by City to perform services under this Agreement shall remain an employee and/or contractor of City, and shall not be deemed to be an employee of the County for any purpose.

12. INDEMNIFICATION.

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between the parties hereto pursuant to Government Code section 895.6, the parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead the parties agree, pursuant to Government Code section 895.4, as follows: City shall defend, hold harmless, and indemnify Tehama County, its elected officials, officers, employees, agents, and volunteers against all claims, suits, actions, costs, expenses (including but not limited to, reasonable attorney's fees of County), damages, judgments, or decrees by reason of any person's or persons' injury, including death, or property (including property of County) being damaged, arising out of City's performance of work hereunder or its failure to comply with any of its obligations contained in this Agreement, except when the injury or loss is caused by the sole negligence or intentional wrongdoing of County. City shall, at its own expense, defend any suit or action founded upon a claim of the foregoing. City shall also defend and indemnify County against any adverse determination made by the Internal Revenue Service or the State Franchise Tax Board and/or any other taxing or regulatory agency against the County with respect to City's "independent contractor" status that would establish a liability for failure to make social security or income tax withholding payments, or any other legally mandated payment.

13. INSURANCE.

City shall secure and maintain in full force and effect during the full term of this Agreement, commercial general liability insurance or participation in a self-insurance program, including coverage for owned and non-owned automobiles and other insurance necessary to protect the public, with limits of liability of not less than one million dollars (\$1,000,000.00) combined single limit bodily injury and property damage. Policies shall be written by carriers reasonably satisfactory to the County.

14. NON-DISCRIMINATION.

Neither party shall employ discriminatory practices in the treatment of persons in relation to the circumstances provided for herein, including assignment of accommodations, employment of personnel, or in any other respect on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.

15. NOTICES.

Any notices required to be given pursuant to the terms and provisions of this Agreement shall be in writing and shall be sent first-class mail to the following addresses:

**If to COUNTY: Tehama County Sheriff's Department
P.O. Box 729
22840 Antelope Blvd.
Red Bluff, CA 96080**

**If to CITY: City of Corning
794 Third Street
Corning, CA 96021**

Notice shall be deemed to be effective two (2) days after mailing.

16. GREEN PROCUREMENT POLICY.

City shall make reasonable efforts to conform to Tehama County Resolution No. 49-2002, the Green Procurement Policy. This Policy encourages recycling and waste reduction, and promotes the purchase of products made with recycled materials when product fitness and quality are equal and they are available at no more than the total cost of non-recycled products. City passed Resolution No. 01-08-2013-03 entitled "Environmentally Preferable Purchasing and Practices Policy for All Department Heads", which is attached hereto marked Exhibit "A". County acknowledges City's compliance with Section 16 of this Agreement upon City abiding by its own Environmentally Preferable Purchasing and Practices Policy, Resolution No. 01-08-2013-03 and separately, Resolution No. 49-2002 entitled, "Resolution Establishing Green Procurement Policies to Encourage Recycling and Waste Reduction and to Promote the Purchase of Products Made with Recycled Materials."

17. LAW AND VENUE.

This Agreement shall be deemed to be made in, and shall be governed by and construed in accordance with the laws of, the State of California (excepting any conflict of law provisions which would serve to defeat application of California substantive law). Venue for any action arising from this Agreement shall be deemed in Tehama County, California.

18. AUTHORITY TO BIND.

Each party executing this Agreement, and each person executing this Agreement in any representative capacity, hereby fully and completely warrants to all other parties that he or she has full and complete authority to bind the person or entity on whose behalf the signing party is purporting to act.

IN WITNESS WHEREOF, County and City have executed this Agreement on the day and year set forth below.

Date: _____

COUNTY OF TEHAMA

By: _____
Dave Hencratt-Sheriff Coroner

Date: _____

CITY OF CORNING

By: _____
Gary R. Strack, Mayor

APPROVED AS TO FORM:

CORNING CITY ATTORNEY

Exhibit "A"

RESOLUTION NO.: 01-08-2013-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING APPROVING AN ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES POLICY FOR ALL DEPARTMENTS WITHIN THE CITY OF CORNING

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various Grant Programs (grants) in furtherance of the State of California's (State) efforts to reduce, reuse, and recycle solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an Applicant to adopt and implement an Environmentally Preferable Purchasing and Practices (EPPP) Policy; and

WHEREAS, The City of Corning has submitted a grant application for the 2012/13 Tire-Derived Product Grant Program.

NOW, THEREFORE, BE IT RESOLVED that the Corning City Council authorizes the adoption and implementation of the following Environmentally Preferable Purchasing and Practices (EPPP) Policy for all Departments within the City.

Environmentally Preferable Purchasing and Practices Policy

ENVIRONMENTALLY PREFERABLE PURCHASES:

The City of Corning provides that all departments shall, whenever possible, use recycled products and recycled materials to meet their needs. This policy is enacted to demonstrate compliance with the Waste Management Reduction Act and foster market development for recycled products.

PURCHASE POLICIES:

- A. All City of Corning departments shall use recycled products whenever practicable. Special emphasis shall be placed on the purchase of products manufactured with post-consumer recycled materials.
- B. All City of Corning departments may, at their option and with purchasing concurrence, require procurement of designated recycled products or recycled products above the levels required by this policy.
- C. The City of Corning shall require its contractors and consultants to use and specify recycled products in fulfilling contractual obligations whenever practicable.
- D. The City of Corning shall promote the use of recycled products by publicizing its procurement policy whenever practicable.

PURCHASE RESPONSIBILITIES OF RECYCLED PRODUCTS AND MATERIALS COORDINATOR:

The City Manager shall coordinate the implementation of this policy. He/she will establish a list of recycled products that shall be purchased by all City of Corning departments whenever practicable and will develop the mechanism for maintenance, additions, and deletions to the list of recycled products available for procurement. Maintenance of the list will include addition of new products containing recycled material as they become available. Specifications of these new products and their suggested uses will be made available to all City of Corning departments. The City Manager will also work with all departments to establish minimum recycled content standards for designated recycled products to maximize recycled product availability, recycled content, and competition. The City Manager will also be responsible for annual policy review.

ENVIRONMENTALLY PREFERABLE PRACTICES:

The City of Corning will act to make resource conservation an integral part of its waste reduction and recycling programs. The practice of discarding materials used in the City of Corning departments and facilities is wasteful of natural resources, energy, and money.

PRACTICE POLICIES:

1. The City of Corning will integrate the concept of resource conservation, including waste reduction and recycling, into its environmental programs.
2. The City of Corning will decrease the amount of waste of consumable materials by: a) reducing the consumption of consumable materials wherever possible; b) fully utilizing all materials prior to disposal; and c) minimizing the use of non-biodegradable products wherever possible.
3. The City of Corning will cooperate with, and participate in, recycling efforts being made by the county and state. As systems for recovering waste and recycling develop within the City of Corning will participate by appropriately separating and allowing recovery of recyclable waste products.
4. The City of Corning will purchase, where financially viable, recycled products. The City of Corning will also encourage suppliers, both private and public, to make recyclable products and unbleached paper products available for purchase.

Representatives of the City of Corning will actively advocate, where appropriate, for resource conservation practices to be adopted at the local, regional, and national levels.

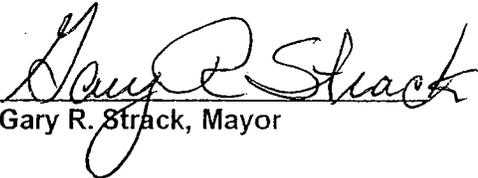
The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Corning held on January 8, 2013, by the following vote:

AYES: Strack, Dickison, Linnet, Cardenas and Smith

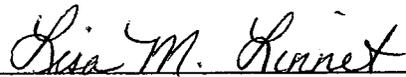
NOES: None

ABSENT: None

ABSTAIN: None

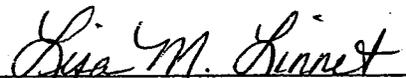

Gary R. Strack, Mayor

ATTEST:



Lisa M. Linnet, City Clerk

I, Lisa M. Linnet, City Clerk of the City of Corning, California, DO HEREBY CERTIFY that the foregoing Resolution was duly introduced, approved and adopted by the City Council of the City of Corning at a regular meeting of said Council held on the 8th day of January, 2013 by the votes listed above.



Lisa M. Linnet, City Clerk