



**CITY OF CORNING
CITY COUNCIL AGENDA**

**TUESDAY, JANUARY 26, 2010
WOODSON ELEMENTARY SCHOOL GYMNASIUM
150 NORTH TOOMES AVENUE**

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

B. ROLL CALL:

Council:

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

Mayor:

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

C. ADJOURN TO CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Section 54956.8

Potential Land Acquisition:

Potential Park Properties: APN No's: 71-250-21, 71-250-35, and 71-250-38.

Negotiating Party: Stephen Kimbrough, John Brewer, Ed Anderson and John Stoufer.

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

E. INVOCATION AND PLEDGE OF ALLEGIANCE:

F. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS:

G. BUSINESS FROM THE FLOOR:

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

- 1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 2. Waive the Reading and Approve the Minutes of the January 12, 2010 City Council Meeting with any necessary corrections.**
- 3. January 20, 2010 Claim Warrant - \$539,797.11.**
- 4. Business License Report – January 20, 2010.**
- 5. Adopt Resolution No. 01-26-10-02 Authorizing Tehama County Sanitary Landfill Agency Submittal of a Regional Tire Recycling Grant Application.**

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

I. ITEMS REMOVED FROM THE CONSENT AGENDA:

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

6. Ordinance No. 639, Regulating the Cultivation of Medical Marijuana: An Ordinance of the City of Corning adding a Chapter to Title 17 of the Corning Municipal Code that would regulate the cultivation of medical marijuana.
7. Ordinance No. 640, Adoption of Water Efficient Landscape Regulations: An Ordinance of the City of Corning providing authority for the City to adopt Water Efficient Landscape Regulations by Resolution of the City Council.

K. REGULAR AGENDA:

8. Resolution 01-26-10-01, a Resolution Authorizing Signatures and Application for a USDA Rural Development Loan for New Water Well and associated Water System Improvements at Clark Park.
9. Revise and Update parallel Sidewalk Cost Estimate & Authorize Concrete Median Installation to Limit Left Turns within Toomes Avenue and Solano Street Intersection; Accept Easement Deed for Parallel Sidewalk.
10. Authorization for Rodgers Theatre Rehabilitation Plan and Expenditures.
11. Approve Proposed Revision to City Attorney Contract.

L. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

M. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

N. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

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

O. ADJOURNMENT!:

POSTED: FRIDAY, JANUARY 22, 2010



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, JANUARY 12, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

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

Mayor:

All Council Members were present.

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

No comments were received prior to the Closed Session.

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to subdivision (b) of Section 54956.9:

1 Issue

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Section 54956.8

**Potential Property Easement Acquisition: APN No.: 71-140-12 (Portion),
Toomes Avenue. Purpose: Creation of a Pedestrian Easement for
Sidewalk installation.**

**Negotiating Party: Stephen Kimbrough, John Brewer, Ed Anderson and John
Stoufer.**

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: This closed session will be continued following the public meeting.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: Mayor Strack reported that Council met with the City's Property Negotiators and discussed the property on Houghton Avenue.

E. PLEDGE OF ALLEGIANCE: City Manager Kimbrough led the Pledge of Allegiance.

F. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS:

1. Proclamation: January 2010 National Mentoring Month.

Mayor Strack presented the Proclamation to Melissa Mendoca, Mentoring Coordinator for the Tehama County Department of Education. Melissa stated that mentoring is strong here in Corning and she invited everyone to come to the State Theatre in Red Bluff on Friday for the viewing of the movie Big. She introduced two local residents that are volunteer mentors and stated that they can always use volunteer mentors.

2. Presentation: Paint Product Stewardship Grant Update by Kristina Miller, Landfill Agency Manager, Tehama County Sanitary Landfill Agency.

Kristina Miller addressed the Council outlining the Paint Product Stewardship Grant Program and its purpose. She provided handouts regarding paint disposal and discussed the cost to the landfill for disposal of paint countywide.

Kristina stated that the Landfill is working with other agencies, utilizing these grant funds, on a recycling program for latex paint. She stated that to date four businesses, one being Hatfield's Ace Hardware here in Corning, have agreed to take back latex paint for recycling. This program is not off the ground yet, however she will be sending out a press release within the next month or so informing when this is operating.

G. NOLAN SCHLERETH, CORNING HIGH SCHOOL LIAISON REPORT: To be removed from future agendas as the school has not given us a new representative after Nolan graduated.

H. BUSINESS FROM THE FLOOR:

John Richards, representing the Skate and Bike Park Association addressed the Council with a report on an article in the Tehama County Report Card on the Red Bluff Skateboard Park. He informed the Council that the Skatepark Associations next meeting is Monday, January 18th at 6:00 p.m. here at the City Council Chambers. Mayor Strack confirmed that he would attend the meeting to draw the winners for the raffle.

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

3. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
4. **Waive the Reading and Approve the Minutes of the December 8, 2009 Meeting with any necessary corrections.**
5. **January 6, 2010 Claim Warrant - \$1,206,515.16.**
6. **January 6, 2010 Wages and Salaries - \$476,245.91.**
7. **December 2009 – Treasurer's Report.**
8. **Business License Report – January 6, 2010.**
9. **December 2010 Building Permit Valuation - \$34,415.**
10. **City of Corning Wastewater Operation Summary Report – December 2009.**
11. **Award Three-Year Pavement Striping/Removal Contract to Central Striping Service, Inc.**
12. **Approve Partial Payment in the amount of \$178,356 to Wadell Engineering Corporation for Professional Services on the Airport Runway Improvement Project.**
13. **Approve Progress pay Estimate No. 3 in the amount of \$254,243.10 to Teichert Construction for the Airport Runway Improvement Project.**
14. **Approve Time Change for the Airport Commissions Scheduled Quarterly Meetings from 7:30 p.m. to 6:30 p.m.**

15. Approve Recommendation of Saturday, May 15, 2010 as the Date for the Corning Municipal Airport Open House and Dedication of Improvements.

16. Approve Recommendation of Frank Barron for the Appointment to the City Planning Commission.

Councilor Leach requested that Consent Item 16 be pulled for further discussion.

With no further discussion on Consent Items 3 through 15 Councilor Turner moved to approve these items. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

J. ITEMS REMOVED FROM THE CONSENT AGENDA:

16. Approve Recommendation of Frank Barron for the Appointment to the City Planning Commission.

Councilor Leach asked when the Council approved the Mayor making the appointment for Commissions. Mayor Strack explained that he interviews applicants and makes appointment recommendations to the Council; the Council then makes the final appointment. City Manager Kimbrough stated that this procedure was approved on February 14, 2006 within the "City Council Rules of Procedures".

With no further discussion, Councilor Parkins moved to approve the recommendation of Frank Barron for appointment to the City Planning Commission. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Turner, and Parkins. Opposed: Leach. Absent/Abstain: None. Motion was approved by a 4-1 vote with Leach opposing.**

K. PUBLIC HEARINGS AND MEETINGS: None.

L. REGULAR AGENDA:

17. Annual Selection of Vice Mayor.

Mayor Strack introduced this item by title stating he believed that it was decided a year ago that selection would be done by seniority. Councilor Leach moved that Councilor Turner be selected as the new Vice Mayor. Councilor Hill seconded the motion. **Ayes: Strack, Hill, Parkins and Leach. Opposed: None. Absent: None. Abstain: Turner. Motion was approved by a 4-0 vote with Turner abstaining.**

18. Approve Monthly Rent, Terms and Tenant for Corning Municipal Airport Owned Home located at 642 Blackburn Avenue.

Mayor Strack introduced this item by title and asked City Manager Kimbrough to brief the Council on the associated information. Mr. Kimbrough informed the City Council that the City had contacted a local Realtor, First Choice Realty, to access the property and assist in setting the monthly rent amount.

Councilor Turner stated he believed the monthly rental amount was soft and asked the City Attorney if this recommendation gives unfair consideration to an employee; City Attorney Mike Fitzpatrick stated no. He also asked who gave permission to install the fans and fireplace insert; he was informed that the Public Works Director gave permission. Also discussed was the determination to purchase the fireplace insert, kitchen stove, and ceiling fans installed by the current tenant employee for \$500 total for all; by consensus, Council agreed.

Councilor Hill asked Teresa Smith of First Choice Realty what dollar amount she would suggest for a security deposit. Teresa Smith recommended a security deposit of one months rent plus \$200, which would equate to \$900. Councilor Turner suggested filming the rental property prior to rental; City Manager Kimbrough stated that this has already been done.

With no further discussion, Councilor Hill moved to set the rent for the City owned airport property at 642 Blackburn Avenue at \$700 per month on a month to month tenancy, and concur

with the recommendation to rent the home to public works maintenance worker Wayne Jobe and require a \$900 security deposit. Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

19. Approve Rental of Transportation Center Space to Corning Café.

Mayor Strack introduced this item by title and asked the City Manager to brief the Council on the associated information. City Manager Kimbrough outlined the proposed terms of the rental agreement acknowledging that the applicants have provided the City with a check for the first years rent and stated that the yearly rent would be prepaid on March 1st of the subsequent year. He informed the Council that the café area needed to be repainted and new carpet installed. Mr. Kimbrough stated that the Public Works Department currently does not have the resources to complete these tasks. He informed the Council that the prospective tenants have obtained cost estimates for these improvements and have offered to fund them if the City is willing to reduce the yearly rent by this amount, approximately \$2,100 which City Staff recommends.

Councilor Leach moved to approve the rental of the coffee shop suite at the Transportation Center to Ms. Bonnie Webster and Ms. Lynn Rebbing and set the rental rate as:

First Year's Rent at \$5,000 less \$2,100 invested in interior repairs; **Second Year's Rent** at \$5000 to be paid on March 1, 2011; **\$6,500 per year for Years 3-5 due on March 1st of each year; and \$7,500 per year for years 6-10 due on March 1st of each year.** Councilor Parkins seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

20. Concrete Median Barrier Installation, Driveway Encroachment Repairs and Potential Public Easement & Pedestrian Access Serving 2005 Solano Street.

Mayor Strack introduced this item by title and announced that this was discussed in closed session. Councilor Turner stated that he had had some discussions with Mr. Moller regarding this issue prior to this meeting and would be abstaining from voting on this item. He left the room at 8:24 p.m.

Public Works Director John Brewer presented the Council with the various options proposed for this project. Mr. Brewer stated that this project facilitates dealing with the congestion caused by the left turns on Solano Street. He noted that the City funded the drainage improvements along the Toomes Avenue entry to the businesses at this location.

Mr. Brewer then explained the various options proposed. Councilor Hill asked Mr. Moller, based upon the map, is there a way to remove parking spaces 3 and 4 and put the sidewalk at that location which would reduce the cost for the sidewalk installation. Mr. Moller stated no. Councilor Leach stated he believed option one shows the only place to put the sidewalk. Councilor Hill confirmed that the cost listed is only for the sidewalk, not the landscaping. Mayor Strack suggested not doing the landscaping and just accepting the easement and possibly doing a mural. Mr. Moller stated that he had received a cost of an additional \$3,000 to install the concrete walkway clear to the block wall. Mayor Strack stated he preferred just installing the 4' sidewalk.

Councilor Hill moved to approve option 2, to determine that accepting a public access easement across private property is not in the public interest, but that a parallel sidewalk would provide a public convenience, and authorize credit of up to \$2,000 for the new driveway encroachment at Toomes Avenue in exchange for the private construction of a 4'-0" wide concrete sidewalk (parallel sidewalk). With no second on the motion the motion was unsuccessful.

Councilor Hill then moved to respectfully reject the offer of the public access easement from Mr. Moller, and leave the decision of construction of a parallel sidewalk up to the private property owners. With no second on the motion this motion was also unsuccessful.

Councilor Parkins moved to find that the "parallel sidewalk" would provide a public convenience and is in the public interest, and direct the City Engineer to prepare a legal description and deed in order to convey and accept a Pedestrian easement from Mr. Moller **without the planter** and authorize City expenditures to complete a 4' wide concrete sidewalk and curb and gutter on the south side of the new driveway, but without a planter. Mayor Strack confirmed that the motion was without item D in the option 1 recommendation. Councilor Leach seconded the motion. **Ayes: Strack, Parkins and Leach. Opposed: Hill. Absent: None. Abstain: Turner. Motion was approved by a 3-1 vote with Hill opposing and Turner abstaining.**

Mayor Strack also announced that a concrete barrier would be installed out in the Street so that a left turn cannot be made when coming through that intersection.

Councilor Turner returned to the meeting at 8:31 p.m.

21. Adopt Resolutions 01-12-10-02 & 01-12-10-03 Authorizing Partnership with Northern Rural Training & Employment Consortium (NoRTEC) and Approve Participation in Citywide Energy Efficiency Retrofit Programs.

Mayor Strack introduced this item by title and City Manager Kimbrough briefed the Council on the Consortium, their members and what it will provide to the City. He stated that this is a benefit to the City in which the City will not have to shoulder any cost other than Staff time.

Councilor Parkins moved to approve Resolutions 01-12-10-02 and 01-12-10-03 Authorizing the partnership with Northern Rural Training & Employment Consortium (NoRTEC) on a Residential Energy Efficiency Retrofit Program to provide energy efficiency retrofit measures in residential, municipal and commercial buildings and authorize NoRTEC to apply for and receive funds on behalf of the City. Councilor Turner seconded the motion. **Ayes: Strack, Hill, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

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

N. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION: None.

O. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

22. Hill: None

23. Turner: None

24. Parkins: None

25. Leach: None

26. Strack: None

P. ADJOURN TO CLOSED SESSION: 8:35 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

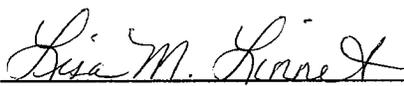
Pursuant to subdivision (b) of Section 54956.9:

1 Issue

Q. RECONVENE AND REPORT ON CLOSED SESSION: 8:40 p.m.

Mayor Strack reconvened the meeting and reported that Council had met with Legal Counsel and have directed the Planning Director and Police Chief to start code enforcement on THC, Inc.

R. ADJOURNMENT!: 8:41 p.m.



Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: January 20, 2010

SUBJECT: Cash Disbursement Detail Report for the
Tuesday, January 26, 2010 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending	01-20-10	\$	493,678.87
B.	Payroll Disbursements	Ending	01-14-10	\$	46,118.24
GRAND TOTAL				\$	<u>539,797.11</u>

REPORT: Jan 20 10 Wednesday
 RUN: Jan 20 10 Time: 15:24
 Run By: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 01-10 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 #	Description	Payment Information
009946	01/07/10	STO05	STOUFFER, JOHN	389.59	.00	389.59	100107	REIMBURSEMENT/OFFICE SUPP	
009947	01/07/10	DEP09	DEPT OF CONSERVATION	470.25	.00	470.25	100107	StrongMotion Bldg & Safet	
009948	01/07/10	MCG11	MCGEE, FRED	500.00	.00	500.00	100107	MAT & SUPPLIES-AIRPORT	
009949	01/12/10	AND04	ANDERSON, IAN MATTHEW	334.36	.00	334.36	100111	SAFETY ITEMS-POLICE	
009950	01/12/10	LAM03	LAMBETH, TAMMY	408.00	.00	408.00	100108	REC INSTRUCTOR-REC	
009951	01/13/10	COR09	CORNING CHAMBER OF COMM.	112.50	.00	112.50	100113	CONF MTGS-	
009952	01/13/10	TEI00	TEICHERT CONSTRUCTION	228818.79	.00	228818.79	100113	RUNWAY CONSTRUCT-AIRPORT	
009953	01/13/10	WAD01	WADELL ENGINEERING CORP	178356.00	.00	178356.00	1422-1	RUNWAY CONSTRUCT-AIRPORT	
009954	01/13/10	JAV01	JAVA LANES	25.00	.00	25.00	100113	CONF/MTGS-PW ADMIN	
009955	01/14/10	ACC00	ACCESS INFORMATION	40.00	.00	40.00	55268	EQUIP MAINT-GEN CITY	
009956	01/14/10	AIR00	AIRGAS NCN	44.63	.00	44.63	102992614	MAT & SUPPLIES-FIRE	
009957	01/14/10	AME15	AMERICAS	180.90	.00	180.90	010067263	NATURAL GAS-ACO	
009958	01/14/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1000172	ProfServices Water Dept	
009959	01/14/10	BEN03	LEXISNEXIS MATTHEW BENDER	80.88	.00	80.88	96932333	BOOKS/PERIODICS-LIBRARY	
009960	01/14/10	CAL35	CALIFORNIA BUILDING STAND	103.50	.00	103.50	100107	SB 1473/BLD & SAFETY	
009961	01/14/10	CAR12	CARREL'S OFFICE MACHINES	5.09	.00	5.09	088439	MAT & SUPPLIES-LIBRARY	
009962	01/14/10	COM01	COMPUTER LOGISTICS, INC	121.77	.00	121.77	47466	Equip.Maint.-GEN CITY	
				21.00	.00	21.00	47519	Equip.Maint.-GEN CITY	
				28.00	.00	28.00	47521	COMMUNICATIONS-POLICE	
				24.00	.00	24.00	47571	COMMUNICATIONS-	
				116.67	.00	116.67	47572	COMMUNICATIONS-POLICE	
			Check Total.....	311.44	.00	311.44			
009963	01/14/10	CON07	CONEXIS	30.00	.00	30.00	12090R348	MEDICAL INS-COBRA	
009964	01/14/10	COR10	CORNING GLASS & MIRROR	45.00	.00	45.00	29157	K-9 PROGRAM-POLICE	
009965	01/14/10	DAT03	DATCO SERVICES CORP	693.00	.00	693.00	66247	DATCO DRUG & ALCOHOL TEST	
009966	01/14/10	GAL02	GALL'S INC	142.83	.00	142.83	510343511	SAFETY ITEMS-POLICE	
009967	01/14/10	GRA02	GRAINGER, W.W., INC	27.92	.00	27.92	915508309	MAT & SUPPLIES-WTR	

REPORT: Jan 20 10 Wednesday
 RUN: Jan 20 10 Time: 15:24
 Run By: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 01-10 Bank Account.: 1020

PAGE: 002
 ID #: PY-DP
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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description	Payment Information
009968	01/14/10	HAI10	HAINES & COMPANY, INC.	354.63	.00	354.63	245933	MAT & SUPPLIES-POLICE	
009969	01/14/10	HOL04	HOLIDAY MARKET #32	5.98	.00	5.98	34400	Mat/Supplies BuildingMain	
009970	01/14/10	KUS02	KUSTOM SIGNALS, INC.,	184.80	.00	184.80	407532	EQUIP MAINT-POLICE	
009971	01/14/10	LAS03	LASER "RENEW" ZIT	108.25	.00	108.25	16180	OFFICE SUPPLIES-POLICE	
009972	01/14/10	LIN02	LINNETS TIRE SHOP	105.56	.00	105.56	51709	Veh Opr/Maint-POLICE	
009973	01/14/10	MGT00	MGT OF AMERICA, INC.	750.00	.00	750.00	18480	PROF SVCS-FINANCE	
009974	01/14/10	OFF01	OFFICE DEPOT	157.55	.00	157.55	503378912	Office Supplies Policedis	
009975	01/14/10	ORL00	ORLAND VETERINARY HOSP.	70.00	.00	70.00	9783	SPAY/NEUTER VOUCHER PROGR	
009976	01/14/10	QUI02	QUILL CORPORATION	113.94	.00	113.94	2621047	Office Supplies-	
009977	01/14/10	ST.01	ST. ELIZABETH COMMUNITY H	200.00	.00	200.00	100107	MTGS/CONF-	
009978	01/14/10	TRI02	TRI-COUNTY NEWSPAPERS	330.75	.00	330.75	100113	Print/Advert. City Clerk	
009979	01/14/10	XER00	XEROX CORPORATION	254.21	.00	254.21	045312369	EQUIP MAINT-POLICE	
009980	01/14/10	LIN03	LISA LINNET	155.95	.00	155.95	100114	MAT & SUPPLIES-CITY COUNC	
009981	01/14/10	SWW00	SWWC SERVICES, INC.	44156.20	.00	44156.20	17010	PROF SVCS-WWTF	
				2640.67	.00	2640.67	17011	PRETREATMENT PROG/SWR	
			Check Total.....:	46796.87	.00	46796.87			
009982	01/14/10	VOID	VOIDED CHECK						
009983	01/14/10	STO05	STOUFER, JOHN	62.50	.00	62.50	100114	CONF/MTGS - CITY COUNCIL	
009984	01/18/10	ARA02	ARAMARK UNIFORM SRV.INC.	41.92	.00	41.92	0366586	Mat/Supplies-	
				31.42	.00	31.42	0376777	Mat/Supplies-	
				31.42	.00	31.42	0385810	Mat/Supplies-	
				31.42	.00	31.42	0396805	Mat/Supplies-	
			Check Total.....:	136.18	.00	136.18			
009985	01/18/10	ATT09	AT&T	64.68	.00	64.68	100107	MAT & SUPPLIES-WTR	
009986	01/18/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1000407	ProfServices Water Dept	
009987	01/18/10	DEP12	DEPT OF JUSTICE	32.00	.00	32.00	770268	PROF SVCS-POLICE	
009988	01/18/10	FLE01	FLEMING BOOKBINDING CO.	61.82	.00	61.82	15686	BOOKS/PERIODICS-LIBRARY	

REPORT.: Jan 20 10 Wednesday
 RUN....: Jan 20 10 Time: 15:24
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 01-10 Bank Account.: 1020

PAGE: 003
 ID #: PY-DP
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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
009989	01/18/10	HOL04	HOLIDAY MARKET #32	218.85	.00	218.85	18483	Mat/Supplies-CITY COUNCIL
009990	01/18/10	JOH06	JOHNSON'S TURBO CLEAN	75.00	.00	75.00	2949	BLD MAINT-FIRE
009991	01/18/10	KNIO0	KNIFE RIVER CONSTRUCTION	817.07	.00	817.07	104513	MAT & SUPPLIES-STR
009992	01/18/10	LNC01	LN CURTIS & SONS	291.19	.00	291.19	118527800	MAT & SUPPLIES-
009993	01/18/10	MCC06	MCCONNELL, BOB	264.00	.00	264.00	100118	REC INSTRUCT-REC
009994	01/18/10	RED01	RED BLUFF DAILY NEWS	443.80	.00	443.80	091231	PROF SVCS-
009995	01/18/10	SUB01	SUBURBAN PROPANE	1197.85	.00	1197.85	165673	PROPANE-AIRPORT
009996	01/18/10	SWW00	SWWC SERVICES, INC.	4202.27	.00	4202.27	17031	PROF SVCS-WWTP
009997	01/18/10	THO03	THOMAS HYDRAULIC	77.94	.00	77.94	326278	VEH OP/MAINT-FIRE
009998	01/18/10	TRI02	TRI-COUNTY NEWSPAPERS	10.00	.00	10.00	00191200	PROF SVCS-FIRE
				10.00	.00	10.00	00191440	PROF SVCS-PW ADMIN
				80.04	.00	80.04	00191697	PROF SVCS-FIRE
				80.04	.00	80.04	00191732	PROF SVCS-PW ADMIN
			Check Total.....:	180.08	.00	180.08		
009999	01/20/10	GRA02	GRAINGER, W.W., INC	58.07	.00	58.07	915827422	MAT & SUPPLIES-REC
010000	01/20/10	LAM03	LAMBETH, TAMMY	64.00	.00	64.00	100118	REC INSTRUCT-REC
010001	01/20/10	MIK05	MIKE'S SERVICE AUTO REPAI	150.00	.00	150.00	10941	VEH OP/MAINT-POLICE
010002	01/20/10	MIR04	MIRACLE UPHOLSTERY & DRAP	400.00	.00	400.00	673556	VEH OP/MAINT-
010003	01/20/10	TER28	TEHAMA CO HEALTH AGENCY	356.80	.00	356.80	100114	MAT & SUPPLIES-GEN CITY
010004	01/20/10	UNI07	UNION BANK OF CALIF	2790.00	.00	2790.00	2428	Bond Trustee
010005	01/20/10	WAR05	WARREN, DANA KARL	730.55	.00	730.55	100119	REC INSTRUCT-REC
010006	01/20/10	ATT13	AT&T	721.56	.00	721.56	100111	COMMUNICATIONS-
010007	01/20/10	COR09	CORNING CHAMBER OF COMM.	4000.00	.00	4000.00	100118	CrqChamberComm. Economic
010008	01/20/10	DIA04	DIAZ ASSOCIATES	8036.00	.00	8036.00	902000002	ENVIRONMENTAL-PARKLAND DE
010009	01/20/10	FED01	FEDERAL EXPRESS	66.69	.00	66.69	946737336	OFFICE SUPPLIES-PW ADMIN
010010	01/20/10	IMA01	IMAGE SALES, INC.	16.13	.00	16.13	22042	MAT & SUPPLIES-POLICE

REPORT: Jan 20 10 Wednesday
 RUN: Jan 20 10 Time: 15:24
 Run By: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 01-10 Bank Account: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
010011	01/20/10	KOE01	KOEFRAN	250.00	.00	250.00	551780	PROF SVCS-ACO
010012	01/20/10	NEX02	NEXTEL	321.38	.00	321.38	086319098	COMMUNICATIONS-POLICE
010013	01/20/10	NOR31	NORM'S PRINTING	255.16	.00	255.16	007872	OFFICE SUPPLIES-FINANCE
				62.24	.00	62.24	007892	PRINTING/ADV-POLICE
			Check Total.....	317.40	.00	317.40		
010014	01/20/10	OFF01	OFFICE DEPOT	36.77	.00	36.77	117407182	EQUIP MAINT-POLICE
				358.12	.00	358.12	504627763	Office Supplies Policedis
			Check Total.....	394.89	.00	394.89		
010015	01/20/10	RYA04	RYAN APPRAISALS	6000.00	.00	6000.00	100114	APPRAISALS-PARKLAND DEV
			Cash Account Total.....	493678.87	.00	493678.87		
			Total Disbursements.....	493678.87	.00	493678.87		
			Cash Account Total.....	.00	.00	.00		

REPORT.: Jan 20 10 Wednesday
 RUN....: Jan 20 10 Time: 15:24
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 01-10 Bank Account.: 1025

PAGE: 005
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description	Payment Information
4327	01/14/10	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	B00113	POLICE OFFICER ASSOC	
4328	01/14/10	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	B00113	WITHHOLDING ORDER	
4329	01/14/10	EDD01	EMPLOYMENT DEVELOPMENT	4292.21	.00	4292.21	B00113	STATE INCOME TAX	
				1274.38	.00	1274.38	1B00113	SDI	
			Check Total.....	5566.59	.00	5566.59			
4330	01/14/10	ICM01	ICMA RETIREMENT TRUST-457	275.00	.00	275.00	B00113	ICMA DEF. COMP	
4331	01/14/10	OEU03	OPERATING ENGINEERS	625.00	.00	625.00	B00113	CREDIT UNION SAVINGS	
4332	01/14/10	PERS1	PUBLIC EMPLOYEES RETIRE	28032.33	.00	28032.33	B00113	PERS PAYROLL REMITTANCE	
4333	01/14/10	PERS4	Cal Pers 457 Def. Comp	345.25	.00	345.25	B00113	PERS DEF. COMP.	
4334	01/14/10	PRE03	PREMIER WEST BANK	9170.90	.00	9170.90	B00113	HSA DEDUCTIBLE	
4335	01/14/10	TEH15	TEHAWA CO SHERIFF'S DEPT	589.71	.00	589.71	B00113	WAGE ASSN # 43462	
4336	01/14/10	VAL06	VALIC	1025.00	.00	1025.00	B00113	AIG VALIC P TAX	
Cash Account Total.....				46118.24	.00	46118.24			
Total Disbursements.....				46118.24	.00	46118.24			

=====

Date.: Jan 20, 2010
Time.: 3:27 pm
Run by: LORI

CITY OF CORNING
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
List.: NEWS
Group: WIFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
ADVANCED HYDROPONICS	1417 SOLANO ST	CORNING, CA 96021	LABONTE	JASON SALES OF HYDROPONIC GROWING SUPPLIES.	01/12/10	(530)570-5578
MUCH LOVE CREATIONS	240 EDITH AVE	CORNING, CA 96021	ORDUNO	JESSIE RETAIL CLOTHING LINE (WEB SITE BASED)	01/12/10	(530)838-0970
MYERS PRODUCE	2120 SOUTH AVE	CORNING, CA 96021	MYERS	KEVIN FRESH PRODUCE, FRUITS, NUTS, HONEY & OLI	01/12/10	(530)510-7496
PONY EXPRESS	7402 TRUCKEE AVE	GERBER, CA 96035	VANEK	DEANNA PONY RIDES	01/12/10	(530)604-3222

ITEM NO.: H-5
ADOPT RESOLUTION NO. 01-26-10-02
AUTHORIZING TEHAMA COUNTY SANITARY
LANDFILL AGENCY SUBMITTAL OF A
REGIONAL TIRE RECYCLING GRANT
APPLICATION.
JANUARY 26, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS
FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



SUMMARY:

The City of Corning is fortunate that the Tehama County Sanitary Landfill Agency acts as our regional partner in coordinating Solid Waste and Recycling issues and programs throughout the County. The Agency receives no direct funding through the City Budget.

The proposed Resolution authorizes the "JPA 1" to act for the City of Corning in applying for a California Integrated Waste Management Board (CIWMB) Tire Recycling Grant and authorizes them to enter into a Grant Agreement with CIWMB for implementation of Grant. Upon approval of the Resolution, the Tehama County Sanitary Landfill Agency will submit a Grant application to the CIWMB for the Fiscal Year 2009/2010 Local Government Waste Tire Cleanup and/or Tire Collection Event Grant.

The Agency proposes three passenger/light truck tire-recycling events to be scheduled in October 2010, January 2011, and April of 2011. The amnesty events will be one-day events held at various locations within Tehama County.

The Tehama County Sanitary Landfill Agency contracts with Waste Tire Products of Orland a CIWMB certified tire hauler and recycler for staging, transport, and recycling of tires collected at these events. In most cases 100% of the collected tires are recycled into new products or crumb rubber. Waste Tire Products charges \$1.50 per passenger tire.

The Agency proposes conducting a two-week Voucher Redemption Program for agricultural and equipment tires in late winter (most likely in February 2011) in order to allow Ranchers time to finish harvest, roundups, and other seasonal activities. Vouchers are good for the disposal of two large-sized tires and will be made available through the Agricultural Commissioner's Office, the Tehama/Red Bluff Landfill, the Tehama County Farm Bureau Office, Red Bluff Bull Sale Office and at Corning City Hall. A limit of three vouchers per address, for a total disposal of six tires per address is proposed for the event. Tractor, Grader, Loader, Backhoe, and farm tires will be collected. Earthmover tires will not be accepted. The Vouchers and Tires are to be surrendered at the Tehama County/Red Bluff Landfill.

At the end of the two-week period Waste Tire Products will collect the tires for processing. Waste Tire Products charges by the weight for agricultural tires. The 2009 Agricultural Tire Collection costs averaged \$23 per tire.

RECOMMENDATION:

MAYOR AND COUNCIL ADOPT RESOLUTION NO. 01-26-10-02, A RESOLUTION OF THE CITY OF CORNING AUTHORIZING THE TEHAMA COUNTY SANITARY LANDFILL AGENCY TO SUBMIT A REGIONAL GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TIRE RECYCLING GRANT PROGRAM.

RESOLUTION NO. 01-26-10-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING
AUTHORIZING THE TEHAMA COUNTY SANITARY LANDFILL AGENCY
TO SUBMIT A REGIONAL GRANT APPLICATION
TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
TIRE RECYCLING GRANT PROGRAM**

WHEREAS, Public Resources Code (PRC) sections 42800 et seq. established the Waste Tire Program for the State of California and assigns responsibility for its implementation to the California Integrated Waste Management Board (CIWMB); and

WHEREAS, PRC Section 42889(e) allows the CIWMB to expend available money in the California Tire Recycling Management Fund to pay the costs of cleanup, abatement, or other remedial action related to the disposal of used whole tires; and

WHEREAS, the CIWMB allocated two million, one hundred thousand dollars (\$2,100,000) for the Fiscal Year 2009/2010 Local Government Waste Tire Cleanup Grant Program and the Tire Collection Event Program; and

WHEREAS, procedures established by the CIWMB require the jurisdiction-applicant to certify by Resolution the approval of the jurisdiction's governing authority for submittal of a grant application before submission of said application to the CIWMB; and

WHEREAS, if successful, the Tehama County Sanitary Landfill Agency will enter into a Grant Agreement with the CIWMB for implementation of said Grant(s).

NOW, THEREFORE, BE IT RESOLVED that the City of Corning authorizes the Tehama County Sanitary Landfill Agency to submit an application to the CIWMB for the Fiscal Year 2009/2010 Local Government Waste Tire Cleanup and/or Tire Collection Event Grant; and

BE IT FURTHER RESOLVED that the Solid Waste Director of the Tehama County Sanitary Landfill Agency, or his/her designee, is hereby authorized and empowered to execute in the name of the City of Corning all necessary applications, contracts, agreements and amendments hereto for the purposes of securing grant funds to implement and carry out the purpose specified in the grant application.

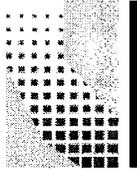
The foregoing Resolution was passed and adopted by the City Council of the City of Corning this 26th day of January 2010 by the votes listed below.

AYES:
OPPOSED:
ABSENT:
ABSTAIN:

Gary R. Strack, Mayor

ATTEST:

Lisa M. Linnet, City Clerk



November 2009

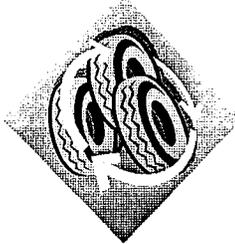
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Integrated Waste Management Board (CIWMB)

**LOCAL GOVERNMENT WASTE TIRE CLEANUP AND
AMNESTY EVENT GRANT PROGRAMS**

APPLICATION

TCA6 Cycle – FISCAL YEAR (FY) 2009/10



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Waste Tire Amnesty Event(s) Description	5
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Mailed applications must be postmarked no later than **January 29, 2010**. Hand delivered applications must be received and date stamped by CIWMB Staff no later than 3:00 p.m. on **January 29, 2010**. Late applications will be disqualified. Emailed or faxed applications will not be accepted.

Please follow instructions in the Application Guidelines and Instructions when completing this application.

The Application Guidelines and Instructions are critical to properly completing and submitting this application.

Applications become the property of the CIWMB and are subject to disclosure under the Public Records Act.

Do not submit confidential information.

Applications sent by U.S. Postal Service or a commercial delivery service should be sent in a manner that allows for tracking by the sender and that provides an addressed and dated receipt. Failure to do so is at the risk of the applicant and if delivery is delayed or the application is lost by the Post Office or delivery service, the burden is on the applicant to demonstrate timely mailing or delivery of the application.

**LOCAL GOVERNMENT WASTE TIRE CLEANUP AND AMNESTY EVENT
 GRANT PROGRAMS – TCA6 (FY 2009/10)**

Complete and submit all sections.

APPLICANT / ORGANIZATION INFORMATION			
APPLICANT / ORGANIZATION NAME: Tehama County Sanitary Landfill Agency		CLEANUP PROJECTS AMOUNT:	\$
PARTICIPATING JURISDICTIONS (FOR REGIONAL PROGRAMS ONLY): County of Tehama City of Tehama City of Corning City of Red Bluff		AMNESTY EVENTS AMOUNT:	\$27,10
		REQUESTED TOTAL AMOUNT: (ROUND AMOUNTS TO THE NEAREST WHOLE DOLLAR)	\$27,10
MAILING ADDRESS: 19995 Plymire Road		PROJECT ADDRESS: 19995 Plymire Road	
CITY: Red Bluff		CITY: Red Bluff	
COUNTY: Tehama	ZIP CODE: 96080	COUNTY: Tehama	ZIP CODE: 96080
PRIMARY CONTACT NAME: Kristina Miller	SIGNATURE AUTHORITY NAME: (AS AUTHORIZED IN RESOLUTION) Kristina Miller	AUTHORIZED DESIGNEE NAME: (IF APPLICABLE, AS AUTHORIZED IN LETTER OF DESIGNATION-LOD, SEE APPENDIX A FOR MORE INFO.)	
TITLE: Landfill Agency Manager	TITLE: Landfill Agency Manager	TITLE:	
TELEPHONE NUMBER: 530-528-1103	TELEPHONE NUMBER: 530-528-1103	TELEPHONE NUMBER:	
FAX NUMBER: 530-528-9304	FAX NUMBER: 530-528-9304	FAX NUMBER:	
EMAIL ADDRESS: recycle@clearwire.net	EMAIL ADDRESS: recycle@clearwire.net	EMAIL ADDRESS:	
INDICATE WHICH TYPE OF ENTITY YOU ARE (CHECK ONLY ONE):			
<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> CITY & COUNTY <input type="checkbox"/> QUALIFYING INDIAN TRIBE <input checked="" type="checkbox"/> OTHER (LIST TYPE) <u>Regional Agency (Joint Powers Authority)</u>			
LEGISLATIVE DISTRICT NUMBERS (TO FIND YOUR DISTRICT, USE MAILING ADDRESS ABOVE AND GO TO www.ciwmb.ca.gov/Profiles/Juris/)		FEDERAL TAX IDENTIFICATION NUMBER:	

ENVIRONMENTAL JUSTICE CERTIFICATION

CIWMB Grantees must in the performance of the Grant Agreement conduct their programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the State. (Govt. Code §65040.12(e) and Public Resources Code §71110(a))

**Must check
box**

X

We acknowledge that our organization will comply with these principles of Environmental Justice.

RESOLUTION REQUIREMENT

Submit either an approved Resolution, valid up to 5 years, with your application or the following acknowledgement

(If applicable, submit a current Letter of Designation (LOD) for signature designee)

Note: See Application Guidelines & Instructions for Resolution and Letter of Designation(LOD) information and examples

Must check one

We acknowledge that an approved Resolution and, if applicable, LOD designating additional signature authority is enclosed in the application.

We acknowledge that our approved Resolution must be received by the CIWMB no later than **February 26, 2010**. We further acknowledge that if our Resolution is received after this date, our application will be disqualified.

ENVIRONMENTALLY PREFERABLE PURCHASES AND PRACTICES POLICY

Acknowledgement that your organization has an Environmentally Preferable Purchases & Practices Policy

Must check one *Note: See Application Guidelines & Instructions for Environmentally Preferable Purchases and Practices Policy example and Notification*

Yes, our organization has an Environmentally Preferable Purchases and Practices Policy.
 Date adopted: 01/15/2002

No, our organization does not have an Environmentally Preferable Purchases and Practices Policy. We acknowledge that our organization must adopt one by **February 26, 2010** and send notification (see Application Guidelines & Instructions for Notification) to the CIWMB of such adoption by **February 26, 2010** or our application will be disqualified.

ACCEPTANCE OF GRANT PROVISIONS

By checking this box, Applicant acknowledges that submittal of this application constitutes acceptance of all Grant Agreement provisions as contained in the Terms and Conditions and Procedures and Requirements. To download these documents see: (insert grant program link here)

APPLICATION CERTIFICATION

Certification: I declare, under penalty of perjury under the laws of the State of California, that all information submitted for CIWMB's consideration for award of grant funds is true and accurate to the best of my knowledge.

*Signature Authority - as authorized in Resolution; or
 Authorized Designee - as authorized in submitted Letter of Designation*

Date

Kristina Miller
Print Name

**Landfill Agency
 Manager**
Print Title

WASTE TIRE CLEANUP PROJECT(S) DESCRIPTION

Provide the location, parcel number and a description of each site, which includes proximity to populated areas or sensitive environments, number of tires, proposed method of remediation, and end use. Photographs should also be included. If there are more than 500 tires on private property and the owner is not responsible for the illegal disposal of the tires, then an affidavit for each site must be included with the application. *See Application Guidelines and Instructions for the affidavit form.*

The Agency does not propose a waste tire cleanup project.

WASTE TIRE AMNESTY EVENT(S) DESCRIPTION

Provide a description of the amnesty event(s), including the estimated cost per tire for each event (grant amount divided by number of tires to be collected). Please include a quote from a registered waste tire hauler to justify the estimated cost per tire.

The Tehama County Sanitary Landfill Agency (TCSLA) plans a total of four collection events with locations to be finalized upon receipt of a Notice to Proceed.

The Tehama County Sanitary Landfill Agency (TCSLA) proposes three passenger and light truck tire amnesty events to be scheduled for October 2010, and January and April 2011. These one day events will be held at various Tehama County locations. Previous one day waste tire amnesty events were held at the Tehama County/Red Bluff Landfill, at sites in the communities of Corning and Cottonwood, and at Tehama County Transfer Stations – Los Molinos, Rancho Tehama, Mineral, Paynes Creek and Manton.

The TCSLA contracts with Waste Tire Products of Orland (WTP). WTP is a CIWMB certified tire hauler and recycler and is responsible for staging, transport, and recycling of tires collected at these events. In most cases, 100% of the collected tires are recycled into new products or crumb rubber. WTP charges \$1.50 per passenger tire. The Agency is billed after the tires are collected and returned to their facility for processing. (Please see Attachment 1 for an estimate of costs from Waste Tire Products). To publicize the events, advertisements and press releases are submitted to local newspapers before each event. During the amnesty tire events, Agency staff maintains a participant sign-in sheet, which includes the number of tires reported to have been brought to the collection event. Waste Tire Products also tracks the number of tires received at the events. During the events, Agency staff also distributes educational materials, manages traffic, and collects data.

Tehama County is a rural county with over 1,000,000 harvested acres. Like many rural counties, Tehama County is also below the state average in per capita income. For this reason, the Agency feels strongly about the need to provide at least one tire event dedicated to the agricultural community, although this has an adverse affect on the overall cost per tire.

The Agency proposes to conduct a voucher redemption program for collection of agricultural and equipment tires. The agricultural tire event proposed will be held for a two week period in late winter (most likely in February 2011) to allow farmers and ranchers time to complete harvest, roundups, and other seasonal activities. The vouchers are good for the disposal of two agricultural tires and will be

GRANT APPLICATION FORM

CIWMB 243-TCA (11/09)

made available through the Agricultural Commissioner's office, Tehama County/Red Bluff Landfill, Tehama County Farm Bureau, Red Bluff Bull Sale office, and at Corning City Hall. A limit of three coupons, for a total of six tires per address is proposed for the agricultural tire collection event. Tractor, grader, backhoe, and farm tires will be collected. Earthmover tires will not be accepted. The vouchers and tires are to be surrendered at the Tehama County/Red Bluff Landfill. At the end of the two week period Waste Tire Products will collect the tires for processing.

Waste Tire Products charges by the weight for agricultural tires. Their invoice is supported by surrendered vouchers and scale tickets from the Landfill. The 2009 Agricultural Tire Collection costs averaged \$23.00 per tire.

Is there a current Waste Tire Enforcement Grant awarded that covers applicant's jurisdiction? Yes
 No

Work Plan

FY 2009/10 LOCAL GOVERNMENT WASTE TIRE AMNESTY EVENTS

GRANT APPLICANT NAME:

PROPOSED PROJECT NAME(S):

Tehama County Sanitary Landfill Agency

Tehama County 2009/10 Waste Tire Amnesty Collection Events

Task #	Description of Task(s)	Budget	Product/Results	Staff/Contractor	Time Period (Dates)
1	Schedule date, time and locations	\$391.92	Advertising dates and Agreement with Hauler/Recycler	Recycling Coordinator - 8 hours @ \$48.99/hour	Upon receipt of Notice to Proceed
2	Prepare press releases and advertising materials; determine ad schedule and sizes; place ads	\$3,000.00 \$391.92	RB Daily News and Corning Observer Publish event	Recycling Coordinator - 8 hours @ \$48.99/hour	September 10, 2010 December 13, 2011 January 13, 2011 March 10, 2011
3	Contact Waste Tire Products of Orland, CA	\$195.96	Schedule trucks, crew and pricing	Recycling Coordinator - 4 hours @ \$48.99/hour	September 13, 2010 December 14, 2010 January 18, 2011 March 13, 2011
4	Hold event	\$11,250.00	Collect 2,500 tires per event @ \$1.50 per tire	Waste Tire Products	October 9, 2010 January 15, 2011 February 16 - March 1, 2011 April 16, 2011
		\$1,025.55	Data collection, outreach and traffic control	Agency Manager - 5 hrs @ \$68.37/hour/ event	
		\$734.85		Recycling Coordinator - 5 hrs @ \$48.99/hour/ event	
5	Analyze data; Prepare grant reports	\$489.90	Grant deliverables are documented for payment	Recycling Coordinator - 10 hours @ \$48.99/hour	April 22, 2011
		\$136.74		Landfill Agency	

STATE OF CALIFORNIA
GRANT APPLICATION FORM
 CIWMB 243-TCA (11/09)

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

6	Edit ag tire vouchers with new dates and number Print and sign vouchers, distribute vouchers to remote offices	\$146.97 \$60.00	250 Original vouchers available to farmers and ranchers Office supplies	Manager – 2 hours @ \$68.37/hour Recycling Coordinator – 3 hours @ \$48.99/hour	January 25, 2011
7	Prepare press release for Farm Bureau newsletter and other local media outlets; advertise event	\$97.98 \$25.00 \$1,000.00 \$400.00	Event is published in Farm Bureau newsletter prior to agric. tire event Advertising Advertising	Recycling Coordinator – 2 hours @ \$48.99/hour Office supplies Daily News Corning Observer	January 26, 2011
8	Begin event; collect vouchers; match with scale ticket; document number of tires redeemed	\$273.48 \$97.98	Number and weight of tires redeemed; validate documentation	Scale attendant Landfill Agency Manager – 4 hours @ \$68.37/hour Recycling Coordinator – 2 hours @ \$48.99/hour	Feb 16 - March 1, 2011
9	Close event; pay WTP invoice Prepare Final Grant Report	\$68.37 \$8,625.00 \$391.92 \$136.74	Based on 75% redemption of vouchers @ 2 tires each with average price of \$23.00/tire/event Document grant objectives are satisfied; Submit payment request	Landfill Agency Manager – 1 hour @ \$68.37/hour Recycling Coordinator – 8 hours @ \$48.99/hour Landfill Agency Manager – 2 hours @ \$68.37/hour	March 4-March 10, 2011 June 1, 2011

Budget
FY 2009/10 LOCAL GOVERNMENT WASTE TIRE AMNESTY EVENT(S)

GRANT APPLICANT NAME:

Tehama County Sanitary Landfill Agency

Line Item	Title/Classification	No. Of Hours	Salary Rate	Benefit %	Match \$	Grant \$	Total \$
Personnel (project/grant oversight)*	Landfill Agency Manager Recycling Coordinator	24 60	\$68.37/hour \$48.99/hour	51% 51%		\$1,640.88 \$2,939.40	\$1,640.88 \$2,939.40
Labor (handling tires)							
Contracts (removal, transportation, disposal)							
3 Passenger Tire Collection Events							
						\$11,250.00	\$11,250.00
1 Agricultural Tire Collection Event							
Waste Tire Products 3820 Highway 99W Orland, CA						\$8,625.00	\$8,625.00
Equipment Rental							
None							

Description:

Provide personnel, trucks, loading and recycling of all tires collected. Passenger and light truck tires at \$1.50 each; Larger sizes range from \$8.00-\$75.00 each. 3 events @ 2,500 tires per event @ \$1.50 per tire = \$3,750.00.
 1 Agric. Tire Collection Event – Estimate based on 75% (of 250) voucher redemption @ 2 tires/ voucher at an average price of \$23.00 = \$8,625.00

Description:

None

STATE OF CALIFORNIA
GRANT APPLICATION FORM

CIWMB 243-TCA (11/09)

Materials & Supplies Office supplies, printer services, copy charges, internet fees and postage	Description: 100 sign-in and data collection sheets, 250 Agric tire vouchers, phone charges for online time, postage for vouchers, paper	\$85.00		\$
Education & Advertising* Red Bluff Daily News Corning Observer	Description: Ads running in the Daily News and Corning Observer twice per event (4 events)	\$1,750.00	\$2,650.00	\$4,4
Totals:		\$1,835.00	\$27,105.28	\$28,9
Grant Amount	/	=	Cost Per Tire	
\$27,105.28	/	=	\$3.44	

Project oversight and education, outreach and advertising expenses, combined, are only reimbursable up to 25% of the total amount that is reimbursed for amnesty events.

GENERAL CHECKLIST OF BUSINESS PERMITS, LICENSES AND FILINGS

CIWMB 669 (Revised 9/07)

GRANT APPLICANT/GRANTEE NAME

Tehama County Sanitary Landfill Agency

GRANT NAME AND CYCLE

**2009/10 Local Government Waste Tire Cleanup and
Amnesty Event Grant**GRANT NUMBER, IF
APPLICABLEDATE
SUBMITTED/UPDATED**Mark (✓ or X) appropriate box on each line below. All lines must be completed.***Note: This list is not all-inclusive. Grant Applicant/Grantee must list other critical permits/licenses/filings not identified below.*

<input type="checkbox"/>			Grant Applicant/Grantee currently holds this valid permit/license/filing	
<input type="checkbox"/>			Grant Applicant/Grantee will modify and/or obtain this permit/license/filing	
<input type="checkbox"/>			This permit/license/filing is not applicable for this grant project or business	
			LOCAL PERMITS, LICENSES & FILINGS	REGULATOR OR ISSUER
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Authority to Construct/Permit to Operate	Air Quality Management District
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Building Construction Permit	City or County
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Business License	City or County
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fictitious Business Name Filing	County
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use Permit/Zoning Clearance/Conditional Use Permit	City or County
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Permit By Rule (PBR) for Permanent HHW Facilities or Temporary Collection Events	City, County or Cal/EPA-DTSC
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waste Hauler Permit	City or County
			STATE PERMITS, LICENSES & FILINGS	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Antifreeze, Battery, Oil & Paint (ABOP) Notification	CUPA or Cal/EPA-DTSC
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Corporate, Company or Partnership Filings	Ca. Secretary of State
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hazardous Waste Haulers Permit	Cal/EPA – DTSC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Industrial Activities Storm Water General Permit	Cal/EPA – SWRCB
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Non-Profit Organization 501 (C) (3)	Ca. Secretary of State
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Prop. 65 Safe Drinking Water & Toxic Enforcement Act	Cal/EPA – OEHHA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solid Waste Facilities Permit	Cal/EPA – CIWMB
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	State EPA Identification Number	Cal/EPA – DTSC
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waste and Used Tire Hauler Registration	Cal/EPA – CIWMB
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waste Discharge Requirements	Cal/EPA – SWRCB
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waste Tire Facilities Permit	Cal/EPA – CIWMB
			FEDERAL PERMITS, LICENSES & FILINGS	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	US EPA – Identification Number	US EPA
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	US EPA – NPDES and/or NSR Permits	US EPA

GRANT APPLICATION FORM

CIWMB 243-TCA (11/09)

OTHER PERMITS, LICENSES & FILINGS

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DO NOT submit copies of the permits/licenses/filings with this form. Please retain all permits/licenses/filings in grant file for audit purposes.

GENERAL CHECKLIST OF BUSINESS PERMITS, LICENSES AND FILINGS

CIWMB 669 (Revised 9/07)

*Comments/Notes:***Mark (✓ or X) appropriate box below.**

<input type="checkbox"/>	PRIVATE ENTITY CERTIFICATION: I declare under penalty of perjury under the laws of the State of California that the proposed grantee: 1) is in good standing and qualified to do business in the State; and 2) has or will comply with all applicable state, federal, and local laws, ordinances, regulations, license and permit requirements necessary for the proper performance of this grant; and 3) where compliance has not been met, I have attached a letter describing what has been done to achieve full compliance.
<input checked="" type="checkbox"/>	PUBLIC ENTITY CERTIFICATION: I declare under penalty of perjury under the laws of the State of California that the proposed grantee: 1) has or will comply with all applicable state, federal, and local laws, ordinances, regulations, license and permit requirements necessary for the proper performance of this grant; and 2) where compliance has not been met, have attached a letter describing what has been done to achieve full compliance.

Executed at: Red Bluff, CA
City and State

on

Date

X	
<i>Signature Authority / Authorized Designee (as authorized in Resolution or Letter of Designation-LOD)</i>	<i>Date</i>
Kristina Miller	Landfill Agency Manager
<i>Print Name</i>	<i>Print Title</i>

Note: *Falsification under penalty of perjury may result in criminal and civil penalties. In addition, pursuant to the terms of the grant agreement, any misrepresentations in the above certification shall constitute a breach of contract that could result in non-payment of grant funds to the grantee; relinquishment by the grantee of funds previously paid; termination of the grant; and/or placing the grantee on the CIWMB's Unreliable Contractors List.*

APPLICATION CHECKLIST

This application checklist is provided for your convenience and is not intended to be all inclusive. You are responsible for completing and submitting all required documentation.

Grant Application Form

- All applicable information and documents are provided; applicable boxes are checked.
- Application Certification is signed by the:
 - 1) Signature Authority as authorized in Resolution, or
 - 2) Authorized Designee.
Authorized Designee may sign only if the Letter of Designation has been submitted to the CIWMB.
- A registered waste tire hauler quote is included
- If applicable, Property Access Authorization and Responsibility Affidavit For Private Property is included. *See Application Guidelines & Instructions for more information.*

Environmental Justice Certification

- Box is checked.

Resolution or Requirement—

See Application Guidelines & Instructions for Resolution, and Letter of Designation (LOD) information and examples

- Approved Resolution is included with Application; box is checked, or
- If applicable, approved Resolution not submitted with Application but will be submitted to the CIWMB for receipt by **February 26, 2010**; box is checked.
- If applicable, Letter of Designation (LOD) is included with Application.
A LOD is not required to be submitted with the Application; however, it must be submitted prior to Designee's exercise of his/her authority.

Environmentally Preferable Purchases and Practices Policy—*See Application Guidelines & Instructions for example & notification*

- Signature Authority has certified that Applicant has an Environmentally Preferable Purchases and Practices Policy (EPPP Policy); box is checked, or
- Applicant does not have an EPPP Policy but will adopt one by **February 26, 2010** and submit a Notification to the CIWMB for receipt by **February 26, 2010**; box is checked.

Certification of Completion of General Checklist of Business Permits, Licenses and Filings (CIWMB669)

- CIWMB 669 form is completed.

Acceptance of Grant Provisions

- Box is checked.

Application Format & Submittal

GENERAL CHECKLIST OF BUSINESS PERMITS, LICENSES AND FILINGS

CIWMB 669 (Revised 9/07)

- Copies: One application with **original** signature (blue ink preferred), and **two copies**
- Paper: 8½ X 11, printed double-sided, single spaced, on 100% post consumer fiber, and numbered consecutively
- Stapled, not bound: upper left-hand corner
- Font: Comparable to 12 pt. Times New Roman
- Addressed to the appropriate mailing address of the CIWMB

**ITEM NO. J-6
ORDINANCE NO. 639; CULTIVATION OF MEDICAL
MARIJUANA; AN ORDINANCE OF THE CITY OF
CORNING ADDING A CHAPTER TO TITLE 17 OF
THE CORNING MUNICIPAL CODE THAT WOULD
REGULATE THE CULTIVATION OF MEDICAL
MARIJUANA**

JANUARY 26, 2010

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JOHN STOUFER, PLANNING DIRECTOR

BACKGROUND:

At the February 2009 Planning Commission Meeting a study matter regarding regulating the cultivation of medical marijuana and banning the establishment of medical marijuana dispensaries, collectives and cooperatives was discussed. Due to several uncertainties in the law and pending litigation involving other cities in the State of California an ordinance regulating the cultivation of medical marijuana has not been presented for public review and consideration before the Planning Commission and City Council.

Since the February meeting the City Council has adopted an interim ordinance banning the establishment of medical marijuana dispensaries, collectives and cooperatives within any zoning district in the City of Corning. This interim ordinance will remain in effect until August 2010. The ordinance reviewed by the Planning Commission and before the City Council imposes regulations regarding the cultivation of medical marijuana only, and does not have any effect on the interim ordinance that currently bans dispensaries, collectives and cooperatives.

Staff has been working with an Adhoc Committee, appointed by the Council, in developing the regulations proposed in this ordinance. Below is a summary of the regulations that would be imposed if Ordinance No. 639 is adopted by the Council:

- Cultivation of medical marijuana would be prohibited within any residential structure.
- Outdoor cultivation of medical marijuana would be prohibited.
- Cultivation of medical marijuana would be limited to six (6) mature or twelve (12) immature marijuana plants per parcel or premises. Premises is defined in the ordinance as a single legal parcel or contiguous legal parcels under common ownership.
- Cultivation of medical marijuana must be conducted within a secure detached structure, located in the rear yard of a parcel only, and a minimum 10 feet from any property line surrounded by a six (6) foot high solid fence

- A mechanical ventilation system approved by the Building Official must be installed within the detached structure.
- Adequate mechanical or electronic security system approved by the Building Official and Police Chief must be installed in and around the detached structure.
- Qualified patients or caregivers who wish to cultivate medical marijuana must annually register with the Corning Police Department and provide a valid medical recommendation or State issued medical marijuana card.
- Non-conforming or “grandfathered” cultivation of medical marijuana must comply with this ordinance by December 31, 2010.
- Cultivation of medical marijuana is prohibited within 1000 feet of any school located within the City.

The Planning Commission held a public hearing on December 15, 2009 to review and consider making a recommendation to the City Council regarding the adoption of Ordinance No. 639. After taking public comment the Planning Commission voted 4:0 to recommend that the City Council adopt Ordinance No. 639 with language added to the definition of a “Detached Structure” requiring the exterior walls to be constructed with non-transparent material.

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.” Regulating the cultivation of medical marijuana will not have a significant effect on the environment.

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*.

POTENTIAL CHANGE IN ORDINANCE

At the Planning Commission meeting we discussed the possibility of changing the cultivation limits as it is shown below from limiting the number of plants per parcel to limiting the square footage of an area that could be cultivated per parcel or premises. Last Friday Becky Hill and I attended a meeting of the northern section of the League of California Cities where medical marijuana was discussed. An attorney from Meyer & Nave was answering questions and I asked her about limiting the number of plants compared to limiting the square footage. She felt that limiting the number of plants may be a problem since the law allows a patient to possess six plants and if multiple patients lived on one parcel it could be interpreted that we are denying their right to possess six more plants. She felt providing a square footage limit would be a better

way to go. I also spoke with City Attorney Mike Fitzpatrick and he stated the Council has the ability to modify language in the ordinance as long as it was discussed at the public hearing.

E. Cultivation Limits: It is hereby declared to be unlawful for any person or persons owning, leasing, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City of Corning to cause or allow such parcel or premises to be used for the cultivation of more than six (6) mature or twelve (12) immature marijuana plants.

I'm proposing to recommend that the Council adopt the cultivation ordinance but change this section to read as follows:

E. Cultivation Limits: It is hereby declared to be unlawful for any person or persons owning, leasing, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City of Corning to cultivate, within a detached structure that meets the requirements for cultivation as described in this chapter, an area or areas larger than 120 square feet in size.

Additional Information:

Since the preparation of this staff report and the discussion on amending the language in the ordinance regarding limiting the number plants per parcel to limiting the square footage of a detached structure used for the cultivation of medical marijuana the California Supreme Court issued a ruling on Thursday, January 21, 2010 that Health and Safety Code section 11362.77, which is a part of the Medical Marijuana Program limiting the amount of marijuana that a qualified patient may possess or cultivate is invalid under the California Constitution.

With this ruling I believe we must change the language in the ordinance from limiting the number of plants to limiting the square footage of the detached structure used for cultivation. Staff has provided a finding in the ordinance that California Government Code, Section 65850 (c) (4) provides the authority for the City of Corning to regulate, by ordinance, the intensity of land use. I have not had a chance to talk with City Attorney Mike Fitzpatrick regarding this recent court ruling and the impacts it may have to the cultivation ordinance. We will do as much research as possible prior to Tuesday's meeting to provide you with more information regarding the cultivation ordinance. I have attached two articles off the internet regarding the recent court decision. I would have to say that I agree with the quote in the Sacramento Bee article from Sacramento County Sheriff John McGinness that the ruling reflected "an abundance of ambiguity."

PROPOSED ORDINANCE NO. 639 APPLICABLE TO THE CULTIVATION OF MEDICAL MARIJUANA WITHIN THE CITY OF CORNING

WHEREAS, California Government Code, Section 65850 (c) (4) provides the authority for the City of Corning to regulate, by ordinance, the intensity of land use; and

WHEREAS, the State of California approved Proposition 215 "The Compassionate Use Act of 1996" (Health and Safety Code Section 11362.5), which was to enable persons who are in need of marijuana for medical purposes; and

WHEREAS, the State also enacted SB 420 in 2004 (Health and Safety Code Section 11362.7 et seq.) to clarify the scope of The Compassionate Use Act to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420; and

WHEREAS, under the Controlled Substances Act, the use, possession and cultivation of medicinal marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more during the growing season (August through October for outdoor cultivation), produce an extremely strong odor, offensive to many people, and detectable far beyond property boundaries; and

WHEREAS, the City has continually received complaints of odor related to the growing of medicinal marijuana; and

WHEREAS, in the case of multiple qualified patients who are in control of the same legal parcel, or parcels, of property, or in the case of a caregiver growing for numerous patients, a very large number of plants could be grown on the same legal parcel, or parcels, within the City of Corning; and

WHEREAS, the possession and cultivation of large quantities marijuana has resulted in the armed robberies of residents living in nearby communities and residential areas surrounding the City of Corning; and

WHEREAS, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery, and the death of a man in the nearby community of Los Molinos; and

WHEREAS, it is the purpose and intent of this ordinance to implement state law by providing a means for regulating the cultivation of medicinal marijuana in a manner that is consistent with state law and balances the needs of medical patients and their caregivers and promotes the health, safety, morals and general welfare of the residents and businesses within the City of Corning. Nothing in this ordinance shall be constructed to allow the use of marijuana (cannabis) for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal; and

WHEREAS, the potential adverse secondary effects of allowing the cultivation of medicinal marijuana presents a clear and present danger to the immediate preservation of the public peace, health, and safety of the community because currently the City has no rules or regulations governing the cultivation of medical marijuana; and

WHEREAS, it is the purpose and intent of this ordinance is to ensure that marijuana grown for medical purposes remains secure and does not find its way to non-patients or illicit markets; and

WHEREAS, it is the purpose and intent of this ordinance to help law enforcement agencies perform their duties effectively and in accordance with California law; and

WHEREAS, the cultivation of marijuana within a residence has potential adverse affects to the structural integrity of the residence and the use of high wattage grow lights within a residence increases the chances of a fire which presents a clear and present danger to the occupants; and

WHEREAS, The indoor cultivation of substantial amounts of marijuana also requires excessive use of electricity, which often creates an unreasonable risk of fire from the electrical grow lighting systems used in indoor cultivation; and

WHEREAS, Areas surrounding schools attract large numbers of juveniles and the cultivation of any amount of marijuana at locations or premises within 1,000 feet of a school makes the site vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with marijuana cultivation in such locations poses heightened risks that juveniles will be involved or endangered. Therefore, cultivation of any amount of marijuana in such locations or premises is especially hazardous to public safety and welfare, and to the protection of children and the person(s) cultivating the marijuana plants; and

WHEREAS, The Attorney General's August 2008 *Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use* recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, The City of Corning Planning Commission held a public hearing on December 15, 2009 and recommended by a 4 : 0 vote that the City Council adopt Ordinance No. 639 regulating the cultivation of medical marijuana within the City of Corning.

Chapter 17.64
Cultivation of Medical Marijuana

Sections:

- 17.64.010 Purpose and Intent**
- 17.64.020 Definitions**
- 17.64.030 Cultivation of Medical Marijuana**
- 17.64.040 Non-Conforming Use**
- 17.64.050 Enforcement**

17.64.010. Purpose and Intent: It is the purpose and intent of this chapter to require that medical marijuana be cultivated in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the public domain, to provide for the health, safety and welfare of the public, to prevent odor created by marijuana plants from impacting adjacent properties, and ensure that marijuana grown for medical purposes remains secure and does not find its way to non-patients or illicit markets.

This chapter is in compliance with the California Health & Safety Code Section 11362, and does not interfere with a patient's right to medical marijuana, nor does it criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, pursuant to Proposition 215 and Senate Bill 420.

17.64.020. Definitions: Definitions: As used herein the following definitions shall apply:

A. CULTIVATION: The planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.

B. DETACHED FULLY ENCLOSED AND SECURE STRUCTURE: A building completely detached from a residence that complies with the California Building Code, as adopted in the City of Corning, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two inch by four inch (2" x 4") or thicker studs overlaid with three-eighths inch (3/8") or thicker plywood or the equivalent. Exterior walls must be constructed with non-transparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

C. IMMATURE MARIJUANA PLANT: A marijuana plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination.

D. INDOORS: Within a fully enclosed and secure structure.

E. MATURE MARIJUANA PLANT: A marijuana plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.

F. OUTDOOR: Any location within the City of Corning that is not within a fully enclosed and secure structure.

G. LEGAL PARCEL: Any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2, commencing with Section 66410, of Title 7 of the Government Code).

H. PREMISES. A single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "premises" for purposes of this chapter.

I. REAR YARD. As defined in Section 17.06.560 of the Corning Municipal Code.

J. SOLID FENCE. A six foot high structure, constructed with material approved by the Building Official that prevents viewing the contents from one side to the other.

K. SCHOOL. An institution of learning for minors, whether public or private, offering regular course of instruction for children attending kindergarten, elementary school, middle or junior high school or senior high school. A residence that provides home schooling and preschool or daycare centers are not included in this definition.

L. PRIMARY CAREGIVER: A "primary caregiver" as defined in Health and Safety Code section 11362.7(d).

M. QUALIFIED PATIENT: A "qualified patient" as defined in Health and Safety Code section 11362.7(f).

17.64.030. Cultivation of Medical Marijuana: The following regulations shall apply to the cultivation of medical marijuana as allowed pursuant to Proposition 215 and Senate Bill 420.

A. Outdoor Cultivation: It is hereby declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City of Corning to cause or allow such parcel or premises to be used for the outdoor cultivation of marijuana plants.

B. Residential Structure Cultivation: It is hereby declared to be unlawful for any person to cultivate marijuana in any residential structure, occupied or not.

C. Multi-Family Residential or Commercial Parcels: It is hereby declared to be unlawful for any person to cultivate marijuana on any legal parcel or premises containing two or more attached or detached residential structures.

D. Proximity to Schools: It is hereby declared to be unlawful to cultivate medical marijuana on any legal parcel or premises within 1000 feet of a school as defined in this chapter. The 1000 foot distance shall be measured from the closet property line of the school to the closet property line of the cultivation parcel.

E. Cultivation Limits: It is hereby declared to be unlawful for any person or persons owning, leasing, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City of Corning to cause or allow such parcel or premises to be used for the cultivation of more than six (6) mature or twelve (12) immature marijuana plants.

F. Indoor Cultivation: The indoor cultivation of medical marijuana must be conducted within a detached fully enclosed secure structure and shall conform to the following standards:

- 1) Any detached structure, regardless of square footage, constructed, altered or used for the cultivation of medical marijuana must obtain a building permit from the Building Official. Cultivation within this detached structure may not commence without final approval of the Building Official, Planning Director and Chief of Police.
- 2) Indoor grow lights shall not exceed 1200 watts and comply with the California Building, Electrical and Fire Codes as adopted by the City of Corning. Gas products (CO₂, Butane, Propane, Natural Gas, etc) or generators may not be used within a detached structure used for the cultivation of medical marijuana.
- 3) Any detached structure used for the cultivation of medical marijuana must install a ventilation system that will prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the California Building Code Section 402.3 Mechanical Ventilation. The ventilation system must be approved by the Building Official and installed prior to commencing cultivation within the detached structure.
- 4) A detached structure used for the cultivation of marijuana must be located in the rear yard area of a legal parcel or premises, maintain a minimum ten (10) foot setback from any property line, and the area surrounding the structure must be enclosed by a six (6) foot high solid fence. If the entire rear yard area is fenced by a six foot high solid fence, and access from the side yards are fenced by a six foot high solid fence that will suffice for the fencing requirement.
- 5) Adequate mechanical or electronic security systems approved by the Building Official and Chief of Police must be installed in and around the detached structure prior to the commencement of cultivation.
- 6) Prior to commencing cultivation, and upon annual renewal of a qualified patients physicians recommendation, the person(s) owning, leasing, occupying, or having charge or possession of any legal parcel or premises where a detached structure is used for the cultivation of marijuana must register with the Corning Police Department. The following information will be required with the annual registration:

- A. A notarized signature from the landowner consenting to the cultivation of marijuana within a detached structure on a legal parcel or premises. The City will supply the letter of consent for signature by the landowner.
- B. The number of marijuana plants to be cultivated on the legal parcel or premises.
- C. The name of each person, owning, leasing, occupying, or having charge of any legal parcel or premises where marijuana will be cultivated.
- D. The name of each qualified patient or primary caregiver who participates in the cultivation, either directly or by providing reimbursement for marijuana or the services provided in conjunction with the provision of that marijuana.
- E. The original current valid medical recommendation or State issued medical marijuana card for each qualified patient identified as required above, and for each qualified patient for whom any person identified as required above is the primary caregiver.
- F. The physical site address of where the marijuana will be cultivated.
- G. A signed consent form authorizing city staff, including the police department, authority to do a notified inspection of the detached structure used for the cultivation of marijuana. The City will supply the letter of consent for signature.

The information contained within the registration material shall be received in confidence, and shall be used or disclosed only for purposes of administration of this ordinance or State law, or as otherwise required by law.

17.64.040 Non-Conforming Use

Non-Conforming Cultivation : Any parcel or premises that was used for the cultivation of medical marijuana by a qualified patient or caregiver and had marijuana plants established and growing by March 12, 2010 and does not meet the requirements of this section shall be allowed to continue cultivation activities as established in accordance with regulations for non-conforming land uses in Section 17.52.010 of the Corning Municipal Code until December 31, 2010 at which time Section 17.52.010 will no longer be applicable and any non-conforming cultivation must cease and future cultivation of medical marijuana must comply with this chapter.

17.64.050 Enforcement:

A. Public Nuisance: The violation of this section is hereby declared to be a public nuisance.

B. Abatement: A violation of this section may be abated by the city attorney by the prosecution of a civil action for injunctive relief and by the summary abatement procedure set forth in subsection C of this section.

C. Summary Abatement Procedure:

a. The Chief of Police, Building Official, Planning Director, or a designee (hereafter, the "enforcement official"), are hereby authorized to order the abatement of any violation of this section by issuing a notice to abate. The notice shall:

Describe the location of and the specific conditions which represent a violation of this section and the actions required to abate the violation.

(2) Describe the evidence relied upon to determine that a violation exists, provided that the enforcement official may withhold the identity of a witness to protect the witness from injury or harassment, if such action is reasonable under the circumstances.

(3) State the date and time by which the required abatement actions must be completed.

(4) State that to avoid the civil penalty provided in subsection C.a.(8) of this section and further enforcement action, the enforcement official must receive consent to inspect the premises where the violation exists to verify that the violation has been abated by the established deadline.

(5) State that the owner or occupant of the property where the violation is located has a right to appeal the notice by filing a written notice of appeal with the city clerk by no later than three (3) business days from the service of the notice. The notice of appeal must include an address, telephone number, fax number, if available, and e-mail address, if available. The city may rely on any of these for service or notice purposes. If an adequate written appeal is timely filed, the owner or occupant will be entitled to a hearing as provided in subsection E. of this section.

(6) State that the order to abate the violation becomes final if a timely appeal is not filed or upon the issuance of a written decision after the appeal hearing is conducted in accordance with subsection E. of this section.

(7) State that a final order of abatement may be enforced by application to the superior court for an inspection and/or abatement warrant or other court order.

(8) State that a final order to abate the nuisance will subject the property owner and the occupant to a civil penalty of five hundred dollars (\$500.00) for each day that the violation continues after the date specified in the notice under subsection C.a.(3) of this section, when the violation must be abated. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

(9) State that in any administrative or court proceeding to enforce the abatement order the prevailing party is entitled to recover reasonable attorney fees from the other party or parties to the action, if the city elects, at the initiation of an individual action or proceeding, to seek recovery of its own attorney fees. In no action, administrative proceeding, or special proceeding shall an award of attorney fees to a prevailing party exceed the amount of reasonable attorney fees incurred by the city in the action or proceeding.

D. The notice described in subsection C.a. of this section shall be served in the same manner as summons in a civil action in accordance with article 3 (commencing with section 415.10) of chapter 4 of title 5 of part 2 of the Code of Civil Procedure, or by certified mail, return receipt requested, at the option of the city. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation pursuant to Government Code section 6062.

E. Not sooner than five (5) business days after a notice of appeal is filed with the city clerk, a hearing shall be held before the city administrator or a hearing officer designated by the city administrator to hear such appeals. The appellant shall be given notice of the date, time and place of the hearing not less than five (5) days in advance. The notice may be given by telephone, fax, e-mail, personal service or posting on the property. At the hearing, the enforcement official shall present evidence of the violation, which may include, but is not limited to, incident and police reports, witness statements, photographs, and the testimony of witnesses. The property owner and the occupant of the property where the violation is alleged to exist shall have the right to present evidence and argument in their behalf and to examine and cross examine witnesses. The property owner and property occupant are entitled at their own expense to representation of their choice. At the conclusion of the hearing, the city administrator or hearing officer shall render a written decision which may be served by regular first class mail on the appellants.

F. A final order to abate the nuisance will subject the property owner or owners and any occupant or occupants of the property who are cultivating marijuana in violation of this section to a civil penalty of five hundred dollars (\$500.00) for each day that the violation continues after the date specified in the notice under subsection C.a.(3) of this section, when the violation must be abated. The enforcement official or the city administrator or hearing officer hearing an appeal pursuant to subsection C.a.(5) of this section may reduce the daily rate of the civil penalty for good cause. The party subject to the civil penalty shall have the burden of establishing good cause, which may include, but is not limited to, a consideration of the nature and severity of the violation, whether it is a repeat offense, the public nuisance impacts caused by the violation, and the violator's ability to pay. The daily penalty shall continue until the violation is abated. The penalty may be recovered through an ordinary civil action, or in connection with an application for an inspection or nuisance abatement warrant.

G. Violation: Cultivation of marijuana on parcels within the city that does not comply with this section constitutes a violation of the zoning ordinance and is subject to the penalties and enforcement as provided in subsections C.a.(8) and F. of this chapter.

H. Penalties Not Exclusive: The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others and none of these penalties and remedies prevent the city from using any other remedy at law or in equity which may be available to enforce this section or to abate a public nuisance.

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

AYES:

NOES:

ABSENT:

Abstain:

It 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

PUBLISH: _____

ACTION

MOVE TO WAIVE THE FIRST READING OF ORDINANCE NO. 639, THE ORDINANCE TO IMPLEMENT REGULATIONS FOR THE CULTIVATION OF MEDICAL MARIJUANA WITHIN THE CITY OF CORNING.

VOTE OF THE COUNCIL

OR:

MOVE TO DENY THE ADOPTION OF ORDINANCE NO. 639.

ATTACHMENTS

A copy of Ordinance No. 639 was sent to THC, Inc., you have previously been provided with all the information Ken & Kathy Prather submitted to the City. The only attachment provided with this staff report is a letter sent to Mr. Prather from the law offices of William Panzer prior to review of the ordinance by the Planning Commission.

Additional Attachments:

Article retrieved from the internet regarding the Supreme Court Decision

Article from the Sacramento Bee

Law Offices of
William G. Panzer
370 Grand Avenue, Suite 3
Oakland, California 94610

Telephone: (510) 834-1892
Fax: (510) 834-0418

December 14, 2009

Ken Prather
(530) 824-4827

Re: Proposed Corning City Ordinance
No. 639 Regarding Medical Cannabis

Dear Mr. Prather:

You have requested that I review the above-referenced Ordinance, scheduled to be considered by the Corning City Council on Tuesday evening, December 15th.

As for my qualifications, I have been working in this field for many years. I helped to draft A.B. 1529, the state legislature bill that preceded Proposition 215 (Health & Safety Code §11362.5), along with Prop. 215 itself. I have worked in drafting and implementing dispensary regulations with Alameda County, City of Oakland, City of Hayward, City of Santa Rosa, and Sonoma County. My practice specializes in medical cannabis cases. I have represented patients, dispensaries, growers, and doctors in State and Federal courts at both the trial and appellate level.

I have reviewed the proposed Corning City Ordinance No. 639 and believe it contains errors and flaws that would render it in violation of State law, and by its implementation and enforcement would likely cause irreparable harm to lawful medical cannabis patients living in Corning.

The fundamental flaw in the proposed Ordinance is evident in the claimed legal authorization for the implementation of its provisions. Specifically, the proposed Ordinance states:

WHEREAS, the State also enacted SB 420 in 2004 (Health and Safety Code Section 11362.7 et seq.) to clarify the scope of The Compassionate Use Act to allow local governing

December 14, 2009
Ken Prather
Page Two

bodies to adopt and enforce rules and regulations consistent with SB 420.

This is an inaccurate statement of the provisions of The Medical Marijuana Program Act, commonly known as "SB 420". Nowhere in The MMPA does it authorize local municipalities to promulgate such rules. The only section of The MMPA that authorizes action by local municipalities is Section 11362.77(c) which provides as follows:

Counties and cities may retain or enact medical marijuana guidelines allowing qualified patients or primary caregivers to exceed the state limits set forth in subdivision (a).

Thus, the only action that the statute authorizes for local municipalities is to set plant and amount limits in excess of those stated in The MMPA. Even this authorization is questionable as the California Court of Appeals has found this section to be unconstitutional (See People v. Kelly, 163 Cal. App. 4th 124 (2008)). The Attorney General appealed the Kelly decision to the California Supreme Court. I attended the oral arguments in the case on November 3, 2009. At the oral argument, the AG advised the Court that his position had "evolved" and that he now agreed with respondent that the amount and plant limits constituted an unconstitutional amendment of Prop 215. Thus it is exceedingly likely that the high Court will soon affirm the Kelly decision, striking Section 11362.77 from The MMPA.

Since the California Supreme Court is about to rule that plant and amount limits are unconstitutional, the portions of the proposed Corning City Ordinance that places numerical limits on plant numbers will similarly be unconstitutional.

Other concerns are that the proposed ordinance bars patients and caregivers from engaging in certain activities that are authorized by state law. In such a situation, state law clearly pre-empts local law.

Requiring all patients to register with the police would likely also be considered as unconstitutional by the courts as violating basic rights against self-incrimination under the 5th Amendment of the U.S. Constitution. (This is why The MMPA card system is voluntary rather than mandatory).

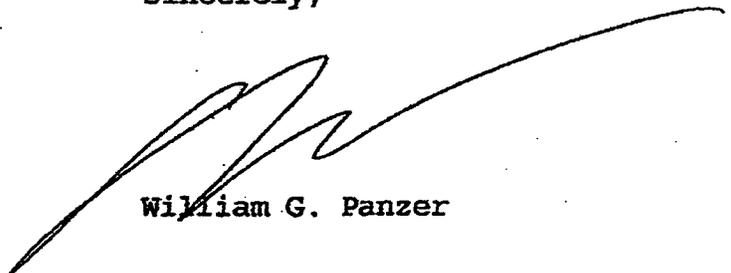
December 14, 2009
Ken Prather
Page Three

I notice in the prefatory language of the proposed ordinance that the City of Corning has apparently previously adopted an ordinance banning dispensaries, collectives, and cooperatives. Such an ordinance is also problematic. There is a meritorious argument that, under certain circumstances, a local municipality may lawfully ban storefront dispensaries. Such was the finding in the recent case of City of Claremont v. Kruse, 177 Cal. App.4th 1153 (2009). However, the same analysis does not allow for a ban of collectives and cooperatives. The Kruse court noted that nothing in Prop 215 or The MMPA specifically authorizes storefront dispensaries. Thus, according to the court, state law doesn't pre-empt local ordinances banning such storefront dispensaries. The MMPA, however, does specifically provide for collectives and cooperatives in Section 11362.775. Thus, any local ordinance (such as the referenced Interim Ordinance and the Proposed Ordinance) that bars patients from associating would clearly be pre-empted by State law. In addition, any such ordinance would be in violation of the U.S. Constitutional right to Freedom of Assembly.

The above analysis is not intended to be comprehensive. As I advised you, I am currently in trial and not able to devote sufficient time to provide a more critical analysis. Nevertheless, should the Corning City Council pass the proposed ordinance as currently written, my office would be very interested in discussing the representation of Corning citizens in a legal challenge. Should we prevail in such a challenge, it is likely we would receive an award of attorney fees pursuant to Code of Civil Procedure Section 1021.5, commonly referred to as "The Private Attorney General Act".

I hope this letter answers your questions. Should you have any further questions about the above, or any other related matter, please do not hesitate to contact me.

Sincerely,



William G. Panzer

WGP:lbp

CA Supreme Court Strikes Limits on Medical Marijuana

By [Jeralyn](#), Section Court Decisions

Posted on Thu Jan 21, 2010 at 01:13:47 PM EST

Tags: [medical marijuana reform](#) ([all tags](#))

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The California Supreme Court today in a much-anticipated decision, *People v. Kelly*, [ruled for medical marijuana patients and caregivers](#) and invalidated part of a legislative amendment to the state's medical marijuana law that imposed limits on the amount of pot one could grow or possess in order to raise the state statute as an affirmative defense in a criminal case.

Today's decision also affirms protection from arrest and prosecution for patients who both possess a state-issued identification card and comply with state or local personal use guidelines.

"The California Supreme Court did the right thing by abolishing limits on medical marijuana possession and cultivation," said Joe Elford, Chief Counsel with Americans for Safe Access, the country's largest medical marijuana advocacy group. "At the same time, the Court may have left too much discretion to law enforcement in deciding what are reasonable amounts of medicine for patients to possess and cultivate."

[[More...](#)]

The opinion is [here](#).

Health and Safety Code section 11362.77,1 which is part of the Medical Marijuana Program (MMP) (§ 11362.7 et seq.), prescribes a specific amount of marijuana that a "qualified patient" may possess or cultivate. We granted review to determine whether this aspect of section 11362.77 is invalid under California Constitution, article II, section 10, subdivision ©, insofar as it amends, without approval of the electorate, the Compassionate Use Act (CUA) (§ 11362.5), an initiative measure adopted by the voters as Proposition 215 in 1996.

We conclude, consistently with the decision of the Court of Appeal below (and with the position of both parties in the present litigation), that insofar as section 11362.77 burdens a defense under the CUA to a criminal charge of possessing or cultivating marijuana, it impermissibly amends the CUA and in that respect is invalid under article II, section 10, subdivision ©. We also conclude, consistently with the views of both parties in the present litigation, that the Court of Appeal erred in concluding that section 11362.77 must be severed from the MMP and hence voided.

... Whether or not a person entitled to register under the MMP elects to do so, that individual, so long as he or she meets the definition of a patient or primary caregiver under the CUA, retains all the rights afforded by the CUA. Thus, such a person may assert, as a defense in court, that he or she possessed or cultivated an amount of marijuana reasonably related to meet his or her current medical needs (see *Trippet*, supra, 56 Cal.App.4th 1532, 1549), without reference to the specific quantitative limitations specified by the MMP.

... We conclude as follows: To the extent section 11362.77 (together with its quantitative limitations) impermissibly amends the CUA by burdening a defense that would be available pursuant to that initiative statute, section 11362.77 is invalid under California Constitution article II, section 10, subdivision ©.

< [Pelosi: Companion Reconciliation Fix Necessary For Passage Of Senate Health Bill](#) | [Boulder Seeks Input on Medical Marijuana Rules](#) >

THE SACRAMENTO BEE [sacbee.com](http://www.sacbee.com)

Court removes state limit on medical marijuana possession

JUSTICES RULE 2003 LAW WAS WRONG TO RESTRICT STASHES

phecht@sacbee.com

Published Friday, Jan. 22, 2010

The California Supreme Court ruled Thursday that the state cannot impose legal limits on the amount of pot that medical marijuana users can grow or possess.

In a ruling certain to exacerbate debate over the governance of medical marijuana in California, the court threw out legislation that limited medical pot users to 8 ounces of dried marijuana and six mature or 12 immature marijuana plants.

The court ruled that the Legislature violated the state constitution when it passed Senate Bill 420 in 2003. The judges found that the plant limits set by the legislation improperly amended the Compassionate Use Act voters passed in 1996 legalizing marijuana for medical use in California.

That ballot measure said that medical pot users and their caregivers can possess any amount of marijuana "reasonably related to the patient's current medical needs."

"These individuals are not subject to any specific limits and do not require a physician's recommendation in order to exceed any such limits," Chief Justice Ron George wrote in the unanimous court decision. "Instead they may possess an amount of medical marijuana reasonably necessary for their ... needs."

The decision means that voters – not the Legislature – would have to approve any statewide limits on medical marijuana possession for those limits to be valid.

But it left many other questions surrounding the possession and sale of medical marijuana unanswered.

It provided no clarification for local governments wrestling with how to regulate the explosion of storefront dispensaries selling medical marijuana. That issue may be addressed by another case pending before the Supreme Court that challenges local governments' authority to block dispensaries from opening.

Thursday's ruling did uphold the right of the state and local governments to issue medical marijuana identification cards for users.

And, according to several legal experts, it allows for local governments to set their own limits on how much medical marijuana a user can possess and for police to arrest people who violate those local limits.

The catch, the experts said, is that people can't be prosecuted solely for violating local possession guidelines. Prosecutors would have to prove they were violating some other aspect of state marijuana law.

"It left the (local) limits in for the purposes of determining whether law enforcement can make an arrest," said Scott Thorpe, CEO of the California District Attorneys Association. "What it said is those limits are applicable for law enforcement ... But they are not applicable in a trial."

Jeff Jones, executive director of the Patient ID Center, an Oakland group that helps people obtain medical marijuana cards, said the court affirmed an important "safe harbor" for pot patients following local guidelines.

But that "harbor" varies greatly. In Oakland, for example, medical pot users can have 72 indoor plants and 3 pounds of marijuana. Most other cities adhere to far stricter limits.

"If they grow more than the 'safe harbor' (of local standards), they can lose their plants, lose their medicine or lose their gardens. It is up to local interpretation by law enforcement," Jones said.

Notably left unanswered by the ruling is what constitutes "reasonable" legal possession under state law.

"That's the question everybody is concerned about," said Mariellen Jurkovich, executive director of the Humboldt Patient Resource Center, an Arcata dispensary that grows marijuana.

"What does 'reasonable' mean? Who is going to decide what is OK for your personal use? Is it OK to have 20 pounds sitting in your house?"

Sacramento County Sheriff John McGinness said the ruling reflected "an abundance of ambiguity."

"The trend is pretty obvious: greater acceptance and greater use of marijuana," he said. "It does present a law enforcement challenge."

Tamar Todd, a Berkeley attorney for the Drug Policy Alliance Network, which seeks alternatives to drug enforcement, applauded the court's rejection of state limits on possession. But she said medical users are undermined by the lingering haze surrounding medical marijuana law.

"The problem that patients and law enforcement face under a system with no limits is that it is unclear as to who is following the law and who isn't," she said. "It puts patients at risk. Even though they might have a defense in court, they can be repeatedly arrested."

ITEM NO.: J-7
ORDINANCE NO. 640;
AN ORDINANCE OF THE CITY OF CORNING
PROVIDING AUTHORITY FOR THE CITY TO ADOPT
WATER EFFICIENT LANDSCAPE REGULATIONS
BY RESOLUTION OF THE CITY COUNCIL.

JANUARY 26, 2010

TO: HONORABLE MAYOR AND CITY OF CORNING COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER
JOHN STOUFER, PLANNING DIRECTOR



SUMMARY:

Recent legislation requires Cities to adopt ordinances to insure that new landscaping is "water efficient". The State Department of Water Resources has compiled a model ordinance that cities may adopt. Staff recommends the City Council adopt the attached Ordinance No 640. If adopted, the ordinance authorizes the adoption and modification of the state's model Water Efficiency ordinance.

BACKGROUND:

The Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird) requires cities and counties to adopt landscape and water conservation ordinances. In accordance with this law the Department of Water Resources (DWR) has prepared a Model Water Efficient Landscape Ordinance for use by cities and counties. If the city does not adopt the model ordinance prepared by DWR then they must adopt an ordinance with findings and evidence that its water efficient landscape ordinance is at least as effective at conserving water as the one prepared by DWR.

Staff feels with the amount of time and professional expertise that went into developing the model ordinance prepared by DWR it would be very difficult and expensive for the city to prepare an ordinance that would be as effective at conserving water as the model ordinance does. Regulations within the ordinance will apply to new construction and rehabilitation of developer-installed irrigated land of greater than 2,500 square feet. For new construction landscapes that are done by homeowners, the regulations will effect landscapes that are greater than 5,000 square feet. The regulations apply only to landscaping, and not the full footprint of the property.

The requirements set forth in the model ordinance will be implemented with the building permit application, therefore, staff recommends adopting an ordinance that references the model ordinance as a technical code, within Title 15, Building and Construction, applicable to the irrigation of landscaped areas in the City.

ENVIRONMENTAL:

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Alterations to Land Use Limitations.

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density.

This ordinance will establish landscape irrigation regulations that will be relevant to the issuance of a building permit, a ministerial act under CEQA which is also classified as an exempt project.

STAFF RECOMMENDATION:

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

Subfinding #1

Ordinance No. 640 will establish water efficient landscape and irrigation requirements within the City of Corning. Adoption of this ordinance will not result in any changes in land use or density.

Finding #1

Lands within the City of Corning predominantly have an average slope of less than 20%. Adoption of Ordinance No. 640 is categorically exempt from CEQA pursuant to Section 15305, Minor Alterations to Land Use Limitations.

Subfinding #2

The waters of the State of California and within the City of Corning are of limited supply and subject to an ever increasing demand.

Finding #2

The continuation of California's economic prosperity, and agricultural production in and around the City of Corning, are dependent on the efficient use of water and prevention of the waste of this valuable resource.

Subfinding #3

Landscapes within the City of Corning are essential to the quality of life by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost by development.

Finding #3

By adopting and referencing the Model Water efficient Landscape Ordinance prepared by the California Department of Water Resources the City of Corning will establish regulations for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects.

Subfinding #4

Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the reasonable amount required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

Finding #4

Landscape design, installation, maintenance and management can and should be water efficient.

ACTION

1. MAKE A MOTION TO ADOPT THE SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT FOR THE ADOPTION OF ORDINANCE NO. 640.

(PLEASE NOTE : PRIOR TO ADOPTING THE RECOMMENDED SUBFINDINGS & FINDINGS THE COUNCIL HAS THE ABILITY TO MODIFY OR REMOVE ANY OF THE SUBFINDINGS AND FINDINGS IF DEEMED APPROPRIATE BY A MAJORITY OF THE COUNCIL)

VOTE OF THE COUNCIL

2. MAKE A MOTION TO WAIVE THE FIRST READING OF ORDINANCE NO. 640, THE ORDINANCE REFERENCING THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE IN THE CORNING MUNICIPAL CODE.

VOTE OF THE COUNCIL

OR:

3. MAKE A MOTION TO RECOMMEND THAT THE CORNING CITY COUNCIL DENY THE ADOPTION OF ORDINANCE NO. 640.

ATTACHMENTS:

Exhibit "A" Letter from the Department of Water Resources regarding the adoption of the Updated Model Water Efficient Landscape Ordinance

Exhibit "B" Copy of the Model Water Efficient Landscape Ordinance dated Sept. 10, 2009

Exhibit "C" Article from the Chico Enterprise record dated 10/05/2009

Exhibit "D" Article from the Chico Enterprise record dated 10/14/2009

ORDINANCE NO. 640
AN ORDINANCE AUTHORISING THE CITY OF CORNING TO ADOPT
WATER EFFICIENT LANDSCAPE REGULATIONS
BY RESOLUTION OF THE CITY COUNCIL.

The City Council of the City of Corning, having conducted a public hearing in accordance with state law, on January 26, 2010 and having approved the findings recommended by staff, does hereby ordain as follows:

- A). To add Section 15.08.055 to Title 15 (Building and Construction) of the Corning Municipal Code to read as follows:

15.08.055 Water Efficient Landscape Regulations

The City of Corning shall adopt by reference, and may periodically amend by resolution, the Model Water Efficient Landscape Ordinance prepared by the California Department of Water Resources pursuant to California Code of Regulations, Title 23, Waters.

* * * * *

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

AYES:

NOES:

ABSENT:

Abstain:

It 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

PUBLISH: _____

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836

SACRAMENTO, CA 94236-0001

(916) 653-5791

EXHIBIT "A"

OCT 08 2009

RECEIVED

OCT 14 2009

Cities and Counties:

CITY OF CORNING

Adoption of the Updated Model Water Efficient Landscape Ordinance

Your action is required to conserve water supplies and comply with State law. The Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird) requires cities and counties, including charter cities and charter counties, to adopt landscape water conservation ordinances by January 1, 2010. In accordance with this law, the Department of Water Resources (DWR) has prepared an updated Model Water Efficient Landscape Ordinance (MWELO) for your use, please see Enclosure 1. Text of the updated MWELO is also posted on DWR's Water Use and Efficiency Branch website at <http://www.water.ca.gov/wateruseefficiency/landscapeordinance/>. All local agencies (cities, counties, cities and counties, charter cities and charter counties) have until January 1, 2010, to adopt DWR's updated MWELO or their own local water efficient landscape ordinance. If a local agency has not adopted its own ordinance on or before January 1, 2010, the updated MWELO shall apply within the jurisdiction of that local agency as of that date.

DWR is working with local agencies and governments to conduct outreach activities including workshops to assist implementation of water efficient landscape ordinances. For October and November workshops, please see Enclosure 2. For questions on the updated MWELO and information on DWR's outreach activities, please e-mail mweo@water.ca.gov or contact us at (877) 693-5610 (877-MWELO10), so that a member of our staff can provide personalized service.

Each local agency has until January 31, 2010, to either notify DWR that it has adopted DWR's updated MWELO; or submit to DWR a copy of its adopted water efficient landscape ordinance, a copy of its findings, and evidence that its water efficient landscape ordinance is at least as effective at conserving water as DWR's updated MWELO. Please submit all notifications and documents to:

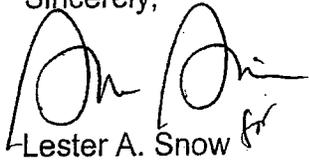
Mr. Simon Eching
California Department of Water Resource
Water Use and Efficiency Branch
Post Office Box 942836
Sacramento, California 94236-0001

A EXHIBIT

In California's warm, dry climate, more than half of urban water supplies may be used for landscape irrigation. Ensuring efficient landscapes in new developments and reducing water waste in existing landscapes are among the most cost-effective ways to stretch our limited water supplies and ensure that we continue to have the water we need. Other benefits include reduced irrigation runoff, reduced pollution of waterways, drought resistance, and less green waste.

Thank you for your help conserving California's water supplies.

Sincerely,



Lester A. Snow
Director

Enclosures

cc: California Urban Water Suppliers

Exhibit "B"

RECEIVED

OCT 14 2009

CITY OF CORNING

**Model Water Efficient Landscape Ordinance
September 10, 2009**

California Code of Regulations
Title 23. Waters

Division 2. Department of Water Resources
Chapter 2.7. Model Water Efficient Landscape Ordinance

§ 490. Purpose.

(a) The State Legislature has found:

- (1) that the waters of the state are of limited supply and are subject to ever increasing demands;
- (2) that the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
- (3) that it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
- (4) that landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development; and
- (5) that landscape design, installation, maintenance and management can and should be water efficient; and
- (6) that Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

(b) Consistent with these legislative findings, the purpose of this model ordinance is to:

- (1) promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- (2) establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- (3) establish provisions for water management practices and water waste prevention for existing landscapes;
- (4) use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount;
- (5) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
- (6) encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
- (7) encourage local agencies to designate the necessary authority that implements and enforces the provisions of the Model Water Efficient Landscape Ordinance or its local landscape ordinance.

Note: Authority cited: Section 65593, Government Code. Reference: Sections 65591, 65593, 65596, Government Code.

§ 490.1 Applicability

(a) After January 1, 2010, this ordinance shall apply to all of the following landscape projects:

- (1) new construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;
- (2) new construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;

- (3) new construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review;
- (4) existing landscapes limited to Sections 493, 493.1 and 493.2; and
- (5) cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2.

(b) This ordinance does not apply to:

- (1) registered local, state or federal historical sites;
- (2) ecological restoration projects that do not require a permanent irrigation system;
- (3) mined-land reclamation projects that do not require a permanent irrigation system; or
- (4) plant collections, as part of botanical gardens and arboretums open to the public.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 491. Definitions.

The terms used in this ordinance have the meaning set forth below:

- (a) "applied water" means the portion of water supplied by the irrigation system to the landscape.
- (b) "automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- (c) "backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- (d) "Certificate of Completion" means the document required under Section 492.9.
- (e) "certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.
- (f) "certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.
- (g) "check valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- (h) "common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- (i) "conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year
- (j) "drip irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (k) "ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- (l) "effective precipitation" or "usable rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.
- (m) "emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.
- (n) "established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

- (o) "establishment period of the plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.
- (p) "Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in Section 492.4.
- (q) "ET adjustment factor" (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.
- A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is $(0.7) = (0.5/0.71)$. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.
- (r) "evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.
- (s) "flow rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
- (t) "hardscapes" means any durable material (pervious and non-pervious).
- (u) "homeowner-provided landscaping" means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.
- (v) "hydrozone" means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.
- (w) "infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
- (x) "invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.
- (y) "irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.
- (z) "irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.
- (aa) "irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.
- (bb) "irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.
- (cc) "landscape architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.
- (dd) "landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or

- stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).
- (ee) "landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- (ff) "Landscape Documentation Package" means the documents required under Section 492.3.
- (gg) "landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under Section 490.1.
- (hh) "lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- (ii) "local agency" means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of a permit and plan check or design review of a project.
- (jj) "local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.
- (kk) "low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (ll) "main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.
- (mm) "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 492.4. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.
- (nn) "microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
- (oo) "mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- (pp) "mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
- (qq) "new construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.
- (rr) "operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- (ss) "overhead sprinkler irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).
- (tt) "overspray" means the irrigation water which is delivered beyond the target area.
- (uu) "permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
- (vv) "pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.
- (ww) "plant factor" or "plant water use factor" is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water

use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species".

(xx) "precipitation rate" means the rate of application of water measured in inches per hour.

(yy) "project applicant" means the individual or entity submitting a Landscape Documentation Package required under Section 492.3, to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.

(zz) "rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.

(aaa) "record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

(bbb) "recreational area" means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

(ccc) "recycled water", "reclaimed water", or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

(ddd) "reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Section 495.1, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

(eee) "rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 490.1, and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.

(fff) "runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

(ggg) "soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

(hhh) "soil texture" means the classification of soil based on its percentage of sand, silt, and clay.

(iii) "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

(ijj) "sprinkler head" means a device which delivers water through a nozzle.

(kkk) "static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

(lll) "station" means an area served by one valve or by a set of valves that operate simultaneously.

(mmm) "swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

(nnn) "turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

(ooo) "valve" means a device used to control the flow of water in the irrigation system.

(ppp) "water conserving plant species" means a plant species identified as having a low plant factor.

(qqq) "water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and

swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

(rrr) "watering window" means the time of day irrigation is allowed.

(sss) "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

Note: Authority Cited: Section 65595, Government Code. Reference: Sections 65592, 65596, Government Code.

§ 492. Provisions for New Construction or Rehabilitated Landscapes.

(a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.1 Compliance with Landscape Documentation Package.

(a) Prior to construction, the local agency shall:

(1) provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;

(2) review the Landscape Documentation Package submitted by the project applicant;

(3) approve or deny the Landscape Documentation Package;

(4) issue a permit or approve the plan check or design review for the project applicant; and

(5) upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

(b) Prior to construction, the project applicant shall:

(1) submit a Landscape Documentation Package to the local agency.

(c) Upon approval of the Landscape Documentation Package by the local agency, the project applicant shall:

(1) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;

(2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and

(3) submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.2 Penalties.

(a) A local agency may establish and administer penalties to the project applicant for non-compliance with the ordinance to the extent permitted by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.3 Elements of the Landscape Documentation Package.

- (a) The Landscape Documentation Package shall include the following six (6) elements:
- (1) project information;
 - (A) date
 - (B) project applicant
 - (C) project address (if available, parcel and/or lot number(s))
 - (D) total landscape area (square feet)
 - (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - (G) checklist of all documents in Landscape Documentation Package
 - (H) project contacts to include contact information for the project applicant and property owner
 - (I) applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".
 - (2) Water Efficient Landscape Worksheet;
 - (A) hydrozone information table
 - (B) water budget calculations
 1. Maximum Applied Water Allowance (MAWA)
 2. Estimated Total Water Use (ETWU)
 - (3) soil management report;
 - (4) landscape design plan;
 - (5) irrigation design plan; and
 - (6) grading design plan.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.4 Water Efficient Landscape Worksheet.

- (a) A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections (see sample worksheet in Appendix B):
- (1) a hydrozone information table (see Appendix B, Section A) for the landscape project; and
 - (2) a water budget calculation (see Appendix B, Section B) for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.
- (b) Water budget calculations shall adhere to the following requirements:
- (1) The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
 - (2) All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
 - (3) All Special Landscape Areas shall be identified and their water use calculated as described below.
 - (4) ETAF for Special Landscape Areas shall not exceed 1.0.
- (c) Maximum Applied Water Allowance
- The Maximum Applied Water Allowance shall be calculated using the equation:

$$MAWA = (ETo) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are from the Reference Evapotranspiration Table in Appendix A, for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required and shall use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

(1) Example MAWA calculation: a hypothetical landscape project in Fresno, CA with an irrigated landscape area of 50,000 square feet without any Special Landscape Area (SLA= 0, no edible plants, recreational areas, or use of recycled water). To calculate MAWA, the annual reference evapotranspiration value for Fresno is 51.1 inches as listed in the Reference Evapotranspiration Table in Appendix A.

$$MAWA = (ETo) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

0.7 = ET Adjustment Factor (ETAF)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

$$MAWA = (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 0)]$$

$$= 1,108,870 \text{ gallons per year}$$

To convert from gallons per year to hundred-cubic-feet per year:

$$= 1,108,870 / 748 = 1,482 \text{ hundred-cubic-feet per year}$$

(100 cubic feet = 748 gallons)

(2) In this next hypothetical example, the landscape project in Fresno, CA has the same ETo value of 51.1 inches and a total landscape area of 50,000 square feet. Within the 50,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a Special Landscape Area.

$$MAWA = (ETo) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

$$MAWA = (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})]$$

$$= 31.68 \times [35,000 + 600] \text{ gallons per year}$$

$$= 31.68 \times 35,600 \text{ gallons per year}$$

$$= 1,127,808 \text{ gallons per year or } 1,508 \text{ hundred-cubic-feet per year}$$

(d) Estimated Total Water Use.

The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed MAWA.

$$ETWU = (ETo)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

Where:

ETWU = Estimated Total Water Use per year (gallons)

ETo = Reference Evapotranspiration (inches)

PF = Plant Factor from WUCOLS (see Section 491)

HA = Hydrozone Area [high, medium, and low water use areas] (square feet)

SLA = Special Landscape Area (square feet)

0.62 = Conversion Factor

IE = Irrigation Efficiency (minimum 0.71)

(1) Example ETWU calculation: landscape area is 50,000 square feet; plant water use type, plant factor, and hydrozone area are shown in the table below. The ETo value is 51.1 inches per year. There are no Special Landscape Areas (recreational area, area permanently and solely dedicated to edible plants, and area irrigated with recycled water) in this example.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	10,000	7,000
3	Medium	0.5	16,000	8,000
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	24,700

*Plant Factor from WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{24,700}{0.71} + 0 \right)$$

= 1,102,116 gallons per year

Compare ETWU with MAWA: For this example MAWA = (51.1) (0.62) [(0.7 x 50,000) + (0.3 x 0)] = 1,108,870 gallons per year. The ETWU (1,102,116 gallons per year) is less than MAWA (1,108,870 gallons per year). In this example, the water budget complies with the MAWA.

(2) Example ETWU calculation: total landscape area is 50,000 square feet, 2,000 square feet of which is planted with edible plants. The edible plant area is considered a Special Landscape Area (SLA). The reference evapotranspiration value is 51.1 inches per year. The plant type, plant factor, and hydrozone area are shown in the table below.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	9,000	6,300
3	Medium	0.5	15,000	7,500
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	23,500
6	SLA	1.0	2,000	2,000

*Plant Factor from WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{23,500}{0.71} + 2,000 \right)$$

= (31.68) (33,099 + 2,000)

= 1,111,936 gallons per year

Compare ETWU with MAWA. For this example:

$$\begin{aligned} \text{MAWA} &= (51.1) (0.62) [(0.7 \times 50,000) + (0.3 \times 2,000)] \\ &= 31.68 \times [35,000 + 600] \\ &= 31.68 \times 35,600 \\ &= 1,127,808 \text{ gallons per year} \end{aligned}$$

The ETWU (1,111,936 gallons per year) is less than MAWA (1,127,808 gallons per year). For this example, the water budget complies with the MAWA.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.5 Soil Management Report.

(a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

(1) Submit soil samples to a laboratory for analysis and recommendations.

(A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

(B) The soil analysis may include:

1. soil texture;
2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
3. pH;
4. total soluble salts;
5. sodium;
6. percent organic matter; and
7. recommendations.

(2) The project applicant, or his/her designee, shall comply with one of the following:

(A) If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the Landscape Documentation Package; or

(B) If significant mass grading is planned, the soil analysis report shall be submitted to the local agency as part of the Certificate of Completion.

(3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

(4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with Certificate of Completion.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.6 Landscape Design Plan.

(a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) Plant Material

(A) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:

1. protection and preservation of native species and natural vegetation;
2. selection of water-conserving plant and turf species;

3. selection of plants based on disease and pest resistance;
 4. selection of trees based on applicable local tree ordinances or tree shading guidelines; and
 5. selection of plants from local and regional landscape program plant lists.
- (B) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 492.7(a)(2)(D).

(C) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:

1. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
2. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and
3. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(D) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(E) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

(F) The use of invasive and/or noxious plant species is strongly discouraged.

(G) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(2) Water Features

(A) Recirculating water systems shall be used for water features.

(B) Where available, recycled water shall be used as a source for decorative water features.

(C) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

(D) Pool and spa covers are highly recommended.

(3) Mulch and Amendments

(A) A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(B) Stabilizing mulching products shall be used on slopes.

(C) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(D) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 492.5).

(b) The landscape design plan, at a minimum, shall:

- (1) delineate and label each hydrozone by number, letter, or other method;
- (2) identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
- (3) identify recreational areas;
- (4) identify areas permanently and solely dedicated to edible plants;
- (5) identify areas irrigated with recycled water;
- (6) identify type of mulch and application depth;
- (7) identify soil amendments, type, and quantity;
- (8) identify type and surface area of water features;
- (9) identify hardscapes (pervious and non-pervious);

- (10) identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
- (A) infiltration beds, swales, and basins that allow water to collect and soak into the ground;
 - (B) constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
 - (C) pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
- (11) identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
- (12) contain the following statement: “I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan”; and
- (13) bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code and Section 1351, Civil Code.

§ 492.7 Irrigation Design Plan.

(a) For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers’ recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

- (A) Dedicated landscape water meters are highly recommended on landscape areas smaller than 5,000 square feet to facilitate water management.
- (B) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.
- (C) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer’s recommended pressure range for optimal performance.
 1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- (D) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- (E) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

- (F) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.
- (G) High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.
- (H) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- (I) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- (J) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- (K) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 492.4 regarding the Maximum Applied Water Allowance.
- (L) It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- (M) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- (N) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- (O) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- (P) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
- (Q) Check valves or anti-drain valves are required for all irrigation systems.
- (R) Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.
- (S) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 3. the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 492.7 (a)(1)(H). Prevention of overspray and runoff must be confirmed during the irrigation audit.
- (T) Slopes greater than 25% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.
- (2) Hydrozone
- (A) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- (B) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- (C) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
- (D) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

2. the plant factor of the higher water using plant is used for calculations.

(E) Individual hydrozones that mix high and low water use plants shall not be permitted.

(F) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

(b) The irrigation design plan, at a minimum, shall contain:

(1) location and size of separate water meters for landscape;

(2) location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

(3) static water pressure at the point of connection to the public water supply;

(4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

(5) recycled water irrigation systems as specified in Section 492.14;

(6) the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and

(7) the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.8 Grading Design Plan.

(a) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

(1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

(A) height of graded slopes;

(B) drainage patterns;

(C) pad elevations;

(D) finish grade; and

(E) stormwater retention improvements, if applicable.

(2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:

(A) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;

(B) avoid disruption of natural drainage patterns and undisturbed soil; and

(C) avoid soil compaction in landscape areas.

(3) The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.9 Certificate of Completion.

(a) The Certificate of Completion (see Appendix C for a sample certificate) shall include the following six (6) elements:

(1) project information sheet that contains:

(A) date;

(B) project name;

(C) project applicant name, telephone, and mailing address;

(D) project address and location; and

(E) property owner name, telephone, and mailing address;

(2) certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;

(A) where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;

(3) irrigation scheduling parameters used to set the controller (see Section 492.10);

(4) landscape and irrigation maintenance schedule (see Section 492.11);

(5) irrigation audit report (see Section 492.12); and

(6) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 492.5).

(b) The project applicant shall:

(1) submit the signed Certificate of Completion to the local agency for review;

(2) ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.

(c) The local agency shall:

(1) receive the signed Certificate of Completion from the project applicant;

(2) approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the local agency shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.10 Irrigation Scheduling.

(a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

(1) Irrigation scheduling shall be regulated by automatic irrigation controllers.

(2) Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:

(A) the plant establishment period;

- (B) the established landscape; and
- (C) temporarily irrigated areas.
- (5) Each irrigation schedule shall consider for each station all of the following that apply:
 - (A) irrigation interval (days between irrigation);
 - (B) irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - (C) number of cycle starts required for each irrigation event to avoid runoff;
 - (D) amount of applied water scheduled to be applied on a monthly basis;
 - (E) application rate setting;
 - (F) root depth setting;
 - (G) plant type setting;
 - (H) soil type;
 - (I) slope factor setting;
 - (J) shade factor setting; and
 - (K) irrigation uniformity or efficiency setting.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.11 Landscape and Irrigation Maintenance Schedule.

- (a) Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- (b) A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- (c) Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
- (d) A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.12 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- (a) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
- (b) For new construction and rehabilitated landscape projects installed after January 1, 2010, as described in Section 490.1:
 - (1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the local agency that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule;
 - (2) the local agency shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.13 Irrigation Efficiency.

(a) For the purpose of determining Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.14 Recycled Water.

(a) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in Section 492.14(b).

(b) Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.

(c) All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.

(d) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for Special Landscape Areas shall not exceed 1.0.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.15 Stormwater Management.

(a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.

(b) Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater ordinances and stormwater management plans.

(c) Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.16 Public Education.

(a) Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

(1) A local agency shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.

(b) Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.

(1) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.

(2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.17 Environmental Review.

(a) The local agency must comply with the California Environmental Quality Act (CEQA), as appropriate.

Note: Authority cited: Section 21082, Public Resources Code. Reference: Sections 21080, 21082, Public Resources Code.

§ 493. Provisions for Existing Landscapes.

(a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 493.1 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

(a) This section, 493.1, shall apply to all existing landscapes that were installed before January 1, 2010 and are over one acre in size.

(1) For all landscapes in 493.1(a) that have a water meter, the local agency shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8)(ET_o)(LA)(0.62)$.

(2) For all landscapes in 493.1(a), that do not have a meter, the local agency shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

(b) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 493.2 Water Waste Prevention.

(a) Local agencies shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

(b) Restrictions regarding overspray and runoff may be modified if:

(1) the landscape area is adjacent to permeable surfacing and no runoff occurs; or

(2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

Note: Authority cited: Section 65594, Government Code. Reference: Section 65596, Government Code.

§ 494. Effective Precipitation.

(a) A local agency may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance:

$MAWA = (ET_o - Ep_{pt})(0.62) [(0.7 \times LA) + (0.3 \times SLA)]$.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

Appendices.

Appendix A. Reference Evapotranspiration (ET_o) Table.

Appendix A - Reference Evapotranspiration (ETo) Table*

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
ALAMEDA													
Fremont	1.5	1.9	3.4	4.7	5.4	6.3	6.7	6.0	4.5	3.4	1.8	1.5	47.0
Livermore	1.2	1.5	2.9	4.4	5.9	6.6	7.4	6.4	5.3	3.2	1.5	0.9	47.2
Oakland	1.5	1.5	2.8	3.9	5.1	5.3	6.0	5.5	4.8	3.1	1.4	0.9	41.8
Oakland Foothills	1.1	1.4	2.7	3.7	5.1	6.4	5.8	4.9	3.6	2.6	1.4	1.0	39.6
Pleasanton	0.8	1.5	2.9	4.4	5.6	6.7	7.4	6.4	4.7	3.3	1.5	1.0	46.2
Union City	1.4	1.8	3.1	4.2	5.4	5.9	6.4	5.7	4.4	3.1	1.5	1.2	44.2
ALPINE													
Markleeville	0.7	0.9	2.0	3.5	5.0	6.1	7.3	6.4	4.4	2.6	1.2	0.5	40.6
AMADOR													
Jackson	1.2	1.5	2.8	4.4	6.0	7.2	7.9	7.2	5.3	3.2	1.4	0.9	48.9
Shanandoah Valley	1.0	1.7	2.9	4.4	5.6	6.8	7.9	7.1	5.2	3.6	1.7	1.0	48.8
BUTTE													
Chico	1.2	1.8	2.9	4.7	6.1	7.4	8.5	7.3	5.4	3.7	1.7	1.0	51.7
Durham	1.1	1.8	3.2	5.0	6.5	7.4	7.8	6.9	5.3	3.6	1.7	1.0	51.1
Gridley	1.2	1.8	3.0	4.7	6.1	7.7	8.5	7.1	5.4	3.7	1.7	1.0	51.9
Oroville	1.2	1.7	2.8	4.7	6.1	7.6	8.5	7.3	5.3	3.7	1.7	1.0	51.5
CALAVERAS													
San Andreas	1.2	1.5	2.8	4.4	6.0	7.3	7.9	7.0	5.3	3.2	1.4	0.7	48.8
COLUSA													
Colusa	1.0	1.7	3.4	5.0	6.4	7.6	8.3	7.2	5.4	3.8	1.8	1.1	52.8
Williams	1.2	1.7	2.9	4.5	6.1	7.2	8.5	7.3	5.3	3.4	1.6	1.0	50.8
CONTRA COSTA													
Benicia	1.3	1.4	2.7	3.8	4.9	5.0	6.4	5.5	4.4	2.9	1.2	0.7	40.3
Brentwood	1.0	1.5	2.9	4.5	6.1	7.1	7.9	6.7	5.2	3.2	1.4	0.7	48.3
Concord	1.1	1.4	2.4	4.0	5.5	5.9	7.0	6.0	4.8	3.2	1.3	0.7	43.4
Courtland	0.9	1.5	2.9	4.4	6.1	6.9	7.9	6.7	5.3	3.2	1.4	0.7	48.0
Martinez	1.2	1.4	2.4	3.9	5.3	5.6	6.7	5.6	4.7	3.1	1.2	0.7	41.8
Moraga	1.2	1.5	3.4	4.2	5.5	6.1	6.7	5.9	4.6	3.2	1.6	1.0	44.9
Pittsburg	1.0	1.5	2.8	4.1	5.6	6.4	7.4	6.4	5.0	3.2	1.3	0.7	45.4
Walnut Creek	0.8	1.5	2.9	4.4	5.6	6.7	7.4	6.4	4.7	3.3	1.5	1.0	46.2
DEL NORTE													
Crescent City	0.5	0.9	2.0	3.0	3.7	3.5	4.3	3.7	3.0	2.0	0.9	0.5	27.7
EL DORADO													
Camino	0.9	1.7	2.5	3.9	5.9	7.2	7.8	6.8	5.1	3.1	1.5	0.9	47.3
FRESNO													
Clovis	1.0	1.5	3.2	4.8	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.4
Coalinga	1.2	1.7	3.1	4.6	6.2	7.2	8.5	7.3	5.3	3.4	1.6	0.7	50.9
Firebaugh	1.0	1.8	3.7	5.7	7.3	8.1	8.2	7.2	5.5	3.9	2.0	1.1	55.4
FivePoints	1.3	2.0	4.0	6.1	7.7	8.5	8.7	8.0	6.2	4.5	2.4	1.2	60.4
Fresno	0.9	1.7	3.3	4.8	6.7	7.8	8.4	7.1	5.2	3.2	1.4	0.6	51.1
Fresno State	0.9	1.6	3.2	5.2	7.0	8.0	8.7	7.6	5.4	3.6	1.7	0.9	53.7
Friant	1.2	1.5	3.1	4.7	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.3
Kerman	0.9	1.5	3.2	4.8	6.6	7.7	8.4	7.2	5.3	3.4	1.4	0.7	51.2
Kingsburg	1.0	1.5	3.4	4.8	6.6	7.7	8.4	7.2	5.3	3.4	1.4	0.7	51.6
Mendota	1.5	2.5	4.6	6.2	7.9	8.6	8.8	7.5	5.9	4.5	2.4	1.5	61.7
Orange Cove	1.2	1.9	3.5	4.7	7.4	8.5	8.9	7.9	5.9	3.7	1.8	1.2	56.7
Panoche	1.1	2.0	4.0	5.6	7.8	8.5	8.3	7.3	5.6	3.9	1.8	1.2	57.2
Parlier	1.0	1.9	3.6	5.2	6.8	7.6	8.1	7.0	5.1	3.4	1.7	0.9	52.0
Reedley	1.1	1.5	3.2	4.7	6.4	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.3
Westlands	0.9	1.7	3.8	6.3	8.0	8.6	8.6	7.8	5.9	4.3	2.1	1.1	58.8

Appendix A - Reference Evapotranspiration (ETo) Table*

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
GLENN													
Orland	1.1	1.8	3.4	5.0	6.4	7.5	7.9	6.7	5.3	3.9	1.8	1.4	52.1
Willows	1.2	1.7	2.9	4.7	6.1	7.2	8.5	7.3	5.3	3.6	1.7	1.0	51.3
HUMBOLDT													
Eureka	0.5	1.1	2.0	3.0	3.7	3.7	3.7	3.7	3.0	2.0	0.9	0.5	27.5
Ferndale	0.5	1.1	2.0	3.0	3.7	3.7	3.7	3.7	3.0	2.0	0.9	0.5	27.5
Garberville	0.6	1.2	2.2	3.1	4.5	5.0	5.5	4.9	3.8	2.4	1.0	0.7	34.9
Hoopla	0.5	1.1	2.1	3.0	4.4	5.4	6.1	5.1	3.8	2.4	0.9	0.7	35.6
IMPERIAL													
Brawley	2.8	3.8	5.9	8.0	10.4	11.5	11.7	10.0	8.4	6.2	3.5	2.1	84.2
Calipatria/Mulberry	2.4	3.2	5.1	6.8	8.6	9.2	9.2	8.6	7.0	5.2	3.1	2.3	70.7
El Centro	2.7	3.5	5.6	7.9	10.1	11.1	11.6	9.5	8.3	6.1	3.3	2.0	81.7
Holtville	2.8	3.8	5.9	7.9	10.4	11.6	12.0	10.0	8.6	6.2	3.5	2.1	84.7
Meloland	2.5	3.2	5.5	7.5	8.9	9.2	9.0	8.5	6.8	5.3	3.1	2.2	71.6
Palo Verde II	2.5	3.3	5.7	6.9	8.5	8.9	8.6	7.9	6.2	4.5	2.9	2.3	68.2
Seeley	2.7	3.5	5.9	7.7	9.7	10.1	9.3	8.3	6.9	5.5	3.4	2.2	75.4
Westmoreland	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Yuma	2.5	3.4	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.6
INYO													
Bishop	1.7	2.7	4.8	6.7	8.2	10.9	7.4	9.6	7.4	4.8	2.5	1.6	68.3
Death Valley Jct	2.2	3.3	5.4	7.7	9.8	11.1	11.4	10.1	8.3	5.4	2.9	1.7	79.1
Independence	1.7	2.7	3.4	6.6	8.5	9.5	9.8	8.5	7.1	3.9	2.0	1.5	65.2
Lower Haiwee Res.	1.8	2.7	4.4	7.1	8.5	9.5	9.8	8.5	7.1	4.2	2.6	1.5	67.6
Oasis	2.7	2.8	5.9	8.0	10.4	11.7	11.6	10.0	8.4	6.2	3.4	2.1	83.1
KERN													
Arvin	1.2	1.8	3.5	4.7	6.6	7.4	8.1	7.3	5.3	3.4	1.7	1.0	51.9
Bakersfield	1.0	1.8	3.5	4.7	6.6	7.7	8.5	7.3	5.3	3.5	1.6	0.9	52.4
Bakersfield/Bonanza	1.2	2.2	3.7	5.7	7.4	8.2	8.7	7.8	5.7	4.0	2.1	1.2	57.9
Bakersfield/Greenlee	1.2	2.2	3.7	5.7	7.4	8.2	8.7	7.8	5.7	4.0	2.1	1.2	57.9
Belridge	1.4	2.2	4.1	5.5	7.7	8.5	8.6	7.8	6.0	3.8	2.0	1.5	59.2
Blackwells Corner	1.4	2.1	3.8	5.4	7.0	7.8	8.5	7.7	5.8	3.9	1.9	1.2	56.6
Buttonwillow	1.0	1.8	3.2	4.7	6.6	7.7	8.5	7.3	5.4	3.4	1.5	0.9	52.0
China Lake	2.1	3.2	5.3	7.7	9.2	10.0	11.0	9.8	7.3	4.9	2.7	1.7	74.8
Delano	0.9	1.8	3.4	4.7	6.6	7.7	8.5	7.3	5.4	3.4	1.4	0.7	52.0
Famoso	1.3	1.9	3.5	4.8	6.7	7.6	8.0	7.3	5.5	3.5	1.7	1.3	53.1
Grapevine	1.3	1.8	3.1	4.4	5.6	6.8	7.6	6.8	5.9	3.4	1.9	1.0	49.5
Inyokern	2.0	3.1	4.9	7.3	8.5	9.7	11.0	9.4	7.1	5.1	2.6	1.7	72.4
Isabella Dam	1.2	1.4	2.8	4.4	5.8	7.3	7.9	7.0	5.0	3.2	1.7	0.9	48.4
Lamont	1.3	2.4	4.4	4.6	6.5	7.0	8.8	7.6	5.7	3.7	1.6	0.8	54.4
Lost Hills	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
McFarland/Kern	1.2	2.1	3.7	5.6	7.3	8.0	8.3	7.4	5.6	4.1	2.0	1.2	56.5
Shafter	1.0	1.7	3.4	5.0	6.6	7.7	8.3	7.3	5.4	3.4	1.5	0.9	52.1
Taft	1.3	1.8	3.1	4.3	6.2	7.3	8.5	7.3	5.4	3.4	1.7	1.0	51.2
Tehachapi	1.4	1.8	3.2	5.0	6.1	7.7	7.9	7.3	5.9	3.4	2.1	1.2	52.9
KINGS													
Caruthers	1.6	2.5	4.0	5.7	7.8	8.7	9.3	8.4	6.3	4.4	2.4	1.6	62.7
Corcoran	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Hanford	0.9	1.5	3.4	5.0	6.6	7.7	8.3	7.2	5.4	3.4	1.4	0.7	51.5
Kettleman	1.1	2.0	4.0	6.0	7.5	8.5	9.1	8.2	6.1	4.5	2.2	1.1	60.2
Lemoore	0.9	1.5	3.4	5.0	6.6	7.7	8.3	7.3	5.4	3.4	1.4	0.7	51.7
Stratford	0.9	1.9	3.9	6.1	7.8	8.6	8.8	7.7	5.9	4.1	2.1	1.0	58.7

Appendix A - Reference Evapotranspiration (ETo) Table*

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
LAKE													
Lakeport	1.1	1.3	2.6	3.5	5.1	6.0	7.3	6.1	4.7	2.9	1.2	0.9	42.8
Lower Lake	1.2	1.4	2.7	4.5	5.3	6.3	7.4	6.4	5.0	3.1	1.3	0.9	45.4
LASSEN													
Buntingville	1.0	1.7	3.5	4.9	6.2	7.3	8.4	7.5	5.4	3.4	1.5	0.9	51.8
Ravendale	0.6	1.1	2.3	4.1	5.6	6.7	7.9	7.3	4.7	2.8	1.2	0.5	44.9
Susanville	0.7	1.0	2.2	4.1	5.6	6.5	7.8	7.0	4.6	2.8	1.2	0.5	44.0
LOS ANGELES													
Burbank	2.1	2.8	3.7	4.7	5.1	6.0	6.6	6.7	5.4	4.0	2.6	2.0	51.7
Claremont	2.0	2.3	3.4	4.6	5.0	6.0	7.0	7.0	5.3	4.0	2.7	2.1	51.3
El Dorado	1.7	2.2	3.6	4.8	5.1	5.7	5.9	5.9	4.4	3.2	2.2	1.7	46.3
Glendale	2.0	2.2	3.3	3.8	4.7	4.8	5.7	5.6	4.3	3.3	2.2	1.8	43.7
Glendora	2.0	2.5	3.6	4.9	5.4	6.1	7.3	6.8	5.7	4.2	2.6	2.0	53.1
Gorman	1.6	2.2	3.4	4.6	5.5	7.4	7.7	7.1	5.9	3.6	2.4	1.1	52.4
Hollywood Hills	2.1	2.2	3.8	5.4	6.0	6.5	6.7	6.4	5.2	3.7	2.8	2.1	52.8
Lancaster	2.1	3.0	4.6	5.9	8.5	9.7	11.0	9.8	7.3	4.6	2.8	1.7	71.1
Long Beach	1.8	2.1	3.3	3.9	4.5	4.3	5.3	4.7	3.7	2.8	1.8	1.5	39.7
Los Angeles	2.2	2.7	3.7	4.7	5.5	5.8	6.2	5.9	5.0	3.9	2.6	1.9	50.1
Monrovia	2.2	2.3	3.8	4.3	5.5	5.9	6.9	6.4	5.1	3.2	2.5	2.0	50.2
Palmdale	2.0	2.6	4.6	6.2	7.3	8.9	9.8	9.0	6.5	4.7	2.7	2.1	66.2
Pasadena	2.1	2.7	3.7	4.7	5.1	6.0	7.1	6.7	5.6	4.2	2.6	2.0	52.3
Pearblossom	1.7	2.4	3.7	4.7	7.3	7.7	9.9	7.9	6.4	4.0	2.6	1.6	59.9
Pomona	1.7	2.0	3.4	4.5	5.0	5.8	6.5	6.4	4.7	3.5	2.3	1.7	47.5
Redondo Beach	2.2	2.4	3.3	3.8	4.5	4.7	5.4	4.8	4.4	2.8	2.4	2.0	42.6
San Fernando	2.0	2.7	3.5	4.6	5.5	5.9	7.3	6.7	5.3	3.9	2.6	2.0	52.0
Santa Clarita	2.8	2.8	4.1	5.6	6.0	6.8	7.6	7.8	5.8	5.2	3.7	3.2	61.5
Santa Monica	1.8	2.1	3.3	4.5	4.7	5.0	5.4	5.4	3.9	3.4	2.4	2.2	44.2
MADERA													
Chowchilla	1.0	1.4	3.2	4.7	6.6	7.8	8.5	7.3	5.3	3.4	1.4	0.7	51.4
Madera	0.9	1.4	3.2	4.8	6.6	7.8	8.5	7.3	5.3	3.4	1.4	0.7	51.5
Raymond	1.2	1.5	3.0	4.6	6.1	7.6	8.4	7.3	5.2	3.4	1.4	0.7	50.5
MARIN													
Black Point	1.1	1.7	3.0	4.2	5.2	6.2	6.6	5.8	4.3	2.8	1.3	0.9	43.0
Novato	1.3	1.5	2.4	3.5	4.4	6.0	5.9	5.4	4.4	2.8	1.4	0.7	39.8
Point San Pedro	1.1	1.7	3.0	4.2	5.2	6.2	6.6	5.8	4.3	2.8	1.3	0.9	43.0
San Rafael	1.2	1.3	2.4	3.3	4.0	4.8	4.8	4.9	4.3	2.7	1.3	0.7	35.8
MARIPOSA													
Coulterville	1.1	1.5	2.8	4.4	5.9	7.3	8.1	7.0	5.3	3.4	1.4	0.7	48.8
Mariposa	1.1	1.5	2.8	4.4	5.9	7.4	8.2	7.1	5.0	3.4	1.4	0.7	49.0
Yosemite Village	0.7	1.0	2.3	3.7	5.1	6.5	7.1	6.1	4.4	2.9	1.1	0.6	41.4
MENDOCINO													
Fort Bragg	0.9	1.3	2.2	3.0	3.7	3.5	3.7	3.7	3.0	2.3	1.2	0.7	29.0
Hopland	1.1	1.3	2.6	3.4	5.0	5.9	6.5	5.7	4.5	2.8	1.3	0.7	40.9
Point Arena	1.0	1.3	2.3	3.0	3.7	3.9	3.7	3.7	3.0	2.3	1.2	0.7	29.6
Sanel Valley	1.0	1.6	3.0	4.6	6.0	7.0	8.0	7.0	5.2	3.4	1.4	0.9	49.1
Ukiah	1.0	1.3	2.6	3.3	5.0	5.8	6.7	5.9	4.5	2.8	1.3	0.7	40.9
MERCED													
Kesterson	0.9	1.7	3.4	5.5	7.3	8.2	8.6	7.4	5.5	3.8	1.8	0.9	55.1
Los Banos	1.0	1.5	3.2	4.7	6.1	7.4	8.2	7.0	5.3	3.4	1.4	0.7	50.0
Merced	1.0	1.5	3.2	4.7	6.6	7.9	8.5	7.2	5.3	3.4	1.4	0.7	51.5

Appendix A - Reference Evapotranspiration (ET_o) Table*

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ET _o
MODOC													
Modoc/Alturas	0.9	1.4	2.8	3.7	5.1	6.2	7.5	6.6	4.6	2.8	1.2	0.7	43.2
MONO													
Bridgeport	0.7	0.9	2.2	3.8	5.5	6.6	7.4	6.7	4.7	2.7	1.2	0.5	43.0
MONTEREY													
Arroyo Seco	1.5	2.0	3.7	5.4	6.3	7.3	7.2	6.7	5.0	3.9	2.0	1.6	52.6
Castroville	1.4	1.7	3.0	4.2	4.6	4.8	4.0	3.8	3.0	2.6	1.6	1.4	36.2
Gonzales	1.3	1.7	3.4	4.7	5.4	6.3	6.3	5.9	4.4	3.4	1.9	1.3	45.7
Greenfield	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
King City	1.7	2.0	3.4	4.4	4.4	5.6	6.1	6.7	6.5	5.2	2.2	1.3	49.6
King City-Oasis Rd.	1.4	1.9	3.6	5.3	6.5	7.3	7.4	6.8	5.1	4.0	2.0	1.5	52.7
Long Valley	1.5	1.9	3.2	4.1	5.8	6.5	7.3	6.7	5.3	3.6	2.0	1.2	49.1
Monterey	1.7	1.8	2.7	3.5	4.0	4.1	4.3	4.2	3.5	2.8	1.9	1.5	36.0
Pajaro	1.8	2.2	3.7	4.8	5.3	5.7	5.6	5.3	4.3	3.4	2.4	1.8	46.1
Salinas	1.6	1.9	2.7	3.8	4.8	4.7	5.0	4.5	4.0	2.9	1.9	1.3	39.1
Salinas North	1.2	1.5	2.9	4.1	4.6	5.2	4.5	4.3	3.2	2.8	1.5	1.2	36.9
San Ardo	1.0	1.7	3.1	4.5	5.9	7.2	8.1	7.1	5.1	3.1	1.5	1.0	49.0
San Juan	1.8	2.1	3.4	4.6	5.3	5.7	5.5	4.9	3.8	3.2	2.2	1.9	44.2
Soledad	1.7	2.0	3.4	4.4	5.5	5.4	6.5	6.2	5.2	3.7	2.2	1.5	47.7
NAPA													
Angwin	1.8	1.9	3.2	4.7	5.8	7.3	8.1	7.1	5.5	4.5	2.9	2.1	54.9
Carneros	0.8	1.5	3.1	4.6	5.5	6.6	6.9	6.2	4.7	3.5	1.4	1.0	45.8
Oakville	1.0	1.5	2.9	4.7	5.8	6.9	7.2	6.4	4.9	3.5	1.6	1.2	47.7
St Helena	1.2	1.5	2.8	3.9	5.1	6.1	7.0	6.2	4.8	3.1	1.4	0.9	44.1
Yountville	1.3	1.7	2.8	3.9	5.1	6.0	7.1	6.1	4.8	3.1	1.5	0.9	44.3
NEVADA													
Grass Valley	1.1	1.5	2.6	4.0	5.7	7.1	7.9	7.1	5.3	3.2	1.5	0.9	48.0
Nevada City	1.1	1.5	2.6	3.9	5.8	6.9	7.9	7.0	5.3	3.2	1.4	0.9	47.4
ORANGE													
Irvine	2.2	2.5	3.7	4.7	5.2	5.9	6.3	6.2	4.6	3.7	2.6	2.3	49.6
Laguna Beach	2.2	2.7	3.4	3.8	4.6	4.6	4.9	4.9	4.4	3.4	2.4	2.0	43.2
Santa Ana	2.2	2.7	3.7	4.5	4.6	5.4	6.2	6.1	4.7	3.7	2.5	2.0	48.2
PLACER													
Auburn	1.2	1.7	2.8	4.4	6.1	7.4	8.3	7.3	5.4	3.4	1.6	1.0	50.6
Blue Canyon	0.7	1.1	2.1	3.4	4.8	6.0	7.2	6.1	4.6	2.9	0.9	0.6	40.5
Colfax	1.1	1.5	2.6	4.0	5.8	7.1	7.9	7.0	5.3	3.2	1.4	0.9	47.9
Roseville	1.1	1.7	3.1	4.7	6.2	7.7	8.5	7.3	5.6	3.7	1.7	1.0	52.2
Soda Springs	0.7	0.7	1.8	3.0	4.3	5.3	6.2	5.5	4.1	2.5	0.7	0.7	35.4
Tahoe City	0.7	0.7	1.7	3.0	4.3	5.4	6.1	5.6	4.1	2.4	0.8	0.6	35.5
Truckee	0.7	0.7	1.7	3.2	4.4	5.4	6.4	5.7	4.1	2.4	0.8	0.6	36.2
PLUMAS													
Portola	0.7	0.9	1.9	3.5	4.9	5.9	7.3	5.9	4.3	2.7	0.9	0.5	39.4
Quincy	0.7	0.9	2.2	3.5	4.9	5.9	7.3	5.9	4.4	2.8	1.2	0.5	40.2
RIVERSIDE													
Beaumont	2.0	2.3	3.4	4.4	6.1	7.1	7.6	7.9	6.0	3.9	2.6	1.7	55.0
Blythe	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Cathedral City	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Coachella	2.9	4.4	6.2	8.4	10.5	11.9	12.3	10.1	8.9	6.2	3.8	2.4	88.1
Desert Center	2.9	4.1	6.4	8.5	11.0	12.1	12.2	11.1	9.0	6.4	3.9	2.6	90.0
Elsinore	2.1	2.8	3.9	4.4	5.9	7.1	7.6	7.0	5.8	3.9	2.6	1.9	55.0
Indio	3.1	3.6	6.5	8.3	10.5	11.0	10.8	9.7	8.3	5.9	3.7	2.7	83.9

Appendix A - Reference Evapotranspiration (ET_o) Table*

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ET _o
RIVERSIDE													
La Quinta	2.4	2.8	5.2	6.5	8.3	8.7	8.5	7.9	6.5	4.5	2.7	2.2	66.2
Mecca	2.6	3.3	5.7	7.2	8.6	9.0	8.8	8.2	6.8	5.0	3.2	2.4	70.8
Oasis	2.9	3.3	5.3	6.1	8.5	8.9	8.7	7.9	6.9	4.8	2.9	2.3	68.4
Palm Deser	2.5	3.4	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.6
Palm Springs	2.0	2.9	4.9	7.2	8.3	8.5	11.6	8.3	7.2	5.9	2.7	1.7	71.1
Rancho California	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
Rancho Mirage	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Ripley	2.7	3.3	5.6	7.2	8.7	8.7	8.4	7.6	6.2	4.6	2.8	2.2	67.8
Salton Sea North	2.5	3.3	5.5	7.2	8.8	9.3	9.2	8.5	6.8	5.2	3.1	2.3	71.7
Temecula East II	2.3	2.4	4.1	4.9	6.4	7.0	7.8	7.4	5.7	4.1	2.6	2.2	56.7
Thermal	2.4	3.3	5.5	7.6	9.1	9.6	9.3	8.6	7.1	5.2	3.1	2.1	72.8
Riverside UC	2.5	2.9	4.2	5.3	5.9	6.6	7.2	6.9	5.4	4.1	2.9	2.6	56.4
Winchester	2.3	2.4	4.1	4.9	6.4	6.9	7.7	7.5	6.0	3.9	2.6	2.1	56.8
SACRAMENTO													
Fair Oaks	1.0	1.6	3.4	4.1	6.5	7.5	8.1	7.1	5.2	3.4	1.5	1.0	50.5
Sacramento	1.0	1.8	3.2	4.7	6.4	7.7	8.4	7.2	5.4	3.7	1.7	0.9	51.9
Twitchell Island	1.2	1.8	3.9	5.3	7.4	8.8	9.1	7.8	5.9	3.8	1.7	1.2	57.9
SAN BENITO													
Hollister	1.5	1.8	3.1	4.3	5.5	5.7	6.4	5.9	5.0	3.5	1.7	1.1	45.1
San Benito	1.2	1.6	3.1	4.6	5.6	6.4	6.9	6.5	4.8	3.7	1.7	1.2	47.2
San Juan Valley	1.4	1.8	3.4	4.5	6.0	6.7	7.1	6.4	5.0	3.5	1.8	1.4	49.1
SAN BERNARDINO													
Baker	2.7	3.9	6.1	8.3	10.4	11.8	12.2	11.0	8.9	6.1	3.3	2.1	86.6
Barstow NE	2.2	2.9	5.3	6.9	9.0	10.1	9.9	8.9	6.8	4.8	2.7	2.1	71.7
Big Bear Lake	1.8	2.6	4.6	6.0	7.0	7.6	8.1	7.4	5.4	4.1	2.4	1.8	58.6
Chino	2.1	2.9	3.9	4.5	5.7	6.5	7.3	7.1	5.9	4.2	2.6	2.0	54.6
Crestline	1.5	1.9	3.3	4.4	5.5	6.6	7.8	7.1	5.4	3.5	2.2	1.6	50.8
Lake Arrowhead	1.8	2.6	4.6	6.0	7.0	7.6	8.1	7.4	5.4	4.1	2.4	1.8	58.6
Lucerne Valley	2.2	2.9	5.1	6.5	9.1	11.0	11.4	9.9	7.4	5.0	3.0	1.8	75.3
Needles	3.2	4.2	6.6	8.9	11.0	12.4	12.8	11.0	8.9	6.6	4.0	2.7	92.1
Newberry Springs	2.1	2.9	5.3	8.4	9.8	10.9	11.1	9.9	7.6	5.2	3.1	2.0	78.2
San Bernardino	2.0	2.7	3.8	4.6	5.7	6.9	7.9	7.4	5.9	4.2	2.6	2.0	55.6
Twentynine Palms	2.6	3.6	5.9	7.9	10.1	11.2	11.2	10.3	8.6	5.9	3.4	2.2	82.9
Victorville	2.0	2.6	4.6	6.2	7.3	8.9	9.8	9.0	6.5	4.7	2.7	2.1	66.2
SAN DIEGO													
Chula Vista	2.2	2.7	3.4	3.8	4.9	4.7	5.5	4.9	4.5	3.4	2.4	2.0	44.2
Escondido SPV	2.4	2.6	3.9	4.7	5.9	6.5	7.1	6.7	5.3	3.9	2.8	2.3	54.2
Miramar	2.3	2.5	3.7	4.1	5.1	5.4	6.1	5.8	4.5	3.3	2.4	2.1	47.1
Oceanside	2.2	2.7	3.4	3.7	4.9	4.6	4.6	5.1	4.1	3.3	2.4	2.0	42.9
Otay Lake	2.3	2.7	3.9	4.6	5.6	5.9	6.2	6.1	4.8	3.7	2.6	2.2	50.4
Pine Valley	1.5	2.4	3.8	5.1	6.0	7.0	7.8	7.3	6.0	4.0	2.2	1.7	54.8
Ramona	2.1	2.1	3.4	4.6	5.2	6.3	6.7	6.8	5.3	4.1	2.8	2.1	51.6
San Diego	2.1	2.4	3.4	4.6	5.1	5.3	5.7	5.6	4.3	3.6	2.4	2.0	46.5
Santee	2.1	2.7	3.7	4.5	5.5	6.1	6.6	6.2	5.4	3.8	2.6	2.0	51.1
Torrey Pines	2.2	2.3	3.4	3.9	4.0	4.1	4.6	4.7	3.8	2.8	2.0	2.0	39.8
Warner Springs	1.6	2.7	3.7	4.7	5.7	7.6	8.3	7.7	6.3	4.0	2.5	1.3	56.0
SAN FRANCISCO													
San Francisco	1.5	1.3	2.4	3.0	3.7	4.6	4.9	4.8	4.1	2.8	1.3	0.7	35.1
SAN JOAQUIN													
Farmington	1.5	1.5	2.9	4.7	6.2	7.6	8.1	6.8	5.3	3.3	1.4	0.7	50.0

Appendix A - Reference Evapotranspiration (ETo) Table*

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
SAN JOAQUIN													
Lodi West	1.0	1.6	3.3	4.3	6.3	6.9	7.3	6.4	4.5	3.0	1.4	0.8	46.7
Manteca	0.9	1.7	3.4	5.0	6.5	7.5	8.0	7.1	5.2	3.3	1.6	0.9	51.2
Stockton	0.8	1.5	2.9	4.7	6.2	7.4	8.1	6.8	5.3	3.2	1.4	0.6	49.1
Tracy	1.0	1.5	2.9	4.5	6.1	7.3	7.9	6.7	5.3	3.2	1.3	0.7	48.5
SAN LUIS OBISPO													
Arroyo Grande	2.0	2.2	3.2	3.8	4.3	4.7	4.3	4.6	3.8	3.2	2.4	1.7	40.0
Atascadero	1.2	1.5	2.8	3.9	4.5	6.0	6.7	6.2	5.0	3.2	1.7	1.0	43.7
Morro Bay	2.0	2.2	3.1	3.5	4.3	4.5	4.6	4.6	3.8	3.5	2.1	1.7	39.9
Nipomo	2.2	2.5	3.8	5.1	5.7	6.2	6.4	6.1	4.9	4.1	2.9	2.3	52.1
Paso Robles	1.6	2.0	3.2	4.3	5.5	6.3	7.3	6.7	5.1	3.7	2.1	1.4	49.0
San Luis Obispo	2.0	2.2	3.2	4.1	4.9	5.3	4.6	5.5	4.4	3.5	2.4	1.7	43.8
San Miguel	1.6	2.0	3.2	4.3	5.0	6.4	7.4	6.8	5.1	3.7	2.1	1.4	49.0
San Simeon	2.0	2.0	2.9	3.5	4.2	4.4	4.6	4.3	3.5	3.1	2.0	1.7	38.1
SAN MATEO													
Hal Moon Bay	1.5	1.7	2.4	3.0	3.9	4.3	4.3	4.2	3.5	2.8	1.3	1.0	33.7
Redwood City	1.5	1.8	2.9	3.8	5.2	5.3	6.2	5.6	4.8	3.1	1.7	1.0	42.8
Woodside	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
SANTA BARBARA													
Betteravia	2.1	2.6	4.0	5.2	6.0	5.9	5.8	5.4	4.1	3.3	2.7	2.1	49.1
Carpenteria	2.0	2.4	3.2	3.9	4.8	5.2	5.5	5.7	4.5	3.4	2.4	2.0	44.9
Cuyama	2.1	2.4	3.8	5.4	6.9	7.9	8.5	7.7	5.9	4.5	2.6	2.0	59.7
Goleta	2.1	2.5	3.9	5.1	5.7	5.7	5.4	5.4	4.2	3.2	2.8	2.2	48.1
Goleta Foothills	2.3	2.6	3.7	5.4	5.3	5.6	5.5	5.7	4.5	3.9	2.8	2.3	49.6
Guadalupe	2.0	2.2	3.2	3.7	4.9	4.6	4.5	4.6	4.1	3.3	2.4	1.7	41.1
Lompoc	2.0	2.2	3.2	3.7	4.8	4.6	4.9	4.8	3.9	3.2	2.4	1.7	41.1
Los Alamos	1.8	2.0	3.2	4.1	4.9	5.3	5.7	5.5	4.4	3.7	2.4	1.6	44.6
Santa Barbara	2.0	2.5	3.2	3.8	4.6	5.1	5.5	4.5	3.4	2.4	1.8	1.8	40.6
Santa Maria	1.8	2.3	3.7	5.1	5.7	5.8	5.6	5.3	4.2	3.5	2.4	1.9	47.4
Santa Ynez	1.7	2.2	3.5	5.0	5.8	6.2	6.4	6.0	4.5	3.6	2.2	1.7	48.7
Sisquoc	2.1	2.5	3.8	4.1	6.1	6.3	6.4	5.8	4.7	3.4	2.3	1.8	49.2
Solvang	2.0	2.0	3.3	4.3	5.0	5.6	6.1	5.6	4.4	3.7	2.2	1.6	45.6
SANTA CLARA													
Gilroy	1.3	1.8	3.1	4.1	5.3	5.6	6.1	5.5	4.7	3.4	1.7	1.1	43.6
Los Gatos	1.5	1.8	2.8	3.9	5.0	5.6	6.2	5.5	4.7	3.2	1.7	1.1	42.9
Morgan Hill	1.5	1.8	3.4	4.2	6.3	7.0	7.1	6.0	5.1	3.7	1.9	1.4	49.5
Palo Alto	1.5	1.8	2.8	3.8	5.2	5.3	6.2	5.6	5.0	3.2	1.7	1.0	43.0
San Jose	1.5	1.8	3.1	4.1	5.5	5.8	6.5	5.9	5.2	3.3	1.8	1.0	45.3
SANTA CRUZ													
De Laveaga	1.4	1.9	3.3	4.7	4.9	5.3	5.0	4.8	3.6	3.0	1.6	1.3	40.8
Green Valley Rd	1.2	1.8	3.2	4.5	4.6	5.4	5.2	5.0	3.7	3.1	1.6	1.3	40.6
Santa Cruz	1.5	1.8	2.6	3.5	4.3	4.4	4.8	4.4	3.8	2.8	1.7	1.2	36.6
Watsonville	1.5	1.8	2.7	3.7	4.6	4.5	4.9	4.2	4.0	2.9	1.8	1.2	37.7
Webb	1.8	2.2	3.7	4.8	5.3	5.7	5.6	5.3	4.3	3.4	2.4	1.8	46.2
SHASTA													
Burney	0.7	1.0	2.1	3.5	4.9	5.9	7.4	6.4	4.4	2.9	0.9	0.6	40.9
Fall River Mills	0.6	1.0	2.1	3.7	5.0	6.1	7.8	6.7	4.6	2.8	0.9	0.5	41.8
Glenburn	0.6	1.0	2.1	3.7	5.0	6.3	7.8	6.7	4.7	2.8	0.9	0.6	42.1
McArthur	0.7	1.4	2.9	4.2	5.6	6.9	8.2	7.2	5.0	3.0	1.1	0.6	46.8
Redding	1.2	1.4	2.6	4.1	5.6	7.1	8.5	7.3	5.3	3.2	1.4	0.9	48.8

Appendix A - Reference Evapotranspiration (ETo) Table*

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
SIERRA													
Downieville	0.7	1.0	2.3	3.5	5.0	6.0	7.4	6.2	4.7	2.8	0.9	0.6	41.3
Sierraville	0.7	1.1	2.2	3.2	4.5	5.9	7.3	6.4	4.3	2.6	0.9	0.5	39.6
SISKIYOU													
Happy Camp	0.5	0.9	2.0	3.0	4.3	5.2	6.1	5.3	4.1	2.4	0.9	0.5	35.1
MacDoel	1.0	1.7	3.1	4.5	5.9	7.2	8.1	7.1	5.1	3.1	1.5	1.0	49.0
Mt Shasta	0.5	0.9	2.0	3.0	4.5	5.3	6.7	5.7	4.0	2.2	0.7	0.5	36.0
Tule lake FS	0.7	1.3	2.7	4.0	5.4	6.3	7.1	6.4	4.7	2.8	1.0	0.6	42.9
Weed	0.5	0.9	2.0	2.5	4.5	5.3	6.7	5.5	3.7	2.0	0.9	0.5	34.9
Yreka	0.6	0.9	2.1	3.0	4.9	5.8	7.3	6.5	4.3	2.5	0.9	0.5	39.2
SOLANO													
Dixon	0.7	1.4	3.2	5.2	6.3	7.6	8.2	7.2	5.5	4.3	1.6	1.1	52.1
Fairfield	1.1	1.7	2.8	4.0	5.5	6.1	7.8	6.0	4.8	3.1	1.4	0.9	45.2
Hastings Tract	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Putah Creek	1.0	1.6	3.2	4.9	6.1	7.3	7.9	7.0	5.3	3.8	1.8	1.2	51.0
Rio Vista	0.9	1.7	2.8	4.4	5.9	6.7	7.9	6.5	5.1	3.2	1.3	0.7	47.0
Suisun Valley	0.6	1.3	3.0	4.7	5.8	7.0	7.7	6.8	5.3	3.8	1.4	0.9	48.3
Winters	0.9	1.7	3.3	5.0	6.4	7.5	7.9	7.0	5.2	3.5	1.6	1.0	51.0
SONOMA													
Bennett Valley	1.1	1.7	3.2	4.1	5.5	6.5	6.6	5.7	4.5	3.1	1.5	0.9	44.4
Cloverdale	1.1	1.4	2.6	3.4	5.0	5.9	6.2	5.6	4.5	2.8	1.4	0.7	40.7
Fort Ross	1.2	1.4	2.2	3.0	3.7	4.5	4.2	4.3	3.4	2.4	1.2	0.5	31.9
Healdsburg	1.2	1.5	2.4	3.5	5.0	5.9	6.1	5.6	4.5	2.8	1.4	0.7	40.8
Lincoln	1.2	1.7	2.8	4.7	6.1	7.4	8.4	7.3	5.4	3.7	1.9	1.2	51.9
Petaluma	1.2	1.5	2.8	3.7	4.6	5.6	4.6	5.7	4.5	2.9	1.4	0.9	39.6
Santa Rosa	1.2	1.7	2.8	3.7	5.0	6.0	6.1	5.9	4.5	2.9	1.5	0.7	42.0
Valley of the Moon	1.0	1.6	3.0	4.5	5.6	6.6	7.1	6.3	4.7	3.3	1.5	1.0	46.1
Windsor	0.9	1.6	3.0	4.5	5.5	6.5	6.5	5.9	4.4	3.2	1.4	1.0	44.2
STANISLAUS													
Denair	1.0	1.9	3.6	4.7	7.0	7.9	8.0	6.1	5.3	3.4	1.5	1.0	51.4
La Grange	1.2	1.5	3.1	4.7	6.2	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.2
Modesto	0.9	1.4	3.2	4.7	6.4	7.7	8.1	6.8	5.0	3.4	1.4	0.7	49.7
Newman	1.0	1.5	3.2	4.6	6.2	7.4	8.1	6.7	5.0	3.4	1.4	0.7	49.3
Oakdale	1.2	1.5	3.2	4.7	6.2	7.7	8.1	7.1	5.1	3.4	1.4	0.7	50.3
Patterson	1.3	2.1	4.2	5.4	7.9	8.6	8.2	6.6	5.8	4.0	1.9	1.3	57.3
Turlock	0.9	1.5	3.2	4.7	6.5	7.7	8.2	7.0	5.1	3.4	1.4	0.7	50.2
SUTTER													
Nicolaus	0.9	1.6	3.2	4.9	6.3	7.5	8.0	6.9	5.2	3.4	1.5	0.9	50.2
Yuba City	1.3	2.1	2.8	4.4	5.7	7.2	7.1	6.1	4.7	3.2	1.2	0.9	46.7
TEHAMA													
Corning	1.2	1.8	2.9	4.5	6.1	7.3	8.1	7.2	5.3	3.7	1.7	1.1	50.7
Gerber	1.0	1.8	3.5	5.0	6.6	7.9	8.7	7.4	5.8	4.1	1.8	1.1	54.7
Gerber Dryland	0.9	1.6	3.2	4.7	6.7	8.4	9.0	7.9	6.0	4.2	2.0	1.0	55.5
Red Bluff	1.2	1.8	2.9	4.4	5.9	7.4	8.5	7.3	5.4	3.5	1.7	1.0	51.1
TRINITY													
Hay Fork	0.5	1.1	2.3	3.5	4.9	5.9	7.0	6.0	4.5	2.8	0.9	0.7	40.1
Weaverville	0.6	1.1	2.2	3.3	4.9	5.9	7.3	6.0	4.4	2.7	0.9	0.7	40.0
TULARE													
Alpaugh	0.9	1.7	3.4	4.8	6.6	7.7	8.2	7.3	5.4	3.4	1.4	0.7	51.6
Badger	1.0	1.3	2.7	4.1	6.0	7.3	7.7	7.0	4.8	3.3	1.4	0.7	47.3
Delano	1.1	1.9	4.0	4.9	7.2	7.9	8.1	7.3	5.4	3.2	1.5	1.2	53.6

Appendix A - Reference Evapotranspiration (ETo) Table*

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
TULARE													
Dinuba	1.1	1.5	3.2	4.7	6.2	7.7	8.5	7.3	5.3	3.4	1.4	0.7	51.2
Lindcove	0.9	1.6	3.0	4.8	6.5	7.6	8.1	7.2	5.2	3.4	1.6	0.9	50.6
Porterville	1.2	1.8	3.4	4.7	6.6	7.7	8.5	7.3	5.3	3.4	1.4	0.7	52.1
Visalia	0.9	1.7	3.3	5.1	6.8	7.7	7.9	6.9	4.9	3.2	1.5	0.8	50.7
TUOLUMNE													
Groveland	1.1	1.5	2.8	4.1	5.7	7.2	7.9	6.6	5.1	3.3	1.4	0.7	47.5
Sonora	1.1	1.5	2.8	4.1	5.8	7.2	7.9	6.7	5.1	3.2	1.4	0.7	47.6
VENTURA													
Camarillo	2.2	2.5	3.7	4.3	5.0	5.2	5.9	5.4	4.2	3.0	2.5	2.1	46.1
Oxnard	2.2	2.5	3.2	3.7	4.4	4.6	5.4	4.8	4.0	3.3	2.4	2.0	42.3
Piru	2.8	2.8	4.1	5.6	6.0	6.8	7.6	7.8	5.8	5.2	3.7	3.2	61.5
Port Hueneme	2.0	2.3	3.3	4.6	4.9	4.9	4.9	5.0	3.7	3.2	2.5	2.2	43.5
Thousand Oaks	2.2	2.6	3.4	4.5	5.4	5.9	6.7	6.4	5.4	3.9	2.6	2.0	51.0
Ventura	2.2	2.6	3.2	3.8	4.6	4.7	5.5	4.9	4.1	3.4	2.5	2.0	43.5
YOLO													
Bryte	0.9	1.7	3.3	5.0	6.4	7.5	7.9	7.0	5.2	3.5	1.6	1.0	51.0
Davis	1.0	1.9	3.3	5.0	6.4	7.6	8.2	7.1	5.4	4.0	1.8	1.0	52.5
Esparto	1.0	1.7	3.4	5.5	6.9	8.1	8.5	7.5	5.8	4.2	2.0	1.2	55.8
Winters	1.7	1.7	2.9	4.4	5.8	7.1	7.9	6.7	5.3	3.3	1.6	1.0	49.4
Woodland	1.0	1.8	3.2	4.7	6.1	7.7	8.2	7.2	5.4	3.7	1.7	1.0	51.6
Zamora	1.1	1.9	3.5	5.2	6.4	7.4	7.8	7.0	5.5	4.0	1.9	1.2	52.8
YUBA													
Browns Valley	1.0	1.7	3.1	4.7	6.1	7.5	8.5	7.6	5.7	4.1	2.0	1.1	52.9
Brownsville	1.1	1.4	2.6	4.0	5.7	6.8	7.9	6.8	5.3	3.4	1.5	0.9	47.4

* The values in this table were derived from:

- 1) California Irrigation Management Information System (CIMIS);
- 2) Reference EvapoTranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999; and
- 3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922, 4) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426

SECTION B. WATER BUDGET CALCULATIONS

Section B1. Maximum Applied Water Allowance (MAWA)

The project's Maximum Applied Water Allowance shall be calculated using this equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ETo = Reference Evapotranspiration from Appendix A (inches per year)
- 0.7 = ET Adjustment Factor (ETAF)
- LA = Landscaped Area includes Special Landscape Area (square feet)
- 0.62 = Conversion factor (to gallons per square foot)
- SLA = Portion of the landscape area identified as Special Landscape Area (square feet)
- 0.3 = the additional ET Adjustment Factor for Special Landscape Area (1.0 - 0.7 = 0.3)

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

Effective Precipitation (Eppt)

If considering Effective Precipitation, use 25% of annual precipitation. Use the following equation to calculate Maximum Applied Water Allowance:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

Section B2. Estimated Total Water Use (ETWU)

The project's Estimated Total Water Use is calculated using the following formula:

$$ETWU = (ETo)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

where:

- ETWU = Estimated total water use per year (gallons per year)
- ETo = Reference Evapotranspiration (inches per year)
- PF = Plant Factor from WUCOLS (see Definitions)
- HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
- SLA = Special Landscape Area (square feet)
- 0.62 = Conversion Factor (to gallons per square foot)
- IE = Irrigation Efficiency (minimum 0.71)

Hydrozone Table for Calculating ETWU

Please complete the hydrozone table(s). Use as many tables as necessary.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)	Area (HA) (square feet)	PF x HA (square feet)
			Sum	
	SLA			

Estimated Total Water Use = _____ gallons

Show calculations.

Appendix C – Sample Certificate of Completion.

CERTIFICATE OF COMPLETION

This certificate is filled out by the project applicant upon completion of the landscape project.

PART 1. PROJECT INFORMATION SHEET

Date		
Project Name		
Name of Project Applicant	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Project Address and Location:

Street Address		Parcel, tract or lot number, if available:
City		Latitude/Longitude (optional)
State	Zip Code	

Property Owner or his/her designee:

Name	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Property Owner

"I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and the Certificate of Completion and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

Property Owner Signature

Date

Please answer the questions below:

1. Date the Landscape Documentation Package was submitted to the local agency _____
2. Date the Landscape Documentation Package was approved by the local agency _____
3. Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to the local water purveyor _____

PART 2. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE

"I/we certify that based upon periodic site observations, the work has been substantially completed in accordance with the ordinance and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package."

Signature*	Date	
Name (print)	Telephone No.	
	Fax No.	
Title	Email Address	
License No. or Certification No.		
Company	Street Address	
City	State	Zip Code

*Signer of the landscape design plan, signer of the irrigation plan, or a licensed landscape contractor.

PART 3. IRRIGATION SCHEDULING

Attach parameters for setting the irrigation schedule on controller per ordinance Section 492.10.

PART 4. SCHEDULE OF LANDSCAPE AND IRRIGATION MAINTENANCE

Attach schedule of Landscape and Irrigation Maintenance per ordinance Section 492.11.

PART 5. LANDSCAPE IRRIGATION AUDIT REPORT

Attach Landscape Irrigation Audit Report per ordinance Section 492.12.

PART 6. SOIL MANAGEMENT REPORT

Attach soil analysis report, if not previously submitted with the Landscape Documentation Package per ordinance Section 492.5.

Attach documentation verifying implementation of recommendations from soil analysis report per ordinance Section 492.5.

Exhibit "C"

New state water-use rules will change landscape design

By HEATHER HACKING - Staff Writer
Posted: 10/05/2009 12:00:00 AM PDT

Cities and counties will be taking on new rules for landscape irrigation as of Jan. 1, requiring many new construction and rehabilitation projects to plan their use of water.

Local governments can either adopt rules outlined by the state, or come up with their own programs.

Denice Britton, Chico urban forest manager, said the city is still looking over the plan requirements, which won't impact existing landscapes unless major new work is done.

The rules, spelled out by the Department of Water Resources, are being adopted throughout the state and "will assist local agencies in meeting their goals of stretching water supplies, reducing runoff and reducing the amount of green waste generated by landscape projects," a press release from DWR stated.

The program stems from the 2006 passage of Assembly Bill 1881.

The rules would apply to new construction and rehabilitation of developer-installed irrigated land of greater than 2,500 square feet. That is an area of land 50-by-50 feet, or a sixteenth of an acre.

There are special rules for recreation areas, gardens and orchards, and areas irrigated by recycled water.

This applies only to the landscaping, and not the full footprint of the property.

For new construction landscapes that are done by homeowners, the new rules kick in when the landscaping is greater than 5,000 square feet, or an eighth of an acre.

Britton said most subdivisions have enough public landscaping that the rules would impact future landscape design plans.

The rules use evapotranspiration figures for plants. Evapotranspiration is the total of water used by the plant and evaporated from the soil and plant. Farmers use evapotranspiration figures to determine how much water they need to apply to crops.

Britton said the rules vary by region. In Butte County, rules for new landscaping would be 80 percent of evapotranspiration, or a maximum of 41.36 inches a year, with a system of calculation based on landscape area and other factors.

"The vast majority of landscaping uses a lot more water" than is spelled out in the new state rules.

"S" tidix

The numbers jump dramatically if the irrigation system is not efficient, or if people are watering every day, Britton continued.

"Some people irrigate during the winter. They're going to need to reduce their water use," Britton noted.

The ordinance makes suggestions on how to cut back on water.

"The city will be required to review the landscape plans much more closely," she said, and have more detailed irrigation designs.

There is also a soil test management program. Soil composition can make a serious difference in how well plants grow and how well the soil absorbs water.

For public landscapes, there will be water audits to make sure projects are kept within a water budget, she said. This may include design that incorporates lawn areas, then lower water-use areas that can be calculated together.

"At this point we're still studying what we need to do."

Other details require that any landscape strip less than eight feet cannot have pop-up irrigation.

Also, pop-up irrigation can't be within 24 inches of things such as concrete.

These systems tend to water the sidewalks as well as the grass.

Most places will do best by switching to drip irrigation or an underground drip system, Britton said.

She said local governments won't need to retrofit all the green space in town, but there will be water audits and testing required for larger public areas.

Also, parks that are specifically for recreation, such as playing fields, can use 100 percent of evapotranspiration, but not more.

"It will change things. We are not going to be able to put in lawns everywhere," she said.

But there are many drought-tolerant and native plants that fit nicely into the landscape and will help even out areas that consume more water.

She said there is a small committee forming to come up with an approach to stick with the new rules.

Butte County leaders are working on the General Plan 2030 process, which will include development regulations about landscaping, said Dan Breedon, county planner. The county is also looking at the landscape irrigation rules to ensure the county fully complies, he said.

In the meantime, residents covered by California Water Service have had an ongoing voluntary program to conserve water.

Ken Jenkins, conservation manager at California Water Service, said the company has two programs for large landscaping, usually commercial property. The program measures the landscape area, then calculates the expected water use.

A few water reports have already been completed, including some Chico park sites and businesses.

Jenkins said more customers will be invited to take part in the program in the future.

In the next month or so, that program will be offered to residential customers, offering indoor-outdoor surveys, and provide information on rebate opportunities. The target, at first, will be low-income customers and large water consumers, Jenkins said.

The Department of Water Resources is holding public workshops on the new state rules this month in several areas of the state. The closest is in Lincoln Oct. 15.

For the schedule: www.water.ca.gov/wateruseefficiency/landscapeordinance.

Staff writer Heather Hacking can be reached at 896-7758 or hhacking@chicoer.com.

State OKs stricter rules about landscape water usage

By HEATHER HACKING/MediaNews Group and Democrat staff
Created: 10/14/2009 02:30:27 AM PDT

The state passed an ordinance to curb the landscape irrigation and water usage of cities and counties. Cities must submit a plan for compliance to the state by Jan. 1.

Local governments can either adopt rules outlined by the state, or come up with their own programs, just as or more strict on water usage.

Roberta Childers, an environmental resource analyst for Woodland, said the rules will only apply to new construction and rehabilitated landscaping with a total landscape area of at least 2,500 square feet, or homeowners with a landscape area of 5,000 square feet or more.

City staff is scheduled to participate in workshops in order to clarify some of the details of the new ordinance.

One change might be a ban on landscape irrigation that produces run-off, no matter how large the property.

Childers said the intent of the ordinance is to push "developers to stop just covering areas with grass, which is a water guzzler, and to give more consideration and effort to planting plants that require less water and are well adapted to our soil conditions and climate."

The rules, spelled out by the state Department of Water Resources, are being adopted throughout the state and "will assist local agencies in meeting their goals of stretching water supplies, reducing runoff and reducing the amount of green waste generated by landscape projects," a press release from DWR stated.

The program stems from the 2006 passage of Assembly Bill 1881.

There are special rules for recreation areas, gardens and orchards, and areas irrigated by recycled water.

This applies only to the landscaping, and not the full footprint of the property.

The rules use evapotranspiration figures for plants. Evapotranspiration is the total of water used by the plant and evaporated from the soil and plant. Farmers use evapotranspiration figures to determine how much water they need to apply to crops. The rules will vary by region.

Drip irrigation will be advised over pop-up irrigation systems, which tend to water sidewalks as well as plants.

Local governments won't need to retrofit all the green space in town, but there will be water audits and testing required for larger public areas.

But there are many drought-tolerant and native plants that fit nicely into the landscape and will help even out areas that consume more water.

"Grass alone in these large landscaping areas is not likely to meet the irrigation efficiency requirements," Childers said.

As for the city, it's now a melding processes. Staff will weave the state requirements into the current city ordinances concerning landscape irrigation to have one reflect the other, and the most thorough water requirements will stand.

"In the mean time we will be developing information for public consumption

**ITEM NO.: K-8
RESOLUTION NO. 01-26-10-01; A RESOLUTION
AUTHORIZING SIGNATURES AND APPLICATION
FOR A USDA LOAN FOR A NEW WATER WELL AT
CLARK PARK AND ASSOCIATED WATER SYSTEM
IMPROVEMENTS**

JANUARY 26, 2010

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

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

JB STEVE

SUMMARY:

Staff recommends the City Council adopt attached Resolution No. 01-26-10-01. The resolution authorizes the Mayor, Vice Mayor and City Manager to sign an application (application is available for review at City Hall) and associated forms for a USDA Rural Development RUS (Rural Utility Service) loan to fund the construction of a new water well at Clark Park. See the attached copy of the drawings showing the proposed location and site improvements.

BACKGROUND:

Our current City water system is nearing capacity. In fact, during the summer months when demand peaks, the system struggles to keep up. To expand the system, staff has been working to develop a new water well. Through City Engineer Ed Anderson and consultant Geo-Plus, Inc., we have identified Clark Park as a suitable site for a new water well and associated facilities, including a test well, water well, wellhouse, generator, pump and pump control system, and system piping connections and improvements.

City Engineer Ed Anderson has completed an Engineering Report (cover attached) and estimates the overall cost of the project will be about \$633,000.00. Staff proposes to borrow \$587,000.00 of that and contribute \$46,000.00 from our Water System Development Impact Fee Account. According to Mike Colbert of the USDA Rural Development, the latest interest rate for USDA loans is 3.375%. Amortizing that loan amount (\$587,000.00) over 40 years, requires annual payments of \$26,762.28. Note that this additional debt and the payments to retire it were anticipated when the City updated its water rates just last December.

RECOMMENDATION:

That the City Council:

- **Adopt Resolution No. 01-26-10-01; the Resolution authorizing the Mayor, Vice Mayor and City Manager take all necessary actions to submit an application and obtain a USDA loan for the construction of a new City Water Well at Clark Park and associated water system improvements.**

RESOLUTION 01-26-10-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING TO
AUTHORIZE AND EMPOWER THE MAYOR, VICE MAYOR AND CITY MANAGER
TO TAKE ALL NECESSARY OR APPROPRIATE ACTION TO SUBMIT AN
APPLICATION TO OBTAIN A USDA LOAN FOR THE CONSTRUCTION OF A NEW
CITY WATER WELL AT CLARK PARK AND ASSOCIATED WATER SYSTEM
IMPROVEMENTS**

WHEREAS, the City of Corning owns and operates its Municipal Water System that provides domestic, commercial and fire suppression water to customers within its boundaries, and,

WHEREAS, City staff has recommended that a new water well and water main improvements be constructed for system redundancy, to increase capacity and improve the water system conveyance system, and,

WHEREAS, the City contracted with Geo-Plus, Inc. of Anderson, California to investigate the feasibility of a new water well in the vicinity of Clark Park, and,

WHEREAS, Geo-Plus, Inc. recommends a new well be constructed at Clark Park to supplement the City Water system, and,

WHEREAS, the City wishes to borrow funds to construct the new well and system improvements from the United States Department of Agriculture Rural Development RUS (Rural Utility Services) Loan.

NOW, THEREFORE, BE IT RESOLVED that the Mayor, Vice Mayor and City Manager, are hereby authorized and empowered to take all actions necessary or appropriate:

1. To obtain for and on behalf of the City through the United States Department of Agriculture (USDA) or any other Governmental Agency:
 - (a) A loan in a sum not to exceed \$600,000;
 - (b) A grant in a sum not to exceed N/A ;

to be advanced by the lender or grantor in one or more advances at such time or times as may be agreed upon.

2. In the case of a loan or grant or both:
 - (a) For the execution of such application or applications (including forms, exhibits, amendments and/or supplements thereto) as may be required;

- (b) For the execution and delivery to the lender or grantor or all such written instruments as may be required in regard to or as evidence of such loan or grant; and
- (c) In their judgment to carry out the terms of this resolution.

3. And, in the case of a loan:

- (a) To obligate the City for the repayment of the loan at such rates of interest and on such other terms and conditions as the Council shall deem proper;
- (b) To pledge, hypothecate, mortgage, convey, or assign property of City of any kind in any amount now owned or hereafter acquired, as security for any or all obligations (past, present and/or future) of this City to such Lender; and
- (c) From time to time to pay, extend, or renew any such obligations.

The foregoing Resolution was considered by the City Council at a regular meeting of the City Council of the City of Corning on the 26th day of January 2010 and upon a motion duly made and seconded was passed and adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

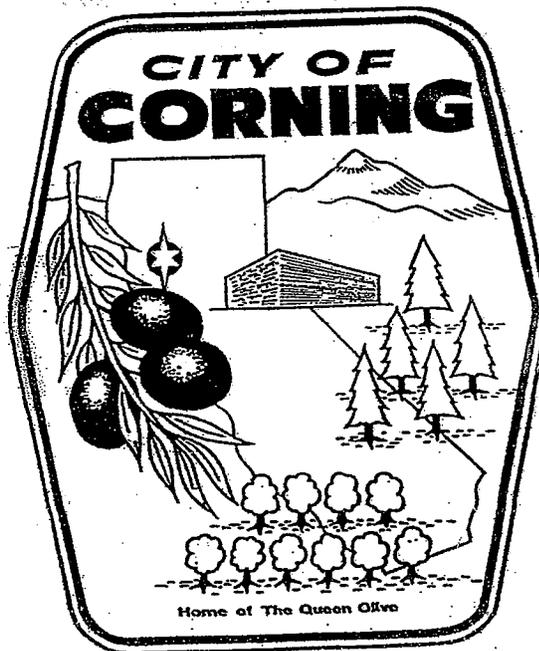
GARY R. STRACK, MAYOR

ATTEST:

LISA M. LINNET, CITY CLERK

City of Corning

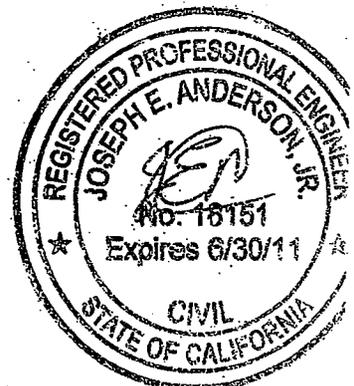
ENGINEERING REPORT FOR THE CONSTRUCTION OF A NEW MUNICIPAL WELL AND PUMP STATION AT CLARK PARK



Funded in Part by: USDA-Rural Development

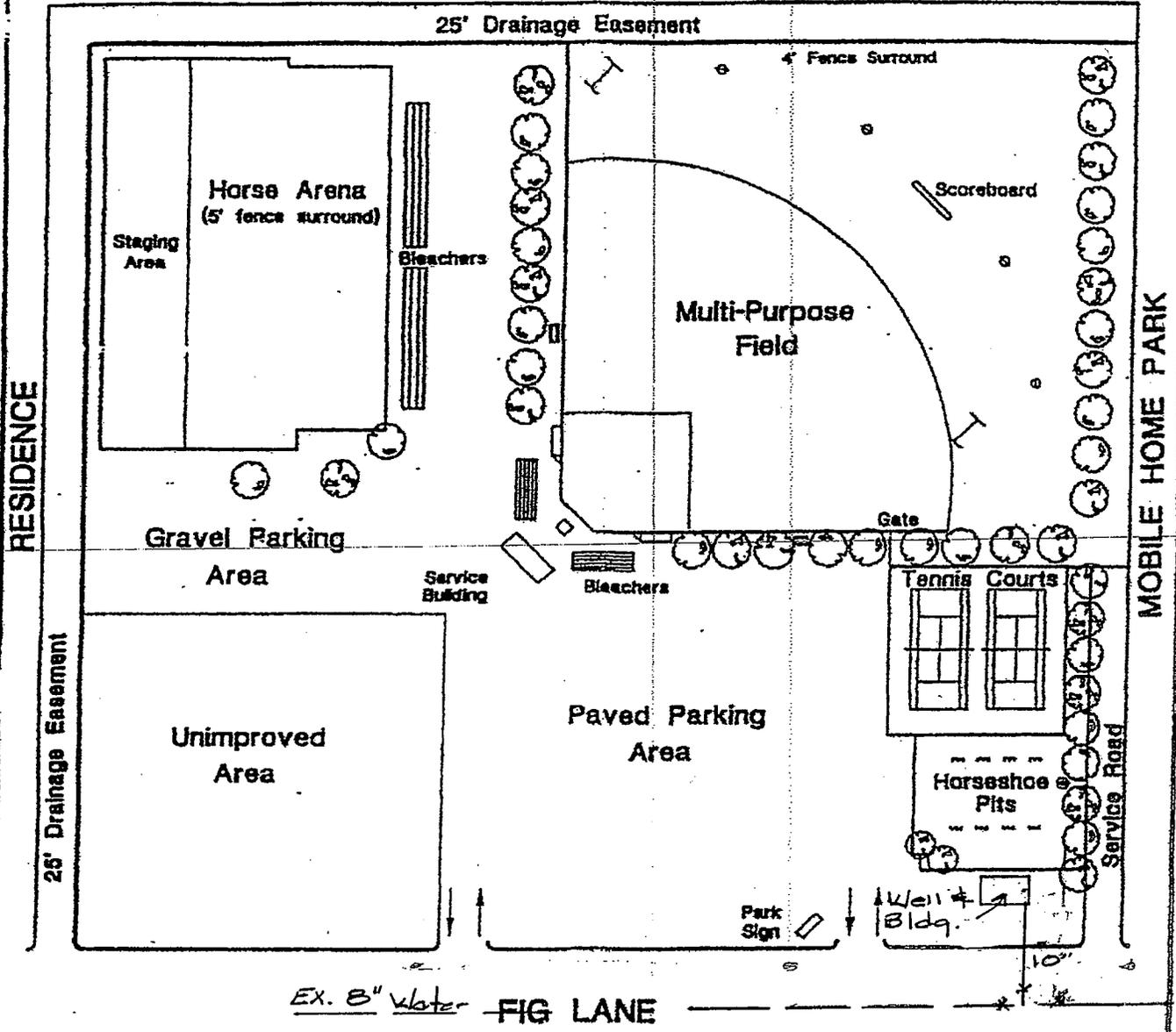
June, 2009

Ed Anderson
Civil Engineer



JB City Copy

ORCHARD

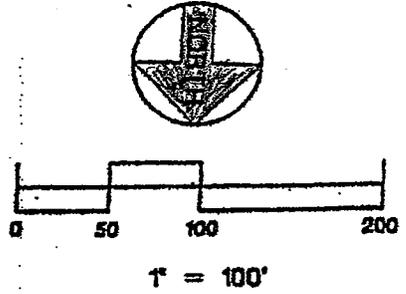


EX. 8" Water FIG LANE

LEGEND

- Field Lights
- Water Fountain
- Picnic Table
- ⌋ Football Goal
- ⊙ Misc. Trees

**ESTIL C. CLARK
RECREATIONAL AREA**
City of Corning



VSB Drawing by Chris Crane from Red prepared by DE Schantz

SITE PLAN

**ITEM NO. : K-9
REVISE AND UPDATE PARALLEL SIDEWALK
COST ESTIMATE & AUTHORIZE CONCRETE
MEDIAN INSTALLATION TO LIMIT LEFT TURNS
WITHIN TOOMES AVENUE AND SOLANO
STREET INTERSECTION; ACCEPT EASEMENT
DEED FOR PARALLEL SIDEWALK**

JANUARY 26, 2010

TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA

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

JB STEVE

SUMMARY:

Now that the new Toomes Avenue commercial driveway serving the commercial center at 2005 Solano Street is complete, staff recommends the City Council authorize expenditures for the construction of a concrete median in Solano Street and just west of the Toomes Avenue intersection. The approximate median location is shown on the aerial photograph that's marked as Exhibit "A", and the attached cross section drawing marked "proposed Solano Street Median".

Staff also recommends the Council modify the "parallel" sidewalk previously authorized on January 12th on the Mike Moller property, and authorize the expenditures for replacement of the existing driveway encroachments at the Mike Moller property. See Ed Anderson's revised standard that's attached as Exhibit "C".

Staff recommends accepting the attached Easement Deed (Exhibit "D") for pedestrian access from Mike Moller. And lastly, we recommend the Council authorize the City Manager and/or the Public Works Director to sign contracts with Ward's Concrete for the installation of the median and the modified parallel sidewalk, and replacement of the Moller driveway encroachments.

BACKGROUND:

The new commercial driveway installed across Mr. Moller's property at the expense of Mr. Sayegh, provides a secondary access to the commercial center at 2005 Solano Street. The new driveway onto Toomes Avenue will provide left turn opportunities from the signalized Solano Street intersection. With that, we can eliminate the left turns into and out of the primary Solano Street driveway, and the associated traffic back-ups. The proposed concrete median will eliminate the left turns into and out of the commercial center. Additionally, staff intends to install a "No Left Turn" sign at the existing driveway intersection with Solano Street.

On January 12, 2010, the City Council approved the construction of a 4'-0" wide concrete driveway within a public access easement that was to be granted by Mike Moller. See the attached drawing showing the parallel sidewalk position and marked as Exhibit "B". On Thursday, January 14th, John Brewer visited the site with City Engineer Ed Anderson to determine how best to install the sidewalk. After that site visit Ed presented an alternative sidewalk cross-section to better fit conditions of the site. The revisions include widening the sidewalk to the block wall and adding pipe bollards to better separate pedestrians from vehicles using the new commercial driveway.

Although staff recommended the Council authorize expenditures for the replacement of Mr. Moller's two driveway encroachments, the Council inadvertently omitted that recommendation on January 12th. Therefore, staff has reinserted that recommendation-along with a cost estimate (Recommendation #3 below).

FINANCIAL:

Ward's Concrete has submitted a proposal to complete the median at a cost of \$2,360.00.

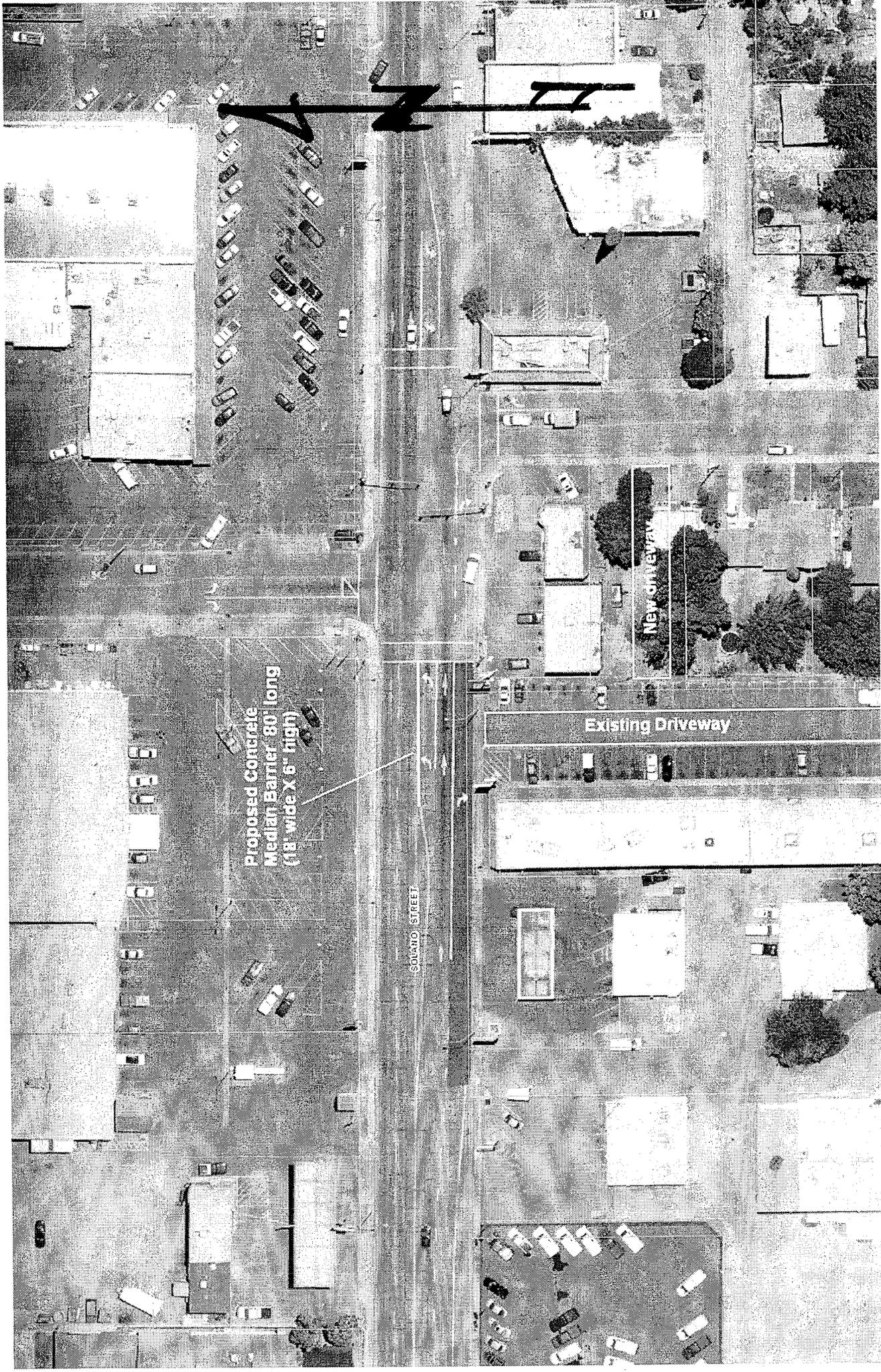
The "widened" parallel sidewalk with bollards will be more expensive than the type approved by the Council on January 12th, and estimated by staff to cost about \$4,840.00. Ward's Concrete has submitted a proposal to construct the sidewalk to Ed's standard at a cost of \$6,063.99.

Funding must come from several sources. The current Street Maintenance Funds Status" report is attached for references. Fund 115; "State Traffic Congestion Relief" is restricted and, in this case, can be used only for the concrete median to improve Solano Street to "current design standards". There are no Gas Tax Funds available. The sidewalk easement construction cost (\$6,063.99) must be appropriated from the General Fund reserves.

The Toomes Avenue driveway encroachment improvements must be funded by existing appropriations to Street Projects Materials and Supplies account number 107-6150-3001.

**RECOMMENDATION:
That the City Council:**

1. Authorize the expenditure of \$2,360.00 to Ward's Concrete for the installation of the concrete median in Solano Street, just west of Toomes Avenue, and appropriate \$3,000.00 from the Traffic Congestion relief Fund 115 to Street Projects Account 115-9112-3001.
2. Authorize the expenditure of \$6,063.99 to Ward's Concrete for the installation of a sidewalk constructed to the City Engineer's standard (Exhibit "C"), and appropriate \$6,100.00 from the general Fund reserve to Street project Account 001-8004-3001.
3. Authorize expenditure to replace the two existing Toomes Avenue driveway encroachments on the Moller property (Assessor's Parcel 71-140-45), expected to cost approximately \$3,072.00, and funded through Street Materials and Supplies Account 107-6150-3001.
4. Accept the Easement Deed from Mike and Leslie Moller for pedestrian access across the southerly 6.5 feet of their property, the site of the "parallel sidewalk".



Proposed Concrete Median Barrier 80' long (18' wide X 6" high)

SOLANO STREET

Existing Driveway

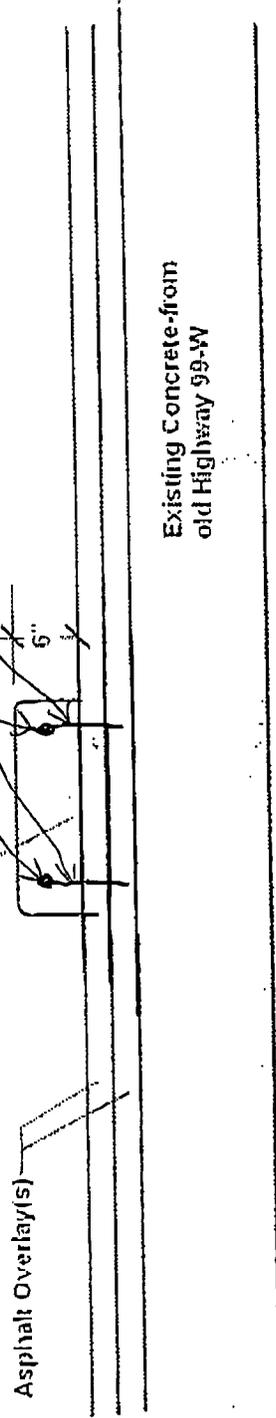
New onramp

EXHIBIT "A"

Solano Street Concrete
median barrier-west of
Toomes Ave. intersection

4 # Rebar Cont.
4 # Rebar Dowels 4' oc - 8' long in Asphalt

Proposed 18" wide X 80" long
Median Concrete Barrier with 1/2"
rebar dowel pairs spaced on 5'-0"
centers



SOLANO STREET
MEDIAN

SOLANO STREET

S 89°23'00" E
60.91'

S 89°23'00" E
64.09'

APN 071-140-44

APN 071-140-45

TOOMES AVENUE

APN 071-140-12

APN 071-140-13
CRAIG PROPERTY

40

PLACE EXIST. MOVE
UMBERS 4'
X 18" HDPE
CT TO

IMP S.D. OF
TO

INSTALL GUY
WITH 4 GUY W

INSTALL GUY
POLE 35' SOL
FEASIBILITY,
COORDINATE

REMOVE 80 L
CURB, CUTTI
SIDEWALK &
STANDARD S
DRIVEWAY &
CURB AND G

INSTALL REINFORCED CONC
MASONRY UNIT (CMU)
RETAINING WALL. HEIGHT
VARIES (SEE DETAIL)
"ADOBE" COLOR

REMOVE EXST CHAIN LINK
FENCE, SALVGE AND INSTALL
ON TOP OF CMU WALL.
OPTIONAL: SHIFT CMU WALL
NORTH AS REQUIRED IF
FENCE IS TO REMAIN.

PROPOSED
"PARALLEL SIDEWALK"

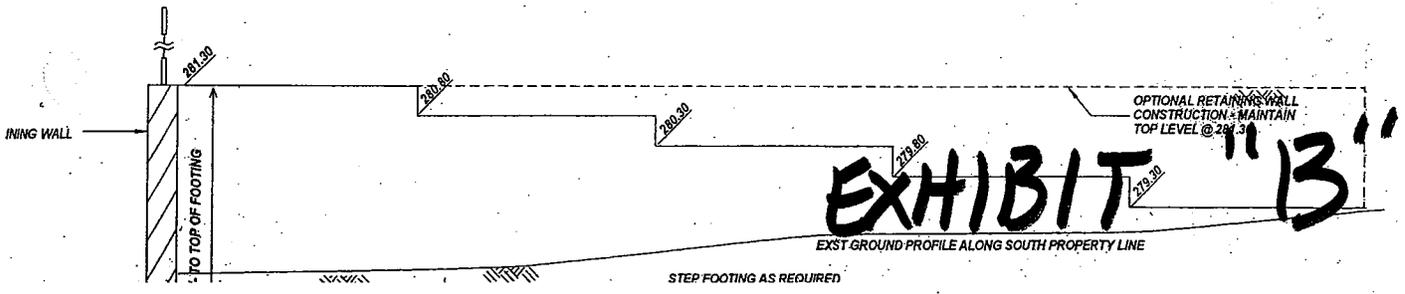


EXHIBIT "B"

EXST GROUND PROFILE ALONG SOUTH PROPERTY LINE

STEP FOOTING AS REQUIRED

**Sketch of
proposed sidewalk along south side of
new Moller driveway on Toomes Avenue
N.T.S.**

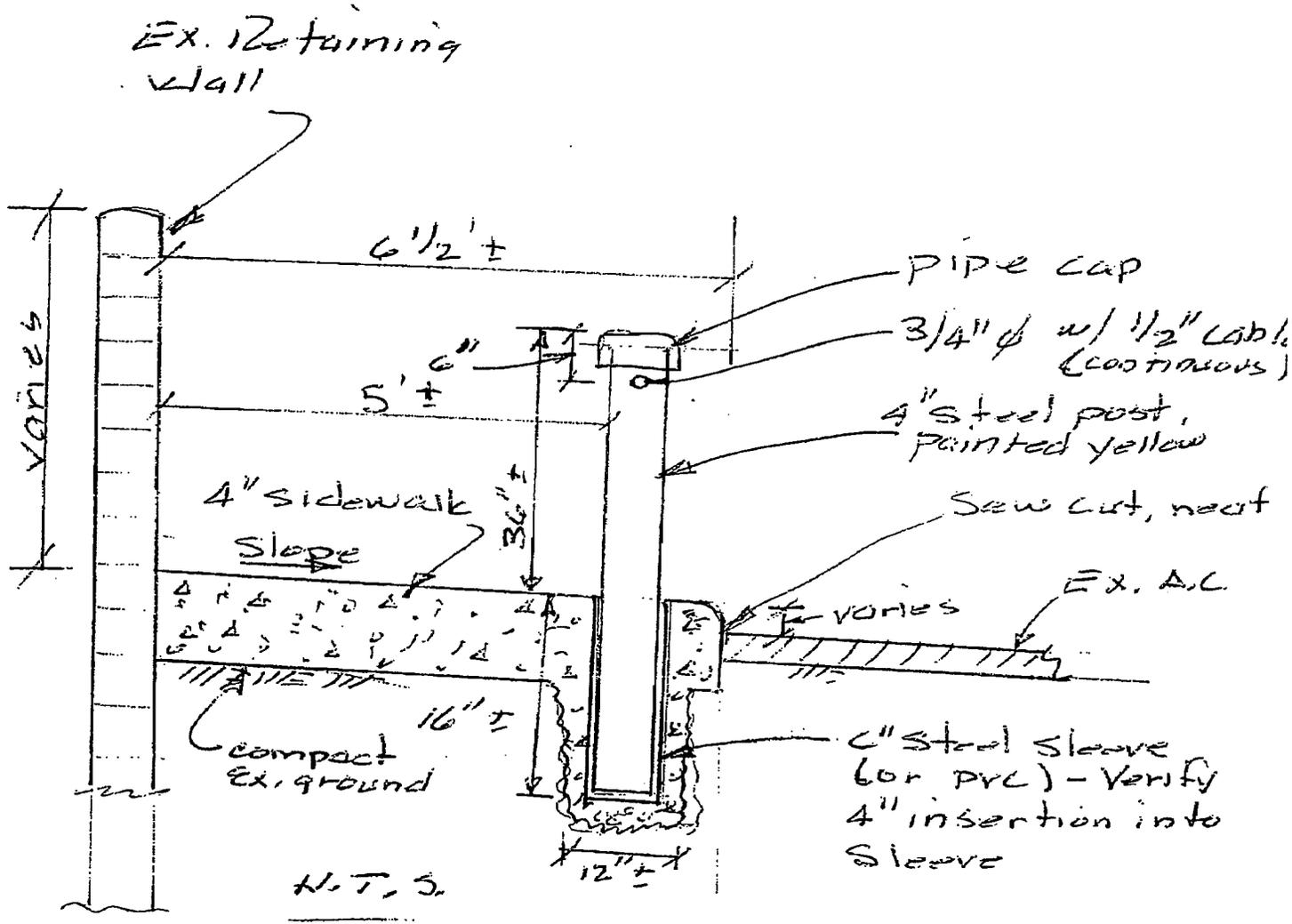


EXHIBIT "C"

**REVISED STANDARD
FOR
"PARALLEL SIDEWALK"**

EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Michael E. Moller and Leslie A. Moller, husband and wife, hereinafter referred to as GRANTORS, hereby grant to the City of Corning, hereinafter referred to as GRANTEE, and its successors and assigns, a perpetual easement for public use, with the right to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove:

Concrete sidewalk, barrier bollards and cable and all appurtenances incident to
the use and operation of a public sidewalk for the City of Corning,

over, across, and through the land of the GRANTORS situate in the City of Corning, County of Tehama, State of California.

The easement shall be 6.5 feet in width, for public pedestrian access and the aforesaid public purposes, in the location described in the attached Exhibit 'A'. The easement does not convey any rights to the concrete block wall located south of and adjacent to the sidewalk, nor any obligation for its maintenance.

The consideration herein above recited shall constitute payment in full for any damages to the land of the GRANTORS, their successors and assigns, by reason of the installation, operation, and maintenance of the structures or improvements referred to herein. ***The GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTORS and their successors and assigns.***

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE and its successors and assigns.

IN WITNESS WHEREOF, the GRANTOR(S) have executed this instrument this _____ day of _____, 2010.

By: _____ (Signed)
Michael E. Moller

By: _____ (Signed)
Leslie A. Moller

EXHIBIT "D"

Exhibit 'A'
Sidewalk Easement Description (Moller to City of Corning)

All that certain real property situate, in the City of Corning, County of Tehama, State of California, more particularly described as follows:

The southerly 6.5-feet of Parcel 1 and Parcel 2, as described in the City of Corning Lot Line Adjustment No. 2007-2, recorded in the Office of the Tehama County Recorded, under Serial Number 2007018424, October 10, 2007, and more particularly described as follows:

Commencing at a T-Bar monument tagged "RCE 14359" marking the intersection of the Westerly right-of-way line of Toomes (formerly Thomes) Avenue and the Southerly right-of-way line of Solano Street;

THENCE, South 0°08'31" East along the westerly right-of-way line of Toomes, a distance of 125.50 feet, to the Point of Beginning for the easement herein described;

THENCE, from said Point of Beginning, continuing South 0°08'31" East, a distance of 6.50, feet to the southeast corner of said Parcel 2;

THENCE, North 89°23'00" West, along the south line of said Parcel 2 and the south line of said Parcel 1, a distance of 125.00 feet, to the southwest corner of said Parcel 1;

THENCE, North 0°08'31" West, along the Westerly line of said Parcel 1, a distance of 6.50, feet:

THENCE, South 89°23'00" East, a distance of 125.00 feet, more or less, to said Westerly right-of-way line of Toomes Avenue and the Point of Beginning;

Containing 812.50 square feet, more or less.

Prepared by:

J. E. (Ed) Anderson
J. E. (Ed) Anderson
RCE 18151, Exp. 06-30-10

January 20, 2010

STREET MAINTENANCE FUNDS STATUS: June 3, 2009; updated October 13, 2009

FUND	GAS TAX	Last Year 2007-2008		Current Year 2008-2009 (1)		Next Year 08-10		Projected Balances 6/30/2010			
		Beginning Balance 6/30/2007	Revenues	Actual Expenditures	Actual Balance 6/30/2008	Expected (9) Revenues	Approved Expenditures		Projected Balance 6/30/2009	Revenues	Expenses
109	2106	\$61,884	\$44,570	\$41,189	\$66,066	\$51,776	\$86,624	\$21,306	\$43,100	\$81,634	\$2,872
110	2106	\$12,887	\$32,866	\$11,923	\$33,820	\$34,432	\$48,810	\$18,742	\$32,700	\$51,932	\$610
111	2107	\$60,630	\$69,630	\$32,890	\$87,270	\$68,808	\$76,818	\$70,461	\$67,600	\$127,693	\$388
112	2107.5	\$149	\$2,081	\$2,167	\$53	\$2,200	\$2,200	\$53	\$2,200	\$2,200	\$63
114	LTF (2)	\$64,823	\$127,786	\$168,640	\$13,869	\$127,188	\$123,339	\$17,819	\$84,000	\$79,600	\$2,319
115	State Traffic Con. Relief (3)	\$38,983	\$1,368	\$19,241	\$21,100	\$66,716	\$47,400	\$40,416	\$68,860	\$68,400	\$40,866
							Sub Total	\$169,796			
SPECIAL PURPOSE FUNDS											
105	Rural Planning-Roads (5)	\$17,031	\$29,284	\$30,276	\$16,060	\$31,000	\$44,811	\$2,439	\$31,000	\$28,871	\$3,688
107	Prop 1B		\$403,719	\$343,071	\$60,648	\$1,200	\$10,000	\$51,848	\$1,162	\$63,000	\$0
108	Fed. TEA & RSTP (6)	\$40,189	\$31,666	\$10,486	\$81,269	\$1,600	\$36,000	\$27,769	\$600	\$28,260	\$9
118	Safe Routes to School	(\$6,823)	\$1,860	\$0	\$0	\$284,400	\$284,400	\$0	\$0	\$0	\$0
120	Fed. TEA for Downtown (7)	(\$622)	\$20,877	\$30,067	(\$10,012)	\$10,012	\$0	\$0	\$0	\$0	\$0
365	Curb & Gutter Revolving (4)	\$17,188	\$652	\$0	\$17,838	\$400	\$0	\$18,238			\$18,238
345	Drainage Improvements	\$79,706	\$36,868	\$400	\$114,963	\$13,000	\$23,360	\$104,613	\$13,000	\$4,069	\$113,664
116	Traffic Mitigation	\$124,608	\$363,008	\$11	\$477,606	\$80,000	\$162,880	\$404,816	\$77,000	\$5,101	\$476,714
001	Gen Fund Spt. of Maint. (8)	\$0	\$870,519	\$870,519	\$0	\$308,318	\$308,318	\$0	\$162,603	\$162,603	\$0
001	Gen Fund Spt. of Street & Traffic Lights	\$0	\$67,661	\$67,661	\$0	\$87,000	\$67,000	\$0	\$69,760	\$68,760	\$0
				Actual			Approved				
				\$1,618,640			\$1,307,860	\$949,304	\$622,356	\$742,793	\$669,070

1- State no longer provides early projections: City must use prior year's estimates
 2- Local Transportation Funds come to the City through the County; they are generated by a Statewide transportation sales tax (special quarter cent gas tax) approved by the Voters as the Transportation Development Act or TDA. Est. 08-09 \$126,189 (5-8-08 Moses) Cut to \$84,000 in 09-10, due to State TAKING of Statewide transit funds.
 3- Prop.42 Gas Sales Tax Monies for Maintenance. State Budget includes funding for 08-10 and 10-11. BUT state wants to take all.
 4- Curb & Gutter Revolving Fund makes loans to property owners who install curb & gutter where there were none. Fund balance exceeds needs and \$18238 will be returned to the General Fund in FY 2008-2009.
 5- Restricted for Transportation Planning Activities. OWP monies: for FY 07-08; 10-16-07 est. R/STIP \$20,000; Aviation \$8,000; GIS \$3,000. For 06-07 \$18,000; \$8,000;\$3,000
 6- RSTP and TEA funding ended 6-30-02, \$15,181 R/STIP & \$20,323 TEA received per TCTC Final Budget 02/03 Total \$35,504; Received from County in FY 07-08 \$30,240.54 special though no future funds are projected, the TCTC distributed an additional \$35,500.04 to Corning from its funds.
 7- Revenue includes \$1012 transfer from the General fund to make up the deficit fund balance. The City received approval for funding of the downtown streetscape and lighting improvements from Federal Transportation Enhancement Act restricted to this type of project and not available for street maintenance. The initial funding is for the project study and engineering report called a "P&S&E".
 8- State Traffic Congestion Relief Act requires a General Fund Maintenance of Effort in the amount of \$184,337. includes General Fund support in Streets, Street Projects, Public Works Administration and Engineering including Development
 9- State withheld 25% of Gas Tax Revenue in FY 07-08 and is repaying it in September 2008 (FY 08-09). Revenue = annual expected + 25% more in repayment.

**ITEM NO: K-10
AUTHORIZATION FOR
RODGERS THEATRE
REHABILITATION PLAN AND
EXPENDITURES
JANUARY 26, 2010**

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS
OF THE CITY OF CORNING**

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

STEVE

SUMMARY:

The Corning Community Foundation is requesting the Council's approval of a proposed Scope of Work and expenditure plan for the restoration of Rodgers Theatre that would include the State Park Bond funds in addition to other available funds.

BACKGROUND:

At the August 11, 2009 City Council meeting the Corning Community Foundation provided the City Council with a letter detailing in chronological order the activities that had taken place since 2006, which were aimed at re-opening Rodgers Theatre. The letter included the proposed construction work to be completed on a priority basis with the funds available and State Park Bond funds, provided the City Council authorized the use of Park Bond funds for this project.

At the meeting the City Council approved the allocation of City's 2002 Park Bond funds in the amount of \$220,000 to the Theatre and authorized staff to make application for these funds.

The City of Corning has received approval from the California Department of Parks and Recreation to use its allocation of the statewide 2002 Park Bond Issue, in the amount of \$220,000, to rehabilitate Rodgers Theatre into a theatre and community arts center. City staff has also applied and has been tentatively approved for a grant through the California Energy Commission, which includes \$27,500 to be used as partial funding of the proposed heating venting/ air conditioning system. In addition the Corning Community Foundation currently has just over \$50,000 of donated funds in the Rodgers Theatre account. Excluding the California Energy Commission grant funds and any remaining funds in the Rodgers Family Trust Fund, there is \$270,000 available to commence work on the restoration of the Theatre.

The Foundation's Scope of Work plan prioritized the most critical work as: the re-roofing of Rodgers Theatre; the demolition work of the interior of the auditorium and installation of new concrete flooring, rough plumbing and rough electrical work; and, the restoration of the exterior face of the building and front lobby. Based upon the most current construction estimates that the Foundation has received, this work will cost approximately \$275,000. This estimate is based upon prevailing wage and does not factor in the savings of volunteer labor.

The Foundation is seeking authorization from the Council to commence work on the Theatre and working in conjunction with City Staff, obtain formal bids as required. Once the roof is completed, the second phase, the demolition of the interior auditorium will begin. It is anticipated that the majority of the demolition work of phase two will be done by volunteers and donated equipment. Once phase two is completed, the third phase of the proposed plan will be completed.

It is anticipated the monies saved through volunteer and additional fundraising efforts will be used toward the restoration finish work.

RECOMMENDATION:

MAYOR AND COUNCIL AUTHORIZE THE CORNING COMMUNITY FOUNDATION, WORKING WITH CITY STAFF, TO SEEK FORMAL BIDS AS REQUIRED AND COMMENCE WORK ON THE RODGERS THEATRE RESTORATION.



Corning Community Foundation

"Working for a Cause"

August 4, 2009

Corning of Corning Mayor and City Council
Attn: Lisa Linnet, City Clerk
794 Third Street
Corning, CA 96021

Honorable Council:

Rodger's Theatre was closed in 2006 when a City inspection revealed several deficiencies in the facility, which would require correction for both the integrity of the structure and the health and safety of the public.

In September 2006, the City Council authorized the formation of the Friends of the Theatre Committee to explore alternative uses for the Theatre and funding sources for its renovation.

In April 2008, with approval from the City Council, the Committee had engineered plans prepared that could expand the Theatre into a multi-function facility that could include (but not limit the use) venues such as concerts, stage plays and film screenings.

At the November 13, 2008 City Council meeting, alternative means to fund the restoration of the Theatre were discussed. The Council acknowledged that the Friends of the Theatre Committee had raised over \$49,000 in private donations. However, the Council also recognized the need to form a private foundation that would be able to leverage what had been accomplished. The Council authorized staff to seek proposals from grant writers to research potential grant sources and prepare grant submittal documents. The Council also expressed its support to the project in the form of committing up to \$220,000 of the City's Park Bond grant funds as a potential funding source.

The Corning Community Foundation (CCF) was incorporated on January 12, 2009 as a public benefit corporation, with the specific purpose to:

Provide facilities and services especially designed to meet the physical, social, recreational, educational, cultural and other needs of the Corning community and to promote the quality of life for persons of all ages living, working and spending time within the community being served.

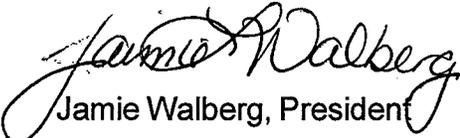
At its July 30, 2009 meeting, the CCF Board of Directors discussed the state of Rodger's Theatre, its current priority. The conversation focused on what needed to be done to prevent further damage to the building and what actions, in sequence, should be taken to begin the restoration of the Theatre facility. It was agreed at this meeting that the first priorities should be to re-roof the building so no further water damage will occur to the interior of the structure and to restore the front (face) of the building, as a visible indicator to the public that restoration has begun.

The re-roofing will entail: removal of the existing roofing; the installation of new roofing; and, the installation of rough-in duct work for the future heating and air conditioning system with required electrical rough-in. The restoration of the front of the building will entail: re-coloring the stucco, installing new ceramic tile; installing new entry doors; and, exterior carpeting.

Mr. Richard Rezendes of C&R Construction, a local general contractor who has volunteered his time to the Friends of the Theatre Committee, provided an estimate of \$221,748 to do the following: Install a new roof and restore the front of the building (as detailed above), do all interior demolition work (including the flooring), install new concrete flooring (to include replacing the concrete flooring in the bathroom areas, install all rough plumbing, install a new electrical main service panel and sub-panel with conduits and sub-feeder wiring. Mr. Rezendes' estimate is based upon his donation of any profit and does not include prevailing wage. If prevailing wage must be paid, the total cost for this work is \$274,751. In addition, costs of any work that volunteers may wish to do will reduce the overall cost accordingly.

The Foundation is aware that the City Council has Park Bond grant funds in the amount of \$220,000, which must be expended by September 2010. The City Council had previously advised these funds were available as a resource for the restoration of the Theatre. In light of this recent information, the Foundation is hereby requesting that the City Council consider using the Park Bond grant funds to complete the work as detailed above.

Respectfully submitted,


Jamie Walberg, President

City Park Development Funds

Park Acquisition Fund # 341 **Fund Balance** **\$284,528**

The annual Audit p. 60 shows a year end balance of \$302,978. Park Acquisition Fees collected along with interest earned to date is \$17,155 less expenditures to date of 35,606.

Established in 1970, through Ordinance 320, City Code Chapter 3.32 "RESIDENTIAL CONSTRUCTION TAX" (page 41) requires all residential dwelling units including mobile home lots to pay a tax to fund the "acquisition, improvement and expansion of public parks, playgrounds and recreational facilities" in the City. The proceeds of the tax "may also be used for the development of recreational facilities on public school grounds which provide a desirable site and immediate access to the public from the street."

The tax is collected with the issuance of Building Permits:
 \$200 per new mobile home lot or one bedroom dwelling
 \$100 per each additional bedroom

Park Improvement Fund # 353 **Fund Balance** **\$ 15,759**

Annual Audit page 60 shows a balance of \$15,410. Interest earned to date is \$349.

Established by City Council to segregate those Budget appropriations made by the City Council periodically for the special park improvement and refurbishment projects identified jointly by the Recreation Commission and Park Volunteer Committee. Current Balance exists because extra Recycling Grant funds were placed in it.

Statewide 2002 Park Bond Issue Fund # 354 **Reserved for Corning** **\$220,000**

The July, 2003 State Procedural Guide states that the funding allocation is "...intended to maintain a high quality of life for California's growing population by providing a continuing investment in parks and recreational facilities. Specifically, it is for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities in urban and rural areas." "Capital Projects that will provide lands and facilities for recreational activities and services are eligible. The following types of Capital Projects are eligible for grant funding: Acquisition..., or Development."

Established by City Council to receive and segregate the \$220,000 "per capita" allocation to the City of Corning from the "2002 Resources Bond Act" also known as the "California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002". This "pork barrel" Proposition from the Legislature was meant to have something for everyone and insured that each City received a minimum "per capita allocation" of at least \$220,000. **Projects and all paperwork must be complete by June 30, 2011.**

Parkland Development Fund # 355 **Fund Balance** **\$195,750**

The annual Audit p. 60 shows a year end balance of \$184,620 and Bedroom Tax collected along with interest earned to date is \$11,130 less land appraisal costs of \$0.

Established in 1991, through Ordinance 515, City Code Chapter 3.40 "PARKLAND DEVELOPMENT FEE" (page 44-1) imposes a fee on lots in all "newly created" parcel maps and subdivision maps "solely for the purchase and preparation of land for city parks."

The fee is collected with the issuance of Building Permits: \$ 875 per dwelling unit.

Rodgers Theater Trust #402 **Fund balance** **\$ 22,411**

Annual Audit page 66 shows a balance of \$22,972. Add interest to date of \$399, less Marquee work to date of \$960.

CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, JANUARY 13, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET

Excerpt from Minutes-two pages

21. Rodgers Theatre: Approve Plan of Action.

Mayor Strack introduced this item by title.

Councilor Parkins stated that she believes this is the best plan presented to date.. .and it has a backup.

Councilor Leach stated that he is not opposed to having the Theatre in town, however he is not in favor of a loan or using the Park money for the Theatre, he is in favor of obtaining a grant.

Mayor Strack stated that he is not in favor of using the Park Bond Monies...the Park Bond money must be used within the next two years and he doesn't believe the Theatre would be ready to move forward in two years.

Councilor Hill stated that due to the economy, we might be able to obtain lower bids for some of these projects. Councilor Turner requested and received the dollar amounts of the other funds available.

Mayor Strack suggested utilizing an RFP (Request for Proposal) for a grant writer, instead of just assuming to use the school's grant writer stating that there have been others who have offered their services.

Councilor Hill stated that she believes the Theatre would be used as a Community Cultural Center. She stated that the Council should never delude themselves into believing that the Theatre would ever be self-supporting. She stated that we should think of the Theatre as an investment in the City and its residents, and hope that from that investment it will grow fruit and tax revenues.

Councilors Hill and Parkins both stated that they like the proposal and acknowledged that the only item it seems that the Council is not in agreement on is item 3 (committing the State Park 2002 Park Bond Act Funds).

Councilor Turner stated that he was not in favor of using the Parks Grant monies for the Theatre when the City has other funds available to use.

Darlene Dickison stated that she had collected 175 signatures in support of reopening the Theatre and that these signatures were collected in a one-week period. Danny Dunigan outlined the history of the discussions on the Theatre and discussions on possible grants available.

Mayor Strack stated that in this plan no restrooms were mentioned, he stated that the restrooms must be restored.

The City Manager stated that he needed a specific dollar amount for the City's matching funds for the Grant Writer to Use in the Application; Council set the dollar amount at \$.

Tony Cardenas updated the Council and the audience on resent information he had received from the Cowell Foundations, they stated that if the City can supply 50% of the funding at prevailing wage the Cowell Foundation may consider it.

Councilor Hill moved for Mayor and Council to:

1. Approve the "Action Plan" to renovate and reopen the Rodgers Theatre; and
2. Direct the City Manager to return to Council with a proposal for grant writing services; and
3. Commit funds from Park Acquisition Funds 341 and 355 up to \$200,000 as a foundation Grant match; and 5. City Council makes no commitment to the "Alternative Plan of Action" nor City funding until the private foundation opportunity is exhausted.

(The motion excluded recommendation 4 "Authorizing the City Manager to submit the application for the State Park Bond money in order to commit the State to the Project and define any State conditions of Grant which may add to the project cost with the condition that the City Council can reallocate and modify the State Grant Application should private foundation funds not be available".

Councilor Leach seconded the motion.

Ayes: Hil, Parkins and Leach. Opposed: Strack and Turner.

Absent/Abstain: None.

Motion approved by a 3-2 vote with Strack and Turner opposing.

ITEM NO.: L-21
RODGERS THEATRE: APPROVE PLAN
OF ACTION
JANUARY 13, 2009

TO: CITY COUNCIL OF THE CITY OF CORNING
FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

SUMMARY:

This report contains considerable new or revised information. It is by necessity very long and detailed, but should be studied carefully.

The City Council and Community discussion of the future for the City owned Rodgers Theatre has led from the formation of a City recognized citizen volunteer organization called "Friends of the Rodgers Theatre" to a successful fund raising campaign with \$50,000 in community donations in the bank.

The City Council authorized the use of Rodgers Theatre "trust" funds to refurbish and repair the theater marquee and restore the neon lighting.

Then, at the request of the volunteers, the City Council authorized \$5,000 for design and structural engineering services to create a master plan of improvements to make the theater a multi-use Community auditorium. The City Council adopted that Rodgers Theatre Master Plan.

The City Council directed the City Attorney to prepare and file the Incorporation of the "Corning Community Foundation" with the specific purpose:

"To provide facilities and services especially designed to meet the physical, social, recreational, educational, cultural and other needs of the Corning community and to promote the quality of life for persons of all ages living, working and spending time within the community being served."

The Incorporation was filed last Friday January 9, 2009.

The City Council reviewed and discussed the proposed "Action Plan for the Rodgers Theater" (covered later in this Report) at their meeting last meeting on December 9, 2008, The Council concluded that the City should not pursue a USDA loan to refurbish the theater; the long term debt and annual debt service was not a practical solution. USDA Rural Development cost of money was 4.5% for 30 years for \$400,000. This would have required an annual debt service of \$30,700 from the General Fund.

The City Council wanted to continue the discussion for refine the Plan and take possible action at this meeting on January 13, 2009.

BACKGROUND:

At the Council meeting on November 13, 2008, the Council discussed several obstacles that have stalled the re-opening of Rodgers Theatre.

First there is the Architects estimate totaling almost \$900,000 for the total renovation of the Theatre under public bid and prevailing wage laws verses his estimate of \$661,300 for full renovation if the Theatre were a non-publicly owned building.

The second obstacle is the difficulty of integrating public money and work with private volunteer work and money under State prevailing wage laws.

A third obstacle is how to structure the ownership of the Theatre in private hands through a non-profit community foundation.

The City closed the Rodgers Theatre two years ago after a City inspection disclosed deficiencies in the facility. A portion of the ceiling had fallen in a corner of the projection room exposing the attic to the potential of fire. The roof needed repair, the public restrooms were partially inoperable, and the snack bar area needed refurbishing for both appearance and public health considerations.

On October 10, 2006, City Council received the Staff Report (attached) estimating the minimal cost to reopen the Theatre at that time would be \$91,000. As an alternative, the Theatre could remain closed with minimal repairs to the fire sprinkler system and the roof for an estimated cost of \$7,800. Council decided to keep the Theatre closed, make the minimum repairs to the sprinkler system and the temporary repairs to the roof. Council also asked that City Architect, Robert Heaton join with City Staff to make a thorough inspection of the facility and produce a cost estimate of the amount work necessary to fully restore the Theatre. City Council was well aware that any first step in the restoration of the Theatre would lead to full commitment, therefore any such decision would need to have the estimated cost fully disclosed.

Mr. Heaton then responded with a November 27, 2006 narrative report and a December 5, 2006 cost estimate totalling \$892,755 at prevailing wage under public bid.

The October 10, 2006 meeting had already led to the formation of "**Friends of the Rodgers Theatre**" which volunteered to begin fund raising for the Theatre. Over the course of their work during the last two years, they have **raised over \$49,000** from the Community. Hometown Revitalization, our Community non-profit is holding the money for them to apply towards theatre restoration.

In addition, the Volunteers asked the City Council to provide \$5,000 of the Rodgers Theatre Trust to retain a building designer to work with Community Volunteer Tony Cardenas and Volunteer Contractor Richard Rezendes to develop a floor plan for the reuse of the Theatre as both a Theatre and a Community Auditorium/Center. Since that time, City Council has approved the floor plan as an **ultimate Master Plan**, and Mr. Rezendes has produced an estimate of all of the work needed if done with private money. His estimate is also attached; it totalled \$538,493 and is the most current estimate now available as a target for the complete improvements. **If this work were to be done by public contract under prevailing wages, the estimate would be \$726,966.**

WHERE DO WE GO FROM HERE

As presented on November 13th, City Staff has tried to identify middle ground that would allow for the Theatre to reopen both as a Movie Theatre and Cultural Center and leave the rest of the work as future objectives. Using the most current estimates prepared by General Contractor Richard Rezendes and adding a public bid and prevailing wage factor of 35% to the project, Staff believes **the essential work can be done for about \$400,000**. Here is a breakdown for the minimum funds necessary to reopen the building:

- **Reroofing**, replacing all dry rotted wood over the steel trusses, including structure to support air conditioning: \$36,000.
- **Refrigeration air conditioning** and heating, including sheet metal work: \$90,800.
- **All electrical**, including lighting: \$145,125.
- **Floor repair** and resurfacing: \$53,970.
- **New seating**: \$42,693.
- **Unanticipated costs**: \$30,577.

Total: \$400,000.

The building, walls, and steel trusses are structurally sound. The steel trusses themselves appear to be well capable of supporting the weight of the refrigerated air conditioning and heating system. There is dry rot in the wood overlay on top of the trusses and leaks along the Theatre sidewalls.

The swamp cooler would be completely replaced with the new air conditioning and its associated structures. All electrical would be replaced.

The lobby and snack bar floor covering would all be replaced, any dry-rotted wood floor in the Theatre would be replaced, and the entire area resurfaced.

In Mr. Rezendes' estimate the cost of the new Theatre seats includes shipping a new hot dog boiler, popcorn machine, and used drapes. This does not include the labor to install, which would be supplied by volunteers. Prior to the commencement of the project, the General Contractor chosen to do the work would sit down with the Public Works Department and Volunteer Leadership and determine which work would be done by volunteers, and which work would be done by the General Contractor and Subs, much the same as a General Contractor working with a Homeowner who desires to do some of the work themselves.

OWNERSHIP OF THE THEATER

The City needs to retain title to the theater building and land. This is important in order to provide the no direct cost City Liability and Workers' Compensation Insurance coverage available only to the city owned properties and activities. Additionally the city has budgeted between \$10,000 and \$12,000 per year (current budget \$8,600) to cover electric and gas and maintenance and property insurance. The City does not charge City owned facilities for water and sewer service and Waste Management does not charge the theater for refuse service.

In discussions with the volunteer leadership of Red Bluff's "State Theater", they noted that the cost of insurance for the privately owned theater was very high. The City Self Insurance Fund does not increase "premiums" based on use. Maintaining the city coverage of the theater does not cost the City more, except for the Property (fire) Insurance currently in the City budget

A long term operating agreement would be created between the City and the Foundation which would spell out the responsibilities of both parties.

The theater is too important of a community asset to release complete City control. In the future if the theater no longer was a viable use, a lack of control could allow it to become a land use detrimental to the efforts to restore the downtown. One community found its old theater in the hands of the "Pussy Cat" theater chain! Another community watched as new owners converted the theater to a flea market in the downtown!

ADA REQUIREMENTS:

The City Building Official has confirmed that the **proposed initial work** including the roof, electrical and air conditioning **will not trigger the "ADA" type Code requirements** to modify the restrooms to make them more handicapped assessable. The Master Plan adopted by the City Council (building improvement plans) does provide for handicapped restrooms and their construction is still a high priority as funds become available. A **wheel chair platform** will be constructed on the main floor at part of the initial work.

ACTION PLAN:

As one alternative for discussion, consider some of the ideas discussed that would utilize the "Coming Community Foundation". The presence of a Community Arts Foundation will make the program more competitive for a grant.

Pinning down any unexpected State 2002 Park Bond grant conditions is extremely important. The State requirements may affect construction plans and costs. For this reason, City Staff should insure that the state application for funds can be made for the theater and withdrawn if the conditions are unacceptable to the City.

Here is an **ACTION PLAN** that calls for all funding, both City and Grant, to be in place prior to undertaking any actual construction expenditures. Following this is an "**ALTERNATIVE ACTION PLAN**" if a grant is not available.

- City to formally recognize the Theatre as a "Community Arts Center" to qualify the restoration project for grant consideration. (must be identified as more than a movie theater)
- Seek "Joint Use" Resolutions from both the Coming Elementary and Coming High School Districts with NO expectation of any financial commitment from the Districts in order to demonstrate schools support and commitment to joint community action.
- Engage the Coming Union Elementary School Dist. Librarian (the District's very successful grant writer) to write grant application to Cowell Foundation and any other foundations identified.
- Engage local service clubs and Churches who will benefit from availability of a "Venue" for musical performances and obtain written support with NO expectation of financial commitment.
- Make the City Council commitment of \$230,000 in 2002 State Park Bond funds set aside at the State for the City of Coming. (commitment only if the Grant is approved)
- Prepare Phased Construction Plan integrating Volunteers into the work.
- Prepare the construction and public bid documents for the roof, A/C and electrical to be paid by the Park Bond funds.
- Submit the Park Grant Application to the State.
- Following State Approval AND Cowell Foundation Grant Approval, complete the roof, A/C and electrical work in order to make ready for a transfer of the building management to the new Coming Community Foundation.
- Develop a long term lease and operating agreement for the Theatre building with the Coming Community Foundation rather than a transfer of title, in order to allow the City to continue insurance coverage and payment of utilities at a cost of about \$10,000 per year.
- The Community Foundation would circulate a Request For Proposals for a "Concessionaire" Agreement to operate the Theatre. Former Theatre Manager Phil Bridgeford has indicated that he is interested in submitting a proposal to operate as City Concessionaire or as Foundation Center Manager.

THE ALTERNATIVE ACTION PLAN

We need to be prepared to be turned down for a foundation grant. The original objective of protecting the struggling downtown from the blight caused by an abandoned or poorly utilized theater (that flea market) still exists.

Tony Cardenas suggested a "Plan B alternative" which would complete only the work necessary to reopen the doors as a movie theater and work toward the future community uses.

The original commitment of the park bond money by the City Council only applies to using it to obtain a matching foundation grant as part of the original Action Plan, and the City Council has made it clear that it wants to retain its ability to allocate the state bond for any important priority of which the theater is only one.

Here is the Alternative Action Plan which would fund the new roof, the AC heating unit, and only the essential electrical necessary to support the AC and fix any remaining safety issues. All would be competitive bid together as a "public project" to insure coordination and control of the work by the Public Works Department and "bid additives" would be included to provide for additional work which would consume the entire park grant.

- Make the City Council commitment of \$230,000 in 2002 State Park Bond funds set aside at the State for the City of Corning.
- Submit the Park Grant Application to the State.
- Prepare Phased Construction Plan integrating Volunteers into the work.
- Working with the already allocated annual City Budget for the Rodgers Theatre, the City Public Works crew, during the winter months, would complete the restoration of the existing restrooms which remain legal under State and Federal ADA requirements (see the State Theater as an example) and remove any unnecessary structures within the building.
- Prepare the construction and public bid documents for the roof, A/C and electrical to be paid by the Park Bond funds.
- Following State Approval, complete the roof, A/C and electrical work in order to make ready for a transfer of the building management to the new Corning Community Foundation.
- Develop a long term lease and operating agreement for the Theatre building with the Corning Community Foundation rather than a transfer of title, in order to allow the City to continue insurance coverage and payment of utilities at a cost of about \$10,000 per year.
- The Community Foundation would assume responsibility for the \$50,000 in community donations currently held by "Hometown Revitalization".
- The Community Foundation would circulate a Request For Proposals for a "Concessionaire" Agreement to operate the Theatre. Former Theatre Manager Phil Bridgeford has indicated that he is interested in submitting a proposal to operate as City Concessionaire or as Foundation Center Manager.
- The Community Foundation, working with its new Concessionaire and the City would prepare and execute a plan to utilize the community donations to continue the refurbishment of the theater.

ANNUAL OPERATING COSTS HAVE BEEN CONSIDERED REASONABLE:

The City has no additional cost for Liability and Worker's Compensation. The property insurance for fire and damage is part of the City comprehensive policy and is budgeted in "General City" The cost of electricity is approximately \$5,000 per year, natural gas is approximately \$3,000, and building maintenance would be approximately \$1,000 per year. There is no cost for refuse service, nor water and sewer because it is a City facility. The expected operating cost of the Theatre is under \$10,000 per year.

If the City undertakes the work, by state Law it is defined as a "Project" and is subject to prevailing wages. Cowell Foundation already has represented that it expects the work funded by it and done by the Community Foundation to comply with State Prevailing Wage Laws.

RECOMMENDATION:

MAYOR AND COUNCIL

- 1. APPROVE *THE "ACTION PLAN"* TO RENOVATE AND REOPEN THE RODGERS THEATRE;**
- 2. DIRECT CITY MANAGER TO RETURN FOR COUNCIL CONSIDERATION WITH A PROPOSAL FOR GRANT WRITING SERVICES FROM THE ELEMENTARY SCHOOL DISTRICT LIBRARIAN.**
- 3. COMMIT THE STATE 2002 PARK BOND ACT FUNDS OF \$220,000 AS FOUNDATION GRANT MATCH IN THE GRANT APPLICATION.**
- 4. AUTHORIZE THE CITY MANAGER TO SUBMIT THE APPLICATION FOR THE STATE PARK BOND MONEY IN ORDER TO COMMIT THE STATE TO THE PROJECT AND DEFINE ANY STATE CONDITIONS OF GRANT WHICH MAY ADD TO THE PROJECT COST WITH THE CONDITION THAT THE CITY COUNCIL CAN REALLOCATE AND MODIFY THE STATE GRANT APPLICATION SHOULD PRIVATE FOUNDATION FUNDS NOT BE AVAILABLE.**
- 5. CITY COUNCIL MAKES NO COMMITMENT TO THE *"ALTERNATIVE PLAN OF ACTION"* NOR CITY FUNDING UNTIL THE PRIVATE FOUNDATION OPPORTUNITY IS EXHAUSTED.**

ITEM NO: K-11
PROPOSED NEW CITY ATTORNEY
CONTRACT
JANUARY 26, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS
OF THE CITY OF CORNING

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

STEVE

SUMMARY:

Here is the proposed City Attorney contract, to become effective January 1, 2010; this proposed contract removes retirement contribution by the City and replaces it with straight salary. The City also pays the employer contribution towards Social Security; the City does not contribute to Health Insurance, Disability, Life Insurance, nor vacation or other leave.

BACKGROUND:

The proposed salary, under the contract applies through June 30, 2012, after which the City Attorney and Council will mutually agree on future salaries.

The City Attorney's current salary of \$5,000 per month was effective July 1, 2009 and the rates below show that continuing through June 30, 2010. Below is listed the proposed salaries along with the amount in lieu of retirement credit:

Beginning 1-1-10 Base Salary of \$5,000/month plus \$961 in lieu of Retirement for a total of \$5,961

Beginning 7-1-10 Base Salary of \$5,250/month plus \$1,009 in lieu of Retirement for a total of \$6,259

Beginning 7-1-11 Base Salary of \$5,500/month plus \$1,133 in lieu of Retirement for a total of \$6,633

The amount of salary listed in lieu of retirement is based upon the City's published rates from the California Public Employees Retirement System. The rate for 2009 – 2010 is 12.278% for employer contribution, plus 7% employee contribution for a total of 19.228% paid by the City. Next year, 2010 – 2011 the rate is 12.397% plus 7% for a total of 19.397% paid by the City. For the Fiscal Year 2011- 2013, the rate is 13.6% plus 7% for a total of 20.6%. According to PERS these rates reflect the market loses and downturn in the economy.

The proposed contract stops the accrual of retirement benefits which has been protested by a citizen. This allows that issue to be resolved separately and allows the City to move forward.

RECOMMENDATION:

MAYOR AND CITY COUNCIL CONSIDER THE CITY ATTORNEY'S REPORT, THE PROPOSED CONTRACT AND APPROVE CONTRACT WITH CITY ATTORNEY MICHAEL FITZPATRICK EFFECTIVE JANUARY 1, 2010.

Attached:

City Attorney Contract effective January 1, 2010
City Attorney letter dated July 8, 2004
City Attorney contract dated June 2005

**ITEM NO: K-11
PROPOSED NEW CITY ATTORNEY
CONTRACT**

JANUARY 26, 2010

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS
OF THE CITY OF CORNING**

FROM: MIKE FITZPATRICK, CITY ATTORNEY

SUMMARY:

Proposed new City Attorney contract to begin January 1, 2010, leaving issue of entitlement to past PERS benefits still subject to legal review.

BACKGROUND:

In 2004 I proposed to the City that it consider changing my status from that of a "contract" City Attorney to that of a "part-time employee" of the City so that I could begin accumulating some retirement benefits. Enclosed is a copy of the letter I sent to the Council at that time outlining the advantages and disadvantages of such an arrangement. In June of 2005, the City agreed to proceed in this manner and since then I have provided legal services to the City as an employee of the City and I have not charged the City for litigation over the past several years based upon the City's agreement to contribute toward my retirement. Also enclosed is a copy of the City's current contract with me.

When PERS determined that I was not eligible to participate even on a part-time basis with the City of Corning (although I was only a part-time employee of the City of Anderson), the retirement contributions made on my behalf by the City of Corning over these years was credited back to the City. When I requested that I be allowed to roll those contributions over into another retirement plan, a private citizen objected on the basis that PERS directed those funds were to be given to me only if I had personally made the contributions. Since the City made those contributions on my behalf (as it does for other City employees) rather than the contributions coming out of my personal earnings, the City has been withholding those funds from me pending legal review.

As things now stand, I am continuing to represent the City without receiving any compensation at all for time spent in litigation...time for which I charged hourly under my earlier contract with the City. I am willing to continue to represent the City on the same basis as in my 2005 contract so long as an amount equivalent to what the City would be paying into PERS for me (were I eligible to participate) is now paid to me as additional salary. I recognize that these are taxable funds to me but I would prefer to proceed in this manner, at least as to the current year and in the coming months, rather than receive no payment for litigation services.

REQUEST:

Move to approve revised contract with City Attorney effective January 1, 2010.

Included:

City Attorney letter dated July 8, 2004
City Attorney contract dated June 2005

CITY OF CORNING
AGREEMENT FOR
LEGAL SERVICES

THIS AGREEMENT, made and entered into this 26th day of January 2010, is by and between the City of Corning, hereinafter referred to as “EMPLOYER” and MICHAEL C. FITZPATRICK, an individual, hereinafter referred to as “EMPLOYEE.”

RECITALS

WHEREAS, CITY desires to continue using the professional services of a qualified person to perform the duties and responsibilities of City Attorney for the City of Corning; and

WHEREAS, CITY knowing that EMPLOYEE is qualified and experienced, and has the specialized skills, to perform the legal services required for the CITY, now wants to proceed with contracting with EMPLOYEE as its City Attorney, and EMPLOYEE is ready, willing and able to perform such services for the CITY.

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions set forth herein the parties agree as follows:

SERVICES: EMPLOYEE will provide to the CITY all necessary professional, administrative, and managerial services to perform the duties and responsibilities of the office of City Attorney to the satisfaction of the CITY, as set forth below. Such services shall include, but not be limited to the following:

To exercise the powers, have the privileges and immunities, and to perform the functions and duties of City Attorney as specified by the job description adopted by the CITY and as set forth and enumerated in the laws of the State of California and the ordinances of the CITY. The primary duties include managing the legal affairs of the CITY, working with the City Manager and department heads in addressing the legal issues related to City business, reviewing all City contracts, assisting in the preparation of City ordinances and resolutions, monitoring the administration of claims being handled by City claims administrators, advising the City Council on legal matters, engaging in preventive law to avoid City liability for its activities, participating in activities which promote projects designed to improve City government and representing the City in court on issues which don't require the involvement of outside specialized legal counsel. EMPLOYEE will attend all City Council meetings (2nd and 4th Tuesdays of each month) of the CITY. EMPLOYEE shall be the Primary Staff person advising and assisting the CITY Council on legal issues.

EMPLOYEE will represent the CITY in litigation before the local and appellate courts on all matters within his expertise at no added hourly fee to the CITY subject to the right of adjustment, upon Council approval, should the amount of litigation create an undue impact upon EMPLOYEE's workload for the CITY and other clients. Outside legal counsel may still be engaged at CITY expense, separate and apart from this agreement, when, in EMPLOYEE's judgment, the matter being handled is beyond his field of expertise or, for other reasons, specialized counsel are needed.

WORK DAYS AND HOURS: EMPLOYEE will work on a part time basis for the City of Corning and such work will be performed at various locations in City Hall, in EMPLOYEE'S private offices, in court as required and in other locations appropriate to the tasks being performed. The actual amount of time required of EMPLOYEE will vary from time to time depending on the projects and assignments which arise.

REPORTING RELATIONSHIP: EMPLOYEE shall report directly to the City Council.

COMPENSATION: CITY, for and in consideration of the promises, covenants, conditions and stipulations of EMPLOYEE set forth herein, hereby agrees to provide, as total compensation to EMPLOYEE, the following:

Basic Compensation: EMPLOYEE shall be considered a part-time employee and receive compensation at the following base salary as indicated (subject to any voluntary written agreements by EMPLOYEE together with other CITY employees to accept salary reductions during challenging economic times for CITY):

- Beginning 1-1-10 Base Salary of \$5,000/month
plus \$961 in lieu of Retirement for a total of \$5,961
- Beginning 7-1-10 Base Salary of \$5,250/month
plus \$1,009 in lieu of Retirement for a total of \$6,259
- Beginning 7-1-11 Base Salary of \$5,500/month
plus \$1,133 in lieu of Retirement for a total of \$6,633

Compensation as agreed shall be paid to EMPLOYEE with payment made bi-weekly. The federal and state tax and Social Security withholdings applicable to all CITY employees shall also apply to EMPLOYEE.

Retirement: EMPLOYEE shall not receive PERS Retirement entitlements but, in return for his agreement to represent the City in litigation at no added hourly charge subject to the terms set forth

above, EMPLOYEE shall receive the additional salary shown above. Beginning January 1, 2010, an amount of money which will be the equivalent of what the CITY would pay into PERS on his behalf (calculated in the same manner as other employees of the CITY and prorated on a basis consistent with his compensation package) were he eligible to participate in that retirement plan.

EMPLOYEE's entitlement to additional retirement funds based upon services provided prior to January 1, 2010 is currently being reviewed and will be addressed separate and apart from any new terms set forth in this agreement.

Vacation: EMPLOYEE shall not accrue vacation time.

Health Insurance: EMPLOYEE shall not receive health insurance.

Sick Leave: EMPLOYEE shall not accrue sick leave.

Management Leave: EMPLOYEE shall receive full management leave entitlements, if any.

Disability and Life: EMPLOYEE shall not receive disability and life insurance coverage.

REIMBURSEMENT OF EXPENSES: EMPLOYEE shall be entitled to the same reimbursement for lodging, meals and other out-of-pocket expenses incurred during travel on CITY business as authorized for other employees of the CITY while traveling on CITY business. EMPLOYEE shall be entitled to attend at CITY expense continuing education classes and events subject to whatever budget constraints are in place annually. CITY will reimburse EMPLOYEE a reasonable amount for administrative expenses (telephone, stationary, computer research costs, malpractice insurance, etc.) he incurs on behalf of the CITY, subject to sharing such expenses with the other cities represented by EMPLOYEE as has been past practice.

TERM: This agreement shall be for a period of time beginning on January 1, 2010 and ending on June 30, 2011 and extends automatically from fiscal year to year thereafter on the same terms and conditions as in the last fiscal year included above unless either party provides the other with notice of termination. Either party may terminate this Agreement at-will by providing the other party not less than sixty (60) calendar days written notice of termination. The termination shall become effective upon the 60th or later designated day following delivery of written notice thereof. EMPLOYEE shall be compensated for all services performed to the effective date of termination. If this contract is terminated for any reason, the maximum cash settlement that the Employee may receive shall not exceed the sum specified in Government Code section 53260.

PERFORMANCE STANDARDS: EMPLOYEE agrees that he will at all times faithfully, industriously, and to the best of his ability, experience and talent, perform all of the duties and

functions that may be required of or from him pursuant to all terms of this Agreement in a manner reasonably satisfactory to the CITY, and in accordance with the standards reasonably expected of a professional person so engaged.

INDEMNITY AND DEFENSE: CITY agrees to extend to EMPLOYEE, as to any action or proceeding on account of any act or omission of EMPLOYEE within the course and scope of services for CITY provided pursuant to this Agreement, those rights of indemnification, including the right that CITY pay any judgment or make any compromise or settlement of an action, and the right to provision for a defense for actions or proceedings as are granted to employees of a public entity under the provisions of Division 3.6 (commencing with Section 810), Title 1, of the Government Code of the State of California. EMPLOYEE shall nevertheless continue to provide errors and omissions insurance through his private practice which extends coverage to the CITY in the event of a malpractice claim by a third party against the CITY.

EMPLOYEE; NOT INDEPENDENT CONTRACTOR: It is understood that EMPLOYEE is not an independent contractor. He is a part-time employee of the City of Corning.

ENTIRE AGREEMENT; MODIFICATION: This Agreement embodies the whole Agreement between the parties hereto and there are no inducements, promises, terms, conditions or obligations made or into by CITY or EMPLOYEE other than those contained herein. No modification, alteration, or variation in the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or Agreement not incorporated herein shall be binding on any of the parties hereto. Any notices required to be given pursuant to this Agreement shall be deemed to have been given by their deposit, postage prepaid, in the United States Postal Service, addressed to the parties as follows:

- a. To CITY: **Stephen J. Kimbrough, City Manager**
City of Corning
794 Third Street
Corning, CA 96021

- b. To EMPLOYEE: **MICHAEL C. FITZPATRICK**
11424 Easy Street
Redding, CA 96003

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

CITY OF CORNING:

EMPLOYEE:

by _____
Gary R. Strack, Mayor

Michael C. Fitzpatrick



FITZPATRICK

LAW OFFICES

July 8, 2004

Mayor and Council
City of Corning
794 Third Street
Corning, California 96021

Re: Proposed Agreement for City Attorney Services

Dear Mayor Strack and Council Members:

As your City Attorney since 1988, I have enjoyed working for the City of Corning and have appreciated the opportunity to assist the City with its legal needs. I still enjoy the challenges of the position and being part of your "team" which is making the City a special community in which to live, grow, work and raise families.

I am respectfully requesting that the City Council now consider changing my status with the City from that of strictly a "contract" City Attorney to a part-time employee of the City of Corning. I have been a part-time employee of the City of Anderson as their City Attorney now since 1980 and by having employee status it has enabled me to build up a small retirement in PERS. Although the retirement benefits are nowhere close to what they would be if I were employed full time, those benefits will still help me later on when I do retire.

A few years back I was employed on a part-time basis as the Trinity County Counsel at the same time I was working for both the Cities of Anderson and Corning. Since I was classified as a half-time employee of the County, I accumulated 2 years of PERS benefits for my 4 years of work there. This will eventually help my retirement and is essentially what I am now requesting of the City of Corning, not that I be considered a 1/2 time employee but at least a 1/8 time employee which would be more consistent with the average number of hours I now invest (approximately 25 to 30 hours per month plus Council meetings).

I am proposing a 3 year contract renewable annually thereafter. Although it provides for a three year term, I would essentially remain an "at-will" employee which means that my employment

1135 Pine Street, Suite 107
Redding, CA 96001
Telephone (530) 229-1370
Facsimile (530) 229-1374

E-Mail: FitzpatrickLegal@aol.com

2600 Balls Ferry Road, Suite 3
Anderson, CA 96007
Telephone (530) 365-0527
Facsimile (530) 365-0199

could be terminated at any time by the Council on 30 days notice without showing "cause." I am not proposing this contract to provide "job security" but strictly to enhance my eventual retirement benefits. It seems to me that the Council and community would be receptive to providing me with some retirement benefits in that my commitment to the City has now extended over 15 years.

In reviewing my billing to the City of Corning during the calendar year 2003, I billed the City an average of \$4328 per month for a total of \$51,936 per year at an hourly rate of \$120 for time other than attendance at Council meetings. During the first 6 months of this year, my average billing has been \$4228 per month which would translate into \$50,736 per year. These figures include the time I bill hourly to the City and the monthly retainer amount paid for preparing for and attending Council meetings.

I'm proposing a contract which would provide for the following levels of compensation:

2004-05 fiscal year	\$3750/mo.	\$45,000/yr.
2005-06 fiscal year	\$4000/mo.	\$48,000/yr.
2006-07 fiscal year	\$4250/mo.	\$51,000/yr.

If the Council were to agree to these amounts and make me a "salaried" part-time employee of the City, I would, of course, no longer be paid the monthly retainer nor would I bill for my time except in those limited cases where City Attorney services are provided to private developers on behalf of the City and those fees can be passed through to the developers. I would still bill the City for a share of my malpractice insurance and my other "out-of-pocket" expenses.

I understand that the figures I'm requesting are initially less than what I've been billing to the City for my services (\$5000-\$6000 less in year one). However, I also recognize that the amount I've billed the City over the past 18 months may be higher than "normal" due to the Woods and Stanmar matters which have involved significant amounts of time. With more development occurring within the City and an improving economy, I would anticipate that City demands for legal services will increase, not decrease over the next three years. Although recent changes in the law will undoubtedly require more involvement of "outside" legal counsel in the coming years (because, as in the Woods case, the City Attorney is deemed to have a conflict of interest if serving in more than one capacity), there will at the same time be an increased demand for the time of "in-house" legal counsel, myself.

The advantages and disadvantages of my proposal would be as follows:

For the City of Corning:

ADVANTAGES:

1. Enhanced ability to budget legal expenses on a more predictable basis since the same amount would be paid each month.

2. Reduced risk of significant increases in costs of legal services in times of more litigation and administrative hearings and appeals, primarily in land use and personnel matters.
3. Appropriate compensation for long-term employee proportionate to time commitments to City (PERS entitlements pro-rated by time and compensation package).

DISADVANTAGES:

1. Added expense to City of PERS, FICA and SDI not entirely offset by proposed decreases in annual compensation. (Health insurance not needed; provided by City of Anderson)
2. Proposed agreement provides for 30 days notice of termination; no such requirement in present arrangement with City attorney.

For the City Attorney:**ADVANTAGES:**

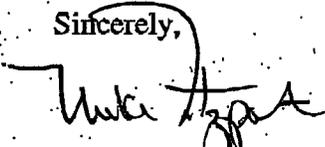
1. Enhanced ability to plan amount of pay on a more predictable basis since the same amount would be paid each month.
2. PERS retirement benefits allowed on a basis proportionate to part-time status.

DISADVANTAGES:

1. Increased risk of significant increases in need for and time required for legal services (at no added pay from City) in times of more litigation and administrative hearings and appeals, primarily in land use and personnel matters.

I am available to answer questions of the Mayor and Council should there be any concerns or issues arising out of this proposal. The main reason for the proposal is my own need for some contribution by the City to my eventual retirement. I think that the City can help me in this regard and will receive the benefits outlined above in return. Thank you for your consideration of this proposal.

Sincerely,


Michael C. Fitzpatrick
City Attorney
City of Coming

cc. City Manager

CITY OF CORNING
AGREEMENT FOR
LEGAL SERVICES

FYI
EXISTING
AGREEMENT

THIS AGREEMENT made and entered into in June of 2005 is by and between the City of Corning, hereinafter referred to as "EMPLOYER," and MICHAEL C. FITZPATRICK, an individual, hereinafter referred to as "EMPLOYEE."

RECITALS

WHEREAS, CITY desires to continue using the professional services of a qualified person to perform the duties and responsibilities of City Attorney for the City of Corning; and

WHEREAS, CITY knowing that EMPLOYEE is qualified and experienced, and has the specialized skills, to perform the legal services required for the CITY, now wants to proceed with contracting with EMPLOYEE as its City Attorney, and EMPLOYEE is ready, willing and able to perform such services for the CITY;

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions set forth herein the parties agree as follows:

SERVICES: EMPLOYEE will provide to the CITY all necessary professional, administrative, and managerial services to perform the duties and responsibilities of the office of City Attorney to the satisfaction of the CITY, as set forth below. Such services shall include, but not be limited to the following:

To exercise the powers, have the privileges and immunities, and to perform the functions and duties of City Attorney as specified by the job description adopted by the CITY and as set forth and enumerated in the laws of the State of California and the ordinances of the CITY. The primary duties include managing the legal affairs of the CITY, working with the City Manager and department heads in addressing the legal issues related to City business, reviewing all City contracts, assisting in the preparation of City ordinances and resolutions, monitoring the administration of claims being handled by the City's claims administrators, advising the City Council on legal matters, engaging in preventive law to avoid City liability for its activities, participating in activities which promote projects designed to improve City government and representing the City in court on issues which don't require the involvement of outside specialized legal counsel. EMPLOYEE will attend all City Council meetings (2nd and 4th Tuesdays of each month) of the CITY. EMPLOYEE shall be the Primary Staff person advising and assisting the City Council on legal issues.

EMPLOYEE will represent the CITY in litigation before the local and appellate courts on all matters within his expertise at no added hourly fee to the CITY subject to the right to adjustment, upon Council approval, should the amount of litigation create an undue impact upon EMPLOYEE's workload for the CITY and other clients. Outside legal counsel may still be engaged at CITY expense, separate and apart from this agreement, when, in EMPLOYEE's judgment, the matter being handled is beyond his field of expertise or, for other reasons, specialized counsel are needed.

WORK DAYS AND HOURS: EMPLOYEE will work on a 1/8 time basis for the City of Corning (and such additional time as may be needed as governed by the workload of the office) and such work will be performed at various locations in City Hall, in EMPLOYEE'S private offices, in court as required and in other locations appropriate to the tasks being performed. The actual amount of time required of EMPLOYEE will vary from time to time depending on the projects and assignments which arise.

REPORTING RELATIONSHIP: EMPLOYEE shall report directly to the City Council.

COMPENSATION: CITY, for and in consideration of the promises, covenants, conditions and stipulations of EMPLOYEE set forth herein, hereby agrees to provide, as total compensation to EMPLOYEE, the following:

Basic Compensation: EMPLOYEE shall be considered a part-time employee and receive compensation at the following base salary adjusted as indicated:

Beginning 7-1-05 Base Salary of \$4,000/month

Beginning 7-1-06 Base Salary of \$4,250/month

Beginning 7-1-07 Base Salary of \$4,500/month

Compensation as agreed shall be paid to EMPLOYEE with payment made bi-weekly. The federal and state tax and Social Security withholdings applicable to all CITY employees shall also apply to EMPLOYEE.

Retirement: EMPLOYEE shall receive PERS entitlements (2% at 55) prorated on a basis consistent with his compensation package.

Vacation: EMPLOYEE shall not accrue vacation time.

Health Insurance: EMPLOYEE shall not receive health insurance.

Sick Leave: EMPLOYEE shall not accrue sick leave.

Management Leave. EMPLOYEE shall receive full management leave entitlements, if any.

Disability and Life: EMPLOYEE shall not receive disability and life insurance coverage.

REIMBURSEMENT OF EXPENSES: EMPLOYEE shall be entitled to the same reimbursement for lodging, meals and other out-of-pocket expenses incurred during travel on CITY business as authorized for other employees of the CITY while traveling on CITY business. EMPLOYEE shall be entitled to attend at CITY expense continuing education classes and events subject to whatever budget constraints are in place annually. CITY will reimburse EMPLOYEE a reasonable amount for administrative expenses (telephone, stationary, computer research costs, malpractice insurance, etc.) he incurs on behalf of the CITY, subject to sharing such expenses with the other cities represented by EMPLOYEE as has been past practice.

TERM: This agreement shall be for three years beginning in July 1, 2005 and ending on June 30, 2008 and extends automatically from year to year thereafter on the same terms and conditions as in the last year specified above (but with the monthly compensation increasing by \$250 each new fiscal year) unless either party provides the other with notice of termination.

AT-WILL EMPLOYEE: Notwithstanding the "term" set forth in the preceding paragraph, either party may terminate this Agreement at-will by providing the other party not less than thirty (30) calendar days written notice of termination. The termination shall become effective upon the 30th or later designated day following delivery of written notice thereof. EMPLOYEE shall be compensated for all services performed to the effective date of termination. If this contract is terminated for any reason, the maximum cash settlement that the Employee may receive shall not exceed the sum specified in Government Code section 53260.

PERFORMANCE STANDARDS: EMPLOYEE agrees that he will at all times faithfully, industriously, and to the best of his ability, experience and talent, perform all of the duties and functions that may be required of or from him pursuant to all terms of this Agreement in a manner reasonably satisfactory to the CITY, and in accordance with the standards reasonably expected of a professional person so engaged.

INDEMNITY AND DEFENSE: CITY agrees to extend to EMPLOYEE, as to any action or proceeding on account of any act or omission of EMPLOYEE within the course and scope of services

for CITY provided pursuant to this Agreement, those rights of indemnification, including the right that CITY pay any judgment or make any compromise or settlement of an action, and the right to provision for a defense for actions or proceedings as are granted to employees of a public entity under the provisions of Division 3.6 (commencing with Section 810), Title 1, of the Government Code of the State of California. Employee shall nevertheless continue to provide errors and omissions insurance through his private practice which extends coverage to the CITY in the event of a malpractice claim.

EMPLOYEE; NOT INDEPENDENT CONTRACTOR: It is understood that EMPLOYEE is not an independent contractor. He is a part-time employee of the City of Corning.

ENTIRE AGREEMENT; MODIFICATION: This Agreement embodies the whole Agreement between the parties hereto and there are no inducements, promises, terms, conditions or obligations made or entered into by CITY or EMPLOYEE other than those contained herein. No modification, alteration, or variation in the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or Agreement not incorporated herein shall be binding on any of the parties hereto.

9. Any notices required to be given pursuant to this Agreement shall be deemed to have been given by their deposit, postage prepaid, in the United States Postal Service, addressed to the parties as follows:

- a. To CITY: **Stephen J. Kimbrough, City Manager**
City of Corning
794 Third Street
Corning, CA 96021
- b. To EMPLOYEE: **MICHAEL C. FITZPATRICK**
1135 Pine Street, Suite 107
Redding, CA 96001

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

CITY OF Corning:

EMPLOYEE:

by 
Gary R. Strack, Mayor


Michael C. Fitzpatrick